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**THE
JHARKHAND GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 208

7 Chaitr, 1938 (S)

Ranchi, Tuesday, 28th March, 2017

Department of Industries, Mines and Geology

Resolution

28 February, 2017

Jharkhand Private Land Direct Purchase policy, 2017

Memo No.: 564 -- Department of Industries, Mines and Geology is mandated to promote Industrial development in the state and is also mandated to ensure that developed Industrial plots should be available for the new investment. The Industrial areas /Industrial Estates/Industrial Parks/Industrial Corridors etc. should have basic facilities like road, electricity, water supply and other basic infrastructures and for all these purposes acquisition of land is inevitable. However, land is being acquired through negotiation with land owner directly to ensure speedy land acquisition and timely disbursement of adequate land compensation to land owners.

In recent times land pooling concept has been developed in the country which makes land owners as the partner in the development process. National Investment and Manufacturing Zones policy and Amritsar-Kolkata Industrial Corridor scheme of Govt. of India and Jharkhand Industrial and Investment Promotion Policy 2015 provides for development of Industrial corridors and Industrial manufacturing clusters in the state which may need land pooling in large scale.

In light of the above, Jharkhand Private Land Direct Purchase Policy 2017 is being framed as follows:

1. Short Title, Extent and Commencement

- (1) This Policy may be called the Jharkhand Private Land Direct Purchase Policy 2017.
- (2) It extends to the whole of Jharkhand.
- (3) It shall come into force on such date as notified by the State Government and remain in force for five years from date of notification or de-notification of this policy by State Government whichever is earlier.

2. Definitions

In this policy, unless otherwise the context requires

- (1) “Agency” means Jharkhand Industrial Area Development Authority or other Agencies of Department of Industries, Mines and Geology
- (2) “Commissioner” means Commissioner of the Division.
- (3) “Deputy Commissioner” means Deputy Commissioner of the District.
- (4) “Land” includes benefits arising out of land, and things attached to the Earth or permanently fastened to anything attached to the Earth.
- (5) “Land Owner” means as defined in section 3(r) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and amendments thereof if any.
- (6) “Policies” means policies of State or Central Government or its Agency.
- (7) “Projects” means project of State or Central Government or its Agency.
- (8) “Public Purpose” means the activities specified under section 2(1) and 2(2)(a) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and amendments thereof if any or certain purpose as mentioned in Section 49 and 50 of The Chota Nagpur Tenancy Act 1908 and section 53 of the Santhal Parganas Tenancy (Supplementary Provisions) Act 1949
- (9) “Requiring Body” means Department of Industries, Mines and Geology and its Agencies.
- (10) “Schemes” means Schemes of State or Central Government or its Agency.

3. Application

The Requiring Body through its Nodal Officer shall make application to Deputy Commissioner of the District in Annexure-I with land Schedule in case of fixed location project or Geographic area in case of flexible location project with certificate that budgetary provisions are available for acquiring land.

Explanation- For the purpose of this para, the expression

- (a) “Fixed Location Project” means projects for which location can’t be changed like Road, Bridge, Railway Level Crossing, etc.

- (b) “Flexible Location Project” means for projects which location can be placed anywhere within a geographic region like Common Effluent Treatment Plant, Solid Waste Management, Health Center, Office Building, Power Substation, Industrial Area/Common Infrastructure, etc.

4. Publication in Newspaper

- (1) The Deputy Commissioner shall publish such land requirement as requested by requiring body in two local Newspapers with wide circulation in that locality for wide publicity in Form-I.
- (2) The Deputy Commissioner shall issue such advertisement within 07 working days from the date of receipt of such requisition from Requiring body.
- (3) The Circle Officer and the Staff of Circle Office shall extend all possible help to land requiring body and land owners to find a suitable private land for direct purchase for the project. They shall also help the Raiyats/Land owners to make such application.
- (4) The interested Land owners shall make application within the prescribed time in Annexure-II to Nodal Officer of the land requiring body or any other officer as nominated by Deputy Commissioner along with offer to sale.
- (5) The requiring body may contact local Land owners or targeted beneficiaries to motivate them to make application for their willingness to sell their land in Annexure-II to Nodal Officer of the land requiring body or any other officer as nominated by Deputy Commissioner within the time prescribed in the Newspaper advertisement.
- (6) The requiring body can't negotiate with Land owners on amount of land compensation in case of direct land purchase. If the requiring body willing to offer special package under land pooling, if any, in addition to land compensation to land owners, it shall inform the Deputy Commissioner in writing.

5. Enquiry on Applications:

- (1) Each application received from land owners shall be scrutinized by an Enquiry Committee headed by Additional Collector regarding Title and other details. The composition of committee is as follows:

1.	Additional Collector	Chairman
2.	District Land Acquisition Officer	Member
4.	Deputy Collector Land Reform	Member
5.	Sub-Registrar of the Concerned Registration Office	Member
6.	Circle Officer of concerned area	Member
7.	Nodal Officer of Requiring Body who made application to Deputy Commissioner	Member- Secretary

If the Chairman of the Committee feels the need to include any other officers of any other department as member of the committee, such officer may be included as member of this committee. If need arises, this committee can ask for legal opinion from Government Pleader of that district where land is situated.

- (2) Enquiry Committee shall proceed to scrutinize the application for sale of land even though there is only one application. Application should not be rejected due to simple reasons like incomplete application, minor errors or any other reasons. The enquiry committee should try to help the land owner to sale the land for public purpose and to ensure that land owners is properly informed about land compensation and procedure of direct land transfer for public purpose.
- (3) The Enquiry Committee shall conduct field enquiry either through Deputy Collector Land Reform or Circle Officer of the concerned area and field inspection report should be part of record of this land purchase.
- (4) The Nodal officer of the land requiring body shall certify in writing to the Enquiry Committee about the suitability of applicant's land for the proposed project in Annexure-III. Nodal Officer can declare more than one parcel of land as suitable land for the intended purpose.
- (5) Before making such field enquiry under para 5(3), Deputy Collector Land Reform or Circle Officer shall serve notice to land owner and General Public of the village or ward along with nodal officer. At this stage, Nodal Officer of the land requiring

body and Circle Officer may collect Consent Certificate from land owners/raiyats in Annexure-IV.

- (6) The Enquiry Committee will scrutinize all the documents that needs to be enquired into to identify the ownership and to ensure other details for land purchase, including following documents
- a. Khatiyan or Record of Rights of the land in question and a certified copy of Khatiyan shall be kept in the record.
 - b. Certified copy of Register –II mentioning the land in question.
 - c. Three Copies of map of the land in question.
 - d. Original copies of all previous registered sale-deed(s).
 - e. Latest Non-Encumbrance certificate issued by Sub-registrar of the land in question.
 - f. Field enquiry report of Deputy Collector Land Reforms or Circle Officer.
 - g. Any other document as needed by the Enquiry committee.
- (7) If the Enquiry committee has reasons to believe that there is a likelihood chance of Title dispute or category of land is prohibited from purchase by Deputy Commissioner under The Chota Nagpur Tenancy Act 1908 or The Santhal Parganas Tenancy (Supplementary Provisions) Act 1949 and Rules there of or land owner is not willing to sell the land, the Enquiry Committee shall report to Deputy Commissioner and the Deputy Commissioner shall acquire land as per procedure established under the respective Tenancy Act and inform the land requiring body accordingly.
- (8) If the requiring body continue to insist on acquiring that particular piece of land, it may be advised to submit requisition for land acquisition in the forms prescribed in the Jharkhand Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2015 for compulsory land acquisition through The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

6. Settlement Holders of Government Land:

- (1) Under section 2(r) (iii) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, Central Government brought any person who is entitled to be granted patta on the land under any law of the State including assigned lands within the scope of definition of land owners. The Enquiry Committee formed under para 5(1) shall determine any settlement holders of

Government land as land owner or not? The above committee shall determine the status as land holders on the following criteria:

- a. The applicant holds the valid patta issued by competent Revenue Authority or as such declared by Competent Court or his/her name including successor interest name is entered in the Register-II.

AND

- b. The applicant is in possession of land through either cultivating the land or having his/her residence in that land or the purpose for which settlement was made by Competent Authority.

- (2) If the applicant does not fulfill the criteria mentioned in sub-para (1), the applicant shall be treated as encroachers of Government land and be dealt accordingly by the established procedure.

7. Land Compensation:

- (1) The Deputy Commissioner shall calculate the land compensation as per Section 26-30 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and Rules thereof.
- (2) In case of Flexible Location Project, the Deputy Commissioner shall calculate the land compensation for all locations for which applications were received as per sub-para (1).
- (3) The Deputy Commissioner shall issue notice to land owners, other interested person if any and general public in Form-II. The notice shall contain the amount of land compensation in case of direct land purchase and land compensation special package if any in case of land pooling offered by land requiring body.
- (4) The land compensation calculated under this para will remain valid for six months from the date of fixation of compensation.
- (5) The consent given by the applicant in sub-para 5(5) will remain valid for six months from the date of fixation of land compensation whichever is earlier. The consent given by land owners cannot be withdrawn within this period.
- (6) The land owner/raiyat can give consent at this stage also.

8. Land Purchase Committee:

- (1) The composition of the Land Purchase Committee would be as follows:

1.	Deputy Commissioner	Chairman
2.	Additional Collector	Member
3.	District Land Acquisition Officer	Member
5.	Deputy Collector Land Reforms	Member
6.	Sub-Registrar of concerned Registration Office	Member
7.	Circle Officer of concerned Officer	Member
8.	Nodal Officer of Requiring Body who made application to Deputy Commissioner	Member-Secretary

The Land Purchase Committee under the Chairmanship of Deputy Commissioner shall finalize the location and recommend the direct purchase of private land. If the Chairman of the Committee feels the need to include any other officers of any other department as member of the committee, such officer may be included as member of this committee.

- (2) In case of Flexible Location Projects, the Land Purchase Committee shall finalize site location of project considering both the land cost compensation and suitability of location for the project.
- (3) The Deputy Commissioner shall complete the land compensation fixation, hearing of land owners and others, and location fixation within one month from the date of submission of report by Enquiry Committee.
- (4) If the Land Purchase Committee fails to find suitable location for the project, it shall recommend to the requiring body to submit requisition of land acquisition in the forms prescribed in the Jharkhand Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2015 for compulsory land acquisition through The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.
- (5) In deciding compensation the Land Purchase Committee shall follow the provisions of “The Chotanagpur Tenancy Act 1908”, “The Santhal Parganas Tenancy Act 1949” as well as Department of Revenue, Registration and Land Reforms letter No.

367/N.I.R.A. Dated 24/10/2014 based on Sec.46 of “The Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act 2013” during the purchase of land.

9. Administrative Approval Limit:

- (1) The administrative approval limit for direct purchase of private land for state Government project is fixed as follows:

Sl. No	Total Land Compensation for the Project	Approving Authority
1.	Upto Rs 10 Crores	Deputy Commissioner
2.	Above Rs 10 Crores upto Rs 25 Crores	Divisional Commissioner
3.	Above Rs 25 Crores in case of state Government Agency	Board of Concerned Agency / Secretary - Department of Industries, Mines and Geology

The State Government by notification may increase or decrease the administrative approval limit provided for various authorities.

10. Land Pooling:

- (1) Under this policy, the raiyat (s)/land owner (s) can become partners with the Agency of the Department of Industries, Mines and Geology in the development process by pooling their land. Agency of Department of Industries, Mines and Geology can frame Land Pooling Scheme under this policy for projects of public purpose like Industrial Areas, Manufacturing Clusters, and Industrial Corridors etc. with the approval of State Government.
- (2) If at least 70 percent of raiyats/land owners agreed to pool their lands, the remaining land may be acquired through The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

11. Withdrawal Of Application by Requiring Body:

- (1) The land requiring body can withdraw the application for land if the proposed purchase of private land is not required or land compensation calculated under para 7 is too high or no administrative approval is granted by Competent Authority or any other reasons in writing to Deputy Commissioner. All expenditures up to this stage should be borne by the land requiring body.

- (2) No such application under sub-para (1) can be made after payment of land compensation to land owners.

12. Land Aggregator Team:

- (1) If the land requirement for land requiring body is more than 10 hectares, the requiring body can form a land aggregator team for the concerned project.
- (2) The Land Aggregator Team shall be headed by retired Jharkhand Administrative Service Officer who worked at least eight years in Revenue Administration and at least two more retired members who worked as Circle Inspector or Halka Karmachari or Amin or worked as field staff in survey and settlement office. In addition to above, the Land Aggregator Team can include any other persons as team member depending upon the requirements.
- (3) In case of appointment of retired government servant as mentioned in para 12 (2) after obtaining list from Dept. of Revenue Registration and Land Reforms and Department of Personnel Administrative Reforms and Rajbhasha as the case may be, recently retired Government servant shall be given first preference and the remuneration shall be paid as per instruction issued by the state government from time to time.

13. Government Grant

- (1) The State government may give grant for direct purchase of Land or Land pooling for Industrial Development purpose to the Agency(s) of the Department of Industries, Mines and Geology.
- (2) In case of availing Government subsidy by Agency for direct land purchase, amount should be used to reduce base price of land. However, in any case, the base price of land should not be reduced below 50% of the purchase price.
- (3) In case of availing government grant for land pooling, the government grant may be used for giving special package during land pooling.

14. Miscellaneous Instructions:

- (1) The land purchase records under this policy shall be treated at par with land acquisition records prepared under Land Acquisition Act and it shall be preserved in the record room of the district.
- (2) No negotiation/transaction shall be made with intermediaries/Power of Attorney holders. Transaction shall be made only with bona fide owners of the land.

- (3) Department or Agency can utilize the budgetary provisions made for land acquisition for direct purchase of private land under this policy.
- (4) The cost of publication in Newspaper and other contingency expenditures shall be paid by the requiring body.
- (5) Care should be taken by Deputy Commissioner to ensure that the entire transaction is fair and transparent and there is no element of coercion. It should be based on mutual consent.
- (6) All payments to land owner(s) shall be paid through bank accounts only.
- (7) The market value calculated by Deputy Commissioner shall be treated as value of transaction for the purpose of Stamp duty and Registration fee calculation, not the amount of land compensation.
- (8) All private land purchased through this procedure shall be done only through registered sale deed and Circle Office shall do mutation within one month from the date of such registration or date of application by land requiring body whichever is later. If the Circle Officer fails to do mutation within the prescribed time limit, on application by concerned officer of land requiring body, the Deputy Commissioner shall issue show-cause notice to Circle Officer and take appropriate action.
- (9) Stamp duty shall be exempted for land requiring body. Land requiring body shall pay the prescribed registration fee.
- (10) Notwithstanding anything contained in the foregoing paragraphs of the Jharkhand Private Land Direct Purchase Policy 2016, the State Government by issuance of notification in the official gazette may amend or withdraw any of the provisions.
- (11) If any difficulty arises in giving effect to provisions of the Jharkhand Private Land Direct Purchase Policy 2016, the same shall be referred to the Chief Minister through Chief Secretary and thereon the decision taken shall be final.

By the Order of the Governor of Jharkhand
Sunil Kumar Barnwal,
Secretary
Department of Industries, Mines & Geology
Government of Jharkhand.

Annexure-I
APPLICATION FORMAT FOR LAND REQUIRING BODY

From

Name of Nodal Officer
Designation of Nodal Officer,
Address of Nodal Officer

To

The Deputy Commissioner,
District_____

Dear Sir/Madam,

I request you to purchase _____ acres of private land for _____ project. The detail of the project and land schedule is attached as Appendix-A with this latter.

Budgetary provisions are available for purchase of this private land and I will deposit the required amount within 10 working days once demand note is received from District Land Acquisition Officer. Budgetary provisions certificate in Appendix-B is attached with this letter.

Yours Faithfully

Requiring Body

Appendix- A
Land Schedule

1.	Name of the Project	
2.	Name of the Scheme, if any	
3.	Agency Address with contact number	
4.	Total Area Required	
5.	Name and Contact Details of Land Aggregator Team if appointed	
6.	Geographical Location for Flexible Location Projects	
6.a.	Name of Village/Villages	
6.b.	Name of Panchayat/Ward	
6.c.	Name of Anchal	
6.d.	Land Requirement conditions like road, rail connectivity, water, etc	1. 2. 3. 4. Etc.
7.	Land Details for Fixed Location Project	
7.a.	Name of Village/Ward	

7.b.	Thana Number/Ward Number						
7.c.	Anchal Name						
7.d.	District Name						
7.e	Land Schedule						
	Khata Number	Plot Number	Area Required	Classification of Land	Name of Khatiyani Raiyat	Name of Present Raiyat with address	Boundaries of land N/S/E/W
8.	Other Details if any						

Requiring Body

Note:

1. Attach separate sheet of land schedule for each village if village is more than one in case of fixed location projects.
2. Attach trace map of the land in three copies.

Appendix- B**Budgetary Provision Certificate**

This is to certify that budgetary provision for direct land purchase of private land is provided in the financial Year 20__-20__. OR sufficient fund is available in the account of Agency.

I hereby undertake to deposit the amount requisitioned by Deputy Commissioner for payment to land owners with 10 working days from the date of receipt of letter from Deputy Commissioner.

Place:

Signature

Date

Nodal Officer Name:

Address of Land Requiring Body

Annexure-II
Application of Land Owner

1.	Name of Applicant	
2.	Address of Applicant	
3.	Contact/Mobile Number	
4.	Khata and Plot Number:	
5.	Area of Land willing to Sell	
6.	Boundary of Land	
7.	Name of the Project	
8.	Copy of Khatiyani Attached	Yes/No
9.	Copy of Latest Rent Receipt	Yes/No
10.	Copies of all previous registered sale deed(s)	Yes/No

I _____ Son/Daughter of
Shri _____ resident of
_____do hereby certify that the above particulars is true to

best of my knowledge and belief and I offer to sell above mentioned land to project mentioned in point 7 provided land compensation is calculated as provided in section 26-30 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and given to me.

Place:

Date:

Signature _____

Name _____

Address:

Annexure- III
Land Suitability Certificate

This is to certify that I visited the land of Shri/Smt_____ S/D/W/
of _____ of resident_____ located at Khata and Plot
Number_____ & _____ , area _____ and
boundary_____

This land is suitable/ not suitable for the proposed project.

Place:

Signature

Date

Nodal Officer Name:

Address of Land Requiring Body

Annexure-IV
Consent Certificate

I _____ S/D/W of Shri _____ resident of _____. I am raiyat/owner of land of Khata and Plot Number _____ & _____ area _____ and Boundary _____.

I agree to sell the following _____ area of above land for the Project _____. Provided that

1. Land compensation should be calculated as per section 26-30 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and given to me on date of registration of this above land in the name of the requiring body.

OR

In case of land pooling agreement made through special negotiation between me and requiring body, the Land compensation and special package should be given by requiring body.

2. This consent will be valid for six months from the date of this consent certificate.

Place:

Raiyat/Land Owner

Signature

Date:

This consent certificate is signed by raiyat/land owner Shri _____ S/D/W of Shri _____ resident of _____ before me on date _____

Circle Officer/DCLR
Requiring Body

Nodal Officer of

FORM- I**Office of Deputy Commissioner****District:** _____**Public Information Notice**

Whereas it appears that a total of _____ acre of land is required in Village(s)/Ward _____ P.S. _____ Circle _____ District _____ for public purpose. Name of the project is _____ and land is required in suitable location as assessed by land requiring body.

or

As per following land schedule:

1.	Land Details for Fixed Location Project						
2.	Name of Village/Ward						
3	Thana Number/Ward Number						
4	Anchal Name						
5	District Name						
5	Land Schedule						
	Khata Number	Plot Number	Area Required	Classification of Land	Name of Khatiyani Raiyat	Name of Present Raiyat with address	Boundaries of land N/S/E/W

This public information notice is issued under para 4(1) of Jharkhand Private Land Direct Purchase Policy 2015 to all whom it may concern. The land compensation shall be calculated as per section 26-30 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and disbursed to raiyat/land owner. In case of land

pooling the land requiring body announced following special package for this project. (Delete, in case of direct land purchase).

Interested raiyats/land owners can submit their application in format given in Annexure-II of Jharkhand Private Land Direct Purchase Policy 2015 on or before _____ to _____ (Name, Designation and Address of Requiring Body or Officer nominated by Deputy Commissioner) with 21 days from the date of publication of this notice.

Place:

Deputy Commissioner

Date:

FORM- II**Office of Deputy Commissioner****District:** _____**Notice**

Notice is hereby given that _____ acres more or less of land situated in or near village/ward _____ of Anchal _____, District _____ bounded as below is being directly purchased by _____ (name of requiring body) through Jharkhand Private Land Direct Purchase Policy 2016.

_____ (name of requiring body) submitted your consent to sell the land and register in the name of land requiring body.

A sum of Rupees _____ is payable as land compensation to you after producing sufficient documents by you and registration of land in the name of requiring body.

In addition to this, the land requiring body announced following _____ additional special package to you for land pooling on registration of land and as per agreement between you and land requiring body. (Delete if not applicable)

All persons interested in this land hereby are called upon to appear personally or by agent or advocate on date _____ at the office of the _____ at _____ to file objection if any. On failing to appear and file objection if any, the consent given by you will be treated as true and necessary process will be initiated to register the land in the name of the requiring body after making payment as mentioned above.

General Public

Name and Address of Raiyat/Land Owner:

Details of Land and Boundary:

Place:

Deputy Commissioner

Date:
