

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
NOTIFICATION

Whereas the draft of certain rules, which the State Government proposes to make in exercise of the powers conferred by sub-section(1) of section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) was published, as required by section 112 of the said Act, in an Extraordinary issue of the Odisha Gazette no. 1480 dated 19th October, 2015 under the notification of the Government of Odisha in Revenue and Disaster Management Department No. R & REH-24/2015-29814 dated the 19th October, 2015, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of fifteen days from the date of publication of the said notification in the Odisha Gazette;

And whereas, no objection or suggestion on the said draft has been received by the Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), the State Government do hereby make the following rules, namely : —

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement. — (1) These rules may be called the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016.

(2) They shall extend to the whole of the State of Odisha.

(3) They shall come into force on the date of their publication in the Odisha Gazette.

2. Definitions.— (1) In these rules, unless the context otherwise requires, —

- (a) “Act” means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013);
- (b) “Central Government” means the Government of India;
- (c) “District Collector” means the officer appointed by the State Government as Collector and District Magistrate for a District;
- (d) “District Office” means office of the District Collector;
- (e) “Form” means forms appended to these rules;
- (f) “Land Acquisition Collector” means the Deputy Collector or any other officer designated as Land Acquisition Officer or Special Land Acquisition Officer by the State Government to perform all or any of the functions of Collector under the Act;
- (g) “landless” means landless person as defined in the Odisha Prevention of Land Encroachment Act, 1972;
- (h) “R and R” means Rehabilitation and Resettlement;
- (i) “Secretary/ Commissioner R & R” means an officer not below the rank of Additional Secretary appointed by the Government;
- (j) “section” means section of the Act;
- (k) “SIA” means Social Impact Assessment made under sub-section (l) of section 4; and includes with grammatical variations and SIA team shall be constituted accordingly;

- (1) "SIMP" means the Social Impact Management Plan prepared as part of the Social Impact Assessment study under sub-section (6) of section 4.
- (2) The words and expressions used but not defined in these rules, but defined in the Act unless the context otherwise requires, shall have the same meaning as assigned to them in the Act.

CHAPTER -II

3. Proposal by the Requiring Body for acquisition of land. — Whenever any Requiring Body proposes acquisition of land for public purpose, the detailed proposal for acquisition of land shall be submitted by the Requiring Body in Form- 'A' with the approval of the Department to which the project relates, to the concerned District Collector and if the land under proposed acquisition includes double cropped irrigated land, the District Collector shall forward the proposal to the Agriculture Department for their recommendation keeping in view the provision contained in section 10 and the Agriculture Department with their recommendation or objections, if any, shall return the same to the District Collector.

4. Summary scrutiny of application for land acquisition. — (1) On receipt of the application in Form- A completed in all respect, the District Collector, shall make summary scrutiny of the application and on being satisfied, shall forward it to the authority conducting SIA study with copy to the Department dealing with the subject matter of land acquisition and the Department to which the project relates.

(2) The District Collector shall send the land particulars of the proposed project area to the Tahasildar for updating the record-of-rights within a period of three months and where necessary, the Tahasildar shall obtain a plot-wise encumbrance from the concerned Sub- Registrar or

Registrar to initiate suo motu mutation proceedings to ensure that updation of records is complete.

5. Review to ensure updating of land records, restoration of titles and settlement of rights.— (1) Settling land rights due, but not settled and restoring of the titles of the Scheduled Tribes as well as the Scheduled Castes and other eligible families on the land to be acquired for public purpose shall be undertaken as a special drive together with land acquisition and immediately after the notification issued under section 4, the process of recognition and vesting of forest rights shall also be undertaken under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and the rules made thereunder.

(2) The District Collector shall take monthly review meetings on restoration of titles, settlement of rights and updation of the records.

6. State SIA Unit.— (1) The State Government shall establish an independent organization (hereinafter referred to as the State SIA Unit), which shall be responsible for ensuring that the SIA study is conducted by such persons or bodies other than the Requiring Body as per the provisions of the Act.

(2) The State SIA Unit shall undertake the following tasks, namely:-

- (a) build and continuously expand a State Database of qualified SIA Resource Partners and Practitioners, which shall serve as network of individuals and institutions with the required skills and capacities to conduct SIA for land acquisition, Rehabilitation and Resettlement;

- (b) respond immediately to the appropriate Government's request for SIA study to be conducted by preparing a project-specific Terms of Reference (hereinafter referred to as ToR);
 - (c) conduct training and capacity building programmes for the SIA team and make available manuals, tools, comparative case study reports and other materials required for the analysis;
 - (d) provide ongoing support and corrective action, as required during the SIA process;
 - (e) ensure that the transaction based, web-based workflow for SIA and Management Information System for land acquisition, Rehabilitation and Resettlement is maintained and that all relevant documents are disclosed as per the provisions of the Act;
 - (f) maintain catalogue of all SIA and associated primary material;
 - (g) continuously review, evaluate and strengthen the quality of SIAs and the capacities available to conduct them across the State; and
 - (h) form group of District Level Resource persons comprising of minimum twenty persons with experts.
- (3) (a) The Secretary or Commissioner Rehabilitation and Resettlement shall act as State Level Nodal Officer for facilitating State Level SIA unit for ensuring completion of SIA studies within the stipulated period.

(b) Additional District Magistrate shall act as District Level Nodal Officer to facilitate SIA teams for ensuring completion of SIA studies for each project within the stipulated period.

7. Preparation of project-specific Terms of Reference (ToR). — (1) After receipt of proposal from the District Collector, the State SIA Unit shall, –

(a) prepare a detailed project-specific ToR for each proposal of land acquisition, listing all the activities that must be carried out indicating the appropriate team size, number of field teams and profile of the team members and stipulate the schedule and deadlines for key deliverables for the SIA as detailed in Form-B; and

(b) determine an estimated SIA fee based on the ToR with clear break-up of costs for each item or activity which shall be based on the parameters including area, type, location of project and number of affected families as specified by the State Government to be deposited by the Requiring Body.

(2) The Requiring Body shall deposit the estimated SIA fee along with ten per centum of it towards administrative cost with the authority conducting SIA study in the Scheduled Bank account of the said authority under intimation to the Land Acquisition Collector and the State Government.

8. SIA notification. — (1) The State Government, on receipt of intimation from the authority conducting SIA study regarding deposit of SIA fee, shall issue notification within thirty days from the date of such intimation for carrying out SIA study in Form– C for commencement of consultation and Social Impact Assessment study, which shall be published in the official Gazette.

(2) The notification shall be made available in Odia language in the office of Panchayat, Notified Area council, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tahasildar and shall also be published at some conspicuous places of every village or ward, as the case may be, in the affected area and in token of such service, signature of two persons shall be obtained and in case the area is uninhabited, such publication shall be made in the adjacent habitated villages and shall be uploaded in the website of the State Government and the district concerned.

9. Social Impact Assessment study.— (1) The SIA study shall be conducted in consultation with concerned Panchayat, Notified Area Council, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected areas, for the purpose of section 4 followed by a public hearing in the affected areas to ascertain the views of the affected families which shall be recorded in writing.

(2) The Social Impact Assessment Report prepared by the authority conducting the SIA study shall be submitted in Form-D to the State Government along with Social Impact Management Plan in Form-E listing the ameliorative measures required to be undertaken for addressing the impact of the project on any specific component referred to in sub-section (5) of section 4 within a period of six months from the date specified in the notification issued under sub-section (1) of section 4.

10. Selection of the SIA team. — (1) The authority conducting SIA study shall be responsible for selecting the SIA team for each project from the individuals and institutions registered or empanelled in the State database of qualified SIA Resource Partners and Practitioners.

(2) The Requiring Body shall, in no way, be involved in the appointment of the SIA team to carry out the SIA.

(3) The size and selection criteria for the SIA team shall be project-specific. The team size shall comprise of minimum five (5) and more members depending on the area, type and location of the project.

(4) The SIA team may be constituted by appointing individuals or an organization with experience in conducting SIA study or related field-based assessments and the team may include —

(a) a combination of independent practitioners, qualified social activists, academics, technical experts, who are not directly connected with the Requiring Body; and

(b) at least one woman member;

(5) A team leader shall be appointed from amongst the SIA team members to liaison with the authority conducting SIA study, public representatives, Government functionaries and the Requiring Body throughout the assessment period.

(6) The authority conducting SIA study shall have the right to change the team member and size of the team during the process of study.

(7) If at any stage, it is found that any team member or any member of his or her family directly or indirectly receives any benefit from the Requiring Body or any other stakeholder in the project, the said member shall be disqualified for the said project.

11. Process of conducting the Social Impact Assessment.— (1) The authority conducting SIA study shall collect and analyse a range of quantitative and qualitative data, undertake detailed site visit, use

participatory methods such as focussed group discussions, participatory rural appraisal techniques and informant interviews in preparing the Social Impact Assessment report.

(2) 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 such authority and for the purpose, all relevant information or records shall be provided by the District collector within fifteen days to such authority from the date of receipt of its written requisition.

(3) Based on the land assessment, land records and field verification, the SIA shall provide an accurate estimate of the number of affected families and the number of displaced families among them.

(4) A socio-economic and cultural profile of the affected area shall be prepared, based on available data and statistics, field visits and consultations as per Form– F:

Provided that where the land proposed to be acquired involves displacement of families, area for rehabilitation and resettlement of those families shall be identified in due consultation with those families and their representatives in the concerned local bodies and such identified resettlement sites shall be visited and a brief socio-economic profile of the site and its current resident population shall be indicated.

(5) Basing on the data collected in processes mentioned in the preceding sub rule and in consultation with public representatives, the affected communities and key stakeholders, the nature, extent and intensity of the positive and negative social impacts associated with the proposed project the Key Impact Area shall be identified and assessed as per Form– G.

12. SIMP to include R&R Entitlement Matrix.— Social Impact Management Plan shall, along with other ameliorative measures, provide detail Rehabilitation and Resettlement Entitlement Matrix of each of the enumerated affected and displaced families and detail land Schedule of the area identified for resettlement and rehabilitation of the displaced families.

13. SIMP to include Development Plan in case of acquisition in Scheduled Areas.— (1) Where land proposed to be acquired comes under Scheduled Areas and involves displacement of Schedule Caste and Schedule Tribe families, the Social Impact Management Plan shall contain a Development Plan prepared in accordance with the provisions under section 41 and in the formulation of such Development Plan, affected Scheduled Caste and Scheduled Tribe families, their representatives in the affected local bodies and the District Collector shall be consulted by the SIA.

(2) The Development Plan so prepared shall be discussed in the Gram Sabha or the Panchayats at the appropriate level in the Scheduled Areas in accordance with the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

(3) Based on the discussions and opinion generated in the Gram Sabha or the Panchayats at the appropriate level, the District Collector shall review the Development Plan and modify it, if considered necessary, by giving sufficient reasons and justifications and during the review of the Development Plan by the District Collector, the Requiring Body shall also be consulted after which, the Development Plan shall be placed before the Gram Sabha for consideration and consent to the proposed acquisition of land and the Development Plan so consented by the Gram Sabha shall become final, copy of which shall be made available by the District

Collector to the State Government, the Department to which the project relates, the Department dealing with the subject matters relating to the Scheduled Tribes and Scheduled Castes Development, Requiring Body and the Administrator, R and R.

(4) Where a Development Plan is prepared, such Development Plan shall be implemented by the Requiring Body at its own cost in consultation with the Gram Sabha, which shall conduct regular social audit of the execution of the Development Plan and its findings shall be sent to the Requiring Body, Administrator, R and R, District Collector, the State Government, Department to which the project relates and the Department dealing with the subject matter relating to Scheduled Tribes and Scheduled Caste Development for appropriate action.

14. Process for conducting public hearings.— (1) Public hearings shall be held in the affected areas seeking feedback on the findings of SIA and to seek additional information and views which shall be recorded and incorporated in the final report.

(2) Public hearings shall be conducted in each Gram Sabha or ward, as the case may be, in the affected area where more than twenty-five per centum of the members are directly or indirectly affected by the acquisition of the land.

(3) The notice indicating date, time and venue of the public hearing shall be published two weeks in advance in the same manner as laid- down in sub-rule (2) of rule 8.

(4) At least twenty-five per centum of adult members of the affected families in the Gram Sabha or Ward shall constitute the quorum for the meeting:

Provided that if in the first meeting of the Gram Sabha or Ward Sabha the quorum is not available then in subsequent meetings the quorum is not necessary.

(5)The draft SIA report and SIMP in the form of booklet shall be published in Odia language and given to the Panchayat, Notified Area Council, Municipality or Municipal Corporation, as the case may be, and to the offices of the District Collector, the Sub-Divisional Magistrate and the Tahasildar and the Requiring Body shall also be served with a copy of the draft SIA report and SIMP.

(6)The authority conducting the SIA study shall facilitate the public hearing which shall be organised by the district administration through the concerned Land Acquisition Collector and the Administrator, R and R.

(7) All the proceedings shall be held in Odia language to ensure that the participants understand and express their views.

(8) Representatives of the Requiring Body, concerned Sub-Collector, Land Acquisition Officer, Administrator, R and R, Tahasildar and other officers as decided by the District Collector shall also attend the public hearing and address the questions and concerns raised by the affected parties.

(9)Public representatives, representatives of Non-Government Organisations and media as may be allowed by the District Collector shall also be invited to attend the public hearings.

(10)The proceedings of the public hearing shall be video recorded and transcribed accordingly, which shall be submitted along with the final SIA report and SIMP.

(11) Objections raised during public hearing shall be recorded and shall form part of the SIA report.

(12) After the conclusion of the public hearings, the entire feedback received and information gathered in the public meetings shall be analysed and incorporated in the SIA report to be submitted to the authority conducting the SIA study.

(13) Consultation with the Gram Sabhas in the Scheduled Areas shall be in accordance with the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

15. Publication of SIA Report and SIMP. — The SIA Report and SIMP shall be prepared in Odia language and shall be published by way of uploading them in the website of the State Government and website of District concerned and shall be made available to the concerned Gram Panchayat, Notified Area Council, Municipality or Municipal Corporation, as the case may be, and to the offices of the District Collector, the Sub-Divisional Magistrate and the Tahasildar by the State SIA Unit and the notice of such publication shall also be affixed at some conspicuous places in the affected Village or Ward, as the case may be, in presence of two witnesses.

16. Publication of the recommendations of the Expert Group. — The recommendations of the Expert Group as constituted under Sub Section(1) of section 7 shall be prepared in Odia language and published in the same manner as laid down in rule 15.

17. Publication of decision of the State Government. — The decision of the State Government after examination of report of the Collector and the Expert Group shall be prepared in Odia language and published in the same manner as laid down in rule 15 and the State Government thereafter shall proceed for notification under sub-section (1) of section 11.

18. Publication of notification under section 11(1) and declaration under section 19(1). — In addition to the manner of publication as provided under sub-section (1) of section 11 and sub-section (4) of section 19, the preliminary notification as specified in Form H and the Declaration as specified in Form I shall be prepared in Odia language and shall be announced by beat of drum or by loud speaker at conspicuous place of every village or ward in the affected area and also by way of affixture in presence of at least two persons and where the affected area is uninhabited, such publication shall be made in the nearest inhabited village.

19. Period for completion of publication.— The publication of the preliminary notification or declaration, which are to be made under the provisions of sub-section (1) of section 11 or sub-section (4) of section 19, shall be completed in all modes as specified therein within a period not exceeding thirty days from the date of issue of such notification or declaration and the last date of such publication shall be considered as the date of the publication of the notification or declaration.

20. Copy of the preliminary notification to be sent to the Registrar or Sub-Registrar and Tahsildar. — (1) A copy of the preliminary notification shall be sent to the concerned Registrar or Sub-Registrar for complying with the provisions under sub-section (5) of section 11.

(2) Copy of such notification shall also be sent to the Tahasildar for final updation of land records as required under sub-section (5) of section 11, who shall enter the notification number in the remarks column against the notified plots to ensure that no transaction of such plots are made violating the provisions of sub-section (4) of section 11.

21. Obtaining consent.— (1) In case of acquisition of land for public purpose or public private partnership projects, private companies, as

specified in sub-section (2) of section 2, the Land Acquisition Collector concerned shall initiate the process of obtaining consent of those affected families during the SIA study.

(2) After updating the land records under rule 20, the Land Acquisition Collector shall prepare a list of all affected families of the affected area from whom consent shall be sought for and the terms and conditions, if any, proposed by the land owners and agreed to by the Requiring Body shall also be made available to the affected families.

(3) The Land Acquisition Collector shall, in consultation with the representatives of Gram Panchayats, Municipality, Notified Area Council, Municipal Corporations, as the case may be, notify the date, time and venue of the meeting of affected persons at least two weeks in advance, where the purpose of obtaining consent shall be explained to the affected persons.

(4) At the end of the meeting the affected persons shall file their consent in Form J and a photo copy of the consent duly countersigned by the Land Acquisition Collector shall be handed over to the affected families.

(5) Consent shall be obtained as per holding of land and the persons interested in the same holding of land can give combined consent.

(6) The affected families shall not be compelled to file their consent and consent once given cannot be withdrawn.

(7) Notice shall be issued by registered post to the affected families who fail to attend the meeting to submit their consent before the Land Acquisition Collector by registered post within a period of thirty days from the date of affected families meeting and non-receipt of consent within such stipulated time shall imply that the affected families has no consent to the proposed acquisition.

(8) Where acquisition is spread across multiple locations consent shall be obtained in all affected areas proposed to be included in the preliminary notification.

CHAPTER-III

22. Approximate cost of land acquisition. — The District Collector, on getting required inputs from the Administrator, R and R, shall prepare an estimate of land acquisition on the basis of the components as defined under clause (i) of section 3.

23. Valuation of structures, trees etc.— There shall be a Single Window Valuation Committee under the Chairmanship of Additional District Magistrate with Executive Engineer, Works, District Agriculture Officer, District Forest Officer, District Horticulture Officer and Soil Conservation Officer as members and Land Acquisition Collector as member Convener, which shall estimate the valuation of structures, trees etc. and submit the report to the District Collector for reference by the Land Acquisition Collector in assessing the cost of acquisition.

24. Administrative cost. — (1) The Requiring Body shall deposit such percentage of the cost of acquisition towards administrative cost as to be specified by the State Government by notification, to be revised, from time to time.

(2) The administrative cost shall be deposited by the Requiring Body with the District Collector, fifty per centum of the administrative cost shall be kept in the joint Savings Bank Account of District Collector and Land Acquisition Collector in any Scheduled Bank for meeting the day to day expenditures on account of land acquisition, rehabilitation and resettlement works as per guidelines to be issued by the State Government, from time to time, and the balance fifty per centum shall be

deposited in the Government Treasury under the appropriate receipt Head of Account.

(3) Out of fifty percentum kept in the Savings Bank Account, the District Collector shall transfer ten percentum to the State Government to meet the expenses on monitoring of land acquisition, R and R.

(4) Interest accrued on such Savings Bank Account shall be credited to the appropriate receipt Head of Account of the State Government.

25. Actual estimation of cost of land acquisition. — The District Collector shall prepare the actual estimate of cost of land acquisition taking into consideration all the components as required under the Act for the said acquisition and after following the method and manner in which the Land Acquisition, R and R award shall be made including the investment to be made for food security as required under sub-section (3) of section 10 and the Land Acquisition Collector shall then send the cost of land acquisition to the concerned Department to which the project relates and to the Requiring Body for sanction of the estimate.

26. Deposits to be made by the Requiring Body before Declaration.—

(1) Before the declaration under sub-section (1) of section 19 is made, the Requiring Body shall deposit the cost of acquisition with the District Collector and where the land is required for any private company or under Public Private Partnership mode, the Requiring Body, instead of depositing the cost assessed towards constructions under R and R Scheme, shall retain it and execute and complete the constructions as per the timeline given in the Scheme and deliver the same to the Administrator for compliance of R and R award.

(2) Where the Requiring Body is the State Government; the cost of all acquisition shall be deposited with the District Collector who shall execute

the work through available executing agencies, as deemed proper to complete the work in time.

27. Submission of draft Declaration paper.— The District Collector shall send draft Declaration papers along with the estimated cost of acquisition to the Administrative Department with advance copy thereof to the Revenue and Disaster Management Department.

28. Compensation.— (1) The compensation shall be determined and award shall be made as per the provisions laid down under sections 26 to 30 read with the First Schedule of the Act and paid to all parties whose land or other immovable property has been acquired.

(2) Compensation shall be given to agricultural labourers, tenants, share croppers or artisans and others as referred to in sub-clause (ii) of clause (c) of section 3 at the following rates, namely: —

(a) In case of an agricultural labourer, a lump sum amount equivalent to the current minimum wages of two hundred days;

(b) In case of the tenants and share croppers, a lump sum amount of rupees twenty five thousand per acre of the land they cultivate as tenants or share croppers;

(c) In case of artisans who may be working in the affected area for three years prior to the acquisition of the land, a lump sum amount of Rupees twenty five thousand, per each such artisan.

(3) The payment of compensation shall be made within a period of fifteen days of passing of the awards by organizing disbursement camps and through account payee cheques or by way of electronic transfer of funds to the bank accounts of the awardees, whichever is preferable.

(4) The date of determination of the market value shall be the date on which the preliminary notification was issued under section 11.

(5) For an acquisition process that takes place in phases and where land is acquired sequentially, the base rate as calculated under section 26 shall be taken to be effective rate for all affected families to be compensated across the entire area to be acquired for the said acquisition.

29. Land Acquisition Award. — (1) The District Collector, after enquiry into and disposal of the objections, if any, raised by the interested persons in pursuance of the public notice published and given under sub-section (1) of section 21, shall make land acquisition award under section 23 in Form K.

(2) The District Collector, while calling the claims of the persons interested in the land to be acquired as per section 21, shall give a notice to the Requiring Body and the Requiring Body may express its opinion with the Collector regarding the amount of the compensation of the land to be acquired.

CHAPTER-IV

REHABILITATION AND RESETTLEMENT

30. Survey and census of affected families. — (1) The Administrator, Rehabilitation and Resettlement, under the provisions of sub-section (1) of section 16, shall conduct survey and undertake census of the affected families either by his own staff or by out-sourcing the work to any agency by way of collecting data from the Social Impact Assessment Study report and the Government records and verification of data by field survey and door to door visit of the affected families which shall be completed within a period of sixty days from the date of publication of the preliminary notification.

(2) Where the option of choosing alternative Rehabilitation and

Resettlement entitlement is available, option of the affected families shall be obtained during the survey in writing and where the affected family comprised of more than one member, the option shall be obtained from the head of the family.

31. Preparation of draft R and R Scheme.— (1)The Administrator, R and R shall prepare the draft R and R Scheme within a period of sixty days from the date of completion of survey.

(2)Where consent is involved, the draft R and R Scheme shall be prepared by taking into account the negotiated terms and conditions of R and R reached between the Requiring Body and the affected families.

32. Power, duties and responsibilities of the Administrator.— The Administrator shall exercise the powers and perform the duties and have the responsibilities as follows , namely:-

- (a) to conduct a survey and undertake a census of the affected families in the manner and within the time as provided under these rules;
- (b) to prepare a draft R and R scheme;
- (c) to publish the draft scheme by the mode provided under these rules;
- (d) to make the draft scheme available to the concerned persons and authorities;
- (e) to organize and conduct public hearings on the draft scheme;
- (f) to provide an opportunity to the Requiring Body to make suggestions and comments on the draft scheme;
- (g) to submit the draft scheme to the District Collector;
- (h) to publish the approved scheme in the affected area;
- (i) to help and assist the District Collector in preparing the scheme;
- (j) to monitor and supervise the implementation of the rehabilitation award;
- (k) to assist in post-implementation audit of R and R; and
- (l) to do any other work required to be done for R and R.

33. Public hearing on draft R and R scheme. — The Administrator, R and R or an officer authorized by him shall conduct a public hearing in the affected areas on such date, time and venue as deem fit but not earlier than fifteen days of the publication of the draft scheme and the provisions of rule 14 relating to the public hearing shall, mutatis mutandis, apply to the public hearing in this case also.

34. Publication of approved R and R Scheme in the affected area. — R and R Scheme approved by the Commissioner shall be published by the Administrator, R and R in the same manner as laid down in rule 15.

35. R and R Award. — The District Collector shall make R and R Award for each affected family in accordance with the Second Schedule of the Act or as per the negotiated agreement reached with the affected families where consent is involved and hand over family-wise awards to each affected family in Form— L.

36. R and R Committee at Project level. — (1) where the proposed acquisition is more than one hundred acres, the Government shall constitute the R and R Committee at the Project Level after publication of the preliminary notification under sub-section (1) of section 11.

(2)The member-convenor, while intimating the date , time and venue of the meeting, shall supply a copy of the draft scheme for R and R to all the members.

(3)The quorum of the meeting shall be not less than two thirds of all members.

(4)The meeting shall be held at least once in every three months.

(5) The first meeting shall be convened before award is made under section 31 and successive meetings will review the payment

entitlements and work out the displacement work plan on agreed terms.

(6) After completion of resettlement process, the R and R Committee shall suggest the name of an organisation to undertake an independent social audit at the cost payable by the District Collector.

37. Constitution of State Monitoring Committee for R and R. — (1) The State Government shall issue guidelines for the constitution and functioning of a State Monitoring Committee for reviewing and monitoring the implementation of R and R schemes or plans under the Act.

(2) The Committee shall meet at least once in every year to review and monitor implementation of R and R schemes or plans in all projects under the Act.

38. Publication of declaration. — The Secretary to Government of the Department, dealing with the subject matters of land acquisition or his authorised officer on receipt of the sanction estimate from the Department, to which the project relates, shall issue a declaration under sub-section (1) of section 19 along with the summary of draft R and R scheme.

Provided that no such declaration shall be made unless the Requiring Body has deposited the actual amount of acquisition of the land.

39. Fixation of limits for acquisition of agricultural land.—The Government in Agriculture Department shall fix up and separately specify by way of notification the limits of acquisition of irrigated Double cropped land and percentage of the limits of net sown area in any district for acquisition of the agricultural land in aggregate for all projects in that district.

40. Transfer of land and deposit of cost of reclamation for investment in agriculture.— (1) Where irrigated Double cropped land is under acquisition, the Requiring Body shall provide equal extent of alternative land to the District Collector by way of registered deed of transfer and deposit reclamation cost as assessed by the Agriculture Department for investment in agriculture.

(2)The District Collector shall, in all such cases, transfer the said land including the reclamation cost to the Agriculture Department for investment to enhance food security.

(3)The land so transferred shall be brought to the record of the Agriculture Department in the record of rights to be updated by the Tahasildar and accordingly, special mention regarding transfer of land for food security be made in the remarks column of the record of rights.

(4) Where the Requiring Body is unable to provide equal extent of land, it shall deposit the market value of the land with the District Collector who shall deposit the same in appropriate Head of Account of the Agriculture Department.

41. Prior consent of Gram Sabha.— In all cases of acquisition or alienation of any land in Scheduled Areas, consent of the concerned Gram Sabha and the Panchayats shall be obtained in Form-M before publication of notification under sub-section (1) of section 11.

42. Formation of Land Bank.— (1) The State Government may, by notification, form a Land Bank ,(a Governmental entity) in charge of local Tahasildar that focuses on the conversion of the Government owned waste land, vacant, abandoned, unutilized acquired lands and tax-delinquent properties into productive use.

(2)To ensure acquisition of minimum amount of land and to facilitate utilization of unutilized public lands including land acquired earlier and not

utilized and to ensure food security, the Tahasildar shall maintain a village-wise Land Bank of all Government waste land, unutilized acquired land and land to be deposited by the Requiring Body in case of acquired irrigated double-cropped land, which shall be made available to the SIA team and expert group as per their requirement.

43. Reversion of acquired land to State.— (1) Land acquired and possession taken over but not utilized within a period of five years from the date of possession shall, in all cases, revert back to the State and deposited in the Land Bank automatically.

(2) The Requiring Body shall deliver possession of the land to the Tahasildar and on failure to deliver the possession and occupation by the Requiring Body the same shall be treated as unauthorized and the Requiring Body shall be evicted in due course of law.

(3) The Land Acquisition Officers shall furnish this information to local Tahasildars at the end of every six months in a calendar year and Tahasildars shall update the database of the Land Bank.

44. Recovery of excess amount. — For the purpose of sub section (3) of section 33 the awardee shall furnish an Indemnity Bond to the Land Acquisition Collector for refund of excess amount and in case of any default, or in case of availing benefit fraudulently as mentioned in sub section (2) of section 84 or refusal to refund, such amount shall be recovered as arrears of land revenue under the provisions of the Odisha Public Demands Recovery Act, 1962.

45. Web-based Work Flow and Management Information System (MIS) for Land Acquisition and Rehabilitation and Resettlement.— The State Government shall create a dedicated, user-friendly website that may serve as a public platform on which the entire work flow of each land acquisition

case will be hosted, beginning with the notification of the SIA and tracking each step of decision-making, implementation and audit.

46. Land to be taken on lease.— Where land is taken on lease by the State Government under section 104 on consent of the land owners such lease may be for a period of 99 years, and thereafter can be renewed.

47 Limits on extent of land for applicability of rehabilitation and resettlement. – The limits on extent of land, beyond which provisions of Rehabilitation and Resettlement under the Act shall apply in cases of purchase by a private company through negotiation with the owner of the land, shall be two hundred (200) acres of dry land or equivalent extent of irrigated or wet lands in rural areas and fifty (50) acres in urban areas subject to any further notification as may be issued by the Government, from time to time.

FORM-A

(See rule 3 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Proposal for Acquisition of Land

1. Name of Requiring Body :
2. Address of Requiring Body :
 - i) Telephone No. :
 - ii) E-mail ID :
 - iii) Fax No. :
3. Name or Location of the Project :
4. Filed under
(Section 2(1) or 2(2) (a) or 2(2) (b)):
5. Whether proposal is filed u/s 40
(If, yes, reasons thereof) :
6. Purpose of acquisition of land:
7. Project Details :
 - i) Village :
 - ii) Gram Panchayat :
 - iii) Block or Municipality or NAC :
 - iv) Tahasil :
 - v) District :
8. Whether the area is coming under : Yes No
Scheduled Area.
9. Total Area covered in the project :

Sl. No.	Name of village	Private Land (Area in Acre)			Govt. Land (Area in acre)		Total (Area in Acre)
		Private land for acquisition	Private land purchased	Private land to be purchased	For lease / alienation	Already leased out/ alienated	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Total							

10. Area of irrigated multi cropped land or agricultural land other than irrigated multi cropped land:

Extent of irrigated multi cropped land (in acres)	Extent of agricultural land other than irrigated double cropped land (in acres)	Extent of land other than those mentioned in columns (1) & (2) (in acres)	Total extent of land for acquisition
(1)	(2)	(3)	(4)

11. Reasons for inclusion of agricultural and irrigated double -cropped land :

12. Land details:

District	Tahasil	Village	Khata No.	Plot No.	Total area	Area to be acquired	Boundaries of land to be acquired N/S/E/W
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Classification of land	Name of Recorded raiyat	Name of present raiyat with full address	No of residential house	No of commercial house	No. of trees	Tanks	Ponds	wells	Remarks
(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)

13. Whether the certified copies of RoRs are enclosed:

14. Whether the acquisition would be done in different stages:

15. Whether the Detailed Project Report is enclosed:

16. Estimated cost of acquisition component wise as provided under clause (i) of section 3 of the Act:

17. Three copies of map showing total project area including proposed acquired area, purchased area and Government land, if any :

18. List of documents attached to the application;

We declare that any subsequent liability arising out of this land acquisition proposal will be borne by us.

Place:

Date:

**Signature of the Authorized Officer
of the Requiring Body with seal**

Form- B

(See rule 7 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Terms of Reference for the SIA

The project-specific Terms of Reference (ToR) shall include the followings, namely:-

- (1) A brief description of the project, project area and the extent of lands proposed for acquisition;
- (2) The objectives of the SIA and all the activities that must be carried out by the SIA team;
- (3) Sequencing, schedule and deadlines for deliverables with dates for the SIA process, based on the size and complexity of the project and land acquisition, and whether consent of Gram Sabhas and land owners is required to be sought;
- (4) The appropriate size and profile of the SIA team required (including field surveyors if needed) to conduct the SIA for the specific project;
- (5) A project-specific budget based on the ToR, with a clear break-up of costs for each item or activity;
- (6) The schedule for the disbursement of funds to the SIA team tied to clearly defined deliverables in the SIA process;
- (7) The processing fee will be determined based on the ToR and budget developed for each specific project and will be based on the size and location of the project and the land proposed for acquisition.

Authorized Officer of the State SIA unit

FORM – C

(See rule 8 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Government of Odisha
Revenue & Disaster Management Department

Notification

Notification No.

Date:

Whereas the State Government intends to acquire the following lands in consultation with the concerned Panchayat or Municipality or Municipal Corporation, as the case may be, at village or ward level, in the affected area and carry out a Social Impact Assessment study for public purpose.

And whereas study shall be undertaken as per the provisions of section 4 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 8 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015, the State Government do hereby issue this notice for carrying out SIA Study for commencement of consultation and Social Impact Assessment study on the basis of the following information, namely;-

- i) Name of project developer :
- ii) Purpose of proposed acquisition of land:
- iii) Organisation to undertake the study:
- iv) Contact details of the Organisation:
- v) Land details:

District	Tahasil	Village	Khata No.	Plot No.	Total area	Area to be acquired	Name of recorded raiyat
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

- (a) Brief description of the proposed project:
- (b) The project area and the affected areas:
- (c) Whether consent of Gram Sabhas and land owners is required?
- (d) The date of commencement of SIA.
- (e) The date of completion of SIA:

By order of the Governor
Principal Secretary to Government
Revenue and Disaster Management Department.

FORM – D

(See sub-rule (2) of rule-9 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Table of Contents for SIA Report

Sl.No	Subject	Item	Contents
(1)	(2)	(3)	(4)
1	Executive Summary	i.	Name of the Project;
		ii.	Public purpose;
		iii.	Location;
		iv.	Area of the Project;
		v.	Alternatives considered;
		vi.	Social Impacts;
		vii.	Mitigation measures;
		viii.	Assessment of social costs and benefits.
2	Detailed description of the Project	i)	Background of the project, including developers background and governance;
		ii)	Management structure;
		iii)	Rationale for project including how the project fits the public purpose criteria;
		iv)	Details of project size, location, capacity, outputs, production targets, cost, risks;
		v)	Examination of alternatives;
		vi)	Phases of project construction;
		Vii)	Core design features and size and type of facilities;
		Viii)	Need for ancillary infrastructural facilities;
		ix)	Work force requirements a)temporary: b)permanent:
		x)	Details of SIA or EIA if already conducted and any technical feasibility reports;
		xi)	Applicable legislations and policies;

Sl. No	Subject	Item	Contents
(1)	(2)	(3)	(4)
3	Team composition, approach, methodology and schedule of the SIA	i)	List of all team members with qualifications;
		ii)	Description and rationale for the methodology and tools used to collect information for the SIA;
		iii)	Sampling methodology used;
		iv)	Overview of information or data sources used; (Detailed reference must be included separately in the forms)
		v)	Schedule of consultations with public representatives and key stakeholders;
		vi)	Brief description of public hearings conducted;
		vii)	Specific feedback incorporated in the report.
4	Land Assessment	i)	Maps showing area of impact under the project (not limited to land area for acquisition);
		ii)	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 project;
		iii)	extent and location of land proposed to be acquired for the project;
		iv)	if the land proposed for acquisition is the bare minimum requirement;
		v)	possible alternative sites for the project and their feasibility;
		vi)	whether, the land proposed for acquisition in Scheduled Area is a demonstrable last resort;
		vii)	land, if any, already purchased, alienated, leased or acquired and the intended use for each plot of land required for the project;
		viii)	the possibility of use of any public, unutilized land for the project and whether any of such land is under occupation;

Sl. No	Subject	Item	Contents
(1)	(2)	(3)	(4)
		ix)	nature of the land, present use and classification of land and if it is an agricultural land, the irrigation coverage for the said land and the cropping pattern;
		x)	whether the special provisions with respect to food security have been adhered to in the proposed land acquisition;
		xi)	size of holdings, ownership patterns, land distribution, number of residential houses, and public and private infrastructure and assets; and
		xii)	land prices and recent changes in ownership, transfer and use of lands over the last three years.
5	Estimation and enumeration (where required) of affected families and assets	i)	<p>Enumeration of the followings types of families:-</p> <ul style="list-style-type: none"> a) Families whose land or other immovable properties have been acquired; b) Land under occupation of tenants; c) Families of the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights; d) Families of agricultural labourers, tenants or holding of usufructory right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land; e) Families who have been assigned land by the State Government or the Central Government under any of its schemes; f) Families who have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land; g) Families indirectly impacted by the project (Gatherers of forest produce, hunters, fisher folk, boat men, etc.) h) Inventory of productive assets and significant lands
6	Socio-economic and cultural profile (affected area and resettlement site)	i)	Demographic details of the population in the project area;
		ii)	Income and poverty levels;

Sl. No	Subject	Item	Contents
(1)	(2)	(3)	(4)
		iii)	Vulnerable groups;
		iv)	Land use and livelihood:
		v)	Local economic activities:
		vi)	Factors that contribute to local livelihoods:
		vii)	Kinship patterns and social and cultural organization:
		viii)	Shrines and sacred places:
		ix)	Administrative organisations:
		x)	Political organisations:
		xi)	Community-based and civil society organisations;
		xii)	Regional dynamics and historical change processes:
		xiii)	Quality of the living environment:
7	Social impacts	i)	Framework and approach to identifying impacts:
		ii)	Description of impacts at various stages of the project cycle such as impacts on health and livelihoods and culture. For each type of impact, separate indication of whether it is a direct or indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts;
		iii)	Indicative list of impact areas include--impacts on land, livelihoods and income, physical resources, private assets, public services and utilities, health, culture and social cohesion and gender based impacts.
8	Analysis of costs and benefits and recommendation on acquisition	i)	Final conclusions on-
		ii)	Assessment of public purpose:

Sl. No	Subject	Item	Contents
(1)	(2)	(3)	(4)
		iii)	Less-displacing alternatives and minimum requirements of land:
		iv)	Nature and intensity of social impacts:
		v)	Viability of the mitigation measures and extent to which mitigation measures described in the SIMP shall address the full range of social impacts and adverse social costs:

Form – E

(See sub rule (2) of rule 9 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Social Impact Management Plan

(1) Ameliorative measures required to be undertaken for addressing the impact of the project on -----

- (i) livelihood of affected families;
- (ii) public and community properties;
- (iii) assets and infrastructure particularly roads, public transport;
- (iv) drainage and sanitation;
- (v) sources of drinking water;
- (vi) sources of water for cattle;
- (vii) community ponds;
- (viii) grazing land;
- (ix) plantations;
- (x) public utilities such as post offices, fair price shops, food storage Godowns, electricity supply, health care facilities, schools and educational or training facilities, Anganwadis, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds;

1) Measures that the Requiring Body has stated it will introduce in the Project Proposal.

2) Additional measures that the Requiring Body has stated it will undertake in response to the findings of the SIA process and public hearings.

(The SIM Plan shall also mention key persons responsible for each ameliorative measure and timelines and costs for each activity.)

Form – F

(See sub rule (4) of rule-11 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Socio-economic and cultural parameters

1. Demographic details of the population in the-project area:-
 - (a) Age, sex, caste, religion;
 - (b) Literacy, health and nutritional status;
2. Poverty levels;
3. Vulnerable groups:-
 - (a) Women, (b) children, (c) the elderly,(d) women-headed households, (e) the differently abled;
4. Kinship patterns and women's role in the family:
5. Social and cultural organisation:
6. Administrative organisation:
7. Political organisation:
8. Civil society organisations and social movements:
9. Land use and livelihood:-
 - (a) Agricultural and non-agricultural use;
 - (b) Quality of land - soil, water, trees etc.;
 - (c) Livestock;
 - (d) Formal and informal work and employment;
 - (e) Household division of labour and women's work;
 - (f) Migration;
 - (g) Household income levels;
 - (h) Livelihood preferences; and
 - (i) Food security.
10. Local economic activities:-
 - (a) Formal and informal, local industries;

- (b) Access to credit;
- (c) Wage rates; and
- (d) Specific livelihood activities women are involved in.

11. Factors that contribute to local livelihoods:-

- (a) Access to natural resources;
- (b) Common property resources;
- (c) Private assets;
- (d) Roads, transportation;
- (j) Irrigation facilities;
- (k) Access to markets;
- (l) Tourist sites;
- (m) Livelihood promotion programmes; and
- (n) Co-operatives and other livelihood-related associations.

12. Quality of the living environment:-

- (a) Perceptions, aesthetic qualities, attachments and aspirations;
- (b) Settlement patterns;
- (c) Houses;
- (d) Community and civic spaces;
- (e) Sites of religious and cultural meaning;
- (f) Physical infrastructure (including water supply, sewage systems etc.);
- (g) Public service infrastructure (schools, health facilities, anganwadi centres, public distribution system);
- (h) Safety, crime, violence; and
- (i) social gathering points for women.

Form- G
(See sub rule (5) of rule 11 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Key impact areas

1. Impacts on land, livelihoods and income:---
 - (a) Level and type of employment;
 - (b) Intra-household employment patterns;
 - (c) Income levels;
 - (d) Food security;
 - (e) Standard of living;
 - (f) Access and control over productive resources;
 - (g) Economic dependency or vulnerability;
 - (h) Disruption of local economy;
 - (i) Impoverishment risks; and
 - (j) Women's access to livelihood alternatives.
2. Impacts on physical resources: ----
 - (a) Impacts on natural resources, soil, air, water, forests ; and
 - (b) Pressures on land and common property natural resources for livelihoods.
3. Impacts on private assets, public services and utilities: ---
 - (a) Capacity of existing health and education facilities;
 - (b) Capacity of housing facilities;
 - (c) Pressure on supply of local services;
 - (d) Adequacy of electrical and water supply, roads, sanitation and waste management system; and
 - (e) Impact on private assets such as bore wells, temporary sheds etc.
4. Health impacts:---
 - (a) Health impacts due to in-migration;

(b) Health impacts due to project activities with a special emphasis on impact on women's health and impact on the elderly.

5. Impacts on culture and social cohesion:----

- (a) Transformation of local political structures;
- (b) Demographic changes ;
- (c) Shifts in the economy-ecology balance ;
- (d) Impacts on the norms, beliefs, values and cultural life;
- (e) Crime and illicit activities;
- (f) Stress of dislocation ;
- (g) Impact of separation of family cohesion ; and
- (h) Violence against women

6. Impact at different stages of the project cycle:---

The type, timing, duration, and intensity of social impacts will depend on and relate closely to the stages of the project cycle. Below is an indicative list of impacts, namely:---

(a) Pre-construction phase-

- i) Interruption in the delivery of services,
- ii) Drop in productive investment,
- iii) Land speculation, and
- iv) Stress of uncertainty.

(b) Construction phase -

- i) Displacement and relocation,
- ii. Influx of migrant construction workforce , and
- iii. Health impacts on those who continue to live close to the construction site.

(c) Operation phase:-

- i) Reduction in employment opportunities compared to the construction phase,

- ii) Economic benefits of the project ,
 - iii) Benefits on new infrastructure , and
 - iv) New patterns of social organisation.
- (d) De-commissioning phase:-
- i) Loss of economic opportunities and
 - ii) Environmental degradation and its impact on livelihoods.
- (e) Direct and indirect impacts:-
- i)"Direct impacts" will include all impacts that are likely to be experienced by the *affected families*;
 - ii) "Indirect impacts" will include all impacts that may be experienced by those not directly affected by the acquisition of land (i.e. Direct land and livelihood losers), but those living in the project area.
- f) Differential impacts:-
- (i) Impact on women, children, the elderly and the different abled ;
 - (ii) Impacts identified through tools such as Gender Impact Assessment Checklists, and Vulnerability and Resilience Mapping.
- g) Cumulative impacts:-
- (i) Measurable and potential impacts of other projects in the area along with the identified impacts for the project in question.
 - (ii) Impact on those not directly in the project area but based locally or even regionally.

Form- H

(See rule 18 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

**Government of Odisha
Revenue & Disaster Management Department
Preliminary Notification**

No _____

Date _____

Whereas it appears to the Government of Odisha that a total of _____ acre land, details of which have been given below, is required to be acquired for _____ purpose. This notification is hereby given for information of the general public. Any person interested in any land which is notified hereunder may, within sixty days from the date of publication of this notification, object to the area and suitability of land proposed to be acquired, justification offered for public purpose and the findings of the Social Impact Assessment report to the Collector in writing.

1. Nature of the public purpose:
2. Name of the Requiring Body:
3. Reasons necessitating the displacement of affected persons:
4. Summary of the Social Impact Assessment Report:
5. Particulars of the Administrator appointed for the purposes of rehabilitation and resettlement:
6. Land Details:

District	Tahasil	Village	Rural / Urban	Khata No.	Plot No.	Total area	Area to be acquired	Name of recorded raiyat
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

No person shall make any transaction or cause any transaction of land specified in this preliminary notification or create any encumbrance on such land from the date of publication of this notification without prior approval of the District 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 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 before the District Collector.

By order of the Governor,

Principal Secretary to Government

Form- I

(See rule 18 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

**Government of Odisha
Revenue & Disaster Management Department
DECLARATION**

No _____

Date _____

It is hereby declared for information of all concerned that after consideration of the report of the Collector submitted in pursuance to provision of sub-section (2) of section 15 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the State Government is satisfied that land to an extent of _____ acres in Village _____, PS _____, District _____ as scheduled below at "A" is needed for public purpose, as defined under sub-section (1) of section 2 of the Act i.e. for _____ Project (Government / Private / PPP Project) and by _____. (Name of the project developer and Requiring Body to be clearly specified)

Preliminary notification under sub-section (1) of section 11 of the Act was published vide Notification No _____ dated _____.

It is further declared that the land to an extent of _____ acres in village _____, PS _____, District _____ as scheduled below at "B" has been identified as the resettlement area for the purpose of rehabilitation and resettlement of the displaced families.

The summary of the Rehabilitation and Resettlement Scheme applicable to the affected and displaced families relating to the land covered under this Declaration is attached herewith.

The approved Rehabilitation and Resettlement Scheme is available in the office of the Collector and Administrator R&R and has also been uploaded on the website of the District_____ (website address to be specified) and on the website of State Government (website address to be specified) for public view. A plan of the land may be inspected in the office of the Land Acquisition Officer/ _____ on any working day

Schedule-A

(Land under proposed acquisition)

District:

Tahasil:

Name of the Village	Rural / Urban	Khata no.	Plot no.	Kissam	Total area	Area to be acquired	Name of recorded raiyat
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Schedule-B

(Land identified as the resettlement area)

District:

Tahasil:

Name of the Village	Rural / Urban	Khata no.	Plot no.	Kissam	Total area	Area selected for Rehabilitation	Name of recorded raiyat
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Note:- In projects where land is acquired in stages, land covered under declarations in preceding stages to be specified along with the summary of R&R Scheme and implementation status relating to those stages.

By order of the Governor
Principal Secretary to Government / Authorised Officer
Revenue and Disaster Management Department.

Form- J

(See sub rule (4) of rule 21 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Prior written consent form

1. Name of the person(s) in whose name the land is registered:
2. Name of the spouse:
3. Name of father/ mother:
4. Address:
5. Village:
6. Gram Panchayat/Municipality/Township:
7. Tahasil:
8. District:
9. Name of other members in the family with age: (including children and adult dependents)
10. Caste Status (ST/SC/OBC/Others)
11. Extent of land owned:
12. Disputed lands if any:
13. Pattas/leases/grants, if any:
14. Any other right, including tenancy, if any:
15. Regarding acquisition of my land bearing Khata No._____, Plot No._____, measuring an area of Ac._____, in Village _____ of District _____ by the government, I wish to state as follows: -
 - a) I have *read/*readout the contents of this consent form and the terms and conditions of compensation, rehabilitation and resettlement benefits and other measures committed by the Requiring Body.
 - b) *I do not agree to this acquisition.
 - c) *I agree to this acquisition.

Signature/Thumb impression of the affected
Family(s)
Date:

FORM K

(See rule 29 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Land Acquisition Award

Land Acquisition case No.:

1	Name of the project-					
2	Number and date of declaration under which the land is to be acquired					
3	Location and extent of the land in acres, the number of field plots with specification, the village in which situated					
4	Description of the land, i.e. whether fallow, cultivated, homestead, etc. if cultivated, how cultivated?					
5	Names of persons interested in the land and the nature of their respective interests.					
6	Amount allowed for the land itself, without trees, buildings etc. if any					
7	Amount allowed out of such sum as compensation for the tenants interest in the land					
8	Basis of calculation:					
9	Amount allowed for trees, houses or any other immovable things.					
10	Amount allowed for crops.					
11	Additional compensation on the market value under section 30(3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013) (hereinafter mentioned as the Act).					
12	Damages under section 28 of the Act.					
13	Solatium u/s 30(1) of the Act.					
14	Award under section 23 and 30 of the Act.					
15	Particulars of abatement of Government Revenue, or of the capitalized value paid, the date from which the abatement takes effect.					
16	Apportionment of the amount of compensation Area in (Ac.)	Serial No.	Name of claimants	Amount payable to each	Bank A/c No.	Remarks
17	Date on which possession was taken u/s-38(1) and 40(1) of the Act.					

If possession has been taken earlier in accordance with the provision under sub section (1) of section 40 of the Act , the number and date of the order of Government giving authority to do so may be mentioned here.

Date:

Signature

FORM L

(See rule 35 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Award for Rehabilitation and Resettlement

Land Acquisition case No.

1	Name of the project-							
2	Number and date of declaration under which the land is to be acquired							
3	Location and extent of the land in acres, the number of field plots with specification, the village in which situated							
4	Description of the housing units, transportation cost, housing allowances, annuity, employment subsistence grant, cattle shed, petty shop, one time resettlement allowances etc.							
5	Name /Names of persons interested in the land and the nature of their respective claim for rehabilitation and resettlement.							
6	Apportionment of the amount of compensation Area(in acres)	Sl. No.	Name of claimants /affected family	R&R entitlements	Bank Ac. No.	Amount payable to each	Non monetary entitlements	Remarks
					(a) House to be allotted (b) Land to be allotted (c) Fishing rights (d) Annuity (e) Employment (f) Transportation cost, (g) Housing allowances, (h) Employment (i) Subsistence grant (j) Cattle shed, (k) Petty shop, (l) One time resettlement allowances			
7	Date on which R&R entitlements given to the affected family.							

Date:

Signature

Form – M

(See rule 41 of the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015)

Format for Gram Sabha Resolution

We, the undersigned members of the Gram Sabha of _____ within _____ Panchayat of _____ Tahasil in District _____ wish to state that the following certification is based on the information supplied by the administration and officials. If this information is incomplete or incorrect and/or if any consent has been obtained through any use of threats, fraud or misrepresentation, it is null and void. On this basis this Gram Sabha hereby certifies that it *consents / *refuses to consent to the proposed _____ project, which will involve;

1. acquisition of _____ acres of private land,
2. transfer of _____ acres of government land to the project, and
3. transfer of _____ acres of forest land to the project.

The terms and conditions of compensation, rehabilitation and resettlements benefits and social impact mitigation measures agreed to by the Requiring Body (state the name) are attached.

The Gram Sabha also states that any consent is subject to all of its residents receiving title to all of their individual and community rights over forests and forests lands, including their titles for forest land that they have been cultivating, ownership titles for all forms of minor forest produce that they use, and titles to protect and manage their community forests. [Note: This will have to be certified by this Gram Sabha separately.]

Date:

**Signatures/ thumb impressions
of Gram Sabha members**

Date:

**Signature of Designated District Officer
on receipt of the Resolution**

N.B.- *-Strike out whichever is not applicable.

-----X-----X-----X-----X-----X-----X-----X-----

By Order of the Governor



Principal Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

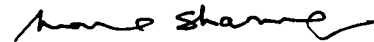
File No. R&REH-24/2015- 4246 /R&DM., dated 8-2-16

Memo No. /R&DM, dated

Copy along with soft copy forwarded to the Secretariat Gazette Cell, Commerce & Transport (Commerce) Department, Odisha / Director, Printing, Stationary and Publication, Odisha, Madhupatana, cuttack for information and necessary action.

They are requested to publish this Notification in an extra ordinary issue of Odisha Gazette immediately and copies of the Gazette Notification be forwarded to all Department of Government / all Heads of Department of Government / All RDCs / All Collectors for information and supply 100(one hundred) copies to this Department.

This Notification shall bear SRO Number as it is a statutory one.

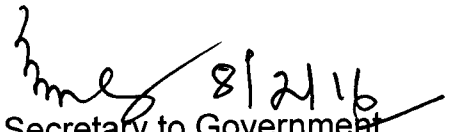


(Dr. Mona Sharma)

Principal Secretary to Government

Memo No. 4247 /R&DM, dated 8-2-16

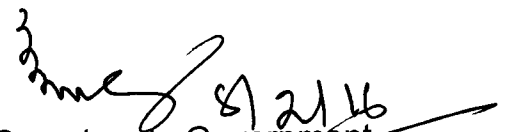
Copy forwarded to All Departments of Government / Member, Board of Revenue, Odisha, Cuttack / All Heads of Department / All RDCs / All Collectors & District Magistrates for information and necessary action.



Additional Secretary to Government

Memo No. 4248 /R&DM, dated 8-2-16

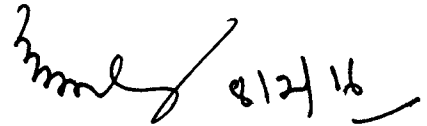
Copy forwarded to the Additional Chief Secretary to Hon'ble Chief Minister, Odisha for kind information / Private Secretary to the Hon'ble Minister, Revenue & Disaster Management, Odisha / OSD to the Chief Secretary, Odisha for kind information of Hon'ble Minister, Revenue & Disaster Management, Odisha and Chief Secretary, Odisha.



Additional Secretary to Government

Memo No. 4249 /R&DM, dated 8-2-16

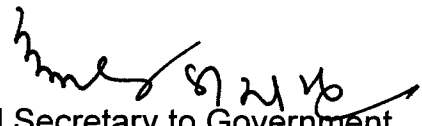
Copy forwarded to C.M.D , IDCO / C.M.D, IPICOL for information and necessary action.



Additional Secretary to Government

Memo No. 4250 /R&DM, dated 8-2-16

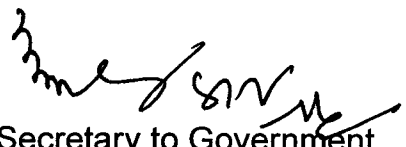
Copy forwarded to Director, Nabakrushna Choudhury Centre for Development Studies, Bhubaneswar for information and necessary action.



Additional Secretary to Government

Memo No. 4251 /R&DM, dated 8-2-16

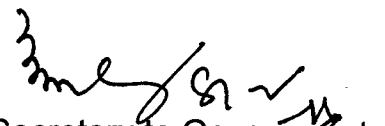
Copy forwarded to LA (A) / LA (B) / LA (C) / LR (A) / LR (B) / LRGE (A) / Registration / CH&S Branches of Revenue & Disaster Management Department for information and necessary action.



Additional Secretary to Government

Memo No. 4252 /R&DM, dated 8-2-16

Copy forwarded to Deputy Secretary, IMU Cell for information and necessary action.



Additional Secretary to Government

Memo No. 4253 /R&DM, dated 8-2-16

Copy to Guard file of R&R Cell (5) copies.



Additional Secretary to Government

**Government of Odisha
Revenue and Disaster Management Department
Notification**

No. R&REH – 11/2017- **29900** /R&DM Date: **13 AUG 2018**

Whereas the draft of certain rules, which the State Government proposes to make in exercise of the powers conferred by sub-section (1) of section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) was published, as required under section 112 of the said Act, in the Extraordinary issue of the Odisha Gazette No. 832 dated the 25th April, 2017, bearing SRO No.186/2017 issued under the notification of the Government of Odisha in the Revenue and Disaster Management Department, No.13443-R&REH-11/2017, dated the 25th April, 2017, inviting objections and suggestions from all persons likely to be affected thereby before expiry of the period of thirty days from the date of publication of the said notification in the Odisha Gazette;

And whereas, no objection or suggestion on the said draft has been received by the State Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), the State Government do hereby make the following rules, namely:—

1. Short title and commencement. -- (1) These rules may be called the Odisha Land Acquisition, Rehabilitation and Resettlement Authority Rules, 2018.



(2) They shall come into force on the date of their publication in the Odisha Gazette.

2. Definitions. -- (1) In these rules, unless the context otherwise requires,--

(a) "Act" means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(30 of 2013);

(b) "Government" means the Government of Odisha; and

(c) "Presiding Officer" means Presiding Officer of the Authority.

(2) All other words and expressions, used and not defined in these rules but defined in the Act, shall have the meaning as respectively assigned to them in the Act.

3. Establishment of the Land Acquisition, Rehabilitation and Resettlement Authority.--- The Government shall establish, by notification in the Odisha Gazette, at least one Authority to be known as "The Land Acquisition, Rehabilitation and Resettlement Authority" (hereinafter referred to as "the Authority") for each Revenue Division for speedy disposal of disputes relating to Land Acquisition, Compensation, Rehabilitation and Resettlement.

4. Salary, allowances, other terms and conditions of Presiding Officers.- The salary, allowances and other terms and conditions of service of the Presiding Officer shall be as follows, namely:---

(a) In case of a District Judge, the Service Rules as applicable to such rank and status in the District Judge Cadre of the State of Odisha shall be made applicable.

(b) In case of a retired District Judge, the total emoluments and allowances last drawn at the time of retirement minus gross pension shall be payable as consolidated pay which shall also include other benefits accrued to such officer under the relevant rules.

(c) There shall not be any entitlement to pension for service rendered as the Presiding Officer.

(d) In case of a qualified legal practitioner, the salary, allowances and other conditions of service shall be such as may be determined by the Government, from time to time.

5. Appointment of the employees of the Authority.- (1) The Government shall appoint an officer as Registrar of the Authority from the officers of the Odisha Administrative Service, not below the rank of Joint Secretary.

(2) The pay, allowances and other terms and conditions of the Registrar, shall be regulated by the service rules as applicable to the Government Servants in the rank of Joint Secretary in the Odisha Administrative Service.

(3) Beside the Registrar, the Authority may have the following other employees, namely:---

(a) One Head Clerk or Senior Clerk;

- (b) Two Junior Clerks;
- (c) One Stenographer; and
- (d) Four Group – D employees:

(4) The employees mentioned in sub-rule (3) shall be on deployment basis by the Revenue Divisional Commissioner from among the staff in position in different offices coming under the jurisdiction of the concerned Revenue Divisional Commissioner.

(5) The salary, allowances and conditions of service of the employees mentioned in sub-rule (3) shall be as per the service rules applicable to the Government Servants of the same rank and status.

(6) The Government may create additional posts for the Authority as and when felt necessary.

6. Presiding Officer shall be the Head of the Authority.- (1) The Presiding Officer shall be the Head of the Authority.

(2) The Registrar shall be responsible for the proper administration of the affairs of the Authority and its day- to- day management and shall exercise and discharge such other powers and perform such other duties as may be assigned by the Presiding Officer.

7. Leave Sanctioning Authority.--- (1) Provisions of Leave Rules of the Government shall be applicable to the Authority.

(2)The Government shall have the power to sanction leave of the Presiding Officers of the Authority set up under their respective Revenue Divisions.



(3) The Presiding Officer shall have the power to sanction leave of the Registrar and other employees of the Authority.

8. Working days and office hours.-- The working days and the office hours of the Authority shall be the same as that of the working days and the office hours of the offices of the Government.

9. Procedure for investigation of allegation of misbehavior and incapacity.---

(1) If a written complaint alleging any definite charges of misbehavior or incapacity to perform the functions of the office in respect of Presiding Officer is received by the Government, it shall make a preliminary scrutiny of such complaint.

(2) If the Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any imputation of misbehavior or incapacity of the Presiding Officer, it shall make a reference to the Chief Justice of the High Court of Orissa, requesting him to appoint a Judge of the High Court to conduct the inquiry.

(3) The Chief Justice of the High Court of Orissa shall, by order, appoint a Judge of the High Court to conduct the inquiry and the Government shall forward the copy of –

- (i) the articles of charges against the Presiding Officer concerned and the statement of imputation,
- (ii) the statement of witnesses, if any, and
- (iii) material documents relevant to the inquiry.



(4) The Judge appointed under sub-rule (3) shall conduct the inquiry in accordance with the procedure and shall complete the inquiry within such time, as specified in the order issued by the Chief Justice of the High Court of Orissa.

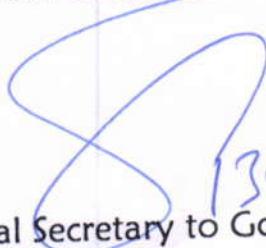
(5) The Judge shall be guided by the principles of natural justice and shall have power to fix the places and times of his inquiry.

(6) After the conclusion of the investigation, the Judge shall submit his report to the Chief Justice of the High Court of Orissa, stating therein his findings and the reasons thereof on each of the articles of charges separately and the Chief Justice of the High Court of Orissa shall forward it to the Government along with his recommendation.

(7) On receiving the report of investigation, the Government shall take appropriate decision, according to sub-section (2) of section 58 of the Act.

10. Interpretation.-- If any question arises relating to the interpretation of these rules, the same shall be referred to the Government for its decision.

By order of the Governor



13.8.2018
Principal Secretary to Government

Memo No. 29901 / R&DM, Dated 13 AUG 2018


Copy along with soft copy forwarded to the Joint Secretary to Government, Secretariat Gazette Cell, Commerce and Transport (Commerce) Department /Director, Printing, Stationery and Publication, Odisha, Madhupatna, Cuttack for information and necessary action.

They are requested to publish this Notification in an extra ordinary issue of Odisha Gazette immediately and copies of the Gazette Notification be forwarded to all Departments of Government/ All Heads of Department/ All RDCs/ All Collectors for information and supply 100(One Hundred) copies to this Department.


This Notification shall bear SRO Number as it is a statutory one.


Special Secretary to Government
& Director, R&R

Memo No. 29902 / R&DM, Dated 13 AUG 2018
Copy forwarded to the Secretary to His Excellency, the Governor of Odisha for kind information.

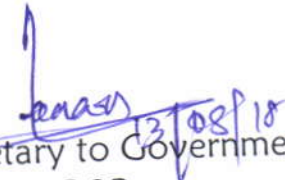

Special Secretary to Government
& Director, R&R

Memo No. 29903 / R&DM, Dated 13 AUG 2018
Copy forwarded to the Addl. Chief Secretary to Hon'ble Chief Minister, Odisha for kind information.


Special Secretary to Government
& Director, R&R

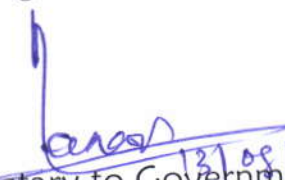
Memo No. 29904 / R&DM, Dated 13 AUG 2018

Copy forwarded to the Private Secretary to the Hon'ble Minister, Revenue & DM, Odisha/ P.S to the Chief Secretary, Odisha for kind information of Hon'ble Minister, Revenue & DM and Chief Secretary, Odisha.


Special Secretary to Government
& Director, R&R


Memo No. 29905 / R&DM, Dated 13 AUG 2018

Copy forwarded to the Secretary, Odisha Legislative Assembly, Bhubaneswar for kind information.


Special Secretary to Government
& Director, R&R

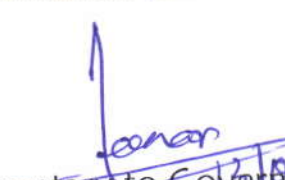
Memo No. 29906 / R&DM, Dated 13 AUG 2018

Copy forwarded to the Advocate General, Odisha, Cuttack/ Registrar General, Orissa High Court for kind information.



Special Secretary to Government
& Director, R&R

Memo No. 29907 / R&DM, Dated 13 AUG 2018

Copy forwarded to All Departments of Government / Member, Board of Revenue, Odisha, Cuttack /All Heads of Department/ All RDCs / All Collectors & District Magistrates /All Sub- Collectors – Cum- Administrator , R&R/ All P.D, R&R/ All Special LAOs/All LAOs for information and necessary action.


Special Secretary to Government
& Director, R&R


Memo No. 29908 / R&DM, Dated 13 AUG 2018
Copy forwarded to C.M.D, IDCO / C.M.D, IPICOL for information and necessary action.


Special Secretary to Government
& Director, R&R
13/08/18

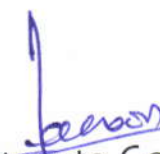
Memo No. 29909 / R&DM, Dated 13 AUG 2018
Copy forwarded to the Director, Nabakrushna Choudhury Centre for Development Studies, Bhubaneswar for information and necessary action.


Special Secretary to Government
& Director, R&R
13/08/18

Memo No. 29910 / R&DM, Dated 13 AUG 2018
Copy forwarded to the FA-cum-Additional Secretary to Government, Revenue and D.M. Department for information.

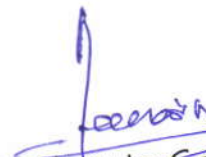

Special Secretary to Government
& Director, R&R
13/08/18

Memo No. 29911 / R&DM, Dated 13 AUG 2018
Copy forwarded to all Branches of Revenue & D.M. Department for information and necessary action.


Special Secretary to Government
& Director, R&R
13/08/18


Memo No. 29912 / R&DM, Dated 13 AUG 2018

Copy forwarded to Deputy Secretary, IMU Cell for information and necessary action. It is requested that a copy of this Notification be uploaded on the website of this Department for the information of all concerned.


Special Secretary to Government
& Director, R&R
13/08/18

Memo No. 29913 / R&DM, Dated 13 AUG 2018

Copy to Guard file of R&R Cell (10) copies.


Special Secretary to Government
& Director, R&R
13/08/18

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No.GE (GL)-S-26/2013- 10241 / R&D.M Dated 31.03.14

From

Dr. Taradatt, IAS,
Additional Chief Secretary to Government

To

All Collectors

Sub: Instructions regarding direct purchase of private land for social/infrastructure development projects through bilateral negotiation- Modification thereof

Ref: - This Department G.O No. 26223/ R&DM dated 6.7.2013

Madam/ Sir,

I am directed to say that guidelines regarding direct purchase of private land for social/infrastructure development projects were laid down in this Department G.O. referred above. Subsequently, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLAR&R) Act, 2013 has come into force w.e.f 01.01.2014 wherein a new method for computation of market value of land has been prescribed.


1. Government after careful consideration revises its guidelines issued earlier vide Letter No. 26223/ R&DM dated 06.07.2013 regarding direct purchase of private land as under:
 - (a) Private land up to an extent of 10 hectares can be purchased in a revenue village.
 - (b) Officers authorized to file requisition under RFCTLAR&R Act, 2013 are the Competent Authorities to purchase land under these guidelines.
 - (c) Market value of the land shall be assessed as per the provisions of Section 26 to 30 of RFCTLAR&R Act, 2013. Compensation as admissible in

respect of building and other structures under the said Act shall be payable.

- (d) Legal due diligence like obtaining non-encumbrance certificate from concerned revenue Authority and establishment of a clear title of the seller over the land should be arrived at before purchase of the land.
 - (e) Care should be taken to ensure that suitable compact patches of private land are identified for location of different projects in a cluster.
 - (f) The suitability of the land for the development projects, accessibility through public road and other facilities like drinking water etc. should be ascertained.
 - (g) In case of land belonging to Scheduled Caste/Scheduled Tribe persons in non-scheduled areas and in case of land belonging to Scheduled Caste persons in scheduled areas, permission shall be obtained from the competent authority. However, in scheduled areas, land belonging to Scheduled Tribes shall not be purchased as the same is prohibited by law.
 - (h) No negotiation/transaction shall be made with intermediaries/power of attorney holders. Transaction shall be made only with bona fide owners of the land.
 - (i) Land purchased under these principles shall be allowed to be registered without any payment of stamp duty and registration fee.
 - (j) After purchase and registration of the land, the competent authority of concerned Department/Organization shall take immediate steps for mutation of the same.
 - (k) Budget provisions made for acquisition of the land can be utilized for purchase of private land through bilateral negotiation under these principles.
2. The aforesaid principles would be applicable to any Government project/scheme. The Public Sector Undertakings may also adopt these principles, if felt necessary.

3. This has been concurred in by the Finance Department vide their UOR No. 249/ MF&PE dated 25.03.2014.
4. The earlier instruction issued in this Department Letter No.GE (GL)-S-26/2013-26223/R&DM Dated 06.07.2013 is superseded.

Yours faithfully,

 31.3.14

Additional Chief Secretary to Government

Memo No. 10242 / RDM dated 31.03.14

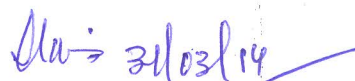
Copy forwarded to all Departments of Government/ Secretary, Board of Revenue, Odisha, Cuttack/ All RDCs for information and necessary action.

 31.3.14

Additional Chief Secretary to Government

Memo No. 10243 / RDM dated 31.03.14

Copy forwarded to Under Secretary to Govt. (in charge of IMU Cell)/ LR & GE (A)/ (B)/(C)/ LA (A)/ (B)/(C)/ R&R Cell/ LR (A)/ (B)/ Registration Branch/ CH&S Branch of Revenue & DM Department for information and necessary action.

 31.03.14

Joint Secretary to Government

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. RE-I-50/2015/ LRB 2846 /R&D.M Dated the 27th January, 2016

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

All Collectors,

Sub: Instructions regarding direct purchase of private land through bilateral negotiation for infrastructure and Industrial projects

Sir,

I am directed to say that after coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLAR&R) Act, 2013 w.e.f. 01.01.2014, different Departments of the State Government and Project Proponents of various infrastructure and industrial projects are facing difficulties for acquiring small and intermittent patches of private land within the project area under the Act, as the process of land acquisition is time consuming. The guidelines regarding direct purchase of private land for social development projects were laid down in this Department G.O. No.10241 dated 31.03.2014.

2. In order to overcome the difficulties, formulation of guidelines for direct purchase of private land through bilateral negotiation, for execution of infrastructure and industrial projects was under active consideration of Government for some time past. Government after careful consideration, have been pleased to lay down the following principles for direct purchase of private land through bilateral negotiation, for execution of infrastructure and industrial projects.

- a) The following guidelines shall be applicable for direct purchase of private land through bilateral negotiations for linear/ infrastructural and industrial projects.
- b) The industrial projects, for which private lands have to be purchased under this guideline, should have been approved by HLCA/ SLSWCA/ DLSWCA under Odisha Industries Facilitation Act, 2004.

- c) If the private land required to be purchased is equal to or more than the limit Notified by State Government i.e. Ac.50.00 in urban areas and Ac.200.00 in rural areas, the company or the private entrepreneur shall have to pay R&R entitlements along with the compensation, and follow the procedure u/s 46 of the RFCTLAR&R Act, 2013.
- d) Officers authorized to file requisition under RFCTLAR&R Act, 2013 are the Competent Authorities to file requisition and purchase land under these guidelines.
- e) Market value of the land shall be assessed as per the provisions of Section 26 to 30 of RFCTLAR Act, 2013. Compensation as admissible in respect of building and other structures under the said Act shall be payable.
- f) The project proponent shall assess the cost estimate and obtain the approval of Collector of the District through concerned LAO/ Special LAO/Tahasildar, as the case may be.
- g) In case of any irrigated land to be purchased within the ayacut area of any Irrigation project, permission of Water Resources Department has to be obtained.
- h) In view of the food security clause, purchase of multi-crop irrigated land for non-agricultural purposes, even through private negotiation should be avoided. Only in case of exceptional circumstances as demonstrable last resort, multi cropped irrigated land may be purchased, subject to above limits and in the event of such purchase, the private purchaser has to obtain permission of the DoWR/ deposit the reclamation cost as assessed by the DoWR.
- i) Care should be taken that no person is rendered homesteadless / landless by virtue of this sale of his land. In the event of urgency of implementation of the project, alternative land should be made available and the land owner should be rehabilitated properly before the land is purchased.
- j) The company / the private entrepreneur should maintain due legal diligence like obtaining non-encumbrance certificate from concerned revenue Authority

and establishment of a clear title of the seller over the land before purchase of the land.

- k) In case of land belonging to Scheduled Caste/Scheduled Tribe persons in non-scheduled areas and in case of land belonging to Scheduled Caste persons in scheduled areas, permission shall be obtained from the competent authority.
- l) No negotiation/transaction shall be made with intermediaries/ power of attorney holders. Transaction shall be made only with bonafide owners of the land.
- m) No private land shall be acquired forcibly and no coercive method shall be adopted for obtaining possession of the land.
- n) Land purchased under these principles shall be registered and the company has to bear the cost of stamp duty and registration fees.
- o) Any complain/ allegation/ grievance as regards noncompliance of any of the above guidelines may be addressed to Collector of the District, who in turn shall cause enquiry within 15 days and take appropriate action.

Yours faithfully



Principal Secretary to Government.

Memo No. 2847 /RDM dated 27.1.2016

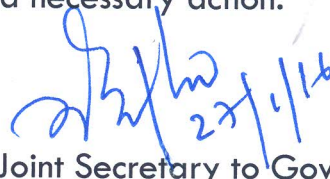
Copy forwarded to all Departments of Government/Secretary, Board of Revenue, Odisha, and Cuttack/All RDCs for information and necessary action.



Principal Secretary to Government.

Memo No. 2848 /RDM dated 27.1.2016

Copy forwarded to Under Secretary to Govt. (in charge of IMU Cell)/LR & GE (A)/(B)/(C)/LA(A)/(B)/(C)/R&R Cell/LR(A)/(B)/Registration Branch/CH&S Branch of Revenue & DM Department for information and necessary action.



Joint Secretary to Government.

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. GE(GL)-S- 01/2015/ 10241

/R&D.M Dated the 31st April, 2016

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

All Collectors,

Sub: Instructions regarding direct purchase of private land through bilateral negotiation for infrastructure and Industrial projects

Ref: This Department Circular No.10241 dated 31.03.2014 and No.2846 dated 27.01.2016

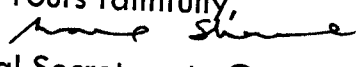
Sir,

Further to this Department Government Orders under reference, I am directed to say that doubts have arisen at different levels regarding applicability of above circulars particularly pertaining to social infrastructure, infrastructure and industrial projects. Different Executing Departments and Collectors have sought clarifications on certain issues relating to direct purchase of private land through bilateral negotiations.

2. In order to clarify the doubts raised, after careful consideration, following issues are clarified as below for smooth implementation of the guidelines issued on direct purchase of private land through bilateral negotiations for different projects.

Sl	Issues	Clarifications
1	Whether the instruction on direct purchase is under OS&S Act or LA Act	The instructions issued on direct purchase is as per the provisions of the RFCTLAR&R Act, 2013
2	R&DM Dept Circular No.10241 dated 31.03.2014 relates to social/ infrastructure projects and the Circular No. 2846 dated 27.01.2016 is for infrastructure and industrial projects. Both speak of infrastructure projects. Hence confusing.	The R&DM Dept Circular No.10241 dated 31.03.2014 relates to small social infrastructure projects like schools, anganwadi centres, hospitals etc. The purchase limit under this Circular is 10 ha per revenue village. Whereas, the circular No.2846 dated 27.01.2016 meant for Industries and linear/ Infrastructure projects like Railways, NH, State highways, Irrigation channels, sewerage lines and other infrastructures. If the area purchased is equal to or more than Ac.50.00 in urban areas and Ac.200.00 in rural areas, for the entire project , the R&R entitlements has to be paid and procedure as under Section 46 of the Act is to be followed.

3	Whether Order u/s 73(c) of the OLR ACT, 1960 is required for direct purchase.	No. The circular is in conformity to the provisions of the RFCTLAR&R Act, 2013 which is a central Act. Permission of direct purchase under OLR Act is not required. However, to extend any other benefit under OLR Act, Government can pass order under section 73© of the OLR Act.
4	Who is competent for filing requisition and attending negotiation for direct purchase.	It is expressly provided that Officers authorized to file requisition under RFCTLAR&R Act, 2013 are the Competent Authorities to file requisition and purchase land under these guidelines.
5	District Administration should play a key role in the process of negotiation for direct purchase.	For purchase of land equal to or more than the limit i.e Ac.50.00 in urban areas and AC.200.00 in rural areas for the entire project, the procedure u/s 46 is to be followed, where Collector of the District has defined role to play. For direct negotiation with private land owners, local Tahasildar shall be involved. A District Level Committee under the chairmanship of Collector & DM may be constituted with following members; ADM(Revenue) as Member Convenor, DSR, LAO/SLAO, concerned Tahasildar, Requisitioning Officer of the Department/ Organisation, Line Dept officers like EE, R&B/ RD for valuation of structures, DFO for valuation of trees, as members shall be constituted to advise and guide the Collector in approving the negotiated price and for Awards under the Act, wherever necessary. In the Districts, where District Level Compensation Advisory Committees have been constituted, such committee may take up the matter, however, the above mentioned Officers may be taken as co-opted members for the meeting in which direct purchase agenda will be discussed.
6	Whether the guidelines can be adopted by Municipalities, urban local bodies (ULBs) and other Authorities/ corporations	Yes, Government has no objection if the instructions are followed by Municipalities, ULBs, Companies and Corporations.
7	Whether the process of negotiation should be video-recorded.	All steps should be taken to maintain transparency in the negotiations. Video recording, if required by any Requisitioning Authority, may be taken up at the cost of the Requisitioning Authority.

Yours faithfully,

Principal Secretary to Government

Memo No. 10812 /RDM dated 5.4.16

Copy forwarded to Ps to ACS to Chief Minister for kind perusal of Hon'ble CM/
PS to Minister, R&DM for kind perusal of Hon'ble Minister/ OSD to CS for kind perusal
of Chief Secretary



Principal Secretary to Government.

Memo No. 10813 /RDM dated 5.4.16

Copy forwarded to Principal Secretary/ Commissioner cum Secretary to
Government, DoWR/ Comm & Transport/H& UD/ RD and Works Department for
information and necessary action.



Principal Secretary to Government

By FAX/e-mail

Memo No. 10814 /RDM dated 5.4.16

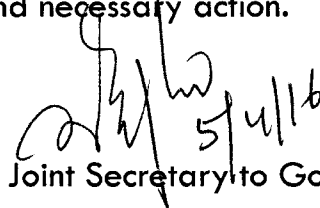
Copy forwarded to Secretary, Board of Revenue, Odisha, and Cuttack/All
RDCs / MD, IDCO for information and necessary action.



Principal Secretary to Government

Memo No. 10815 /RDM dated 5.4.16

Copy forwarded to Under Secretary to Govt. (in charge of IMU Cell)/LR &GE
(A)/(B)/(C)/LA(A)/(B)/(C)/R&R Cell/LR(A)/(B)/Registration Branch/CH&S Branch of
Revenue &DM Department for information and necessary action.


5/4/16

Joint Secretary to Government.

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. LA (A) - 23/ 2014 Misc.- 12420 / R & DM dtd. 23.04.16

From

Dr. Mona Sharma, IAS
Principal Secretary to Government

To

All Collector/ All LAOs.

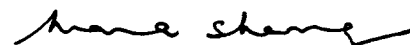
Sub: Clarification regarding exclusion of Government land on acquisition of private land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Sir,

I am directed to say that in the Land Acquisition proposals submitted by Collectors/ LAOs for preliminary Notification, it is seen that patches of Government land such as Gochar, Smanan, Debasthali, Bastijogya, Jawan Sarankhita, Melanapadia, playground etc. along with the private land are also included in the proposal. Lease or alienation of Government land is sanctioned as per OGLS Act and it is done separately. Inclusion of both private and Government land in the LA proposal may lead to double computation of land value in the Project Estimate (once for LA proposal and again for lease proposal).

After careful consideration Government have been pleased to clarify that Govt. Land should not be included in the proposal for Land Acquisition under LA Act or RFCTLAR&R Act. However, the private land to be provided in lieu of communal land may be acquired and included in the list. Separate proposal for alienation / lease of Govt. land may be furnished to be dealt under OGLS Act & Rules.

Yours faithfully,




Principal Secretary to Government

Memo No. 12421

/RDM, dated 23.04.16

Copy forwarded to all Departments of Government/ All RDGs/ Secretary, Board of Revenue, Odisha, Cuttack for information and necessary action.



Joint Secretary to Government

Memo No. 12422

/RDM, dated 23.04.16

Copy forwarded to the Deputy Secretary to Govt. (in charge of IMU Cell)/ LR & GE (A/B/C) Branch/ LA (B/C) Branch/ R&R Cell/ LR (A/B) Branch/ Registration Branch/ CH&S Branch of Revenue & DM Deptt./ G.F (5 copies) for information and necessary action.



Joint Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-RRC-POLICY-0012-2017- 22028 /R&DM., dated 10.7.17
10.7.17

From: Sri Ashok Kumar Naik, OAS(SAG),
Director, R&R & Ex-Officio Additional Secretary to Government

To

The Chairman,
Odisha Mining Corporation Limited,
Bhubaneswar.

Sub: Payment of Compensation for Land Acquisition and R&R issue in respect of
Baitarani-west Coal mine in Chhendipada Tahsil of Angul District.

Sir,

In inviting a reference to Letter No.4229 dated 27.03.2017 of OMC Limited on the subject noted above vide which certain clarifications were sought, I am directed to communicate the following clarifications:

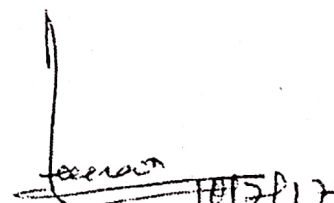
Sl No	Points on which clarifications sought vide letter No. 4229 dated 27.03.2017 of OMC Limited	Clarifications
1	Whether the State R&R Policy, 2006 and the new RFCTLAR&R Policy, 2016 are simultaneously in operation or the State Policy, 2006 has been inoperative after coming into force of the Rules, 2016.	<p>Sub- Section (2) of Section 108 of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, provides that where a State law or a policy framed by the Government of a State offers more beneficial rehabilitation and resettlement provisions under that Act or policy than under the RFCTLARR Act, the affected persons or his family or member of his family may at his option opt to avail such rehabilitation and resettlement provisions under such State Law or such policy of the State instead of under the RFCTLARR Act.</p> <p>In view of the above provision under Sub- Section (2) of Section 108 of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, it has been provided under Sub-Rule (2) of Rule 30 of the Odisha Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Resettlement Rules, 2016, that where the option of choosing alternative R&R entitlement is available, the option of the affected families shall be</p>

obtained during the survey and census of the affected families.

Therefore, even after the coming into force of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, the Odisha R&R Policy, 2006, has not lost its relevance and its implementation is continuing being blended with the RFCTLARR Act, 2013.

- 2 If only the new rules, 2016 are in operation, then whether an institutional mechanism such as the District Compensation Advisory Committee (DCAC) under the chairmanship of Collector which is a feature of State R&R Policy, 2006 (to decide a negotiated price) can be constituted by the appropriate Government to arrive at the compensation, as per the methodology laid down in the RFCTLAR&R Act, 2013.
- Guidelines for constitution and functioning of District Compensation Advisory Committee (DCAC) issued vide this Department Order No. 39321 dated 13.10.2006 are in relation to negotiated price where the concerned Project Authorities opt for direct purchase of land on the basis of negotiated price in pursuance of the provisions laid down in para 6 of the Odisha R&R Policy, 2006. Therefore, the mechanism of DCAC will not be applicable for determination of compensation for acquisition of land under the Coal Bearing Areas (Acquisition and Development) Act, 1957.
- Implementation of the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957, lies entirely with the Central Government and Central Government is the appropriate Government for the purpose of implementation of the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957. Therefore, OMC Ltd. may seek clarifications relating to the implementation of the Coal Bearing Areas (Acquisition and Development) Act, 1957, from the Ministry of Coal, GOI.

Yours faithfully,


Director, R&R & Ex-Officio
Additional Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-LAA-CLRFIC-0003-2017-28118 /R&DM dated 24-8-17

From

Avaya Kumar Nayak
Joint Secretary to Govt.

To

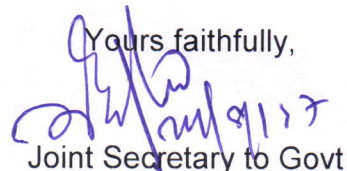
All Collectors

Sub: Clarification on applicability of the First, Second and Third Schedules of the RFCTLAR & R Act in cases of Acquisition of Land under the Coal bearing areas (Acquisition and development Act 1957 hereinafter CBA Act).

Sir,

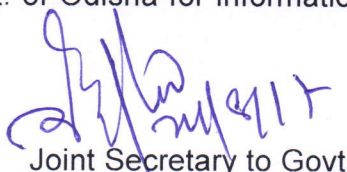
I am directed to enclose herewith a copy of the letter No. 43020/25/2015- IA & IR dtd.04.08.2017 received from the Under Secretary to the Govt. of India, Ministry of Coal, New Delhi on the subject noted above and to request you to take necessary action in the matter as per the clarification issued by the Govt. of India.

Yours faithfully,


Joint Secretary to Govt

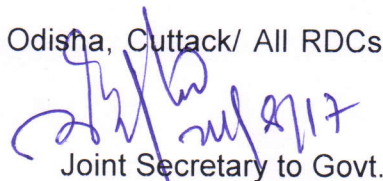
Memo No. 28119 dtd. 24-8-17

Copy forwarded to Steel and Mines Department, Govt. of Odisha for information and necessary action.


Joint Secretary to Govt.

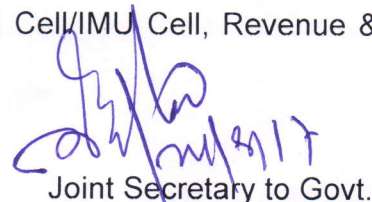
Memo No. 28120 dtd. 24-8-17

Copy forwarded to the Member Board of Revenue, Odisha, Cuttack/ All RDCs, Odisha for information and necessary action.


Joint Secretary to Govt.

Memo No. 28121 dtd. 24-8-17

Copy forwarded to the L.A.-B Br./ L.A.- C Br./R & R Cell/IMU Cell, Revenue & D.M. Department for information and necessary action.


Joint Secretary to Govt.

LA(A)



F. No. 43020/25/2015-LA&IR
Government of India
Ministry of Coal

New Delhi, the 4th August, 2017.

To,
The Chairman-cum-Managing Director,
Coal India Limited,
Coal Bhawan, Premise No-04 MAR,
Plot No. AF-III, Action Area-1A, Newtown,
Rajarhat, Kolkata-700156.

Subject: Clarification on applicability of the First, Second and Third Schedules of the RFCTLARR Act in cases of acquisition of land under the Coal Bearing Areas (Acquisition and Development) Act, 1957.

Sir,

I am directed to say that consequent upon enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(hereinafter 'RFCTLARR Act') and Order SO No. 2368(E) notified on 28.08.2015 by Ministry of Rural Development, Coal India Limited and its subsidiaries have sought clarifications regarding payment of compensation for land acquired prior to 01.09.2015 under Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter the 'CBA Act').

2. As multiple stages are involved in the land acquisition process, including that of determination of compensation, this Ministry sought advice from Ministry of Law & Justice. Ministry of Law & Justice has given their advice that if the compensation has not been determined before 01.09.2015 under Section 13(5) of the CBA Act, then the provisions of First Schedule, Second Schedule and Third Schedule of the RFCTLARR Act will be applicable. In remaining cases where the compensation has already been determined under Section 13(5) of the CBA Act before 01.09.2015, then such cases will not be reopened.

Contd. --- P. 2

3. In accordance with the above, the clarifications on different cases are as follows:-

Sl. No.	Cases for Clarifications	Clarification
1	Where prior to 01.09.2015, declaration of acquisition under Section 9 of CBA Act has been published, determination of compensation has been made under Sec. 13(5) of the CBA Act, possession of land has been taken, and payment of compensation has been made. In other words, all the proceedings have completed under the CBA Act before 01.09.2015.	Cannot be reopened.
2	Where prior to 01.09.2015, declaration of acquisition under CBA Act has been published and determination of compensation has been made under Sec. 13(5) of the CBA Act, irrespective of the fact that possession of land has been taken or not.	Cannot be reopened.
3	Where prior to 01.09.2015, declaration of acquisition under the CBA Act has been published, possession of the land has been taken but determination of compensation has not been made under Sec. 13(5) of the CBA Act.	Compensation will be determined following the provisions of the RFCTLARR Act, 2013.
4	Where prior to 01.09.2015, declaration of acquisition has been published under CBA Act, but determination of compensation has not been made under Sec. 13(5) of the CBA Act, and possession of land has not been taken.	Compensation will be determined following the provisions of the RFCTLARR Act, 2013.

4. In view of the above clarifications, previous order letter no. 43020/26/88-LSW dated 12.05.1989 issued by then Ministry of Energy, Department of Coal shall stand modified. The above clarifications may be followed in determination of compensation for land acquired under CBA Act.

5. This issues with the approval of competent authority.

Yours faithfully,



(R S SAROJ)


Under Secretary to the Govt. of India

Contd. P. 3

Tel: 011-24651785

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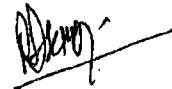
1. Chairman-cum-Managing Director, Mahanadi Coalfields Ltd. (MCL), Post Office-JagritiVihar, Burla, District - Sambalpur(Odisha)-768020.
2. Chairman-cum-Managing Director,Northern Coalfields Ltd. (NCL), PO-Singrauli, District -Sidhi, (M.P.)-786889.
3. Chairman-cum-Managing Director,South Eastern Coalfields Ltd. (SECL), Seepat Road, Post Box No. 60, District - Bilaspur(Chhattisgarh) - 495006.
4. Chairman-cum-Managing Director,Eastern Coalfields Ltd. (ECL), Sanctoria, PO-Dishergarh, District-Burdwan(West Bengal) - 713333.
5. Chairman-cum-Managing Director,Central Coalfields Ltd. (CCL), Darbhanga House, Ranchi(Jharkhand) - 834029.
6. Chairman-cum-Managing Director,Bharat Coking Coal Ltd. (BCCL), KoylaBhawan, Koyla Nagar, Dhanbad(Jharkhand)-826005.
7. Chairman-cum-Managing Director,Western Coalfields Ltd. (WCL), Coal Estate, Civil Lines, Nagpur(Maharashtra) - 440001.
8. Chairman-cum-Managing Director,Neyvelli Lignite Corporation Ltd. (NLC) India Limited, Block-1, Neyvely, District -Cuddalore(Tamilnadu)-607801.
9. Chairman-cum-Managing Director,Singareni Collieries Company Ltd.(SCCL), Kothagudem Collieries,Bhadradi, District-Kothagudem(Telangana)-507101.
10. Deputy Secretary (LR), Department of Land Resources, Ministry of Rural Development, NBO Building, G Wing, Nirman Bhawan, Moulana Azad Road, New Delhi - 110011.
11. IF Section, Ministry of Coal.


(R S SAROJ)

Under Secretary to the Govt. of India

Copy to:

PS to chief Secretary, Govt of Odisha for
information.



**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. RDM-LAA-CLARFIC-0002-2015 29747 /R&DM Dated 7.09.2017

From

Avaya Kumar Nayak
Joint Secretary to Government

To

All Collectors
(except Collector, Jharsuguda).

Sub- Calculation of solatium u/s 30 (1) on & over Additional market value calculated under section 30 (3) of RFCTLAR&R Act, 2013 and section 23 (1-A) & 23 (II) of LA Act, 1894.

Sir,

Inviting a reference to the letter No. 11679, dated 31.12.2016 of the Collector, Jharsuguda on the subject cited above, I am directed to say that views of Law Department was obtained on the issue as to whether the solatium will be calculated on and above 12% additional market value or not and the Law Department, after examination of the statutory provisions and the principles laid down by the Hon'ble Courts, have furnished their views as below;

"the additional market value shall be payable only on the market value of the land determined u/s 26 of the (RFCTLAR&R) Act and not on the solatium."

In view of the above, it is clarified that solatium shall be calculated on the market value of the land, not on the 12% additional market value.

Yours faithfully,


Joint Secretary to Government

Memo No. 29748 /R&DM

Dated 7.09.2017

Copy forwarded to Department of Water Resources, Odisha for information w.r.t this Deptt. Memo No. 8262 dtd. 14.03.2017 .


Joint Secretary to Government

Memo No. 29749 /R&DM

Dated 7.09.2017

Copy forwarded to Chief of Project Infrastructure, OPGC, Zone-A, 7th Floor, Fortune Tower, Chandrasekharapur, Bhubaneswar-751023 for information and necessary action w.r.t this Deptt. Memo No. 8263 dtd. 14.03.2017.


Joint Secretary to Government

Memo No. 29750 /R&DM

Dated 7.09.2017

Copy forwarded to Collector, Jharsuguda for information w.r.t this Deptt. letter No. 8261 dtd. 14.03.2017.


Joint Secretary to Government

Memo No. 29751 /R&DM

Dated 7.09.2017

Copy forwarded to LA(B)/ LA(C)/ R&R Cell for information and necessary action.


Joint Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-LAA-CLRFIC-0004-2017/43583 /R&DM, Dated. 16-12-17

From

Dr. C. S. Kumar, IAS
Principal Secretary to Government

To

Secretary, Board of Revenue, Odisha, Cuttack
All RDCs
All Collectors

Sub: Delegation of powers and functions of Appropriate Government under the RFCTLAR&R Act, 2013 in favour of Collectors.

Sir,

In inviting a reference to the above cited subject, I am directed to say that the State Government, in exercise of the power conferred by the proviso to clause (e) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013 (30 of 2013), and in supersession of the Notification No. 21636/ R&DM dated the 24th July, 2014 issued by the Revenue and Disaster Management Department, published in the extraordinary issue of the Odisha Gazette No.1223, dated the 31st July, 2014, the State Government have been pleased to notify that in relation to acquisition of land for public purpose situated within a district of the State for an area not exceeding **one thousand acres**, the Collector of such District shall be deemed to be the appropriate Government. A copy of such Notification is enclosed.

2. In this connection, the State Government have also been pleased to delineate the role and functions of the Appropriate Government, as prescribed under different sections of the RFCTLAR&R Act, 2013 between the State Government in R&DM Department and the Collector of the concerned district in respect of acquisition of land situated within a district for the stipulated area, as detailed below;

Sl. No	Relevant section of the Act	Contents	To be dealt at	
			Govt. in R&DM Dept	Collector
(i)	(ii)	(iii)	(iv)	(v)
1	4 (1)	SIA Study	Govt.	-
2	4(2) -7(1)	SIA Study publication and appraisal	-	Collector

[Handwritten signatures]

3	8(1) & 8(2)	Decision of the appro. Govt after examination of the report of Collector & Expert Group on SIA Study	Govt.	-
4	8(3)	Publication of the decision	-	Collector
5	9	Exemption from SIA	Govt	-
6	11(1)	Preliminary notification for LA	-	Collector
7	12	Preliminary survey of land	-	Collector
8	14	Lapse of SIA Report	Govt in consultation with RO	-
9	15	Hearing of objections	-	Collector
10	19(1)-19(6)	Declaration for LA and summary of R&R	-	Collector
11	19(7)	Power of the appropriate Govt to extend the period of 12 months	Govt.	-
12	24(2)	Lapse of LA proceeding	Govt.	-
13	25	Power to extend period of 12 months	Govt	-
14	26	Determination of market value	-	Collector
15	31	R&R Award	-	Collector
16	31(2)(k)-proviso	Notification to increase rate of R&R on the basis of rise in price index	Govt.	-
17	33	Recovery of excess amount paid	-	Collector
18	40	Special powers in case of urgency	Govt	-
19	43	Appointment of Administrator	Govt	Other functions by Collector
20	45	To Constitute project level R&R Committee	Govt	-
21	51	Establishment of LA R&R Authority	Govt	-
22	81	Temporary occupation of waste or arable land	-	Collector
23	82	Power to take possession and compensation on restoration	-	Collector
24	84(2)	Recovery of R&R benefits availed by making false claims or through fraudulent means	-	Collector
25	90	Authorization for filing complaint for offences to be cognizable	-	Collector
26	93	Withdrawal from acquisition	Govt	-
27	99	No change of purpose to be allowed	Govt	-
28	100	No change of ownership without permission to be allowed	Govt	-
29	101	Return of unutilized land	Govt	-
30	104	Option of appropriate Govt to lease	Govt	-
31	109	Power to make Rules	Govt	-
32	First	Proportionate apportionment of	-	Collector

	Schedule	compensation among the affected families u/s 3 (c)		
33	Second Schedule	Determination of R&R entitlements	Govt	

3. The functions of appropriate Government in respect of acquisition of land for public purpose situated within a district of the State for an area exceeding one thousand acres shall be dealt by the R&DM Department at the State level.
4. The functions of the appropriate Government which have not been delegated to Collectors as above shall continue to remain with the State Government.
5. All statutory requirements under the RFCTLAR&R Act, 2013 and the Rules made there under like publication in the extra ordinary issue of Odisha Gazette and Newspaper etc. shall be undertaken by the Collector in the delegated cases.
6. Collector shall maintain due diligence and transparency in LA process and shall upload all information in detail in the district website as well as in MIS under intimation to Revenue & Disaster Management Department at every stage of LA process.
7. Since land acquisition is done for public purposes, a strict timeline, as detailed below shall be followed for processing the LA matters at the District level.

Sl	Activities	Timeline
1	For SIA Study	Timeline as given in this Department circular No.9068 dated 19.03.2016
2	Issue of Notification u/s 11(1)	Within 30 days from declaration u/s 8(2)
3	Disposal of objections, if any u/s 15(2) received during the stipulated period of 60 days	Within 30 days after stipulated period
4	Issue of Notification u/s 19(1)	Within 7 days of receipt of fund certificate or before the validity period is over, which ever is earlier.

8. The proposal, which can be addressed at the District level shall not be sent to Government after 31.12.2017. The proposals/ documents pending at this level shall be returned to the concerned Collectors.

Yours faithfully,

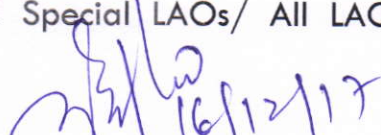
Principal Secretary to Government

Memo No.

43584

/R&DM Dt. 16-12-17

Copy forwarded to All Departments of Government / All Heads of Departments/ C.M.D, IDCO / C.M.D, IPICOL / All Special LAOs/ All LAOs for information and necessary action.



16/12/17
Joint Secretary to Government

Memo No.

43585

/R&DM Dt. 16-12-17

Copy forwarded to the Principal Secretary to Hon'ble Chief Minister /Private Secretary to the Hon'ble Minister, Revenue & DM, Odisha/ P.S to the Chief Secretary, Odisha for kind information of Hon'ble Chief Minister/Hon'ble Minister, Revenue & DM and Chief Secretary, Odisha respectively.

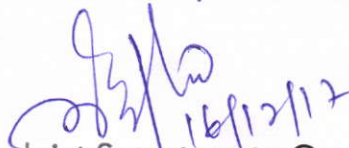

16/12/17
Joint Secretary to Government

Memo No.

43586

/ R&DM, Dated 16-12-17

Copy forwarded to All Officers/All Branches of Revenue & D.M. Department for information and necessary action. Deputy Secretary, IMU Cell is requested to upload the same in the Department website.


16/12/17
Joint Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-LAA-CLRFIC-0004-2017 - 7016 /R&DM dated 22 FEB 2018

From

Dr. Chandra Shekhar Kumar, IAS
Principal Secretary to Government

To

All Collectors
All Spl. LAOs/ LAOs

Sub: Clarification on delegation of powers and functions of Appropriate Government under the RFCTLAR&R Act, 2013 in favour of Collectors.

Madam / Sir,

In inviting a reference to the subject mention above, I am directed to say that DoWR had requested to clarify as to whether the delegation of power to Collectors with area limitation up to one thousand acres in a district relates to the project coming up within the District or it relates to one notification, where village is the unit.

In this connection, it is clarified that as the limit of 1000 acres within one village is not feasible, the limit of 1000 acres is for the entire District for one project only. This may be in multiple notifications, if more than one village in the same district is concerned.

However, if the project involves more than 1000 acres, while submitting the proposal, the project proponent has to furnish the copy of the approval of the project which reflects the total requirement of lands for the project within the District along with name of villages and area involved for land acquisition. The project proponent has to furnish a certificate to the effect that " this project involves land acquisition of _____ acres (more than 1000 acres) within _____ District." While forwarding the same to Government for Notification u/s 11(1) of the Act, Collector has to be satisfied and recommend to this Department furnishing a similar certificate.

Necessary follow up action may be taken up accordingly.

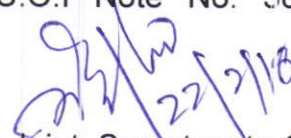
This may be brought to the notice of all concerned.

Yours faithfully,


Principal Secretary to Government

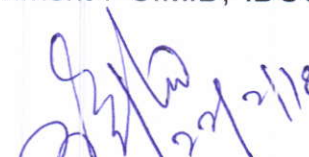
Memo No. 7017 dtd. 22 FEB 2018

Copy forwarded to Principal Secretary to Government, W.F. Deptt. for information and necessary action w.r.f to his U.O.I Note No. 38/SWR dtd. 31.01.2018.


22/2/18
Joint Secretary to Government

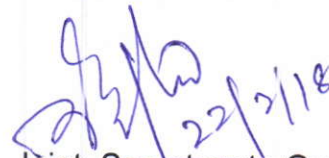
Memo No. 7018 dtd. 22 FEB 2018

Copy forwarded to All Departments of Government / C.M.D, IDCO / C.M.D, IPICOL for information and necessary action .


22/2/18
Joint Secretary to Government

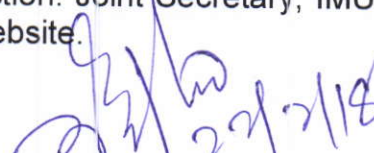
Memo No. 7019 dtd. 22 FEB 2018

Copy forwarded to All RDCs/ Secretary, Member Board of Revenue, Cuttack for information and necessary action.


22/2/18
Joint Secretary to Government

Memo No. 7020 dtd. 22 FEB 2018

Copy forwarded to LA(B)/ LA(C) Branches/ R&R Cell / IMU Cell of Revenue & D.M. Department for information and necessary action. Joint Secretary, IMU Cell is requested to upload the same in the Department website.


22/2/18
Joint Secretary to Government

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

No RDM-LAA-CLRFIC-0002-2015 - 14131 /R&DM, Dated 19.04.2018

Whereas, as per sub-section (1) of section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (herein referred to as "the Act"), the Collector has to determine the market value of the land to be acquired under the Act;

And whereas as per sub-section (2) of section 26, the market value so calculated under sub-section(1) of section 26 of the Act shall be multiplied by a factor as specified in the first schedule of the Act;

And whereas, as per the first schedule of the act, the appropriate Governmentt. is to notify the "factor" by which the market value is to be multiplied in case of rural area from 1(one) to 2(two) based on distance of the project from urban area;

And whereas, as per sub-clause (i) of clause (e) of section 3 of the Act, the Appropriate Government of Odisha is the Appropriate Government in relation to the land situated within the territory of State of Odisha;

Now, therefore, in exercise of the power conferred under sub-section (1) and (2) of section 26 readwith the first schedule of the Act, the Government of Odisha hereby notifies that when land to be acquired is situated in rural areas, the market value of such land calculated by the Collector as per sub-section (1) of section 26 of the Act shall be multiplied by the following factor based on the radial distance from the nearest urban area, namely:-

Radial Distance from Urban area in Km	Multiplier factor
From 0 Km up to 10 K.M.	1.00
More than 10 up to 20 K.M.	1.20
More than 20 up to 30 K.M.	1.40
More than 30 up to 40 K.M.	1.80
More than 40 K.M	2.00

(a) The radial distance shall be calculated from the out skirt of the nearest urban area:

Provided that the factor for every parcel of land in a mouza shall be same and equivalent to the factor applicable to the farthest point of that mouza as per the above sliding scale.

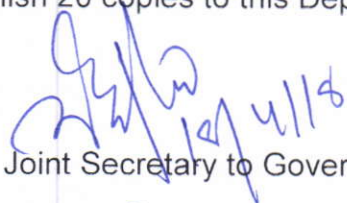
- (b) All places within a Municipality, Municipal Corporation or Notified Area Council shall be considered as an urban area for the purpose of this notification.
- (c) This notification shall be applicable for acquisition of land in rural areas within the State of Odisha under the Act.

By order of the Governor


Principal Secretary to Government

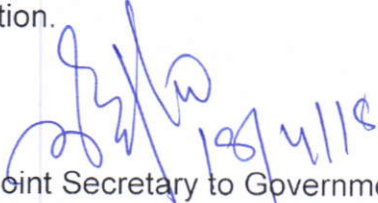
Memo No. 14132 /R&DM Date 19.04.2018

Copy forwarded to the Odisha Secretariat Gazette Cell, Commerce and Transport (Commerce) Department for information with a request to publish the same in the extraordinary issue of the Odisha Gazette and furnish 20 copies to this Department.


Joint Secretary to Government

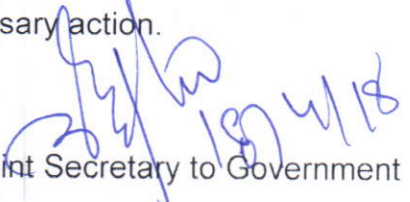
Memo No. 14133 /R&DM Date 19.04.2018

Copy forwarded to all Departments of Government/ Secretary, Board of Revenue, Odisha, Cuttack/ NCDS, Bhubaneswar/ All RDCs/ All Collector/ All Spl. LAOs/ All LAOs/ All Tahasildars information and necessary action.


Joint Secretary to Government

Memo No. 14134 /R&DM Date 19.04.2018

Copy forwarded to Deputy Secretary to Government, IMU Cell/ LR & GE (A)/(B)/(C)/ L.A. (A)/(B)/(C)/ R&R Cell/ LR (A)/(B)/ Registration Branch/ CH & S Branch of Revenue & DM Department for information and necessary action.


Joint Secretary to Government

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. RDM-LAA-CLRFIC-0002-2015(part)/ 22485/R&DM, Dated. 22 JUN 2018

From

Dr. C. S. Kumar, IAS
Principal Secretary to Government

To

All RDCs
All Collectors
All LAOs/ Spl LAOs

Sub: Calculation of solatium for determination of compensation under RFCTLAR&R Act, 2013: Clarification regarding

Ref: This Department letter No.4030 dated 07.02.2014/ Lt No 29747 dated 7.09.2017 and Notification No.14131 dated 19.04.2018

Sir/ Madam,

In inviting a reference to the subject cited above, I am directed to say that confusion regarding calculation of compensation under the RFCTLAR&R Act still persists in certain quarters in the field. In this connection, Commerce and Transport Department has sought clarification as to whether 100% solatium will be paid on the cost of land alone or on the cost of land and the cost of structure and or trees attached to the land taken together.

2. In this connection, the relevant provision of the RFCTLAR&R Act, 2013 were examined. The term 'Land' is defined under Section-3(p) of the Act as that "Land includes benefits to arise out of the land and things attached to the earth or permanently fastened to anything attached the earth". Section-27 of the Act provides that "The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land". Similarly, Section-30(1) of the Act envisages that "The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a "Solatium" amount equivalent to one hundred percent of the compensation amount. In the explanation, it further states that "For the removal of doubts it is hereby declared that

solutium amount shall be in addition to the compensation payable to any person whose land has been acquired." Further the First Schedule of the Act at sl No 5 while prescribing the manner of determination of value of Solutium states that solatium is "equivalent to one hundred percent of the market value of land mentioned against serial No.1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column 2."

3. It is relevant to reiterate that the State Government in the Notification under reference has prescribed the following sliding scale (from 1 to 2 in urban- rural continuum) on the basis of the radial distance from the nearest urban area to determine the multiplying factor.

Radial Distance from nearest Urban area (in Km)	Multiplying factor
0-10	1
>10- 20	1.2
>20-30	1.4
>30-40	1.8
Above 40	2

4. In careful consideration of the facts above, the Government have been pleased to clarify that solatium will be calculated on the cost of land and cost of building taken together, but not on the additional market value.

5. For better appreciation, the calculation of total compensation to be awarded, supposing the cost of market value of land as Rs.1,00,000/-, multiplying factor being 2 supposing that the land issituated beyond 40 km from the nearest urban area and cost of structure being Rs.1,00,000/-is illustrated below;

Sl	Items (supposing the land value to be Rs.1.00 lakh)	Amount
1	Market Value	1,00,000/-
2	Multipled factor as per distance- 2	X 2
3	Total	2,00,000/-

4	Cost of structure, trees etc	1,00,000/-
5	Total (3+4)	3,00,000/-
6	100% Solutium	3,00,000/-
7	Additional Market value on cost of land @ 12% per year for two years (cut off date being the date of preliminary notification, from 11(1) to 19(1) one year and from 19(1) to Award maxm one year)	24,000/-
8	Grand total (5+6+7)	6,24,000/-

Yours faithfully,


Principal Secretary to Government

Date 22 JUN 2018

22486
Memo No. _____/R&DM

Copy forwarded to P.S. Minister, Revenue and DM/ OSD to Chief Secretary for kind information of Hon'ble Minister and Chief Secretary, respectively.


Joint Secretary to Government

Date 22 JUN 2018

22487
Memo No. _____/R&DM

Copy forwarded to CRC-cum-Special Secretary to Government, C&T Department for information and necessary action.


Joint Secretary to Government

Date 22 JUN 2018

22488
Memo No. _____/R&DM


Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack for information and necessary action.


Joint Secretary to Government

Date 22 JUN 2018

22489
Memo No. _____/R&DM

Copy forwarded to Joint Secretary, LA(B) and (C) Branch, R&R Cell/ IMU Cell for information and necessary action. Joint Secretary, IMU Cell with a request to upload the circular in the Department website.


Joint Secretary to Government

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No.RDM-RRC-POLICY-0007-2018-39019 /R&DM., dated 15 OCT 2018

From

Sri Ashok Kumar Naik,
Special Secretary to Government
& Director, R&R

To

The Collector, Sundargarh

Sub: Clarification on R&R benefits to the project displaced family undergoing multiple displacement

Sir,

In inviting a reference to your letter No.692 dated 25.04.2018, on the above subject, I am directed to say that after careful consideration and legal opinion furnished by Law Department, Government have been pleased to issue the following clarifications as requested in the letter under reference.

Sl. No	Points on which clarification sought vide letter No. of	Clarifications
1	Whether normal compensation means for land acquisition which consists of land compensation along with rate of land so acquired and solatium of 30% with interest of 47.39% and escalation price etc.	Compensation is to be determined by the Collector as per the market value of the land to be acquired including all assets attached to it as per the provisions u/s 27 of the RFCTLAR&R Act, 2013. Further, section 28 of the said Act, 2013 speaks about certain parameters to be considered by the Collector in determination of the award. In view of the same, the Collector shall take into consideration the market value of the land to be acquired so also the damage sustained by the person interested by reason of taking of any standing crops and trees which may be on the land at the time of Collector's taking possession thereof and five other factors for determining the award. It is worth mentioning here that the Collector having determined the total compensation to be paid, shall arrive at the final
2	Whether normal compensation includes assets or not(trees and structures); if it includes assets then whether it will include the solatium part.	

		<p>award; additionally, impose a solatium amount equivalent to 100% of the compensation amount together with 12% additional market value of the land calculated covering the period from the date of preliminary notification u/s 11(1) up to the date of actual award. These are in addition to the compensation payable to any person whose land has been acquired. So, the question of determining compensation for the acquired land alongwith the solatium of 30% with interest of 47.39% and escalation price etc., does not arise. This calculation and determination of award has nothing to do with the compensation relating to rehabilitation and resettlement award. The affected persons shall be entitled for rehabilitation and resettlement award as provided under Chapter-V of the Act, 2013 separately, which is to be awarded by the Collector over and above the calculation of normal compensation made under chapter-IV of the Act, 2013.</p>
3	<p>Whether normal compensation includes R&R compensation or not. If yes, then what part of R&R package is included or excluded.</p>	<p>Although the land for the project has been acquired by NTPC under the Coal bearing Act, 1957, yet the provisions of the Act, 2013 shall apply relating to determination of compensation, resettlement, rehabilitation and infrastructural amenities. Therefore, the negotiated price of Rs. 15.00 lakhs for one acre of land irrespective of its kism for Dulinga Coal Mining Project and the calculation made vide Annexure-1&2 have no applicability to the case in hand owing to RFCTLAR&R (Removal of Difficulties) Order, 2015 on 28.08.2015.</p>
4	<p>Whether sons and married daughters, as survivors of recorded tenant of the acquired land are eligible to</p>	<p>It can be stated that if they are residing within the project area and are being displaced again, have to be relocated and resettled from the affected area to the resettlement area for the acquisition</p>

	<p>get benefit of multiple displacement.</p>	<p>of Dulinga Coal Mining Project of NTPC, certainly they shall be entitled to all the statutory benefits. However, the sons or daughters who are not residing within the project area and are not affected by this successive displacement, they shall not get the benefits envisaged under the Act, 2013. As per section 3(m) of the Act, 2013, "family" includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him. The married daughters are admittedly not coming within the definition of "family". But, they are entitled to be granted patta rights on the land under the law of the State including assigned land, as explained under section 3(r)(iii) of the Act, 2013 while defining the term "land owner" for receiving any benefit of multiple displacements, if such married daughters are residing within the project area and are being displaced now from Dulinga Coal Mining Project of NTPC.</p>
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The above clarification may be brought to the notice of all concerned and necessary follow up action may please be taken accordingly..

Yours faithfully,

eenan
15/10/18
Special Secretary to Government
& Director, R&R

Memo No. **39020** /Rev., Dated *in chmn of IMUCM*, **15 OCT 2018**
 Copy forwarded to the Joint Secretary to Government, Revenue & Disaster Management Department with a request to upload the said clarification in the Revenue & Disaster Management Department website for information of all concerned.

eenan
15/10/18
Special Secretary to Government
& Director, R&R