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## REVENUE & DISASTER MANAGEMENT DEPARTMENT

### NOTIFICATION

The 5th August, 2010

No. 31248 — (R&REH)-66/2010-R&D.M

Whereas the draft of the Consent Award Rules, 2009 was published as required by sub-section (2) of section 55 of the Land Acquisition Act, 1894 (1 of 1894) in an extraordinary issue of Orissa Gazette, No.1735, dated the 2<sup>nd</sup> December, 2009 under the notification of the Government of Orissa in the Revenue & Disaster Management Department No.45451/R&REH-12/2009 – R&DM dated the 25<sup>th</sup> November, 2009 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of one month from the date of publication of the said notification in the Orissa Gazette;

And whereas, no objection or suggestion has been received during the stipulated period in respect of the said draft.

Now, therefore, in pursuance of sub-section (1) of section 55 of the Land Acquisition Act, 1894 (1 of 1894) the State Government do hereby make the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the Consent Award Rules, 2010.  
(2) They shall come into force on the date of their publication in the Orissa Gazette.
2. Definitions. — (1) In these rules, unless the context otherwise requires, —
  - (a) "Act" means the Land Acquisition Act, 1894 (1 of 1894);
  - (b) "award" means something that is conferred or bestowed upon a person;
  - (c) "Committee" means the Project Level Compensation Advisory Committee;
  - (d) "consent" means express willingness;
  - (e) "consent rate" means the rate arrived at after negotiation with the land owners for acquisition of their land, and



(f) "Requiring Body" means a department of Government or a local authority, a corporation owned or controlled by the State as defined in clause (aa) and clause (cc) respectively in section 3 of the Act or a development authority constituted under the Orissa Development Authorities Act, 1982 (Orissa Act 14 of 1982) or any other body for which the land is to be acquired.

(2) All other words and expressions, used but not defined in these rules, shall have the same meaning as respectively assigned to them in the Act.

3. Compensation Package. — (1) The proposed compensation offer shall be a package-deal which shall include the value of land solatium (30% on market value) and additional market value (12% per annum on market value) calculated separately.

(2) The price of land alone shall be negotiated based on proper reasons and justifications.

(3) No negotiation shall be made with middlemen in order to safeguard the interest of the genuine land losers.

4. Approval of the consent rate. — (1) The Collector shall approve the consent rate of the land being acquired:

Provided that approval of the Revenue Divisional Commissioner shall be taken by the Collector where the project covers more than one district.

(2) The Collector shall consult the Requiring Body and consider their views before approving or recommending the consent rate.

5. Determination of the value of the building or any structure. — (1) The value of the building or structure shall be determined on the basis of value as on the date of preliminary notification.

(2) There shall be no deduction for depreciation and 1.3 times of the value will be the deemed consent rate.

(3) The valuation of standing trees will be done as per the guidelines issued by Government.

6. Requisition for acquisition of private land for any project.— Requisition for acquisition of private lands for any project (other than projects funded by the State



Government) under the provisions of the Act, shall invariably accompany a written commitment of the Requiring Body that it shall pay the cost of acquisition of land as per the consensual agreement between the Land Acquisition Collector (Land Acquisition Officer / Spl. Land Acquisition Officer) and all persons having interest over the lands proposed to be acquired.

7. Issue of notice. — Along with notification under sub-section(1) of section 4 of the Act a general notice shall be issued giving wide publicity informing that the compensation benefits under consent award can be claimed in the manner when called upon to do so.

8. Constitution of the Committee. — (1) There shall be a Committee consisting of the following persons, namely:-

- (i) Sub-Collector (of the concerned Revenue Sub-division); (Chairman)
- (ii) Land Acquisition Collector (Convener);
- (iii) Project Director Resettlement and Rehabilitation (PD, R&R), if any;
- (iv) District Sub-Registrar or concerned Sub-Registrar;
- (v) District Agriculture Officer or District Statistical Officer;
- (vi) Any other person nominated by the Collector; and
- (vii) The Executive Engineer, R&B/RW, District Forest Officer, District Horticulture Officer (or their representatives) shall attend the meeting, as and when required.

(2) Where the project covers more than one revenue sub-division, the meeting to moderate land prices shall be chaired by the Additional District Magistrate.

(3) The Chairman shall preside over the meeting and in absence of the Chairman the meeting shall be presided over by any member selected by the members present in the meeting.

9. Functions of the Committee. — (1) The Committee shall estimate village-wise and category-wise value of land.

(2) The Committee shall try to moderate the land prices for similar categories of land in all villages of the project area (covered by simultaneous notifications) by adjustments, if the differences with regard to locational advantage, alternate land

use potential are not very glaring which shall give the land losers a clear knowledge of the prices offered.

(3) As soon as the Government directs the Collector under section 7 of the Act to take order for the acquisition of land, the Land Acquisition Collector shall issue public notice under section 9 of the Act stating that claims to compensation, for all interests in such land, may be made in the form and manner by those who intend a consensual agreement on the claim and individual notice shall also be issued in this regard.

(4) (i) The application shall be made in the form and manner indicating the claim separately for land, standing trees, buildings and other structures.

(ii) In case, mutation has not been done, a photo copy of the sale deed shall be attached as proof of title.

(iii) The applicant shall be at liberty to enclose photo copies of sale deeds (at least 3) of comparable land in the vicinity of the subject land to substantiate the basis on which the compensation is claimed.

(iv) The application form shall contain a declaration that all relevant matters as per section 23 of the Act have been taken into consideration and extraneous matters as per section 24 of the Act have been ignored. The declaration shall also state whether the land has been mortgaged or otherwise encumbered and if mortgaged, to whom mortgaged.

(v) No application fee will be charged.

(5) As soon as the timeline for making the claim petitions is over, the Land Acquisition Collector shall convene the meeting of the Committee and place before the Committee all claim petitions together with the relevant records / registers for its consideration.

(6) The Committee shall, consider the claim petitions with reference to the village-wise and category-wise estimated value of land, make field inspection if necessary and in fit cases shall re-estimate the market value of the subject land after taking into account the physical attributes such as quality of the land, alternate use potential and locational advantage.

(7) The Committee shall negotiate the value of land along with the persons having interest over the land village-wise and finalize the same subject to approval of the



Collector/Revenue Divisional Commissioner of the concerned district/division, as the case may be.

(8) Consent rates formulated as above will be submitted to the Collector for his approval or for recommendation to Revenue Divisional Commissioner for his approval, as the case may be.

(9) Before approving the consent rate or recommending the consent rate to Revenue Divisional Commissioner for approval, the Collector shall consult the Requiring Body and consider their views in the matter.

(10) The Committee shall calculate the proposed compensation in a package-deal inclusive of the value of land, buildings, other structures, trees and solatium (30% on market value), and (additional market value @ 12% per annum on market value) calculated separately and discuss the same with all persons having interest over the land village-wise and shall record their response.

(11) The Committee shall send the finalized proposed packages to the Land Acquisition Collector along with the list of interest holders agreeable to the proposed compensation package.

10. Finalization of Agreement. — (1) Land Acquisition Collector shall ask all persons having interest over the lands to execute agreements in the form appended to these rules which shall be called the consensual agreement.

(2) No agreement shall be executed unless all the co-sharers and other interest holders of the concerned land jointly sign the agreement.

(3) After the consensual agreement is executed, awards shall be passed by the Land Acquisition Collector under sub-section(2) of section 11 read with second proviso to sub-section(2) of section 31 of the Act.

11. Residuary Provision. — (1) Award under sub-section (1) of section 11 of the Act shall be made if negotiation fails to arrive at an agreement under sub-section (2) thereof.

(2) The Collector and Revenue Divisional Commissioner shall sanction the revised estimate even if it exceeds 20% of the sanctioned amount as per the approved consent rates in respect of land acquired for public purposes and company

respectively about which the Revenue and Disaster Management Department shall be kept informed within a week from the date of sanction.

12. Repeal and Savings. — All executive instructions issued on the subject prior to coming into force of these rules are hereby repealed:

Provided that actions taken, things done as per the instructions so repealed shall be deemed to have been taken and done under the provisions of these rules.

By order of the Governor

R.K. Sharma

Commissioner-*cum*-Secretary to Government

## FORM OF AGREEMENT

[See rule 10(1) of the Consent Award Rules, 2010]

Form containing the matters agreed to by the persons interested in land to be included in the award of the Collector under sub-section (2) of section 11 of the Land Acquisition Act.

Before the Collector of the district

L.A. Case No.

I/We,

Sl.No.

Name of the person

Father's name

Address

am / are interested in the lands in Plot No....., Holding No....., Mouza....., P.S....., District....., which is under acquisition in the above named case and have agreed this the .....day of.....two thousand.....that the following matters are to be included in the award of the Collector in the aforesaid Land Acquisition Proceeding and shall be payable to the respective persons accordingly.

(i) The compensation may be apportioned in the manner as mentioned below :-

Sl.No.	Name of the person	Percentage of total interest	Amount of compensation
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(ii) The amount of compensation may be fixed according to the rate per acre in respect of kizam of land as mentioned below:-

Kisam of land

Value of land per acre

Signature / Signatures of the

claimants

Witnesses (two)

1. Name.....

1. Name.....

Address.....

Signature.....

Signature.....

2. Name.....

2. Name.....

Address.....

Signature.....

Signature.....

3.

4.

5.

Accepted by the Collector of the district.

Collector