



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-110075

G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष / Phone : 91-11-25074100/25074200

फैक्स / Fax : 91-11-25093507 / 25093514

POLICY CIRCULAR

(No. 7.1.51)

NHAI/11013/DGM (LA)/FTS-543/2017

10 April, 2017

NHAI/Policy Guidelines/ LA (Structures)/2017

Subject: General Policy guidelines and delegation of powers to Regional Officers for payment of compensation for structures falling within the RoW of Road Projects – reg.

1. NHAI has been receiving large number of proposals from its Regional Offices for payment of compensation towards Government structures, Common Property Resources and authorised structures on Government Abadi land/ Government land which are coming in the Row and the payment of compensation for reconstruction of such structures. These issues are not covered under the provisions of NH Act, 1956.
2. It may be appreciated that once the MoRTH has notified any land for acquisition for a road project or associated facilities, the CALA is duty-bound under law to determine the compensation for the subject land and the structures, trees or any other assets attached to such land or standing thereon as on the date of issue of Section 3-A Notification. This legal provision also implies that creation of any such asset or change in the nature of any such asset including value addition therein, on or after the issue of Section 3-A Notification is not taken into account for payment of any compensation. As such, it is in the interest of the acquiring agency that the status of any such assets is captured, as early as possible, upon issue of the Notification, through photographs / videography so as to ensure the genuineness of determination of compensation.
3. Exceptions to the legal position, as explained under para 2 above, are required in cases where the land-owning entity is agreeable to transfer the land without any cost to the NHAI. These land owning entities and the structures thereon may belong to different categories for which the method and process of payment of compensation for the structures is given below :

(a) Payment of compensation for the Government structures on Government land falling within the project ROW - :

(i) 'Government land' include land vested with Central / State Government, Central / State owned Undertakings & Institutions; Local bodies like Municipal Corporations, Municipalities, Gram Panchayats etc., Public Sector Undertakings and Autonomous Bodies of the Central / State Government.

(ii) 'Government structures' include structures owned by the Central / State Government, Central / State owned Undertakings & Institutions; Local bodies like Municipal Corporations, Municipalities, Gram Panchayats etc., Public Sector Undertakings and Autonomous Bodies of the Central / State Government.

(iii) In cases where ownership of such land is vested with Urban Local Bodies/Gram Panchayats/PSUs/Autonomous Bodies, compensation is payable under existing guidelines. In respect of other cases, land is transferred to NHAI free of cost but for the payment of compensation for the structures, there could be two options. One option is to pay the compensation for the cost of the structures as per the valuation made by the competent authority of the Government or the valuation done by the NHAI approved agency and vetted by the competent authority of Government duly recommended by CALA / concerned Government. Second option is to replace / relocate the Government structures on the land shown by the concerned Government agency on the cost estimates, in terms of net of the salvage value of the standing assets, approved by the competent authority of the concerned Government Agency.

(iv) In case of relocation / replacement, either the work could be executed by the concerned Government agency or it could be executed by NHAI through its Concessionaire / Contractor on the approved cost estimates as mentioned above, on the specific request received from the Government Agencies. In all such cases, relocation of such structures should be done on the land provided by the Government agency. No cost of land for relocation would be paid. NHAI will have full right on the salvage and debris where the full compensation is paid to the Government agency and the cost of debris / salvage would be deducted from the payments made to the Contractor / Concessionaire in case the replacement / relocation work is carried out by NHAI.

(b) Payment of compensation for the Common Property Resources (CPR) on Government land.

All such resources which are meant for the common use of the public (like religious structures (e.g. temples, mosques/ churches), Common Rural Drinking Water Supply Structures, Cremation facilities, Schools etc. may be considered as Common Property Resources (CPRs). These CPRs are generally owned by the Local Bodies but sometimes they are managed by the Trusts / Societies / Committees etc. Considering the sensitivity of the case involving public sentiments, compensation may be paid for such structures following any of the options stated in para 3(a) (iii). In such cases where the option of replacement/ relocation is recommended by CALA / Government, cost estimates should be restricted only to the essential minimum structure required for such purpose and no enhancement or addition would be added. However, option should be recommended by CALA / Government in consultation with the stakeholders.

(c) Payment of compensation for private structures like houses & other buildings on Government land:

(i) There are instances where people are granted patta / ownership rights on the land under any law of the State including abadi / assigned land. In such cases compensation would be paid for the structures only on the recommendation of the CALA / State Government. The procedure for valuation of such structures will be followed as mentioned in above paras.

(ii) There may be cases where people have been living on the government land for a long period and state Government determine such persons as bonafide & genuine users of the said land. Other civic facilities like water supply, roads, electricity etc. are also provided to them by the government but no ownership document is available with them, in such cases ex-gratia may be paid for the structures based on the valuation done by following the procedures mentioned in the above paras; provided the proposal is received through CALA / Government.



(d) General Principles:

(i) It should be ensured that no amount is paid for the government land and also for the land where relocation of structures is proposed.

(ii) The valuation of the structures should be done either by the appropriate State Government Agency or vetted by them in case valuation is done by NHAI through the private certified approved agency.

(iii) The proposal should have been received by RO from CALA/concerned Government agency.

(iv) RO shall be the competent authority for approval of all the proposals as stated above. He should ensure that the above guidelines are followed strictly.



**(A.K. Sadhu)
Chief General Manager (Coord.)**

To:

1. All CGMs at HQ
2. All ROs
3. All PIUs

Copy to:

1. PPS to Chairman, NHAI
2. PS to Member (A)
3. PS to All Members
