

Translated version in English of the notification dated 18.5.2016 in Punjabi

GOVERNMENT OF PUNJAB
REVENUE, REHABILITATION AND DISASTER
MANAGEMENT DEPARTMENT
(LAND REVENUE BRANCH)

Notification

Chandigarh, dated 18.5.2016

No.24/109/2015-LR-1/9877 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force w.e.f.1.1.2014. Under the Act, there is a lengthy procedure to acquire land viz to carry out social impact study/to get it published/to issue notifications, Rehabilitation, Resettlement Scheme etc. Hence the proceedings under the Act, are costly and also time consuming in the completion of process. Keeping in view this position the following policy/instruction are issued to acquire the land for the different Departments/Government undertakings directly from the land owners by negotiation:-

- 1) Whenever any Government Department has to acquire land for any public purpose by negotiations, then the proposal may be submitted to the concerned Deputy Commissioner, alongwith details of the land to be acquired alongwith copies of Jamabandi, Aksh Sajra etc. The Deputy Commissioner, shall examine the proposal on the basis of revenue record and other necessary aspects and issue necessary advice to the Administrative Department. Final decision be taken by the A.D. itself.
- 2) After the selection of land by the Administrative Department, the value of land shall be determined by the Deputy Commissioner. For this purpose, while fixing the rates under Section 26(1) of the Act ibid, multiplier factor shall be kept in view as prescribed by this Department notification No.24/84/2013-LR-1/16196 dated 30.10.2014 issued under section 26(2) of the Act ibid. If there is any crop, fruit bearing trees or any other immovable

and total value of the land regarding the rates so fixed. The rates so fixed (Circle rate/collector rates/market rates) shall be presumed to be accepted. If the consensus is not reached on these rates, then keeping in view the instructions No.24/85/2015-LR-1/18361-88 dated 6.11.2015 issued by this Department, under Section 108 of the Act *ibid*, (vide which District Price Fixation Committees, constituted vide this Department letter No.1/55/78-LR-1/4810 dated 14.7.1997, have been kept operative) the matter will be placed before the District Price Fixation Committee and in this committee the officer at the level of Administrative Department/Head of Department will be included. The final Decision on the recommendations of the committee shall be taken at the level of Administrative Department. In this respect, the main conditions will be as under:-

- A) If the consensus is arrived at, through negotiations about the total compensation, as per para (2) above, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, then the Administrative Department will be authorized.
- B) To allow upto 10% premium, the Administrative Department will take action on the advice of the Finance Department.
- C) To allow upto 25% premium, the Administrative Department will seek approval of the Council of Ministers.
- D) If, the consensus is not arrived at, then action may be taken for Compulsory Land Acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

If there is delay of more than six months from the date of consensus about the rates, till the date of actual payment, 6% per @ simple interest will be paid on the compensation amount. In this regard, an agreement may be made between the representative of the Administrative Department and the land owners.

4) After completion of process to acquire land by consensus, no benefits mentioned in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall be payable. However, if any property is purchased in lieu of compensation amount anywhere in the State of Punjab, then the stamp duty and

registration fees shall be exempted in view of this Department's Notification No. S.O.42/C.A.2/1899/S.9/ 2008 dated 24.6.2008 and notification No.S.O.43/C.A.16/1908/Ss.78 and 79/2008 dated 24.6.2008, respectively.

5) The specimen proforma of conveyance deed is enclosed as annexure-1 for the land to be acquired through negotiations. If the conveyance deed is registered in favour of Government Department, the Stamp duty and Registration fees shall be exempted.

Sd/-

Additional Chief Secretary and
Financial Commissioner Revenue

Endst.No.24/109/2015-LR-1/9878-10155, Chandigarh, dated 18.5.2016

A copy is forwarded to the following for information and necessary action:-

1. All the Administrative Secretaries, Government of Punjab,
2. Principal Secretary/Hon'ble Chief Minister, Punjab,
3. Secretary/Revenue and Rehabilitation Minister, Punjab,
4. All the Heads of Departments,
5. All the Divisional Commissioner,
6. All Deputy Commissioner,
7. All Sub Divisional Magistrate and Tehsildar,
8. All Land Acquisition Collector.
- 9.

Sd/-

Deputy Secretary Revenue

Endst. No.24/109/2015-LR-1/10156

Chandigarh, dated 18.5.2016

A copy (with additional copy and C.D.) is forwarded to the Controller, Printing and Stationery Punjab, Sahibzada Ajit Singh Nagar for printing this notification in the Punjab Government Gazzete (Ordinary) & the 200 copies be sent to this Department for office use.

Sd/-

Deputy Secretary Revenue

Proforma Sale deed

Annexure-1

Model form of sale deed to be executed when land is acquired for public purposes by private negotiations.

INDENTURE made this.....day of.....20.. between (hereinafter together with their heirs, successors and assigns where the context so requires called the vendors) for the one part and the Governor of Punjab (hereinafter called the purchaser) of the other part.

WHEREAS the vendors are the absolute owners of the property hereinafter mentioned and hereby conveyed in the following shares that is to any Son of _____ Share _____

AND WHEREAS THE land required by Government for a

public purpose.-vide notification No. _____ dated _____, and It has been agreed that proceedings under the Land Acquisition Act, would cause unnecessary expense, inconvenience and hardship to the vendors and that sale by private negotiation is in the interest, and for the benefit of the vendors who have agreed to the absolute sale accordingly to the purchaser for the sum of Rs. _____.

Now these Present Witness that in pursuance of the above agreement and in consideration of the sum of rupees _____ paid by the purchaser to the vendors _____ day of _____ 20 (the receipt whereof the vendors do hereby acknowledge) the vendors do hereby as beneficial owner grant, shall convey and assign unto the purchaser A.I.I. that piece or parcel of land situated at measuring and entered as

Khewat No _____ Khataun _____

Khasra _____ of the jamabandi of _____ in the tehsil of _____ district and more particularly described of delineated in the map or plan hereto annexed together with all trees, plants liberties, previl eges, easements and appurtenances whatsoever to the same, belonging or in any wise appertaining and all the estate, right, title, interest, claim and demand of the vendors in and to the same and very part thereof TO HAVE AND TO HOLD the same unto and to the absolute use and benefit of the purchaser and his successors and assigns in full proprietary right free from all encumbrances FOR EVER.

AND the vendors do hereby covenant with the purchased that they now have good right title and power to sell and convey the same to the purchaser in manner aforesaid free from encumbrance and that the purchaser may at all times hereafter, peaceably and quietly possess and enjoy the same without any interruption claim, or demand from or by the vendors or any person or persons lawfully or equitably claiming for or of any of them AND that special conditions the vendors shall whenever reasonably so required execute and do any such further act assurance or thing as may be deemed

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