

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

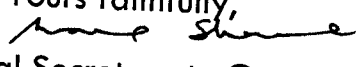
Sir,

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

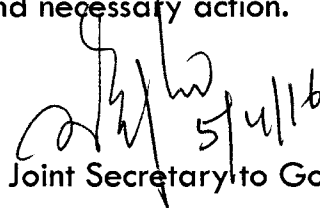
Copy forwarded to Secretary, Board of Revenue, Odisha, and Cuttack/All
RDCs / MD, IDCO for information and necessary action.



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.