



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং ৪৯ দিশপুৰ, মঙ্গলবাৰ, ৪ ফেব্ৰুৱাৰী, ২০২২, ১৯ মাঘ ১৯৪৩ (শক)

No. 89 Dispur, Tuesday, 8th February, 2022, 19th Magha, 1943 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

WATER RESOURCES DEPARTMENT (GENERAL BRANCH)

NOTIFICATION

The 2nd February, 2022

No.WR(G)123/2020/9.- In pursuance of the Cabinet decision dated: 12.1.2022 vide File No. WR(G)123/2020, the Governor of Assam is pleased to order "Land acquisition through Direct Purchase by way of negotiated settlement for Raising and Strengthening of existing embankments and anti-erosion works and other such works related to water resources management and disaster management to be implemented under all Externally Aided Projects to be executed by Water Resources Department (WRD) of Assam". 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 same from time to time.

SYEDAIN ABBASI,

Additional Chief Secretary to the Govt. of Assam,
Water Resources Department.

Annexure-1**Land acquisition through Direct Purchase by way of negotiated settlement for Construction of new embankments, Raising and Strengthening of existing embankments, Anti-erosion works and other such works related to water resources management and disaster management under the Externally Aided Projects by Water Resources Department.**

- 1) The Government of Assam (GoA) has approached Multi-lateral funding Institutions like the World Bank and Asian Development Bank to provide support through Externally Aided Projects (EAPs) focusing on implementing integrated solutions to tackle the current challenges of floods and erosion, amongst others, and to seize opportunities for climate resilient growth and improved livelihoods. The proposed programs are being implemented to make more optimal use of water resources and mitigated water-related risks in Northeast India to catalyze economic growth in the region.
- 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and Resettlement Act, 2013 (RFCTLARRA) enacted by Government of India, with effect from 1st January, 2014, superseded all previous land acquisition Acts and Rules in India.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) The Externally Aided Projects (EAPs) to be implemented by Water Resources Department, Government of Assam, calls for expeditious acquisition of land for speedy implementation of the programs. The Government of India's readiness criteria for Externally Aided Projects (EAPs) stipulate that 50% of land acquisition for a project has to be completed before holding loan negotiation. Section 46(i) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA) facilitates direct purchase of land.
- 4) The important steps and features of the Direct Purchase procedure, includes:
 - i) Step 1: The Requisitioning Department i.e., Water Resources Department (WRD) shall finalise the minimum extent of land required for each Externally Aided Project. The Requisitioning Department shall give the requisition to the concerned Deputy Commissioner/ District Collector as per Section 11 of RFCTLARR Act, 2013 in **Form-A**.
 - ii) Step 2: A District level Land Purchase Committee (DLLPC) under chairmanship of the concerned Deputy Commissioner 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 – Chairman
 - Additional Deputy Commissioner (Revenue) – Member Secretary
 - Executive Engineer, Water Resources Department – Member
 - Revenue Circle Officer - Member
 - Sub-Registrar - Member
 - Representatives from other Departments, as decided by the Chairman
- iii) Step 3: Concerned Revenue Circle Officer and the concerned Executive Engineer of Water Resources 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.
- iv) Step 4: General notice as per Section 21 of RFCTLARRA Act, 2013 shall be issued by the District Level Land Purchase Committee (DLLPC) inviting the attention of the land owners regarding the proposed purchase of the land **in Form B**.
- v) 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, if necessary, by conduct of field enquiry. Their willingness may be obtained in writing **in Form C**.
- vi) 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. **(Form B)**
- vii) Step 7: DLLPC will prepare the valuation of land and assets. The requisitioning Department 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.
- viii) Step 8: The valuation of the land and assets, if any thereon, the particulars of the land, name of owners, etc. shall be prepared.
- ix) 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 300/20013/Pt-II/7 dated 22nd December, 2014 (in compliance with Serial 2 of First Schedule & Section 26 (2) of RFCTLARR Act 2013). The Resettlement and Rehabilitation (R&R) benefit will be deemed included in it.
- x) 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.
- xi) Step 11: Pre-informed negotiation(s) with the respective Land Owners will be carried out by DLLPC.

- xii) Step 12: The settlement reached in the negotiation shall be recorded as Agreement through **Form-D** and **Form-E** for land owners and for interested persons other than land owners, if any, respectively. An undertaking (in Form C) 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 in the DLLPC. The land owners and other interested persons have to provide their electronic transfer details through electronic transfer Mandate Form.
- xiii) Step 13: The Deputy Commissioner/ District Collector may requisition necessary funds from the Requiring Department.
- xiv) Step 14: The Deputy Commissioner/ District Collector shall make an Award according to the terms of such Agreement. The possession of the Land is taken through paying the negotiated Price directly to the land owners or interested persons other than the land owner, if any, through electronic transfer to their respective bank accounts.
- xv) Step 15: The list of the willing 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.
- xvi) Step 16: The concerned Deputy Commissioner will transfer the land in favour of the Requisitioning Department and make necessary changes/corrections in the land records.
- xvii) Step 17: In the event of any owner refusing to sell the land or any of the owners having 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 Department.
- 6) The Direct Purchase method will be all encompassing and inclusive of all compensation and Resettlement and Rehabilitation (R&R) benefits, as specified in 2nd & 3rd Schedule of RFCTLARR Act 2013 or in Resettlement and Rehabilitation (R&R) benefits of Multilateral Development Banks 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.
- 7) The Resettlement & Rehabilitation and Entitlements for non-Titleholders shall be considered separately, if applicable as per the guidelines of External Funding Agencies.
- 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: Requisite Forms for Direct Purchase Process**Form-A
Requisition for Land Acquisition
(DRAFT)**

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 and 2, along with two copies of trace maps showing the full/ parts of lands 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.

It is requested to acquire land as per provisions of Section 11, 21 and 46 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

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

Enclosure: Appendix 1 & 2 & two copies of Tracing Map.

Yours faithfully,

<Designation>
<Requiring Body>

Memo No. _____ Date _____

Copy to:

1. The Secretary to the Government of Assam, Water Resource Department for favour of kind information.
2. The Secretary to the Government of Assam, Revenue Department, for favour of kind information.

<Designation>
<Requiring Body>

Appendix 1 to Form A
Requisition for Land
(DRAFT)

(i) Name of the District _____

(ii) Name of the Project _____

(iii) Details of Requisition of Land _____

District _____ Revenue Circle _____

Sl.	Village/ Ward	Rural/ Urban	Patta No.	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. proposed 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
(DRAFT)

Name of the Project _____

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

<Designation>
<Requiring Body>

FORM-B
Notification
(Under Section 11 and 21 of the Act)

Government of Assam
Revenue (LA) Department

No.

Date.

Whereas it appears to the Government of Assam / Deputy Commissioner that a total of _____ acres land is required in the _____ Village _____ Mandal _____ District for public purpose, namely, _____

Therefore, it is notified that for the above said project in the _____ Village of _____ Revenue circle _____ District land measuring, more or less _____ acres viz, _____ hectare of standard measurement, whose detail description is as following, is proposed for acquisition through direct purchase and negotiated settlement:

S.No.	Dag No.	Patta No.	Type of Title	Type of Land	Area under Acquisition (in acre)	Name & Address of person interested	Nature of Interest	Boundaries			
								N.	S.	E.	W.

Trees
Variety Number

Structures	
Type	Plinth area

This notification is made under the provisions of Section-11, 21 and 46 of The Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 , to all whom it may concern.

A plan of the land may be inspected in the office of the Deputy Commissioner & on any working day during the working hours. The Government of Assam/Deputy Commissioner-cum-Appropriate Government is pleased to authorize officer _____ and his staff _____ to enter upon and survey land, take levels of any land, dig or bore into the sub-soil & do all other acts required for the proper execution of their work as provided and specified in section- 12 of the said Act.

Under section 11(4) of the Act, no person shall make any transaction or cause any transaction of land i.e. sale/purchase, etc., or create any encumbrances on such land from the date of publication of such notification without prior approval of the Deputy Commissioner.

Objections to the acquisition if any, and claims from all the persons interested/affected for settlement by negotiation of the compensation, may be filed by the person interested in the land within 30 (thirty days) from the date of publication of this notification as provided under section 15 of the Act before Deputy Commissioner/Authorized officer.

It is hereby informed that the land specified _____ at Dag Nos _____ Measuring _____ Acres _____ in the village of _____ in _____ Revenue Circle of _____ district in the State of Assam is needed for a public purpose for _____ in accordance with the notification under Sec 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

All persons interested in the land are requested to appear personally or by person authorized by them before the Negotiation Committee/DLLPC on _____ at _____ (time) and to state their willingness to settle their claims through the Negotiation Committee/DLLPC.

**DEPUTY COMMISSIONER/ CONVENER, NEGOTIATION
COMMITTEE**

FORM-C-I
for Land owners

**Affidavit to be executed by the Person(s) interested before the
DLLPC on Non-Judicial Stamp Paper.**

I/We, Sri/smti. /Kum _____ S/o, W/o, D/o _____ owner/owners/
of the land in Dag No. ____ Patta no _____ of Village _____ Revenue
Circle _____ District, hereby agree for the voluntary sale/ sale through consent my/our land to
the Collector for the purpose of _____.

I/We solemnly affirm that I/We, am/are the absolute owner/owners of the land mentioned above and
the land is not encumbered. The sale consideration payable for this land maybe paid to me/may be
paid to _____.

I/We am/are agreeable to the payment of all inclusive of sale consideration of land things attached to
land including perceived livelihood loss/equivalent costs for Rehabilitation and Resettlement etc,
agreed to in the District Level Negotiation Committee/DLLPC.

I/We hereby declare that I/We will not claim for payment of higher consideration in any court of law
or in any other forum /authority and I/We shall abide by the sale agreement finalized in the District
Level Negotiation committee.

Signature and Name of the land owners

Date:

Attestation of Deputy Commissioner /Authorized Representative

Name and Designation:

Date:

FORM-C-II**For other than land owners**

I/We, Sri/Smt./Kumari _____ S/o, W/o, D/o, _____ are persons interested in the land in Dag.No. _____ Patta no _____ of Village _____ Revenue Circle _____ District.

I/We enclose document _____ in support of my / Our claim as an interested person in the said land.

I/We hereby agree for receiving the R&R benefits in lump sum as per the relevant provisions of the Act.

I/We hereby declare that I/We will not claim for payment of higher consideration in any Court of law or in any other forum / authority, and I shall abide by the amount finalized by the District Level Negotiation Committee/DLLPC.

Signature and Name of the interested persons

Date:

Form-D
Agreement with Land Owner
(DRAFT)AGREEMENT

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 Negotiation Committee.

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 said land/ lands have been notified under Section 11 of the Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013), under Notification No. _____ dated _____, published in the website newspaper/ on _____ under of the said Act and whereas the person affected have given their willingness in writing.

AND WHEREAS the Owner and the Requisitioning Agency agreed for payment of compensation at _____ as a _____ Lump-sum deal for an extent of covering Acres _____ in _____ Dag no ____ Patta no ____ of 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, as applicable, there may be incentive of direct purchase which also includes more than the Rehabilitation and Resettlement costs as per Schedule under the Act 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-E**Agreement with Interested Persons other than the Land Owner****(DRAFT)AGREEMENT**

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 Negotiation Committee.

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 said land/ lands have been notified under Section 11 of the Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013), under Notification No. _____ dated _____, published in the newspaper on _____ under of the said Act and whereas the person affected have given their willingness in writing.

AND WHEREAS the Owner and the Requisitioning Agency agreed for payment of compensation at _____ as a _____ Lump-sum deal for an extent of covering Acres _____ in Dag no _____ Patta no _____ of 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**

Annexure 3

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 22nd 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:

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

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^1 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 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.

¹ Whole number or proper or improper fraction, as the case may be