



No. 15362 / ACSR&DM, Date 29 APR 2023

**No. RDM-LAA-CLRFIC-0001-2017**

To

All Collectors  
All LAOs/Spl LAOs

**Sub: Comprehensive guideline on procedure for calculation and disbursement of compensation in case of acquisition of FRA land of the FRA title holders where forest right is recognized with S.T. and other Traditional Forest Dwellers under S.T. & O.T.F.D.(Recognition of Forest Rights) Act, 2006.**

Ref: This Department letter No.18034 dated 15.05.2013, No. 31117 dated 22.10.2020 issued to all Collectors and letter No.15642 dated 12.05.2022 issued to Collector, Kalahandi.

Sir,

In inviting a reference to the letters on the subject cited above, I am directed to say that the field officers are facing problem for calculation and disbursement of compensation in case of acquisition of the land of the FRA title holders where forest right has been recognized with S.T. and other Traditional Forest Dwellers under S.T. & O.T.F.D.(Recognition of Forest Rights) Act, 2006. Earlier, although clarifications have been issued to different Collectors on the aforesaid matter vide letter under reference, but Collector, Sundargarh has requested for comprehensive guidelines with step-wise process for disbursement of LA Compensation to FRA holders.

2. Under the provisions of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006 read with Rule 8 (h) of Forest Rights Rules, 2007, the S.T. and other Traditional Forest Dweller is granted with a title for that forest under his occupation to hold and live in the forest land for habitation or self-cultivation for livelihood. It was instructed by this Department to reflect the title in Bhulekh portal and issue an RoR, so that other schematic benefits of the Government can be extended to the beneficiaries. So, if the said forest land is acquired, the S.T or the Traditional Forest Dweller having the title to hold and live on the said land for habitation or self-cultivation for livelihood shall lose that right for ever and he/she will be deprived of his/her habitation as well as self-cultivation for livelihood forever. Thus, it is an established fact and clarification given earlier

after concurrence of the Law Department vide Revenue & DM Deptt. letter No. 18034 dated 15.05.2013 to all Collectors that the Forest right holders are entitled to get compensation in the event of acquisition of forest land.

3. However, doubts persist among the field functionaries on the following issues;

- i. When the land is acquired under the RFCTLAR&R Act, 2013, the LAO concerned calculates the compensation amount. But in cases, where no land is acquired under this Act, but forest diversion is being done, then who will calculate the compensation amount and who will disburse the amount?
- ii. What will be the procedure for calculation and disbursement of the compensation?
- iii. How the market value of the land will be determined in respect of forest land, which has no BMV and even for other lands in the village where no transaction has been done during last three years?

4. In order to dispel the doubts and confusion on calculation and disbursement of compensation, the Government have been pleased to prescribe the following procedure to be adopted for the purpose;


- i. In cases, where acquisition of private land is being done along with forest land, the affected family as defined u/s 3(c)(iii) of the RFCTLAR&R Act, 2013 and their extent of FR land including any damage inflicted to anything attached to such land shall be identified and assessed through a **joint enquiry** conducted by the concerned Land Acquisition Officer/ Special LAO for the project, representative of DWO of the district or WEO of the Block, Tahasildar/ R.I. concerned and representative of Forest Department. The LAO/ Spl LAO concerned will initiate a Land Acquisition Misc case record, process the same, appoint the joint enquiry committee with approval of Collector and he shall be part of the joint enquiry committee.
- ii. In cases, where land acquisition process is not required under the RFCTLAR&R Act, 2013 or only forest diversion is being done, on receipt of the intimation from the project proponent regarding acquisition of FRA land, the **LAO of the District** will initiate a Land Acquisition Misc case record, process the same, appoint the joint enquiry committee with approval of Collector and he shall be part of the joint enquiry committee.
- iii. For assessment of structure value of dwelling house, if any, the assistance of Executive Engineer (RD) may be taken and his representative may be taken as a member of the joint enquiry committee.
- iv. The joint enquiry shall be conducted in presence of the FR Holders.
- v. On the basis of the report of the joint enquiry, the Land Acquisition Officer or the Spl Land Acquisition Officer, as the case may be will assess the

compensation as per the provision of Section 26-30 of the RFCTLAR&R Act, 2013.

- vi. Section 26(1) and (2) of the RFCTLAR&R Act, 2013 provides for the procedure for determination of market value of land by Collector. It also provides at Section 26 (3) of the Act that "*where the market value under sub-section (1) and (2) of section 26 cannot be determined for the reason that;*
- a. *The land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or*
  - b. *The registered sale deeds or agreements to sale as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or*
  - c. *The market value has not been specified under the Indian Stamp Act, 1899 by the appropriate Government, the State Government concerned shall specify the **floor price or minimum price per unit area** of the said land based on the price calculated in the manner specified in sub-section (1) of section 26 in respect of similar types of land situated in the immediate adjoining areas."*
- vii. Thus, for determination of market value of land, the LAO shall calculate the market value as per section 26(1) and (2) of the Act. If it is not possible, he shall calculate the market value of a similar type of land situated in the immediate adjoining areas and submit the proposal to Government through Collector for approval of this price as the floor price or minimum price per unit area of land in the proposed acquisition area.
- viii. Award may be passed in favour of the FR holders by Collector of the District and disbursement of compensation will be done by the concerned Spl LAO or district LAO, as the case may be.
- ix. In cases, where dwelling houses on FRA Land are acquired involving physical displacement, care should be taken to comply to the provision of Section 41 and 42 of the RFCTLAR&R Act, 2013 and R&R benefits, if not already done otherwise, may be extended as per the provisions of the RFCTLAR&R Act, 2013 or ORRP, 2006.
- x. The above procedure shall be adopted in land acquisition cases for payment of compensation to IFR beneficiaries.

This has the approval of Government in Revenue & DM Department file No. RDM-LAA-CLRFIC- 0001-2017.

Yours faithfully,

  
29/4/23

Additional Chief Secretary to Government

**Memo No. 15363**

**/ R&DM, Dated 29 APR 2023**

Copy forwarded to Member, Board of Revenue, Odisha/ All Departments of Government / All Heads of Department / All RDCs for information and necessary action.

*[Signature]*  
29/4/23  
Special Secretary to Government

**Memo No. 15364**

**/ R&DM, Dated 29 APR 2023**

Copy forwarded to CMD, IDCO, Bhubaneswar/ CMD, IPICOL, Bhubaneswar for information and necessary action.

*[Signature]*  
29/4/23  
Special Secretary to Government

**Memo No. 15365**

**/R&DM**

**dtd. 29 APR 2023**

Copy forwarded to E-Governance Branch with a request for upload of the same in Revenue & DM Department website for information and necessary action.

*[Signature]*  
29/4/23  
Special Secretary to Government

**Memo No. 15366**

**/R&DM**

**dtd. 29 APR 2023**

Copy forwarded to Land Acquisition (B) & (C) Branch, Registration Branch and R&R Cell of this Department for information and necessary action.

*[Signature]*  
29/4/23  
Special Secretary to Government