

Government of West Bengal

DOCKET NO. 225

Land & Land Reforms and Refugee Relief & Rehabilitation Department.

(LA Branch),

Nabanna, Howrah- 711 102

No. DS-166 /LA/N/1E-16/14(Pt.-2)

Dtd. 22.01.2020

From: The Deputy Secretary to the Govt. of West Bengal.

10 FEB 2020

To : The D.M. & Collector, Howrah,
P.O. + P.S.- Howrah, District: Howrah.

DISTRICT MAGISTRATE

HOWRAH

Docket 1276

Sub: Applicability of the RFCTLARR Act, 2013 for preparation of estimates in Land Acquisition Cases under the Provisions of the NH Act, 1956.

Ref: Your Memo No. 1353 / LA(G), dtd. 25.10.2019

Sir / Madam,

With reference to the subject cited above, this is to inform you that as per Sec 105(3) of the LARR Act " *The Central Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act, relating to determination of compensation.....shall apply to the cases of land acquisition under the enactments specified in the Fourth Schedule.*"

However, instead of a notification, the Central Government brought in the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (amendment) Ordinance No. 4 of 2015 which was replaced by second amendment ordinance no 5 of 2015 wherein the provisions of LARR Act 2013 in respect of determination of compensation were made applicable to Acquisition under the NH Act, 1956. When the ordinances lapsed , the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement removal of difficulties Order No. SO 2368 (E) dated 28/08/2015 was passed. The Order came into effect from 01/09/2015. Accordingly the guideline No. 3398-LA , dtd. 07/12/2015 was issued.

From the above it is clear that the CALAs were empowered to declare the award with 100% solatium during the period between 01/01/2015 till 30/08/2015 on the basis of Ordinance no 4 & 5 of 2015.

Yours faithfully,

Deputy Secretary
to the Govt. of West Bengal.

S. K. Mukherjee
Asstt. Secy.
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