

**Payment of land and crop compensation against land acquisition -
Procedure thereof.**

Land is acquired for the coal projects under the (i) Coal Bearing Areas (Acquisition & Development) Act 1957 (CBA Act). (ii) Land Acquisition Act 1894 (L.A Act). (iii) State Code and (iv) Direct Purchase. While the compensation for land acquired under the CBA Act or by direct purchase the assessment of land compensation is done by the company officials, the assessment under the LA Act and the State Code is made by the State Government i.e concerned Collector/Spl. LAO & the SDO of the District concerned.

CBA Act

The procedure adopted in determining the land compensation under the CBA Act is outlined below:

Powers to determine the compensation have been delegated by the Ministry of Coal to the designated officials in the coal companies through a notification.

Chief General Manager/General Manager of the Area initiates action for determination of land compensation. To carry out the activities CGM/GM constitutes a Committee consisting of officials from Area as well as from WCL (HQ).

Land compensation is determined after taking into consideration the market value of land at the date of the publication of the notification under sub-section (1) of section 4. For this purpose sale transactions of the locality for a period of three years preceding date of notification u/s 4(1) are consulted. Ready reckoner of the State Govt. is also considered.

Compensation for trees, plantations is assessed by the State Government department such as Horticulture Deptt., Forest Deptt. etc.

Compensation for building, structure is determined by the State PWD/B&C Deptt.

After arriving at a basic market value, solatium @ 30% of market value in consideration of the compulsory nature of acquisition is paid.

Additional payment @ 12% per annum of the market value, to compensate for escalation in the prices from the date of notification u/s 4 to the date of notification u/s 9 subject to a maximum of three years is also paid.

The Committee taking all the above parameters in to consideration prepares the report determining the compensation for land and other interests and submits to the Area CGM/GM. CGM/GM, after examining the report and being satisfied, recommends to WCL(HQ) for getting approval from the competent authority. WCL(HQ) examines the compensation roll and after obtaining recommendation from the competent authority the same is sent to the Ministry of Coal , Government of India for approval. After approval steps are taken by Area for disbursement of compensation.

There is a provision of Tribunal in the CBA Act to address the disputes of land owners as to insufficiency of payment land compensation and its entitlement.

Direct Purchase

Purchase of land is only adopted to meet up the urgent requirement of land. Negotiations are held with the land owners by the Area CGM/GM for handing over possession of land on payment of reasonable value of the land. The Committee constituted for the purpose determines the reasonable cost of the land in consultation with the State Govt. and the ready reckoner. Permission from the State authority for sale/purchase of land for mining purpose has to be obtained by the seller/purchaser. In case of Adivasi land, approval for acquiring the same by purchase is essential. Permission is also to be obtained from the State Govt. for use of agricultural land for non-agricultural use. After completion of the required formalities the sale-deed is executed and registered in Sub-Registry office.

Crop compensation.

In case of damage of any standing crops in the fields / or temporary damage of the field debarring the farmers to cultivate his land, Area forms a Committee to look in to the matter. The committee inspects the field and assess the damage and prepare a Panchnama/spot inspection report and submits to the Area CGM/GM. CGM/GM examines it and requests the Taluka Agricultural Officer of the Tahsil to assess the damage of the crops of the field and its valuation. The Taluka Agricultural Officer after inspecting the fields and ascertaining the damage of the crops prepare the valuation report and submits to Area. The Area after examining it prepares the compensation bill for damage of the field and recommends to WCL(HQ) for approval of the amount. Approval of the competent authority is obtained after examining the proposal and returns the proposal to Area for payment.
