

GOVT. OF NCT OF DELHI
LAND & BUILDING DEPARTMENT
(LAND ACQUISITION BRANCH)
B-BLOCK, VIKAS BHAWAN, IP ESTATE, NEW DELHI

F. No. 8(02)/2015/L&B/LA/

Dated :

To

The Distt. Magistrate/Collector,
South East Distt.,
Old Gargi College Building,
Lajpat Nagar - IV,
New Delhi.

Sub: Regarding Construction of Elevated Road over Barapullah Nallah Phase-III, starting from Sarai Kale Khan to Mayur Vihar, New Delhi.

Sir,

In the matter of construction of Elevated Road over Barapullah Nallah, New Delhi starting from Sarai Kale Khan, New Delhi to Mayur Vihar, New Delhi for which the Social Impact Assessment Report for the acquisition of land measuring 34526 Sq. Mtr. bearing Khasra Nos. 6 min (4416 Sq. Mtr.), 8 min (4896 Sq. Mtr.), 13 min (8728 Sq. Mtr.) 40 Min. (2048 Sq. Mtr.) 156 (9401 Sq. Mtr.) and 221 (5037 Sq. Mtr.) of village Nangli, Rajapur, New Delhi has been submitted by the SIA Unit on 14.03.2018 and the same was evaluated by the Multi Disciplinary Expert Group and recommendations were received in this office vide letter dated 11.09.2018. The recommendations were examined by this department under the provisions of Section 8(1) and (2) of RFCTLARR Act, 2013.

Thereafter the proposal for acquisition of land admeasuring 34526 Sq. Mtr. bearing Khasra Nos. 6 min (4416 Sq. Mtr.), 8 min (4896 Sq. Mtr.), 13 min (8728 Sq. Mtr.) 40 Min. (2048 Sq. Mtr.) 156 (9401 Sq. Mtr.) and 221 (5037 Sq. Mtr.) of village Nangli, Rajapur, New Delhi was placed before the Hon'ble Lt. Governor of Delhi, being appropriate Government for consideration and the same has been approved by Hon'ble Lt. Governor of Delhi vide U.O. Note No. 00029511 dated 30.01.2019 (copy enclosed). (Annexure F)

As per provisions of Section 8 (3) of RFCTLARR Act, 2013 "the decision of the appropriate Government shall be made available in the local language to the Panchyat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government."

Further as per the provisions of Section 11 (1) of RFCTLARR Act, 2013 "Whenever it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification (hereinafter referred to as preliminary notification) to that effect alongwith details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:-

- (a) in the Official Gazette;
- (b) in two daily newspapers circulating in the locality of such area of which one shall be in the regional language;
- (c) in the local language in the Panchyat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil;
- (d) uploaded on the website of the appropriate Government;
- (e) in the affected areas, in such manner as may be prescribed.

Further under provisions of Section 12 of RFCTLARR Act, 2013 "For the purpose of enabling the appropriate Government to determine the extent of land to be acquired, it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf, and for his servants and workmen,-

- (a) to enter upon and survey and take levels of any land in such locality.
- (b) to dig or bore into the sub-soil;
- (c) to do all other acts necessary to ascertain whether the land is adapted for such purpose;
- (d) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon; and
- (e) to mark such levels, boundaries and line by placing marks and cutting trenches and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle;

Provided that no act under clause (a) to (e) in respect of land shall be conducted in the absence of the owner of the land or in the absence of any person authorised in writing by the owner.

Provided further that the acts specified under the first proviso may be undertaken in the absence of the owner, if the owner has been afforded a reasonable opportunity to be present during the survey, by giving a notice of at least sixty days prior to such survey;

Provided also that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days notice of his intention to do so."

In addition to this under the provisions of Section 15 of the RFCTLARR Act, 2013 under "Hearing of Objections" :-

- (1) Any person interested in any land which has been notified under sub-section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to -
 - (a) the area and suitability of land proposed to be acquired;
 - (b) justification offered for public purpose;
 - (c) the findings of the Social Impact Assessment report.
- (2) Every objection under sub-Section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorized by him in this behalf or by an Advocate and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 11, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.
- (3) The decision of the appropriate Government on the objections made under sub-section (2) shall be final. "

The definition of Administrator, Collector and Commissioner is given under Section 3 (a), (g) and (h) of RFCTLARR Act, 2013. For which the Additional District Magistrate concerned of the district shall be the administrator under the RFCTLARR Act, 2013 vide this office Notification No. F. 10/Misc./1/14/L&B/LA/11435 dated 10.09.2015 **(copy enclosed as Annexure-A)**, the Deputy Commissioner of the concerned district of the Revenue department, Govt. of NCT of Delhi shall be the Collector for the purpose of RFCTLARR Act, 2013 vide this office order No. F. 10/Misc./1/14/L&B/LA/11437 dated 10.09.2015 **(copy enclosed as Annexure-B)** and the Secretary (Revenue)-cum-Divisional Commissioner, Govt. of NCT of Delhi as Commissioner for Rehabilitation and Resettlement for the purpose of the RFCTLARR Act, 2013 vide this office Notification No. F. 10/Misc/1/14/L&B/LA/1436 dated 10.09.2015 **(copy enclosed as Annexure-C)**.

Further upon the publication of the preliminary notification by the Collector, under the provisions of Section 16 of the RFCTLARR Act, 2013, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families and based on the survey and census shall prepare a draft Rehabilitation and Resettlement Scheme and shall also invite objection from the concerned and submit a specific report on claims and objections to the Collector.

The copy of Form -II i.e. proforma of preliminary notification which is to be issued by the Collector concerned under Section 11 of RFCTLARR Act, 2013 is **enclosed as Annexure-D** and the proforma of Notice for inviting objections which is to be issued by the Collector concerned under sub-section (2) of section 15 of RFCTLARR Act, 2013 is enclosed **as Annexure-E**.

In this regard it is requested to send the names of officers to this office who were authorized to conduct the survey to determine the extent of land which is to be acquired. Further it is also requested to send the draft of notification u/s 11 of RFCTLARR Act, 2013 to this office, so that the same can be sent to Law Department, Govt. of NCT of Delhi for vetting and further getting the approval of the appropriate Government.


In addition to this further necessary action as per the provisions of RFCTLARR Act, 2013 may be taken.

This issues with the prior approval of competent authority.

Your's faithfully

Encl. : As above.

(TAPAN JHA)

 Dy. Secretary (LA)


F. No. 8(02)/2015/L&B/LA/

Dated :

Copy for information to:

1. Principal Secretary to the Hon'ble Lt. Governor Delhi, Raj Niwas, Delhi.
2. OSD to Chief Secretary, GNCT of Delhi.
3. The Chief Project Manager (F-2), Barapullah Elevated Road (Phase-III), Public Works Department, Govt. of NCT of Delhi, Opposite Indraprastha Park, Ring Road, Sarai Kale Khan, New Delhi - 110013.
4. P.S. to Secretary (L&B), Vikas Bhawan, New Delhi.
5. P.S. to Joint Secretary (L&B), Vikas Bhawan, New Delhi.
6. System Analyst, Land & Building Department, GNCT of Delhi,

(TAPAN JHA)

 Dy. Secretary (LA)

[To be published in Part IV of the Delhi Gazette Extra Ordinary]

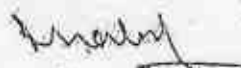
LAND AND BUILDING DEPARTMENT
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
B-BLOCK: VIKAS BHAWAN: NEW DELHI

Date: 10/10/2015

NOTIFICATION

No F.10/Misc/1/14/L&B/LA//935 In exercise of powers conferred by sub section (1) of section 43 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (13 of 2013) read with Government of India, Ministry of Home Affairs Notification S.O. No.2740 dated the 21st October, 2014, the Lt. Governor of National Capital Territory of Delhi hereby appoints the Additional District Magistrate of the concerned district of Revenue Department, Government of National Capital Territory of Delhi as Administrator for Rehabilitation and Resettlement for the purpose of the said Act.

BY ORDER AND IN THE NAME OF THE LIEUTENANT GOVERNOR OF
THE NATIONAL CAPITAL TERRITORY OF DELHI,



(DHARAM PAL)
Pr. SECRETARY (L&B)

LAND AND BUILDING DEPARTMENT
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
B-BLOCK: VIKAS BHAWAN: NEW DELHI

Date : 10/10/2015

ORDER

No.F.10/Misc/1/14/L&B/LA/11437 - In exercise of powers conferred by clause (g) of section 3 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (13 of 2013) read with Government of India, Ministry of Home Affairs notification S.O. No.2740 dated the 21st October, 2014, the Lt. Governor of National Capital Territory of Delhi is pleased to designate the Deputy Commissioner of the concerned district of the Revenue Department, Government of National Capital Territory of Delhi as Collector for the purpose of the said Act.

BY ORDER AND IN THE NAME OF THE LIEUTENANT GOVERNOR OF
THE NATIONAL CAPITAL TERRITORY OF DELHI.



(DHARAM PAL)
Pr. SECRETARY (L&B)

[To be published in Part IV of the Delhi Gazette Extraordinary]

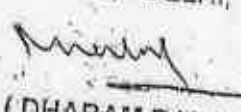
LAND AND BUILDING DEPARTMENT
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
B-BLOCK: VIKAS BHAWAN: NEW DELHI

Date: 10/09/2015

NOTIFICATION

No.F.10/Misc/1/14/L&B/LAJ/1126 In exercise of powers conferred by sub-section (1) of section 44 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (13 of 2013) read with Government of India, Ministry of Home Affairs Notification S.O. No.2740 dated the 21st October, 2014, the Lt. Governor of National Capital Territory of Delhi hereby is pleased to appoint the Secretary (Revenue)-cum-Divisional Commissioner, Government of National Capital Territory of Delhi as Commissioner for Rehabilitation and Resettlement for the purpose of the said Act.

BY ORDER AND IN THE NAME OF THE LIEUTENANT GOVERNOR OF
THE NATIONAL CAPITAL TERRITORY OF DELHI,


(DHARAM PAL)
Pr. SECRETARY (L&B)

FORM II

See rule 5(1)

PRELIMINARY NOTIFICATION

No.

Dated.....

Whereas it appears to the appropriate Government that a total of..... hectares land is required in the.....Village.....Taluk/Sub-division/Tehsil/Block (as applicable).....District for public purpose, namely,Social Impact Assessment Study was carried out by Social Impact Assessment (SIA) Unit and a report submitted /preliminary investigation was conducted by a team constituted by Collector as laid down under rule 4. The summary of the Social Impact Assessment Report/ preliminary investigation is as follows (Attach copy of SIA report):

A total of.....(no.) families are likely to be displaced due to the land acquisition. The reason necessitating such displacement is given below.

.....is appointed as Administrator for the purpose of rehabilitation and resettlement of the affected families. Therefore it is notified that for the above said project in the.....Village of.....Taluk/Sub-division/Tehsil/Block (as applicable)District a piece of land measuring,hectares viz;hectare of standard measurement, whose detail description is as following, is under acquisition:

Sl. No.	Survey No.	Type of title	Type of land	Area under acquisition (in hectare)	Name and address of person interested	Boundaries			
						N.	S.	E.	W.
Trees						Structures			
Variety			Number			Type		Plinth area	

This notification is made under the provisions of section 11(1) of the Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), to all whom it may concern.

A plan of the land may be inspected in the office of the Collector andon any working day during the working hours.

The Government is pleased to authorise Officer.....and his staff.....to enter upon and survey land, take levels of any land, dig or bore into the sub-soil and do all other acts required for the proper execution of their work as provided and specified in section 12 of the said Act.

Under section 11(4) of the Act, no person shall make any transaction or cause any transaction of land i.e., sale/purchase, etc., or create any encumbrances on such land from the date of publication of such notification without prior approval of the Collector.

Objections to the acquisition, if any, may be filed by the person interested within 60 (sixty days) from the date of publication of this notification as provided under section 15 of the Act before Collector.

Since the land is urgently required for the project falling within the purview of section 40(2) and the same has approval of the Parliament, it has been decided not to

Form III] *The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Compensation, Rehabilitation and Resettlement and Development Plan) Rules, 2015* 93

carry out the Social Impact Assessment Study, vide G.O. No. dated.....
(Strike if not applicable)

Encl: As above

Place.....

Date.....

Collector

FORM III

[See rule 6]

NOTICE BY COLLECTOR

No.

date.....

Notice is hereby given that the land specified in the Schedule below and situated in the village of.....in the Taluk/Sub-division/Tehsil/Block (as applicable) in the District of.....is needed or is likely to be needed in accordance with the notification under section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) published by the Collector at page.....of part I of the (name of State/UT) Gazette, dated..... All persons interested in the land are accordingly required to file their objections before.....within sixty (60) days from the date of publication of the above preliminary notification, a statement in writing of their objection, if any, to the acquisition of the said land.

Any objection statement which is received after the due date or which does not clearly explain the nature of the senders interested in the lands is liable to be summarily rejected.

Objections received within the due date, if any, will be enquired into on.....atwhen the objectors will be at liberty to appear in person or by Advocate and to adduce any oral or documentary evidence in support of their objections.

SCHEDULE

Sl. No.	Survey No.	Total area in hectares	Area in hectares under acquisition	Name and address of the person interested	Boundaries N.S.E.W	Details of trees, structures etc., if any
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Place.....

Date.....

Collector

293. The proposal in the file is regarding acquisition of land for Construction of Elevated Road over Barapullah Nallah Phase-III starting from Sarai Kale Khan to Mayur Vihar, Phase-III, New Delhi. A proposal was received from PWD Department, GNCT of Delhi vide their letter dated 03.07.2015 (**placed at 105/C**) in which it was requested to Land & Building Department, GNCT of Delhi to initiate the acquisition proceedings for construction of Elevated Road over Barapullah Nallah Phase- III.

294. The matter was examined by this office and forwarded to Distt. Collector (South East) for calling limited tender bid to assign SIA Unit for preparing Social Impact Assessment Report for acquisition of above said land as per Notification dated 13.6.2017 (**placed at 374/C**) under the provision of RFCTLARR Act, 2013. Out of the three empanelled units (**reference page 349/C**) Distt. Collector (South East) vide letter dated 24.08.2017 (**placed at 366/C**) informed this office that the Dean of the School of Human Ecology, Ambedkar University has been identified and directed to carry out Social Impact Assessment Study for acquisition of said land (**placed at 365-366/C**). Thereafter notifications under sub section (1) and (2) of Section 4 of RFCT LARR Act, 2013 and sub rule (1) of Rule 3 of RFCT LARR Rules, 2014 were issued on 15.09.2017 (**placed at 390-405/C**) with the approval of Hon'ble Lt. Governor of Delhi (**reference page 38/N vide para 188**) wherein Hon'ble Lt. Governor of Delhi has pleased to assign the School Of Human Ecology, Ambedkar University to carry out SIA study of proposed land to be acquired for Barapulah Phase III under Sub-rule(1) of rule(4) of said rules 2014 and another notification dated 15.9. 2017 under sub section (1) and (2) of section (4) of said Act, wherein Hon'ble L.G. Delhi is pleased to intend to acquire the Land for public purpose to construct the Barapullah elevated road and declared for commencement as SIA Unit to School of Human Ecology, Ambedkar University.

295. Ambedkar University, Delhi vide letter dated 14.03.2018 (**placed at 441/C**) submitted final Social Impact Assessment Report and Social Impact Management Plan to this office. Thereafter, the said report vide letter dated 04.04.2018 (**placed at 443/C**) was forwarded to Distt. Collector (South East) for publication of Social Impact Assessment Report in local language to Panchayat,

Municipality or Municipal Corporation as the case may be and offices of DC, SDM and the Tehsil. The copy of same was also uploaded on the website of this office.

296. Thereafter, the Multi Disciplinary Expert Group Committee was constituted to evaluate SIA Report vide Order dated 12.07.2018 **(placed at 465/C)** under the Chairpersonship of Divisional Commissioner-cum-Secretary (Revenue). The report of Multi Disciplinary Expert Group was received in this office on 11.09.2018 **(placed at 472-475/C)**. Thereafter the same was uploaded on the website of this office and also forward to DC (South East) for wide publication vide this office letter dated 19.9.18 **(placed at 488-489/C)** under the provisions of RFCTLARR Act, 2013 and Rules framed thereunder with the request to furnish the report to this office, which has been received vide letter dated 30.10.2018 of ADM (South East) **(placed at 496/C)** wherein the ADM (South East) has conveyed to this office that till the date of communication i.e. 30.10.2018 no representation/objection from the public or any authority has been received.

297. As per provisions Section 8(2) of the said Act "the appropriate Government shall examine the report of the Collector, if any and the report of the Expert Group on the SIA Study and after considering all the reports, recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.

298. As per the Social Impact Management Plan for Land Acquisition placed at Flag 'A' is as under :

1. Compensation amount awarded to the Land Owners based on Fair Market Value of Land.

The land owners has communicated their resistance to the level of compensation rather than resistance to the sale of land itself for the project.....

2. Compensation for Diversion of Flood Plain Land.

In addition awarding compensation to land owners, the requiring body should separately bear the cost of diverting ecologically sensitive and valuable flood plain land for construction of Elevated Road.....

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3. **Update and Digitise the land Records of Village Nangli Razapur.**

The entire body of the village proprietors are de jure Land Owners and will get a share of the compensation according to their respective ancestral shares in the land.....

4. **Settlement and Dispute over Boundary between DDA and Land Owners.**

The land owners argued (during the process of SIA study) that part of the land that is claimed by DDA and is presently being used for construction of the Barapullah Elevated Road,.....

5. **Resettlement and Rehabilitation of Eight Project Affected Tenant Households.**

As discussed in Chapter 7 of the SIA Report, the Eight THHs are likely to lose their Kachcha houses as a result of acquisition....

6. **Valuation and Compensation for Immovable Assets.**

Immovable assets belonging to the land owners, such as trees, hand pumps, tube wells, cattle shed, and other immovable assets will be affected...

7. **Restoration of Livelihood of Affected Tenant Households and Owner Farmers.**

As discussed in Chapter 8, at least 19 owner Farmer Households are likely to lose a part or whole of their farming incomes.....

8. **Special Assistance for Especially Vulnerable Project Affected families.**

It is recommended that the livelihood and physical and material well being of especially vulnerable PAFs listed in Table 8.2 of SIA Report.

9. **Improvement in Physical Infrastructure of Village Nangli Razapur.**

It was revealed during the SIA survey that resident of village Nangli Razapur receive water from the municipal supply.....

299. The Multi Disciplinary ^{12/11} Expert Group Committee Report states as under :

300. A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar projects shall be conducted by the Social Impact Assessment team. The Assessment shall determine the following namely:

- (a) area of impact under the proposed project, including both land to be acquired and areas that will be affected by environmental, social or other impacts of the projects.
- (b) quantity and location of land proposed to be acquired for the project.
- (c) the land proposed to be acquired is the bare minimum required.
- (d) possible alternative sites for the project and their feasibility.
- (e) whether, the land proposed for acquisition in Scheduled Area is demonstrable last resort:
- (f) land, if any, already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project;
- (g) the possibility of use of any public, unutilized land for the project and whether any of such land is under occupation.
- (h) nature of the land, present use and classification of land if it is in Agriculture land the irrigation coverage for the said land and the cropping pattern.
- (i) the special provisions with respect to food security have been adhered to in the proposed land acquisition.
- (j) size of holdings, ownership, patterns, land distribution, number of residential houses, and public and private infrastructure and assets; and
- (k) land price and recent changes in ownership, transfer and use of land over the last three years.

301. The report is evaluated and as per the presentation made before the committee, it is recommended that the extent of the proposed to be acquired is absolute bare minimum extent needed for the project and the Project has already been completed to the extent of 50%, there is no other option available.

302. It is further recommended that recommendations of the SIA Unit in para 8.3 of the report (at page 99 of the report) shall be endeavored to be taken into consideration by the Collector while determining the compensation U/s 23 of the RFCTLARR Act, 2013 in letter and spirit for cost of land as well as cost of rehabilitation.

303. For examining the matter in the light of Section 8 (1) and 8 (2) of RFCTLARR Act, 2013 i.e. Examination of proposals for land acquisition and Social Impact Assessment Report by appropriate Government, the appropriate Government shall ensure that :-

- (a) as per subsection (1) (a) of Section 8 "there is a legitimate and bona fide public purpose for the proposed acquisition which necessitates the acquisition of the land identified";
- (b) as per subsection (1) (b) of Section 8 "the potential benefits and the public purpose referred to in clause (a) shall outweigh the social costs and adverse social impact as determined by the Social Impact Assessment that has been carried out";
- (c) as per subsection (1) (c) of Section 8 "only the minimum area of land required for the project is proposed to be acquired";
- (d) as per sub section (1) (d) of Section 8 "there is no unutilized land which has been previously acquired in the area".
- (e) as per sub section (1) (e) of Section 8 "the land, if any, acquired earlier remained unutilized, is used for such public purpose and make recommendations in respect thereof."

304. In the above context with regards to point (a) the SIA Report reveals that this is the most feasible option of the project and fulfill the public purpose. (placed at page 96 of SIA Report). Hence, condition of Section 8 (1) (a) are met.

305. In regard to point (b) above the SIA Report has reveals that potential benefit and public purpose will be fulfilled. The cost that will be incurred by the potential PAFs (Project Affected Families) and environment can be mitigated and are not completely irreplaceable. Therefore, land can be acquired as requested by the requiring body so that the project can be completed. (placed at page xiv of SIA Report). Hence, condition of Section 8 (1) (b) are met.

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306. In regard to (c) above, as per SIA Report in all there were three alternates although the present alternate is most effective and SIA in its report has stated that the SIA study was undertaken after completion of almost 40% of the construction work of the project. Hence, the AUD State SIA Unit did not carry out an independent exercise to determine the public purpose and best alternative for the project. The benefits and public purpose of the project was established by Public Works Department, GNCTD as well as the agency responsible for carrying out the Environment Impact Assessment. (as per para 4.2 and 4.3 at page 30 and 31 of SIA Report).

307. As per SIA Report, pre-feasibility Report which was done by a consultant (VKS Infratech Management Private Ltd.) hired by PWD and was made available to the AUD State SIA Unit. As the alignment for the Elevated Road Project has been finalized by PWD and the project is already under construction (almost 40% of the construction work is complete), there is no other alternative route that can be considered for completing the present project. Therefore, AUD State SIA Unit has not conducted any independent study of alternative sites for land acquisition (placed at page 30 of SIA Report).

309. Further a meeting was convened on 20.12.2018 with the official of Ambedkar University i.e. representative of SIA Unit who informed that the SIA has drawn the report on the basis of area proposed for acquisition by requiring department. In the meeting it was decided that clarification may be sought from PWD Department that whether the proposed parcel of land is minimum bare land required as provided u/s 8 (1) (c) of RFCTLARR Act, 2003 and other shortest alignment was possible for the project.

310. The minutes of meeting was sent to the PWD authorities vide this office letter dated 03.01.2019 (**placed at 510/C**) requesting therein to clarify that whether the proposed parcel of land is minimum bare land required and no other shortest alignment was possible for the project. The PWD authorities vide letter dated 10.01.2019 (**placed at 515/C**) clarified that proposed parcel of land is minimum bare land required for the above mentioned project and there is no other shortest alignment is possible at this stage because

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construction work has already been completed on both sides of the proposed land which is to be acquired.

311. In regard to (d) and (e) above a letter dated 29.11.2018 (**placed at 497/C**) was sent to PWD authorities requesting therein to provide the information i.e. Map of the project showing alignment of the project and land which has been previously acquired in the area for DDA showing details of utilized and unutilized land. For which PWD authorities vide letter dated 1.12.2018 (**placed at 502/C**) provided the copy of drawing showing the alignment of the project in which it is informed that there are two pieces of land which are to be acquired. The major construction work has been completed in all the available land except the portion of land which is to be acquired. Further the details of the utilized & unutilized land acquired by the DDA in the area is not available with PWD. The construction work is at the stage where any change in the alignment is not feasible. Therefore, even if land is available in some other area, the same will not be useful. As such they have not been able to go for any other alternative.

312. Summary of compliance of provisions of sub Section 1 of Section 8 of RFCTLARR Act, 2013, in brief is as under :

S.No.	Section	Item	Observations
1.	8(1)(a)	Legitimate & Bonafide public purpose	Provided in Chapter 8 of SIA Report at page 96 of the report and recommended by Multi Disciplinary Expert Group
2.	8(1)(b)	Potential Benefit and public purpose	Provided in para 8.1 of SIA Report at page 97 and recommended by Multi Disciplinary Expert Group
3.	8(1)(c)	Bare Minimum Area	As per the SIA report, the SIA unit has not conducted any independent study of alternatives for land acquisition and instead relied upon the pre-feasibility report of PWD consultant and based thereon it came to the following conclusion: As the alignment for the elevated road has been finalized by PWD and the project is already under construction "almost 40% of

			<p>the construction work is completed" there is no other alternative route that can be considered for completing the project. Therefore, it is established that the land required for the project is the absolute bare minimum extent needed for the project. The SIA report has also been accepted by the Expert Committee.</p> <p>During the presentation in the Land & Building Department, the SIA unit showed some slides which indicate that the alignment proposed is not along the shortest possible distance. Based thereon a clarification was sought from the PWD. PWD have now clarified (515/C) that the proposed parcel of land is minimum bare land required for the above mentioned project and there is no other shortest alignment is possible at this stage because construction work has already been completed on both sides of the proposed land which is to be acquired.</p>
4.	8(1)(d) & (e)	No utilized land which has been previously acquired and if any, acquired earlier remained unutilized is used for such public purpose.	<p>PWD authorities vide letter dated 1.12.2018 (placed at 502/C) provided the copy of drawing showing the alignment of the project in which it is informed that there are two pieces of land which are to be acquired. The major construction work has been completed in all the available land except the portion of land which is to be acquired. Further the details of utilized and unutilized land acquired by the DDA in the area is not available with PWD. The construction work is at the stage where any change in the alignment is not feasible. Therefore, even if land is available in some other area, the same will not be useful.</p>

The contents of the presentation slide are available at page 516-532.

B [B]

313. The sub section (2) of Section 8 of RFCTLARR Act, 2013 is reproduced as under :

"The appropriate government shall examine the report of the Collector if any and the report of the Expert Group on the Social Impact Assessment study and after considering all the reports, recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected."

314. In the compliance of provisions of sub Section 2 of Section 8 of RFCTLARR Act, 2013, the brief is as under :

315. ADM (South East vide letter dated 30.10.2018 (placed at 496 /C) has conveyed that till the date of communication i.e. 30.10.2018 no representation/objection from the public or any authority has been received.

S.No.	Section	Item	Observations
1.	8(2)	Minimum displacement of people	<p>The Impact on Project Affected Families (PAFs) were provided in para 8.2.1 at page 97 of SIA Report.</p> <p>After analysing the report of Collector, report of Expert Group on SIA study it revealed that displacement which does not appear to be excessive.</p>
2.	8(2)	Minimum disturbance to the infrastructure	<p>As per SIA Report it is pointed out that minimum disturbance of infrastructure has occurred (as per para 4.4 at page 33 of SIA Report).</p>
3.	8(2)	Ecology	<p>SIA Unit in his report at para 7.4 at page 93-94 has also incorporated the Impact on the Environment.</p> <p>On the basis of EIA study State Environment Impact Assessment Authority has granted Environmental Clearance for the said project vide No. SEIAA-D/C-343/EC-348/2018 issued vide letter dated 23.03.2018(49/c)</p>

4.	8(2)	Minimum adverse impact on the individuals affected.	79/N Provided in para 8.2.1 of SIA Report at page 97 of the report and recommended by Multi Disciplinary Expert Group.
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316. In view of the above if agreed we may place the proposal for acquisition of land admeasuring area 34526 Sq. Mtr. in Khasra Nos. 6 min (4416 Sq. Mtr.) 8 min (4896 Sq. Mtr.) 13 min (8728 Sq. Mtr.) 40 min. (2048 Sq. Mtr.) 156 (9401 Sq. Mtr.) and 221 (5037 Sq. Mtr.) of village Nangli, Rajapur, New Delhi, before the Hon'ble Lt. Governor of Delhi being appropriate Government for his kind consideration to make a recommendation for acquisition of the aforementioned land in terms of Section 8(2) of RFCTLARR Act, 2013.

317. Submitted please.

42/LA

28/1/19

461/AS(LAB)

28/1/19

25/1/19

28/1/19
S.O. C.A.
D.S. C.A.
28/1/2019

Aditya/sen (L+B)

286/Pr. Seny/19
28/01/19

Pr. La (L+B)

28/1/19

29.1.19

CS

30/1/19

Hon. Lt. Governor

4/2/19

CS.

31/1/19

28/1/19

6/4/19

DS(LA)

Pr. Seny/19

5/2

491
29/1/19
5/2/19

RAJ NIWA
Diary No. 491
Dated 20/01/19

379/Pr. Seny/19
05/02/19