



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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নং 53 দিশপুৰ, শুক্ৰবাৰ, 22 জানুৱাৰী, 2021, 2 মাঘ, 1942 (শক)

No. 53 Dispur, Friday, 22nd January, 2021, 2nd Magha, 1942 (S. E.)

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

PUBLIC WORKS ROADS (DEVELOPMENT A-1 BRANCH) DEPARTMENT

NOTIFICATION

The 20th January, 2021

**No. DA5R.80/2020/3.-**The Governor of Assam is pleased to order "Land acquisition through direct purchase by way of negotiated settlement for improvement and upgradation of State Highways and Major District Roads under Asom Mala Program and Externally Aided Projects (EAPs)" as enunciated in the enclosed document in Annexure 1. It will come into force with effect from the date of publication in the Assam Gazette and will remain in operation till such time as the State Government may consider fit and proper. The Government also reserves the right to make any amendment to the Policy from time to time.

**Annexure-1****Land acquisition through Direct Purchase by way of negotiated settlement for improvement and upgradation of State Highways and Major District Roads under Asom Mala Program and Externally Aided Projects**

1. Government of Assam has initiated the flagship program Asom Mala for improvement and widening of State Highways and Major District Roads. It would be a large and prestigious long-term road infrastructure development program which in addition to State funded works, would also include several Externally Aided Projects (EAP) under its umbrella. The works under Asom Mala would involve big highway contracts with substantial land acquisition. The readiness criteria for EAPs require completion of 50% of land acquisition for a project before loan negotiation. Ministry of Road Transport & Highways (MoRTH) stipulates 90% land availability before starting the works.
2. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA) enacted by Government of India, with effect from 1<sup>st</sup> January 2014, superseded all previous land acquisition Acts and Rules in India. It includes provision for Rehabilitation and Resettlement (R&R) of project affected families and persons in addition to cost of acquiring land. The State of Assam made the Assam RFCTLARR Rules 2015 on the provisions of the RFCTLARR Act, 2013 with a number of sequential compulsory processes, involvement of number of bodies as well as statutory waiting time between different processes. Acquisition of land as per the general procedure laid down in the said Act and Rules require a very long time from Notification to possession of land.
3. Asom Mala being a flagship programme of Government of Assam, calls for expeditious acquisition of land for speedy implementation of the programme. Section 46(1) of the RFCTLARRA has been considered for direct purchase of land for the programme.
4. Government of Assam has adopted land acquisition through Direct Purchase by way of negotiated settlement for improvement and upgradation of State Highways and Major District Roads under Asom Mala Program and Externally Aided Projects. The important steps and features of the Direct Purchase include the following:
  - 4.1. Step 1: The Requisitioning Department i.e. PWRD shall finalise the minimum extent of land required for each road project under Asom Mala and EAP. The Requisitioning agency shall give the requisition to the concerned Deputy Commissioner/District Collector (DC) in Form-A.
  - 4.2. Step 2: A District level Land Purchase Committee (DLLPC) under chairmanship of concerned DC is to be constituted for direct purchase of land as well as fixation of market value, etc. The DLLPC will be constituted of the following concerned persons:
    - Deputy Commissioner/District Collector – Chairman
    - Additional Deputy Commissioner (Revenue) – Member Secretary
    - Executive Engineer, PWRD – Member
    - Executive Engineer, Building, PW (Bldg & NH) Deptt. – Member
    - Revenue Circle Officer - Member
    - Sub-Registrar - Member
    - Representatives from other departments, as decided by the Convener

- 4.3. Step 3: Concerned Revenue Circle Officer, concerned Executive Engineer of PWD (Building) along with representative of Requiring Department will conduct joint inspection of the requisite land. The area of the land and immovable properties attached on it will be measured and mapped.
- 4.4. Step 4: General notice shall be issued by the District Level Land Purchase Committee inviting the attention of the land owners regarding purchase of the land.
- 4.5. Step 5: The owners of the land who may agree to sell the land may be identified and a list may be prepared after ascertaining the actual owner of the land.
- 4.6. Step 6: The list may be published inviting objections, if any, regarding interest and ownership of the land, etc. There may be one (1) month of waiting period for receiving objections from the Land Owners, if any.
- 4.7. Step 7: DLLPC will prepare the valuation of land and assets. The requisitioning agency may also define a few typical immovable assets of different categories and fix the guidance price through appropriate authority. This price of the assets attached to the land may be calculated on pro-rata basis on typical immovable assets mentioned above.
- 4.8. Step 8: The valuation of the land and assets, if any thereon, the particulars of the land, name of owners, etc. shall be prepared.
- 4.9. Step 9: The Direct Purchase Price shall be 25% higher on the compensation calculated as per provisions of Section 26 to 30 & Schedule I of RFCTLARR Act 2013 with multiplier of market rate of land defined through the Assam Land Acquisition Notification No. RLA 300/2013/Pt-II/7 dated 22nd December, 2014 (in compliance with Section 26 (2) and Serial 2 of First Schedule of RFCTLARR Act 2013). The R&R benefit will be deemed included in it.
- 4.10. Step 10: On completion of the Statutory waiting period specified in step 6, the DLLPC will inform the respective land owners, who are interested or not raising any objections for Negotiation.
- 4.11. Step 11: Pre-informed negotiation(s) with the respective Land Owners will be carried out by DLLPC.
- 4.12. Step 12: The settlement reached in the negotiation shall be recorded as Agreement through Form-B and Form-C for land owners and for interested persons other than land owners, if any, respectively. An undertaking may be signed by the land owners declaring that they will not claim for payment of higher compensation in any court of law or any other forum and shall abide by the sale agreement finalized by the DLLPC. The land owners and other interested persons have to provide their electronic transfer details through electronic transfer mode.
- 4.13. Step 13: The Deputy Commissioner/ District Collector may requisition necessary funds from the Requiring Department.
- 4.14. Step 14: The Deputy Commissioner/ District Collector shall make an Award according to the terms of such Agreement by the DLLPC. The possession of the Land is taken through paying the negotiated Price directly to the land owners or interested persons other the land owner, if any, through electronic transfer to their respective bank accounts.

- 4.15. Step 15: The list of the rightful land owners so prepared may be communicated to the concerned Sub-Registry Office for registration of Conveyance Deed. The Stamp duty in the Indian Stamp Act, 1899, will be exempted, in respect of instrument executed by, or on behalf of, or in favour of Government.
- 4.16. Step 16: The concerned Deputy Commissioner/ District Collector will transfer the land in favour of the Requisitioning Agency.
- 4.17. Step 17: In the event of any owner refusing to sell the land or any of the owners has objected or not interested with the direct purchase through negotiation, the respective land may be acquired through land acquisition process of Assam Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2015.
5. The cost of Direct Purchase Price and process of Direct Purchase shall be borne by the Requisitioning Agency.
6. The Direct Purchase method will be all encompassing and inclusive of all compensation and R&R benefits, as specified in 2nd & 3rd Schedule of RFCTLARR Act 2013 or in R&R benefits of Multilateral Development Banks for Titleholders. The price of land shall be fixed based on negotiations and mutual consent, hence no separate rehabilitation and resettlement benefits shall be payable to the land owners.
7. The Rehabilitation & Resettlement and Entitlements for non-Titleholders shall be considered separately, if applicable as per the guidelines of External Funding Agencies for EAPs.
8. The formats for application and other requisition forms are enclosed as *Annexure 2*. The procedure for calculating the Direct Purchase Price of land, and other properties attached with it, is provided in *Annexure 3*.

Annexure 2

**Form-A**  
**Requisition for Land Acquisition**

No. : \_\_\_\_\_

Date \_\_\_\_\_

From : <Designation>  
< Requiring body>

To : <The Deputy Commissioner/ District Collector>  
<District Name>

The undersigned is in requirement of \_\_\_\_\_ acre(s) of land for \_\_\_\_\_ project/ purpose and the details are furnished in Appendix 1, 2 & 3 along with two copies of tracing map showing the full/ parts of lands are required.

It is certified that the required land will be demarcated on the field and all further necessary information and assistance will be provided on the date/ time appointed/ stipulated by you.

The requisite Price for direct purchase finalised through negotiation will be deposited in your office as and when required.

Enclosure: Appendix 1, 2 & 3 & two copies of Tracing Map in 1:3960 scale.

Yours faithfully,

<Designation>  
<Requiring Body>

Memo No. \_\_\_\_\_

Date \_\_\_\_\_

Copy to:

1. The Commissioner and Special Secretary to the Government of Assam, PWRD for favour of kind information.
2. The Commissioner and Secretary to the Government of Assam, Revenue Department, for favour of kind information.

<Designation>  
<Requiring Body>

**Appendix 1 to Form A  
Requisition for Land**

(i) Name of the District \_\_\_\_\_

(ii) Name of the Project \_\_\_\_\_

(iii) Details of Requisition of Land

District \_\_\_\_\_ Revenue Circle \_\_\_\_\_

Sl.	Village/ Ward	Rural/ Urban	Mouza	Dag No.	Area to be acquired	Boundaries			
						N	S	E	W

(iv) Total Area under Requisition (Acres) \_\_\_\_\_

(v) Are any religious structures, grave yard or tomb etc. are required for Acquisition? (Yes/ No) \_\_\_\_\_

(vi) If yes, reasons for such inclusion of religious structures

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<Designation>  
<Requiring Body>

**Appendix 2 to Form A**  
**Certificate with Requisition for Land**

Name of the Project \_\_\_\_\_

- (1) Certified that the project for which the land is required has administratively approved vide Department Letter No.: \_\_\_\_\_ dated \_\_\_\_\_ for direct purchase through negotiations with the land owners.
- (2) The estimated cost of the land is of Rs. \_\_\_\_\_ and necessary budget was sanctioned and funds are available towards cost of acquisition through direct purchase.
- (3) The Department undertakes to pay full amount in case of award by the District Level Land Purchase Committee (DLLPC), Rehabilitation and Resettlement Authority/ High Court/ Supreme Court as and when asked to do so by the Deputy Commissioner/ District Collector/ Appropriate Government.

<Designation>  
<Requiring Body>

**Form-B: Agreement with Land Owner**

An agreement made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ between \_\_\_\_\_ hereinafter called the 'owner' (which expression shall unless repugnant to the context or meaning there of include his/ her heirs, executors) and the Requisitioning Agency represented by \_\_\_\_\_ hereinafter called the 'Requisitioning Agency', on the other part and recommended by District Level Land Purchase Committee (DLLPC).

**AND WHEREAS** the right, title and interest of the owner/ owners in the following land/ lands hereinafter called the said land/ lands is/ are as specified below:

Persons being the absolute owner/ owners of the property or having an interest therein capable of leading ownership ultimately hereinafter mentioned and hereby conveyed in the following shares, that is to say:

- (1) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Share \_\_\_\_\_  
 (2) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Share \_\_\_\_\_  
 (3) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Share \_\_\_\_\_

**AND WHEREAS** the Owner and the Requisitioning Agency agreed for payment of compensation at Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) as a Lump-sum deal for an extent of covering Acres \_\_\_\_\_ in \_\_\_\_\_ Village/ Ward of \_\_\_\_\_ Mouza/ Municipality/ Municipal Corporation \_\_\_\_\_ Sub-division \_\_\_\_\_ District. The lump-sum deal represents the market value of the land including value of any immovable property/ assets attached to the said land and value of standing tree and crops, solatium, etc. under the Act and over and above of these, there are incentive of direct purchase which also includes the Rehabilitation and Resettlement costs and also apportion the same among themselves as herein after provided.

**AND WHEREAS** the Owner have no intention to raise any dispute regarding the contents and manner of this Agreement and the owner have no intention of making a reference to any court or authority, as far as the compensation, contents and manner of the Agreement are concerned.

**Signatures of the Land Owners**

- 1.
- 2.
- 3.

**Signature of Requisitioning Agency**

**Attested by Member Secretary  
 District Level Land Purchase Committee**



**Form-C: Agreement with Interested Persons other than the Land Owner**

An agreement made this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ between \_\_\_\_\_ one part 'Persons interested' (which expression shall unless repugnant to the context or meaning thereof include their successors and assignees) and the Requisitioning Agency represented by \_\_\_\_\_ hereinafter called the Requisitioning Agency', on the other part and recommended by District Level Land Purchase Committee (DLLPC).

**AND WHEREAS** the right, title and interest of the owner/ owners in the following land/ lands hereinafter called the said land/ lands is/ are as specified below:

Where the land/ lands are held by the interested party/ parties under the owners named herein above with respective terms and nature of interest:

- (1) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Definite Terms and nature of interest \_\_\_\_\_  
 (2) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Definite Terms and nature of interest \_\_\_\_\_  
 (3) \_\_\_\_\_ S/D/W of \_\_\_\_\_ Definite Terms and nature of interest \_\_\_\_\_

**AND WHEREAS** the Owner and the Requisitioning Agency agreed for payment of compensation at Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) as a Lump-sum deal for an extent of covering Acres \_\_\_\_\_ in \_\_\_\_\_ Village/ Ward of \_\_\_\_\_ Mouza/ Municipality/ Municipal Corporation \_\_\_\_\_ Sub-division \_\_\_\_\_ District. The lump-sum deal represents the Rehabilitation and Resettlement benefits as per the provisions.

**AND WHEREAS** the interested parties have no intention to raise any dispute regarding the contents and manner of this Agreement and the owner have no intention of making a reference to any court or authority, as far as the compensation, contents and manner of the Agreement are concerned.

**Signatures of Persons interested in land**

- 1.
- 2.
- 3.

**Signature of Requisitioning Agency**

**Attested by Member Secretary  
District Level Land Purchase Committee**

### Calculation of Direct Purchase Price

The Compensation of Land Acquisition as per Section 26 to 30 of the RFCTLARR Act 2013 is shown below:

#### 1. Section 26 of RFCTLARR Act 2013

- a) The base rate of land (*Sub-section (1) of Section 26 of RFCTLARR Act 2013*) will be determined by the highest value among:
  - The market value, if any, specified in the Indian Stamp Act 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated;
  - The average sale price of similar type of land situated in the nearest village or nearest vicinity area; and
  - Consented amount of compensation as agreed upon under sub-section (2) of section 2 of RFCTLARR Act 2013 in case of acquisition of lands for private companies or for public private partnership projects
- b) The market value of land shall be multiplied by a factor (*Sub-section (2) of Section 26 of RFCTLARR Act 2013*), of i) 1.00 (One) for land in urban areas or, ii) 1.5 (one and half) if the radial distance of the land is up to 10 km from the nearest urban area or, iii) 2.00 (two) if the radial distance of the land is beyond 10 km from nearest urban area (*Ref. Notification No. RLA 300/2013/Pt-II/7 dated 22<sup>nd</sup> Dec 2014 of Govt. of Assam*)

#### 2. Section 29 of RFCTLARR Act 2013

- a) Market value of building and other immovable property and assets attached to the land will be calculated by the competent Engineer or any other specialist in the relevant field (*Ref. sub-section (1) of Section 29*).
- b) Value of trees and plants attached to the land will be calculated by the experienced persons in the field of agriculture, forestry, horticulture, sericulture or any other relevant field, as the case may be (*Ref. sub-section (2) of Section 29*).
- c) Value of standing crops damaged during the process of land acquisition will be calculated by the experienced persons in the field of agriculture (*Ref. sub-section (3) of Section 29*).

#### 3. Section 30 of RFCTLARR Act 2013

- a) A Solatium of 100% on the compensation amount of land, immovable assets attached with the land and standing crops will be added to determine the total compensation (*Ref. sub-section (1) of Section 30 of RFCTLARR Act 2013*)
- b) Individual awards detailing the particulars of compensation and details of payment of compensation as specified in Schedule I of the RFCTLARR Act 2013 will be issued (*Ref. sub-section (2) of Section 30 of RFCTLARR Act 2013*)
- c) The land value defined u/s 26 of RFCTLARR Act 2013, will also attract an amount calculated at 12% per annum for the period commencing on and from the date of notification till the date of award (*Ref. sub-section (3) of Section 30 of RFCTLARR Act 2013*).

**4. Simple valuation of immovable assets attached to the land**

To facilitate quicker and simpler valuation on immovable assets on the land to be acquired, a few typical specifications of different categories of all possible immovable assets, attached to land may be defined. The guidance price of these typical assets may be prepared and vetted through appropriate authority. The valuation of immovable assets attached to the land will be calculated on pro-rata basis of the guidance price, without depreciation, of the respective asset.

**5. Direct Purchase Price**

The land owners will get an incentive of 25%, inclusive of R&R Benefits, on the compensation calculated as per provisions of Section 26 to 30, Valuation of immovable assets & Schedule I of RFCTLARR Act 2013, as he has readily agreed to be a part of the project.

The Price of Direct Purchase (DP) will be:

$$DP = 2.5 \times \{(R \times M \times A) + (B + O)\} + [0.12 \times Y \times \{(R \times M \times A) + (B + O)\}]$$

where:

R is the base rate of Land

M is the Multiplier

A is the affected area

B is the market value of Buildings

O be cost of all immovable assets & standing crops

Y<sup>1</sup> is the year from date of notification to award of compensation

The Direct Purchase method will be all encompassing and inclusive of all compensation and R&R benefits, as specified in 2nd Schedule of RFCTLARR Act 2013 or in R&R benefits of Multilateral Development Banks (MDBs) for Titleholders. The purchase price of land shall be fixed based on negotiations and mutual consent, hence no separate rehabilitation and resettlement benefits shall be payable to the land owners.

<sup>1</sup> Whole number or proper or improper fraction, as the case may be

**RAJESH KEMPRAI,**  
Commissioner & Special Secretary to the Government of Assam,  
Public Works (Roads) Department.