

**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.

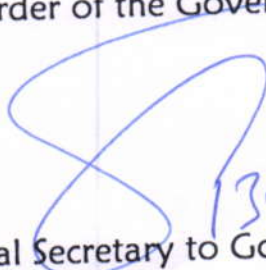
(5) The Judge shall be guided by the principles of natural justice and shall have power to fix the places and times of his inquiry.

(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