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

No. RDM-LAA-CLRFIC-0001-2017- 15642 / R&DM, dated 12 MAY 2022

From

Avaya Kumar Nayak, OAS (SS)
Special Secretary to Government

To

The Collector & District Magistrate, Kalahandi

Sub: Clarification on the issues arising out of acquisition of land on ongoing projects of Kalahandi District.

Ref; This Department Letter No. 5490 dated 19.02.2022 and your letter No. 539 dated 20.02.2022 and subsequent representations dated 07.03.2022, 11.03.2022 and 16.03.2022 of the Vedanta Limited, Lanjigarh, Kalahandi.

Sir,

FRA
In inviting a reference to the subject cited above, I am directed to say that individual forest rights under FRA Act, 2006 can be acquired on payment of compensation to the FRA holder as per the provisions of the RFCTLA R&R Act, 2013 and this Department has issued clarification vide letter No. 18034 dated 15.05.2013 and letter No. 3117 dated 22.10.2020.

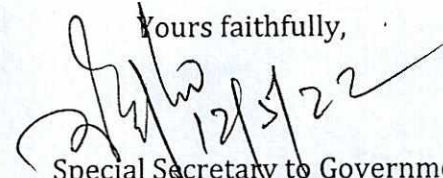
However, in the cases where acquisition of private land has been done earlier under the provisions of the old Land Acquisition Act, 1894 and the process of LA including R&R under ORRP-2006 has been completed and for the relevant forest land, stage -1 clearance for diversion of the forest land has been sanctioned by MOEF&CC, Govt of India under the FC Act, 1980, further clarification was sought by Collector, Kalahandi in this regard.

After careful consideration of the present status of the project as indicated above, Government have been pleased to clarify that it is not necessary to follow all the processes of RCTLAR&R Act, 2013 for payment of compensation to the individual forest right holders. Hence, in order to avoid duplicity of processes and to save time, it is suggested that the following procedure may be adopted for payment of compensation to the individual forest right holders;

1. For land acquisition cases initiated earlier and where the process has reached an advance stage, 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 Land Acquisition Officer, representative of DWO of the district or WEO of the Block, R.I. concerned and representative of forest Department.
2. 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.
3. On the basis of the report of the joint enquiry, the Land Acquisition Officer will assess the compensation as per the provision of Section 26-30 of the RFCTLAR&R Act, 2013.
4. Award may be passed in favour of the FR holders by Collector of the District and disbursement of compensation be done accordingly.
5. 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.
6. The above procedure shall be adopted in land acquisition cases for payment of compensation to IFR beneficiaries, which are at similar stage in the district.

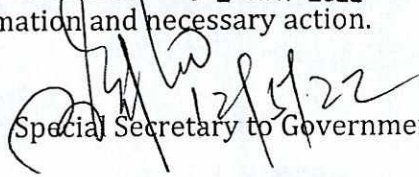
In view of the above, you are requested to take necessary action accordingly for payment of compensation to IFR beneficiaries in pending Land Acquisition cases.

Yours faithfully,


Special Secretary to Government
Date 12 MAY 2022

Memo No. 15643/RDM

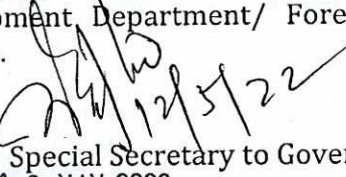
Copy forwarded to RDC(SD) for information and necessary action.


Special Secretary to Government

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Copy forwarded to ST&SC Development, Department/ Forest and Environment Department for information.


Special Secretary to Government

Memo No. 15645/RDM

Date 12 MAY 2022

Copy forwarded to LA (A), (B) ,(C) branch for information and necessary action.


Special Secretary to Government