ABSTRACT

Industries – Determination of final amount of compensation to the land owners by applying the multiplier factors in the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) by virtue of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) – Orders – Issued.

INDUSTRIES (SIPCOT-LA) DEPARTMENT

G.O. (Ms.) No.13 **Dated: 21.02.2018**
மாசி 9, ஹேவிளம்பி வருடம்,
திருவள்ளுவர் ஆண்டு –2049.

Read:

1. G.O. (Ms.) No.88, Revenue [LA-1(1)] Department, dated 21.02.2014.
2. G.O. (Ms.) No.45, Industries (SIPCOT-LA) Department, dated 14.05.2014.
3. G.O. (Ms.) No.251, Industries (SIPCOT-LA) Department, dated 31.12.2014.
4. G.O. (Ms.) No.298, Revenue and Disaster Management [LA-I(1)] Department, dated 20.09.2017.
5. G.O. (Ms.) No.300, Revenue and Disaster Management [LA-I(1)] Department, dated 20.09.2017.
6. The Tamil Nadu Government Gazette (Extraordinary) Issue No.300, dated 21.09.2017.
7. From the Additional Chief Secretary/Commissioner of Land Administration, D.O. Letter No.M2/27011/2013, dated 10.10.2017.
8. From the Additional Chief Secretary/Commissioner of Land Administration, Circular Rc. No.22464/2017, dated 13.11.2017.
9. From the Additional Chief Secretary/Commissioner of Land Administration, Letter No.M2/27011/2013, dated 25.11.2017.
10. From the Additional Chief Secretary/Commissioner of Land Administration, Letter No.M2/22464/2017, dated 12.12.2017.
11. From the Managing Director, SIPCOT, Letter No.LA/RFCTLARR Rules 2017/2017, dated 18.12.2017 and 03.01.2018.

ORDER:

The Right to Fair Compensation and Transparency in Land Acquisi Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) came into with effect from 01.01.2014 by repealing the erstwhile Land Acquisition Act, (Central Act 1 of 1894).

2. The Government of Tamil Nadu have enacted three special State namely, (1) the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme 1978 (Tamil Nadu Act 31 of 1978) (2) the Tamil Nadu Acquisition of La Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) and (3) the Tami Highways Act, 2001 (Tamil Nadu Act 34 of 2002) for regulating the land acq exclusively for harijan welfare schemes, industrial purposes and for the purp any highway respectively in the State of Tamil Nadu.

3. Section 105 of the Right to Fair Compensation and Transparency Rehabilitation and Resettlement Act, 2013 enable to continue ac enactments specified in the Fourth Schec

cast a duty upon the Central Government to issue a notification within a pe... year from the date of commencement of this Act to apply any of the provisions o... Act relating to determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules with or without modifications or exceptions as specified in that section to the above said enactments specified in the Fourth Schedule.

4. The Government of Tamil Nadu considered it necessary to continue acquisition of land under the three special State Acts specified in para 2 above, as it has been done in section 105 of the Central Act 30 of 2013 in the case of Central Acts relating to land acquisition specified in the Fourth Schedule to the Central Act 30 of 2013 and decided to amend the Central Act 30 of 2013 in its application to the State of Tamil Nadu. Accordingly, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014 (Tamil Nadu Act 1 of 2015) was enacted to insert a new section, viz. section 105-A, and also the Fifth Schedule consisting of the above said three State Acts. The above Amendment Act has been given retrospective effect from 1.1.2014.

5. In the meanwhile, when the above said Amendment Act was pending for assent by the President, orders were issued in G.O. 2nd read above that interim compensation for all cases where acquisition of land is taken up under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) should be determined based on the procedure already in vogue, subject to additional compensation being paid as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. Subsequently, during December 2014, pending assent to the above said Amendment Act by the President, in G.O. 3rd read above, orders were issued that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 relating to determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition where the notice under section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 published on or after 01.01.2014.

7. In G.O 4th read above, orders were issued for framing the State Rules, viz. the Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017 under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), in which the urban area has been defined under rule 2(1)(n).

8. In G.O. 5th read above, orders were issued for notifying the multiplier factor by which the market value shall be multiplied in case the project is situated in rural areas under section 26(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with the provisions against Serial No.2 of the First Schedule of this Act, as specified in the table below:-

Sl. No.	Distance of the Project from Urban Areas	Factor by which the market value to be multiplied
1.	Within 30 Kilometres	1.25
2.	Beyond 30 kilometres and within 50 Kilometres	1.50
3.	Beyond 50 Kilometres	2.00

The same was published in Tamil Nadu Government Gazette as 6th read above.

Verified Document

9. In his letter 7th and 9th read above, the Additional Chief ecretary/Commissioner of Land Administration has recommended that pending issue f required Amendments to the Tamil Nadu Acquisition of Land for Industrial Purposes ct, 1997 and the Rules thereunder, the Government in Industries Department may ;sue orders on determination of final amount of compensation (Final Award) to be aid to the land owners for the cases where the interim compensation has been ıpproved by Government as in G.O. 2nd read above, in line with the Tamil Nadu Right o Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017 and the multiplier factor approved by the Government as in 5th read above and also the instructions issued by them in Circular 8th read above for determination of market value under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

10. The Government after careful examination have decided to accept the recommendation of Commissioner of Land Administration and accordingly issue orders on determination of final amount of compensation (Final Award) to be paid to the land owners as follows:-

(a) While determining the compensation amount, in cases where the interim compensation has been fixed and allowed earlier with reference to the orders issued in G.O. (Ms.) No.45, Industries (SIPCOT-LA) Department, dated 14.05.2014, in accordance with the First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the compensation amount (Final) shall be determined by multiplier factor and the factor by which the market value shall be multiplied in case the project is situated in rural areas shall be as specified in the table below:-

Sl. No.	Distance of the Project from Urban Areas	Factor by which the market value to be multiplied
1.	Within 30 Kilometres	1.25
2.	Beyond 30 kilometres and within 50 Kilometres	1.50
3.	Beyond 50 Kilometres	2.00

The factor by which the market value is to be multiplied in the case of urban areas shall be 1 (one) as notified in Sl. No.3 of First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

'Urban Area' means:-

(i) the area (including village panchayats) lying within the territorial limits of the Chennai Metropolitan Development Authority (CMDA);

(ii) Municipal Corporations having a population of 5 lakhs and above as per 2011 census (i.e. Madurai, Tiruchirappalli, Salem, Coimbatore and Tirunelveli Municipal Corporations, except Chennai City Municipal Corporation) and the area (including village panchayats) that falls within 8 kilometres distance from the limits of the said Municipal Corporations;

(iii) all other Municipal Corporations, Municipalities, Town Panchayats, Cantonments and Townships; and

(2) With regard to determination of market value in accordance with the First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the instructions contained in the Circular and Letter in the references 8th and 10th cited above respectively issued by the Additional Chief Secretary/Commissioner of Land Administration shall be adopted for guidance.

(BY ORDER OF THE GOVERNOR)

K. GNANADESIKAN
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

To

All the Additional Chief Secretaries/Principal Secretaries/
Secretaries to Government of all Departments.
The Principal Secretary/ Commissioner of Revenue Administration,
Chepauk, Chennai-5.
The Additional Chief Secretary/Commissioner of Land Administration,
Chepauk, Chennai-5.
The Principal Secretary/ Commissioner of Land Reforms
Chepauk, Chennai-5.
All the Head of Departments under the control of Industries Department,
All District Collectors.
All District Revenue Officers.
Industries (OP.II) Department.
SF/SC.

// Forwarded by order //

21/2/2018

SECTION OFFICER

Verified RealEstate TM