

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
NOTIFICATION

Whereas the draft of certain rules, which the State Government proposes to make in exercise of the powers conferred by sub-section(1) of section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) was published, as required by section 112 of the said Act, in an Extraordinary issue of the Odisha Gazette no. 1480 dated 19th October, 2015 under the notification of the Government of Odisha in Revenue and Disaster Management Department No. R & REH-24/2015-29814 dated the 19th October, 2015, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of fifteen days from the date of publication of the said notification in the Odisha Gazette;

And whereas, no objection or suggestion on the said draft has been received by the Government during the stipulated period;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), the State Government do hereby make the following rules, namely : —

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement. — (1) These rules may be called the Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016.

(2) They shall extend to the whole of the State of Odisha.

(3) They shall come into force on the date of their publication in the Odisha Gazette.

2. Definitions.— (1) In these rules, unless the context otherwise requires, —

- (a) “Act” means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013);
- (b) “Central Government” means the Government of India;
- (c) “District Collector” means the officer appointed by the State Government as Collector and District Magistrate for a District;
- (d) “District Office” means office of the District Collector;
- (e) “Form” means forms appended to these rules;
- (f) “Land Acquisition Collector” means the Deputy Collector or any other officer designated as Land Acquisition Officer or Special Land Acquisition Officer by the State Government to perform all or any of the functions of Collector under the Act;
- (g) “landless” means landless person as defined in the Odisha Prevention of Land Encroachment Act, 1972;
- (h) “R and R” means Rehabilitation and Resettlement;
- (i) “Secretary/ Commissioner R & R” means an officer not below the rank of Additional Secretary appointed by the Government;
- (j) “section” means section of the Act;
- (k) “SIA” means Social Impact Assessment made under sub-section (l) of section 4; and includes with grammatical variations and SIA team shall be constituted accordingly;

- (1) "SIMP" means the Social Impact Management Plan prepared as part of the Social Impact Assessment study under sub-section (6) of section 4.
- (2) The words and expressions used but not defined in these rules, but defined in the Act unless the context otherwise requires, shall have the same meaning as assigned to them in the Act.

CHAPTER -II

3. Proposal by the Requiring Body for acquisition of land. — Whenever any Requiring Body proposes acquisition of land for public purpose, the detailed proposal for acquisition of land shall be submitted by the Requiring Body in Form- 'A' with the approval of the Department to which the project relates, to the concerned District Collector and if the land under proposed acquisition includes double cropped irrigated land, the District Collector shall forward the proposal to the Agriculture Department for their recommendation keeping in view the provision contained in section 10 and the Agriculture Department with their recommendation or objections, if any, shall return the same to the District Collector.

4. Summary scrutiny of application for land acquisition. — (1) On receipt of the application in Form- A completed in all respect, the District Collector, shall make summary scrutiny of the application and on being satisfied, shall forward it to the authority conducting SIA study with copy to the Department dealing with the subject matter of land acquisition and the Department to which the project relates.

(2) The District Collector shall send the land particulars of the proposed project area to the Tahasildar for updating the record-of-rights within a period of three months and where necessary, the Tahasildar shall obtain a plot-wise encumbrance from the concerned Sub- Registrar or

Registrar to initiate suo motu mutation proceedings to ensure that updation of records is complete.

5. Review to ensure updating of land records, restoration of titles and settlement of rights.— (1) Settling land rights due, but not settled and restoring of the titles of the Scheduled Tribes as well as the Scheduled Castes and other eligible families on the land to be acquired for public purpose shall be undertaken as a special drive together with land acquisition and immediately after the notification issued under section 4, the process of recognition and vesting of forest rights shall also be undertaken under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and the rules made thereunder.

(2) The District Collector shall take monthly review meetings on restoration of titles, settlement of rights and updation of the records.

6. State SIA Unit.— (1) The State Government shall establish an independent organization (hereinafter referred to as the State SIA Unit), which shall be responsible for ensuring that the SIA study is conducted by such persons or bodies other than the Requiring Body as per the provisions of the Act.

(2) The State SIA Unit shall undertake the following tasks, namely:-

- (a) build and continuously expand a State Database of qualified SIA Resource Partners and Practitioners, which shall serve as network of individuals and institutions with the required skills and capacities to conduct SIA for land acquisition, Rehabilitation and Resettlement;

- (b) respond immediately to the appropriate Government's request for SIA study to be conducted by preparing a project-specific Terms of Reference (hereinafter referred to as ToR);
 - (c) conduct training and capacity building programmes for the SIA team and make available manuals, tools, comparative case study reports and other materials required for the analysis;
 - (d) provide ongoing support and corrective action, as required during the SIA process;
 - (e) ensure that the transaction based, web-based workflow for SIA and Management Information System for land acquisition, Rehabilitation and Resettlement is maintained and that all relevant documents are disclosed as per the provisions of the Act;
 - (f) maintain catalogue of all SIA and associated primary material;
 - (g) continuously review, evaluate and strengthen the quality of SIAs and the capacities available to conduct them across the State; and
 - (h) form group of District Level Resource persons comprising of minimum twenty persons with experts.
- (3) (a) The Secretary or Commissioner Rehabilitation and Resettlement shall act as State Level Nodal Officer for facilitating State Level SIA unit for ensuring completion of SIA studies within the stipulated period.

(b) Additional District Magistrate shall act as District Level Nodal Officer to facilitate SIA teams for ensuring completion of SIA studies for each project within the stipulated period.

7. Preparation of project-specific Terms of Reference (ToR). — (1) After receipt of proposal from the District Collector, the State SIA Unit shall, –

(a) prepare a detailed project-specific ToR for each proposal of land acquisition, listing all the activities that must be carried out indicating the appropriate team size, number of field teams and profile of the team members and stipulate the schedule and deadlines for key deliverables for the SIA as detailed in Form-B; and

(b) determine an estimated SIA fee based on the ToR with clear break-up of costs for each item or activity which shall be based on the parameters including area, type, location of project and number of affected families as specified by the State Government to be deposited by the Requiring Body.

(2) The Requiring Body shall deposit the estimated SIA fee along with ten per centum of it towards administrative cost with the authority conducting SIA study in the Scheduled Bank account of the said authority under intimation to the Land Acquisition Collector and the State Government.

8. SIA notification. — (1) The State Government, on receipt of intimation from the authority conducting SIA study regarding deposit of SIA fee, shall issue notification within thirty days from the date of such intimation for carrying out SIA study in Form– C for commencement of consultation and Social Impact Assessment study, which shall be published in the official Gazette.

(2) The notification shall be made available in Odia language in the office of Panchayat, Notified Area council, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tahasildar and shall also be published at some conspicuous places of every village or ward, as the case may be, in the affected area and in token of such service, signature of two persons shall be obtained and in case the area is uninhabited, such publication shall be made in the adjacent habitated villages and shall be uploaded in the website of the State Government and the district concerned.

9. Social Impact Assessment study.— (1) The SIA study shall be conducted in consultation with concerned Panchayat, Notified Area Council, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected areas, for the purpose of section 4 followed by a public hearing in the affected areas to ascertain the views of the affected families which shall be recorded in writing.

(2) The Social Impact Assessment Report prepared by the authority conducting the SIA study shall be submitted in Form-D to the State Government along with Social Impact Management Plan in Form-E listing the ameliorative measures required to be undertaken for addressing the impact of the project on any specific component referred to in sub-section (5) of section 4 within a period of six months from the date specified in the notification issued under sub-section (1) of section 4.

10. Selection of the SIA team. — (1) The authority conducting SIA study shall be responsible for selecting the SIA team for each project from the individuals and institutions registered or empanelled in the State database of qualified SIA Resource Partners and Practitioners.

(2) The Requiring Body shall, in no way, be involved in the appointment of the SIA team to carry out the SIA.

(3) The size and selection criteria for the SIA team shall be project-specific. The team size shall comprise of minimum five (5) and more members depending on the area, type and location of the project.

(4) The SIA team may be constituted by appointing individuals or an organization with experience in conducting SIA study or related field-based assessments and the team may include —

(a) a combination of independent practitioners, qualified social activists, academics, technical experts, who are not directly connected with the Requiring Body; and

(b) at least one woman member;

(5) A team leader shall be appointed from amongst the SIA team members to liaison with the authority conducting SIA study, public representatives, Government functionaries and the Requiring Body throughout the assessment period.

(6) The authority conducting SIA study shall have the right to change the team member and size of the team during the process of study.

(7) If at any stage, it is found that any team member or any member of his or her family directly or indirectly receives any benefit from the Requiring Body or any other stakeholder in the project, the said member shall be disqualified for the said project.

11. Process of conducting the Social Impact Assessment.— (1) The authority conducting SIA study shall collect and analyse a range of quantitative and qualitative data, undertake detailed site visit, use

participatory methods such as focussed group discussions, participatory rural appraisal techniques and informant interviews in preparing the Social Impact Assessment report.

(2) A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar projects shall be conducted by such authority and for the purpose, all relevant information or records shall be provided by the District collector within fifteen days to such authority from the date of receipt of its written requisition.

(3) Based on the land assessment, land records and field verification, the SIA shall provide an accurate estimate of the number of affected families and the number of displaced families among them.

(4) A socio-economic and cultural profile of the affected area shall be prepared, based on available data and statistics, field visits and consultations as per Form– F:

Provided that where the land proposed to be acquired involves displacement of families, area for rehabilitation and resettlement of those families shall be identified in due consultation with those families and their representatives in the concerned local bodies and such identified resettlement sites shall be visited and a brief socio-economic profile of the site and its current resident population shall be indicated.

(5) Basing on the data collected in processes mentioned in the preceding sub rule and in consultation with public representatives, the affected communities and key stakeholders, the nature, extent and intensity of the positive and negative social impacts associated with the proposed project the Key Impact Area shall be identified and assessed as per Form– G.

12. SIMP to include R&R Entitlement Matrix.— Social Impact Management Plan shall, along with other ameliorative measures, provide detail Rehabilitation and Resettlement Entitlement Matrix of each of the enumerated affected and displaced families and detail land Schedule of the area identified for resettlement and rehabilitation of the displaced families.

13. SIMP to include Development Plan in case of acquisition in Scheduled Areas.— (1) Where land proposed to be acquired comes under Scheduled Areas and involves displacement of Schedule Caste and Schedule Tribe families, the Social Impact Management Plan shall contain a Development Plan prepared in accordance with the provisions under section 41 and in the formulation of such Development Plan, affected Scheduled Caste and Scheduled Tribe families, their representatives in the affected local bodies and the District Collector shall be consulted by the SIA.

(2) The Development Plan so prepared shall be discussed in the Gram Sabha or the Panchayats at the appropriate level in the Scheduled Areas in accordance with the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

(3) Based on the discussions and opinion generated in the Gram Sabha or the Panchayats at the appropriate level, the District Collector shall review the Development Plan and modify it, if considered necessary, by giving sufficient reasons and justifications and during the review of the Development Plan by the District Collector, the Requiring Body shall also be consulted after which, the Development Plan shall be placed before the Gram Sabha for consideration and consent to the proposed acquisition of land and the Development Plan so consented by the Gram Sabha shall become final, copy of which shall be made available by the District

Collector to the State Government, the Department to which the project relates, the Department dealing with the subject matters relating to the Scheduled Tribes and Scheduled Castes Development, Requiring Body and the Administrator, R and R.

(4) Where a Development Plan is prepared, such Development Plan shall be implemented by the Requiring Body at its own cost in consultation with the Gram Sabha, which shall conduct regular social audit of the execution of the Development Plan and its findings shall be sent to the Requiring Body, Administrator, R and R, District Collector, the State Government, Department to which the project relates and the Department dealing with the subject matter relating to Scheduled Tribes and Scheduled Caste Development for appropriate action.

14. Process for conducting public hearings.— (1) Public hearings shall be held in the affected areas seeking feedback on the findings of SIA and to seek additional information and views which shall be recorded and incorporated in the final report.

(2) Public hearings shall be conducted in each Gram Sabha or ward, as the case may be, in the affected area where more than twenty-five per centum of the members are directly or indirectly affected by the acquisition of the land.

(3) The notice indicating date, time and venue of the public hearing shall be published two weeks in advance in the same manner as laid- down in sub-rule (2) of rule 8.

(4) At least twenty-five per centum of adult members of the affected families in the Gram Sabha or Ward shall constitute the quorum for the meeting:

Provided that if in the first meeting of the Gram Sabha or Ward Sabha the quorum is not available then in subsequent meetings the quorum is not necessary.

(5) The draft SIA report and SIMP in the form of booklet shall be published in Odia language and given to the Panchayat, Notified Area Council, Municipality or Municipal Corporation, as the case may be, and to the offices of the District Collector, the Sub-Divisional Magistrate and the Tahasildar and the Requiring Body shall also be served with a copy of the draft SIA report and SIMP.

(6) The authority conducting the SIA study shall facilitate the public hearing which shall be organised by the district administration through the concerned Land Acquisition Collector and the Administrator, R and R.

(7) All the proceedings shall be held in Odia language to ensure that the participants understand and express their views.

(8) Representatives of the Requiring Body, concerned Sub-Collector, Land Acquisition Officer, Administrator, R and R, Tahasildar and other officers as decided by the District Collector shall also attend the public hearing and address the questions and concerns raised by the affected parties.

(9) Public representatives, representatives of Non-Government Organisations and media as may be allowed by the District Collector shall also be invited to attend the public hearings.

(10) The proceedings of the public hearing shall be video recorded and transcribed accordingly, which shall be submitted along with the final SIA report and SIMP.

(11) Objections raised during public hearing shall be recorded and shall form part of the SIA report.

(12) After the conclusion of the public hearings, the entire feedback received and information gathered in the public meetings shall be analysed and incorporated in the SIA report to be submitted to the authority conducting the SIA study.

(13) Consultation with the Gram Sabhas in the Scheduled Areas shall be in accordance with the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

15. Publication of SIA Report and SIMP. — The SIA Report and SIMP shall be prepared in Odia language and shall be published by way of uploading them in the website of the State Government and website of District concerned and shall be made available to the concerned Gram Panchayat, Notified Area Council, Municipality or Municipal Corporation, as the case may be, and to the offices of the District Collector, the Sub-Divisional Magistrate and the Tahasildar by the State SIA Unit and the notice of such publication shall also be affixed at some conspicuous places in the affected Village or Ward, as the case may be, in presence of two witnesses.

16. Publication of the recommendations of the Expert Group. — The recommendations of the Expert Group as constituted under Sub Section(1) of section 7 shall be prepared in Odia language and published in the same manner as laid down in rule 15.

17. Publication of decision of the State Government. — The decision of the State Government after examination of report of the Collector and the Expert Group shall be prepared in Odia language and published in the same manner as laid down in rule 15 and the State Government thereafter shall proceed for notification under sub-section (1) of section 11.

18. Publication of notification under section 11(1) and declaration under section 19(1). — In addition to the manner of publication as provided under sub-section (1) of section 11 and sub-section (4) of section 19, the preliminary notification as specified in Form H and the Declaration as specified in Form I shall be prepared in Odia language and shall be announced by beat of drum or by loud speaker at conspicuous place of every village or ward in the affected area and also by way of affixture in presence of at least two persons and where the affected area is uninhabited, such publication shall be made in the nearest inhabited village.

19. Period for completion of publication.— The publication of the preliminary notification or declaration, which are to be made under the provisions of sub-section (1) of section 11 or sub-section (4) of section 19, shall be completed in all modes as specified therein within a period not exceeding thirty days from the date of issue of such notification or declaration and the last date of such publication shall be considered as the date of the publication of the notification or declaration.

20. Copy of the preliminary notification to be sent to the Registrar or Sub-Registrar and Tahsildar. — (1) A copy of the preliminary notification shall be sent to the concerned Registrar or Sub-Registrar for complying with the provisions under sub-section (5) of section 11.

(2) Copy of such notification shall also be sent to the Tahasildar for final updation of land records as required under sub-section (5) of section 11, who shall enter the notification number in the remarks column against the notified plots to ensure that no transaction of such plots are made violating the provisions of sub-section (4) of section 11.

21. Obtaining consent.— (1) In case of acquisition of land for public purpose or public private partnership projects, private companies, as

specified in sub-section (2) of section 2, the Land Acquisition Collector concerned shall initiate the process of obtaining consent of those affected families during the SIA study.

(2) After updating the land records under rule 20, the Land Acquisition Collector shall prepare a list of all affected families of the affected area from whom consent shall be sought for and the terms and conditions, if any, proposed by the land owners and agreed to by the Requiring Body shall also be made available to the affected families.

(3) The Land Acquisition Collector shall, in consultation with the representatives of Gram Panchayats, Municipality, Notified Area Council, Municipal Corporations, as the case may be, notify the date, time and venue of the meeting of affected persons at least two weeks in advance, where the purpose of obtaining consent shall be explained to the affected persons.

(4) At the end of the meeting the affected persons shall file their consent in Form J and a photo copy of the consent duly countersigned by the Land Acquisition Collector shall be handed over to the affected families.

(5) Consent shall be obtained as per holding of land and the persons interested in the same holding of land can give combined consent.

(6) The affected families shall not be compelled to file their consent and consent once given cannot be withdrawn.

(7) Notice shall be issued by registered post to the affected families who fail to attend the meeting to submit their consent before the Land Acquisition Collector by registered post within a period of thirty days from the date of affected families meeting and non-receipt of consent within such stipulated time shall imply that the affected families has no consent to the proposed acquisition.

(8) Where acquisition is spread across multiple locations consent shall be obtained in all affected areas proposed to be included in the preliminary notification.

CHAPTER-III

22. Approximate cost of land acquisition. — The District Collector, on getting required inputs from the Administrator, R and R, shall prepare an estimate of land acquisition on the basis of the components as defined under clause (i) of section 3.

23. Valuation of structures, trees etc.— There shall be a Single Window Valuation Committee under the Chairmanship of Additional District Magistrate with Executive Engineer, Works, District Agriculture Officer, District Forest Officer, District Horticulture Officer and Soil Conservation Officer as members and Land Acquisition Collector as member Convener, which shall estimate the valuation of structures, trees etc. and submit the report to the District Collector for reference by the Land Acquisition Collector in assessing the cost of acquisition.

24. Administrative cost. — (1) The Requiring Body shall deposit such percentage of the cost of acquisition towards administrative cost as to be specified by the State Government by notification, to be revised, from time to time.

(2) The administrative cost shall be deposited by the Requiring Body with the District Collector, fifty per centum of the administrative cost shall be kept in the joint Savings Bank Account of District Collector and Land Acquisition Collector in any Scheduled Bank for meeting the day to day expenditures on account of land acquisition, rehabilitation and resettlement works as per guidelines to be issued by the State Government, from time to time, and the balance fifty per centum shall be

deposited in the Government Treasury under the appropriate receipt Head of Account.

(3) Out of fifty percentum kept in the Savings Bank Account, the District Collector shall transfer ten percentum to the State Government to meet the expenses on monitoring of land acquisition, R and R.

(4) Interest accrued on such Savings Bank Account shall be credited to the appropriate receipt Head of Account of the State Government.

25. Actual estimation of cost of land acquisition. — The District Collector shall prepare the actual estimate of cost of land acquisition taking into consideration all the components as required under the Act for the said acquisition and after following the method and manner in which the Land Acquisition, R and R award shall be made including the investment to be made for food security as required under sub-section (3) of section 10 and the Land Acquisition Collector shall then send the cost of land acquisition to the concerned Department to which the project relates and to the Requiring Body for sanction of the estimate.

26. Deposits to be made by the Requiring Body before Declaration.—

(1) Before the declaration under sub-section (1) of section 19 is made, the Requiring Body shall deposit the cost of acquisition with the District Collector and where the land is required for any private company or under Public Private Partnership mode, the Requiring Body, instead of depositing the cost assessed towards constructions under R and R Scheme, shall retain it and execute and complete the constructions as per the timeline given in the Scheme and deliver the same to the Administrator for compliance of R and R award.

(2) Where the Requiring Body is the State Government; the cost of all acquisition shall be deposited with the District Collector who shall execute

the work through available executing agencies, as deemed proper to complete the work in time.

27. Submission of draft Declaration paper.— The District Collector shall send draft Declaration papers along with the estimated cost of acquisition to the Administrative Department with advance copy thereof to the Revenue and Disaster Management Department.

28. Compensation.— (1) The compensation shall be determined and award shall be made as per the provisions laid down under sections 26 to 30 read with the First Schedule of the Act and paid to all parties whose land or other immovable property has been acquired.

(2) Compensation shall be given to agricultural labourers, tenants, share croppers or artisans and others as referred to in sub-clause (ii) of clause (c) of section 3 at the following rates, namely: —

(a) In case of an agricultural labourer, a lump sum amount equivalent to the current minimum wages of two hundred days;

(b) In case of the tenants and share croppers, a lump sum amount of rupees twenty five thousand per acre of the land they cultivate as tenants or share croppers;

(c) In case of artisans who may be working in the affected area for three years prior to the acquisition of the land, a lump sum amount of Rupees twenty five thousand, per each such artisan.

(3) The payment of compensation shall be made within a period of fifteen days of passing of the awards by organizing disbursement camps and through account payee cheques or by way of electronic transfer of funds to the bank accounts of the awardees, whichever is preferable.

(4) The date of determination of the market value shall be the date on which the preliminary notification was issued under section 11.

(5) For an acquisition process that takes place in phases and where land is acquired sequentially, the base rate as calculated under section 26 shall be taken to be effective rate for all affected families to be compensated across the entire area to be acquired for the said acquisition.

29. Land Acquisition Award. — (1) The District Collector, after enquiry into and disposal of the objections, if any, raised by the interested persons in pursuance of the public notice published and given under sub-section (1) of section 21, shall make land acquisition award under section 23 in Form K.

(2) The District Collector, while calling the claims of the persons interested in the land to be acquired as per section 21, shall give a notice to the Requiring Body and the Requiring Body may express its opinion with the Collector regarding the amount of the compensation of the land to be acquired.

CHAPTER-IV

REHABILITATION AND RESETTLEMENT

30. Survey and census of affected families. — (1) The Administrator, Rehabilitation and Resettlement, under the provisions of sub-section (1) of section 16, shall conduct survey and undertake census of the affected families either by his own staff or by out-sourcing the work to any agency by way of collecting data from the Social Impact Assessment Study report and the Government records and verification of data by field survey and door to door visit of the affected families which shall be completed within a period of sixty days from the date of publication of the preliminary notification.

(2) Where the option of choosing alternative Rehabilitation and

Resettlement entitlement is available, option of the affected families shall be obtained during the survey in writing and where the affected family comprised of more than one member, the option shall be obtained from the head of the family.

31. Preparation of draft R and R Scheme.— (1)The Administrator, R and R shall prepare the draft R and R Scheme within a period of sixty days from the date of completion of survey.

(2)Where consent is involved, the draft R and R Scheme shall be prepared by taking into account the negotiated terms and conditions of R and R reached between the Requiring Body and the affected families.

32. Power, duties and responsibilities of the Administrator.— The Administrator shall exercise the powers and perform the duties and have the responsibilities as follows , namely:-

- (a) to conduct a survey and undertake a census of the affected families in the manner and within the time as provided under these rules;
- (b) to prepare a draft R and R scheme;
- (c) to publish the draft scheme by the mode provided under these rules;
- (d) to make the draft scheme available to the concerned persons and authorities;
- (e) to organize and conduct public hearings on the draft scheme;
- (f) to provide an opportunity to the Requiring Body to make suggestions and comments on the draft scheme;
- (g) to submit the draft scheme to the District Collector;
- (h) to publish the approved scheme in the affected area;
- (i) to help and assist the District Collector in preparing the scheme;
- (j) to monitor and supervise the implementation of the rehabilitation award;
- (k) to assist in post-implementation audit of R and R; and
- (l) to do any other work required to be done for R and R.

33. Public hearing on draft R and R scheme. — The Administrator, R and R or an officer authorized by him shall conduct a public hearing in the affected areas on such date, time and venue as deem fit but not earlier than fifteen days of the publication of the draft scheme and the provisions of rule 14 relating to the public hearing shall, mutatis mutandis, apply to the public hearing in this case also.

34. Publication of approved R and R Scheme in the affected area. — R and R Scheme approved by the Commissioner shall be published by the Administrator, R and R in the same manner as laid down in rule 15.

35. R and R Award. — The District Collector shall make R and R Award for each affected family in accordance with the Second Schedule of the Act or as per the negotiated agreement reached with the affected families where consent is involved and hand over family-wise awards to each affected family in Form— L.

36. R and R Committee at Project level. — (1) where the proposed acquisition is more than one hundred acres, the Government shall constitute the R and R Committee at the Project Level after publication of the preliminary notification under sub-section (1) of section 11.

(2)The member-convenor, while intimating the date , time and venue of the meeting, shall supply a copy of the draft scheme for R and R to all the members.

(3)The quorum of the meeting shall be not less than two thirds of all members.

(4)The meeting shall be held at least once in every three months.

(5) The first meeting shall be convened before award is made under section 31 and successive meetings will review the payment

entitlements and work out the displacement work plan on agreed terms.

(6) After completion of resettlement process, the R and R Committee shall suggest the name of an organisation to undertake an independent social audit at the cost payable by the District Collector.

37. Constitution of State Monitoring Committee for R and R. — (1) The State Government shall issue guidelines for the constitution and functioning of a State Monitoring Committee for reviewing and monitoring the implementation of R and R schemes or plans under the Act.

(2) The Committee shall meet at least once in every year to review and monitor implementation of R and R schemes or plans in all projects under the Act.

38. Publication of declaration. — The Secretary to Government of the Department, dealing with the subject matters of land acquisition or his authorised officer on receipt of the sanction estimate from the Department, to which the project relates, shall issue a declaration under sub-section (1) of section 19 along with the summary of draft R and R scheme.

Provided that no such declaration shall be made unless the Requiring Body has deposited the actual amount of acquisition of the land.

39. Fixation of limits for acquisition of agricultural land.—The Government in Agriculture Department shall fix up and separately specify by way of notification the limits of acquisition of irrigated Double cropped land and percentage of the limits of net sown area in any district for acquisition of the agricultural land in aggregate for all projects in that district.

40. Transfer of land and deposit of cost of reclamation for investment in agriculture.— (1) Where irrigated Double cropped land is under acquisition, the Requiring Body shall provide equal extent of alternative land to the District Collector by way of registered deed of transfer and deposit reclamation cost as assessed by the Agriculture Department for investment in agriculture.

(2)The District Collector shall, in all such cases, transfer the said land including the reclamation cost to the Agriculture Department for investment to enhance food security.

(3)The land so transferred shall be brought to the record of the Agriculture Department in the record of rights to be updated by the Tahasildar and accordingly, special mention regarding transfer of land for food security be made in the remarks column of the record of rights.

(4) Where the Requiring Body is unable to provide equal extent of land, it shall deposit the market value of the land with the District Collector who shall deposit the same in appropriate Head of Account of the Agriculture Department.

41. Prior consent of Gram Sabha.— In all cases of acquisition or alienation of any land in Scheduled Areas, consent of the concerned Gram Sabha and the Panchayats shall be obtained in Form-M before publication of notification under sub-section (1) of section 11.

42. Formation of Land Bank.— (1) The State Government may, by notification, form a Land Bank ,(a Governmental entity) in charge of local Tahasildar that focuses on the conversion of the Government owned waste land, vacant, abandoned, unutilized acquired lands and tax-delinquent properties into productive use.

(2)To ensure acquisition of minimum amount of land and to facilitate utilization of unutilized public lands including land acquired earlier and not