# THE POLICY OF EASTERN COALFIELDS LIMITED FOR TAKING POSSESSION OF LAND WITHOUT PROVISION OF DIRECT EMPLOYMENT IN THE COMPANY BY MODIFIED ANNUITY SCHEME

## A. Nomenclature:

This Policy is named "The Policy of Eastern Coalfields Limited for Taking Possession of Land Without Provision of Direct Employment in the Company by Modified Annuity Scheme"

## B. Applicability:

This Policy can be applied to take possession of land that has been acquired under any acquisition Act, like the RFCTLARR Act 2013, CBA (A&D) Act 1957, LA Act 1894, West Bengal Land (Requisition & Acquisition) Act 1948, acquired forest land or Government land on which Pattas have been assigned by the concerned department of the State Government and also includes land that has been directly purchased from the landowner by registration of a sale deed.

This Policy will not be applicable for land taken on lease from any person or organisation, encumbrance-free Government land or Forest land obtained from the State Government, Forest Department under the State or Central Government, Land obtained from the Railway Authority, Defence, PSU and other Government or semi-Government Organisations and for debottar/pirottar land which is not private in nature.

## C. Effective Date:

This policy can be applied

i. In the cases of land acquisition under the acquisition Acts like the RFCTLARR Act 2013, CBA (A&D) Act 1957, LA Act 1894, West Bengal Land (Requisition & Acquisition) Act 1948, acquired forest land or Government land on which Pattas have been assigned by the concerned department of the State Government, if determination and payment of compensation are done on or after the date of approval of the policy.

ii. In case the land is directly purchased from the landowner by registration of a sale deed on or after the date of approval of the policy.

iii. The policy shall have retrospective effect if desired by the landowner, whose land has already been acquired under the acquisition Acts like the RFCTLARR Act 2013, CBA (A&D) Act 1957, LA Act 1894, West Bengal Land (Requisition & Acquisition) Act 1948, acquired forest land or Government land on which Pattas have been assigned by the concerned department of State Government and through Direct Purchase by registration of sale deed, against whom employment is yet to be approved.

iv. The policy will not be applicable for those lands against which provision of employment has been restricted by an earlier competent decision of the Company/ Ministry of Coal.

v. For the applicability of the minimum value of annuity, only the land holdings on or before 01.01.2025 will be considered.

vi. This policy will also be applicable to those new entrants who opt for employment against land as per the CIL R&R Policy and later on decide to opt for this policy if they are within their training/ probation period.

## D. Eligibility Criteria:

The eligible beneficiary of this policy has to fulfil the following criteria:

I. He will be a 'landowner' as defined in the RFCTLARR Act 2013. In subsection (r) of Section 3 of the RFCTLARR Act 2013 of RFCTLARR Act 2013, it has been mentioned –

Quote

"land owner" includes any person —

(i) whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or
(ii) any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, 2 of 2007. or under any other law for the time being in force; or
(iii) who is entitled to be granted Patta rights on the land under any law of the State, including assigned lands; or
(iv) any person who has been declared as such by an order of the court or Authority;

Unquote

II. He will be a Project-Affected Person (PAP) according to the Rehabilitation and Resettlement Policy of Coal India Limited.

## E. Entitled benefits:

Benefits will be provided to the entitled landowners under two heads, namely,

(a) Land Compensation and
(b) Modified Annuity Scheme

**Note:**

**I. Land Compensation will not be paid to Patta Holders over acquired Government and Forest Land.**
**II. Land Compensation will be paid to the concerned State Government in case of a Patta Holder.**
**III. Patta Holders over acquired Government and Forest Land will be only eligible for the Modified Annuity Scheme in lieu of employment against land.**

## F. Amounts of compensation:

**1. Land Compensation:** As per the First Schedule of the RFCTLARR Act 2013, in case of land *(except Patta Holders over acquired Government and Forest Land)* acquired under the CBA (A&D) Act 1957 or Negotiated Land Value in case of land *(except Patta Holders over acquired Government and Forest Land)* procured through Direct Purchase.

### 2. The Annuity Matrix:

a. **Annuity @ ₹ 220.00 per decimal of land on a pro-rata basis.**
b. **The annuity shall be paid for a span of 45 years or the combined lifespan of the landowner and his/her spouse after the death of the landowner, whichever is lower.**
c. **Increment of the annuity amount is @ 1% per annum.**
d. **There is no upper limit on the monthly annuity amount.**
e. **A minimum amount of annuity has been fixed as ₹ 2000.00 per month per family for 45 years, with appropriate indexation to the Consumer Price Index for Agricultural Labours.**

## G. Determination of the market price of land:

The market price of land has to be ascertained as per the following procedure:

i. For the lands situated in Godda, Deoghar and other Districts of Jharkhand State, where land is not transferable due to the prohibition applied by the 'Santhal Pargana Tenancy Act 1949', the market price of land will be as per the rates provided for non-saleable land in the latest circular issued by the State Government for the particular District/ Circle. Digitized circulation or Publication in the official Website of the State will also be accepted.

ii. For other places, the **market price** of the particular piece of land certified by the Department of Registration of Land of the State Government or published on the official Website of the State Government.

iii. For all places, except where land is non-transferable, determination of the **Market Price** of the land has to be done as per Section 26 of the RFCTLARR Act 2013, irrespective of the mode of acquisition of the land

iv. The Market Price of the land has to be obtained for the specific land class recorded in the 'Record of Right' of the landowner and not for 'Industrial', 'Koylar Khad', or any other class for which it may be used.

**Note: Determination of the Market Price following Section 26 of the RFTCLARR Act 2013 shall be considered subject to its applicability on a case-by-case basis to eliminate the possibilities like over-valuation or under-valuation of the Fair Market Price.**

## H. Statutory Requirement:

Benefits under this policy will be borne only if

a) The employment is admissible to the landowner according to the concerned Acquisition Act or the extant R&R Policy of the company.

and

b) The Competent Authority of the company has approved the land for taking possession with employment benefit, i.e. direct employment or a One-time lump sum payment in lieu of employment;

and

c) The concerned landowner has declared swearing an affidavit before a First-class Magistrate/ executive magistrate that on transferring his scheduled land he wishes to get benefits under the instant policy and he surrenders the claim of direct employment in the company and any kind of other benefits in lieu of employment that may be admissible to him under any Act or Policy of the central Government or State Government.

## I. Documents to be verified:

To claim benefits under this policy, the beneficiary has to submit the following documents:

i. Duly authenticated identity proof.

ii. Duly authenticated ownership documents regarding the land for which benefits are claimed

iii. In the case of the land purchase under the direct purchase mode, the registered Sale deed for land transfer to ECL by the landowner.

iv. In the case of land acquisition under the Coal Bearing Areas (Acquisition and Development) Act 1957, a notarised document for handing and taking over possession of scheduled land in the standard format typed on Stamp Paper and signed by the landowner and authorised signatory on behalf of the Area General Manager.

v. In the case of land acquisition under the other Acts/ modes, the document issued by the concerned department of the State Government/ Central Government for obtaining possession of the land.

vi. Declaration in the form of an Affidavit in a standard format sworn before a First-class Magistrate/ executive Magistrate stating details of his identity, details of the land and his willingness to get the benefits under the provisions of this policy instead of the benefits, if any, admissible under any other Act/ Policy for the scheduled land and also that he or any of his predecessors have ever availed of the benefit of employment or any other benefit in lieu of employment for the scheduled land.

vii. An Indemnity Bond in Standard Format wherein the landowner will declare to indemnify the total loss and damages of ECL caused by any false and/ or misleading data, document or information submitted by him.

viii. Certification by the land dealing officer, Manager and Agent of the Project that neither employment nor any other benefit in lieu of employment has ever been provided for the scheduled land.

ix. All the other documents required for the particular case, according to the company's existing norms and guidelines.

x. The documents will be verified following the existing norms and guidelines issued for the purpose.

## J. Scope of review:

This policy has been formulated based on the current circumstances, statutory provisions, and existing parametric data and information. The Board of Directors of Eastern Coalfields Limited reserves the right to insert, delete, modify, abolish or take relief of any or all provisions of this Policy as and when required.