

GOVERNMENT OF ANDHRA PRADEH
ABSTRACT

Andhra Pradesh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014 – Amendment - Orders – Issued.

REVENUE(LA)DEPARTMENT

G.O.MS.No. 262

Dated:13-07-2015,
Read the following:

- (1).G.O.Ms.No.389, Revenue (LA) Department, dt.20-12-2014.
- (2).From the Spl. Collector (LA), Polavaram Project, Rajahmundry
Lr.ROC No.102/2007/L, dated 30-05-2015.
- (3).U.O.No.16049/LA(A1)/2015, 23-06-2015 of Water Resources Department.

ORDER:

Section 107 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30 of 2013) provides as follows:-

“Nothing in this Act shall prevent any State from enacting any law to enhance or add to the entitlements enumerated under this Act which confers higher compensation than payable under this Act or make provisions for rehabilitation and resettlement which is more beneficial than provided under this Act “.

2. Section 108(1) provides for option to affected persons / families or member of his family to avail higher compensation and rehabilitation and resettlement as may be provided in a State law or a policy framed by the State Government
3. The Special Collector (LA) Polavaram Project, Rajahmundry in his letter 2nd read above, has requested the Water Resources Department to permit him to pay more compensation than permitted under section 108 of the Land Acquisition, Rehabilitation and Resettlement Act, 2013, in the interest of early completion of the project, and in turn the Water Resources Department have suggested to issue necessary amendment to the Andhra Pradesh State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Rules, 2014.
4. Government, after careful examination, have decided to amend the Andhra Pradesh State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Rules, 2014 by inserting a new rule 28A for payment of a higher compensation than permitted under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
5. Accordingly, the following Notification will be published in an Extraordinary Issue of the Andhra Pradesh Gazette dated 15.07.2015.
6. The Commissioner, Printing, Stationery & Stores Purchase, Andhra Pradesh, is requested to arrange to publish the said Notification in the Andhra Pradesh Extraordinary Gazette and supply 250 copies of the same to the Government.
7. The Chief Commissioner of Land Administration, Andhra Pradesh, and all the District Collectors in the State shall take necessary action accordingly.
8. A copy of this order is available in the internet and can be accessed at the address <http://goir.ap.gov.in>.

(PTO)

NOTIFICATION

In exercise of the powers conferred by sections 108 and 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30 of 2013), the Government of Andhra Pradesh hereby makes the following amendment to the Andhra Pradesh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014, issued in the G.O.Ms.No.389, Revenue (LA) Department, dated 20-12-2014, published in the Andhra Pradesh Extraordinary Gazette, Rules Supplement to Part-I, No.27, dated 21.11.2014.

AMENDMENT

In the said rules, after rule 28, the following rule shall be inserted namely:

“Rule 28-A Procedure for Higher Compensation than provided under the Act:

In cases where affected persons come forward to opt for receiving higher compensation than calculated under the Act, and are willing not to ask for a reference to Land Acquisition, Rehabilitation and Resettlement Authority under section 64,

- (1) the District Collector may initiate negotiations and arrive at a mutually agreeable compensation package reasonably higher than provided under the Act,
- (2) the District Collector shall send a detailed proposal along with justification for the proposed package to concerned administrative Department of Government for approval,
- (3) the package shall be a lumpsum amount including all benefits like market value, solatium, etc., except value of assets attached to land or building (structure/trees) for which rate may be fixed by negotiation separately,
- (4) the Government may approve the proposal after satisfying about the justification and reasonableness of the proposed compensation package and the value of structure / trees in consultation with the Departments like R&B, Horticulture etc., wherever necessary,
- (5) on receipt of the approval of the Government, the Collector shall enter into an agreement in the shape of “Memorandum of Agreement” (MOA) with the affected persons and pass final award with the compensation package and the value of structure / trees as approved by the Government,
- (6) the Government may at their discretion issue orders / guidelines and stipulate necessary conditions as deemed fit”.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C.SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To:

The Commissioner of Printing & Stationery (Printing Wing),
Chanchalguda, Hyderabad.

The Chief Commissioner of Land Administration, A.P., Hyd..

All Collectors in the State of Andhra Pradesh.

Copy to:-

The P.S. to Secretary to Hon’ble Chief Minister.

The P.S. to Deputy Chief Minister (Revenue).

The P.S. to Principal Secretary, Revenue Department.

All the Departments of A.P.Secretariat.

Law (H) Department.

SF/SC.

// FORWARDED :: BY ORDER//

SECTION OFFICER.