

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-LAA-CLRFIC-0003-2017-28118 /R&DM dated 24-8-17

From

Avaya Kumar Nayak
Joint Secretary to Govt.

To

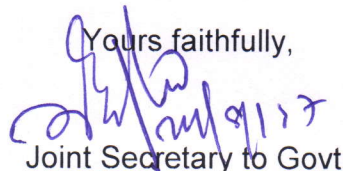
All Collectors

Sub: Clarification on applicability of the First, Second and Third Schedules of the RFCTLAR & R Act in cases of Acquisition of Land under the Coal bearing areas (Acquisition and development Act 1957 hereinafter CBA Act).

Sir,

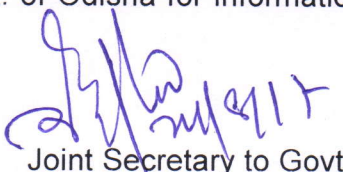
I am directed to enclose herewith a copy of the letter No. 43020/25/2015- IA & IR dtd.04.08.2017 received from the Under Secretary to the Govt. of India, Ministry of Coal, New Delhi on the subject noted above and to request you to take necessary action in the matter as per the clarification issued by the Govt. of India.

Yours faithfully,


Joint Secretary to Govt

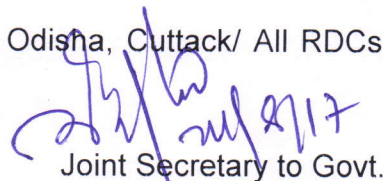
Memo No. 28119 dtd. 24-8-17

Copy forwarded to Steel and Mines Department, Govt. of Odisha for information and necessary action.


Joint Secretary to Govt.

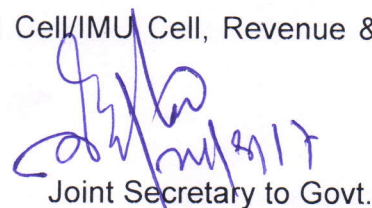
Memo No. 28120 dtd. 24-8-17

Copy forwarded to the Member Board of Revenue, Odisha, Cuttack/ All RDCs, Odisha for information and necessary action.


Joint Secretary to Govt.

Memo No. 28121 dtd. 24-8-17

Copy forwarded to the L.A.-B Br./ L.A.- C Br./R & R Cell/IMU Cell, Revenue & D.M. Department for information and necessary action.


Joint Secretary to Govt.

LA(A)

F. No. 43020/25/2015-LA&IR
Government of India
Ministry of Coal



New Delhi, the 4th August, 2017.

To,
The Chairman-cum-Managing Director,
Coal India Limited,
Coal Bhawan, Premise No-04 MAR,
Plot No. AF-III, Action Area-1A, Newtown,
Rajarhat, Kolkata-700156.

Subject: Clarification on applicability of the First, Second and Third Schedules of the RFCTLARR Act in cases of acquisition of land under the Coal Bearing Areas (Acquisition and Development) Act, 1957.

Sir,

I am directed to say that consequent upon enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(hereinafter 'RFCTLARR Act') and Order SO No. 2368(E) notified on 28.08.2015 by Ministry of Rural Development, Coal India Limited and its subsidiaries have sought clarifications regarding payment of compensation for land acquired prior to 01.09.2015 under Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter the 'CBA Act').

2. As multiple stages are involved in the land acquisition process, including that of determination of compensation, this Ministry sought advice from Ministry of Law & Justice. Ministry of Law & Justice has given their advice that if the compensation has not been determined before 01.09.2015 under Section 13(5) of the CBA Act, then the provisions of First Schedule, Second Schedule and Third Schedule of the RFCTLARR Act will be applicable. In remaining cases where the compensation has already been determined under Section 13(5) of the CBA Act before 01.09.2015, then such cases will not be reopened.

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3. In accordance with the above, the clarifications on different cases are as follows:-

Sl. No.	Cases for Clarifications	Clarification
1	Where prior to 01.09.2015, declaration of acquisition under Section 9 of CBA Act has been published, determination of compensation has been made under Sec. 13(5) of the CBA Act, possession of land has been taken, and payment of compensation has been made. In other words, all the proceedings have completed under the CBA Act before 01.09.2015.	Cannot be reopened.
2	Where prior to 01.09.2015, declaration of acquisition under CBA Act has been published and determination of compensation has been made under Sec. 13(5) of the CBA Act, irrespective of the fact that possession of land has been taken or not.	Cannot be reopened.
3	Where prior to 01.09.2015, declaration of acquisition under the CBA Act has been published, possession of the land has been taken but determination of compensation has not been made under Sec. 13(5) of the CBA Act.	Compensation will be determined following the provisions of the RFCTLARR Act, 2013.
4	Where prior to 01.09.2015, declaration of acquisition has been published under CBA Act, but determination of compensation has not been made under Sec. 13(5) of the CBA Act, and possession of land has not been taken.	Compensation will be determined following the provisions of the RFCTLARR Act, 2013.

4. In view of the above clarifications, previous order letter no. 43020/26/88-LSW dated 12.05.1989 issued by then Ministry of Energy, Department of Coal shall stand modified. The above clarifications may be followed in determination of compensation for land acquired under CBA Act.

5. This issues with the approval of competent authority.

Yours faithfully,



(R S SAROJ)


Under Secretary to the Govt. of India

Contd. P. 3

Tel: 011-24651785

Copy to:

1. Chairman-cum-Managing Director, Mahanadi Coalfields Ltd. (MCL), Post Office-JagritiVihar, Burla, District - Sambalpur(Odisha)-768020.
2. Chairman-cum-Managing Director,Northern Coalfields Ltd. (NCL), PO-Singrauli, District -Sidhi, (M.P.)-786889.
3. Chairman-cum-Managing Director,South Eastern Coalfields Ltd. (SECL), Seepat Road, Post Box No. 60, District - Bilaspur(Chhattisgarh) - 495006.
4. Chairman-cum-Managing Director,Eastern Coalfields Ltd. (ECL), Sanctoria, PO-Dishergarh, District-Burdwan(West Bengal) - 713333.
5. Chairman-cum-Managing Director,Central Coalfields Ltd. (CCL), Darbhanga House, Ranchi(Jharkhand) - 834029.
6. Chairman-cum-Managing Director,Bharat Coking Coal Ltd. (BCCL), KoylaBhawan, Koyla Nagar, Dhanbad(Jharkhand)-826005.
7. Chairman-cum-Managing Director,Western Coalfields Ltd. (WCL), Coal Estate, Civil Lines, Nagpur(Maharashtra) - 440001.
8. Chairman-cum-Managing Director,Neyvelli Lignite Corporation Ltd. (NLC) India Limited, Block-1, Neyvely, District -Cuddalore(Tamilnadu)-607801.
9. Chairman-cum-Managing Director,Singareni Collieries Company Ltd.(SCCL), Kothagudem Collieries,Bhadradi, District-Kothagudem(Telangana)-507101.
10. Deputy Secretary (LR), Department of Land Resources, Ministry of Rural Development, NBO Building, G Wing, Nirman Bhawan, Moulana Azad Road, New Delhi - 110011.
11. IF Section, Ministry of Coal.


(R S SAROJ)

Under Secretary to the Govt. of India

Copy to:

PS to chief Secretary, Govt of Odisha for
information.

