

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No.RDM-RRC-POLICY-0007-2018-39019 /R&DM., dated 15 OCT 2018

From

Sri Ashok Kumar Naik,
Special Secretary to Government
& Director, R&R

To

The Collector, Sundargarh

Sub: Clarification on R&R benefits to the project displaced family undergoing multiple displacement

Sir,

In inviting a reference to your letter No.692 dated 25.04.2018, on the above subject, I am directed to say that after careful consideration and legal opinion furnished by Law Department, Government have been pleased to issue the following clarifications as requested in the letter under reference.

Sl. No	Points on which clarification sought vide letter No. of	Clarifications
1	Whether normal compensation means for land acquisition which consists of land compensation along with rate of land so acquired and solatium of 30% with interest of 47.39% and escalation price etc.	Compensation is to be determined by the Collector as per the market value of the land to be acquired including all assets attached to it as per the provisions u/s 27 of the RFCTLAR&R Act, 2013. Further, section 28 of the said Act, 2013 speaks about certain parameters to be considered by the Collector in determination of the award. In view of the same, the Collector shall take into consideration the market value of the land to be acquired so also the damage sustained by the person interested by reason of taking of any standing crops and trees which may be on the land at the time of Collector's taking possession thereof and five other factors for determining the award. It is worth mentioning here that the Collector having determined the total compensation to be paid, shall arrive at the final
2	Whether normal compensation includes assets or not(trees and structures); if it includes assets then whether it will include the solatium part.	

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		<p>award; additionally, impose a solatium amount equivalent to 100% of the compensation amount together with 12% additional market value of the land calculated covering the period from the date of preliminary notification u/s 11(1) up to the date of actual award. These are in addition to the compensation payable to any person whose land has been acquired. So, the question of determining compensation for the acquired land alongwith the solatium of 30% with interest of 47.39% and escalation price etc., does not arise. This calculation and determination of award has nothing to do with the compensation relating to rehabilitation and resettlement award. The affected persons shall be entitled for rehabilitation and resettlement award as provided under Chapter-V of the Act, 2013 separately, which is to be awarded by the Collector over and above the calculation of normal compensation made under chapter-IV of the Act, 2013.</p>
3	<p>Whether normal compensation includes R&R compensation or not. If yes, then what part of R&R package is included or excluded.</p>	<p>Although the land for the project has been acquired by NTPC under the Coal bearing Act, 1957, yet the provisions of the Act, 2013 shall apply relating to determination of compensation, resettlement, rehabilitation and infrastructural amenities. Therefore, the negotiated price of Rs. 15.00 lakhs for one acre of land irrespective of its kism for Dulinga Coal Mining Project and the calculation made vide Annexure-1&2 have no applicability to the case in hand owing to RFCTLAR&R (Removal of Difficulties) Order, 2015 on 28.08.2015.</p>
4	<p>Whether sons and married daughters, as survivors of recorded tenant of the acquired land are eligible to</p>	<p>It can be stated that if they are residing within the project area and are being displaced again, have to be relocated and resettled from the affected area to the resettlement area for the acquisition</p>

	<p>get benefit of multiple displacement.</p>	<p>of Dulinga Coal Mining Project of NTPC, certainly they shall be entitled to all the statutory benefits. However, the sons or daughters who are not residing within the project area and are not affected by this successive displacement, they shall not get the benefits envisaged under the Act, 2013. As per section 3(m) of the Act, 2013, "family" includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him. The married daughters are admittedly not coming within the definition of "family". But, they are entitled to be granted patta rights on the land under the law of the State including assigned land, as explained under section 3(r)(iii) of the Act, 2013 while defining the term "land owner" for receiving any benefit of multiple displacements, if such married daughters are residing within the project area and are being displaced now from Dulinga Coal Mining Project of NTPC.</p>
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The above clarification may be brought to the notice of all concerned and necessary follow up action may please be taken accordingly..

Yours faithfully,

eenan
15/10/18
Special Secretary to Government
& Director, R&R

Memo No. 39020

/Rev., Dated *in chmn of IMUCM*, 15 OCT 2018

Copy forwarded to the Joint Secretary to Government, Revenue & Disaster Management Department with a request to upload the said clarification in the Revenue & Disaster Management Department website for information of all concerned.

eenan
15/10/18
Special Secretary to Government
& Director, R&R