

BY FAX

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

No. LA-(C) 19/13(KJR)

From

Dr. Taradatt, IAS,  
Principal Secretary to Government.

To

All Collectors.

**Sub: Clarification on S.T. & Other Traditional Forest Dwellers' entitlement to compensation in the event of acquisition of forest land where forest right is recognized with them.**

Sir,

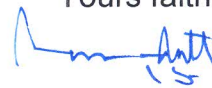
In inviting a reference to Letter No.348 dated 5.2.2013 of the Collector, Keonjhar on the afore-mentioned subject I am directed to say that Government after careful consideration have been pleased to clarify on the issue as follows:-

Under the provisions of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006 read with Rule 8 (h) of Forest Rights Rules, 2007, the S.T. and Other Traditional Forest Dweller is granted with a title for that forest land under his occupation though the title is not RoR but to hold and live in the forest land for habitation or self-cultivation for livelihood.

So, if the said forest land is acquired, the S.T or the Traditional Forest Dweller having the right to hold and live on the said land for habitation or self-cultivation for livelihood shall lose that right for ever and he/she will be deprived of his/ her habitation as well as self-cultivation for livelihood forever.

In that view of the matter, the S.T. and Other Traditional Forest Dwellers in whose name the Forest Right is recognized and is granted with a title for that forest land under his/ <sup>her</sup> occupation for habitation or self-cultivation for livelihood is entitled to compensation in the event of the acquisition of the said land though the owner-ship of the forest land lies with the Govt. and Kissam of forest remains the same in the records.

Yours faithfully,

  
15-5-13

Principal Secretary to Government

18034/R<sup>\*\*\*</sup>DM-Dt. 15-5-2013

1.B.  
Pl. issue  
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From the above discussion it summarily transpires that the mode of payment of compensation is of two types-1) Direct payment by cash or alternative form 2) payment by deposit in court. The qualifying provision of tendering of 80% compensation to the awardees before taking possession as is stipulated in Sec 17 (3-A) construed to mean percentage of payment by any or two modes as above aggregating to 80 %. Sec 17 (3-A) also alternately deals with the course of action in case of those contingencies as spelt out in Sec 31, Sub-Sec-(2) thus:- "where the collector is so prevented, the provision of section 31, Sub-section(2) shall apply as they apply to the payment of compensation under that section".

From this enabling provision it can be arrived at that when the awardees are not forthcoming either to receive their compensation or they are not giving consent to receive the same; the compensation can be disbursed by the mode of depositing it in the court by the Collector as per Sec-31(2) with submission of a reference U/s -18 of the Act.

In view of the above statutory provisions, you are directed to follow the procedure explained above and take recourse to depositing the undisbursed compensation money in the court as per provision Under Section-31-Sub-Sec-2 of LA Act 1894 read with Sub-sec. (3-A) of Sec-17 of the Act, and handover possession of the acquired land by following all other provisions of L.A Act and Executive Instruction there under.

Yours faithfully



Principal Secretary to Government

Memo No. 24027 Dt. 16.5.12

Copy to All Collectors / SPL LAOs / LAOs for information and necessary action. They are instructed to adopt the procedure as explained in the foregoing Para and take necessary steps for depositing the undisbursed land compensation in consonance with the Section 31- Sub Sec-2 of LA Act, read with Sub-Sec(3-A) of Sec-17 of the Act, and handover possession of the acquired land to Requiring Authority by following all other provisions of L.A Act and Executive Instruction there under.



Principal Secretary to Government