

**GUIDELINES FOR OFFERING EMPLOYMENT  
AGAINST ACQUISITION / POSSESSION  
AND USE OF LAND**



**CENTRAL COALFIELDS LIMITED**  
(A Subsidiary of Coal India Limited)  
Directorate of Personnel  
Darbhanga House, Ranchi

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P R E F A C E

Land is the first requirement for any mining activity and therefore, acquisition of land and its possession plays very important role. The rules and regulations exist for acquisition and possession of land against compensation. At times employment is being offered in addition to compensation for the land. The norms and procedures for offering employment against land has undergone several changes. Areas and Projects have taken recourse to different modes of settlement with the tenants in different ways.

In view of the above, it was considered necessary to bring out a Comprehensive "GUIDELINES FOR OFFERING EMPLOYMENT AGAINST ACQUISITION/POSSESSION AND USE OF LAND". A draft was circulated to C.M.D, CCL and Functional Directors. All of them took keen interest in the subject and provided sufficient encouragement. C.M.D., CCL went through every line of the draft and suggested modification. The Draft was discussed and approved by the Functional Directors in their meeting held on 30th Sept. '92 with some modification.

The Guidelines would come in effect immediately and is subject to variation, modification at the discretion of the Management of C.C.L without assigning any reason.

*J.N.S.*  
( J.N.SINGH )  
GENERAL MANAGER ( PERSONNEL  
& CORPORATE SERVICES )



GUIDELINES FOR OFFERING EMPLOYMENT AGAINST  
ACQUISITION/POSSESSION AND USE OF LAND.

1. Introduction:

1.1 Land for the purpose of "Mining and Allied" activities such as construction of Washeries, Workshop, Colony etc. is normally acquired under Coal Bearing Areas ( Acquisition and Development ) Act, 1957 and Land Acquisition Act 1894 supplemented by the provisions of Mineral Concession Rules, 1960. The process of land acquisition is cumbersome. More complex is the process of possession of land and its management. Determination of real owner of land, specially in case of G.M.K. land settled in the name of tenants, land disputes, settlement of forest land in the name of individual, adverse possession or forceful occupation of land and other related matters make the problem very complicated. Therefore, payment of compensation of land is a difficult job. Above all is the problem associated with economic rehabilitation of oustees against acquisition/possession/use of land by Coal Companies specially in case of C.C.L.

1.2 No employment was being offered against land by erstwhile National Coal Development Corporation. However, preference was admitted to land oustees as and when recruitment took place. The system of appointment of land oustees/their dependants went under change during post nationalisation period sometime in 1975. Employment was being offered on various norms to individual tenants and on the basis of package deal with villagers. The employment letters were issued from the Areas with or without approval from the Head Quarters. Since mid 1985 employment against land was centralised at Head Quarters, Ranchi.

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- 1.3 There were occasions when Govt. of India/Coal India stopped offering employment against land. Some alternative ways and means were worked out for paying monthly instalments in addition to payment of compensation against land. But it could not be popularised.
- 1.4 Gradually the norms were streamlined. Various documents were required for scrutiny. Number of circulars were issued from time to time. They are kept at H.Q./Area/Project Offices in different files. As a result compliance of the formalities take place in part and at times the files shuttle between H.Q., Area and Project. The obvious outcome is delay~~ed~~ and at times non-compliance of required formalities. In number of cases the land against which employment has been offered is not fully possessed by C.C.L. Various patches of land against which employment has already been offered is not required in near future. The tenants have been giving undue liberties of combining their land situated beyond required zone of land, In absence of rigid guidelines there have been number of lapses which need correction while dealing the cases in future.
- 1.5. In view of the above consideration it was considered necessary to streamline the formalities and formulate guidelines in respect of offering employment against land.
- 1.6. Accordingly, the following guidelines is issued for strict compliance to the objectives spelt above.

2. Norms for employment:

The undermentioned norm is subject to the vacancy

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in the Company and may be withdrawn at anytime without assigning any reason thereof.

2.1 The employment against land is offered for sustaining land oustees/dependants. The norms stipulated below does not mean that employment would be offered to number of persons beyond the land oustees and their dependants, in case a family owns land in excess of entitling employment to all the eligible members of their family on prorata basis.

2.2 The summarised norm is as follows :

- i) One employment against 3 acres of non-irrigated land. However, this is relaxed to one employment against 2 acres of land if the incumbents possess matriculation or higher qualification.
- ii) One employment against 2 acres of irrigated land. Rainfed areas, irrigation by Well or Ponds will not be covered under "Irrigated Land". The land covered under command area of an operative irrigation scheme will be considered as irrigated land. A Certificate to this effect will be required to be given by the General Managers of the Areas in consultation with concerned State Authorities.
- iii) The employment may be offered in variance with the above norms in case any package deal is struck with the tenants and or their authorised representatives. Such package deal will be mutually agreed to by the C.C.L. Management and the respective tenants and or their representatives.

2.3 The above norms are broad guidelines and are subject to the conditions stipulated at 2.1 and that the employment would not be offered to a female dependant/s. The female dependant/s would

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be offered relief under " Rehabilitation Package For Land Losers " approved by the Govt. of India. Copy of the Govt. Order and subsequent clarification are enclosed as ANNEXURE- 1-2.3A and 1-2.3B respectively. Only such females who have professional qualification WITH Matriculation or Higher Qualification may be considered for employment against specific need subject to vacancy.

3. Condition for Processing Employment:

3.1. The Area/Project/Unit should satisfy the following before any proposal is processed for employment.

- a) That the land is acquired under the provisions of relevant Acts/Rules or fit for transfer of ownership legally.
- ✓ b) That the land in question is likely to be used within 5 years of the proposal.
- c) That the land is likely to be possessed free from obstructions by the tenants/villagers and that there would be no agitation in altering the shape of the land or converting the land to the use of the Company.
- d) That the tenants have the land entitling them for atleast one employment within 5 years requirement zone. In case they donot have sufficient land the land lying outside "the 5 years requirement zone" may be considered in special cases on case to case basis.

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e) That any part of the land is not litigated.

Even after the land acquisition, employment proposal against the litigated land would not be processed till the issue is settled in the Court of Law.

3.2. Any proposal not conforming to the stipulation above would be discussed at Head Quarter before proposal for employment is processed.

4. Processing Employment Proposal From Project/Area:

4.1. The Area/Project would satisfy themselves with the conditions at '3' above before proposal for employment is processed to Hqrs. The proposal for employment would invariably be submitted with the following documents :-

- i) A personal proforma duly filled in, specimen copy of which is enclosed as Annexure - 2.4.1. Part I and Part II, it is to be noted that a Certificate to the effect that no employment has been provided against land under proposal is to be given by the Project/Area. In case the land in question is irrigated, additional Certificate by the G.M. of the Area would be required.
- ii) The land-use plan indicating the following :
  - a) Name of the Area & Project/Mine/Establishment.

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- b) Mining Lease Boundary/Limit of land boundary required up to the final stage of operation or execution of the Project.
- c) Boundary of the acquired land or the land under acquisition.
- d) Mine workings indicating the boundary of working at 5 years interval and limit of mine working at the final stage of operation.
- e) Limit of subsidence and other disturbance on the surface.
- f) Type of land in different colours, e.g. Forest Land, G.M.K. and Tenancy Land.
- g) G.M.K. land settled in the name of tenants after acquisition of land or during the process of acquisition.
- h) Infrastructure such as road, overhead line colony etc.
- i) Land earmarked for forest growth and compensatory afforestation.
- ii) Any other detail which is relevant on the subject.  
The land use plan would be drawn on "REVENUE MAP" indicating Plot Nos., Village and Khata No.
- iii) A format duly filled in as detailed under Annexure 3.4.1(iii).
- iv) Genealogical Chart (commonly known as Family Tree) in respect of all the tenants under consideration. The entitlement of employment against land is indicated as Annexure 4.4.1(iv).
- v) Caste Certificate in case the incumbent is SC/ST in the prescribed form placed at Annexure - 5.4.1 (v).

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4.2. Land-use plan, the Format and the Chart above would be signed by the Manager appointed under Mines Act, 1952 and Project Officer. They would be scrutinised and countersigned by the Area Revenue Officer, Staff Officer (P&P)/Staff Officer (Personnel) and G.M. of the respective Area. In case the land is required for non-mining Project, the proposal would be sent by the Chief of the concerned Project to the General Manager of the concerned Area.

5. Scrutiny of the Proposal at Hqrs.

5.1. The proposal sent by the respective Areas would be thoroughly scrutinised by the Revenue Deptt. and Personnel Deptt. at Hqrs. Ranchi.

5.2. The type of scrutiny to be carried out by the Two Deptts. would be as follows :

5.2.1. (i) Scrutiny by the Revenue Deptt.

- a) The correctness of the village, plots and plot nos. indicated on the land-use plan.
- b) Correctness of the acquisition of land with special emphasis to the Village, Khata No. Area and the Names of the tenants against which the proposal for employment has been proposed, and whether the tenant is competent to transfer the land in question to CCL or if any /
- c) Compensation paid/likely to be paid to the tenants under proposal would/<sup>also</sup> be one of the basic elements of the scrutiny. In case land is acquired/being acquired under L.A. Act, the genuineness of the owners of the land through documents provided by the authorities is to be thoroughly gone into. On full satisfaction of the genuineness of

Authority  
from the State  
Authority is  
needed.

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the documents, the Chief of Revenue would countersign the format (Annexure - 2.4.1 Part-I).

- d) Genealogical Chart to decipher the share of different claimants.

5.2.2.(ii) Scrutiny by the Personnel Deptt.

- a) Genealogical Chart with special attention to entitlement of the persons proposed for employment.
- b) Bringing out the names of the ladies against whom the proposal might have been sent inadvertently by the Area for the purpose of offering alternative compensation in lieu of employment as provided under 2.3 above.
- c) All the documents processed by the Project/ Area and by the Revenue Deptt.
- d) The name of the person and number of persons who should be considered for employment based on the documents submitted with special attention to the mine boundaries indicated on the land-use plan and other relevant consideration.

6. Addl. Consideration for approval of the proposal

- 6.1. Dealing with the cases of employment against land already acquired and owned by the tenants would be rather easy. However, the cases of different types are being faced and requires clarification. Some possible situations have been discussed and guideline in respect of each one is tabulated below :

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Situation

- i) Consideration of employment against CMK settled land in the name of tenants w.e.f. a day prior to the date of Notification for acquisition.
- ii) Employment against the land transferred after legal acquisition.
- iii) Employment against land under the process of acquisition.

Guideline

Notification made by the Collector/Addl. Collector of the concerned District will be honoured if the settlement is of period prior to the notification for acquisition. The employment and compensation against the land would be offered at par with employment & compensation offered to the tenants surrounding the land in question i.e. to say that if the tenants whose land were acquired under the same notification and were not offered employment, the new settlers will also not be entitled for employment.

Such cases would be dealt on case to case basis.

Normally compensation and employment should be given after acquisition and physical possession of the land. However, when the land is required urgently, the employment against land may be considered. To avoid the possibility of claim by the transferor and transferee of land, the concerned tenants (the present owners) will enter into an agreement with C.C.I. Management, mentioning that he/she would not ~~sell~~ the land against which employment/crop compensation is sought for. A copy of such agreement would be sent to the Circle Officer, C.C.I. Divisional Office.

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Situation

Guideline

iv) Employment against land required on urgent basis but the situation of the land and circumstances do not suggest acquisition of land to be processed i.e. the case relates to "outright purchase".

and Addl. Collector for record. Violation of the agreement will result in termination of services.

Employment would not be offered in such cases and outright purchase would be affected on payment against consideration of land.

v) Employment against acquisition of land in bulk against present and immediate future requirement and land being in process of acquisition.

The land acquired in excess of requirement would be considered for offering "land for compensatory afforestation". The employment will however, be offered only in case of such land which would be used say within 5 years of the proposal and land in and around required for the Company's purpose is available. No employment will be offered if land already acquired is not required for any purpose.

vi) Employment against isolated patch of land.

Employment against land will be considered only if the land around the same plot is made available and is required by CCL. No employment against isolated patch around which the land is not available for the Company would be considered for employment.

vii) Employment against land situated in the surroundings of the forest land.

Employment against such land will be considered only when the land is required immediately and the formalities for

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Situation

Guideline

forest clearance is in advanced stage or the clearance has already been obtained or the clearance is likely to be received.

7. Approval for offer of employment:

The proposal for employment duly processed from the Area and scrutinised by Revenue Deptt. and G.M.(Personnel) would be sent to the Dir.(T) (P&F)/D(P)/C.M.D for their approval. They may approve the proposal as such with or without modification. The decision so taken would be communicated to the G.M.(Pers.) for further necessary action. In very special circumstances proposal may be placed before the Board.

8. Offer of employment and obligation of the tenants:

8.1. On receipt of approval from the competent authority mentioned at 7 above, communication will be sent to the Area for personal interview of the incumbents at Head Quarters. They would be required to face an interview (commonly known as PERSONAL INTERVIEW) with all the relevant documents mentioned in the communication by G.M.(Personnel)

Normally 8 Nos. of photographs duly attested by the concerned State Officer or Manager/Project Officer of the concerned Project, educational Certificates etc. are required. One representative of the Area preferably Area Revenue Officer would also associate in the interview. The candidates may be required to appear in the written test also for judging their suitability.

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The placement of the candidates would be as per extant rules of the Company and the guidelines in operation.

8.2 The appointment letter ( Form Annexed as Annexure 6.8.3.) duly signed by G.M. (Personnel) would be sent to the Area for being handed over to the respective candidates. However, before the appointment letters are handed over, the following would be ensured.

✓ i) The land against which the employment is being offered would be taken under the full possession of the Company. The shape of the land would be so changed that it can not be used for the purpose it was being used so far. Pillaring of the land plots would also be undertaken.

The Area/Project authority would ensure that the land is fully possessed and buildings dwellings etc. would also be demolished if the employment has been considered against the land over which building construction, dwellings etc. exist. The appointment letter would be handed over to the respective Project Officer by the Area, only on receipt of the Certificate that the stipulation above regarding possession of land is complied and the Project Officer would hand over the letters on his full satisfaction.

ii) If possible "Antecedent Verification" should be done prior to handing over of the appointment letter. However, if it is not possible, the same must be obtained within 6 months of the joining services/training by the incumbents

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In case the antecedent is not verified, the annual increment should not be allowed to the employees concerned. Proper action would, however, be taken on receipt of antecedent verification as provided in the appointment letter. Provision 11.3 may please be referred in respect of Antecedent verification.

- iii) The details of the employment offered under this scheme would be maintained in a bound paged register by the Personnel Deptt. of the Hqrs. and at the concerned Projects with the following details :

The register maintained at Hqrs. would be signed by the dealing Officers of the Personnel Deptt. and the concerned G.M.(Personnel) and the register maintained at the Project would be signed by the Personnel Officer of the Project and Project Officer. The register maintained at the Project would be made available as and when required by the Hqrs. for countersignature.

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1.	Sl. No. of the person	2.	Name of the person	3.	Age	4.	Address
5.	Postal & Village Revenue Address	6.	Khata No.	7.	Plot No.	8.	Area
9.	No. and date of the appointment letter	10.	Relationship with the owner of the land.	11.	Signature of the Officer/Personnel dealing with the Project	12.	Signature of the Project Officer
Remarks							



9. Termination/Dismissal from Services:

9.1. The services of the employees appointed against land would be terminated or the employees may be dismissed from services on the following counts :

- a) On receipt of adverse character & antecedent report from the concerned authority without assigning any reason thereof to the concerned employees.
- b) In terms of the provisions laid down in the Certified/Model Standing Orders under Industrial Employment Standing Order Act 1946 and other Rules & Regulations which may be framed from time to time by the Company.
- c) Violation of Bilateral Agreement made with the employees in respect of use of land.
- d) If any of the persons of the employee's family or any person related/connected with the land causes any obstruction in smooth running of the construction work/mining operation or use of land or in use of land by the CCL in any other manner, his services would be terminated without assigning any reason thereof.
- e) If the objective for which CCL has offered employment is not achieved on account of land dispute not necessarily concerning land against which he/she has been employed, the services may be terminated without assigning any reason thereof.
- (f) If it has come to the notice of the Management that information regarding claim for employment relationship, educational qualification, technical qualification, etc. is incorrect.

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- g) If it is found that the information relating to antecedent was incorrect i.e. to say that if the antecedent report received earlier is satisfactory but subsequently it is found that antecedent report sent earlier was incorrect, the services would be terminated.

10. Limitation of the Project/Area.

- a) Area/Project would not enter into verbal or written agreement with the villagers/tenants for providing employment against land without written approval of the Hqrs. This will apply to both in respect of land already acquired or to be acquired under the relevant Act for Acquisition.
- b) If the situation so warrants that such agreement with villagers is essential, the case would be processed with all relevant information described above for grant of permission from Hqrs.

11. Sundry Provisions :

- 11.1. The following information in respect of the incumbents who have been offered employment would be placed on the Notice-Board alongwith a Photograph of the candidate.

- A) Name
- B) Father's Name
- C) Name of the village to which he belongs.
- D) Name of the village where his land is situated against which employment is being offered.

- 11.2. The intimation of the appointment would be given to the Officer-Incharge of concerned Police Station and to the State Govt. Officials

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The Govt. of India/Coal India/CCL may prohibit employment or modify the above guidelines as and when deemed necessary. The concerned executives at Hqrs./Area and Project should keep themselves abreast with such guidelines issued from time to time. Reference may be made to G.M. (Pers.) CCL, Ranchi for any clarification.

12. Modification & Repeal of the Guidelines:

11-6/ Under normal condition the age of the candidate would be 18 years or above but would not exceed 35 years. Employment may be kept reserved for a child but may be considered for an adolescent attaining the age of 16 years and above.

11-5. Preferably the incumbents will be posted outside area.

11-4. Under no circumstances the land belonging to the Scheduled Tribe would be clubbed with non-tribals for grouping purpose for the sake of providing employment. However, the tribals may be offered benefits of bulking the land from non-tribals but not vice-versa.

11-3. The letter for antecedent verification would be addressed to the Dy. Commissioner/District Magistrate of the respective District in the "Attestation Form" in Duplicate. The forms for the same is available with the Areas/Project. such as C.O/B.D.O. who may be requested to intimate the management if they have any doubt on the bonafides of the appointee.



GOVERNMENT OF INDIA  
MINISTRY OF ENERGY  
DEPARTMENT OF COAL

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Shastri Bhavan, New Delhi, the 19th Oct'1990.

To,

- 1) Chairman, Coal India Limited, Calcutta.
- 2) Chairman/Managing Directors of all the subsidiaries of Coal India Limited.
- 3) Chairman/Managing Directors Neyveli Lignite Corporation, Mayveli.

Sub :- Requisition of land for Coal Projects  
Rehabilitation Package for land losers.

In continuation of my Telex of even number and date on the above subject, I am directed to say that keeping in view the difficulty being faced in getting the physical possession of the land required for Coal Projects, it has been decided that the Rehabilitation Package sanctioned for the families displaced by the Sonepur Bazari Opencast Project (West Bengal), shall be extended, with immediate effect, to various Coal, lignite etc. Projects under your charge, as per details below :

- (i) To the extent new employment opportunities get created in the project in unskilled and Semi-skilled categories, these shall be reserved entirely for the land losing families.
- (ii) Suitable vocational training facility would be provided to the land losers to upgrade their skills for employment in other categories of jobs in the project, on a preferential basis.
- (iii) Alternative house along with suitable infrastructure will be provided to all evictee families. Each evictee family would be paid shifting allowance upto Rs.2000/- and lump-sum grant of Rs.5000/- towards housing.
- (iv) Cash compensation for the land to be acquired will be deposited with the district administration in advance so that there is no delay in payment of compensation to the land owning displaced families.

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GOVERNMENT OF INDIA  
MINISTRY OF COAL

Annexure-1,2,3B

49019/4/86-CP/LSW

New Delhi the 27th July, 92

Chairman, Coal India Ltd. Calcutta  
CMDs of all the subsidiaries of CIL  
CMD, NLC, Neyveli

Sub:- Acquisition of land for Coal Project,  
Rehabilitation Package for land losers.

Sir,

I am directed to refer to Ministry's Orders of even number dated 31.5.90 and 19.10.90 on the above subject by which the rehabilitation package for land losers applicable to all coal projects was brought into force and to say that the above mentioned orders stipulate, inter alia, that families which are not beneficiaries of employment for one of their members would be paid subsistence allowance @ Rs.300/-P.M plus an ex-gratia of Rs.100/- in case of families losing land upto one acre. It has been brought to the notice of the Govt. that this provision is being misused by the fragmentation of land holdings, thereby claiming the subsistence allowance @ Rs.300/-p.m. for each of the small land holdings below one acre. The matter has since been reviewed by the Govt. and after careful consideration of the matter, it has now been decided that the subsistence allowance will uniformly be payable only on pro-ratabasis @ 300/-per month per acre subject to the maximum of Rs.1000/-p.m. as already prescribed, plus an ex-gratia payment of Rs.100/-p.m. per family.

Yours faithfully,

Sd/-

(VINAY VASISHTHA)  
DIRECTOR

Copy forwarded for information to the Member Secretary,  
Land of Revenue & Secretary Land & Land Reforms Deptt.  
Govt. of West Bengal, Calcutta.

Sd/-

(VINAY VASISHTHA)  
DIRECTOR

Handwritten signature/initials.



(v) Families which are not beneficiaries of employment for one of their member, would be paid subsistence allowance for 20 years at the following rates :

- |   |  |
|---|--|
| (a) To Families losing land upto one acre | At the rate of Rs.300/- per month plus an ex-gratia amount of Rs.100/- per month per family.                                     |
| (b) Families losing above one acre        | Rs.300/-per month per acre subject to a maximum of Rs.1000/-per month plus an ex-gratia amount of Rs.100/- per month per family. |

The amount of subsistence allowance at the rates stated above would be capitalised on a 20 years basis and placed at the disposal of the concerned State Government for disbursement to the land losers.

It is hoped that the sanctioning of the above liberal Rehabilitation Package would help in expeditious taking over the physical possession of the land required for various projects and you are requested to take immediate action accordingly.

Receipt of this letter may please be acknowledged.

Yours faithfully,

Sd/-

( O.P.Gulla )  
Joint Secretary to the Govt.  
of India

Copy forwarded to Chairman/Managing Director. The Singrani Collieries Company Limited, Kothagudem Collieries. Since SCCL may also be finding difficulty in getting physical possession of the land required for Coal Projects, they may consider adopting the above Rehabilitation Package in the case of S.C.C.L.

P.S. to Secretary, for information.

Sd/-  
( O.P.Gulla )  
Joint Secretary to the Govt.  
of India

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