

EAST COAST RAILWAY CONSTRUCTION ORGANISATION
SPECIAL CONDITIONS & GUIDE LINES FOR LAND ACQUISITION
(For Schedule – H)

1. Scope of Services

1.1 Primary Stakeholders

- **Government Entities:** East Coast Railway, State Governments, District Collectors
- **Local Authorities:** Municipal Corporations, Panchayat Raj Institutions
- **Landowners:** Individual and community landowners, tenant farmers
- **Regulatory Bodies:** Environmental clearance authorities, Archaeological Survey of India
- **Public Representatives:** MPs, MLAs, Local elected representatives
- **Community Groups:** Tribal councils, farmer associations, NGOs
- **Legal Entities:** Revenue officials, registration authorities.

2. Objective:

To provide consultancy services for carrying out activities related to notification, survey, public notice, objection handling, and reporting as per Section 20A to 20D of the Indian Railways Act, 1989, in connection with the acquisition of land for Special Railway Projects.

3. Detailed Scope of Work:

3.1 PHASE I: SECTIONS 20-A TO 20-D ACTIVITIES

3.1.1 Support in Notification of Special Railway Project [Section 2(37A)]

- Assist in drafting and processing Gazette notification declaring the project as a “**Special Railway Project**”.
- Ensure that the notification is issued by General Managers or CAO(C)/CE(C)-Co-ord with proper internal approvals.
- Also ensure the Gate Closer certificate from District Collector.
- Verify that the content of the Gazette notification aligns with prescribed formats (Ref. Sample Gazette Notification – 3.07).
- Liaise with legal and administrative departments for timely issuance and publication in the official Gazette.
- Identify land requirement for railway project and Conduct a preliminary survey. Attended the Kick-off meeting at head office for detailing of the Project. Based on these prepare an **Inception Report** before proceeding with the next phase of the project.

3.1.2 Support in Appointment of Competent Authority and Arbitrator [Section 2(7A) & Section 20D]

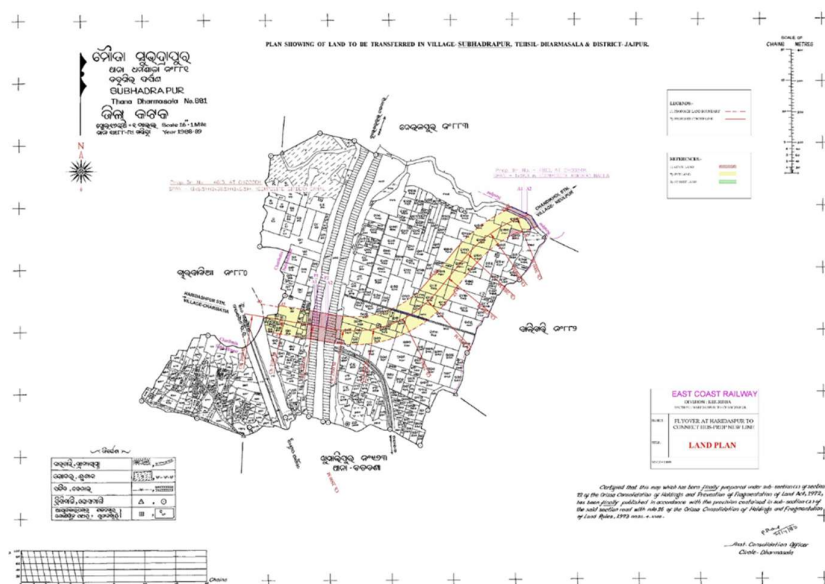
- Assist in preparation and processing of the Gazette notification for appointment of: **Competent Authority for Land Acquisition (CALA)**, usually a Revenue Department officer.
- **Arbitrator**, usually a Gazetted officer of the State Government, in consultation with the State Government.

- Coordinate with the Railway authorities and the concerned State Government departments to finalize nominations.
- Ensure the appointment process adheres to Railway Board's guidelines (Ref. Letter No. 2008/LML/12/2 dated 13.02.2008).
- Maintain and share a compliance checklist including nomination documents and Gazette publication (Ref. Sample Gazette Notification – 3.08).
- Refer and align with sample format (Ref. 3.09).
- An application should be made to the Revenue Officer in-charge of the district in which the land is situated, for a statement of the **value of the land**.
- Prepare a brief **description Report** of the land and the specific details of the Special Railway Project.

3.1.3 Issuance of Notification u/s 20A (1):

- Collect the Cadastral map relevant to the site and prepare LA Plan by superimposing on the approved alignment. Prepare detailed land acquisition proposal.
- Obtain administrative approval from the competent authority.

Sample copy mentioned below;



Assist in the preparation of draft Gazette Notification under Section 20A (1) for the declaration of intent to acquire land for a Special Railway Project.

Sample table mentioned below;

ROB NO	NAME OF VILLAGE	NAME OF MANDAL	SURVEY NO/ LPM NO	ACRES	TYPE OF LAND Private/State Govt./Forest/ Railway	CLASSIFICATION OF LAND

- Brief description of the land to be acquired (extent, location, boundaries).
- Purpose and summary of the Special Railway Project.

Include:

- Coordinate with the General Manager/CAO(C) and Railway Board for finalization and publication in the official Gazette.
- **Prepare a Land Survey Report** on Land identification and mapping.
- Arrange a public consultation meeting with the State and Railway Competent Authorities to address No Objection Concerns.
- **Prepare a Public purpose justification Documentation / Public Consultation Report.**

3.1.4 Publication of Substance of Notification u/s 20A (4):

- Coordinate and arrange publication of the substance of the Gazette Notification in **two local newspapers**, including at least **one in a vernacular language**, as per Section 20A (4).
- Maintain records of publication (newspaper cuttings, affidavits, etc.) for proof of compliance.

3.1.5 Invitation and Management of Objections:

- Facilitate the collection and logging of objections from interested persons/ Government/ Forest/ Others within 30 days from the date of notification publication.
- Provide administrative support to the Competent Authority for managing the objection process.
- Communicate the timelines and procedures for objection submission through appropriate public channels.

3.1.6 Facilitation of Survey u/s 20 B:

Provide logistical and technical support for authorized officials after notification of Section 20A (1) to:

- Enter the land and conduct surveys, measurements, and valuations.
- Perform activities such as marking boundaries, digging boreholes, taking levels, and conducting enquiries.
- Coordinate with landowners & local authorities or Government/ Forest/ Others to ensure access and cooperation.

3.1.7 Damage Assessment & Compensation:

- Assist in documentation and estimation of damages (if any) arising due to survey, boring, digging, etc.
- Prepare a detailed report of damages for evaluation and submission to the Competent Authority.
- Monitor timelines to ensure that compensations are paid within 6 months from the date of completion of works.

3.1.8 Hearing of Objections u/s 20 D:

- Assist the Competent Authority in organizing and conducting hearings for objections received.
- Compile and document all objections, hearing proceedings, and resolutions.
- Support preparation of final order under Section 20D (2) regarding acceptance or rejection of objections.

- Draft and submit the consolidated report for further action.

3.2 PHASE II: SECTIONS 20-E TO 20-F ACTIVITIES

3.2.1 Declaration of Land Acquisition under Section 20 E

- Prepare Land Acquisition Plan with schedule and issuing the **Declaration Notification under Section 20E (1)** based on the report submitted by the Competent Authority.
- Ensure the declaration includes:
 - Details of land.
 - Reference to Section 20A notification.

Sample table mentioned below;

LAND SCHEDULE					
NAME OF THE PROJECT:					
NAME OF THE DISTRICT:					
NAME OF THE DIVISION:					
NAME OF THE MANDAL:					
SL NO.	NAME OF THE VILLAGE	SURVEY No. / LPM NO.	EXTENT AREA (IN ACRE)	LAND CLASSIFICATION	NAME OF THE PATADAR / RCORDED TENANT NAME

- Coordinate with the office of the General Manager or CAO/C for **issuing Gazette notification**, as authorized by **Railway Board Letter No. 2008/LML/12/2 dated 13.02.2008**.
- Ensure publication within **one year** of the Section 20A notification to avoid lapse of acquisition process.
- Maintain legal documentation and provide records to confirm declaration process compliance.

3.2.2 Award of Compensation under Section 20 F

- Assist the Competent Authority in initiating the **award process** for compensation of Private/ Government/ Forest/ Others within **one year** of the Section 20 E declaration.
- In case of delays:
 - Draft justification for delay citing “unavoidable circumstances.”
 - Calculate and include **additional compensation** (minimum 5% of award value per month) for extended periods (up to 6 months).
- Support determination of compensation by ensuring compliance with **Section 105(3) of RFCTLARR Act, 2013**, including:
 - Market value (First Schedule),
 - Rehabilitation and resettlement (Second Schedule),
 - Infrastructure amenities (Third Schedule).

3.2.3 Market Valuation and Asset Assessment

- Facilitate engagement of qualified **values/engineers/subject experts** to assess:
 - Market value of land.
 - Immovable properties (buildings, wells, tanks, etc.).
 - Standing crops, trees, and other natural resources.

- Prepare detailed valuation reports and submit to Competent Authority.

3.2.4 Public Notice and Claim Management under Section 20F (4) & (5)

- Draft and publish **public notice** in **two local newspapers** (one in vernacular language) inviting claims from interested persons.
- Set up mechanisms to receive claims:
 - Physical submission.
 - Through legal representatives or agents.
- Register, verify, and compile claims for further processing.

3.2.5 Arbitration Support under Section 20F (6)

- Coordinate appointment of **Arbitrator** (Gazetted Officer of State Government) in consultation with State Government and General Manager/CAO(C).
- Facilitate communication between parties (landowners and Railway) for arbitration proceedings.
- Assist in compiling all documentation required for arbitration:
 - Claim files.
 - Valuation reports.
 - Copies of objections and award orders.
- Ensure arbitration proceedings follow the **Arbitration and Conciliation Act, 1996**.
- Provide administrative and logistical support during arbitration hearings.

3.3 PHASE III: SECTIONS 20-H TO 20-L ACTIVITIES

3.3.1 Assistance in Fund Deposition and Account Management (Section 20H (1))

- Liaise with Railway authorities and the Competent Authority to ensure timely determination and deposition of compensation amounts as per Section 20H (1).
- Verify that the compensation amount is deposited into a nationalized bank account opened specifically for land acquisition, as mandated by Rule 4(2) of the “Land Acquisition (Special Railways Projects) Rules, 2016”.
- Ensure compliance with Railway Board’s circulars:
 - Letter No. 2018/W-I/Genl./Land Acquisition dated 05.02.2020,
 - Letter No. 2023/ACII/9/2/e 342205 dated 27.02.2023.
- Monitor that the account is jointly operated by the Competent Authority and the Railway-nominated Accounts Officer.

3.3.2 Monitoring and Supporting Disbursement of Compensation (Section 20H (2))

- Facilitate the disbursal of compensation to rightful landowners/persons entitled under Section 20H (2).
- Provide technical and legal support to the Competent Authority in evaluating and verifying claims.
- Also follow the stages of compensations for forest/ State Government/ others.

3.3.3 Handling Disputed Claims

- Assist the Competent Authority in assessing multiple claims for the same land.
- Maintain documentation and prepare case files for disputes to be referred to the Principal Civil Court as per statutory requirements.

3.3.4 Interest Management and Arbitration Monitoring

- Track arbitration awards where compensation is enhanced beyond the Competent Authority's original amount.
- Calculate and monitor interest liabilities at 9% per annum on excess amounts as per Section 20H (4), from the date of possession till date of deposit.
- Advise Railways on timelines to avoid accrual of interest due to delays in compensation payment.

3.3.5 Legal Case Monitoring and Appeal Management

- Monitor ongoing court cases related to enhancement of compensation as per Railway Board Letter No. 2021/W-1/377/SR/7 dated 06.02.2023.
- Assist in preparation of legal briefs, payment documents, and ensure timely deposition of enhanced amounts in courts.
- Support Railways in evaluating merit for appeal in higher courts and provide necessary documentation.

3.3.6 Possession Facilitation (Section 20 I)

- Assist the Competent Authority in issuing and serving notice for possession post-compensation deposition.
- Support in organizing and recording possession handover of Private/ State Government/ Forest Land within 60 days of notice.

3.3.7 Entry and Operational Access (Section 20 J)

- Facilitate lawful entry of authorized personnel post-vesting of land in Central Government as per Section 20E.
- Ensure documentation and compliance with legal provisions during such operations on acquired land.

3.3.8 Land Utilisation Monitoring (Section 20 L)

- Monitor the use of acquired land to ensure it is strictly for public purposes and in line with project goals.
- Maintain a 5-year tracking register to review land utilization status from the date of possession.
- Prepare documentation and alerts for lands remaining unutilized for potential reversion to the Central Government.

3.4 Administrative Coordination and Compliance Support

- Track all stages of the notification and appointment processes and report delays or deviations.
- Ensure consistency of project documentation with legal and regulatory frameworks under the Railway Act and the 2016 Rules.

- Maintain digital and physical records of all Gazette notifications, approvals, and related correspondence.

3.5 Advisory and Facilitation Role

- Provide expert advice to the Railway Administration on procedural and legal aspects of land acquisition under the Special Railway Projects framework.
- Serve as liaison between Railways and State Government for smooth coordination on appointments and notifications.
- Ensure readiness for audit by maintaining detailed logs, checklists, and documentation for every procedural step.

3.6 SPECIAL PROVISIONS

3.6.1 Compliance Requirements

- **Railways (Amendment) Act, 2008:** Full compliance with Chapter IV-A
- **National R&R Policy, 2007:** Implementation as per Section 20-O
- **Arbitration and Conciliation Act, 1996:** Compliance as per Section 20-F (7)
- **Indian Stamp Act, 1899:** Valuation criteria compliance as per Section 20-G

3.7 DELIVERABLES

SI No.	Sections	Activities
1	Section 2(37A)	<ul style="list-style-type: none"> ➤ Ensure/ Assist all the notification issued by General Managers or CAO(C)/CE(C)-Coord with proper internal approvals. ➤ Site Visit ➤ Kick off meeting at Head office ➤ Inception Report.
2	Section 2(7A)	<ul style="list-style-type: none"> ➤ Assist in preparation for appointment of CALA and Arbitrator. ➤ Collect market value of Land ➤ Prepare a brief description Report
3	Section 20 A	<ul style="list-style-type: none"> ➤ Collect Cadastral map ➤ Prepare LA Plan and Schedule and take approval from the competent authority ➤ Prepare a Land Survey Report. ➤ Arrange a public consultation meeting to obtain a no-objection, and based on it, prepare a public purpose justification and a Public Consultation Report. ➤ Inform to forest for any forest land ➤ Draft Gazette Notification under Section 20A (1). ➤ Copies and proof of newspaper publications under Section 20A (4).

SI No.	Sections	Activities
		➤ Register of objections received and their status.
4	Section 20 B	<ul style="list-style-type: none"> ➤ Provide logistical and technical support for authorized officials to Enter the land and conduct surveys, measurements, and valuations ➤ Damage assessment report and compensation recommendations. ➤ Survey documentation including maps, sketches, and valuation reports of Private/ Government/ Forest Land.
5	Section 20 D	➤ Final hearing report and submission to Central Government.
6	Section 20 E	<ul style="list-style-type: none"> ➤ Prepare detail Land Plan and Schedule base on the report submitted by the Competent Authority. ➤ Draft Gazette Notification for Declaration under Section 20E. ➤ Calendar tracking notification-to-declaration deadlines.
7	Section 20 F	<ul style="list-style-type: none"> ➤ Compensation valuation reports aligned with RFCTLARR First Schedule for Private/ Government/ Forest Land. ➤ Public notice copies and claim hearing reports. ➤ Arbitration appointment file and support documentation. ➤ Award declarations, justification notes (if delayed), and compensation disbursement records.
8	Section 20 H	<ul style="list-style-type: none"> ➤ Monthly status reports on fund deposition, compensation disbursement, disputes, and possession. ➤ Legal and technical documentation for all referred cases and arbitrations. ➤ Timely alerts on interest liability and unutilized land nearing 5-year threshold. ➤ Assistance in court and audit compliances.
9	Section 20 I	➤ Assist for possession post-compensation deposition.
10	Section 20 J	➤ Ensure documentation and compliance with legal provisions during acquisition for Private/ Government/ Forest Land.
11	Section 20 L	<ul style="list-style-type: none"> ➤ Monitor the use of acquired land ➤ Maintain a 5-year tracking register to review land utilization status

4 DETAILED WORK SCHEDULE

4.1 PHASE I: SECTIONS 20-A TO 20-D ACTIVITIES (Months 1-2)

- Initial Notification to Objection Resolution

Section 20-A: Power to Acquire Land Activities (Months 1)

Project Initiation & Notification Preparation

Activity	Timeline	Section Reference	Deliverable
Project kick-off meeting	Week 1	Pre 20-A	Inception report
Special railway project documentation	Week 1	20-A(2)	Project description
Land identification and mapping	Week 2-3	20-A(1)	Land survey reports
Public purpose justification documentation	Week 2-3	20-A(1)	Justification report

Notification Process Coordination

Activity	Timeline	Section Reference	Deliverable
State Government coordination for land records	Week 2-3	20-A(3)	Land record details
Vernacular language translation	Week 2-3	20-A(4)	Translated documents
Local newspaper identification	Week 3-4	20-A(4)	Media plan
Initial notification publication coordination	Week 3-4	20-A(4)	Published notification

Section 20-B: Power to Enter for Survey Activities (Months 2)

Survey Authorization & Execution

Activity	Timeline	Section Reference	Deliverable
Competent authority authorization facilitation	Week 5	20-B	Authorization letters
Survey team deployment coordination	Week 5	20-B	Team deployment plan
Community awareness for survey activities	Week 5	Pre 20-B	Awareness reports
Inspection and survey coordination	Week 5	20-B(a)	Survey completion reports
Level taking and sub-soil investigation	Week 5	20-B(b)(c)	Technical reports
Boundary marking facilitation	Week 5	20-B(d)(e)	Boundary demarcation

Section 20-C: Evaluation of Damages During Survey (Month 2)

Damage Assessment & Compensation Process

Activity	Timeline	Section Reference	Deliverable
Survey damage identification	Week 5-6	20-C	Damage assessment reports
Crop and property valuation	Week 5-6	20-C	Valuation reports
Affected party identification	Week 6-7	20-C	Affected party database
Compensation calculation for damages	Week 7-8	20-C	Compensation schedules
Payment processing coordination	Week 7-8	20-C	Payment completion records

Section 20-D: Hearing of Objections (Months 2)**Objection Management Process**

Activity	Timeline	Section Reference	Deliverable
30-day objection period monitoring	Week 4-8	20-D(1)	Objection tracking
Objection receipt and documentation	Week 4-8	20-D(2)	Objection database
Stakeholder facilitation for objections	Week 4-8	20-D(1)	Facilitation reports
Legal practitioner coordination	Week 7-8	20-D(2)	Legal representation records

Objection Hearing Process

Activity	Timeline	Section Reference	Deliverable
Hearing schedule coordination	Week 8	20-D(2)	Hearing schedules
Personal hearing facilitation	Week 8	20-D(2)	Hearing transcripts
Further enquiry coordination	Week 8	20-D(2)	Enquiry reports
Final order processing	Week 9	20-D(2)(3)	Final orders

4.2 PHASE II: DECLARATION PUBLICATION PROCESS - SECTION 20-E (Month 3-4)

Declaration of Acquisition

Declaration Preparation, Processing & Publication

Activity	Timeline	Section Reference	Deliverable
Report submission to Central Government	Week 9-10	20-E(1)	Compliance report
Central Government decision facilitation	Week 9-10	20-E(1)	Decision documentation
Declaration document preparation	Week 9-10	20-E(1)	Declaration draft

One-year timeline compliance verification	Week 11-12	20-E(3)	Timeline compliance audit
Declaration publication coordination	Week 11-12	20-E(1)	Published declaration
Land vesting documentation	Week 13-14	20-E(2)	Vesting certificates
Encumbrance clearance verification	Week 13-14	20-E(2)	Clearance records
Stakeholder notification of declaration	Week 15-16	Post 20-E	Notification records

4.3 PHASE III: SECTIONS 20-F TO FINAL LAND ACQUISITION (Months 5-6)

Compensation to Possession

Compensation Determination & Payment Process

Section 20-F & 20-G: Compensation & Market Value Assessment

Activity	Timeline	Section Reference	Deliverable
Competent authority award process setup	Week 17-18	20-F(1)(2)	Award process framework
Public notice preparation for compensation	Week 17-18	20-F(4)	Public notice documents
Vernacular language publication coordination	Week 17-18	20-F(4)	Language compliance
Indian Stamp Act value verification	Week 17-18	20-G(1)(i)	Stamp Act valuations
Sale deed analysis coordination	Week 19-20	20-G(1)(ii)	Sale deed database
Claims invitation and processing	Week 19-20	20-F(5)	Claims database
Market value determination	Week 19-20	20-G(1)	Value determination report
Arbitration process facilitation (if required)	Week 19-20	20-F(6)	Arbitration setup

Section 20-H: Deposit and Payment of Amount (Months 5-6)

Activity	Timeline	Section Reference	Deliverable
Central Government deposit facilitation	Week 21	20-H(1)	Deposit completion
Competent authority payment coordination	Week 21	20-H(2)	Payment processing
Multiple claimant resolution	Week 21	20-H(3)	Claimant determination

Possession & Final Acquisition Activities

Section 20-I: Power to Take Possession (Months 5-6)

Activity	Timeline	Section Reference	Deliverable
Land vesting verification	Week 22	20-I(1)	Vesting confirmation
Compensation deposit verification	Week 22	20-I(1)	Deposit confirmation
Written notice service coordination	Week 23-24	20-I(1)	Notice service records
60-day surrender period initiation	Week 24	20-I(1)	Timeline monitoring
Voluntary compliance monitoring	Week 23-24	20-I(2)	Compliance tracking
Enforcement coordination (if required)	Week 23-24	20-I(2)	Enforcement facilitation

Final Acquisition Activities (Months 5-6)

Activity	Timeline	Section Reference	Deliverable
Section 20-J entry coordination	Week 23-24	20-J	Entry facilitation
Section 20-L utilization monitoring setup	Week 24	20-L	Utilization framework
Section 20-M benefit sharing setup	Week 24	20-M	Benefit sharing mechanism
Final project closure documentation	Week 24	Final	Closure report

5 Payment Schedule

5.1 Phase-wise Payment Structure

- The Consultant will be paid Phase-wise as a percentage of the contract value and it shall be divided in the proportion of section and payment shall be made for each section separately with following schedule:

Phase	Duration	Payment %	Key Milestones
Phase I (20-A to 20-D)	2 months	40%	Notification to objection resolution
Phase II (20-E)	2 months	20%	Declaration publication
Phase III (20-F to Final)	2 months	40%	Compensation to possession

5.2 Section-wise Payment Structure

Section	Milestone	Payment %	Timeline
20-A	Notification publication	40%	Month 1
20-B	Survey completion		Month 2
20-C	Damage compensation		
20-D	Objection resolution		
20-E	Declaration publication	20%	Month 3-4
20-F	Compensation determination	40%	Month 5-6
20-G, H, I & Final	Payment processing, Possession & closure		

- No payment shall become eligible for the next stage till completion to the preceding stage.
- Any adjustment in the payment will be made in the final payment only.

- The final payment under this Clause shall be made only after the final report and a final statement, identified as such, shall have been submitted by the Consultants and approved as satisfactory by Engineer in charge of Railway.
- The contractor shall collect all required revenue documents at his own cost, including Revenue Maps, Khasra (Village Maps), Khata Plans, Cadastral Maps, and certified copies of ROR (Record of Rights) from the Revenue Department. The scope also includes superimposing the proposed project alignment on these maps.
- The contractor shall prepare village-wise land plans and schedules for the area proposed to be acquired. This includes:
 - Tahasil
 - Mauja
 - Khata numbers
 - Plot numbers
 - Area of land to be acquired
 - Details of landowners

These shall be plotted accurately on tracing cloth, clearly showing the land to be acquired, as per the requirements of the Land Acquisition Officer / Tahasildar / Forest Department.

The work must conform to the prescribed formats and comply with the applicable provisions of the Private/Government Land Acquisition Act (Railway act 1989 read with railway amendment act 2008) , the Forest (Conservation) Act rules for forest land. The contractor shall carry out all related activities relating to the stage of issuance of notification under 20(A) of the act, Publication of the substance of the notification in two local newspaper one of which shall be in vernacular Language close LIAISON with CALA to carry out the statutory requirement.

The contractor shall carry out all related activities up to the stage of issuance of notification under 20(E) of the acts like obtaining no objection certificate.

From the Land owners filling of required formats and application forms as required under the act and rules for facilitating land acquisition seamlessly by the CALA.

- The contractor shall arrange all required materials, labour, tools and plants, transportation vehicles, and other resources necessary for performing the above activities.
- The erection and installation of boundary pillars at the required locations is included within the scope of work of the contractor.
- The payment schedule clearly mentions vide item no 5.2 and payment made accordingly.