

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

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From

Sri Julius Lakra, IAS
Additional Secretary to Government

To

The Member, Board of Revenue, Odisha, Cuttack
The Development Commissioner – cum – Additional Chief Secretary
The Addl. Chief Secretary, Finance Department
The Principal Secretary, Department of Water Resources
The Principal Secretary, Forest & Environment Department
The Principal Secretary, Agriculture Department
The Principal Secretary, Energy Department
The Principal Secretary, Rural Development Department
The Commissioner-cum- Secretary, Panchayati Raj Department
The Commissioner-cum- Secretary, ST and SC Development Department
The Commissioner-cum- Secretary, Commerce and Transport Department
The Commissioner-cum- Secretary, H&UD Department
The Commissioner-cum- Secretary, Industries Department
The Commissioner – cum - Secretary, Steel and Mines Department
The Special Secretary, General Administration Department
The EIC-cum-Secretary, Works Department
The Director R&R and Ex-Officio Addl. Secy.to Govt., WR Department
The CMD, IDCO
The CMD, IPICOL
All RDCs
All Collectors

Sub: Draft Rules for the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act.2013.

Madam/Sir,

I am directed to invite a reference on the subject noted above and to say that the draft, “**Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Rules, 2014**” have been formulated by Revenue & DM Department. The said Draft Rules is available in the Revenue & D.M. Department website (www.odisha.gov.in/revenue). However, the hard copy of the Draft Rules is enclosed herewith for your kind reference.

You are requested to please go through the Draft Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Rules, 2014 and send your considered views /suggestions on the said Draft Rules to this Department within three weeks.

Encl: As above

Yours faithfully,


Additional Secretary to Government

Draft Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014

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, 2014.

(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 State 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) "Administrator" means an officer appointed by State Government under Sub-section 1 of Section 43.

(c) "Appropriate Government" means the State Government and includes the District Collector appointed by the State Government for the area notified under proviso of the clause (e) of Section 3.

(d) "Authority" means the Land Acquisition, Rehabilitation and Resettlement Authority established by the State Government under sub-section 1 of section 51;

(e) "Central Government" means Government of India;

(f) "Commissioner" means the Commissioner for Rehabilitation and Resettlement as appointed by State Government to carry out the functions of the Commissioner for Rehabilitation and Resettlement under the Act;

(g) "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.

- (h) "District Collector" means the officer appointed by State Government as Collector and District Magistrate for a District.
- (i) "District Office" means office of the District Collector;
- (j) "Form" means forms appended to these rules;
- (k) "Landless" means "Landless person" as defined in the Odisha Prevention of Land Encroachment Act, 1972;
- (l) "Social Impact Assessment" or SIA means an assessment made under sub-section (l) of section 4 of the Act;
- (m) "Social Impact Management Plan" or SIMP means the plan prepared as part of Social Impact Assessment study under sub-section (6) of section 4 of the Act; and
- (n) "Section" means section of the Act.
- (o) "State Government" means Government of Odisha.

(2) The words and expressions used but not defined in these Rules shall have the same meaning as are respectively assigned to them in the Act.

3. Delegation of power of appropriate Government. – Government may by notification assign the extent of area for which the District Collector shall exercise the power of appropriate Government under the Act.

4. Proposal for acquisition of land.– The detailed proposal for acquisition of land shall be submitted by the Requiring Body to the respective Administrative Department in Form – A, who shall send it to the concerned Collector along with their administrative approval. When land under proposed acquisition includes multi-cropped irrigated land or other agricultural land, the Administrative Department shall forward the proposal to the Agriculture Department for their recommendation and return to Administrative Department who shall send it to the concerned Collector. The proposal for land acquisition shall then be sent by the Collector to the State SIA Unit.

5. State SIA Unit.- (1)The State Government shall identify or establish an independent organization (hereinafter referred to as the State SIA Unit), which shall be responsible for ensuring that SIAs are 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 will serve as network of individuals and institutions with the required skills and capacities to conduct SIAs for land acquisition and Rehabilitation and Resettlement;
- b) respond immediately to the appropriate Government's request for an 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 community surveyors 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 MIS for land acquisition and 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.

6. Preparation of project-specific Terms of Reference (ToR). - (1) after receipt of proposal from the 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 to these rules;
- b) determine an estimated SIA fee based on the ToR with clear break-up of costs for each item or activity. The fee amount shall be based on the parameters including area, type, location of project and number of affected families as defined 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 cent of it towards administrative cost of State SIA Unit in the Scheduled Bank account of the State SIA Unit under intimation to LAO and Government.

7. SIA notification. - (1) The State Government, on receipt of intimation from SIA Unit regarding deposit of SIA fee shall issue notification within thirty days for carrying out SIA in Form-C for commencement of SIA and the same shall be made available in the local language to 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. The notification shall also be published in two daily newspapers circulated in the affected area and also by way of affixture at some conspicuous places in the affected area and shall be uploaded in the website of the State Government and the district concerned.

(2) Copy of said notification shall be sent to Tahasildar for updation of records as per orders of Courts, substitution of the names of legal heirs against the deceased persons, giving effect to the registered transactions of rights in land such as sale, gift, partition, etc. and entering the name of land owners as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

8. Social Impact Assessment study-(1) The SIA shall be conducted in consultation with concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas, for the purpose of Section 4 of the Act, 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 shall be submitted in Form-D 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) section 4 of the Act to the State Government within a period of six months from the date of its commencement. The SIM Plan shall also mention key persons responsible for each ameliorative measure and timelines and costs for each activity.

(3) The Social Impact Assessment Report and the Social Impact Management Plan shall be made available in the local language in the concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas and in the Offices of the District Collector, the Sub-Divisional Magistrate and Tahasildar and shall be uploaded on the website of the State Government.

9. Selection of the SIA team. - (1) The State SIA Unit 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 state SIA Unit and Government functionaries throughout the assessment period.

(6) The SIA Unit 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 family member of the team member directly or indirectly receives any benefit from the Requiring Body or any other stakeholder in the project, the said member shall be disqualified.

10. Process of conducting the Social Impact Assessment - (1) The SIA team shall collect and analyse a range of quantitative and qualitative data, undertake detailed site visits, 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 the SIA team. The assessment shall determine the following, namely:-

(a) 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;

(b) extent and location of land proposed to be acquired for the project;

(c) the land proposed for acquisition is the bare minimum requirement;

- (d) possible alternative sites for the project and their feasibility;
- (e) whether, the land proposed for acquisition in Scheduled Area is a demonstrable last resort;
- (f) land, if any, already purchased, alienated, leased or acquired and the intended use for each plot of land required for the project;
- (g) the possibility of use of any public, unutilized land for the project and whether any of such land is under occupation;
- (h) 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;
- (i) the special provisions with respect to food security have been adhered to in the proposed land acquisition;
- (j) size of holdings, ownership patterns, land distribution, number of residential houses, and public and private infrastructure and assets; and
- (k) land prices and recent changes in ownership, transfer and use of lands over the last three years.

(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 and ensure that the SIA team shall enumerate all the affected families. The enumeration shall include-

- a. particulars of lands and immovable properties being acquired of each affected family
- b. livelihoods lost in respect of land losers and landless whose livelihoods are Primarily dependent on the lands being acquired
- c. a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;

d. details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and

e. details of any common property resources being acquired;

(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 in projects where resettlement is required, the identified resettlement sites shall be visited and a brief socio-economic profile of the land and its current resident population shall be indicated.

(5) Basing on the data collected in processes listed above and in consultation with the affected communities and key stakeholders, the SIA shall identify and assess the nature, extent and intensity of the positive and negative social impacts associated with the proposed project and land acquisition as per Form-G

(6) The SIA process includes the preparation of a Social Impact Management Plan (SIMP), which will present the ameliorative measures to be undertaken to address the social impacts identified in the course of the assessment. The SIA team must assess the viability of impact mitigation and management strategies with clear indication of costs, timelines and capacities. The SIMP shall include the following measures-

(a) that have been specified in the terms of Rehabilitation and Resettlement and compensation for all the categories of affected families as outlined in the Act;

(b) that the Requiring Body has stated that it will undertake in the project proposal and other relevant project documents; and

(c) that additional measures being undertaken by the Requiring Body, which has been undertaken by it in response to the findings of the SIA process and public hearings.

(7) The SIA must provide a conclusive assessment of the balance and distribution of the adverse social impacts and social costs and benefits of the proposed project and land acquisition, including the mitigation measures, and provide an assessment as to whether the benefits from the proposed project exceed the social costs and adverse social impacts that are likely to be experienced by the affected families or even after the proposed mitigation measures, the affected families remained at risk of being economically or socially worse, as a result of the said land acquisition and resettlement.

11. 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 all Gram Sabhas or Wards 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 and venue of the public hearing must be publicised three weeks in advance by way of affixture at conspicuous places in the village/ward and a copy of notice shall be sent to the Panchayat or 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 uploading of the same in the State Government website, website of SIA Unit and website of the District Office.

(4) At least 25 percent of adult members of Gram Sabha or Ward shall constitute the quorum for the meeting. If in the first Gram Sabha meeting, the quorum is not available then in subsequent meetings quorum is not necessary.

(5) The draft SIA report and SIMP in form of booklet shall be circulated in

the affected area in local 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. Requiring Body shall also be served with a copy of the draft SIA report and SIM Plan. Visual displays may be made preferably by way of presentations of slides during public hearing to share the findings of the SIA report and SIM Plan.

(6) A member of the SIA team shall facilitate the public hearing which shall be organised by the district administration through the concerned Land Acquisition Officer and Administrator R&R.

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

(8) Representatives from the Requiring Body, concerned Sub-Collector, Land Acquisition Officer, Administrator R&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, local NGOs and media shall also be invited to attend the public hearings.

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

(11) Objections raised during public hearing shall be recorded and the SIA team shall ensure that the every such objection is considered and taken to the SIA report.

(12) After conclusion of the public hearings, the SIA team shall analyse the entire feedback received and information gathered in the public meetings and incorporate the gist along with their analysis, in the SIA report to be submitted to the State SIA Unit.

(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.

12. Publication of SIA Report and SIMP.- The SIA Report and SIMP prepared in Odia language shall be published by way of uploading them in the website of State Government and website of District concerned, made available to 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. The notice of such publication shall be given in two daily newspapers circulated in the affected area and also by way of affixture at some conspicuous places in the affected area.

13. Appraisal of Social Impact Assessment report by an Expert Group- (1) The Expert Group constituted under sub-section (1) of section 7 of the Act shall evaluate the SIA report and shall make its recommendation to that effect within a period of two months from the date of its constitution.

(2) The recommendations of the Expert Group shall be made available in Odia language to the concerned Panchayat, Municipality or Municipal Corporation at village level or ward level in the affected areas and to the offices of the District Collector, the Sub-Divisional Magistrate and the Tahasildar. The same shall be published in the form of posters by affixing them at conspicuous places in the affected areas and shall be uploaded in the website of the State Government.

14. Consideration of the Social Impact Assessment report, recommendations of the Expert Group etc.- (1) The State Government shall examine the Social Impact Assessment report, the recommendations of the Expert Group, report of the District Collector, if any and recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.

(2) The decision of the State Government shall be made available in the local language to the concerned Panchayat, Municipality or Municipal Corporation

at village level or ward level in the affected areas and to the offices of the District Collector, Sub-Divisional Magistrate and Tahasildar. It shall also be published by way of affixture in the form of posters at conspicuous places in the affected areas and shall also be uploaded on the website of the State Government. The State Government thereafter will proceed for notification under sub-section (1) of section 11 of the Act.

15. Publication of notification u/s 11(1) and declaration u/s 19 (1).—

(1) Besides the manner of publication as provided under sub-section (1) of section 11 and sub-section (4) of section 19 of the Act, the notification as prescribed in Form H /declaration as prescribed in Form I shall be prepared in Odia language and shall be published by beat of drum at conspicuous place of every village or ward in the affected area by way of affixture in presence of at least two witnesses. Where the affected area is uninhabited, such publication shall be made in the nearest habited village.

16. Intimation to local body.- On publication of notification under Section 11(1) in the Gazette, the Collector shall inform the authority of Gram Sabha or Sabhas at the village level, municipalities in case of municipal areas and the Autonomous Councils in case of the areas referred to in the Sixth Schedule to the Constitution to convene a special meeting and inform the contents of notification to the members. The authority(ies) of the concerned body shall communicate the minutes of the meeting to the Collector within seven days after the meeting as a token of compliance of the statutory provisions contained under sub-section (2) of section 11 of the Act.

17. Date of publication of notification/ declaration. - The publication of the notification/declaration which are to be made under the provisions of section 11 or section 19 of the Act shall be completed in all modes as specified therein within a period not exceeding 30 days from the date of issue of such notification/declaration. The last of the dates of such publication shall be considered as the date of the publication of the notification/declaration.

18. Copy of the preliminary notification to be sent to the Registrar/ Sub-Registrar.- A copy of the preliminary notification shall be sent to the concerned Registrar or Sub-Registrar for complying with the provisions under sub-section (4) of section 11 of the Act.

19. Copy of the preliminary notification to be sent for updating land records.- Copy of the preliminary notification issued under sub-section (1) of section 11 shall be sent to the Tahasildar for final updation of land records required under sub-section (5) of section 11 of the Act. The types of updation shall be as described under sub-rule (2) of rule 7.

On publication of preliminary notification, the Tahasildar 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 of the Act.

20. Obtaining Consent.- (1) In case of acquisition of land for public purpose for public private partnership projects and private companies, the Collector concerned shall initiate the process of obtaining consent of land owners immediately after completion of SIA study and before examination of proposal for preliminary notification.

(2) After updating the land records under rule 19, the Collector shall prepare a list of all land owners of the affected area from whom consent would be sought for and a copy of the SIA report along with the proposed terms and conditions, if any, agreed to by the Requiring Body shall also be made available to the land owners.

(3) The Collector shall in consultation with the representatives of Gram Panchayats, Autonomous District Councils, Municipality, Municipal Corporations, as the case may be, notify the date, time and venue of the meeting of land owners at least three weeks in advance, where the purpose of obtaining consent shall be explained to the land owners.

(4) At 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 Collector shall be handed over to the land owner.

(5) Consent shall be obtained as per holding of land. All 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 Land Acquisition Officer by Registered Post within a period of 30 days from the date of land owners meeting. Non receipt of consent within time shall imply that the land owner has no consent to the proposed acquisition.

AWARD AND COMPENSATION

21. LA Process not to lapse.- Land acquisition **process** where notifications u/s 4(1) of Act-1 of 1894 was issued prior to 01.01.2014 shall not lapse and shall continue to proceed under that Act except the provisions contained u/s 24 (2) of the LARR Act, 2013.

22. Determination of compensation under First Schedule of Act 30 of 2013.- In all cases where Gazette Notification u/s 4(1) was issued prior to 01.01.2014, the LA Collector under Act-1 of 1894 will determine compensation of the land under the provision of the First Schedule of the LARR Act, 2013 and rest all other provisions of Act-1 of 1894 will apply to the said land acquisition.

23. Reassessment of LA compensation.- In all such cases where notification u/s 4(1) of Act-1 of 1894 had been issued prior to 01.01.2014, the LA Collector under Act 1 of 1894 shall assess the quantum of compensation as per First Schedule of the LARR Act, 2013 within a period of ninety days of coming into force of these rules. The requiring body shall deposit the same with LA Collector within a further period of sixty days.

Provided that where the requiring body had deposited the estimated compensation amount with the LA Collector earlier, it shall deposit the differential compensation amount as per the reassessment made under the provisions of the First Schedule of the LARR Act, 2013 within the period mentioned above.

24. Approximate cost of Land Acquisition.-The Collector on getting required inputs from administrator R&R shall prepare an estimate of an approximate cost of Land Acquisition as required under sub-section (2) of section 15 of the LARR Act, 2013 on the basis of the components as defined under section 3(i) of the said Act.

25. 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, ACF as members which shall estimate the valuation of structures, trees etc and submit the report to the District Collector for reference by the Land Acquisition Officer in assessing cost of acquisition.

26. Administrative Cost.- (1) The Requiring Body shall deposit such percentage of the cost of acquisition towards administrative cost as 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 cent of the administrative cost will be retained by the District Collector which will be kept in the joint S.B Bank Account in the name of District Collector and Land Acquisition Officer in any Scheduled Bank for meeting 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. District Collector shall deposit the balance fifty per cent in the Government Treasury under the appropriate Receipt Head of Accounts.

(3) The District Collector shall transfer ten per cent out of fifty per cent retained by him to the Revenue and Disaster Management Department for meeting expenses on monitoring of land acquisition, rehabilitation & resettlement.

(4) Interest accrued on such savings accounts shall be credited to the appropriate receipt Head of Account of the Government.

27. Actual estimation of cost of Land Acquisition.- The 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 LA and RR award will be made including the investment to be made for food security under sub-section (3) of section 10 of the Act. Land Acquisition Officer shall then send the cost of land acquisition to concerned Administrative Department / Agency for sanction of the estimate.

28. Deposits to be made by the Requiring Body before Declaration.- Before the declaration u/s 19(1) is made, the Requiring Body shall deposit the cost of acquisition with the District Collector. Where the land is required for any private company or under PPP mode, the requiring body instead of depositing the cost assessed towards constructions under R&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.

29. Cost of all construction shall be deposited with the District Collector. - Where the requiring body is the State Government or its agency, the cost of all construction shall be deposited with the District Collector who shall execute the work through available executive agencies, as deemed proper to complete the work in time.

30. No Declaration - If Requiring Body fails to deposit the same, no declaration shall be made.

31. Compensation.- (1) The compensation shall be calculated 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 and artisans referred to in sub-clause (ii) of clause (c) of section 3 of the Act at the following rates:

32. In case of an agricultural labourer, a lump sum amount equivalent to the

current minimum wages of two hundred days shall be paid.

33. The tenants and share croppers shall be paid a lump sum amount of Rupees twenty five thousand per acre of the land they cultivate as tenants or share croppers.

34. In case of artisans who may be working in the affected area for three years prior to the acquisition of the land shall be paid a lump sum amount of Rupees twenty five thousand.

35. The payment of compensation shall be made within a period of 15 days by organizing disbursement camps and through account payee cheques.

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

37. 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.

REHABILITATION AND RESETTLEMENT

38. Survey and census of affected families.- (1) 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. The survey and census work may be conducted by way of collecting data from the Social Impact Assessment Study report and government records and verification of data by field survey and door to door visit of the affected families. This work shall be completed within a period of 60 days from the date of publication of the preliminary notification.

(2) Where the option of choosing specific Rehabilitation and Resettlement entitlement is available, option of the affected families shall be obtained during the survey which shall be in the form of written statement signed by the affected family. Where the affected family comprises of more than one member, the option shall be obtained from the Head of the family.

39. Preparation of draft R&R Scheme.- (1) The Administrator R&R shall prepare the draft R&R scheme within a period of 60 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&R reached between the Requiring Body and the affected families.

(3) The draft Rehabilitation and Resettlement Scheme prepared by the Administrator shall in addition to the particulars mentioned in the sub-section (2) of section 16, indicate the time plan for completion of all construction works including the infrastructural developments to be provided as per the scheme. Where land is acquired for private companies and for public private partnership projects, all constructions in the resettlement area as per Rehabilitation and Resettlement Scheme including infrastructural developments shall be done by the private companies.

(4) The Administrator shall prepare comprehensive and detailed draft Rehabilitation and Resettlement Scheme as far as possible.

(5) The Administrator shall by way of public notice publish the draft scheme in two local daily newspapers circulated in the affected area for information of the general public.

(6) The Administrator or an officer authorized by him shall conduct a public hearing in the affected areas on such a date, time and venue as deem fit but not earlier than fifteen days of the publication of the draft scheme. The provision of Rule 10 relating to the public hearing shall, mutatis mutandis, apply to the public hearing in this case also.

39. Power, duties and responsibilities of the Administrator.- The Administrator shall exercise the powers and perform the duties and have the responsibilities as follows-

- (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 Collector;
 - (h) To publish the approved Rehabilitation and Resettlement Scheme in the affected area;
 - (i) To help and assist the Collector in preparing the Rehabilitation and Resettlement award;
 - (j) To monitor and supervise the implementation of the Rehabilitation award;
 - (k) To assist in post-implementation audit of Rehabilitation and Resettlement, and
 - (l) Any other work required to be done for Rehabilitation and Resettlement.

40. Publication of Draft R&R Scheme.- The draft R&R Scheme under the seal and signature of the Administrator R&R shall be published in the affected area in the manner as prescribed under rule 12.

Copy of the draft R&R Scheme shall be sent to all concerned Gram Sabhas / NACs / Municipalities which shall be discussed in their meeting and copy of the minutes of the meeting will be sent by the concerned Local Authorities to the Administrator R&R within seven days as a token of compliance of the statutory provisions of sub-section 4 of Section 16(4) of the Act.

41. Public hearing of draft R&R Scheme. - (1) Public hearing of draft R&R Scheme shall be conducted where more than twenty five per cent of the members are directly or indirectly affected by the acquisition of the land in the affected area in following manner.

(2) At least 25 per cent of adult members of gram Sabha or ward shall constitute the quorum for the meeting. If in the first Gram Sabha meeting, the quorum is not available then in subsequent meetings quorum is not necessary.

(3) The date and venue of the public hearing must be publicised three weeks in advance through pamphlets, posters and loud speaker announcement in all the villages within a radius of one kilometre of the land proposed to be acquired

and a notice of it shall be sent to Gram Panchayat or Municipal ward representatives and by publishing the notice in the notice board of the concerned District Office, office of the Sub- Divisional Magistrate, Tahasil Office, Panchayat Samiti / GP/ NAC/ Municipality office and uploading of the same in the dedicated website for land acquisition and website of District Collector.

(4) The draft R&R scheme in form of booklet shall be circulated in the affected area in local language and given to all affected Gram Panchayats, municipality, requiring body and offices of Sub-Divisional Magistrate, District Collector and Tahasildar. Adequate copies of the scheme and summaries of the scheme shall be circulated on the day of the public hearing. Visual displays may be made preferably by way of presentation of slides during public hearing to share the findings of the draft R&R scheme.

(5) The administrator shall facilitate the public hearing which shall be organised by the district administration through the concerned Land Acquisition Officer.

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

(7) Representatives from the Requiring Body, concerned Sub-Collector, Land Acquisition Collector, Administrator R&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.

(8) Public representatives, local NGOs and media shall also be invited to attend the public hearings.

(9) The proceedings of the public hearing shall be video recorded and transcribed accordingly. This recording and transcription shall be submitted along with the final draft R&R scheme.

(10) After the conclusion of the public hearings, the Administrator shall analyse the entire feedback received and information gathered in the public

meetings and incorporate the same along with their analysis, in the revised draft R&R scheme to be submitted to the District Collector.

(11) Objections raised during public meeting shall be recorded and the administrator shall ensure that the every such objection is considered in preparing the R&R scheme.

(12) 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.

42. Review of the draft R&R scheme.- (1) The Administrator R&R on completion of public hearing shall submit to the District Collector the draft R&R Scheme along with the survey report and record of proceedings of enquiry together with a specific report on the claims and objections raised in the public hearing .

(2) The District Collector shall review the draft R&R scheme with the Project Level R&R Committee, if any, within one month from the date of receiving the draft R&R scheme.

(3) Where the affected area of a project involves more than one district, the Revenue Divisional Commissioner shall review the draft R&R scheme with the R&R Committee at Project Level.

43. Approval of R&R scheme.- The RDC or District Collector, as the case may be, shall submit the draft R&R scheme alongwith specific recommendations and suggestions to the Commissioner, Rehabilitation and Resettlement for approval.

44. Publication of approved R&R Scheme in the affected area.- R&R Scheme approved by the Commissioner shall be published by the Administrator R&R in the affected area by affixing a copy of it in the notice board of the District Office, office of the Sub- Divisional Magistrate, Tahasil, Panchayat Samiti/GP/ NAC/ Municipality and upload the same in the dedicated website of the Government for land acquisition and website of the District Collector. A notice of

such publication shall be published in local language in two widely published local daily news papers requesting the public to refer the website.

45. 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 the preliminary notification under sub section (1) of section 11 of the Act.

(2) The member-convenor, while intimating the date and venue of the meetings 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 month.

(5) The first meeting shall be convened before award is made under Section 31 of the Act 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 Committee shall suggest the name of an organisation to undertake an independent social audit at the cost payable by Collector.

46. Constitution of State Monitoring Committee for R&R. - (1) The 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.

47. Publication of declaration. – The Secretary to Government or his authorised officer 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.

48. Fixation of limits for acquisition of agricultural land.- (1) The Government in Agriculture Department shall fix up and separately notify 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.

49. Transfer of land and deposit of cost of reclamation for investment in agriculture. - 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 transfer deed and deposit reclamation cost for investment in agriculture. 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.

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

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.

50. 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-K before publication of notification under sub-section (1) of section 11 of the Act.

51. Formation of Land Bank- State Government by notification form a "Land Bank" a governmental entity in charge of local Tahasildar that focuses on the

conversion of Government owned waste land, vacant, abandoned, unutilized acquired lands and tax-delinquent properties into productive use.

52. Inventory of Waste, Barren and unutilized acquired Land.- 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 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.

53. Reversion of acquired land to State. - 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. The requiring body shall deliver possession of the land to the Tahasildar. On failure to deliver the possession, Occupation of the requiring body shall be treated as unauthorized who shall be evicted in due course of law.

54. Updation of database of Land Bank. - 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.

55. Recovery of Excess amount. - For the purpose of sub section (3) of section 33, the awardee shall furnish an Indemnity Bond to the L.A. Collector/ Land Acquisition Officer for refund of excess amount. In case of default or refusal to refund, the excess amount shall be recovered as arrears of land revenue under the provisions of Odisha Public Demand Recovery Act, 1962.

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

57. Land to be taken on lease. - Land required for public purpose can be taken on lease by State Government on consent of the land owner for a period of 90 years with renewal clause under similar conditions on payment of market value of the land as per provision of Odisha Stamp Rules and subject to payment of market value afresh at the time of renewal.

By the Order of Governor

Additional Chief Secretary to Govt.

N:B- The draft Rule is uploaded for views of State Government Departments, RDCs and Collectors.

FORM-A
(See rule-4)

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
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>

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
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>

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	Tank	Pond	Boring	Remarks
<i>9</i>	<i>10</i>	<i>11</i>	<i>12</i>	<i>13</i>	<i>14</i>	<i>15</i>	<i>16</i>	<i>17</i>	<i>18</i>

13. Certified copy of RoRs:

14. Specify if the acquisition would be done in different stages:

15. Detailed Project Report:

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 as per Appendix-A to the application:

Place:

Date:

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

For Administrative Department

The proposal is approved.

**Signature of Secretary
Administrative Department**

For Agriculture Department (If necessary)

Proposal is within prescribed limit under Section 10 of the Act

**Signature of Secretary
Agriculture Department**

Form- B
(See rule-6)
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-7)

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.

- Name of project developer :
- Purpose of proposed acquisition of land:
- Organisation to undertake the study:
- Contact details of the Organisation:
- Land details:

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

- Brief description of the proposed project:
- The project area and the affected areas:
- Whether consent of Gram Sabhas and/or land owners is required?
- The date of completion of SIA:

By order of the Governor

Secretary to Govt / Authorised Officer
Revenue and Disaster Management Deptt.

FORM – D

(See sub-rule 2 of Rule-8)

Table of Contents for SIA Report

Chapter	Contents
Executive Summary	<ul style="list-style-type: none">- Name of the Project:- Public purpose:- Location:- Area of the Project:- Alternatives considered:- Social Impacts:- Mitigation measures:- Assessment of social costs and benefits:
Detailed Project Description	<ul style="list-style-type: none">- Background of the project, including developers background and governance:- Management structure:- Rationale for project including how the project fits the public purpose criteria:- Details of project size, location, capacity, outputs, production targets, cost, risks:- Examination of alternatives:- Phases of project construction:- Core design features and size and type of facilities:- Need for ancillary infrastructural facilities:- Work force requirements<ul style="list-style-type: none">-temporary:-permanent:- Details of SIA/EIA if already conducted and any technical feasibility reports:- Applicable legislations and policies:
Team composition, approach, methodology and schedule of the SIA	<ul style="list-style-type: none">- List of all team members with qualifications:- Description and rationale for the methodology and tools used to collect information for the SIA:

- Sampling methodology used:
- Overview of information/data sources used:
(Detailed reference must be included separately in the forms)
- Schedule of consultations with key stakeholders:
- Brief description of public hearings conducted:
- Specific feedback incorporated in the report:

Land Assessment

- Maps showing area of impact under the project (not limited to land area for acquisition):
- Total land requirement for the project:
- Unutilised land in the vicinity of the project area:
- Land (if any) already purchased, taken on lease and the intended use:
- Extent and location of land proposed to be acquired for the project:
- Nature, present use and classification of land and if agricultural land, irrigation coverage and cropping patterns:
- Size of holdings, ownership patterns, land distribution, and number of residential houses:
- Land prices:
- Recent changes in ownership, transfer and use of lands over the last 3 years:

Estimation and enumeration (where required) of affected families and assets

- Enumeration of the followings types of families
- Families whose land or other immovable properties acquired:
- Land under occupation of tenants:
- The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights
- 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:
- Families who have have been assigned land by the State Government or the Central Government under any of its schemes:

- 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
 - Indirectly impacted by the project (Gatherers of forest produce, hunters, fisher folk, boatmen, etc)
 - Inventory of productive assets and significant lands
- Socio-economic and cultural profile (affected area and resettlement site)
- Demographic details of the population in the project area:
 - Income and poverty levels:
 - Vulnerable groups:
 - Land use and livelihood:
 - Local economic activities:
 - Factors that contribute to local livelihoods:
 - Kinship patterns and social and cultural organization:
 - Administrative organisations:
 - Political organisations:
 - Community-based and civil society organisations:
 - Regional dynamics and historical change processes:
 - Quality of the living environment:
- Social impacts
- Framework and approach to identifying impacts:
 - 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/indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts
 - Indicative list of impacts 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:
- Analysis of costs and benefits and recommendation on acquisition
- Final conclusions on:
 - Assessment of public purpose:
 - Less-displacing alternatives and minimum requirements of land:

- Nature and intensity of social impacts:
- Viability of the mitigation measures and extent to which mitigation measures described in the SIMP will address the full range of social impacts and adverse social costs:

Form – E

(See sub-rule 2 of Rule-8)

Social Impact Management Plan

Ameliorative measures required to be undertaken for addressing the impact on:

- livelihood of affected families:
 - public and community properties
 - Assets and infrastructure particularly roads, public transport
 - Drainage and sanitation
 - Sources of drinking water
 - Sources of water for cattle
 - Community ponds
 - Grazing land
 - Plantations
 - 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:
-
- Measures that the Requiring Body has stated it will introduce in the Project Proposal
 - Additional measures that the Requiring Body has stated it will undertake in response to the findings of the SIA process and public hearings

Form – F
(See sub-rule 4 of Rule-10)

Socio-economic and cultural parameters

- Demographic details of the population in the-project area
 - o Age, sex, caste, religion
 - o Literacy, health and nutritional status
- Poverty levels
- Vulnerable groups
 - o Women, children, the elderly, women-headed households, the differently abled
- Kinship patterns and women's role in the family
- Social and cultural organisation
- Administrative organisation
- Political organisation
- Civil society organisations and social movements
- Land use and livelihood
 - o Agricultural and non-agricultural use
 - o Quality of land - soil, water, trees etc.
 - o Livestock
 - o Formal and informal work and employment
 - o Household division of labour and women's work
 - o Migration
 - o Household income levels
 - o Livelihood preferences
 - o Food security
- Local economic activities
 - o Formal and informal, local industries
 - o Access to credit
 - o Wage rates
 - o Specific livelihood activities women are involved in
- Factors that contribute to local livelihoods
 - o Access to natural resources
 - o Common property resources
 - o Private assets
 - o Roads, transportation
 - o Irrigation facilities
 - o Access to markets
 - o Tourist sites
 - o Livelihood promotion programmes
 - o Co-operatives and other livelihood-related associations
- Quality of the living environment

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

Form- G
(See sub-rule 5 of Rule-10)

Key impact areas

Impacts on land, livelihoods and income

- Level and type of employment
- Intra-household employment patterns
- Income levels
- Food security
- Standard of living
- Access and control over productive resources
- Economic dependency or vulnerability
- Disruption of local economy
- Impoverishment risks
- Women's access to livelihood alternatives

Impacts on physical resources

- Impacts on natural resources, soil, air, water, forests
- Pressures on land and common property natural resources for livelihoods

Impacts on private assets, public services and utilities

- Capacity of existing health and education facilities
- Capacity of housing facilities
- Pressure on supply of local services
- Adequacy of electrical and water supply, roads, sanitation and waste management system
- Impact on private assets such as bore wells, temporary sheds etc.

Health impacts

- Health impacts due to in-migration
- Health impacts due to project activities with a special emphasis on
- Impact on women's health
- Impact on the elderly

Impacts on culture and social cohesion

- Transformation of local political structures
- Demographic changes
- Shifts in the economy-ecology balance
- Impacts on the norms, beliefs, values and cultural life
- Crime and illicit activities
- Stress of dislocation
- Impact of separation of family cohesion
- Violence against women

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

Pre-construction phase

- Interruption in the delivery of services
- Drop in productive investment
- Land speculation
- Stress of uncertainty

Construction phase

- Displacement and relocation
- Influx of migrant construction workforce
- Health impacts on those who continue to live close to the construction site

Operation phase

- Reduction in employment opportunities compared to the construction phase
- Economic benefits of the project
- Benefits on new infrastructure
- New patterns of social organisation

De-commissioning phase

- Loss of economic opportunities
- Environmental degradation and its impact on livelihoods

Direct and indirect impacts

- "Direct impacts" will include all impacts that are likely to be experienced by the *affected families*
- "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

Differential impacts

- Impact on women, children, the elderly and the different abled
- Impacts identified through tools such as Gender Impact Assessment Checklists, and Vulnerability and Resilience Mapping

Cumulative impacts

- Measurable and potential impacts of other projects in the area along with the identified impacts for the project in question.
- Impact on those not directly in the project area but based locally or even regionally.

Form- H
Preliminary Notification
(Section-11(1))

Whereas it appears to the Government of Odisha that a total of _____ acre land, details of which 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
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>

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 till such time as the proceedings of land acquisition is completed.

Provided that the District Collector may, on the application made by the owner of the land covered under this notification , exempt such owner from the above condition in special circumstances as per sub-section 4 of section 11 of the Act.

Provided further that any loss or injury suffered by any person due to his wilful violation of the above provision under sub-section 4 of section 11 of the said Act shall not be made up by the Government.

By order of the Governor

Secretary to Govt. / Authorised Officer
Revenue and Disaster Management Deptt.

Form- I
(Section-19(1))
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 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 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.

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

Secretary to Govt / Authorised Officer
Revenue and Disaster Management Deptt.

Form- J
(See sub-rule (4) of Rule 20)
Prior written consent / declaration 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. Extent of land owned:
11. Disputed lands if any:
12. Pattas/leases/grants, if any:
13. Any other right, including tenancy, if any:
14. 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 the following:

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.

*I do not agree to this acquisition.

*I agree to this acquisition.

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

- All information about what will be given to this land owner in exchange for their land and to resettle them must be provided prior to seeking any signature on this form. These terms and conditions must be attached to the form.

Date and Signature of Collector

- It is a crime under law to threaten any person or to cause the any harm if they refuse to consent or if they choose to state that they do not consent on this form. This includes any threat or act that causes them to lose money, that hurts them physically or that results in harm to their family. If any such threat has been made this form is null and void.

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

Form – K
Format for Gram Sabha Resolution

We, the undersigned members of the Gram Sabha of _____ within _____ Panchayat of _____ Tahasil in District _____ wishes 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 on sent 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.