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REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 7th February, 2015

S.R.O. No. 46/2015— The following 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) is hereby published, as required by Section 112 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of a period of fifteen days from the date on which the copy of this notification is published in the *Odisha Gazette*.

Any objection or suggestion which may be received from any person with respect to the said draft rules within the period so specified shall be considered by the State Government.

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CHAPTER-I

PRILIMINARY

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, 2015.
- (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 (No. 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) "Section" means section of the Act;

(j) "Social Impact Assessment" or "SIA" means an assessment made under sub-section (l) of Section 4;

(k) "Social Impact Management Plan" or "SIMP" means the plan prepared as part of Social Impact Assessment study under sub-section (6) of Section 4; and

(l) "State Government" means the Government of Odisha in the Department dealing with the subject matter of land acquisition;

(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:**

- (1) 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 with the approval of the Department to which the project relates in Form - A, to the concerned District Collector and if the land under proposed acquisition includes multi-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 if any, shall return the same to the District Collector.
- (2) If the land proposed to be acquired for projects in respect of which Notification under section 10A of the Act has been issued, the Requiring Body shall provide a certificate to that effect along with the proposal to the District Collector, who after due scrutiny, shall forward such proposal to the State Government with his views.

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 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

forestrights shall also be undertaken under the Schedule 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 SIAs 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 SIAs 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 SIAs and associated primary material; and
 - (g) continuously review, evaluate and strengthen the quality of SIAs and the capacities available to conduct them across the State.

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;

(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 percentum 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 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 for carrying out SIA study in Form-C for commencement of consultation and Social Impact Assessment study.

(2) The notification shall be made available in Odia language in the Panchayat, 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 nearest habitated village 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, 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 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.
- (4) The SIA team may be constituted by appointing individuals or an organization with experience in conducting SIAs 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 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 reserves the right to change the team member 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 must 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 these 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 listed above 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 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 R & R 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 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, to the Department dealing with the subject matters relating to the Scheduled Tribes and Scheduled Caste Development, Requiring Body and the Administrator, R & 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 & 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 cent 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 cent 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 the quorum is not available then in subsequent meetings the quorum is not necessary.

- (5) The draft SIA report and SIMP in form of booklet shall be published in Odia language and given to the Panchayat, 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, 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 shall be prepared in Odia language and published in the same manner as laid down in rule-15.

17. Publication of decision of 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 will 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 of the dates 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 for public private partnership projects and private entities, as specified in sub-section (2) of Section 2 the Land Acquisition Collector concerned shall initiate the process of obtaining consent of land owners during the SIA study.
- (2) After updating the land records under rule 20, the Land Acquisition Collector shall prepare a list of all land owners 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 land owners.
- (3) The Land Acquisition Collector shall, in consultation with the representatives of Gram Panchayats, Municipality, Municipal Corporations, as the case may be, notify the date, time and venue of the meeting of land owners at least two weeks in advance, where the purpose of obtaining consent shall be explained to the land owners.
- (4) At the end of the meeting the land owners 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 land owners.
- (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 land owners 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 land owners 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 land owners meeting and non-receipt of consent within such stipulated time shall imply that the land owner has no consent to the proposed acquisition.

- (8) Where acquisition is spread across multiple locations consent shall be obtained in all affected areas at the same time in all the proposed areas 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&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 percentum 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 percentum 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 & R.
- (4) Interest accrued on such Savings Bank Account shall be credited to the appropriate receipt Head of Account of the Government.

25. Actual estimation of cost of Land Acquisition:

The District Collector shall prepare the actual estimate of cost of land acquisition after taking into consideration all the components as required under the Act for the said

acquisition and following the method and manner in which the Land Acquisition, R & R award shall be made including the investment to be made for food as required security under sub-section (3) of Section 10 and Land Acquisition Collector shall then send the cost of land acquisition to the concerned Department to which the project relates and the Requiring Body for sanction of the estimate.

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

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 entity 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 & 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 & Disaster Management Department.

28. Compensation:

- (1) The compensation shall be determined and award shall be made as per the provisions laid down under section 26 to Section 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 agriculture 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.

- (3) The payment of compensation shall be made within a period of 15 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 the 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 including the market value 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 comprises of more than one member, the option shall be obtained from the Head of the family.

31. Preparation of draft R & R Scheme:

- (1) The Administrator, R & R shall prepare the draft R & R Scheme within a period of sixty days from the date of completion of survey.
- (2) Where consent is involved, the draft R & 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 time as provided under these rules;
- (b) to prepare a draft Rehabilitation and Resettlement 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 Rehabilitation and Resettlement Scheme in the affected area;
- (i) to help and assist the District Collector in preparing the Rehabilitation and Resettlement scheme;
- (j) to monitor and supervise the implementation of the rehabilitation award;
- (k) to assist in post-implementation audit of rehabilitation and resettlement; and
- (l) to do any other work required to be done for rehabilitation and resettlement.

33. Public hearing on draft R & R Scheme:

The Administrator, R & 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 & R Scheme approved by the Commissioner shall be published by the Administrator, R & R in the same manner as laid down in rule-15.

35. Rehabilitation and Resettlement Award:

The District Collector shall make Rehabilitation and Resettlement 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 the FORM-'L'.

36. R & R Committee at Project level:

- (1) where the proposed acquisition is more than one hundred acres, the appropriate Government shall constitute the Rehabilitation and Resettlement 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 and venue of the meeting shall supply a copy of the draft scheme for Rehabilitation and Resettlement 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 & 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 & 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 rehabilitation and resettlement schemes or plans under the Act.
- (2) The Committee shall meet at least once in every year to review and monitor implementation of rehabilitation and resettlement 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 rehabilitation and resettlement scheme. However, 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 multi-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 multi-cropped irrigated 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 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 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 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 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 or the Panchayats or the autonomous District Councils shall be obtained in Form-M before publication of notification under sub-section (1) of Section 11.

42. Formation of Land Bank:

- (1) 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 multi-cropped irrigated 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 and sub-section (2) of Section 84 the awardee shall furnish an Indemnity Bond to the Land Acquisition Collector for refund of excess amount and in case of any default or refusal to refund, the excess amount shall be recovered as arrears of land revenue under the provisions of the Odisha Public Demand & Recovery Act, 1962.

45. Web-based Work Flow and Management Information System(MIS) for Land Acquisition and Rehabilitation and Resettlement:

The appropriate 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:

Land acquired for public purpose can be taken on lease by the State Government on consent of the land owners 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 entity through negotiation with the owner of the land, shall be five hundred acres of dry land or equivalent extent of irrigated dry or wet lands in rural areas and two hundred fifty acres in urban area subject to any further notification as may be issued by the Government, from time to time.

[No.4043-R & REH-41/2014/R& D.M.]

By Order of the Governor

TARA DATT

Additional Chief Secretary to Government

FORM-A

(See rule-3 of the OdishaRules, 2015)

Proposal for Acquisition of Land

1. Name of Requiring Body :
2. Address of Requiring Body :
Telephone No. :
E-mail ID :
Fax No. :
3. Name/Location of the Project :
4. Filed under*
(Section 2(1) / 2(2)(a) / 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. GP. :
III. Block/Municipality/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 / agricultural land other than irrigated multi cropped land:

Extent of irrigated multi cropped land (in acres)	Extent of agricultural land other than irrigated multi 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 multi-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. Specify if 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 Govt. land, if any :

18. List of Documents attached to the application:

19. 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 OdishaRules, 2015)

Terms of Reference for the SIA

The State SIA Unit will review the proposal for land acquisition sent by the Collector and prepare a project-specific Terms of Reference (ToR) which shall include the followings:

- (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/or 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/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.

FORM – C

(See rule-8 of the OdishaRules, 2015)

Government of Odisha**Revenue & Disaster Management Department****SIA Notification****Notification No.****Date:**

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

- 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/or land owners is required ?
- (d) The date of commencement of SIA.
- (e) The date of completion of SIA:

By order of the Governor

Secretary to Govt. / Authorised Officer

FORM – D

(See sub-rule-(2) rule-9 of the OdishaRules, 2015)

Table of Contents for SIA Report

Chapter	Contents
Executive Summary	<ul style="list-style-type: none"> (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:
Detailed Project description	<ul style="list-style-type: none"> (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 <ul style="list-style-type: none"> -temporary: -permanent: (x) Details of SIA/EIA if already conducted and any technical feasibility reports: (xi) Applicable legislations and policies