
**MAHARASHTRA RESETTLEMENT OF PROJECT DISPLACED
PERSONS ACT, 1976**

41 of 1976

[12th August, 1976]

CONTENTS

CHAPTER 1 :- Preliminary

1. Short title, extent and commencement.
2. Definitions.

CHAPTER 2 :- Resettlement officers, their powers and duties.

3. Chief controlling authority in resettlement makers
4. Directorate of Resettlement
5. Functions of Director.
6. Duties of Commissioner
7. Delegation of powers and duties to subordinate officers.
8. Subordination of officers and servants.
9. Constitution of Advisory Committee.

CHAPTER 3 :- Resettlement of Displaced Persons

10. Resettlement of displaced persons.
11. Application of Act to Project.
12. Restrictions on transfer, sub-divisions or partition of land in benefited zone.
13. Assessment of extent of land from which persons have been displaced and the extent of land available for resettlement: and collection of certain information.
14. Provisional declaration of affected zone and benefited zone
15. Final declaration of affected zone and benefited zone; and power to make changes in such zones.
16. Power to acquire land for the purpose of this Act
17. Extent of land to be granted to displaced persons according to certain provisions.
18. Occupancy price.
19. Public notice calling upon displaced persons to state if they want land for resettlement.
20. Resettlement Officer to prepare draft scheme of resettlement
21. Publication of scheme and sanctioning of scheme
22. Entrustment of execution of lay-out to Zilla Purishad

CHAPTER 4 :- Grant of land

23. Grant of hind on payment of occupancy price.

24. Power of Deputy Director to grant land to other in certain cases.

25. Transfer of encumbrances.

CHAPTER 5 :- Miscellaneous

26. Penalty for false declaration.

27. Power of officers of Government and local authorities to assist.

28. Officers and servants appointed under this Act to be public servants.

29. Bar of jurisdiction.

30. Protection of action taken under this Act.

31. Rules.

SCHEDULE A :- SCHEDULE

SCHEDULE B :- SCHEDULE

MAHARASHTRA RESETTLEMENT OF PROJECT DISPLACED PERSONS ACT, 1976

41 of 1976

[12th August, 1976]

STATEMENT OF OBJECTS AND REASONS. M.G.G. Pt.V dated August 14, 1975 p. 614 Under the first three Five-Year Plans and thereafter, a large number of irrigation projects, certain power projects and other projects of public utility have been undertaken by the State Government. In the construction of these projects, a large number of persons have to be displaced due to the acquisition of their holdings which are necessary for the purposes of the project. The holdings of the displaced persons are acquired under the Land Acquisition Act on payment of compensation. It is noticed that mere payment of compensation is not adequate for the reason that the lands from which these persons are displaced served them as the only means of livelihood and, therefore, it is absolutely necessary to resettle these displaced persons by offering them alternative land either in the benefited zone of the project or in any villages or areas specified by the State Government for the purpose. The resettlement is at present being done under executive orders and it is proposed to put the entire scheme of resettlement on statutory basis. The proposed legislation has, therefore, been undertaken to secure this object. For securing the resettlement of the persons displaced from their holdings.

Government has established a Directorate of Resettlement consisting of the Director of Resettlement, one or more Deputy Directors of Resettlement. Resettlement officers and other staff to be appointed by the State Government. No sooner a project is decided upon, the Government will have to notify that the provisions of this Act would apply to that project. Once this notification is issued, then the Resettlement Officer is required to collect information regarding the area which is likely to be affected by the project and the area which is likely to be benefited by the project. On the basis of the data collected by the Resettlement Officer, Government is empowered to notify the area as the "affected zone" and the area benefited by the project, to be the "benefited zone". The Resettlement Officer is also required to collect data and information about the extent of holdings of each occupant or agricultural labourer, if any, in the affected zone and in the gaathan therein and the number of members in his family and also he has to collect information about the occupants in the benefited zone and the extent of area held by them and other information. Provision is made for the laying down of the extent of land which may be acquired from each holdings in the benefited zone and the extent of land which may be acquired from each holding in the benefited one and the extent of land which may be granted to displaced persons (See clauses 16 and 17). After this information is collected by the Resettlement Officer, he is empowered to publish a notice calling upon displaced persons in the affected zone to inform him whether they require land for resettlement, and to submit to him a statement containing the relevant information. On receiving the information from the displaced persons, the Resettlement Officer is required to prepare a draft scheme for the purpose of resettling the displaced persons from the affected zone. Provision is made for requiring affected persons to lodge their objections or suggestions to the draft scheme and for submission of the draft scheme to the Deputy Director. The Deputy Director may sanction the scheme with or without modifications. Provision has been made for persons aggrieved by the sanctioned scheme to file an appeal before the Commissioner, and power is also taken to the State Government to revise the original orders of the Deputy Director or of the Commissioner in appeal. After the scheme is sanctioned, provision is made for grant of land to displaced persons on payment of occupancy price. The execution of layout of a new gaathan or the extension of a gaathan, in so far as it relates to public utilities,

amenities, and services and maintenance thereof, has been entrusted to the Zilla Parishads on agency basis. This, in brief, is the scheme of the Bill for resettling displaced persons. RAFIQ ZAKARIA Bombay, dated 8th August, 1975 Minister for Revenue. M.G.G. Pt.V dated. August 11, 1977 p.325; During the course of implementation of the Maharashtra Restoration of Lands to Scheduled Tribes-Act, 1974, Government has noticed certain lacunae. To remove them, it is necessary to amend the Act suitably. 2.. Clause 2 - Where the land of a Tribal-transferor is transferred to a non Tribal transferee by way of exchange, proceedings are taken under clause (f) in sub-section:(I) of section.3,of the Act, and where the land is transferred otherwise than an exchange, proceedings are taken under clause (ii) in subsection (1) of that section. It is noticed that sometimes there are mutual transfers, which are really by way of exchanges. However, as the instruments describe them as transfers and not as exchanges, proceedings in respect thereof are taken under clause (i) aforesaid, whereas they should have been taken under clause (i) aforesaid. It is proposed: that in such cases where the period between the registration of the two documents does not exceed thirty days, the transaction should be deemed to be transfer by exchange, and the benefit of this amendment to section 3 should be given in all pending and completed proceedings also. 3. Clause 3- Section 5 of the Act provides that where any land is ordered to be restored to a Tribal-transferor, and the non-Tribal-transferee continues to be in possession such non-Tribal- transferee shall be liable to pay damages to the Tribal-transferor for the use and occupation of such land. It is noticed that in some cases taking undue advantage of this provision, some non-Tribal transferees delay or avoid handing over possession of the land: A new section 10A is therefore, being inserted to make it clear that where possession of any land is to be restored; to any person under this Act, the Collector has power to evict any person, who has ceased to be entitled to its possession, at any time, in the manner provided in section 242 of the Maharashtra Land Revenue Code, 1966. 4. The Bill is intended to achieve the above objects. M.D..CHA.UDHARI Bombay, dated the 4th August 1977 Minister for Revenue G.S.NANDE. Secretary Bombay, dated the 5th August 1977 Maharashtra Legislative Assembly M.G.G. Pt.V dated August 27, 1981 p. 406 Whenever a Project was notified under section 11 of the Maharashtra Resettlement of Project Displaced Persons Act, 1976, under Section 12(1), transfers and other transactions

pertaining to lands in the benefited zone were prohibited, except with the permission in writing of the State Government. Any transaction made without such permission was void and inoperative. This prohibition operated for a long time until the land acquisition proceedings in the benefited zone undertaken in accordance with the prescribed slab system, having an exemption limit of three Hectares and 23-75 Ares (8 acres) were declared to have been completed. Government could refuse to give permission, if in its opinion, the transaction was likely to defeat the object of the Act. But Government had no power to grant the permission, subject to suitable conditions, and could not delegate this power to grant permission, which had to be exercised in several cases throughout the State, to any of its Officers. 2. In view of the difficulties experienced by the people, Government had already granted a general permission to the land holders in the benefited zones, having a total holding of 8 acres or less, for entering into bona-fide land transactions. 3. A large number of landholders in the benefited zones, having more than eight acres of land had also been applying to Government for grant of permission to undertake necessary land transactions. Considering their urgent needs. Government had granted permission to some of them, in some cases without prejudice to the area of excess land liable to be acquired from them. Other applicants were pressing for such conditional permission, which strictly could not be granted in the absence of specific powers to Government in the Act. 4. To remove these hardships felt by the landholders in the benefited zones in entering into genuine land transactions, it was necessary to take immediate action to empower Government with retrospective effect to grant permissions, subject to suitable safeguarding conditions, to validate such permissions granted in the past, and for administrative convenience to make a provision for delegation of powers of granting permissions to appropriate officers like the Collectors of Districts. 5. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Maharashtra Resettlement of Project Displaced Persons Act, 1976, suitably, for the purposes aforesaid, the Maharashtra Resettlement of Project Displaced Persons (Amendment) Ordinance, 1981 was promulgated by the Governor of Maharashtra on the 1st July 1981. The Bill is intended to replace the said Ordinance by an Act of the State Legislature. SHALINITAI V.PATIL, Bombay, dated die 10th August, 1981.

Minister for Revenue and Rehabilitation G.S.NANDE, Secretary, Bombay, dated the 17th August, 1981 Maharashtra Legislative Assembly M.G.G. Pt.V dated September 3, 1981 p.478 The definition of "Project" under section 2(12) of the Maharashtra Resettlement of Project Displaced Persons Act, 1976, is comprehensive and covers all possible items where the need arises for "resettlement". However, section 11(1) provides that if the State Government is of opinion that it is necessary or expedient in the public interest to make the provisions of the Act applicable to any project then only, on the issue of a notification by the State Government, the provisions of the Act become applicable to the Project. This restriction is neither desirable nor necessary. Experience shows that so far, the Act has been made applicable only in respect of major irrigation projects. The wide definition of "Project" as given in the Act, to cover "all other work of public utility the construction, extension, improvement or development of which results in displacing persons from lands which may be used for such work" is thus shelved. This causes unnecessary hardship to the displaced persons whose lands are being increasingly taken over for roads, ponds or other minor developmental or improvement works. This restriction vitiates the spirit of the Act. It is, therefore, necessary to remove this restriction. The bill seeks to amend section 11 suitably with this end in view. SUDAM DESHMUKH, Bombay, dated the 21 st August 1981. Member-in-charge. G.S.NANDE, Secretary, Bombay, dated the 28th August 1981. Maharashtra Legislative Assembly M.G.G.Pt.V dated June 18, 1985 p. 178 The Maharashtra Resettlement of Project Displaced Persons Act, 1976 (Mah XLI of 1976) has been enacted to provide for the resettlement of certain persons displaced from lands which are acquired for projects of public utility, and for matters connected therewith. The scheme of the Act, relevant to the proposals for resettlement of the displaced persons and the acquisition of the land for projects of public utility, in short, is as under :- Section 10 contemplates resettling of displaced persons on the land, both in the benefited zone of projects and outside, which after acquisition, forms part of the "land pool", as defined under section 2(11) of the Act. Any project proposed to be brought within the scheme of the Act is first to be notified under section 11, whereupon the restrictions, referred to in section 12. on transfer, etc., of lands in the villages notified under section 11 become operative. Section 13 requires the Resettlement Officer to make an assessment of the extent of land, from which persons have been displaced, and the

extent of land available for resettlement and also collect certain information in connection with the resettlement scheme. On receipt of the assessment under section 13, the State Government makes a provisional declaration under section 14 of the affected and benefited areas under the project. Section 15 provides for making a final declaration of the affected and benefited zones. Section 16 provides for the acquisition of land required for the purposes of the Act, and all lands so acquired constitute the "land pool". Section 19 requires publication of a public notice calling upon the displaced persons to state if they want land for resettlement. Section 20 requires preparation of a draft scheme for resettlement and section 21 requires publication of the scheme of resettlement and sanctioning of the said scheme.

2. In writ Petition No. 2407 of 1980 - Gulab Shankar Waive versus the Special Land Acquisition Officer and Another, decided together with other six allied petitions the High Court of Bombay, by its judgment dated 24th November 1980, held that the powers of acquisition of land under section 16(2) and the mechanism of the Land Acquisition Act, 1894, cannot be invoked unless there is compliance of the procedure laid down under sections 13 to 15 and as there was failure in compliance with this procedure in respect of the land acquired for the Upper Pravara Project, the High Court quashed the acquisition proceedings in those seven writ petitions, In respect of acquisition of land from the benefited zones of the Warna and Dudhganga Projects, which were notified under the Act, 101 writ petitions were filed, challenging the issue of notifications under sections 4 and 6 of the Land Acquisition Act, 1894 on the grounds inter alia that the provisions of Sections 13 to 15 were not followed strictly. The omissions in these cases included the failure on the part of the Government to give a hearing to the concerned persons under section 15 of the Act. In those petitions Government gave an undertaking to the effect that the notifications issued under sections 4 and 6 of the Land Acquisition Act and those issued under sections 14 and 15 of the Maharashtra Resettlement of Project Displaced Persons Act would be withdrawn, and thereupon the court allowed the withdrawal of the petitions. It was apprehended that many more writ petitions would be filed on the same ground, and also on the ground that while granting or distributing the lands to the project displaced persons the procedure of giving public notice or for preparing schemes and publication thereof under sections 19 to 21 had not been followed, which would seriously jeopardise the actions taken so far to acquire lands for carrying out the purposes of the Act.

Although the State Government did not give personal hearing to the persons concerned, the final declarations under section 15 had been made after considering the report of the Collector and Deputy Director of Resettlement (Land) in respect of the objections or suggestions, if any, received by him and further proceedings for acquisition of the lands covered by the areas included in the final declarations made under section 15 were initiated (and in some cases completed) only after satisfaction of the State Government that the lands acquired or to be acquired were needed for carrying out the purposes of the Act. 3. Large areas of lands acquired for these projects constitute submergence area and certain areas of such lands have been constituting the areas of lands which were already granted or distributed to the project displaced persons. Such position was also obtaining in respect of the other projects notified under the Act. If at this stage the acquisition proceedings were either quashed or the notifications in respect thereof were withdrawn, the lands which were acquired and vest in Government would have to be returned back to the owners thereof. In large number of cases it would not be possible at all to return such lands as they were either submerged or were put to use for resettlement of project displaced persons. This would not only retard the development activities but would also result into huge expenditure over again which would not be in the public interest. 4. Government, therefore, considered it expedient to simplify and streamline, with retrospective effect, the procedure under sections 14 and 15 for making declarations thereunder, and also to provide for validation of the final declarations made under section 15, the land acquired or was in the process of acquisition for the purposes of the Act and the acts, etc. done in connection with acquisition of lands and their grant or distribution for the purpose of resettlement of the project displaced persons and for that purpose to immediately amend the Act suitably. 5. As both Houses of the State Legislature were not in session and it was necessary to take immediate action to amend the Maharashtra Resettlement of Project Displaced Persons Act, 1976, for the reasons slated above, the Maharashtra Resettlement of Project Displaced Persons (Amendment and Validation) Ordinance, 1985 was promulgated by the Governor of Maharashtra on the 11th June 1985. 6. The Bill is intended to replace the said Ordinance by an Act of the State Legislature. VIJAYASINH SHANKARRAO MOHITE-PATIL Bombay, dated the 17th June, 1985 Minister for Rehabilitation M.G.G.Pt.V dated March 28, 1987 p. 106 The Maharashtra Resettlement of

Project Displaced Persons Act, 1976 came into force in the year 1976. The main intention behind bringing in this legislation was to provide for the resettlement of certain persons displaced from lands which are acquired for projects of public utility. Unfortunately, however, the experience gained so far is very disappointing, in as much as rehabilitation of affected persons has proved to be a nightmare. The compensation is not paid in time, new gaothans are not coming up, basic amenities such as water, roads, schools, dispensaries are lacking in gaothans which have come up so far. It is, therefore, necessary to make it imperative on the part of authorities to provide for certain amenities well in advance so that minimum inconvenience is caused to project displaced persons. Hence this Bill. Bombay: S.D.MANDLIK, Dated the 7th February 1987 Member-in-charge V.M.SUBRAHMANYAM. Secretary (I), Bombay, dated the 28th March, 1987 Maharashtra Legislative Assembly

CHAPTER 1
Preliminary

1. Short title, extent and commencement. :-

(1) This Act may be called as the MAHARASHTRARESETTLEMENT OF PROJECT DISPLACED PERSONS ACT, 1976

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions. :-

In this Act unless the context requires otherwise,-

(1) "affected zone" in relation to a Project, means the lands declared under section 15 to constitute the area of the affected zone under that Project;

(2) "agricultural land" includes land used or usable for horticulture, the raising of crops, grass or garden produce, dairy farming, poultry farming, breeding of livestock, nursery, growing medicinal herbs or the grazing of cattle; but only does not include land used for cutting of wood or grass only;

(3) "benefited zone" in relation to a Project, means the lands declared under Section 15 to constitute the area of the benefited zone under that Project;

(4) "Code" means the Maharashtra land Revenue Code, 1966 :

(5) "to cultivate" means to carry on any agricultural operation; and the expression "cultivation" shall be construed accordingly:

(6) "Director" means the Directorate of Resettlement appointed under Section 4 :

(7) "displaced person" means any occupant who, on account of the acquisition of his land in the affected zone [including land in the gaathan (hereinafter referred to as "the old gaathan")] for the purposes of a Project has been displaced from such land, or any agricultural labourer;

(8) "agricultural labourer" means a person who does not hold any land in the affected zone but who earns his livelihood principally by manual labour on agricultural land immediately before the area comprising that land is declared to constitute an affected zone under Section 15 . and who has been deprived of earning his livelihood principally by manual labour on that land;

(9) "family" in relation to a displaced person, means the family of the displaced person consisting of such person and his or her spouse, minor sons, unmarried daughter, minor brother or sisters, father and mother and other members residing with him and dependant on him for their livelihood;

(10) "holding" means the total land held by a person as an occupant tenant, or as both;

(11) "land pool" means the lands referred to in sub-section (3) of Section 13 which may be available for resettlement of displaced persons;

(12) "Project" means construction, extension, improvement of any supply of water for the purposes of irrigation (hereinafter called as irrigation Project) or for the production and supply of electricity or of any work conducive to electrical development (hereinafter called a power Project), and includes any other work of public utility the construction, extension, improvement or development of which results in displacing persons from lands which may be used for such work;

(13) "Resettlement Officer" in relation to a Project, means an officer not below the rank of a Tahsildar appointed by the State Government by an order in writing for that Project of this Act:

(14) "Zilla Parishad" means Zilla Parishad established under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961; (Man. V of 1962.)

(15) Words and expressions used in this Act but not defined, shall have the meanings respectively assigned to them in the Code.

CHAPTER 2

Resettlement officers, their powers and duties.

3. Chief controlling authority in resettlement makers :-

The chief controlling authority In all matters connected with the resettlement of displaced persons shall vest in the Director, subject to the superintendence, direction and control of the State Government.

4. Directorate of Resettlement :-

(1) For carrying out the purposes of this Act. the State Government shall establish the Directorate of Resettlement consisting of

(a) Director of Resettlement;

(b) the Commissioner of the division:

(c) one or more Deputy Directors of Resettlement (in this Act referred to as the Deputy Director): and

(d) one or more Resettlement Officers and such other officers and servants with such designation as the State Government may. from time to time, by an order in writing, appoint.

(2) The State Government shall by an order in writing appoint one of the Secretaries to the Government of Maharashtra to be the ex-officio Director.

Explanation - For the purposes of this sub section, "Secretary" includes an Additional Secretary. or any Joint Secretary designated by the State Government.

(3) The Collector of District and the Chief Executive Officer of the Zilla Parishad in whose jurisdiction the area included in a Project lies shall the ex-officio Deputy Director (Land) and Deputy Director (Department), respectively.

5. Functions of Director. :-

It shall be the duty of the Director

(a) to give advice to the State Government in all matters relating to

the resettlement of displaced persons:

(b) to implement the resettlement programmes within the framework of the policy of the State Government relating to the resettlement of displaced persons:

(c) to ensure speedy resettlement of displaced persons:

(d) to prepare or cause to be prepared annual budget for providing funds for carrying out the purposes of this Act:

(e) subject to the general or special order of the State Government, if any, to disburse the grants duly sanctioned by law for resettlement of displaced persons, sums to such officers and authorities at such intervals according to their requirements as he may think fit, for carrying out the purposes of this Act;

(I) to supervise the field work of resettlement, and give advice to the officers doing that work from time to time:

(g) to arrange, as far as practicable, for employment to displaced persons either on any work connected with (the Project or otherwise; and

(h) to perform such other functions as the State Government may, from time to time, by an order in writing entrust to him.

6. Duties of Commissioner :-

Subject to any orders of the State Government, it shall be the duty of the Commissioner-

(a) to co-ordinate and supervise the work of resettlement of displaced persons in his district;

(b) to ensure speedy resettlement of displaced persons, and for that purpose, hold meetings of officers attending to the work of resettlement and take decisions in this behalf and require subordinate officers to attend to such work as may be assigned to them;

(c) to scrutinize .budget proposals of the Deputy Director, or Deputy Directors in his division;

(d) to disburse grants to Deputy Directors according to the requirements as assessed by him;

(e) to require the Deputy Director (Department) concerned to report to him the progress made in the matter of execution of the

lay-out of a gaothan relating to public utilities, amenities and services referred to in clause (i) of sub-section (1) of Section 20 and entrusted by the State Government under Section 22 and render him such assistance as the circumstances of the case may require;

(f to perform such other functions as may be assigned to him by the State Government.

7. Delegation of powers and duties to subordinate officers.

:-

The Deputy Director may by order in writing delegate such of the powers and duties conferred and imposed on him by or under this Act to such officers not below the rank of a Tahsildar or to such officers of the State Government or local authority as, with the approval of the Commissioner, may be specified in the order.

8. Subordination of officers and servants. :-

For the purposes of this Act, the Deputy Director and all other officers and servants appointed under this Act shall be subordinate to the Director and the Commissioner.

9. Constitution of Advisory Committee. :-

For the purposes of assisting it in the speedy resettlement of displaced persons, the State Government may, from time to time, constitute one or more Advisory Committees for advising the State Government or any officer appointed for any of the purposes of this Act on such matters regarding the speedy resettlement of displaced persons as may be referred to it or them. The composition of the Advisory Committee, the regulation of its business, the allowances or fees, if any, to be paid to its members and all matters incidental thereto shall be such as may be prescribed:

Provided that, the Chairman of the Advisory Committee shall be a non-official and the Vice- Chairman may be an official, appointed by the State Government.

CHAPTER 3

Resettlement of Displaced Persons

10. Resettlement of displaced persons. :-

The State Government shall resettle as many displaced persons as possible on land in the benefited zone or in other villages or areas (being villages and areas specified by the State Government by an order in writing for that purpose) in accordance with the provisions

of this Act and the rules made thereunder.

11. Application of Act to Project. :-

(1) If the State Government is of opinion that it is necessary or expedient in the public interest so to do, for the resettlement of displaced persons, it may, by notification in the Official Gazette, declare that the provisions of this Act shall apply in relation to the Project specified in the notification; and thereupon, the provisions of this Act shall apply to such Project. The notification shall also specify the villages or areas which are likely to be in the affected or benefited zone.

(2) The declaration shall also be published in the villages or areas which are likely to be in the affected and benefited zone by beat of drum or otherwise, and by affixing a copy of the notification in some prominent place or places in the zones, and in the village chavdi, and in the office of the panchayat, if any, and also in the office of the Resettlement Officer.

12. Restrictions on transfer, sub-divisions or partition of land in benefited zone. :-

(1) Notwithstanding anything contained in any law for the time being in force, no land in the villages or areas specified in the notification under Section 11 shall, after publication of that notification in the Official Gazette, and until the Deputy Director makes a declaration to the effect that all proceedings for the acquisition of lands in the benefited zone are completed, be)

(a) transferred, whether by way of sale (including sale in execution of a decree of a civil court or of an award or order of any other competent authority) or by way of gift, exchange, lease or otherwise.

(b) sub-divided (including sub-division by a decree or order of a court or any other competent authority); or

(c) partitioned (including partition by a decree or order of any court or any other competent authority), except with the permission in writing of the State Government.

(2) The State Government may refuse to give such permission, if in its opinion, the transfer, sub-division, partition of land is likely to defeat the object of this Act.

(3) Any transfer, sub-division, partition of land made in contravention of sub-section (1) shall be void and inoperative.

13. Assessment of extent of land from which persons have been displaced and the extent of land available for resettlement: and collection of certain information. :-

(1) On the publication of the notification under Section 11 , the Resettlement Officer shall, subject to the provisions of this section, assess the extent of land from which persons are likely to be displaced, and the extent of land which may be available for grant to displaced persons. The Resettlement Officer shall also indicate in such assessment the location of such lands and of the site of gaolhan or the new village, or as the case may be, the area of extension of any existing gaolhan where resettlement of displaced persons may be made.

(2) In selecting the site for a gaolhan (hereinafter referred to as "the new gaolhan" or as the case may be, for extension of any existing gaolhan. the Resettlement Officer shall have regard to the following factors, namely: -

(i) the proximity of alternative agricultural lands (which may be earmarked for grant to the displaced persons) to the new gaolhan. or as the case may be, the extended part of the existing gaolhan (the distance between the agricultural lands and the new gaolhan or the "extended part of the existing gaolhan may ordinarily not exceed 8 kilometers);

(ii) the availability of water sources in, or in the vicinity of, the new gaolhan or the extended part of the gaolhan or possibility of striking water of a well is constructed in, or in the vicinity of such gaolhan ;

(iii) access to roads;

(iv) suitability of land for constructing houses; and

(v) such other factors as the State Government may be an order in writing specify.

(3) The Resettlement Officer shall draw up a list of lands which may be available for resettlement of displaced persons and in doing so, may indicate the area which may be included in the benefited zone, or which may be specified under Section 10 . Such lands shall consist of-

- (a) Government waste lands;
- (b) Government forest lands which are available or which may be available, for cultivation after deforestation;
- (c) lands which may be included in the benefited zone, or in any village or area to be specified under Section 10 and which may be acquired under the Land Acquisition Act, 1894 , in accordance with the provisions of Section 16 ;
- (d) lands acquired under Section 16 ;
- (e) any other land vesting in the State Government and available for the resettlement of displaced persons.

(4) For the purpose of making assessment under this section, the engineer in charge of the implementation of the Project (hereinafter referred to as "the Project Engineer") shall

(a) prepare or cause to be prepared an index map of the submergence area which is likely to be submerged showing the villages at different reservoir levels, i.e.,-

(i) for storage with gates, and

(ii) for storage without gates;

(b) prepare or cause to be prepared the village maps indicating the submerged area and the actual survey numbers which may be submerged;

(c) collect information regarding, -

(i) the extent of land required for the Project;

(ii) the extent of land which is likely to be benefited by the Project, together with a list of survey numbers in each village.

(5) The maps prepared under sub-section (4) and the information collected under that sub- section shall be sent by the Project Engineer to the Resettlement Officer.

(6) On receipt of the maps and information under sub-section (5), the Resettlement Officer shall collect information regarding-

(a) Government lands available for resettlement, the extent of lands in the area which is likely to be the benefited zone and which may have to be acquired under the provisions of Section 16 :

(b) details of persons affected by the Project, such as, the extent of holding of the displaced person, the extent of area therefrom to be acquired for the Project, the number of structures to be acquired for the Project, the number of members in the family of each displaced person:

(c) the location of the new gaothan or extension of the existing gaothan , preferably in consultation with the persons who are likely to be displaced in account of undertaking works relating to the Project.

(7) The Resettlement Officer shall send a copy of his assessment made under sub-sections (1) and (2) to the State Government, the Commissioner and the Deputy Director.

14. Provisional declaration of affected zone and benefited zone :-

(1) As soon as may be after the receipt of the copy of the assessment under Section 13 . the State Government shall, after such inquiry as it thinks fit, provisionally declare, by notification in the Official Gazet te, and also in the manner provided by sub-section (2) of Section 11 -

(a) the area which is required for the Project, and thereby would be adversely affected by or under the Project; and

(b) if the Project is an irrigation Project or is a composite Project consisting of irrigation Project. power Project and any other Project of public utility or any combination thereof the area under the command of the project which is likely to be befitted by the Project.

¹ [(2) The declaration under sub-section (1) shall call upon the persons interested in the land to make (if any) objections to, and suggestions for, the inclusion of any land in the area referred to in clause (a) or clause (b) of sub-section (1), and send them to the Collector and Deputy Director of Resettlement (Land) within a period of not less than thirty clays as may be specified in the notification.

(3) A copy of the notification shall be sent to the Commissioner, the Deputy Director and the Resettlement Officer who may make such suggestions relating to the notifications as he thinks fit.

1. Sub-Section 2 was substituted by Mah. 13 of 1985. s. 2

15. Final declaration of affected zone und benefited zone; and power to make changes in such zones. :-

(1) ¹ [The Collector and Deputy Director of Resettlement (Land) shall, with all reasonable dispatch, forward the objections and suggestions, if any, received by him under sub-section (2) of Section 14 , together with his report in respect thereof to the State Government and, on considering the report and the objections and suggestions, if any, as also the suggestions, if any, received by it under sub-section (3) of Section 14 , the State Government shall], finally declare by notification in the Official Gazette. and also in the manner provided by sub-section (2) of Section 11 ,-

(a) the extent of area which shall constitute the area of affected zone under the Project:

(b) if the project falling under clause (b) of sub-section (1) of Section 14 , the extent of area which shall constitute the area of benefited zone under the Project.

(2) A copy of the notification shall be sent to the Commissioner, the Deputy Director and the Resettlement Officer.

(3) If at any time during the course of execution of a project, the Resettlement Officer is satisfied that any change in the affected zone or benefited zone is necessary, he shall communicate such change to the State Government through the Deputy Director and Commissioner; and shall likewise forward to the State Government any plans and particulars relating to the change.

(4) On receipt of the communication under sub-section (3), the State Government may, after making such inquiries as it thinks fit, make provisional and final declarations in respect of such change in accordance with the provisions of Section 14 and this section.

1. These words were substituted by Mah. 1301'1985, s. 3

16. Power to acquire land for the purpose of this Act :-

(1) The State Government may enter into an agreement with any person for the purchase or exchange, of any land required for carrying out the purposes of this Act.

(2) Subject to the provisions of this section, the State Government may also for carrying out the purposes of this Act compulsorily acquire land under the Land Acquisition Act, 1894 , (1 of 1894)and

the acquisition of any land for the said purposes shall be deemed to be a public purpose within the meaning of that Act.

(3) The State Government may also acquire lands included in a gaathan in the affected zone as far as practicable according to the provisions of Part 1 of Schedule A hereto.

(4) For the purpose of resettlement of displaced persons on land, the State Government may, subject to any rules made in this behalf, acquire land from holdings in the benefited zone or from any village or area specified under Section 10 as far as practicable according to the provisions of Part II of Schedule A hereto.

(5) All lands acquired under this section shall form part of the land pool. The Maharashtra Resettlement of Project Displaced Persons Act, 1976

17. Extent of land to be granted to displaced persons according to certain provisions. :-

(1) The State Government may, subject to the provisions of this section, grant land (not being gaathan land) to displaced persons as far as practicable according to the provisions of Part I of Schedule B hereto and subject to such conditions as may be prescribed.

(2) If the number of members in a family exceeds 5, an additional 40.47 ares of land may be given for every 3 additional members, subject to the condition that the total area of land granted to a family does not exceed 2 Hectares and 83.28 ares (7 acres).

(3) Land equal to 40.47 ares in extent may be granted to displaced agricultural labourers if they leave their village in the affected zone along with the other displaced persons and such other displaced persons are resettled on land under this Act.

(4) Dry (Jirayat) lands from sources other than the benefited zone may be granted at the rate of a minimum of 1 Hectare and 61.87 ares (4 acres) to each displaced person or agricultural labourer provided that the maximum limit is in accordance with any rule made under the Code for disposal of Government land.

(5) The State Government may grant plots of land to displaced persons in a new gaathan or the extended part of the gaathan according to the provisions of Part II of Schedule B hereto.

(6) In granting alternative land to displaced person, the value of such land shall ordinarily be of the same amount which the displaced person has received in respect of his land in the affected zone which is acquired for the project and the area of the alternative land to be granted shall, notwithstanding anything contained in this section, be so determined that the total extent of the holding of the displaced person after such grant does not exceed the economic holding provided by the rules made under the Code for the disposal of Government land.

(7) Notwithstanding anything contained in this section, the State Government may, subject to the condition of previous publication by notification in the Official Gazette, amend Schedule A. regard being had to the provisions of the Maharashtra agricultural Lands (Ceiling on Holdings) Act. 1961, (Mah. XXVII of 1961) the number of displaced persons to be resettled, and the extent of land available according to Schedule A for resettlement.

18. Occupancy price. :-

(1) Subject to the provisions of this section, the occupancy price payable in respect of land to be granted under Section 17 shall-

(a) in the case of agricultural lands acquired from holdings in a benefited zone or from any villages or areas specified under section 10, be equal to the amount of compensation paid for their acquisition or the current market value thereof, whichever is more, and also the amount of expenses incurred on demarcation of all the lands so acquired, on leveling of such lands, on joint measurements on land improvement, if any, on fixing boundary marks or stones and on labour;

(b) in the case of any Government agricultural lands, in accordance with the provisions of the rules made under the Code for disposal of Government land;

Explanation -

(i) In cases of unassessed lands, the occupancy price shall be payable having regard to the assessment leviable on the adjacent lands of similar quality and similarly situated.

(ii) the question whether adjacent lands are of similar quality or are similarly situated shall be decided by the State Government and the decision of the State Government on the question shall be final

and conclusive;

(c) in case of lands in a new gaothan established on lands acquired for the purpose, be equal to the amount of compensation paid for their acquisition in addition to the amount of expenses referred to in clause (a) including such expenses in respect of lands reserved for public purposes;

(d) in case of lands in a new gaothan established on Government land, be equal to the amount of the expenses referred to in clause (c).

(2) For the purpose of determining the occupancy price payable under clause (a) of sub-section (1) by a displaced person for the land granted to him, there shall be worked out first the occupancy price payable per hectare of such land by dividing, the sum of the amount of compensation or market value, whichever is more, and the amount of expenses referred to in clause (a) by the total area of the acquired lands in hectares, referred to in this clause. Thereupon the occupancy price payable in respect of such land shall be equal to the amount the occupancy price payable per hectare of land so worked out multiplied by the area in hectares of such land.

(3) For the purposes of determining the occupancy price-

(a) payable under clause (c) of sub-section (1) for each plot of land, there shall be worked out first the occupancy price payable per square meter of land by dividing the sum of the amount of compensation and the amount of expenses referred to in that clause by the total area of land in square meters required for the purposes of a new gaothan or for purposes of extension of the existing gaothan . Thereupon the occupancy price payable in respect of each plot of land shall be equal to the amount the occupancy price payable per square meter of land so worked out multiplied by the area in square meters of each such plot.

(b) payable under clause (d) of sub-section (I) for each plot of land, there shall be worked out first the occupancy price payable per square meter of land by dividing the amount of expenses referred to in that clause by the total area of land in meters on which the gaothan or the extended part of an existing gaothan is established; and thereupon the provisions'of clause (a) of this sub-section shall apply for determining the occupancy price payable for each such plot of land.

(4) Where the amount of occupancy price payable in respect of land granted under this Act to any displaced person in a new gaothan or the extended part of the gaothan as worked out under this section is in excess of the amount of compensation received by him in respect of his land in the old gaothan then irrespective of the area of his land in the old gaothan or the area of his new gaothan or the extended part of an existing gaothan the occupancy price payable by him in respect of the land granted to him in the new gaothan under this Act shall be equal to the amount of compensation received by him in respect of his land in the old gaothan and the excess amount of occupancy price shall be borne by the State Government.

(5) Where a displaced person who has been granted land in a new gaothan has not received any compensation in respect of his land in the old gaothan for any reason, then no occupancy price shall Board or Authority payable by such displaced person in respect of the land granted to him in the new gaothan or the extended part of an existing gaothan.

(6) In addition to the occupancy price payable as aforesaid, the grantee shall be liable to pay such amount of the value of trees, if any, standing on the land as may be determined by the Deputy Director in consultation with the Divisional Forest Officer of the District.

(7) Occupancy price shall be payable in such manner and in lump sum or in such installments as may be prescribed.

19. Public notice calling upon displaced persons to state if they want land for resettlement. :-

(1) The Resettlement Officer shall as soon as may be after the assessment is made under Section 13 publish a notice in the Official Gazette and also as provided by sub-section (2) of Section 11 calling upon the displaced persons in the affected zone to intimate to him in writing before the date specified in the notice (not being earlier than 60 days from the date of publication of the notice in the Official Gazette) whether they require land for resettlement on occupancy price provided under Section 18 : and if so, to submit to him, in duplicate, before the said date, a statement containing the following particulars, namely:-

(a) the area of land held by each displaced person as occupant or tenant in the affected zone, separately;

(b) the area of land held by each displaced person, if any, in the benefited zone or outside that zone in any village or are specified under section 10 as occupant or tenant;

(c) the description of land on which he was working as agricultural labourer;

(d) the place of residence in the old gaathan, and whether the displaced person holds that place as owner or tenant; and

(e) choice of land for purposes of grant or for working thereon as agricultural labourer in the benefited zone or in the village or area specified under Section 10 and choice of the land in the new gaathan or, as the case may be, in the extended part of the existing gaathan.

(2) The Resettlement Officer shall take particular care to ensure that the notice published under sub-section (1) is given as wide publicity as possible, and for that purpose he may render such assistance to the displaced persons to understand the contents of the notice as he thinks fit in the circumstances of each case.

(3) A copy of the statement received under sub-section (1) shall be sent to the Deputy Director.

20. Resettlement Officer to prepare draft scheme of resettlement :-

(1) For enabling the State Government to resettle displaced persons as received by Section 10, the Resettlement Officer shall, as soon as may be on the basis of the statement received under Section 19 and on the basis of the assessment of land made under Section 13, prepare one or more draft schemes for the resettlement of displaced persons. The scheme shall contain the following particulars, namely:-

(a) the extent of area included in the project indicating therein the area of the affected zone and the number of villages affected by the project; a plan indicating the area and villages therein shall be appended to the draft scheme;

(b) date of submergence of the holding under the water of the project;

(c) a list of displaced persons (not being agricultural labourers) and the extent of land in his holding indicating the survey numbers

thereof held by each person in the affected zone; and the list of agricultural labourers in such zone, and the extent of land held by him. if any, in that zone, and names of such persons on whose lands he has been earning his livelihood principally by manual labour;

(d) the area of the gaathan in the affected zone and the names of persons owning land therein and the extent of such land;

(e) the number of families in the affected zone, and the number of members in each family;

(f) a list of persons benefited or likely to be benefitted on the completion of the project, and the extent of land held by each such person in the benefited zone;

(g) the extent of land available from the benefited zone and from the villages and areas specified under Section 20 for resettlement of displaced persons;

(h) the names of the displaced persons, the number of members in each family, and the extent of land (with particulars of location) proposed to be granted to each displaced person from the land pool and the occupancy price which a displaced person will have to pay;

(i) the site of the gaathan in the benefited zone, or the area of extension thereof or, as the case may be, the area where it is proposed to locate the new gaathan therein. A plan indicating the lay-out of the new gaathan or extension of the existing gaathan as aforesaid shall be appended to the draft scheme. The lay-out shall explain the public utilities, amenities and services proposed to be provided in the new gaathan or as the case may be extension of the existing gaathan;

Explanation - For the purposes of this clause, the expression "public utilities and amenities" includes provision for reservation of such extent of land for threshing ground and for cremation and burial ground in the resettled village as the rules may provide in that behalf, regard being had to the nature and type of threshing ground existing in the sub-merged village, the extent of land existing for cremation and burial purposes in the sub-merged village, the population of different communities and the availability of land for resettlement;

(j) the names of the displaced persons and the extent of land

proposed to be granted to each family for resettling in the new gaothan or as the case may be extension of the existing gaothan;

(k) such other particulars as the Resettlement Officer may think fit to include for the information of the displaced persons.

(2) The draft scheme shall indicate the time Schedule for shifting the displaced persons in the affected zone to the new gaothan or extension of the existing gaothan according to the submergence Schedule of the project.

(3) The draft scheme drawn up by the Resettlement Officer shall be submitted by him to the Deputy Director who may refer it to the Advisory Committee and amend it according to the recommendations, if any, made by the committee.

(4) The draft scheme shall state that the Deputy Director shall afford facilities to the displaced persons to see for themselves the agricultural lands proposed to be granted to them on occupancy price and the location of the new gaothan or as the case may be, extension of the existing gaothan.

(5) A copy of the draft scheme prepared under sub-section (1) shall be submitted to the Director, the Commissioner and the Zilla Parishad concerned.

21. Publication of scheme and sanctioning of scheme :-

(1) As soon as may be after a copy of the draft scheme for resettlement is received under Section 20 , the Deputy Director after considering the recommendations of the Advisory Committee and after making such inquiries as he thinks fit shall publish the draft scheme in the Official Gazette and also in the manner provided by sub-section (2) of Section 11 .

(2) The draft scheme shall call upon each of the displaced persons to send in his objections and suggestions to the draft scheme within 45 days from the date the draft scheme is published in the Official Gazette.

(3) The Deputy Director may, after considering any objections or suggestions, duly received under sub-section (2), after making such inquiries as he thinks fit sanction the draft scheme with or without the modification and publish it in the: Official Gazette and also in the manner provided by sub-section (2) of Section 11 :

Provided that, the draft scheme shall not be sanctioned with any modification unless the parties affected by the modification are given reasonable opportunity of being heard.

(4) A plan or map forming part of any scheme may not be published along with the scheme as required by this Act, but a copy of the plan shall be kept open for inspection in the office of the Resettlement Officer.

(5) Any person aggrieved by any of the provisions of the sanctioned scheme may, within 30 days of the date of publication of such scheme in the Official Gazette, file an appeal to the Commissioner who may after giving such persons reasonable opportunity to be heard amend the sanctioned scheme or may refuse to amend it.

(6) The State Government may on application or otherwise call for the record of proceeding relating to the draft or sanctioned scheme for satisfying itself regarding the correctness or otherwise of any of the provisions made therein, and may amend the sanctioned scheme, after giving the party or parties affected by such amendment a reasonable opportunity of being heard.

22. Entrustment of execution of lay-out to Zilla Parishad :-

(1) The execution of every lay-out of a new gaathan or extension of an existing gaathan, as the case may be, in so far as it relates to public utilities, amenities and services and maintenance thereof shall be entrusted by the State Government by an order in writing to the Zilla Parishad having jurisdiction over the area included in the lay-out subject to such terms and conditions (including provision for their vesting in the Zilla Parishad) as may be specified in the order, and hereupon the provisions of Section 123 of the Maharashtra Zilla Parishad and Panchayat Samitis Act, 1961, (Man V of 1962) shall apply to the execution of such lay-out and also to maintenance thereof as they apply in relation to the execution and maintenance of works or development schemes entrusted to a Zilla Parishad under that section.

(2) For ensuring speedy execution of works relating to public utilities, amenities and services and for their proper maintenance, the State Government shall arrange for release of the necessary funds to the Zilla Parishads, and for that purpose, the State Government may make such orders as it thinks fit, regard being had to the circumstances of each case.

23. Grant of hind on payment of occupancy price. :-

(1) After the publication of the sanctioned scheme in the Official Gazette under Section 21 , the Deputy Director shall, subject to the provisions of Section 25 , grant land, on payment of occupancy price, to the displaced persons in accordance with the provisions of the sanctioned scheme; and thereupon, except as expressly provided in this Act, the provisions of the Code and the rules made thereunder which provide for disposal of Government lands shall apply to such grants as they apply in relation to Government land granted under the Code.

(2) Where the occupancy price payable by any displaced person in respect of the agricultural land granted to him is not paid as provided in sub-section (1), the Deputy Director may, if he is satisfied that the delay in granting the land under sub-section (1) is likely to result in land remaining fallow, put such displaced person in possession of the land from the commencement of the agricultural year next following the date of the publication of the sanctioned scheme in the Official Gazette subject to the following conditions, namely:-

(i) if the displaced person fails to pay the occupancy price, he shall be deemed to have forfeited his right to the grant of land as provided in the sanctioned scheme;

(ii) In case of such failure, he shall be continued in possession of the land as a lessee only up to the expiry of the agricultural year on payment to the State Government of such rent as the Deputy Director may determine;

(iii) on the expiry of the said agricultural year, the displaced person shall vacate the land, and if he fails to do so, he shall be liable to be summarily evicted in accordance with the provisions of the Code;

(iv) after the displaced person vacates, or is evicted from, the land as provided in condition

(iii), the land may be disposed of in accordance with the provisions of the Code and the rules made thereunder in respect of grant of Government lands on payment of occupancy price;

(v) if the displaced person fails to pay the rent, it shall be recoverable from him as an arrear of land revenue.

24. Power of Deputy Director to grant land to other in certain cases. :-

If any displaced person fails to pay the occupancy price as required by this Act in respect of the land granted to him, he shall be deemed to have forfeited his right to the grant of land as provided in the sanctioned scheme; and it shall be lawful for the Deputy Director either to restore the land to the said displaced person on payment of the occupancy price within such period as may be specified by the Deputy Director or to grant such land on new tenure to any other person on his undertaking to pay the occupancy price, and thereupon, the scheme shall be deemed to be amended accordingly.

25. Transfer of encumbrances. :-

(1) Where any land held by a displaced person in an affected zone is burdened with a mortgage, debt or any other encumbrance, such mortgage, debt or other encumbrance shall be deemed to be transferred therefrom and attach itself to the land granted to such displaced person under Section 23 , and the mortgagee, creditor or as the case may be any other encumbrancer shall exercise his rights, accordingly.

(2) If the land to which a mortgage, debt or other encumbrance is transferred under subsection (1) is of less market value than the original land from which it is transferred, the mortgagee. creditor or as the case may be any other encumbrancer shall be entitled to payment of such compensation by the displaced person owning the land as may be determined by the Deputy Director.

CHAPTER 5

Miscellaneous

26. Penalty for false declaration. :-

If any person knowingly makes a false declaration or statement under this Act, he shall, on conviction be punished with a fine which may extend to one thousand rupees:

Provided that, in the absence of special or adequate reasons to the contrary to be mentioned in the judgement of the court, such fine shall not be less than one hundred rupees.

27. Power of officers of Government and local authorities to

assist. :-

Every officer of Government in any Department and every officer or servant of a local authority shall be bound to assist any Resettlement Officer or Deputy Director, project Engineer, or any officers duly authorised for the purpose of carrying out the provisions of this Act.

28. Officers and servants appointed under this Act to be public servants. :-

All officers or servants appointed under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860

29. Bar of jurisdiction. :-

No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act is required to be settled, decided or dealt with by the Director, Commissioner. Deputy Director, Resettlement Officer or (he State Government.

30. Protection of action taken under this Act. :-

No suit or prosecution or other legal proceedings shall lie against the State Government, local authority or any public servant for anything which is in good faith done or purported to be done under this Act.

31. Rules. :-

(1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Such rules may provide for charging fees for any of the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making modification in the rule or Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

SCHEDULE A
SCHEDULE

SCHEDULE A	
(See section 16)	
PART I	
Percentage of houses in gaothan acquired for a project.	Lands included in gaothan to be acquired (in Hectares)
(a) Less than 75 percent of the houses in the <i>gaothan</i> acquired for a project	<i>Nil.</i>
(b) 75 percent of the houses in the <i>gaothan</i> acquired for a project	All lands included in the entire <i>gaothan</i> .
(c) Area included in the <i>gaothan</i> is not acquired for a project, but more than 75 percent of the agricultural lands in the village are acquired, and the extent of the remaining area available for cultivation in the village is less than 50 per cent of the cultivated area of the village.	All lands included in the entire <i>gaothan</i> .
PART II	
Size of the holding	Area to be acquires (in Hectares)
(a) Not more than 3 Hectares and 23.75 Ares (8 acres)	<i>Nil.</i>
(b) More than 3 Hectares and 23.75 Ares (8	The area in excess of 3 Hectares and 23.75
Size of the holding acres) and not more than 4 Hectares and 85.62 Ares (12 acres)	Area to be acquires (in Hectares) Arcs (8 acres) but not more than 80.94 Ares (2 acres)
(c) More than 4 Hectares and 85.62Ares (12 acres) and not more than 6 Hectares and 47.49 Ares (16 acres)	The area in excess of 4 Hectares and 04.68 Ares (10 acres) but not more than 1 Hectare and 21.41 Ares (3 acres)
(d) More than 6 Hectares and 47.49Ares (16 acres) and not more than 8 Hectares and 09.37 Ares (20 acres)	The area in excess of 5 Hectares and 26.09 Ares (13 acres) but not more than 1 Hectare and 6 1 .87 Ares (4 acres)
(e) More than 8 Hectares and 09.37 Ares (20 acres) and not more than 9 Hectares and 71.24Ares (24acres)	The area in excess of 6 Hectares and 47.49Ares (16 acres) but not more than 2 Hectares and 02.34 Ares (5 acres)
(l) More than 9 Hectares and 7 1 .24Ares (24 acres)	All area in excess of 7 Hectares and 68.90 Ares (19 acres)
<p>Provided that, in the case of a holding falling under clause (b) no land from such holding shall be acquired if the acquisition results in reducing the size of the holding to less than 3 Hectares and 23.75 Ares (8 acres).</p>	

SCHEDULE B

SCHEDULE

SCHEDULE B

(See section 17)

PART 1

Area of land in Hectares lost by displaced persons for a project.	Area of land in Hectares to be granted to the displaced persons from within the benefited zone.
1. Not more than 80.94 Ares (2 acres)	Not less than 40.47 Ares (1 acre) but not more than 80.94 Ares (2 acres)
2. More than 80.94 Ares (2 acres) but not more than 2 Hectares and 02.34 Ares (5 acres)	Not less than 40.47 Ares (1 acre) but not more than 1 Hectare and 21.41 Ares (3 acres)
3. More than 2 Hectares and 02.34 Ares (5 acres)	Not less than 40.47 Ares (1 acre) but not more than 1 Hectare and 61.87 Ares (4 acres)

PART II

Category of displaced persons.	Scale of grant of <i>gaothan</i> plots in square meters.	
1. A displaced person who is an agriculturist.	(a) If the members of his family do not exceed 5;	371.612 sq. meters.
	(b) If the members of his family exceed 5	An additional 92.903 sq. meters for every 3 additional members, subject to the maximum area of 557.418 sq. meters.
2. A displaced person who is not an agriculturist.	(a) If the members of his family do not exceed 5;	185. 806 sq. meters.
	(b) If the members of his family exceed 5	An additional 46.4515 sq. meters for every 3 additional members, subject to the maximum area of 278.709 sq. meters.