

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-LAA-CLRFIC-0004-2017/43583 /R&DM, Dated. 16-12-17

From

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

To

Secretary, Board of Revenue, Odisha, Cuttack
All RDCs
All Collectors

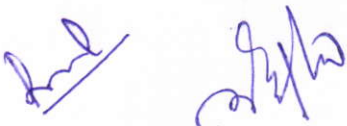
Sub: Delegation of powers and functions of Appropriate Government under the RFCTLAR&R Act, 2013 in favour of Collectors.

Sir,

In inviting a reference to the above cited subject, I am directed to say that the State Government, in exercise of the power conferred by the proviso to clause (e) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013 (30 of 2013), and in supersession of the Notification No. 21636/ R&DM dated the 24th July, 2014 issued by the Revenue and Disaster Management Department, published in the extraordinary issue of the Odisha Gazette No.1223, dated the 31st July, 2014, the State Government have been pleased to notify that in relation to acquisition of land for public purpose situated within a district of the State for an area not exceeding **one thousand acres**, the Collector of such District shall be deemed to be the appropriate Government. A copy of such Notification is enclosed.

2. In this connection, the State Government have also been pleased to delineate the role and functions of the Appropriate Government, as prescribed under different sections of the RFCTLAR&R Act, 2013 between the State Government in R&DM Department and the Collector of the concerned district in respect of acquisition of land situated within a district for the stipulated area, as detailed below;

Sl. No	Relevant section of the Act	Contents	To be dealt at	
			Govt. in R&DM Dept	Collector
(i)	(ii)	(iii)	(iv)	(v)
1	4 (1)	SIA Study	Govt.	-
2	4(2) -7(1)	SIA Study publication and appraisal	-	Collector



3	8(1) & 8(2)	Decision of the appro. Govt after examination of the report of Collector & Expert Group on SIA Study	Govt.	-
4	8(3)	Publication of the decision	-	Collector
5	9	Exemption from SIA	Govt	-
6	11(1)	Preliminary notification for LA	-	Collector
7	12	Preliminary survey of land	-	Collector
8	14	Lapse of SIA Report	Govt in consultation with RO	-
9	15	Hearing of objections	-	Collector
10	19(1)-19(6)	Declaration for LA and summary of R&R	-	Collector
11	19(7)	Power of the appropriate Govt to extend the period of 12 months	Govt.	-
12	24(2)	Lapse of LA proceeding	Govt.	-
13	25	Power to extend period of 12 months	Govt	-
14	26	Determination of market value	-	Collector
15	31	R&R Award	-	Collector
16	31(2)(k)-proviso	Notification to increase rate of R&R on the basis of rise in price index	Govt.	-
17	33	Recovery of excess amount paid	-	Collector
18	40	Special powers in case of urgency	Govt	-
19	43	Appointment of Administrator	Govt	Other functions by Collector
20	45	To Constitute project level R&R Committee	Govt	-
21	51	Establishment of LA R&R Authority	Govt	-
22	81	Temporary occupation of waste or arable land	-	Collector
23	82	Power to take possession and compensation on restoration	-	Collector
24	84(2)	Recovery of R&R benefits availed by making false claims or through fraudulent means	-	Collector
25	90	Authorization for filing complaint for offences to be cognizable	-	Collector
26	93	Withdrawal from acquisition	Govt	-
27	99	No change of purpose to be allowed	Govt	-
28	100	No change of ownership without permission to be allowed	Govt	-
29	101	Return of unutilized land	Govt	-
30	104	Option of appropriate Govt to lease	Govt	-
31	109	Power to make Rules	Govt	-
32	First	Proportionate apportionment of	-	Collector

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	Schedule	compensation among the affected families u/s 3 (c)		
33	Second Schedule	Determination of R&R entitlements	Govt	

3. The functions of appropriate Government in respect of acquisition of land for public purpose situated within a district of the State for an area exceeding one thousand acres shall be dealt by the R&DM Department at the State level.

4. The functions of the appropriate Government which have not been delegated to Collectors as above shall continue to remain with the State Government.

5. All statutory requirements under the RFCTLAR&R Act, 2013 and the Rules made there under like publication in the extra ordinary issue of Odisha Gazette and Newspaper etc. shall be undertaken by the Collector in the delegated cases.

6. Collector shall maintain due diligence and transparency in LA process and shall upload all information in detail in the district website as well as in MIS under intimation to Revenue & Disaster Management Department at every stage of LA process.

7. Since land acquisition is done for public purposes, a strict timeline, as detailed below shall be followed for processing the LA matters at the District level.

Sl	Activities	Timeline
1	For SIA Study	Timeline as given in this Department circular No.9068 dated 19.03.2016
2	Issue of Notification u/s 11(1)	Within 30 days from declaration u/s 8(2)
3	Disposal of objections, if any u/s 15(2) received during the stipulated period of 60 days	Within 30 days after stipulated period
4	Issue of Notification u/s 19(1)	Within 7 days of receipt of fund certificate or before the validity period is over, which ever is earlier.

8. The proposal, which can be addressed at the District level shall not be sent to Government after 31.12.2017. The proposals/ documents pending at this level shall be returned to the concerned Collectors.

Yours faithfully,

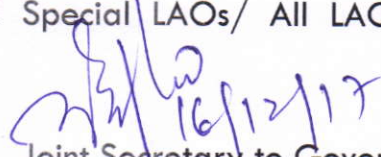
Principal Secretary to Government

Memo No.

43584

/R&DM Dt. 16-12-17

Copy forwarded to All Departments of Government / All Heads of Departments/ C.M.D, IDCO / C.M.D, IPICOL / All Special LAOs/ All LAOs for information and necessary action.

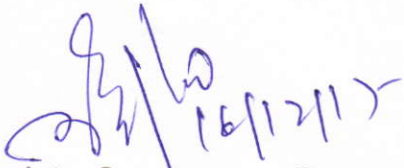

16/12/17
Joint Secretary to Government

Memo No.

43585

/R&DM Dt. 16-12-17

Copy forwarded to the Principal Secretary to Hon'ble Chief Minister /Private Secretary to the Hon'ble Minister, Revenue & DM, Odisha/ P.S to the Chief Secretary, Odisha for kind information of Hon'ble Chief Minister/Hon'ble Minister, Revenue & DM and Chief Secretary, Odisha respectively.

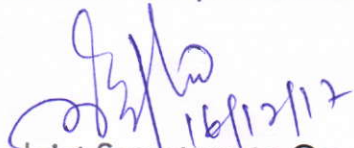

16/12/17
Joint Secretary to Government

Memo No.

43586

/ R&DM, Dated 16-12-17

Copy forwarded to All Officers/All Branches of Revenue & D.M. Department for information and necessary action. Deputy Secretary, IMU Cell is requested to upload the same in the Department website.


16/12/17
Joint Secretary to Government