



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India

(Ministry of Shipping, Road Transport and Highways)

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CIRCULAR

Sub: Acquisition of land for NHDP.

1. As per Government policy, future NHDP projects would mostly be on basis of BOT. In accordance with provisions of Model Concession Agreement (MCA), it is the responsibility of the employer, i.e., NHAI to hand over 80% of the land (free from encumbrances) required for highway-construction to the concerned concessionaire on the appointed date, failing which, serious legal and financial implications may arise. Even for projects executed on the basis of 'Engineering Procurement & Construction' (EPC), timely acquisition of land is of critical importance. Therefore, it is necessary that land acquisition be completed expeditiously in accordance with contract agreements, so as to avoid any adverse fallout.

2. As per law, the process of land acquisition is considered as complete only after mutation in revenue records. However, it has been observed that in majority of cases land has not been mutated in favour of Central Government in relevant Records of Rights (maintained by State Government Revenue Authorities).

3. In this context, the procedures pertaining to land acquisition have been reviewed and following decisions have been taken for speedy acquisition of land:-

Role of Project Directors:

(a) Project Directors shall be fully responsible for all aspects of land acquisition (for stretches falling within their jurisdiction), such as listed below, *inter-alia*:-

(i) Collaboration with DPR Consultants regarding all aspects of land acquisition right from the stage of preparation of DPR/Feasibility Report.

(ii) Timely issue of Notifications under Sections 3(a), 3(A) & 3(D) of National Highways Act 1956.

(iii) Coordinating with local revenue officer appointed as Competent Authority, and officials of other concerned departments, for land acquisition.

(iv) Submission of accurate data on land acquisition on regular monthly basis strictly as per format circulated vide circular No.NHAI/29/LA&EM/Discrepancy/2006/119 dated 25 Aug 06.

(v) Intimate HQ [ie. Member (A), concerned CGM and GM (LA&EM)] regarding any problem obstructing timely issue of Notifications/disbursement of compensation/obtaining actual possession over land, along with names and telephone numbers of concerned Competent Authority/District Collector/Divisional Commissioner.

(vi) Expediting appointment of Arbitrators, as and when required.

- (vii) Challenging Arbitral Awards, in event of their being unreasonable.
- (viii) Expeditious settlement of compensation claims/declaration of award.
- (ix) Mutation of acquired land in favour of Central Government, in Record of Rights.
- (x) Obtaining and submitting to LA&EM Division, certified copies of Revenue Records of Rights in which land acquired has been mutated in name of Central Govt. (One copy is to be retained at PIU/CMU).

Facilities to be provided to PIUs

(b) In order to assist PDs in performance of abovementioned functions, each PIU/CMU is authorized to engage one retired State Govt. Revenue Officer supported by one Surveyor/Amin for each district on contract for an initial period of six months. Proposals for engagement of additional staff in excess of what has been authorized above (required either because of large volume of work or because the work has to be completed within a short time) and extension of period of engagement of staff beyond six months will be considered on case to case basis. Such proposals shall be considered and approved by Member(A) on the basis of detailed justification to be submitted by the concerned PD, which must contain the following:-

- (i) Tasks accomplished by concerned individual during preceding period of engagement, and,
- (ii) Tasks to be accomplished during period of proposed extension.

(c) Some PIUs have already engaged manpower for land acquisition work based on earlier approvals given by HQ before the issue of this Circular. In such cases wherever the engaged manpower is more than what has been authorized above or the manpower engaged has continued for more than six months, fresh approval of Member(A) for their continuance will be required. In such cases the PDs should send their proposals in accordance with procedure outlined in para3(b) above.

(d) Modalities/terms/conditions of engagement/administration of such staff is to be as follows:-

- (i) Preference is to be given to personnel residing in the area, who are conversant with local survey maps and Revenue Records.
- (ii) Personnel engaged are to report to/work under PD.
- (iii) Remuneration payable to each such individual per month is to be equal to last pay drawn reduced by pension, plus reimbursement of expenditure on transport/mobile-phone etc on production of bills subject to a maximum of Rs.10,000 per month.
- (iv) Administrative/Establishment/Secretarial support to officials engaged is to be provided by concerned PIU.
- (v) Expenditure incurred on obtaining documents/copies of various records are to be reimbursed by concerned PIU/CMU, on submission of bills.
- (vi) Personnel engaged are to assist Project Directors in all matters pertaining to land acquisition.

Facilities to be provided to Competent Authority

(e) Primarily it is the responsibility of the concerned State Government to provide adequate staff and infrastructure to the Competent Authority for land acquisition. However, sometimes because of large volume of work or time constraints Competent Authorities request NHAI for additional support. Such requests for provision of additional staff/infrastructure to Competent Authority will be considered on case to case basis but only for a specified period. Proposals for additional staff/infrastructure to Competent Authority, will be sent by PDs with detailed justification to Member(A) for his approval.

(f) Some PIUs have already provided additional staff/infrastructure to Competent Authorities based on earlier approvals given by HQ. In all such cases fresh approval of Member(A) will be required. Therefore, wherever additional staff/infrastructure has been provided to Competent Authorities before the issue of this Circular, PDs will send proposals for their further continuance with full details of tasks done so far and justification for their continuance, for the approval of Member(A).

Monitoring and Coordination

(g) NHAI HQ will nominate a Project Director located in the State to function as State Level Coordinator for Land Acquisition, whose functions shall be as follows:-

(i) Collection of information from all PIUs in the state, on pending land acquisition matters for various projects, and forwarding the same to HQ.

(ii) Coordination with State Government officers on regular basis for all matters pertaining to land acquisition.

(iii) Ensuring timely coordination meetings at the State level to resolve pending issues.

(h) In addition, NHAI HQ will also nominate CGM level officers as Nodal Officers for particular states, whose responsibility shall be to coordinate land acquisition/pre-construction issues (pertinent to stretches within the State) between concerned Technical Division/Land Acquisition Division/State Level Coordinator/State Government Authorities. Order nominating individual State Level Coordinators for Land Acquisition, and Nodal Officers at HQ will be issued separately.

(i) All proposals for provision of staff/infrastructure for land acquisition should be sent by PDs to LA&EM Division who will consult the concerned Technical Division wherever required and obtain the orders of Member(A).

3. Land acquisition is the most critical activity for successful/timely implementation of projects and delays will have a cascading adverse legal/financial impact on NHAI. Accordingly, Project Directors are directed to personally supervise land acquisition work and ensure timely acquisition of land.


(Prabhat C Chaturvedi)
Member(A)

To,
All CGMs/GMs/PDs

Copy to:
Chairman
Members