

(English Translation)
(Hindi Version is the Authorized Version)

NO.632/1-13-11-20(29)2004

From

K.K.Sinha,
Principal Secretary,
Govt. of Uttar Pradesh.

To,

1. All Principal Secretaries/Secretaries, Govt. of Uttar Pradesh.
2. All Head of the Deptt. Uttar Pradesh.
3. All Commissioners/Distt. Magistrates, Uttar Pradesh.

Revenue Section-13

Lko.dt.02 June,2011

Sir,

Whereas on one hand the state government is committed to the economic development of the state, on the other hand it has been the clear policy of the government that the land owners whose land is acquired for the projects related to economic and social development, they should be given adequate compensation and other facilities their interest be protected and they get the adequate benefits of development.

The general policy for taking land for all purpose will be that the land be purchased directly from the land owners on the basis of mutual understanding/agreement arrived at between the land owners & the acquisition bodies by following the relevant rules/orders relating to the purchase of land. In this connection I have been directed to state that with a view to implement this specific vision of the state government the following policy is being laid down for acquiring land for various schemes.

- 1- For implementation of Infrastructure Projects in Public Sector viz:- State highways, canal, power and so on the process of land acquisition would be initiated by following the Rules & Regulations as provided in the Land Acquisition Act 1894, but the compensation of land would be fixed by mutual consent as per the provisions of The Uttar Pradesh Land Acquisition (Determination of Compensation and Declaration of Award by Agreement) Rules, 1997. Those land owners whose land is acquired for these projects would be given all the benefits of the Rehabilitation & Resettlement Policy 2010 (as amended) of the Government.

2- Local Bodies/ Undertakings like Development Authorities, Industrial Development Authorities, Housing Development Boards etc. acquire land for projects in discharge of their legal responsibility of planned development in which developed land is allotted to public for their residential needs, to small units in service or industrial sector and for community facilities. The land for such projects will be acquired under the provisions of Land Acquisition Act 1894. After the issue of notification under Section-4 the following two options shall be available to the land owners with a view to protecting their rights:-

a) The compensation shall be determined by the Governing Board of the Public Undertaking keeping liberal view and with mutual consent under Settlement Rules 1997 (Determination of Compensation and Declaration of Award by Agreement Rules, 1997). In addition all the benefits available under Resettlement and Rehabilitation Policy shall also be available to all the affected farmers.

or

b) 16% of the total area of the acquired land shall, after development, be given back free of cost. Such land shall be transferable. 50% of the developed land given to the land owner shall be for residential use and 50% for non-residential use (like industrial, institutional, commercial or mixed use). The concerned body/Undertaking or Authority shall itself determine the relative percentage of non-residential use. The land owner shall get the map of project construction approved as per rules.

The land owner shall have the option of retaining part of the 16% developed land given to him and to obtain cash compensation for the remaining land on the basis of mutual agreement. The rates of cash compensation shall be declared by the acquiring body at the beginning of the project.

The land given to land owner shall be free from development fee or land use change fee due to the development authority.

In addition to above package determined by the mutual consent the following benefits shall also be available to land owners:-

(i) Annuity

a) Every land owner, whose land has been acquired shall be given annuity @ Rs.23000/= per acre per year in addition to compensation amount.

b) The amount of annuity of Rs.23000/= shall be increased by Rs.800/= per acre every year in the month of July.

c) The Land owner, who does not want to take annuity, shall be given Rs.2,76,000/= per acre in lump sum as rehabilitation subsidy.

d) In case of land acquired for a company the land owner shall have option to obtain shares of the company equivalent to 25% amount of the lump sum subsidy. Such shares shall be allotted at the market value prevailing on the date of publication of notification under section-6 of the Land Acquisition Act or date of agreement, whichever is later.

If the company issues Initial Public Offer of shares after the date of land acquisition, the option of allotment of shares equivalent to 25% of the amount of lump sum at face value shall be given to land owners.

(ii). Each Family which becomes landless by implementation of project shall be given 40 sq.mtr. developed residential land free of cost.

(iii) Each family affected by project, whose total land has been acquired, shall be given financial help equivalent to the minimum agricultural wages for 5 years as compensation for livelihood.

(iv) Each family whose total land has not been acquired but which has become marginal farmers, due to implementation of project shall be given financial help equal to minimum agriculture wages equivalent to 500 days as compensation for livelihood.

(v) Each family which has become small farmer by acquisition of land shall be given financial help equivalent to minimum agricultural wages for 375 days.

(vi) Each family of agricultural labourer or non agricultural labourer affected by the project shall be given one time financial help equal to minimum agricultural wages of 625 days.

(vii) Each family displaced by the project shall be given compensation for livelihood equal to minimum agricultural wages of 250 days.

(viii) Land owners of hereditary land shall continue to get additional facilities according to prevailing practice.

3- Where land is allotted for projects in the private sectors outside the master plan area for planned industrial/urban development for public use in residential, commercial, to medium or heavy industry, in service or infrastructure sector or where the bulk allotment of land is propose in private sector the following procedure shall be followed for acquisition of land:-

i) The Govt. shall, after examination of the project, issue notification under section-4 of Land Acquisition Act for total land of the project.

ii) The compensation package shall be determined by mutual agreement between developer and the land owner at the village itself and the Collector of the District shall act as a facilitator. The land, instead of being acquired, shall be directly transferred by the land owner to the developer of the project.

iii) The package shall be prepared only after consent of at least 80% of the land owners is obtained. Under this scheme the following 2 options shall be available:-

a) 16% of the total area of the acquired land shall, after development, be given to the land owner free of cost. Such land shall be transferable. 50% of the developed land given to the land owner shall be for residential use and 50% for non-residential use (like industrial, institutional, commercial or mixed use). The concerned body undertaking or authority shall itself determined the relative percentage of non-residential use. The land owner shall get the map of project construction approved as per rules.

b) The land owner shall have the option of retaining part of the 16% developed land given to him and to obtain cash compensation for the remaining land on the basis of mutual agreement. The rates of cash compensation shall be declared by the acquiring body at the beginning of the project. Where there is no authority, the District Magistrate of the District will fix the rate of compensation in cash in respect of infrastructure projects. 50% of the total area of developed land given would be for residential land use and 50% would be for Non residential land use such as industrial, Institutional, commercial or mixed land use if permissible) The policy relating to the fixation of permissible limits in various non residential land uses would be framed by the concerned body/organization authority itself. It would be mandatory for the land owner who has obtained the land, as aforesaid, to get the map sanctioned for development/construction on it, as per rules.

The land owner who has been given the land shall be exempted from paying the development fee or the fee for change of land use, to the developer.

Apart from the above package fixed by mutual consent the following benefits would also be admissible to the land owners:-

Annuity

a) Every land owner whose land has been acquired shall be paid an annuity of Rs.23,000/- per acre per year for a period of 33 years which would be apart from the payable compensation

b) A fixed increase of Rs.800/- per acre per year would be made on the annuity of Rs.23,000/- per acre per year which would be payable every year in the month of July.

c) If any land owner does not wish to take the annuity then he shall be paid a fixed sum of Rs.2,76,000/- as rehabilitation grant.

d) In case of land acquisition for the purpose of a company, the land owners will have the option of taking the shares of the company amounting to 25% of rehabilitation grant. These shares would be given by the company on the basis of market value of the share prevailing at the time of publication of notification under section 6 of the Land Acquisition Act or date of agreement, whichever is later. If, after land acquisition, the Company brings an initial public offer then the company shall allot shares on the face value equal to an amount of 25% of the rehabilitation grant to the land owners who have exercised the option.

ii) If, as a result of transfer of land in favour of the developer any family becomes totally landless then in that case one member of the family would be given job as per his qualification in the developer company.

iii) Those families affected by the project and having agricultural land in the area and whose total land has been transferred would be paid an amount equal to the value of 5 years of minimum agricultural wages in lump sum as livelihood compensation.

iv) All those families having agriculture land in the affected area and whose total land has not been acquired and who as a result of land acquisition have become marginal farmers would be given financial assistance equal to an amount of 500 days of minimum agricultural wages.

v) All families affected by the project having agricultural land in the affected area and who as a result of land acquisition have become small farmers will be given financial assistance equal to an amount of 375 days of minimum agricultural wages.

vi) All project affected families falling under the category of agricultural labourer or non agricultural labourer would be given financial assistance equivalent to 625 days of minimum agricultural wages, in lump sum.

vii) All families affected by the project and displaced as a result of it would be given an additional amount equivalent to 250 days of minimum agricultural wages in lump sum as livelihood compensation.

viii) All ancestral land owners in Industrial Development Authority would continue to receive additional. benefits as per established procedure.

4- The land of all those remaining farmers who do not agree to take the above package would be acquired by adopting the process as provided under the Land Acquisition Act 1894

5- If, in any project less than 80% of the total affected land owners give their consent, then in that case the project would be reconsidered.

4 – (i) A Kisan Bhawan would be constructed by the developer agency of the project at its own cost in every village affected by land acquisition so that the land owners can have a building for their community requirements.

(ii) An scheme of at least one model school (up to class 8) with play ground would be started in the project area & the building for it would be constructed by the developer of the project at its cost for providing education opportunities to the children of the land owners and landless labourers, living below poverty line, who are affected by the land acquisition.

5- (i) The developed land given to the land owners as compensation shall be exempted from stamp duty and registration fee payable on registration.

(ii) If the affected land owners purchase any agricultural land in the State within a period of one year from the date of receiving the compensation, then in that case, they shall be exempted from paying the stamp duty and registration fee on its registration up to the value of compensation received.

6- Annuity of Rs.23000/= per acre per year would be payable in place of Rs.20000/= per acre per year as provided in G.O.No.-1307/1-13-10-20(29)2004 dt. 03 Sept.2010 relating to Rehabilitation and Resettlement Policy and annual increase of Rs.800/= in place of Rs.600/= would also be payable and a lump sum payment of Rs.276000/= in place of Rs.240000/= would also be payable.

7- In this connection I have also been directed to state that the provisions of the earlier G.O.s relating to Land Acquisition & Rehabilitation & Resettlement policy shall be deemed to be amended to this extent.

8- These orders shall come into force at once.

Yours faithfully,

(K K Sinha)
Principal Secretary

No.-632 (1)/EK-13-2011 of even date

CC- to following for information and necessary action:

- 1- Commissioner and Secretary, Board of Revenue, U.P. Lucknow.
- 2- Director, Land acquisition Directorate, Board of Revenue, U.P. Lucknow.
- 3- Director, Information and Public Relations, U.P. Lucknow.
- 4- Sectional Order Book.

By Order,

(Vishnu Pratap Singh)
Special Secretary