

**GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

No. RDM-LAA-CLRFIC-0004-2017/ 3918 /R&DM, Dated. 30.01.2018

From

Dr. C. S. Kumar, IAS
Principal Secretary to Government

To

All Collectors
All Spl LAOs and LAOs

Sub: Monitoring of the Land Acquisition process and Rehabilitation & Resettlement activities under various projects in the State.

Ref: This Department Notification No. 40228 dated 25.11.2017
Letter No. 43583 dated 16.12.2017

Sir,

In inviting a reference to the above cited subject, I am directed to say that the State Government have been pleased to delegate the powers and functions of the appropriate Government in favour of concerned Collector of the District in the Notification under reference and the details of delegation section-wise (activity-wise) has been communicated to you vide letter No. 43583 dated 16.12.2017. Besides, this Department is developing MIS Software which will be put in place shortly for maintaining transparency through regular updation of information by use of web-based technology. As land acquisition is a sensitive and time-bound process, it requires due responsibility and responsiveness for timely execution of the process at every stage.

2. Further, Land Acquisition process is important on the ground that success of most of the projects depends on smooth and timely completion of acquisition of land. The progress of almost all projects are being reviewed by higher authorities like Chief Secretary in CCI-PMG and SPMG meetings and even by the Prime Minister in PRAGATI meetings. Hence, prompt actions as well quick furnishing of information to this level is essential in respect of LA Projects.

3. In this connection, it is not out of place to draw your attention to the '**Offences and Penalties**' provisions under Chapter-XII of the RFCTLAR&R Act, 2013, which provides for stringent punishment with fine and imprisonment, even both for furnishing false information, acting in contravention of the provisions of the Act by Government

Servants, Companies and Government Departments. Hence it is expected that due diligence should also be maintained in disposing the LAR&R issues.

4. Consequent upon the delegation of powers in favour of Collectors, you are requested to be vigilant on important milestones of the LA Process as below;

I. SIA Study:

(a) Following timeline shall be maintained for;

Activity	Timeline
On receipt of requisition from Requiring Body, Collector shall submit the proposal to NCDS with a copy of the land schedule to R&DM Department	7 days
NCDS to prepare ToR and estimate and intimate Requiring Body, Collector and R&DM Dept	10 days
Requiring Body to deposit money with NCDS	15 days
NCDS will intimate R&DM Department on receipt of estimated cost	3 days
SIA notification by R&DM Dept	7 days
On completion of the study, approval of Gram Sabha	15 days
Clearance by Expert Group	2 months
Report of Collector to R&DM Department after Expert Group Report	7 days
Notification u/s 8(2) of the Act by R&DM Dept	7 days
Notification u/s 11(1) of the Act by Collector	15 days

(b) Monitor the performance of the SIA Study agencies engaged by NCDS for the Study to ensure quality.

(c) Ensure that consent of the people as required under the Act for different projects is obtained in a fair and transparent manner.

II. Preliminary Notification u/s 11(1) of the Act:

(a) Issue Notification under section 11(1) of the R&DM Act in respect of all the projects (for which Notification u/s 8(2) has been issued) within 15 days.

(b) Collect all the records fit for 11(1) notification from this Department, if sent earlier and issue the notification as per delegation of power.

(c) Maintain a check list of documents required for preliminary notification (copy enclosed).

(d) Publish the Notification in Odisha Gazette, in two newspapers, District website and locally.

(e) Furnish a copy to R&DM Department.

III. Declaration u/s 19(1) of the Act.

- (a) Issue Declaration u/s 19(1) in respect of all projects for which preliminary notification has been issued u/s 11(1). The declaration will also be issued by the Collector in respect of such projects in which the project area in the district does not exceed 1000 acres, for which preliminary notification has been done by the State Government.
- (b) The timeline fixed for Declaration is twelve months from the date of publication of preliminary notification. This shall be followed without fail.
- (c) Collect all the records required for 19(1) declaration from this Department and issue the declaration.
- (d) Maintain a check list of documents required for 19(1) declaration. (copy enclosed)
- (e) Furnish a copy to R&DM Department.

IV. Land Acquisition and R&R award

- (a) Pass Land acquisition award u/s 23 of the Act within twelve months from the date of publication of declaration u/s 19(1).
- (b) Simultaneously, pass awards for rehabilitation and resettlement benefits u/s 31 of the Act.
- (c) Publish the list of LA awardees along with entitlements, list of displaced persons, R&R entitlements in the District website and upload in the MIS database and furnish a copy to this Department.
- (d) Ensure that the LA benefits and monetary benefit of R&R entitlements are disbursed within the stipulated timeline.
- (e) Ensure reconciliation of Bank Account with Cash Book every month.

V. Taking over possession and Abatement of Land Revenue

- (a) Take over possession of land u/s 38 of the Act and hand over the same to the project proponent. During the interim period, protect the land from encroachments.
- (b) After the LA process is complete, submit abatement proposals positively and ensure correction of records in all tahasils within two month.

VI. General:

- (a) Ensure that the process of land acquisition is done in a free, fair and

transparent manner.

- (b) Public objections should be given due importance and each such objection be disposed off on proper hearing and giving due opportunity of being heard.
- (c) Publish all the notifications, awards, List of land losers with LA Compensation entitlements, list of displaced families with R&R entitlements in the website for transparency and furnish copies to this Department.
- (d) Collector of the District should review the progress in LA Matters every month.

VII. Evaluation:

- (a) Monthly evaluation of the performance of Land Acquisition Officers and Special LAOs will be done at this level on following 4 parameters.

1	Timely completion of SIA Study	10 points
2	Promptness in issuing 11(1) notification and 19(1) Declaration	30 points
3	Passing of Awards on LA Compensation and R&R benefits	30 points
4	Disbursement of LA Compensation and R&R entitlements	30 points

- (b) Awarding points and Rating: Reward points secured by the concerned LAO or Spl LAO will rated as below.

Scoring points	Rating
More than 80 points	Outstanding
Between 70-80 points	Very Good
Between 60-70 points	Good
Between 50-60 points	Average
Below 50 points	Poor

- (c) Furnish monthly information on following proforma;

i. SIA Study format

Name of the Project	SIA Notification No. and date	Whether obtained consent	Remarks: Present status

ii. Notifications

Project name	Date of 8(2) Declaration	No and Date of 11(1) notification	Details of publication in newspaper and EoG	No of objections heard u/s 15	No and date of 19(1) declaration	Details of publication in newspaper and EoG	Months saved from stipulated time

iii. Passing of Awards

Project name	No of land losers	Date of Award	LA	Months saved	Date of R&R Award	Months saved



iv. Disbursement of LA Compensation:

Project name	No of LA awardees	Total Amount of Award	Amount disbursed within 15 days of award	Amount disbursed within one month of award	Amount disbursed within two months of award	Amount undisbursed	Whether published in website

Disbursement of R&R entitlements

Project name	No of displaced families	No of affected families	Amount of Monetary award	Amount disbursed within 15 days of award	Amount disbursed within one month of award	Infrastructure benefits details	Whether ensured	Whether published in website

(d) The reporting Officers shall ensure that performance of the LAOs and Spl LAOs on above parameters are reflected in their PAR.

You are requested to take appropriate steps in LA matter as instructed above and furnish monthly detailed information to this Department regularly for review and evaluation unfliningly.

Yours faithfully,


Principal Secretary to Government

Date 30.01.2018

Memo No. 3919 /R&DM

Copy forwarded to P.S. Minister, Revenue and DM/ OSD to Chief Secretary for kind information of Hon'ble Minister and Chief Secretary, respectively.


Joint Secretary to Government

Memo No. 3920 /R&DM

Date 30.01.2018

Copy forwarded to Secretary, Board of Revenue, Odisha, Cuttack/ all RDCs/ CMD, IDCO/ Director, NCDS, Bhubaneswar for information and necessary action.


Joint Secretary to Government

Memo No. 3921 /R&DM

Date 30.01.2018

Copy forwarded to Principal Secretary to Water Resources Department/
Principal Secretary to Commerce and Transport Department/ Principal Secretary to
Energy Department/Commissioner Cum Secretary, H&UD Department/ Secretary,
Works Department for information and necessary action.

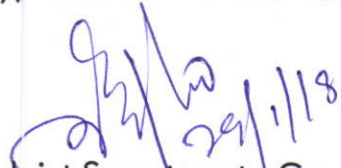

29/1/18

Joint Secretary to Government

Memo No. 3922 /R&DM

Date 30.01.2018

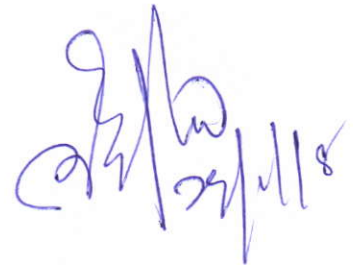
Copy forwarded to Joint Secretary, LA(B) and (C) Branch, R&R Cell/ IMU Cell
for information and necessary action. Joint Secretary, IMU Cell with a request to
upload the circular in the Department website.


29/1/18

Joint Secretary to Government

Checklist for Preliminary Notification u/s 11(1)

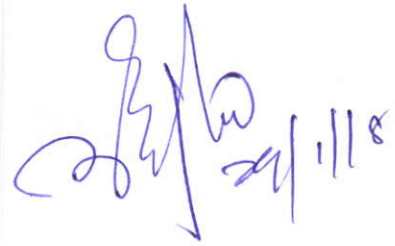
- Requisition copy in Form A
- Administrative approval
- Land schedule (both hard and soft)
- Copies of RoR
- Project area Map
- Proof of deposit of Admn cost (10% IDCO/ 20% in other cases).
- Draft Notification copy
- Certificates to the effect that
 - a) Land is not under scheduled area
 - b) Not under Irrigation Command area
 - c) No Gochar / communal land(proposal for exchange attached)
 - d) The land has not been acquired previously
- Abstract of SIA report
- Served copy of the 8(2) declaration in every affected village
- If scheduled area, then copy of the Resolution of Gram Sabha



Checklist for Declaration u/s 19(1)

- Abstract of R&R Management Plan
- Approval of R&R Scheme
- Objection hearing case records(within 60 days from prelim Notification) or No objection Certificate
- Copies of publications in two local dailies of prelim notification
- Gazette Notification copy
- Copy of duly served public notice locally
- Details of calculation of compensation
- Sanctioned Estimate
- Fund Certificate
- Draft Declaration Copy

(Valid date of declaration within 12 months of preliminary notification)

 24/11/18