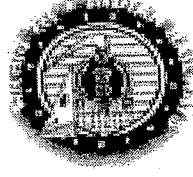


RBE No.193/2019



PCPO's SI.No.227/2019

No. E/O/Policy/Land losers/ECR/HJP

Dated:- 25.11.2019

1. CAO (Con.)/ उत्तर एवं दक्षिण /पटना।
2. सभी PHOD/CHOD, पू.म.रे, हाजीपुर।
3. DRM/ पू.म.रे/ मुगलसराय, दानापुर, धनबाद, सोनपुर एवं समस्तीपुर।
4. मुख्य कार्मिक अधिकारी/ प्रशासन/ पू.म.रे/ हाजीपुर।
5. मुख्यालय के सभी कार्मिक अधिकारी।
6. CWM/ पीडी/ मुगलसराय, यांत्रिक कारखाना/ समस्तीपुर/ हरनौत।
7. Sr.DPO/ पू.म.रे/ मुगलसराय, दानापुर, धनबाद, सोनपुर एवं समस्तीपुर।
8. उग्र महाप्रबंधक/ विधि/ पटना।
9. प्राचार्य/ क्षेत्रीय रेल प्रशिक्षण संस्थान/ मुजफ्फरपुर एवं भूली।
10. सभी मुकार्याधी/ कार्याधी/ पू.म.रे/ हाजीपुर।

**विषय : Revision of policy regarding compensation of Land losers
Affected by land acquisition for Railway projects.**

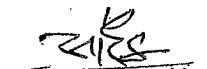
संदर्भ : Railway's Boards Lt. No. E(NG)II/2010/RC-5/1 Dated: 11.11.2019

विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना, मार्गदर्शन एवं अग्रेत्तर आवश्यक कार्रवाई हेतु प्रेषित की जा रही है।

A copy of above referred letter on the subject matter is being forwarded herewith for information guidance and needful onward action please.

संलग्नक : यथोपरि।

DA : As above.


(सौरभ सावर्ण)
वकाधि/ ई.एस.एम

कृते महाप्रबंधक (कार्मिक)/ हाजीपुर

प्रतिलिपि सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु प्रेषित :-

1. महासचिव/ ईसीआरकेयू/ पू.म.रे./ हाजीपुर।
2. महासचिव/ एस0.सी0./ एस0.टी0./ एशोसिएशन/ पू.म.रे./ हाजीपुर।
3. वकाधि (एम.पी.पी.), पू.म.रे./ हाजीपुर। कृपया इसे नेट पर अपलोड कराने की व्यवस्था करें।
4. महासचिव/ ओ.बी.सी.एशोसिएशन/ पू.म.रे./ हाजीपुर।

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

RBE No. 193 /2019

No: E(NG)II/2010/RC-5/1

New Delhi, dated 11.11.2019

To

The General Manager,
All Zonal Railways/ Production Units
(As per standard mailing list)

Sub: Revision of policy regarding compensation of Land losers affected by land acquisition for Railway projects.

**Ref: (i) RBE No. 99/2010 dated 16.07.2010
(ii) RBE No. 120/2010 dated 13.08.2010
(iii) Railway Board's letter No. E(NG)II/2010/RC/5/1 dated 28.09.2010.**

1. On notification of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Removal of Difficulties) Order 2015 dated 28.08.2015, provisions of RFCTLARR Act 2013 related to determination of compensation in accordance with First, Second and Third Schedules of the RFCTLARR Act 2013 have become applicable to all cases of land acquisition under the Railways Act 1989 also. This inter alia means that, irrespective of whether land acquisition for Railway projects is done through Railways Act 1989 after declaring it as a Special Railway Project or through RFCTLARR Act 2013 through State Governments, determination of compensation shall be in accordance with First, Second and Third Schedules of the RFCTLARR Act 2013.
2. The modalities for implementation of Serial No. 4 of the Second schedule of the RFCTLARR Act 2013 were examined by Ministry of Railways and it has been decided that:
 - i. Ministry of Railways' earlier policy of offering appointment in Railways to affected land-losers issued vide references above is withdrawn and circulars issued in this regard vide reference above stand superseded.
 - ii. Lump sum payment of Rs. 5 Lakhs to be provided to affected families who were primarily dependent on acquired land for livelihood, i.e., cases where their livelihood is affected by such

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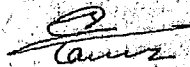
[Signature]

22/11/19

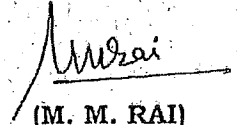
2/-

acquisition or where entire land-holding of the affected family have been acquired.

3. Before considering grant of any relief under Second Schedule, however, the Competent Authority for Land Acquisition (CALA) or Collector should unequivocally certify that the affected family has been displaced and dislocated to another area or their entire land holding has been acquired. Further, in case of joint ownership of a plot of land, lump sum payment of Rs. 5 Lakhs should be shared between joint owners of plot in same ratio in which land value is to be shared.
4. This may be brought to the notice of all concerned authorities dealing with the acquisition of land and ensure that all determination of compensation for acquisition of land under the Railways Act, 1989 are in consonance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013.
5. This policy shall be effective from the date of issue of this letter.
6. This issues with the concurrence of Finance and approval of the Competent Authority.



(Chandra Shekhar)
Jt. Director Land & Amenities
Railway Board



(M. M. RAI)
Jt. Director Estt.(N)II
Railway Board

No. E(NG)II/2010/RC-5/1

New Delhi, dated 11.11.2019

Copy to:

- (i) The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi (35 spares).
- (ii) The General Secretary, NFIR, Room No. 256-E, Rail Bhawan, New Delhi (35 spares).
- (iii) All Members of Departmental Council and National Council and Secretary, Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi (60 spares).
- (iv) The Secretary General, FROA, Room No. 256-A, Railway Board (5 spares).
- (v) The Secretary, RBSS, Group 'A' Officers' Association.
- (vi) The President, Railway Board Class II Officers' Association.
- (vii) The Secretary General, IRPOF.
- (viii) The Secretary, Indian Railways Class II Officers' Association.
- (ix) The Secretary, Railways Board Ministerial Staff Association.
- (x) The President, Railway Board Class IV Officers' Association.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० ४०]

No. 40]

नई दिल्ली, शुक्रवार, सितम्बर २७, २०१३/ आश्विन ५, १९३५ (शक)

NEW DELHI, FRIDAY, SEPTEMBER 27, 2013/ ASVINA 5, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 27th September, 2013/Asvina 5, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 26th September, 2013, and is hereby published for general information:—

**THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN
LAND ACQUISITION, REHABILITATION AND
RESETTLEMENT ACT, 2013**

No. 30 of 2013

[26th September, 2013.]

An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post acquisition social and economic status and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Short title,
extent and
commencement

40 of 1996.

(zd) "Scheduled Areas" means the Scheduled Areas as defined in section 2 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996;

(ze) "small farmer" means a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

CHAPTER II

DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE

A.—PRELIMINARY INVESTIGATION FOR DETERMINATION OF SOCIAL IMPACT AND PUBLIC PURPOSE

4. (1) Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.

Preparation
Social Impact
Assessment
study.

(2) The notification issued by the appropriate Government for commencement of consultation and of the Social Impact Assessment study under sub-section (1) shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government:

Provided that the appropriate Government shall ensure that adequate representation has been given to the representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be, at the stage of carrying out the Social Impact Assessment study:

Provided further that the appropriate Government shall ensure the completion of the Social Impact Assessment study within a period of six months from the date of its commencement.

(3) The Social Impact Assessment study report referred to in sub-section (1) shall be made available to the public in the manner prescribed under section 6.

(4) The Social Impact Assessment study referred to in sub-section (1) shall, amongst other matters, include all the following, namely:—

- (a) assessment as to whether the proposed acquisition serves public purpose;
- (b) estimation of affected families and the number of families among them likely to be displaced;
- (c) extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition;
- (d) whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project;
- (e) whether land acquisition at an alternate place has been considered and found not feasible;
- (f) study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project *vis-a-vis* the benefits of the project:

Provided that Environmental Impact Assessment study, if any, shall be carried out simultaneously and shall not be contingent upon the completion of the Social Impact Assessment study.

(5) While undertaking a Social Impact Assessment study under sub-section (1), the appropriate Government shall, amongst other things, take into consideration the impact that the project is likely to have on various components such as livelihood of affected families, public and community properties, assets and infrastructure particularly roads, public transport,

drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, anganwadis, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds.

(6) The appropriate Government shall require the authority conducting the Social Impact Assessment study to prepare a Social Impact Management Plan, listing the ameliorative measures required to be undertaken for addressing the impact for a specific component referred to in sub-section (5), and such measures shall not be less than what is provided under a scheme or programme, in operation in that area, of the Central Government or, as the case may be, the State Government, in operation in the affected area.

Public hearing for Social Impact Assessment.

5. Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report.

Publication of Social Impact Assessment study.

6. (1) The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan referred to in sub-section (6) of section 4 are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.

(2) Wherever Environment Impact Assessment is carried out, a copy of the Social Impact Assessment report shall be made available to the Impact Assessment Agency authorised by the Central Government to carry out environmental impact assessment:

Provided that, in respect of irrigation projects where the process of Environment Impact Assessment is required under the provisions of any other law for the time being in force, the provisions of this Act relating to Social Impact Assessment shall not apply.

B.—APPRAISAL OF SOCIAL IMPACT ASSESSMENT REPORT BY AN EXPERT GROUP

Appraisal of Social Impact Assessment report by an Expert Group.

7. (1) The appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group, as may be constituted by it.

(2) The Expert Group constituted under sub-section (1) shall include the following, namely:—

- (a) two non-official social scientists;
- (b) two representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case may be;
- (c) two experts on rehabilitation; and
- (d) a technical expert in the subject relating to the project.

(3) The appropriate Government may nominate a person from amongst the members of the Expert Group as the Chairperson of the Group.

(4) If the Expert Group constituted under sub-section (1), is of the opinion that,—

- (a) the project does not serve any public purpose; or
- (b) the social costs and adverse social impacts of the project outweigh the potential benefits,

it shall make a recommendation within two months from the date of its constitution to the effect that the project shall be abandoned forthwith and no further steps to acquire the land will be initiated in respect of the same.