

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RE-I-50/2015/ LRB 2846 /R&D.M Dated the 27th January, 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

Sir,

I am directed to say that after coming into force of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLAR&R) Act, 2013 w.e.f. 01.01.2014, different Departments of the State Government and Project Proponents of various infrastructure and industrial projects are facing difficulties for acquiring small and intermittent patches of private land within the project area under the Act, as the process of land acquisition is time consuming. The guidelines regarding direct purchase of private land for social development projects were laid down in this Department G.O. No.10241 dated 31.03.2014.

2. In order to overcome the difficulties, formulation of guidelines for direct purchase of private land through bilateral negotiation, for execution of infrastructure and industrial projects was under active consideration of Government for some time past. Government after careful consideration, have been pleased to lay down the following principles for direct purchase of private land through bilateral negotiation, for execution of infrastructure and industrial projects.

- a) The following guidelines shall be applicable for direct purchase of private land through bilateral negotiations for linear/ infrastructural and industrial projects.
- b) The industrial projects, for which private lands have to be purchased under this guideline, should have been approved by HLCA/ SLSWCA/ DLSWCA under Odisha Industries Facilitation Act, 2004.

all

- c) If the private land required to be purchased is equal to or more than the limit Notified by State Government i.e. Ac.50.00 in urban areas and Ac.200.00 in rural areas, the company or the private entrepreneur shall have to pay R&R entitlements along with the compensation, and follow the procedure u/s 46 of the RFCTLAR&R Act, 2013.
- d) Officers authorized to file requisition under RFCTLAR&R Act, 2013 are the Competent Authorities to file requisition and purchase land under these guidelines.
- e) Market value of the land shall be assessed as per the provisions of Section 26 to 30 of RFCTLAR Act, 2013. Compensation as admissible in respect of building and other structures under the said Act shall be payable.
- f) The project proponent shall assess the cost estimate and obtain the approval of Collector of the District through concerned LAO/ Special LAO/Tahasildar, as the case may be.
- g) In case of any irrigated land to be purchased within the ayacut area of any Irrigation project, permission of Water Resources Department has to be obtained.
- h) In view of the food security clause, purchase of multi-crop irrigated land for non-agricultural purposes, even through private negotiation should be avoided. Only in case of exceptional circumstances as demonstrable last resort, multi cropped irrigated land may be purchased, subject to above limits and in the event of such purchase, the private purchaser has to obtain permission of the DoWR/ deposit the reclamation cost as assessed by the DoWR.
- i) Care should be taken that no person is rendered homesteadless / landless by virtue of this sale of his land. In the event of urgency of implementation of the project, alternative land should be made available and the land owner should be rehabilitated properly before the land is purchased.
- j) The company / the private entrepreneur should maintain due legal diligence like obtaining non-encumbrance certificate from concerned revenue Authority

and establishment of a clear title of the seller over the land before purchase of the land.

- k) In case of land belonging to Scheduled Caste/Scheduled Tribe persons in non-scheduled areas and in case of land belonging to Scheduled Caste persons in scheduled areas, permission shall be obtained from the competent authority.
- l) No negotiation/transaction shall be made with intermediaries/ power of attorney holders. Transaction shall be made only with bonafide owners of the land.
- m) No private land shall be acquired forcibly and no coercive method shall be adopted for obtaining possession of the land.
- n) Land purchased under these principles shall be registered and the company has to bear the cost of stamp duty and registration fees.
- o) Any complain/ allegation/ grievance as regards noncompliance of any of the above guidelines may be addressed to Collector of the District, who in turn shall cause enquiry within 15 days and take appropriate action.

Yours faithfully



Principal Secretary to Government.

Memo No. 2847 /RDM dated 27.1.2016

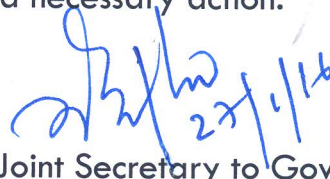
Copy forwarded to all Departments of Government/Secretary, Board of Revenue, Odisha, and Cuttack/All RDCs for information and necessary action.



Principal Secretary to Government.

Memo No. 2848 /RDM dated 27.1.2016

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.



Joint Secretary to Government.