Telangana State Land Acquisition (Consent Award, Voluntary Acquisition and Lump sum Payment towards Rehabilitation and Resettlement) Rules, 2017

TELENGANA India

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Rule

TELANGANA-STATE-LAND-ACQUISITION-CONSENT-AWARD-VOLUN of 2017

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Telangana State Land Acquisition (Consent Award, Voluntary Acquisition and Lump sum Payment towards Rehabilitation and Resettlement) Rules, 2017Published vide Notification G.O.Ms.No.120, Revenue (JA&LA) Department, dated, 30.6.2017Government of TelanganaGeneral

1. Short title and extent.

(1)These rules may be called the Telangana State Land Acquisition (Consent Award, Voluntary Acquisition and Lump sum Payment towards Rehabilitation and Resettlement) Rules, 2017.(2)They shall extend to the whole of the State of Telangana.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No.30 of 2013) as amended by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Act, 2016 (Act No.21 of 2017);(b)"Agreement" means as defined in the Indian Contract Act, 1872.(c)"Authorized Officer" means Collector as defined in the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014;(d)"Form" means Forms appended

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to these Rules.(2)All words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act and the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014.Power of State Government Under Section 10 A of the Act

3.

The Requisitioning Administrative Department of the State Government shall in the first instance, finalize the minimum extent of the land required for the project.

4.

The Requisitioning Administrative Department, after finalizing the extent of land required under rule 3, may, in the public interest give the required notification in Form-A under section 10 A of the Act.

5.

The Requisitioning Agency shall give the requisition to the concerned District Collector in Form-B.Consent Award Under Section 23A

6.

The District Collector shall issue a notification in Form-C and may, at any stage of the land acquisition proceedings invoke the provisions of the Act for settlement of the proceedings by negotiation.

7.

(a)The District Collector shall, for such proceedings issue notice to all the persons interested in the land under acquisition in Form-D for their willingness to settle their claims through negotiation.(b)(i)The persons interested may submit their willingness in Form -E-I (Land owners); and(ii)The persons interested other than land owners may submit their willingness in Form -E-II(c)The District Collector will issue a notification after finalizing the rightful land owners in Form-F

8.

Negotiation shall be carried out by a Negotiation Committee consisting of the following officials:-(i)District Collector(ii)Joint Collector(iii)RDO/Dy. Collector - Convener of the Committee.(iv)Executive Engineer of a Works Department (other than the requisitioning Department)(v)Representative of Requisitioning Department

The settlement reached in the negotiation shall be recorded as an Agreement in Form-G-I for land owners; and in Form G-II for other than land owners.

10.

The Collector shall make an award according to the terms of such Agreement:Provided that "the award" passed under rule 9, shall provide higher compensation than what could have been provided under the provisions in sections 30 and 31 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with rules 26 to 28 of the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014. Voluntary Acquisition (Sale) of Land

11.

The Requisitioning Agency shall file requisition with the District Collector, furnishing the details of the land required for public purpose in Form-B.

12.

On receipt of such requisition, the District Collector or an Authorized Officer after due verification shall, issue a public Notice in Form-C inviting claims from all the persons interested/affected for settlement by negotiation of the same.

13.

The Negotiation Committee constituted under rule 8 shall carry out the negotiations.

14.

The negotiations so carried out and the settlement reached thereby shall be entered into an agreement in Form G-III for land owners; and in Form G-IV for other than land owners.

15.

The District Collector or the Authorized Officer shall pass an order as per the agreement entered into which shall be notified in the District Gazette:Provided that the considerations ordered to land owners shall be higher than what could have been arrived under the provisions of sections 30 and 31 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with rules 26 to 28 of the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014.Lump Sum Payment Towards Rehabilitation and Resettlement

The Authorized Officer shall finalize the details of the families affected due to land acquisition after conducting detailed enquiry duly giving a prior notice and submit a scheme to the District Collector for approval.

17.

The District Collector shall offer options to the affected families to choose either entitlements as per the RFCTLARR Act, 2013 or R&R Lump-sum Package under RFCTLARR (Telangana Amendment) Act, 2016 as per the Schedule to these rules.

18.

The District Collector shall make an award for payment in lump sum or otherwise depending on the choice of project affected families towards Rehabilitation & Resettlement as per the Schedule. Provided that the lump sum payment shall be higher than what could have been arrived under the provisions of sections 30 and 31 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with rules 26 to 28 of the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014. Miscelleneous

19.

The District Collector will issue proceedings directing the Authorized Officer to ensure incorporation of necessary changes in favor of the Requisitioning Department/authority in Revenue, Registration and Survey Records while making payment of compensation/consideration to the land owners.

20. Removal of Difficulties.

enclosed along with three copies of Combined Sketch showing the lands to be acquired. It is certified that the land to be acquired was demarcated on 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 Sections 23 and 30 A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No. 30 of 2013) as amended by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Act, 2016 (Act No. 21 of 2017). Form - A is enclosed exempting the project from the provisions of Chapter II and Chapter III of the Act. Requisite cost of acquisition including R&R will be deposited in your office as and when required. Yours faithfully Requisitioning Agency Copy to Commissioner, LA and R&R, Hyderabad Appendix to Form - B (1)(i) Name of the District(ii) Name of the Project(iii) Details of Land proposed for Acquisition

Name of the Mandal(i) Name of the Village(ii) Survey No.(iii) Extent(iv)

(iv)Total area under Requisition (in acres/Sq. yards)(v) (a)Are any religious structures, grave yard or tomb etc proposed for acquisition (Yes/No)(b)If yes, reasons for inclusionRequisitioning AgencyAppendix to Form - B (2)Certificate to be furnished along with the requisitionName of the project:-(1)Certified that the project for which the land is sought to be acquired has been accorded acquisition under the Act.(2)The estimated cost of the project is of Rs. and necessary budget has been sanctioned and funds are available towards cost of Land acquisition and R&R.(3)The Department undertakes to pay the full amount in case of decree / award by the Land Acquisition, Rehabilitation and Resettlement Authority / High Court / Supreme Court as and when asked to do so by the Collector/District Collector.Requisitioning AgencyForm-CNotification(Under Section 11 of the Act where 10A Exemption is given)(See rule 6/12)Government of Telangana Revenue (LA) DepartmentNo. Dated.Whereas it appears to the Government of Telangana/Collector that a total of acres land is required in the Village District for public purpose, namely,Therefore it is notified that for the above said project in the following, is proposed for acquisition: Survey Type of Type of Area under Acquisition Name & Address of Sl.No. **Boundaries** No. Title Land (in acre) person interested N. S. E Trees Variety Number **Structures**

Type Plinth area

This notification is made under the provisions of Section-11(1) of The Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act no.30/2013), as amended by the Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Act, 2016 (Act No.21 of 2017) to all whom it may concern. A plan of the land may be inspected in the office of the District Collector & ----- on any working day during the working hours. The Government of Telangana / Collector-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 Collector. 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 60 (sixty days) from the date of publication of this notification as provided under section 15 of the Act before District Collector./Authorized officerDistrict CollectorPlace:Date:Form-D(See Rule 7) Notice calling for claims for settlement through Negotiation Committee It is hereby informed that Acs in the village of in the Mandal of in the district of in accordance with the notification under Sec 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013) as amended by the Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Act, 2016 (Act No.21 of 2017) published at page of part of the Gazette, dated claims through the Negotiation Committee. District Collector/Convener Negotiation CommitteeForm-E - IFor Land owners(See rule 7 (b)(i))Affidavit to be executed by the person(s) interested before the DLLPC on Rs.10/- Non-Judicial Stamp Paper.I/We, Sri/Smt./Kum S/o, W/o, D/o owner/owners/ over the hereby agree for the voluntary sale/ sale through consent of my/our land to the Collector for the owner/owners of the land mentioned above and the land is not encumbered. The sale consideration 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.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

andName of the land owners.Date:Attestation of Collector /Authorized RepresentativeName and
Designation:Date:Form-E - IIFor other than land owners(See rule 7 (b)(ii))I/We, Sri/Smt./Kum
the land in Sy.No of Village Mandal
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.Signature and Name of the interested persons Date: Form -
FNotification by the District Collector(See rule 7 (c))Where a notification was issued vide letter No.
dated and published in the for acquisition of the land for the project for the public purpose.In
response to the said notification, the following affected persons (land owners and others) have come
forward to settle their claims through negotiation. The details of the willing affected persons are as
follows.(i)Land owners
Name and address of the land owner Survey No. Extent Remarks
(ii)Other than the land owners
Name and address of the person interested Survey No. Extent Nature of interest
It is hereby notified for calling claims and objections in any, to be filed before the District
Collector/Collector within the seven days of publication of this notification. Signature of District
Collector/ CollectorDate:Form-G - I(See Rule 9)Agreement(with land owners)(Under section 23 A
and 31 A)An agreement made this
between hereinafter called the "Owner" (Which expression shall unless repugnant to the
context or meaning there of include his heirs, executors and administrators) and the Requisitioning
Agency represented by
Agency" on the other part and recommended by Negotiations 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)
Share
(2)
Share
(3)
Share
land/lands have been notified under Sec 11 of the Right to Fair Compensation and Transparency in
Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013) as amended
by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and
Resettlement (Telangana Amendment) Act, 2016 (Act No.21 of 2017) under Notification No. Dated
, published in the newspaper on under of the said Act and whereas the
persons affected have given their willingness in writing .And Whereas the owner and the
Requisitioning Agency agreed for payment of compensation at
Lump-sum deal for an extent covering Acrs in
(Vlg)(Mandal)(District).
The Lump sum deal represents the Market value of the land including structural value and tree

value, solatium etc and Rehabilitation & Resettlement as per Schedule under these Rules and also apportion the same among themselves as herein after provided. And Whereas the owner have no intention to raise any dispute with regard to 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 this Agreement are concerned. Signatures of the land owners

1.

2.

3.

Signature of Requisitioning AgencyAttested by Convener of Negotiation Committee Form-G-II (Other than the land owners) (See Rule 9) Agreement (Under section 23 A and 31A) An agreement made this
day of
hereinafter called the "Requisitioning Agency" on the other part, And Whereas the right and interest
of the interested party/parties 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)
nature of interest(2)
Definite Term and nature of interest
S/o
Definite Term and nature of interestAnd Whereas the said land/lands
have been notified under Sec 11 of the Right to Fair Compensation and Transparency in Land
Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013) as amended by the
Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement
(Telangana Amendment) Act, 2016 (Act No.21 of 2017) under Notification No Dated
, published in the newspaper on under of the said Act and
whereas the persons affected have given their willingness in writingAnd Whereas the interested
party and the acquiring Agency agreed for payment of compensation at
as a Lump sum deal
for an extent covering Acrs in
represents the R&R benefits as per the provisions contained in the Schedule to the Rules under the
Act. And Whereas the interested parties have no intention to raise any dispute with regard to the
contents and manner of this Agreement and the owner/Persons interested have no intention of
making a reference to any court or authority, as far as the compensation, contents and manner of
this Agreement are concerned. Signatures of persons interested in land
and refreement are concerned dignatures of persons interested in faild

2.

3.

Signature of the Requisitioning AgencyAttested by Convener of Negotiation
Committee.Form-G-III(See Rule 14)Agreement(with land owners)(Under section 30 A and 31 A)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 heirs, executors and administrators) and the Requisitioning Agency represented by
"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/o
Share
S/o
And Whereas the said
land/lands have been notified under Sec 11 of the Right to Fair Compensation and Transparency in
Land Acquisition, Rehabilitation and Resettlement Act, 2013, (Central Act 30 of 2013) as amended
by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and
Resettlement (Telangana Amendment) Act, 2016 (Act No.21 of 2017) under Notification No.
the said Act and whereas the persons affected have given their willingness in writing .And Whereas
the owner and the Requisitioning Agency agreed for payment of compensation at
Lump-sum deal for an extent covering
Acrs (vlg) (Mandal)
(District). The Lump-sum deal represents the Market value of the land
including structural value and tree value, solatium etc and Rehabilitation & Resettlement as per
Schedule under these Rules and also apportion the same among themselves as herein after
provided.And Whereas the owner have no intention to raise any dispute with regard to 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 this Agreement are
concerned.Signatures of the land owners

1.

3.

Signature of theGovernment represented by Collector.Form-G-IV(Other than the land owners)(See Rule 14)Agreement(Under section 30 A and 31A)An agreement made this
S/0
Definite Term and nature of interest
(Mandal)

1.

2.

3.

Signature of the Governmentrepresented by Collector

Serial Elements of R&R Entitlement/provision as per the RFCTLARR Rehabilitation and number entitlements Act,2013 Resettlement lump

(1) (2) (3)

(1) If a house is lost in rural areas, a constructed house shall be provided as pertheIndira Awas Yojanaspecifications. If a house is lost in urban areas, a constructedhouse shall be provided, which will be not less than 50 Sq. mtsin plinth area.(2) The benefits listed above shall also be extended to any affected family whichis without homestead land and which has been residing in the areacontinuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such areaProvided that anysuch family in urban areas which opts not to take the houseoffered, shall get a one-time financial assistance for houseconstruction, which shall not be less than one lakh fiftythousand rupees:(Family includes aperson, widow / widower, his or her spouse, minor children, minorbrothers and minor sisters dependent on him / her)Provided further thatif any affected family in rural areas so prefers, the equivalentcost of the house may be offered in lieu of the constructedhouse:Provided also that no amily affected by acquisition shall be given more than one houseunder the provisions of this Act. Explanation. - The

sumpackage under the RFCTLARR (Telangana Amendment) Act, 2016 (ActNo.21 of 2017)

(4)

Rs.5.04 lakhs(equivalent to a house as per the two-bed room housing policy of the State Government) will be paid in case of displacement of afamily living together.orRs. 1.25 lakhs will be paid to single family(equivalent to Indira Awas Yojana, IAY)

2. or Employment

Provision of

case

1.

housing units in

ofdisplacement

Choice of Annuity The appropriateGovernment shall ensure that (a) Onetime payment of the affected families are provided with the following options:(a) where jobs arecreated through the project, 'after providing suitabletraining and skill development in the annuity will be paid for required field, make provision for employment at a rate not lower than the minimumwages provided for in any other law period of 20 years; or(c)

houses in urban areas may, ifnecessary, be provided in multi-storied building complexes.

> Rs. 5.00 lakhs for the affected family; or(b) Rs.3,000/- permonth as an affected family in case of SC and ST for a

for the time being in force, to at least one member per affected family in the project orarrange for a job in such other project as may be required; or(b) onetime payment of five lakhs rupees per affected family; or(c) Annuity policies that shall pay not lessthan two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.

Rs.2,500/- permonth as annuity will be paid for an affected family in case of other than SC and ST for a period of 20 years.(d) The annuities mentioned above will be withappropriate indexation to the consumer price index.

for displaced families for aperiod of one year

3.

5.

Each affected family which is displaced from theland acquired shall be given a monthly subsistence allowanceequivalent to three thousand rupees per month for a period of oneyear from the date of award. In addition Subsistence grant to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fiftythousand rupees. In cases of displacement from the ScheduledAreas, as far paid for the affected as possible, the affected families shall berelocated in a similar ecological zone, so as and ST in the scheduled to preserve theeconomic opportunities, language, culture and community life ofthe tribal communities.

A total ofRs.40,000/will be paid per family as a subsistence grant forone year.In addition to above, an amount of Rs.60,000/-as a one-time grant will be familybelonging to SC Areas.

Transportation cost for displaced 4. families

Each affected family which is displaced shallget a one-time financial assistance of fifty thousand rupees astransportation cost for shifting of the family, buildingmaterials, belongings and cattle.

Rs.60,000/- as a one-time transport grant willbe paid to each affected family in case of displacement.

Cattle shed/petty shops cost

Each affected family having cattle or having apetty shop shall get one-time financial assistance of such amountas the appropriate Government may, by notification, specifysubject to a minimum of twenty-five thousand rupees for construction of cattle shed or petty shop as the case may be.

Rs.25,000/- as a onetime financial assistancewill be paid for each affected family having cattle or a pettyshop for construction of cattle shed or petty shop as the casemay be.

6. artisan, small

One time grant to Each affected family of an artisan, small traderor self-employed person or an affected traders and certain family which ownednon-agricultural land or

Rs. 30,000/- as a onetime grant will be paid toartisans, small

trader or self-employed others commercial, industrial or institutional structure in the affected area, person or an and which has been involuntarily displaced affectedfamily which from the affected area due to land owned non-agricultural procurement, shallget one-time financial land or assistance of such amount as the appropriate commercial, industrial Government may, by notification, specify or institutional subject to aminimum of twenty-five thousand structure in the affected rupees. area. Rs.60,000/- will be One-time Each affected family shall be given a paid to each affected Resettlement one-time"Resettlement Allowance" of fifty 7. familyas one time Allowance thousand rupeesonly. resettlement assistance. In cases of irrigation or hydel projects, Fishing rights for the theaffected families may be allowed fishing affected families 8. rights in thereservoirs, in such manner as Fishing rights ifstorage tanks are may be prescribed by theappropriate created and fishing is Government. feasible. (1) The stamp dutyand other fees payable for registration of the land or houseallotted to the affected families shall (1) The stamp dutyand other fees payable for be borne by the registration of the land or houseallotted to ProcuringAgency.(2) the affected families shall be borne by the The land forhouse Stamp duty and ProcuringAgency.(2) The land forhouse allotted to the affected 9. allotted to the affected families shall be free registration fee families shall be free from allencumbrances.(3) The land or house from allotted may be in the joint names of wife and allencumbrances.(3) husband of the affected family. The land or house allotted may be in theioint names of wife and husband of the affected family. **Financial** Rs.7,50,000/-. An 10. assistance in lieu option will be given in of case ajoint family with specifiedbenefits all members living together decides to set up aself-financed scheme or an enterprise

based on their own

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choiceor for any other income generating activity. Such a family willbe paid a lump sum amount of Rs.7.5 lakhs towards financialassistance in lieu of the specified benefits listed in Items 2-7above.