



**STATE FOREST HEADQUARTERS
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF, ODISHA
ARANYA BHAWAN, CHANDRASEKHARPUR, BHUBANESWAR**

E-mail: nodal.pccfhoff@odisha.gov.in

No. **5992** /9F(MG) - 35/2021
Dated, Bhubaneswar the **22nd** March' 2022

From

Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)
O/o the PCCF & HoFF, Odisha, Bhubaneswar

To

The Inspector General of Forests (FC)
Government of India, Ministry of Environment, Forests & Climate Change
(Forest Conservation Division), Indira Paryavaran Bhawan
Aliganj, Jorbagh Road, New Delhi-110003

Sub:- Compliance to the observations of FAC meeting held on 21.02.2022 - Proposal for non-forestry use of 349.709 ha of forest land within total mining lease area of 2290.449 ha in Siarmal Open Cast Coal Mining Project by Mahanadi Coalfields Ltd. (MCL) in Sundargarh District, Odisha-regarding.

Ref:- F.No. 8-25/2021-FC dated 08.03.2022 of Scientist D (FC), GoI, MoEF& CC (FC Division), New Delhi.

Sir,

In continuation to this office Letter No. 4423/9F(MG)-35/2021 dated 08.03.2021, the following additional compliance on the observations of FAC as received from the DFO, Sundargarh Forest Division and RCCF, Rourkela Circle are furnished below:-

- i. **Number of project-affected tree falling in forest area have been mentioned as 31,309 while Nodal Officer informed the same as 24,414. Discrepancy needs to be clarified.**

The RCCF, Rourkela Circle has reported that the total nos. of trees is only 24,414. However, in the earlier reporting the *Dendrocalamus strictus* was also included as "tree" totalling the enumeration as 31,309.

It may be noted that within the total enumeration the bamboos clumps are 524 nos. and its cumulative total is 7343 (including *Dendrocalamus strictus*) which was wrongly uploaded by the DFO in the "trees" column.

Further, the Tree Enumeration List contains 79 species, but the available rows for tree detail in portal is only 20. Due to this limitation, last row was populated with 13008 nos. of trees uploaded as Misc. Species. Hence, it is clarified that the total No. of trees falling in the project forest area is 24,414.

(ii) Proposal envisages implementation of a Rehabilitation and Resettlement of 2,562 families being affected from the project. The State Government shall submit the approved R&R Plan.

The RCCF, Rourkela Circle has reported that Siarmal OCP is an upcoming project in Basundhara Coalfields of Mahanadi Coalfields Limited. The land has been acquired for the project along with other projects of Basundhara Coalfields under Section 7 (i) of Coal Bearing Areas (Acquisition & Development) Act, 1957 vide Notification Nos. S.O. 1869 Dated 12.08.1989 & S.O. 3055 Dated 17.09.1990 of Govt. of India, Ministry of Energy (Department of Coal). Rehabilitation and Resettlement of the Project affected families are being carried out as per the approved "ORISSA RESETTLEMENT AND REHABILITATION POLICY, 2006." Honourable Supreme Court appointed "Claims Commission" has been formed to look after the Rehabilitation and Resettlement benefits of the Project Affected Families. The user agency has submitted a Copy of the Notification (*Annexure – I 'A'*) and approval of R&R plan by Claims Commission (*Annexure – I 'B'*), Orissa Resettlement And Rehabilitation Policy, 2006 (*Annexure–I 'C'*) is enclosed for kind reference]. The R&R benefits provided by MCL to the Project Affected Families as per the approved R&R Plan is enclosed as *Annexure–I 'D'*

(iii) Cost Benefits analysis of the proposal is 1:73 which appears to be estimating the higher values of various attributes and accordingly, the State Government may revisit the analysis.

The RCCF, Rourkela Circle has reported that the ratio was actually derived as 1:83 which has been mentioned as 1:73 as intimated by the user agency. The user agency has also informed that Siarmal OCP is an upcoming coal mining project of 50 MTY peak capacity. This project has a life of 38 years and the total mineable reserve is 1547.82 MT. While deriving the Cost-benefit ratio, all known and predicted aspects of benefits as well as costs have been taken into consideration for calculation of the ratio. Since Siarmal OCP is having very high coal reserve of 1547.82 MT over a lease hold area of 2290.45 ha, the NPV obtained from selling of coal is very high which is a significant attribute while estimating benefits of forest diversion. Further, the user agency has also intimated that the benefits to the economy due this project is also high as they pay considerable amount to State and Central Exchequer in the form of Royalty, (National Mineral Exploration Trust (NMET) Fund, District Mineral Fund (DMF) and GST.

Thus, unlike other projects, coal mining project having huge coal reserve and high planned production capacity per annum with long life span of the project give higher benefits.

However, the Cost Benefit Ratio has been recalculated on the basis of updated cost parameters and now the ratio comes to **1:77.20**.

The user agency has submitted Updated Cost Benefit Ratio duly countersigned by the DFO, Sundargarh which is enclosed as (Annexure – II).

(iv) Chattajor nallah located in the area has been proposed to be straightened by the user agency. Also a number of mines are operational in the area which may cause threat to hydrological regime viz. Basundhara river and its rivulets, therefore, considered opinion of Water Resource Department of the State on the proposed straightening of Chattajor nallah and proposed mitigating measures may be informed by the State. Further State Government may submit its plan and vision to develop an integrated approach for the protection of the Basundhara River from the proposed mining in the area.

The RCCF, Rourkela Circle has reported that for undertaking the “*Study of hydrological regime viz. Basundhara river and its rivulets for proposed straightening of Chattajor nallah & proposed mitigating measures along with plan and vision to develop an integrated approach for the protection of the Basundhara River from the proposed mining in the area*”, reputed and experienced consultant working in this field are being engaged as intimated by the user agency.

The user agency has intimated that they have contacted one consultant and explained the Scope of Work of this study after discussion with Water Resource Department, Govt. of Odisha. The consultant will study the hydrological regime of the area by field surveys of the study area and prepare and submit a DPR elaborating the details of the study conducted by field surveys and plan and vision to develop an integrated approach for the protection of the Basundhara River from the proposed mining in the area along with cost estimates for execution of the plan. And as stated by the user agency, it is expected that Study Report will be submitted by the consultant by June, 2022. The Study Report will be submitted to Water Resource Department, Govt. of Odisha for obtaining their considered opinion.

In this regard, the user agency has written to the Engineer-In-Chief (Water Resources), Water Resources Department; SechaSadan, Bhubaneswar vide letter No. MCL/GM/MLA/2022/192 dated 12/03/2022 intimating the proposed actions. *(Annexure–III ‘A’)*.

In this context, the User Agency has submitted an undertaking duly countersigned by the DFO, Sundargarh Forest Division that execution of the activities will be carried out, as per DPR vetted by Water Resource Department, Govt. of Odisha, at project cost by Siarmal Open Cast Coal Mining Project of M/s Mahanadi Coalfields Limited which is enclosed as *Annexure–III ‘B’*.

(v) A Soil and Moisture Conservation (SMC) work plan to mitigate the impact of the proposed mining activity on the local rivulets (nallah) may be submitted by the State.

The RCCF, Rourkela Circle has reported that for preparation of a Soil and Moisture Conservation (SMC) work plan to mitigate the impact of the proposed mining activity on the local rivulets (nallah), the user agency has approached CMPDIL for carrying out the work. For taking up the Soil and Moisture

Conservation (SMC) work, suitable area needed to be identified and allocated by Forest Department to the User Agency in non-coal bearing forest land equivalent to diverted forest land.

For allocating a suitable area to Siarmal OCP for implementation of Soil and Moisture Conservation (SMC) work plan, a letter has already been given to Divisional Forest Officer, Sundargarh by the User Agency vide their Ref. No. MCL/GM/MLA/2022/182 dated 09/03/2022 requesting for identification and allocation of suitable area to the User Agency (Siarmal OCP) around local rivulets (nallah) adjacent to the mine lease area.

In this regard, an area of 357 ha forming catchment area of Basundhara River has been identified in Jamkani Reserve Forest of Gopalpur Range by Sundargarh Forest Division. As reported by the User Agency, CMPDI will submit the report by June, 2022. The report so submitted by CMPDI, will be submitted to Forest Department, Govt. of Odisha. The measures recommended in the report will be carried out at the project cost by the User Agency. The User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Sundargarh Forest Division which is enclosed as *Annexure-IV*.

(vi) Considerable area is earmarked for infrastructure which is not a site specific activity. Moreover, there is huge non forest area within the mining lease area. Therefore, State Government shall explore the possibility of shifting all such non site-specific components to the non- forest areas within or outside the mining lease.

The RCCF, Rourkela Circle has reported that the user agency has submitted the justification for requirement of 85.010 ha of forest land for proposed Embankment, External OB Dumps, Blasting Danger Zones, etc. as followings;

- 1) Total Forest land required for Siarmal OCP is **349.709 ha** and total Mining Lease Area is **2290.449 ha**, thus forest land in the project is about 15.26%.
- 2) During the FAC meeting it was pointed out to **review the requirement of revenue forest land 85.010 Ha** required for the proposed infrastructure (Embankment, OB Dumps; Blasting Zone & Others).
- 3) The user agency has reported that the requirement was bare minimum and could not be reduced.
- 4) As per the plan submitted with the forest clearance proposal, breakup of requirement of forest land of **85.010 Ha** along with justification is as follows:

Requirement for Embankment against Basundhara River as per Mines Act 1952, which is inevitable.	12.800 Ha
Requirement for External OB Dump-1 as per scientific design as per approved Mine Plan.	9.142 Ha
Requirement for External OB Dump-2 as per scientific design as per approved Mine Plan.	9.340 Ha
Safety distance (100 Meters) around each Dump as per Mines Act 1952, which is also inevitable considering the safety aspects.	2.790 Ha
Requirement for infrastructure like approach roads, HT & LT Power lines.	25.160 Ha

Remaining forest land, which is between the two External OB Dumps of height about 100 meters each and which will be required as per safety consideration to protect inadvertent entry of men and animals from any possible slope failure of the External Dumps. It may be mentioned that in past fatal accident took place at Kulda OCP due to External OB Dump Slope failure in which 12 persons lost their life. Also some portion falls under Blasting Safety danger zone of 500 meter from the quarry edge. Further, this area falls under the Coal Bearing Area and will be required for future expansion of the Project and till such expansion this will not be disturbed and will be developed as a Green Belt to improve ambient air quality & maintaining the environmental balance within the mining lease area.	25.778 Ha
Total	85.010Ha

- 5) The user agency has mentioned that above 85.010 ha falls under Coal Bearing Area and OB Dump-1, OB Dump-2 will be re-handled in future for taking up the coal during dip side expansion of the mine.
- 6) The user agency has intimated that after review of the requirement of 85.010 ha of forest land from technical and safety point of view, it was observed that the requirement is justified and requirement of forest land cannot be reduced. *(Copy of the letter No. MCL/MLA/SOCP/2021-2022/150 dated 27/02/2022 of User Agency is enclosed as Annexure-V 'A')*

Further, the required compliance to the above mentioned point has already been submitted to the Inspector General of Forests (FC), GoI, MoEF& CC(FC Division) , New Delhi by the Nodal Officer vide Letter No. 4423 dated 08.03.2022. The copy of the said compliance report is enclosed as **Annexure -V 'B'**.

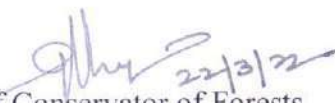
(vii) A small area of 4 ha under agriculture was observed in the patch of 129 ha of degraded forest land identified for CA. suitability of the same for CA may be confirmed by the State.

The RCCF, Rourkela Circle has reported that based on the verification of records found that Forest Rights Title, has been settled for an area of 5.256 under FRA, 2006 to 6 families, which includes 4 ha of agriculture land patches & remaining area for their habitations. No further encroachment has been observed beyond the given forest right areas. Moreover, as the land identified for CA purposes is 129 ha (against the required 111 Ha,) even after deducting the said 5.256 ha there will be no shortage of mandated CA land in the project.

In view of the above, the detailed compliance report alongwith its enclosures is sent herewith for kind consideration of the said proposal.

Yours faithfully,

Encl-As above

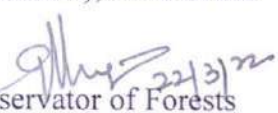

 Chief Conservator of Forests
 (Forest Diversion & Nodal Officer, FC Act)

Memo No.

5993

/Dt. 22-03-2022

Copy forwarded to the the Deputy Director General of Forests (Central), Government of India, Ministry of Environment, Forest & Climate Change, Integrated Regional Office, A/3, Chandrasekharpur, Bhubaneswar-751023 for information and necessary action with reference to F.No. 8-25/2021-FC dated 08.03.2022 of Scientist D (FC), GoI, MoEF& CC (FC Division), New Delhi.



Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)

Memo No.

5994

/Dt. 22.03.2022

Copy forwarded to the OSD-cum-Special Secretary to Government, Forest, Environment & Climate Change Department, Odisha, Bhubaneswar for information and necessary action with reference to F.No. 8-25/2021-FC dated 08.03.2022 of Scientist D (FC), GoI, MoEF& CC (FC Division), New Delhi.



Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)

Memo No.

5995

/Dt. 22.03.2022

Copy forwarded to the RCCF, Rourkela Circle for information and necessary action with reference to his memo no. 896 dated 20.03.2022.



Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)

Memo No.

5996

/Dt. 22.03.2022

Copy forwarded to the Divisional Forest Officer, Sundargarh Forest Division for information and necessary action with reference to memo no. 897 dated 20.03.2022.



Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)

Memo No.

5997

/Dt. 22.03.2022

Copy forwarded to the Project Officer, Siarmal OCP, At/Po-Basundhara, Dist-Sundargarh, Odisha, Pin-770076 for information and necessary action.


Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)

o/c

STATUS OF LAND ACQUISITION OF B.G. AREA**IB BLOCK - VIII UNDER B.G. AREA**

S.O.No.	SECTION	DATE/YEAR	SI No	Village	Notified land in Ac.				Acquired
					Forest	GNF	Tenancy	Total	
4044	4 (1)	13.11.1984	1	Sardega	328.77	240.51	290.90	860.18	Full
			2	Gopalpur (p)	382.41	1549.84	1127.97	3060.22	Part
			3	Ratansara	472.25	370.33	1007.17	1849.75	Full
			4	Jhupurunga	133.97	344.71	1384.10	1862.78	Full
				Sub Total	1317.40	2505.39	3810.14	7632.93	3089.00 Ha.
535 (E)	7 (1)	27.05.1987		As above	As above				
1869	9 (1)	10.07.1989							
2592	11 (1)	13.09.1990							
	12&17(1)	22.09.2003		Gopalpur					
	12&17(1)	18.10.2003		Sardega					

IB BLOCK - XI UNDER B.G. AREA

S.O.No.	SECTION	DATE/YEAR	SI No	Village	Forest	GNF	Tenancy	Total	Acquired
2002	4 (1)	24.07.1987	1	Tikilipara	1056.87	204.83	482.15	1743.85	Full
			2	Siarmal	423.45	198.02	240.87	862.34	Full
			3	Gopalpur (p)		125.59	15.08	140.67	Full
			4	Tumulla	312.58	436.62	1632.12	2381.32	Full
			5	Karlikachar	102.41	90.65	318.88	511.94	Full
			6	Kulda	149.01	162.15	231.66	542.82	Full
			7	Bankibahal	435.93	159.19	241.21	836.33	Full
			8	Balinga	236.18	451.25	547.21	1234.64	Full
			9	Garjanbahal	135.92	255.55	406.88	798.35	Full
			10	Bangurkela	279.29	246.01	530.66	1055.96	Full
			11	Kiripsira	505.91	395.73	779.47	1681.11	Full
			12	Lama RF	420	0	0	420	Full
				Sub Total	4057.55	2725.59	5426.19	12209.33	Full
798 (E)	7 (1)	26.09.1989		As above	As above				
3055	9 (1)	29.10.1990							
43015	11 (1)	30.03.1993							
	12&17(1)	28.02.1997							
TOTAL IB BLOCK - VII & XI				In AC	5374.95	5230.98	9236.33	19842.26	
				In HA	2175.212	2116.949	3737.892	8030.053	

Project Officer
Siarmal OCP

Received
26/11/90

Gopalpur (Extension)
Block - III (S.O.) of
Ib Valley Area.

XI-15

विज्ञापन सं. सी. (डी. एन.) 128/90

S.O. 3055

No. 43015



REGISTERED NO. D. (D.N.)-128/90

भारत का राजपत्र The Gazette of India

प्रतिष्ठित से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 46]
No. 46]

नई दिल्ली, शनिवार, नवम्बर 17, 1990/कार्तिक 26, 1912
NEW DELHI, SATURDAY, NOVEMBER 17, 1990/KARTIKA 26, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

गृह मंत्रालय
(आंतरिक सुरक्षा विभाग)
(पुनर्वास प्रभाग)

MINISTRY OF HOME AFFAIRS
(Department of Internal Security)
(Rehabilitation Division)

New Delhi, the 9th October, 1990

नई दिल्ली, 9 अक्टूबर, 1990

का. मा. 3004.—निष्कासन संयुक्त अधिनियम, 1950
(1950 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए केन्द्रीय सरकार एतद्वारा गृह मंत्रालय पुनर्वास प्रभाग में संयुक्त
सचिव, श्री धर्मेन्द्र कुमार को उक्त अधिनियम के द्वारा धनबाद उपायुक्त क्षेत्रगत
निष्कासन संयुक्तियों के महाबिरोधक को संवि गए कार्यों का निष्पादन करने
के उद्देश्य से महाबिरोधक नियुक्त करती है।

2. इस अधिसूचना द्वारा दिनांक 27-7-90 की अधिसूचना संख्या-1
(13)/विशेष क्षेत्र/90-एन. एन.-II/बन्दोबस्त (ब) का अधिकरण
किया जाता है।

[सं. 1 (3)/विशेष क्षेत्र/90—एन. एन.-II (ग)/बन्दोबस्त (ब)]

S.O. 3004.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Shri Arun Kumar, Joint Secretary in the Ministry of Home Affairs, Rehabilitation Division as the Custodian General of Evacuee Property for the purpose of performing functions assigned to such Custodian General by or under the said Act.

2. This supersedes notification No. 1(3)/Spl. Cell/90-SS. II/S(B) dated the 27th July, 1990.

[No. 1(3)/Spl. Cell/90-SS.II/S(B)]

का. मा. 3005.—विस्थापित व्यक्ति (अधिकार तथा पुनर्वास)
अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (i)
द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा गृह
मंत्रालय, पुनर्वास प्रभाग में संयुक्त सचिव श्री धर्मेन्द्र कुमार को उक्त
अधिनियम के द्वारा धनबाद उपायुक्त क्षेत्र में गृह मंत्रालय प्रायुक्त की

(4877)

Project Officer
Bimal OCP

N^o - 2/5

का.प्र. 3055 :--केन्द्रीय सरकार ने कोयला धारक क्षेत्र (भर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन भारत के राजपत्र, असाधारण भाग 2, खंड 3, उपखंड (ii) तारीख 11 नवम्बर, 1989 में प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.प्र. 798(घ) तारीख 26 सितम्बर, 1989 द्वारा उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट परिसरों की भूमि और परिसरों के भर्जन करने के अपने आशय की सूचना दी थी;

भार, सक्षम अधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और, केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और उड़ीसा सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित भूमि का जिसका माप 4941.05 हेक्टर (लगभग) या 12209.33 एकड़ (लगभग), भर्जन किया जाना चाहिए।

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (भर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुसूची में वर्णित भूमि का, जिसका माप 4941.05 हेक्टर (लगभग) या 12209.33 एकड़ (लगभग) है, भर्जन किया जाता है।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. एस.ई.सी.एन. बी.एस.पी. जी.एम.3(परि.)/भूमि/59 तारीख 27 दिसम्बर, 1961 का निरीक्षण कलकत्ता, सुन्दरगढ़ (उड़ीसा) के कार्यालय में या कोयला नियंत्रक, 1, कार्डमिन हाउस स्ट्रीट कलकत्ता के कार्यालय में या उम ईस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकेगा।

अनुसूची

गोपालपुर विस्तार ब्लॉक

आई.बी. बंसी कोलफील्ड्स

जिला सुन्दरगढ़ (उड़ीसा)

न अधिकार

क्र.सं.	ग्राम का नाम	बन्धोवस्त संख्यांक	तहसील	जिला	क्षेत्र एकड़ों में	टिप्पणियां
1.	दिकिलीपाड़ा	15	हेमगिरी	सुन्दरगढ़	1743.85	सम्पूर्ण
2.	सियारमल	17	हेमगिरी	सुन्दरगढ़	862.34	सम्पूर्ण
3.	गोपालपुर	19	हेमगिरी	सुन्दरगढ़	140.67	भाग
4.	बलिया	75	हेमगिरी	सुन्दरगढ़	2381.33	सम्पूर्ण
5.	करलीकछार	76	हेमगिरी	सुन्दरगढ़	511.94	सम्पूर्ण
6.	कुलडा	77	हेमगिरी	सुन्दरगढ़	542.82	सम्पूर्ण
7.	बंकीबहल	78	हेमगिरी	सुन्दरगढ़	636.33	सम्पूर्ण
8.	बलिया	79	हेमगिरी	सुन्दरगढ़	1234.64	सम्पूर्ण
9.	गर्जनबहल	89	हेमगिरी	सुन्दरगढ़	798.35	सम्पूर्ण
10.	बगलकेला	90	हेमगिरी	सुन्दरगढ़	1085.96	सम्पूर्ण
11.	किरिपसिरा	91	हेमगिरी	सुन्दरगढ़	1881.11	सम्पूर्ण
12.	जप्तोजगल	—	—	—	420.00	—

जोड़: 12,309.33 एकड़ (लगभग)

4941.05 हेक्टर

(लगभग)

ग्राम दिकिलीपाड़ा (सम्पूर्ण) में वर्णित किए गए प्लॉट संख्यांक -

प्लॉट संख्यांक 1 से 1269

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Project Officer
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XI- 3/5

ग्राम सियारमल (संपूर्ण) में अर्जित किए गए प्लॉट संख्यांक :

प्लॉट संख्यांक 1 से 815 ।

ग्राम गोपालपुर (भाग) में अर्जित किए गए प्लॉट संख्यांक :

82, 361, 365, 366, 367, 672, 673, 674, 683, 689, 699, 700, 701, 738, 748, 760, 1478, 1484, 1525, 1531, 689/1803 और 699/1836

ग्राम तुमुलिया (संपूर्ण) में अर्जित किए गए प्लॉट संख्यांक :

प्लॉट संख्यांक 1 से 2942

ग्राम करलीकरछार (संपूर्ण) में अर्जित किए गए प्लॉट संख्यांक

प्लॉट संख्यांक 1 से 510

ग्राम कुतब (संपूर्ण) में अर्जित किए गए प्लॉट संख्यांक :

प्लॉट संख्यांक 1 से 461

ग्राम कीबहल (संपूर्ण) में अर्जित किए गए प्लॉट संख्यांक :

प्लॉट संख्यांक 1 से 657

ग्राम बलिगा (संपूर्ण) में अर्जित किए गए प्लॉट संख्यांक

प्लॉट संख्यांक 1 से 1111

ग्राम गजेंद्रबहल (संपूर्ण) में अर्जित किए गए प्लॉट संख्यांक

प्लॉट संख्यांक 1 से 1166

ग्राम बगहेला (संपूर्ण) में अर्जित किए गए प्लॉट संख्यांक

प्लॉट संख्यांक 1 से 832

ग्राम किरिपसिरा (संपूर्ण) में अर्जित किए गए प्लॉट संख्यांक

प्लॉट संख्यांक 1 से 1715

ग्राम जप्तीजंगल (संपूर्ण) में अर्जित किए गए प्लॉट संख्यांक

सीमा वर्णन

ए-ए1-ए2-ए3

रेखा ग्राम खुपुंगा, तुमुलिया, जप्तीजंगल के तिराहे पर बिन्दु "ए" से प्रारंभ होती है और ग्राम तुमुलिया की दक्षिणी सीमा के साथ-साथ चलकर बिन्दु "ए-3" पर मिलती है ।

ए-ए4-ए5

रेखा ग्राम बगहेला की दक्षिणी सीमा के साथ-साथ चलकर बिन्दु "ए5" पर मिलती है ।

ए5-ए6-ए7-

रेखा ग्राम किरिपसिरा की भागतः पश्चिमी सीमा, भागतः बलिगा पूर्वी सीमा और भागतः उत्तरी सीमा के साथ-साथ चलती हुई बिन्दु "ए 10" पर मिलती है ।

ए6-ए9-ए-10

रेखा ग्राम गजेंद्रबहल और बलिगा की पूर्वी सीमा से होती हुई "ए12" पर मिलती है ।

ए10-ए11-ए12

रेखा ग्राम बलिगा, यकीबहल की उत्तरी सीमा के साथ-साथ चलती हुई सियारमल और टिकिलिपारा की

ए12-ए13-ए14-

पारतः पूर्वी सीमा से होती हुई ग्राम टिकिलिपारा की उत्तरी सीमा से गुजर कर बिन्दु "ए16" पर मिलती है ।

ए15-ए16

रेखा ग्राम टिकिलिपारा की उत्तरी पश्चिमी, सीमा के साथ-साथ चलती हुई बिन्दु "ख" पर मिलती है ।

ए16-ग-ख

रेखा ग्राम सियारमल की पूर्वी सीमा के साथ-साथ चलती हुई, ग्राम गोपालपुर के मध्य से और गाले की

ख-क-द-घ-त-ग

उत्तरी सीमा से होती हुई बिन्दु "ग" पर मिलती है ।

ग-द-द

रेखा ग्राम गोपालपुर की पश्चिमी सीमा के साथ-साथ चलकर उसी ग्राम के मध्य से होती हुई गाले की दक्षिणी

द-द-र-

सीमा से होकर बिन्दु "द" पर मिलती है ।

रेखा ग्राम सियारमल, तुमुलिया की पश्चिमी सीमा के साथ-साथ चलती हुई प्रारंभ बिन्दु "ब" पर मिलती है ।

[स. 43015/16/87-सी. ए. एम. एस. बम्बू.]

जी. बी. राम, प्रभू संविध

Project Officer
Siyarimal

XI-4/5

4931

S.O. 3055.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 798(E) dated the 26th September, 1989 under sub-section (1) of section 7 of the Coal Bearing Area (Acquisition and Development) Act, 1957 (20 of 1957), and published in Part II, Section 3, sub-section (1) of the Extraordinary Gazette of India dated the 11th October, 1989, the Central Government gave notice of its intention to acquire lands and rights in the locality specified in the Schedule appended to that notification :

And whereas the Competent Authority in pursuance of section 8 of the said Act has made his report to the Central Government.

And whereas the Central Government after considering the report aforesaid and after consulting the Government of Orissa, is satisfied that the Lands measuring 4941.05 hec-

tares (approximately) or 12209.33 acres (approximately) described in the Schedule appended hereto should be acquired

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the Coal Bearing Area (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby declares that the lands measuring 4941.05 hectares (approximately) or 12209.33 acres (approximately) described in the said schedule are hereby acquired.

The plan No. SECL/BSP/GM (PROJ)ILAND]59 dated the 27th December, 1989 of the area covered by this notification may be inspected in the Office of the Collector, Sundargarh (Orissa) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilsapur-495001 (Madhya Pradesh).

THE SCHEDULE
GOPALPUR EXTENSION BLOCK
IB VALLEY COALFIELD
DISTRICT SUNDERGARH—(ORISSA)

ALL RIGHTS

Sl. No.	Name of Village	Settlement Number.	Tehsil	District	Area in acres	Remarks
1.	Tikilpara	15	Hemgiri	Sundargarh	1743.85	Full
2.	Siamal	17	Hemgiri	Sundargarh	862.34	Full
3.	Gopalpur	19	Hemgiri	Sundargarh	140.67	Full
4.	Tumulia	75	Hemgiri	Sundargarh	2381.32	Full
5.	Karikachhar	76	Hemgiri	Sundargarh	511.94	Full
6.	Kulada	77	Hemgiri	Sundargarh	542.82	Full
7.	Bankibahal	78	Hemgiri	Sundargarh	836.33	Full
8.	Balinga	79	Hemgiri	Sundargarh	1234.64	Full
9.	Garjanbahal	89	Hemgiri	Sundargarh	798.35	Full
10.	Bangurukela	90	Hemgiri	Sundargarh	1055.96	Full
11.	Kirpsira	91	Hemgiri	Sundargarh	16.51-11	Full
12.	Japti jungle	—	—	—	420.00	—
Total :					12209.33 acres (approximately)	OR 4941.05 hectares (approximately)

Plot numbers acquired in village Kikilipara (Full) :
Plot Numbers 1 to 1262.
Plot numbers acquired in village Siamal (Full) :
Plot number 1 to 815.
Plot numbers acquired in village Gopalpur (Full) :
82, 361, 365, 366, 367, 672, 673, 674, 683, 689;
698, 699, 700, 701, 736, 748, 760, 1478, 1484, 1525;
1531, 689/1803 and 699/1836.

Plot numbers acquired in village Tumulia (Full) :
Plot numbers 1 to 2942.
Plot numbers acquired in village Karikachhar (Full) :
Plot numbers 1 to 510.
Plot numbers acquired in village Kulada (Full) :
Plot number 1 to 461.
Plot numbers acquired in village Bankibahal (Full) :
Plot numbers 1 to 657.
Plot numbers acquired in village Balinga (Full) :
Plot numbers 1 to 1111.
Plot numbers acquired in village Garjanbahal (Full) :
Plot numbers 1 to 1166.
Plot numbers acquired in village Bangurukela (Full) :
Plot numbers 1 to 832.
Plot numbers acquired in village Kirpsira (Full) :

Plot numbers 1 to 1715.

Plot numbers acquired in Japti Jungle (Full).

Boundary Description :

K-K1-K2-K3 Line starts from point 'K' which is a tri-junction point of villages Jhupurunga, Tumulia, Japtijungle and passes along the southern boundary of village Tumulia and meets at point 'K3'.

K3-K4-K5 Line passes along southern boundary of village Bangurukela and meets at point 'K5'.

K5-K6-K7 Line passes partly along the western boundary

K8-K9-K10 partly along south-eastern and northern boundary of village Kirpsira and meets at point 'K10'.

K10-K11-K12 Line passes along the eastern boundary of villages Garjanbahal and Balinga and meets at point 'K12'.

K12-K13-K14-K15-K16 Line passes along the northern boundary of villages Balinga, Bankibahal and partly eastern boundary of Siamal and Tikilipara then northern boundary of village Tikilipara and meets at point 'K16'.

K16-C-B Line passes along the northern-western boundary of village Tikilipara and meets at point 'B'.

B-A-R-O-P-O Line passes along the eastern boundary of village Siamal and proceeds through village Gopalpur along the northern boundary of Japti and meets at point 'O'.

Project Officer
Siamal OCH

O-N-M Line passes along the western boundary of village Gopalpur and proceeds through the same village along the southern boundary of Nallah and meets at point 'M'.
N-L-K Line passes along the western boundary of village Siarnal, Tumulia and meets at the starting point 'K'.

(No. 43015/10/87-CA/LSW)
B. B. RAO, Under Secy.

पट्टीलिखित और प्राकृतिक गैस संश्लेषण
गई दिल्ली, 1 मई 1990

3058.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित धाराओं के अन्तर्गत राज्य में कांश्चि से पंचायत राज पट्टी (काया राजस्व) बं विधायक राज्य) एक वैश्वीय के निम्न के लिए धार साधन इन्फ्रामा केवल कोरपोरेट सिमिटेड द्वारा प्राप्त करी चाहिए।

धोर यतः यह प्रतीत होता है कि ऐसी साधन को विधान के प्रयोग के लिए एकदमबद्ध अनुक्रमों में बर्तित भूमि में उपयोग का अधिकार प्राप्त करना आवश्यक है।

यतः यह वैश्वीय और बर्तित धार साधन (भूमि में उपयोग के अधिकार का प्रयोग) अधिनियम, 1962 (1962 का 50) की धारा 3 के उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने इनके उपयोग का अधिनियम बर्तित करने का अपना साधन एकाग्रता प्रोत्साहित किया है।

यतः कि उक्त भूमि में निम्नलिखित साधन, उक्त भूमि के नीचे धार साधन विधान के लिए आशेष सक्षम अधिकारी, इन्फ्रामा भौतिक कोरपोरेट सिमिटेड धार साधन, 270 गुनाय नगर, रोहतक को इस अधिनियम की धारा से 21 दिनों के भीतर कर लेना है।

योर ऐसा करने वाला हर व्यक्ति विनिर्दिष्ट रूप भी करण के लिए बद्ध बाध्या है कि उनकी गुणवत्ता व्यवस्थित हो या निम्नलिखित व्यवस्था की मार्गदर्शिका।

गैस का नाम :		धारा : नई धारा	धारा : इन्फ्रामा		
1	2	3	4	5	6
मदरामा	04	(51)	00	05	06
		09	00	00	00
		10/1	00	07	08
		10/2	00	01	52
		11	00	04	05
		(52)	00	00	00
		13/2	00	00	51
		14	00	10	62
		15	00	12	64
		17	00	02	28
		18/1	00	01	52
		18	00	04	55
		21	00	00	00
		18	00	06	83
		22	00	00	00
	10	00	06	07	
	(71)	00	01	01	
	(236)	00	00	80	

1	2	3	4	5	6
प्रगुपरा	00	(27)	50	00	00
		3/1	00	09	11
		3/2	00	00	00
		4/1	00	01	01
		4/2	00	11	89
		08	00	04	56
		09	00	07	08
		(30)	00	01	26
धुमसा	02	(22)/1	00	05	31
		10	00	03	29
		(23)/5	00	00	25
		08	00	13	40
		07	00	12	14
		08	00	01	26
		11	00	03	84
		12	00	13	41
		13	00	11	89
		14	00	01	01
		20	00	09	61
		(24)/16	00	12	64
		17	00	06	59
		21/2	00	00	23
		22/21	00	08	09
		22/2	00	00	76
		23	00	13	40
		24	00	06	58
		(32)/13	00	04	3
		16	00	08	60
		17	00	13	41
		18	00	06	32
		21	00	08	10
		22	00	13	41
		23	00	07	08
		(33)/4	00	00	76
		05	00	11	89
		(33)/6	00	01	27
		07	00	11	38
		08	00	13	46
		09	00	01	77
		11	00	13	41
		12	00	09	86
		13	00	00	25
		(34)/11	00	07	59
		1/3	00	04	53
		2/1	00	02	78
		2/2	00	00	76
		(44)/1	00	04	61
		(45)/3	00	00	58
		04/1	00	00	58
		4/2	00	03	78
		4/3	00	05	81
		08	00	13	81
		07	00	03	81
		08	00	13	81

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(TO BE PUBLISHED IN PART II, SECTION 3 SUB-SECTION (1)
THE GAZETTE OF INDIA)

GOVERNMENT OF INDIA
MINISTRY OF COAL

New Delhi, the 20th March, 1993.

ORDER

S.O. Whereas on the publication of the notification of the Government of India in the Ministry of Energy (Department of Coal) number S.O. 3655 dated the 29th Oct. 1990, in the Gazette of India, Part II, Section 3, Sub-Section (1) dated the 17th November 1990 issued under sub-section (1) of section 3 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and all rights in or over such lands described in the schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the South Eastern Coalfields Limited, Bileasur (Madhya Pradesh) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and all rights in or over such lands so vested shall, with effect from the 17th November, 1990, instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely:-

- (1) the Government Company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.
- (2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1), and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals etc. for or in connection with the rights, in or over the said lands, so vesting shall also be borne by the Government Company;

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Project Officer
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(3)

the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;

(4)

the Government Company shall have no power to transfer the said lands or rights to any other person without the previous approval of the Central Government; and

(5)

the Government Company shall abide by such directions or conditions as may be given or imposed by the Central Government for particulars aforesaid of the said lands, as and when necessary.

(No. 43015/10/07-CA/LSW)

(S.D. RAU)

UNDER SECRETARY TO THE GOVT. OF INDIA.

The Manager (Technical),
Government of India Press,
Mayapuri Ring Road,
New Delhi.

Copy Forwarded for information to:-

1. The Chairman/Managing Director, South Eastern Coalfields Limited, Seepat Road, Bilaspur- 495 001 (MP)
2. The Secretary to the Govt. of Orissa, Department of Geology & Mining Bhubaneswar.
3. The Coal Controller, 1, Council House Street, Calcutta.
4. The Director General, Geological Survey of India, Calcutta.
5. The Collector, Sundergarh (Orissa).
6. The Controller, Indian Bureau of Mines, Nagpur.
7. The Planning Commission, New Delhi.
8. The Chairman/Managing Director, CMPCIL, Conduena Place, Kankar Road, Ranchi.
9. The Regional Manager, Coal India Limited, New Delhi.
10. The Regional Director, CMPCIL, RI-VII, Sachivalaya Marg, Bhubaneswar (Orissa).
11. For folder.

(S.D. RAU)

UNDER SECRETARY TO THE GOVT. OF INDIA.

No. 43015/10/07-CA/LSW.

Project Officer
Sialmal OCP

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(3/6)

THE SCHEDULE
GOPALPUR EXTENSION BLOCK
WIB VALLEY CORNFIELD
DISTRICT SUNDARGARH (ORISSA)

ALL RIGHTS

Serial Number	Name of Village	Settlement Number	Tahsil	District	Area in acres	Remarks
1.	Tikilipara	15	Hemgiri	Sundargarh	1743.85	Full
2.	Siarmal	17	Hemgiri	Sundargarh	862.34	Full
3.	Gopalpur	19	Hemgiri	Sundargarh	140.67	Part
4.	Tumulia	75	Hemgiri	Sundargarh	2381.32	Full
5.	Karlikachhar	76	Hemgiri	Sundargarh	511.94	Full
6.	Kulada	77	Hemgiri	Sundargarh	542.32	Full
7.	Ban'kibahal	78	Hemgiri	Sundargarh	836.33	Full
8.	Balinga	79	Hemgiri	Sundargarh	1234.64	Full
9.	Garjanbahal	89	Hemgiri	Sundargarh	798.35	Full
10.	Bangurukela	90	Hemgiri	Sundargarh	1055.96	Full
11.	Kiripsira	91	Hemgiri	Sundargarh	1631.11	Full
12.	Japtijangal	-	-	-	420.00	-

Total: 12229.33 acres
(approximately)

OR

1941.05 hectares
(approximately)

...../-

DM
Project Officer
Siarmal OCR

4/6

Plot numbers to be acquired in village Tikilipara (Full):

Plot Numbers 1 to 1269.

Plot numbers to be acquired in village Siarmal (Full):

Plot numbers 1 to 815.

Plot numbers to be acquired in village Gopalpur (Part):

82, 361, 365, 366, 367, 672, 673, 674, 683, 689, 698, 699,
700, 701, 736, 748, 750, 1473, 1484, 1525, 1531, 699/1803
& 699/1836.

Plot numbers to be acquired in village Tumulia (Full):

Plot numbers 1 to 2942.

Plot numbers to be acquired in village Karlikachhar (Full):

Plot numbers 1 to 510.

Plot numbers to be acquired in village Kulada (Full):

Plot numbers 1 to 461.

Plot numbers to be acquired in village Bankibahal (Full):

Plot numbers 1 to 557.

Plot numbers to be acquired in village Balinga (Full):

Plot numbers 1 to 1111.

Plot numbers to be acquired in village Garjanbahal (Full):

Plot numbers 1 to 1166.

Plot numbers to be acquired in village Dangrukela (Full):

Plot numbers 1 to 832.

Plot numbers to be acquired in village Kiripsira (Full):

Plot numbers 1 to 1715.

Plot numbers to be acquired in Japti Jungle (Full):

.....5/-

Print
Project Officer
Siarmal OCP.

Boundary Description:

- 5/6
- K1-K2
K3. Line starts from point 'K' which is a trijunction point of villages Jhapurunga, Tumulia, Jaidungla and passes along the southern boundary of village Tumulia and meets at point 'K3'.
- K3-K4-K5. Line passes along southern boundary of village Dangukula and meets at point 'K5'.
- K5-K6-K7
K8-K9-K10. Line passes partly along the western boundary, partly along south-eastern and northern boundary of village Kiripara and meets at point 'K10'.
- K10-K11-K12. Line passes along the eastern boundary of village Garjanbahal and Balinga and meets at point 'K12'.
- K12-K13-
K14-K15-
K16. Line passes along the northern boundary of villages Balinga, Bankibahal and partly eastern boundary of Siarmal and Tikilipara then northern boundary of village Tikilipara and meets at point 'K16'.
- K16-C-D. Line passes along the northern-western boundary of village Tikilipara and meets at point 'C'.
- E-A-R-U
P-O. Line passes along the eastern boundary of village Siarmal and proceeds through village Gopalpur along the northern boundary of hallah and meets at point 'O'.
- O-N-M. Line passes along the western boundary of village Gopalpur and proceeds through the same village along the southern boundary of hallah and meets at point 'M'.
- M-E-K. Line passes along the western boundary of village Siarmal, Tumulia and meets at the starting point 'K'.

(J.D. Rao)

UNDER SECRETARY TO THE GOVERNMENT

No. 43015/10/87-CA/15W

contd...

Project Officer
Siarmal OCP

(6/6)

To
The Manager (Technical),
Government of India Press,
Mayapuri Ring Road,
New Delhi.

Copy forwarded for information and necessary action to -

1. The Secretary to the Government of Orissa, Department of Mines and Geology, Bhubaneswar, it is requested that the notification may be republished immediately in the Orissa Gazette and a copy of the same may be sent to the Ministry. It is also requested that if the notification relates to any land or rights in land belonging to the State Government, their views on the declaration under section 9(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 may be communicated to the Ministry immediately.
2. The Coal Controller, 1 Council House Street, Calcutta, with two spare copies, along with two copies of the plan for inspection by the interested parties.
3. The Controller, Indian Bureau of Mines, Nagpur, with two spare copies).
4. The Director Geological Survey of India, Calcutta.
5. The Collector, Sundergarh (Orissa) with two spare copies along with two copies of the plan for information of the interested parties.
6. The Planning Commission, New Delhi.
- ✓ 7. The Regional Manager, Coal India Limited, 102, 104, Ansal Chavan, 16, Kasturba Gandhi Marg, New Delhi.
8. The Chairman cum Managing Director, South Eastern Coal fields Limited, Seapat Road, Dhanbad (Jharkhand) with 20 spare copies.
9. The Chairman cum Managing Director, Central India Planning and Design Institute Limited, Convent Road, Ranchi.
10. The Regional Director, Central Mine Planning Institute Limited, RI-VII, 4th floor, Convent Road, Ranchi, Sachivalaya Marg, Bhubaneswar (Orissa).
11. For folder.

(B-1) (P-1) (S-1) (T-1) (U-1) (V-1) (W-1) (X-1) (Y-1) (Z-1)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA

No. 43016/10/8-7-1/1

Dmt
Project Officer
Siamal OCP.

Gopalpur block (VIII) 11/5/9(1)

S.O. No. 1869

Pages 2276 to 2331



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

32]
No. 32]

नई दिल्ली, शनिवार, अगस्त 12, 1989/ श्रावण 21, 1911
NEW DELHI, SATURDAY, AUGUST 12, 1989/SRAVANA 21, 1911

इस भाग में मिल पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-Section (II)

(रखा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सार्वजनिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

विधि एवं न्याय मंत्रालय
(विधि कार्य विभाग)

सूचना

नई दिल्ली, 23 जून, 1989

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

NOTICE

New Delhi, the 23rd June, 1989

का. प्र. 1836—नोटरीय नियम, 1956 के नियम 6 के
अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री
जवाहर दल बंसल सास दुगड के उक्त प्राधिकारी को उक्त
नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि
उक्त पुराने मम्परी महाराष्ट्र राज्य में व्यवसाय करने के लिए नोटरी के
रूप में नियुक्त किया जाए।

उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी
प्रकार का आपत्ति इस सूचना के प्रकाशन के पंद्रह दिनों के भीतर लिखित
रूप में देना होगा।

[सं. का 5 (35)/89 (विधि.मं.)

के. डी. सिंह, सक्षम प्राधिकारी

S.O. 1836.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Jawaharlal Bansilal Dugod, Advocate for appointment as a Notary to practise in Poona and Pimpri Chinchwad Area (M.S.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(35)/89-Judl.]

K. D. SINGH, Competent Authority

2/4

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THE GAZETTE OF INDIA : AUGUST 12, 1989/SHRAVANA 21, 1911

[PART II—SEC. 3]

TABLE

Designation of Officers

Categories of Public premises and local limits of jurisdiction

1

2

1. Deputy General Managers of Bombay, Arvi, Pune, Madras, Calcutta, Lachhiwala, Dehradun, New Delhi and Srinagar Branches of Videsh Sanchar Nigam Limited

2. Assistant General Manager of Bombay Branch of Videsh Sanchar Nigam Limited.

3. Engineer-in-Charge in the Personnel and Administrative Wing of Arvi, Pune, Madras, Calcutta, Lachhiwala, Dehradun, New Delhi and Srinagar Branches of Videsh Sanchar Nigam Limited.

Premises belonging to or taken on lease by or on behalf of Videsh Sanchar Nigam Limited situated at the respective stations.

File No. D-11014/1/84 OC
S.M. KAUSHAL, Desk Officer

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 10 जुलाई, 1989

का. मा. 1989:—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जुन धोर विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन भारत के राष्ट्रपति, बलाभारण, भाग 2, खंड 3, उपखंड (2), तारीख 27 मई, 1987 में प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का. मा. 535 (घ) तारीख 27 मई, 1987 द्वारा उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिसेव में भूमि धोर अधिकार धारित करने के धरने बाधक की सूचना दी थी।

धोर संलग्न अधिकारी ने, उक्त अधिनियम की धारा 8 के अनुसरण में अपनी रिपोर्ट केन्द्रीय सरकार को दी थी है ;

धोर केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने धोर उद्दीष्ट सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 3089.00 हेक्टर (लगभग) या 7632.93 एकड़ (लगभग) माप की भूमि का अर्जन किया जाना चाहिए ;

अतः, यह, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जुन धोर विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुसूची में वर्णित 3089.00 हेक्टर (लगभग) या 7632.93 एकड़ (लगभग) माप की भूमि का अर्जन किया जाता है।

इस अधिसूचना के अधीन माने वाले क्षेत्र के रेखांक सं. धार्. बी एम : जी एम, एस भूपाटनी : 32:88, तारीख 23 नवम्बर, 1988 का निरीक्षण बल्लर मुन्दरगढ़ (उड़ीसा) के कार्यालय में या कोयला निर्यक्षक, 1-लाउरेल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या पाउर ईस्टर्न कोल फील्ड्स लिमिटेड (पब्लिक अनुभाग) सीपल मार्ग बिलासपुर-485021—मध्य प्रदेश के कार्यालय में किया जा सकता है।

अनुसूची

गोपालपुर ब्लॉक

धार्डी बी बेंसी कोयला ब्लॉक

जिला मुन्दरगढ़ (उड़ीसा)

सभी अधिकार

क्र. सं.	ग्राम का नाम	ग्राम सं.	तहसील	जिला	क्षेत्र एकड़ों में	टिप्पणी
1.	सरखोरा	16	हेमगिरि	मुन्दरगढ़	860.18	पूर्ण
2.	हमुरंगा	18	हेमगिरि	मुन्दरगढ़	1082.78	पूर्ण
3.	गोपालपुर	19	हेमगिरि	मुन्दरगढ़	3060.22	भाग
4.	जलसरा	20	हेमगिरि	मुन्दरगढ़	1849.75	पूर्ण
कुल क्षेत्र :					7632.93 एकड़ (लगभग)	
या					3089.00 हेक्टर (लगभग)	

ग्राम सरखोरा (सम्पूर्ण भाग) में धारित किए जाने वाले प्लाट प्लाट सं. 1 से 1077 जिसमें बाटा प्लाट सम्मिलित हैं।

Project Officer
Bharat CCR
18/08/1989

3/4

विशुद्धता (सम्पूर्ण नाम) में प्रविष्ट किए जाने वाले प्लेट

प्लेट सं. 1 से 1478, 926/1479, 6/1480, 589/1481, 120/1482, 70/1483, 40/1484, 34/1485, 72/1486, 73/1487, 97/1488, 104/1489, 104/1490, 182/1491, 183/1492, 183/1493, 183/1494, 206/1495, 207/1496, 338/1497, 354/1498, 351/1499, 356/1500, 589/1501, 379/1502, 379/1503, 70/1504, 621/1505, 627/1506, 620/1507, 630/1508, 447/1509, 449/1510, 449/1511, 101/1512, 820/1513, 735/1514, 751/1515, 755/1516, 789/1517, 861/1518, 674/1519, 884/1520, 786/1521, 800/1522, 993/1526, 937/1524, 957/1525, 981/1520, 951/1527, 1123/1525, 1122/1528, 1185/1530, 1195/1531, 1224/1532, 1286/1533, 1286/1534, 1286/1535, 1328/1530, 1302/1537, 1307/1538, 1288/1539, 1166/1540, 1127/1541, 1521, 809/1522, 993/1526, 937/1524, 957/1525, 981/1520, 951/1527, 1123/1525, 1122/1528, 1185/1530, 1195/1531, 1224/1532, 1286/1533, 1286/1534, 1286/1535, 1328/1530, 1302/1537, 1307/1538, 1288/1539, 1166/1540, 1127/1541, 1127/1542, 1127/1543, 1126/1544, 1120/1545, 1251/1540, 1251/1540, 1253/1548, 1253/1549, 1234/1570, 1234/1551, 1234/1552, 1286/1553, 1102/1554, 1101/1553, 1100/1556, 1270/1557, 1400/1558, 1390/1560, 1380/1560, 1386/1561, 1409/1562, 1409/1563, 1409/1564, 1400/1565, 166/1566, 121/1567, 354/1568, 170/1569, 185/1570, 182/1571, 182/1572, 88/1573, 88/1574, 136/1575, 136/1576, 252/1577, 252/1578, 1002/1579, 1002/1580, 1002/1581, 1347/1582, 1347/1583, 1347/1584, 1347/1585, 1347/1586, 1356/1587, 1353/1588, 1353/1589, 1353/1590, 1346/1591, 1346/1592, 1346/1593, 1014/1594, 1014/1595, 1014/1596, 921/1597, 921/1598, 921/1599, 1017/1600, 1017/1601, 986/1606, 1010/1603, 1343/1604, 1150/1605, 1150/1606, 951/1607, 950/1608, 716/1609, 1016/1610, 1406/1611, 1360/1612, 1360/1613, 1354/1614, 1354/1615, 1471/1616, 1471/1617, 1471/1618, 1471/1619, 1471/1620, 1471/1621, 1471/1622, 1471/1623, 1471/1624, 1471/1625, 1471/1626, 1470/1627, 1470/1628, 1479/1629, 1478/1630, 1477/1631, 1477/1632, और 1421/1633

ग्राम विस्तार (भाग 21) में प्रविष्ट किए जाने वाले प्लेट

1 से 81, 83 से 360, 362 से 364, 368 से 671, 675 से 682, 684 से 688, 690 से 697, 702 से 735, 737 से 747, 749 से 759, 761 से 1477, 1479 से 1483, 1485 से 1524, 1526 से 1530, 1532 से 1697, 597/1698, 749/1699, 1073/1700, 1321/1701, 1322/1702, 3317/1703, 1173/1704, 1173/1705, 10/1706, 32/1797, 35/1708, 55/1708, 55/1710, 73/1711, 73/1712, 79/1713, 87/1714, 92/1715, 94/1716, 98/1717, 100/1718, 103/1719, 109/1720, 119/1721, 119/1722, 120/1723, 1308/1724, 130/1725, 136/1726, 137/1727, 151/1728, 167/1729, 160/1730, 167/1731, 176/1732, 207/1733, 210/1734, 2243/1735, 325/1736, 234/1737, 353/1738, 336/1739, 345/1740, 338/1741, 328/1742, 307/1743, 316/1744, 316/1745, 269/1746, 326/1747, 364/1748, 368/1749, 390/1750, 390/1751, 282/1752, 474/1753, 507/1754, 518/1755, 5268/1756, 534/1757, 536/1758, 540/1759, 548/1760, 548/1761, 613/1762, 606/1763, 614/1764, 615/1765, 627/1766, 634/1767, 634/1768, 651/1769, 653/1770, 653/1771, 654/1772, 657/1773, 628/1774, 665/1775, 670/1776, 670/1777, 553/1779, 554/1779, 569/1780, 779/1781, 960/1782, 674/1783, 860/1784, 801/1785, 803/1786, 804/1787, 810/1788, 819/1789, 820/1790, 820/1791, 828/1792, 851/1793, 857/1794, 868/1795, 868/1796, 874/1798, 883/1799, 888/1800, 918/1801, 947/1802, 1006/1804, 1012/1805, 1012/1806, 1025/1807, 1025/1708, 1065/1809, 1140/1810, 1149/1811, 1165/1812, 1165/1813, 1166/1814, 917/1815, 917/1816, 1191/1817, 1194/1818, 954/1819, 955/1820, 1250/1821, 1251/1822, 1266/1823, 1259/1824, 6260/1825, 1261/1826, 1273/1727, 1817/1828, 1262/1829, 1324/1830, 1378/1831, 1404/1832, 1408/1833, 1414/1824, 1451/1835, 1411/1837, 1075/1838, 720/1839, 720/1840, 740/1841, 1539/1842, 1541/1843, 1551/1844, 169/1845, 1610/1846, 1624/1847, 1631/1848, 1635/1849, 1635/1850, 1636/1851, 1644/1852, 1671/1853, 1671/1854, 1673/1855, 1657/1856, 1667/1857, 1607/1858, 1688/1859, 1688/1860, 1655/1861, 1658/1862, 1648/1863, 1648/1864, 1660/1865, 1493/1866, 1516/1867, 1520/1868, 1495/1869, 1631/1860, 1343/1871, 1696/1872, 428/1873, 431/1874, 380/1875, 380/1876, 380/1877, 430/1878, 480/1879, 482/1880, 482/1881, 482/1882, 482/1883, 485/1884, 486/1885, 486/1886, 487/1887, 493/1888, 597/1889, 597/1890, 639/1891, 634/1892, 637/1893, 640/1894, 638/1895, 645/1897, 1008/1898, 949/1899, 1156/1900, 987/1901, 1409/1902, 1400/1903, 674/1904, 986/1905, 1435/1906, 1435/1907, 1435/1908, 1435/1909, 1435/1910, 1435/1911, 1435/1912, 1086/1913, 1086/1914, 1212/1915, 1215/1916, 1636/1917, 1578/1918, 1695/1919, 249/1920 और 1243/1921.

ग्राम विस्तार (सम्पूर्ण नाम) में प्रविष्ट किए जाने वाले प्लेट

1 से 1947, 129/1948, 751/1949, 1024/1950, 1161/1951, 34/1952, 73/1953, 109/1954, 121/1955, 138/1956, 171/1957, 171/1958, 171/1959, 273/1960, 292/1961, 22/1962, 322/1963, 322/1964, 322/1965, 361/1966, 437/1967, 448/1968, 814/1969, 446/1970, 446/1971, 446/1972, 463/1973, 497/1974, 385/1975, 503/1976, 505/1977, 505/1978, 603/1979, 631/1980, 513/1981, 361/1982, 557/1983, 565/1984, 573/1985, 505/1986, 619/1987, 619/1988, 618/1989, 549/1990, 650/1991, 680/1992, 748/1993, 748/1994, 766/1995, 751/1996, 756/1997, 752/1998, 767/1999, 781/2000, 761/2001, 781/2002, 779/2003, 774/2004, 767/2005, 758/2006, 780/2007, 795/2008, 800/2009, 869/2010, 869/2011, 866/20012, 852/2013, 922/2014, 932/2015, 932/2016, 955/2017, 986/2018, 986/2019, 1092/2020, 897/2021, 895/2022, 1265/

Project Officer
Bimal CCR

4/4

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THE GAZETTE OF INDIA : AUGUST 12, 1989/SRAVANA 21, 1911 [PART II-SEC.

2023, 1334/2024, 1394/2025, 1405/2026, 1480/2027, 1506/2028, 1507/2029, 1507/2030, 1507/2031, 1521/2032, 152, 2033, 1738/2034, 1580/2035, 1580/2036, 1581/2037, 1620/2038, 1640/2039, 1805/2040, 1905/2041, 1909/2042, 1809/ 2043, 1909/2044, 1898/2045, 1898/2046, 1896/2047, 365/2048, 365/2049, 366/2050, 632/2051, 879/2052, 1329/2053, 1320/2054, 1320/2055, 1502/2056, 1673/2057, 795/2058, 1678/2059, 1884/2060, 1407/2061 और 1407/2062.

सीमा वर्णन

- क-ब रेखा, घोपलपुरी, धारक्षित वन तथा रतनधरा के त्रिसंधिस्थल पर बिन्दु "क" से प्रारम्भ होती है और रतनधरा ग्राम की उत्तरी सीमा के साथ साथ चलकर बिन्दु "ख" से मिलती है।
- ख-ग रेखा, रतनधरा और पोखरावाला ग्रामों की सम्मिलित सीमा के साथ साथ चलकर, पोखरावाला, रतनधरा और बलवाखपुर ग्रामों के त्रिसंधि- स्थल पर बिन्दु "ग" से मिलती है।
- ग-घ रेखा, रतनधरा और बलवाखपुर ग्रामों की सम्मिलित सीमा के साथ साथ जाती है और बलवाखपुर, झुपुंरा ग्रामों और धारक्षित वन के त्रिसंधि स्थल पर बिन्दु "घ" पर मिलती है।
- घ-ङ रेखा, धारक्षित वन और ग्राम झुपुंरा की सम्मिलित सीमा के साथ साथ जाती है और बिन्दु "ङ" से मिल जाती है।
- ङ-च रेखा, धारक्षित वन और ग्राम झुपुंरा की सम्मिलित सीमा के साथ साथ जाती है और बिन्दु "च" से मिल जाती है।
- च-छ रेखा, धारक्षित वन और ग्राम झुपुंरा और तुमुलिया की सम्मिलित सीमा के साथ साथ जाती है और बिन्दु "ज" से मिल जाती है।
- ज-झ रेखा, ग्राम झुपुंरा और तुमुलिया की सम्मिलित सीमा के साथ साथ जाती है और बिन्दु "झ" से मिलती है।
- झ-ञ रेखा, ग्राम झुपुंरा और तुमुलिया, झुपुंरा और शिवारमल की सम्मिलित सीमा के साथ साथ जाती है और गोपालपुर, झुपुंरा और शिव- नल ग्रामों के त्रिसंधि स्थल पर बिन्दु "ञ" से मिलती है।
- ञ-ट रेखा, गोपालपुर और शिवारमल ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और बलुखरा नाले के दक्षिणी किनारे पर बिन्दु "ट" से मिलती है।
- ट-१ ट-२ रेखा, बलुखरा नाले के दक्षिणी किनारे और गोपालपुर ग्राम के प्लॉट सं. 1526, 1524, 1525, 1477 की दक्षिणी सीमा के साथ साथ जाती है और बिन्दु "ट-२" से मिलती है।
- ट-१ ट-३ ट-४ रेखा, प्लॉट सं. 675, 676, 678, 680, तथा प्लॉट सं. 680, 682, 677, 1460, 1449, 1448 की पश्चिमी सीमा के साथ-साथ जाती है और बिन्दु "ट-४" से मिलती है।
- ट-४ ट-५ ट-६ रेखा, ग्राम गोपालपुर के प्लॉट सं. 1140, 684, 687, 688 की पश्चिमी सीमा और प्लॉट सं. 688 की उत्तरी सीमा के साथ-साथ जाती है और बिन्दु "ट-६" से मिलती है।
- ट-६ ट-७ ट-८ रेखा, ग्राम गोपालपुर के प्लॉट सं. 688, 687 की पश्चिमी सीमा, प्लॉट सं. 691, 692, 693, 694, 697 की उत्तरी सीमा और प्लॉट सं. 697, 696 की पश्चिमी सीमा और तब प्लॉट सं. 1128 की उत्तरी सीमा के साथ-साथ जाती है और बिन्दु "ट-८" से मिलती है।
- ट-८ ट-९ ट-१० रेखा, प्लॉट सं. 703, 702, 708, 364 की पूर्वी सीमा के साथ साथ चलकर छट्टाया नाले के दक्षिणी किनारे के साथ साथ जाती है और बिन्दु "ट-११" से मिलती है।
- ट-११ ट-१२ रेखा, छट्टाया नाले की पूर्वी सीमा को पार करके, उसी नाले की उत्तरी किनारे के साथ साथ जाती है और छट्टाया तथा बलुखरा नालों के त्रिसंधि स्थल पर "ट-१२" बिन्दु से मिलती है।
- ट-१३ ट-१४ रेखा, बलुखरा नाले के उत्तरी सीमा के साथ साथ जाती है और उसी नाले को पार करके बिन्दु "ट-१५" से मिलती है।
- ट-१५ ट-१६ ट-१७ रेखा, बलुखरा नाले के उत्तरी किनारे और ग्राम सारखोवा की दक्षिणी सीमा के साथ साथ जाती है और शिवारमल, सारखोवा और टिकलि- पाड़ा के त्रिसंधिस्थल पर बिन्दु "ट" से मिलती है।
- ट-१८ रेखा, सारखोवा और टिकलिपाड़ा तथा सारखोवा और धारक्षित वन की सम्मिलित सीमा के साथ साथ जाती है और बिन्दु "ड" से मिलती है।
- ड-घ रेखा, ग्राम सारखोवा और धारक्षित वन की सम्मिलित सीमा के साथ साथ जाती है और बिन्दु "घ" से मिलती है।
- घ-ङ रेखा, सारखोवा ग्राम और धारक्षित वन की सम्मिलित सीमा के साथ साथ जाती है और सारखोवा, गोपालपुर ग्रामों और धारक्षित वन त्रिसंधि स्थल पर बिन्दु "ङ" से मिलती है।
- ङ-च रेखा, गोपालपुर ग्राम और धारक्षित वन की सम्मिलित सीमा के साथ साथ चलकर बिन्दु "च" से मिलती है।
- च-छ रेखा, गोपालपुर ग्राम और धारक्षित वन की सम्मिलित सीमा के साथ-साथ जाती है और तब रतनधरा ग्राम और धारक्षित वन की सम्मिलित

Project Officer
Barmal GSP.

- (2) उक्त संपत्ति को, ऐसे निर्देशों या शर्तों का, जो केन्द्रीय सरकार द्वारा, आवश्यक हो, उक्त भूमि के विभिन्न क्षेत्रों के लिए दिए जाएं या परिशिष्ट की जाए, लागू करेगी।

[फा. सं. 43019/1/84-सी एम/सी एम एस 30-ग]

सी. सी. राय, सचिव

MINISTRY OF ENERGY

(Department of Coal)

ORDER

New Delhi, the 13th September, 1990

S.O. 2592.—Whereas on the publication of the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 1869 dated the 10th July, 1989, in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 12th August, 1989 issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and rights in or over such lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances sub-section (1) of section 10 of the said Act:

And whereas the Central Government is satisfied that the South Eastern Coalfields Limited, Bilaspur (Madhya Pradesh) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights so vested shall, with effect from the 12th August, 1989, instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely:—

- (1) The Government Company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.
- (2) A Tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such Tribunal and persons appointed to assist the Tribunal shall be borne by the Gov-

ernment Company and, similarly all expenditures incurred in respect of all legal proceedings like appeals etc. for or in connection with rights, in or over the said lands, vesting shall also be borne by the Government Company;

- (3) The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;

- (4) The Government Company shall have no power to transfer the said lands or rights to any other person without the previous approval of the Central Government; and

- (5) The Government Company shall abide by such directions or conditions as may be given or imposed by the Central Government for particular areas of the said lands, as and when necessary.

[No. 43019/1/84-CL/CA/LSW]

B. B. RAO, Under Secy.

नई दिल्ली, 13 सितम्बर, 1990

फा. सं. 2593.—केन्द्रीय सरकार, राजभाषा (संघ के वास्तविक प्रयोगों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उपनियम (4) के अनुसार में ऊर्जा मंत्रालय (कोयला विभाग) के प्रशासनिक निगरानीधीन, सचिव ईस्टर्न कोयलील्ड्स लि. के विभाग में निम्न मुद्राण को, जिसके कर्मचारीयुक्त ने हिंदी का कार्यवाहन मान प्राप्त कर लिया है, प्रेषित करती है।

[फा. सं. E-11016/10/89—हिंदी]

कमल कान मिश्र, संयुक्त सचिव

New Delhi, the 13th September, 1990

S.O. 2593.—In pursuance of sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union), Rules, 1976, the Central Government hereby notifies the South Eastern Coalfields Limited, Bilaspur Head quarters, under the Administrative control of the Ministry of Energy (Department of Coal), the staff whereof have acquired working knowledge of Hindi.

[No. E-11016/10/89-Hindi]

K. K. MISRA, Jt. Secy.

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली 30 सितम्बर, 1990

फा. सं. 2594.—भारत केन्द्रीय सरकार यह प्रमुख करती है कि सार्वजनिक हित में यह आवश्यक है कि पैट्रोलियम पदार्थों का प्राकृतिक गैस मान के लिए टाईपिंग—संकोच, या पादा नष्ट हो जाने के कारण पादा नष्ट गैस पदार्थों के प्रसारण के लिए आवश्यक है।

और यह भी प्रमुख करती है कि इस कार्य के लिए इसके साथ संलग्न विवरणों में निर्धारित भूमि पर प्रयोगों का प्रसारण सहज करना आवश्यक है।

यह पैट्रोलियम एवं खनिज पदार्थों का प्रसारण भूमि पर प्रयोगों का अधिकार सहज विधिवत, 1962 (1982 का 30) के अधिनियम 3 के अधिनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार द्वारा प्रसारण के अधिकार सहज करने की शक्ति की अधिनियम करती है।

इसमें कि उक्त भूमि में अपनी अधिकारों के अधिनियम के अधिनियम की शर्तों से 21 दिनों के भीतर भूमिगत पदार्थों का प्रसारण विचारने, के विरोध में अपनी आपत्ति सहज प्राधिकारी गैस प्रसारण के अधिकार विधि, के. जी. अधिनियम 12 76 प्रसारण नगर राजधानी - 533 103 प्रसारण प्रदेश में दर्ज करा सकता है।

Project Officer
Bharat OCP.



Vesting order 17/11/61 of the COA, A
Coppalpur block (VIII)
I b valley Area
S.O. No. 9592, pages 4360-436

भारत का राजपत्र The Gazette of India

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NEW DELHI, SATURDAY, OCTOBER 6, 1990/ASVINA 14, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART-II—Section 3—Sub-Section (ii)

(रक्षा संरक्षण को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India other than
the Ministry of Defence)

कामिक, लोक शिकायत तथा पंचायत व्यवस्था

(कामिक और प्रविजन विभाग)

नई दिल्ली, 16 अक्टूबर, 1990

का.प्र. 2582 :—उपद्रावि, संविधान के अनुच्छेद 148 के खंड (5) के
साथ जुड़ित अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग
करते हुए और भारतीय सेवा परीक्षा और सेवा विभाग में सेवारत
व्यक्तियों के संबंध में भारत का निबंधन-महालेखा परीक्षक से परामर्श
करने के पश्चात् केन्द्रीय सिविल सेवा (आवरण) नियम, 1964 का
और संशोधन करने के लिये निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा
(आवरण) संशोधन नियम, 1990 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. केन्द्रीय सिविल सेवा (आवरण) नियम, 1964 में, नियम 13
के स्थान पर निम्नलिखित नियम रखा जायेगा, अर्थात्:—

"13. उपहार 1. इन नियमों में अथवा यथा उपर्युक्त के विचार,
कोई भी सरकारी कर्मचारी कोई भी उपहार न तो स्वयं स्वीकार करेगा
और न ही अपने परिवार के किसी सदस्य या (उपरी शर्त से कार्यरत किसी
अन्य व्यक्ति) की स्वीकार करेगा या प्रस्ताव देगा।

स्पष्टीकरण:—“उपहार” प्रविजन के अन्तर्गत निःशुल्क परिवहन,
भोजन, आवास या कोई अन्य सेवा या अपने किसी निकट संबंधी या
मित्र, जिसका सरकारी कर्मचारी के साथ कोई वास्तविक सम्बन्ध न
हो, को छोड़कर किसी अन्य व्यक्ति द्वारा दिये गये धन संबंधी फायदे
प्राप्त होने।

टिप्पण: 1. प्राकृतिक भोजन, निषेध या अन्य सामाजिक आतिथ्य
को उपहार नहीं समझा जायेगा।

टिप्पण: (2) किसी सरकारी कर्मचारी को किसी ऐसे व्यक्ति,
औद्योगिक या वाणिज्यिक फर्म, संगठनों आदि, जिसका
उनके साथ वास्तविक सम्बन्ध हो, को धन से बहुत
अधिक या बारम्बार आतिथ्य स्वीकार करने से बचना चाहिये।

(3) विवाह, शांतिपूजन, दाहसंस्कार या धार्मिक उत्सवों जैसे
प्रसंगों पर जबकि धार्मिक या सामाजिक प्रथा के अनुसार उपहार
दिये जाते हैं, सरकारी कर्मचारी अपने निकट संबंधियों से उपहार
स्वीकार कर सकेगा किन्तु यदि उपहार को कोन से दिये गये मूल्य
से अधिक हो तो सरकारी कर्मचारी इसकी सूचना सरकार को देगा:

(1) समूह क या समूह ख पद धारण करने वाले सरकारी कर्मचारियों
के मामले में 1000 रु.;

(4355)

Annexure - 1 B
Annexure 1(B)

**REPORT OF THE
CLAIMS COMMISSION
FOR VILLAGE
GOPALPUR**

PART-I

Diak
Project Officer
Blarimal

o/c
Diak

REPORT OF THE CLAIMS COMMISSION RELATING TO GOPALPUR

PART-I

BACK GROUND

1. The Central Government Issued a preliminary notification under section 4 (1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957, (hereinafter to be referred to as 'Act') on February 11, 1984 in respect of 15 villages including village Gopalpur situated within Hemgir Tahasil in the district of Sundargarh, Odisha for prospect of Coal. After prospecting the area, the Central Government issued notification under section 7 (1) of the Act on July 27, 1987 giving notice to the inhabitants of those villages regarding the intention of the Government to acquire the notified lands. Finally, the declaration of acquisition under section 9 of the Act was made by the notification issued on July 10, 1989, where upon the notified lands along with all rights therein were vested absolutely to the Central Government. On March 20, 1993 the Central Government issued the notification under section 11 of the Act transferring the acquired lands of the above named villages and all rights therein to the Mahanadi Coal Fields Limited, which is a public sector undertaking and a part of the biggest Coal producing organization of the country namely Coal India Limited, retrospectively with effect from November 17, 1991, as a result of which all lands of village Gopalpur and other 14 villages became the property of MCL and the land owners of those villages lost all their legal rights over the acquired land with effect from November 17, 1991. Similarly for the lands of Gopalpur Extension Block, notification under section 4(1) of the Act was issued on dated 25.9.1989, notification under Section 9(1) was issued on dated 29.10.1990 and these lands were transferred to M.C.L. vide notification under Section 11 of the Act on dated 30.3.1993. Though, these lands were acquired by the Central Government and handed over to the MCL, the land losers were never paid.

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any compensation for their lands. After running from post to pillar and waiting for years, one Mathais Oram and 32 others of village Gopalpur filed a writ petition bearing W.P(C) No. 11463 of 2003 before the Orissa High Court for grant of compensation and other benefits in lieu of their acquired lands. The Orissa High Court after hearing, the Counsel for those petitioners, Assistant Solicitor General appearing for the Union of India and the Learned Counsel appearing for the MCL, were pleased to allow the writ petition vide order dated 13.11.2006 and directed both Central Government as well as the MCL to pay compensation and other benefits to the petitioners in accordance with law as expeditiously as possible preferably within a period of six months from the date receipt of the order. The Central Government did not react to the direction in any manner. However, challenging the said order of the Orissa High Court, the MCL filed SLP (C) No. 6932 of 2007 before the Hon'ble Supreme Court of India. During the course of hearing of that SLP, the Apex Court found that not only the petitioners but almost all land holders of village Gopalpur and the other 14 villages have not been paid any compensation for the acquired lands despite passage of 23 years from the date of the acquisition notification. Hon'ble Apex Court also found that in the mean time some of the land holders have died. Being anguished by the above mentioned circumstances, Hon'ble Apex Court requested the Solicitor General of India to assist the Court on behalf of the Central Government. The Solicitor General of India asked for some time and promised that he would try to resolve the matter after discussing with the Ministry and the Coal Company at his own level and would ensure that the land holders whose lands were acquired are paid lawful compensation without further delay. The Solicitor General of India accordingly held discussion with the Central Government and the Coal Company and placed a scheme in order to facilitate payment of compensation not only to the petitioners but all land losers of those 15 villages. The scheme proposed by the Solicitor General of India and agreed upon by the Central Government and the Coal company was as follows,

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"1. A Claims Commission needs to be set up with representatives of the Central Government as well as MCL, and the Claims Commission will consist of 3 Members:-

- (a) A former Judge of the High Court of Orissa (Chairman);
- (b) An officer who has held a post/office equivalent to the rank of Secretary to the Government of India; (Member)
- (c) An officer to be nominated by Chairman, Coal India Ltd (Member).

The Claims Commission will carry out necessary exercise and submit a report on the compensation payable and the persons to whom it should be paid, within a period six months.

"2. The above-said report will be submitted to the Central Government, and upon formal approval by the Central Government, MCL will make payment within a further period of two months.

"3. Some portions of the land have been determined to be unsuitable for the Petitioner having regard to physical features (mining being impossible, area being heavily populated, etc.). The Claims Commission will examine whether possession of such portions has been taken over by the Petitioner. It would be open to the Claims Commission to recommend de-notification/ release of the said land from acquisition.

"4. In view of the special facts mentioned above, the Central Government may be permitted to de-notify the said land from the acquisition as a special case, since the land is not required and possession also was never taken.

"5. Even in the case of the de-notified land, suitable compensation, in appropriate cases, may have to be paid to the landowners. The Claims Commission may also give a report on this aspect of the matter.

"6. The learned Solicitor General also opined that such matters of uncertain acquisition or pending compensation claims lead to unnecessary social tensions and the Petitioner (MCL) must act in a spirit of good governance. He suggested that for the sake of uniformity

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 Section 3(1)

well as fairness, the above exercise would be carried out for the following villages as well:

- i. Sardega
- ii. Jhupurunga
- iii. Ratansara
- iv. Tikilipara
- v. Siarmal
- vi. Tumulia
- vii. Karlikachhar
- viii. Kulda
- ix. Bankibahal
- x. Balinga
- xi. Garjanbahal
- xii. Bangurkela
- xiii. Kiripsira
- xiv. Lalma R.F.

(It must be noted that in the case of Sardega and Tikilipara Villages, part-payment has already been made. Further, in the case of Bankibahal and Balinga Villages, full payment has already been made but possession has not been fully taken).

"7. The Petitioner and the Central Government shall assist in the establishment of the Commission including the provision of suitable infrastructure. The honorarium payable to the Commission may be determined by this Hon'ble Court.

"8. This Order being passed with the agreement of all parties and in the peculiar facts and circumstances of this case, the said order shall not operate as a precedent."

2. The scheme proposed was shown to the Learned Counsel appearing for the writ petitioners (Respondents) and he also gave his express consent to the scheme. Hon'ble Apex Court accordingly approved the scheme with certain modifications and clarifications and specifically directed that the Commission shall prepare its report as envisaged in the scheme first in respect of lands in village Gopalpur and submit the same to the Apex Court as soon as possible and in case the Commission recommends de-notification/ release of any portion of land already acquired, it would also recommend the rate or the amount of compensation or emense profit to the land holders. It was further directed that the Commission may

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proceed with the Survey in relation to the acquired lands in other villages noted in the scheme only after submitting its report of village Gopalpur and subject to further orders by the Apex Court. In the order itself the Apex Court nominated Justice Shri A.K. Parichha, former Judge of Orissa High Court, as the Chairman. The Ministry of Coal in consultation with the Solicitor General of India nominated Shri Alok Sinha, retired IAS officer as member. The Chairman, Coal India Limited initially nominated one Mr. A.K. Singh, Director (Tech.) of MCL as the other member but since Mr. A.K. Singh was not able to give time from his regular work in the MCL, the Chairman withdrew that nomination and nominated Mr. B. Mohapatra, former Director (Finance), MCL as the other member.

DEVELOPMENTS

3. Though, the Commission was formed by the Apex Court in the month of July, 2010 and the Chairman assumed office on 1st August, 2010, members were not nominated and infrastructure, staff etc. were not provided for some time. After judicial intervention by the Apex Court, one furnished office was provided at 87, Satyanagar, Bhubaneswar in the last week of September, 2010. The Chairman Coal India then nominated Mr. A.K. Singh, Director (Tech.), MCL as one of the Members. The Ministry of Coal thereafter nominated Mr. Alok Sinha, IAS (Retd.) as member in October, 2010 and thus, the Commission became functional in the month of October, 2010. Immediately thereafter a request from the Commission was sent to the State Government to depute some survey knowing Amins, Revenue Inspectors and Supervisors for the survey work of village Gopalpur but the State Government expressed inability to provide any survey knowing staff on the plea that they were themselves running short of such technical staff for their work. After getting such negative reply from the State Government, the Claim Commission had to take necessary steps for hiring the services retired Revenue Inspectors, Amins, and Chainmen etc. Some such retired persons, who were available, were recruited but their number was highly insufficient for the purpose and therefore some

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technical personnel from the field establishments of MCL were brought on deputation and finally five survey teams were constituted, each team having one qualified Engineer as Supervisor, one Overseer, one Revenue Inspector, two Amins and two labourers. These five teams camped at village Gopalpur to start the survey and measurement work. A notice was then published in local Newspapers for three days intimating the villagers of Gopalpur about the formation of the Claims Commission by the Apex Court and the purpose for which it has been constituted and requesting the villagers to cooperate with the survey teams and produce their documents before them whenever required. Such notices were also displayed at the Panchyat Office, Revenue Inspector's Office of Gopalpur, but the villagers of Gopalpur being misguided by some vested interest, did not co-operate in the survey work and some of them even obstructed the survey teams in their survey work. On the request of the Claims Commission, the District Magistrate, Sub-Collector and Land Acquisition Officer of Sundargarh went to village Gopalpur and held meeting with the villagers where they explained about the order of the Apex Court and that the Claims Commission has been formed to hasten the process of payment of compensation to them for the acquired lands. This meeting did not yield the expected result and the survey work could not take off. A public meeting was therefore, organized with the help of the District Administration inside the Collectorate compound of Sundargarh. This meeting was attended by representatives of all the villages including village Gopalpur. The Chairman, Claims Commission and the Collector explained in the meeting that Hon'ble Supreme Court have formed the Claims Commission to hasten the payment of compensation to the land holders of the 15 villages and that the survey is being done for their own benefit. The villagers wanted some clarification and when their doubts were cleared, they realized that they were being misguided. They all then promised to cooperate in the survey work of the Commission. Thus, the survey work of village Gopalpur could start in real earnest in the last part of November, 2010. Before the survey

work started on the field, the MCL authorities were specifically asked if any portion of the land notified for acquisition in village Gopalpur is unsuitable for them and if they would like not to take over such land and desire that the same be released and de-notified. In reply, the MCL authorities stated that they do not consider any portion of the notified land unsuitable and they do not desire de-notification any part of the acquired land.

WORK UNDERTAKEN

4. The Survey teams of the Commission verified the records and documents related to all the holdings of village Gopalpur (both Gopalpur Block-VIII and Gopalpur Extension Block IB-X) and ascertained about the physical possession of those holdings as well as the nature of possession of the person concerned. They prepared the family genealogy of all land holders, ascertained the age of each individual of the family and their marital status etc. They also measured all the house structures of the village including periphery structures like cowshed, compound wall, green fencing, wells etc. and trees standing on the lands and prepared separate case records for each holding of village Gopalpur. This survey and measurement work on the field was completed by end of March, 2011. In this survey, it was found that MCL has taken over physical possession of Ac.73.19 dec. of land of village Gopalpur where they are undertaking mining operation, rest all lands are still in physical possession of the villagers. The villagers are residing in their respective houses and cultivating their lands as if no acquisition process has been taken. After the survey records of all the holdings containing the survey reports, measurement reports, family genealogy, notices, annexure documents were handed over to the empowered officer of the MCL, in two phases, for necessary action at their end, namely assessing the valuation of the properties, calculating the interest solatium etc., examining the family genealogy, the nature of possession and to make their offer on monetary compensation, rehabilitation and

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employment package to the land holders. Although, the MCL authorities repeatedly promised to complete aforesaid work and resubmit the records along with the compensation offer sheet to the Claims Commission within three months, the records along with the list of compensation offer was submitted to the Claims Commission in the month of August, 2011 in phases.

5. Soon after receipt of the Case Records and the compensation offer list, cross verification was undertaken in the office of the Claims Commission in order to find out the correctness of the names of land holders, extent of acquired land, plot numbers and Khata numbers and the calculations made. During this verification, the mistakes were corrected and omissions found were supplied and a final list as at Annexure-1 appended to this report was prepared. This compensation offer made by the MCL was then published in Newspapers having wide circulation in Sundargarh district along with a notice to the land holders of village Gopalpur to peruse the compensation packages offered by the MCL and to file objection, if any, to the said offer and also to mention in the objection, their expected compensation package indicating supporting reason for their expectation. The list and notice were also displayed in conspicuous places of village Gopalpur, such as, Gram Panchayat Office, Revenue Inspector's Office and market place as well as at the camp office of the Claims Commission. In the notice it was also made clear that the case records of all the holdings of village Gopalpur would be available for inspection by the land holders at the camp office of the Claims Commission at Maheshdih, Sundargarh town and model forms for filing objection would be available free of cost. A period of three weeks was given to the land holders of Gopalpur to file their respective objection and affidavit. In all 715 case records relating to the holdings of village Gopalpur had been prepared. 424 land holders visited the camp office at Sundargarh and inspected their records and also took note of facts and figures which were relevant to them. By the end of the specified time of three weeks objections were filed in 650 cases. After the time fixed for filing of objection was over, again scrutiny

was made and the cases were grouped family-wise. The hearing on the objections was scheduled in two phases. The first phase of hearing being on the policy matter and second one being for individual objections. The Collector and District Administration of Sundargarh were requested to convey a public meeting of all the land holders of village Gopalpur for the purpose of selecting the village representatives who will participate in the policy hearing. In that meeting the villagers unanimously selected 16 persons as their representative and authorized them in writing to take part in the policy hearing before the Commission on behalf of all the villagers. Accordingly policy hearing was undertaken in presence of the village representatives and representative of the MCL. The village representatives and their advocates basically demanded that cut-off date for assessing the compensation should be the date when the notice for survey of village Gopalpur was published by the Claims Commission and not the date when notification under section 4 (1) of the act was published in 1984. They also demanded that the present market rate of the lands of the area should guide the amount of monetary compensation and the Rehabilitation & Resettlement Policy, 2006 issued by Odisha State Govt. be followed and all persons above 18 years of age be considered as separate family and given rehabilitation as well as employment package. They also claimed that encroachers of Government and Forest land should be given monetary compensation, rehabilitation and employment package similar to that of Rayati land holders. As against these claims, the MCL authorities and their counsel argued that since the Coal Bearing Act, 1956 is still in vogue, the provisions thereof must apply to the land holders of village Gopalpur and as such the cut-off date should be the date of publication of notification under section 4 (1) of the act. According to them this will not cause any prejudice to the land holders because interest @ 15 % per annum along with 30 % solacium and 12 % additional compensation for compulsory acquisition are also being given. Regarding rehabilitation and employment package stand of MCL was that they have followed the State Government notification and

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guidelines issued in 1992 and 1998 and some of the land holders of village Gopalpur and neighbouring villages have already received their compensation, rehabilitation and employment packages under that scheme. Though, the hearing on the policy matter had been closed, it was reopened on the request of Learned Counsels for the land holders of village Gopalpur. In the subsequent hearing Learned Counsel for the land holders reiterated the earlier stand and further argued that the notification issued by the Central Government in 2004 and adopted by the Odisha State Government in 2006 should be followed. The counsel appearing for MCL argued that some of the land holders have already received compensation packages under Rehabilitation and Resettlement Policy of 1998, so for the sake of equity and uniformity, R & R Scheme of 1998 notification should be followed.

6. After the policy hearing was over, notices were issued to the individual objectors and the MCL authorities for undertaking the hearing on individual objections. These hearings were taken up at the Camp Office at Sundargarh as per the demand of land holders of village Gopalpur. In the first sitting which continued for 3 days, 62 No. of group cases were heard. In the subsequent session at Sundargarh which continued for another 3 days 116 Nos. of group cases were heard, rest objectors did not appear despite notice. During course of these hearings, the objector land holders of village Gopalpur submitted that though their houses and other structures were measured, the private tube wells as well as bore wells were not measured or valued. They requested that all those wells should immediately be measured and compensation for those wells should be given. The officials of survey teams who were present at the hearing stated that the tube wells, bore wells were surveyed, but since they had no expert to measure the depth of these wells or to assess their actual valuations, the wells of the individual persons were not valued for compensation in the offer sheet. Since the persons concerned must have spent money in digging the wells, they should get necessary compensation for the same. Taking note of this aspect, the Commission directed for

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formation of a team comprising of three technical members and directed the team to make a further survey in respect of the dug wells and bore wells of individual house holders and to submit a report on those wells indicating the approximate value thereof. Such a technical team was formed and they submitted the report after the survey. Some land holders also submitted that their house structures were not measured. They demanded that the survey teams be directed to go again and measure their house structures. The MCL representatives objected to this demand on the plea that the survey teams have already indicated that the houses which were under construction were not measured as such construction were not legal. Since there was a grievance, two survey teams were directed to survey the new structures and indicate the approximate starting time of the construction, the present stage and measurement of such construction.

7. The objections raised by individual land holders were basically on the score of low valuation of their lands and properties. Some of them disagreed with the offered number of rehabilitation and employment. However they all agreed that a policy on the cut-off date, rate of lands, employment, rehabilitation, interest etc. be formulated first and their grievances may be dealt with according to such common principle.

Formation of principle for cut-off date

8. The beneficiary MCL authorities canvassed that the lands of village Gopalpur were acquired under the provisions of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (hereinafter to be called as the 'Act') and since the Act is still in force compensation for the lands and structures should be given to the land holders according to the provisions of that Act. According to them the notification under Section 4 (1) of the Act in respect of village Gopalpur block was made on 13.11.1984 and in respect of Gopalpur extension block on 24.07.1987 and as such, the market value of the lands prevalent in the area on the above noted

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dates should form the baseline so far as the rate of lands are concerned. On this score they relied on the observation of the Orissa High Court in the case of **Government of India v. Raja Soubhagya Chandra Dev**, AIR 1987 Orissa, 71 wherein the Hon'ble Single Judge observed that the market value of the land acquired is to be determined as on the date of publication of the notification under Section 4(1) in the official Gazette and that the burden of proving that the compensation calculated in the above noted manner was not fair lies with the land holder raising objection. Learned Counsel for MCL produced the sale statistics of different varieties of lands of the area as on 13.11.1984 and on 24.07.1987 collected by a specially constituted team from the Sub-Registrar Office and stated that since from the date of notification under Section 4(1) of the Act, the land holders will be paid interest @ 9 % for the first year and 15 % for subsequent years besides 30 % solacium and 12 % for price escalation (subject to maximum of 3 years) ; even though they are enjoying possession of their respective lands all along, the amount of compensation proposed will be fair, reasonable and adequate and as such, there is no good reason to bring the cut-off dates to 2010 and pay compensation as per the market rate of the lands prevalent in 2010. Learned counsel for MCL also pointed out that in view of section 13 sub-section 5 (A) of the Coal Bearing Act any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put, cannot be taken into consideration. In this regard he cited the observation of the apex Court in the case of **State of Orissa v. Brij Lal Misra etc. etc.**, reported in 81(1996) CLT 288 (SC), that the market value prevalent on the date of notification including potentiality of the land possessed of or realizable as existing on the date of notification to be considered and not future potentialities. His further submission was that some of the land holders of village Copalpur have already received compensation for an area of Ac.73. 19 dec. in the year 1999 as per the market rate prevalent in 1984 and as such, for the sake of parity, same rate should be adopted

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In respect of other land holders of village Gopalpur, Learned counsel also cited the case of Union of India and another v. Inder, reported in 2005(2) LACC 203 and Union of India v. M/s. Borrea Coal Company, AIR 1974 Patna 233, which dealt with some legal points other than involved in the present situation.

9. The village representatives of Gopalpur and their learned counsel submitted that the lands of Gopalpur block and Gopalpur extension block were acquired by issuing notification under section 4 (1) as back as on 13.11.1984 and 24.07.1987 and from those dates the land holders lost their legal right over the land and houses, but they have not been paid compensation for their properties though more than 24 years have passed. They stated that by not getting compensation and being unable to raise any money by putting their land and properties to sale, mortgage etc., they have suffered irreparable loss and hardship and in such abnormal situation the provisions of the Coal Bearing Act should not be adhered to for the simple reason that the amount of compensation proposed by MCL basing on market price of 1984 will be totally inadequate in the highly inflated market of the present day. Their specific argument was that the amount of compensation offered cannot buy them the rehabilitation which they could have had with the compensation money if they had received the same soon after the notification under sections 4, 7 & 9 of the Act. Learned Counsel for the land holders submitted that the market value of lands prevalent on the date, the notification under section 4 (1) was made can be adopted if acquisition process is completed and compensation is paid within two years from the date of section 4 (1) notification. He submitted that since there is a delay of more than 24-25 years in payment of compensation for the lands, instead of fixing the cut-off date, as the date of Section 4(1) notification, the date of issue of public notice by the Claim Commission in September, 2010 for survey of the lands and properties of village Gopalpur be taken as cut-off date and the present market rate of the land should be taken into consideration for assessing the compensation.

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10. Placing the sale statistics of lands of neighbouring villages relating to the year 2010 obtained from the Sub Registrar, Hemgiri, learned Counsel for the land holders argued that the present rate of different categories of lands of the neighbouring villages be taken as the present market rate of lands of village Gopalpur. He also cited the instance of acquisition of land by Government of India in village Kanei and Lankahuda recently for establishment of Ultra Mega Power Project, at the rate of Rs. 19,10,000/- per acre for all categories of land to indicate the abnormal rise in the rate of lands of the area between 1984 and 2010. The land holders in essence claimed that the compensation for their lands be calculated as per the present market rate and not according to the rate of 1984 and 1987 when section 4 (1) notification were published.

11. The provisions of the Coal Bearing Act says that the rate prevalent on the date of notification under section 4 (1) is to be taken and from that date till the date of payment of compensation necessary interest, solacium, for compulsory acquisition etc. are to be paid. Basing on this provision, the apex Court and Orissa High Court made observation in the case of Brij Lal Misra and Soubhagya Chandra Deb (supra). But these provisions in the Act are meant for normal circumstances. In other words when the State makes compulsory acquisition of lands of individuals, its duty is to see that necessary compensation, rehabilitation etc. are provided to the land losers as early as possible and in the worst case within a period of two years. If after taking away all the legal rights of the land holders by issue of notifications under section 4, 7 & 9 of the Coal Bearing Act, the State or the beneficiary remained in a stand-still position and did not take any step for payment of compensation for 24-25 years, the rates prevalent 25 years ago cannot be taken as basis for compensation of the lands because the value of lands and the cost of living during the last 25 years in this country has gone up many fold. In this regard, the observation of the Supreme Court in the case of K. Krishna Reddy and

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others Vs. Special Deputy Collector Land Acquisition, Karim Nagar, AIR 1988

Supreme Court, 2123 can be noted. The apex Court observed :

"after all money is what money buys and what the claimant could have bought with the compensation in 1977 he cannot do in 1988, perhaps, not even half of it. It is a common experience that the purchasing power of rupee is dwindling with rising inflation every day."

12. Same view was also expressed by the Apex Court in the case **Narmanda Bachhao Andolan Vs. State of Madhya Pradesh and others**, AIR 2011, Supreme Court 1989. Here their lordships observed that mere payment of compensation to the oustees may not be enough if the outstee is not able to purchase the same amount of land which he could have purchased, if he would have got the compensation for his lands in time. In the case of **Udho Das Vs. State of Haryana and others** (2010) 12 Supreme Court Case 51 also their lordship specifically observed that though the Acts provide for payment of solacium, interest and additional amount but it is common knowledge that even these payments do not keep pace with the astronomical rise in prices in many parts of India and cannot fully compensate for the acquisition of the land where payment of compensation is made after a period of 20 years. Their lordships further observed that the interest, solacium etc. hardly do justice to the land owners whose lands have been acquired as judicial notice can be taken of the fact that the increase in the rate of land not 10 or 12 or 15 % per year but it is often up to 100 % a year for land which has the potential of being urbanized or commercialized. In the same judgment their lordships ruled that when the compensation proceeding continues over a period of 20 years, the potential of the land acquired must also be adjudged, keeping in view the development spread over the period of 20 years and cannot be limited to the near future alone.

13. In the case of **State of Uttar Pradesh Vs. Lala Dalip Singh Vishu** 1988, Allahabad law journal 275, there was a delay of 22 years between publication

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of notification under section 4 of the Act and actually taking over of the land and payment of compensation. In that case the Court observed that because of abnormal delay of 22 years for payment of compensation, the rate of land on the date of publication of 4 (1) notification will not be just even though interest and solacium will be added. The Court took the view that in such abnormal situation it will be proper to assess the compensation on the rate of the land prevailing on the date of actual taking over and payment of compensation.

14. The above noted views of the Apex Court as well as the Allahbad High Court indicate that when abnormal delay of more than 20 years occur between the date of notification and the date of actual taking over/ payment of compensation, the provisions laid down in the Act cannot be blindly or rigidly followed and that a practical and equitable approach has to be made. The sale statistics of 2010 produced by the land losers and collected by the Commission from the Sub Registrar Office clearly indicate that market rate of the lands in the surrounding area of Gopalpur have gone up manifold and some lands are even sold @ 10 to 15 lakh per acre. Now if a land holder of village Gopalpur is given compensation as per the rate of the land prevalent in 1984 and 1987 (which was between Rs. 11,779/- and Rs. 43,582/- per acre) along with solacium interest etc, he cannot buy even a small piece of land with that money to rehabilitate himself, far less equivalent amount of land which he could have purchased if the compensation money would have been paid within 2 years from the date of notification.

15. In a tribal area like Sundargarh most of the people depend on agriculture for their sustenance and generally have no other avocation. Such people once uprooted from their land find themselves nowhere having no savings to draw and nothing to fall back upon. Such persons, if not properly rehabilitated and properly compensated may even face starvation. During the process of objection

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hearing, we found that being deprived of their legal rights over the lands because of acquisition notification, some tenants could not arrange funds for undertaking treatment of ailing family members, who were suffering from serious illness as a result some of such patients died without getting proper treatment. Some land holders complained that their children's marriage and education were stalled because they had no legal right to deal with their lands. If the compensation would have been paid within one or two years of publication of 4(1) notification, then the land holders could have purchased equivalent amount of land for their sustenance as admittedly the value of the lands then was much less than the present rate. It is to be noted that delay in payment of compensation was not at all due to the fault of the land holders, but was entirely due to slackness on the part of the Government of India and the beneficiary company, MCL. We, therefore, feel that the proper compensation for the lands to the land holders cannot be given unless the cut off date is brought to the date of notice published by the Claim Commission for survey of the lands as per the direction of the apex Court. We, accordingly, recommend the cut-off date to be September, 2010 and for assessment of the compensation of the lands of Gopalpur as per the market rate prevalent in 2010-11.

Principle regarding Rates of compensation for the lands

16. The MCL authorities and their counsel placed the sales statistics of different varieties of lands prevalent as on 13.11.1984 and 24.07.1987 when notification under Section 4(1) of the Act for Gopalpur Block and Gopalpur Extension Block were published respectively and argued that some land holders of village Gopalpur have already received compensation for their lands as per the market value prevalent on those dates and therefore, for the sake of parity, the compensation be calculated on the same market rate. The statistics provided are as follows:

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As on Notification dated 13.11.1984

Bahal	Rs. 24,716/-	Per acre
Berna	Rs. 21,702/-	Per acre
Mal	Rs. 15,313/-	Per acre
Goda etc.	Rs. 11,779/-	Per acre
Home stay	RS. 43,582/-	Per acre

As on Notification dated 24.07.1987

Bahal	Rs. 31,977/-	Per acre
Berna	Rs. 27,409/-	Per acre
Mal	Rs. 19,795/-	Per acre
Goda etc.	Rs. 15,227/-	Per acre
Home stay	RS. 36,957/-	Per acre

17. They derived these rates after perusing the previous sales statistics from the Sub-Registrars office through the Committee constituted for the purpose. The details of the statistics collected by this Committee and their recommendation are available on the file and it shows that a close and impartial survey was made to ascertain the market rate of the lands prevalent in 1984 and 1987. There can, therefore, be no doubt about the genuineness of rates of lands quoted, but those rates cannot be taken as the basis for determining proper and equitable compensation as the cut-off date has been set in 2010. So, now the market rate of different varieties of land prevalent in 2010-11 in the neighbouring villages needs to be ascertained.

18. The village representatives and their counsel, in this connection placed some sales statistics of the year 2010 relating to some villages of the Hemgir area, which they could collect from the Sub-Registrars office through the provisions of Right to Information Act. The same is extracted below:

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Name of the village		Category	Valuation per Acres
1	2	3	4
Bijahaln	I.	Irrigated	
	II.	Class - I Bahal & Berna	Rs. 13,50,000/-
	III.	Class -II Mal & Goda	Rs. 13,50,000/-
	IV.	Others	Rs. 3,00,000/-
	V.	Gharbari	Rs. 15,00,000/-
	VI.	Bari	

Name of the village		Category	Valuation per Acres
1	2	3	4
Duduka	I.	Irrigated	
	II.	Class - I Bahal & Berna	Rs. 15,00,000/-
	III.	Class -II Mal & Goda	Rs. 15,00,000/-
	IV.	Others	Rs. 5,00,000/-
	V.	Gharbari	Rs. 16,00,000/-
	VI.	Bari	Rs. 9,00,000/-
		Road side	Rs. 15,00,000/-

Name of the village		Category	Valuation per Acres
1	2	3	4
Bileimunda	I.	Irrigated	
	II.	Class - I Bahal & Berna	Rs. 10,00,000/-
	III.	Class -II Mal & Goda	Rs. 12,00,000/-
	IV.	Others	Rs. 3,00,000/-
	V.	Gharbari	Rs. 8,00,000/-
	VI.	Bari	Rs. 8,00,000/-

Name of the village		Category	Valuation per Acres
1	2	3	4
Bhograkachhar	I.	Irrigated	
	II.	Class - I Bahal & Berna	Rs. 8,00,000/-
	III.	Class -II Mal & Goda	Rs. 13,00,000/-
	IV.	Others	Rs. 3,00,000/-
	V.	Gharbari	Rs. 13,00,000/-
	VI.	Bari	

19. According to land holders, after acquisition notification, no sale transaction has taken place in village Gopalpur and the other acquired villages and

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Therefore, they had to rely on the sales statistics of the land of the neighbouring villages. In order to know the present market rate of the lands of Hemgiri area, where Gopalpur and other acquired villages situate, we requested the Sub-Registrar, Hemgiri to provide us the sales statistics of lands of some nearby villages and the Sub-Registrar provided the sales statistics of lands of 13 villages. The same is noted below:

Name of the village	Kisam	Area	Market value	Per decmal	Dt. Of transaction & year	Remarks
Goggharpall	Gharabari	Ac.0.04	20,000/-	5,000/-	22.06.2011	
	Goda-II	1.20	3,00,000/-	2500/-	13.07.2011	
	Berna Sa.	1.50	1,87,500/-	1250/-	02.06.2010	
	Bahal Sa.	0.13	16,250/-	1250/-	02.06.2010	
	Mal Sa	0.37	49,950/-	1350/-	02.06.2010	
Podajalanga	Gharabari	Transaction nil				
	Mal Sa	0.16	1,12,000	7000/-	05.08.2011	
	Goda-II	1.04	7,28,000/-	7,000/-	12.08.2011	
	Berna Sa.	0.68	3,15,000/-	3,500/-	18.2.2011	
	Bahal Sa	0.22				
Balbaspur	Mal Sa	0.46	2,13,000/-	3,000/-	5.8.2011	
	Goda-I	0.25				
	Goda-II	0.40	1,20,000/-	3,000/-	5.8.2011	
	Ba. Sa.	0.25	62,500/-	2500/-	12.1.2011	
	Gharabari	0.04	18,000	4,500/-	10.3.2010	
	Be.sa	0.25	1,04,000/-	2,000/-	3.8.2009	
Kaletpani	Mal sa	1.95	87,200/-	400/-	17.6.2009	
	Be.sa	0.23				
Kund	Gharabari	0.08	8,000/-	1,000/-	14.3.2007	
	Mal sa	1.04	1,56,000/-	1500/-	16.3.2011	
	Be.sa	0.96	1,44,000/-	1,500/-	22.6.2011	
	Goda-I	0.22	33,000/-	1500/-	22.6.2011	
Sahaspur	Bahal	0.50	62,500/-	1250/-	9.2.2011	
	Goda-II	0.82	1,23,000/-	1500/-	12.12.2010	
	Berna	0.55	75,900/-	1100/-	3.2.2010	
	Mal	0.14				
Kutabaga	Goda-I	0.22	1,54,000/-	7000/-	12.8.2011	
	Mal Sa	0.50	3,50,000/-	7000/-	19.8.2011	

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	Bahal	0.55	71,500/-	1300/-	29.7.2011	
	Berna. sa	1.78	2,67,000/-	1500/-	29.7.2011	
utura	Mal sa	1.00	7,00,000/-	7000/-	10.8.2011	
	Goda-II	1.00	5,00,000/-	5000/-	22.7.2011	
	Berna.sa	0.37	1,85,000/-		6.4.2011	
	Gharabari	0.04	20,000		12.1.2011	
ancharpur	Gharabari	0.05	1,00,000/-	20,000/-	21.5.2010	
	Goda	0.11	44,000/-	4000/-	09.04.2010	
	Berna	0.10	40,000/-	4000/-	11.6.2010	
	Mal	0.06	23,100/-	3850/-	22.1.2010	
	Bahal Sa	0.04	80,000/-	20,000/-	04.4.2009	
ngumunda	Goda-II	1.00	5,00,000/-	5000/-	19.8.2011	
	Be. Sa	0.78	1,56,000/-	2000/-	05.1.2011	
	Bahal Sa	0.21	94,500/-	4,500/-	5.1.2011	
	Mal Sa	0.82	4,10,000/-	5000/-	17.8.2011	
ali	Mal Sa	0.44	4,40,000/-	10,000/-	10.8.2011	
	Goda	0.30	2,85,000/-	9500/-	17.06.2011	
	Berna sa	5.52	38,64,000/-	7,000/-	20.4.2011	
	Gharabari	0.06	61,800/-	10,300/-	4.5.2011	
	Bahal sa	0.36	1,80,000/-	5,000/-	17.3.2010	
ca	Goda-I	0.12	1,80,000/-	15,000/-	10.8.2011	
	Goda-II	0.05	75,000/-	15,000/-	10.8.2011	
	Bahal sa	0.12	60,000/-	5,000/-	24.6.2011	
	Mal sa	0.08	96,000/-	12,000/-	9.3.2011	
	Berna sa	0.725	7,25,000/-	10,000/-	18.11.2009	
	Gharabari	0.10	130,000/-	13,000/-	5.8.2009	
s.ra	Goda-I	1.23	5,41,000/-	1,500/-	08.12.2010	
	Berna sa	2.28				
	Goda-II	0.10				
	Mal sa.	0.29	43,500/-			

We also requested the Land Acquisition Officer to provide us the present Bench Mark value of different varieties of land of the neighbouring villages by the State Government and followed by the Registering authorities of Gijri and he provided the following Bench Mark value of 13 villages.

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1.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Ghogharpali	I	Irrigated	-
	II	Class-I Bahal & Berna	5,00,000/-
	III	Class-II Mal & goda	4,00,000/-
	IV	Others	1,00,000/-
	V	Gharbari	6,00,000/-
	VI	Bari	-

2.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Podajalanga	I	Irrigated	-
	II	Class-I Bahal & Berna	7,00,000/-
	III	Class-II Mal & goda	7,00,000/-
	IV	Others	7,00,000/-
	V	Gharbari	7,00,000/-
	VI	Bari	-

3.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Balbaspur	I	Irrigated	-
	II	Class-I Bahal & Berna	3,00,000/-
	III	Class-II Mal & goda	3,00,000/-
	IV	Others	50,000/-
	V	Gharbari	6,00,000/-
	VI	Bari	-

4.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Kaletpani	I	Irrigated	-
	II	Class-I Bahal & Berna	70,000/-
	III	Class-II Mal & goda	70,000/-
	IV	Others	40,000/-
	V	Gharbari	1,00,000/-
	VI	Bari	-

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5.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Kund	I	Irrigated	-
	II	Class-I Bahal & Berna	1,50,000/-
	III	Class-II Mal & goda	1,50,000/-
	IV	Others	60,000/-
	V	Gharbari	2,00,000/-
	VI	Bari	-

6.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Sahaspur	I	Irrigated	-
	II	Class-I Bahal & Berna	3,50,000/-
	III	Class-II Mal & goda	3,50,000/-
	IV	Others	2,00,000/-
	V	Gharbari	3,00,000/-
	VI	Bari	-

7.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Kutabaga	I	Irrigated	-
	II	Class-I Bahal & Berna	7,00,000/-
	III	Class-II Mal & goda	7,00,000/-
	IV	Others	3,00,000/-
	V	Gharbari	4,00,000/-
	VI	Bari	-

8.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Durubaga	I	Irrigated	-
	II	Class-I Bahal & Berna	8,00,000/-
	III	Class-II Mal & goda	7,00,000/-
	IV	Others	3,00,000/-
	V	Gharbari	7,00,000/-
	VI	Bari	5,00,000/-
	VII	Roadside	10,00,000/-

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9.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Manoharpur	I	Irrigated	-
	II	Class-I Bahal & Berna	20,00,000/-
	III	Class-II Mal & goda	6,00,000/-
	IV	Others	1,00,000/-
	V	Gharbari	20,00,000/-
	VI	Barl	-

10.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Sanghumunda	I	Irrigated	-
	II	Class-I Bahal & Berna	5,00,000/-
	III	Class-II Mal & goda	5,00,000/-
	IV	Others	1,00,000/-
	V	Gharbari	4,00,000/-
	VI	Barl	-

11.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Barpall	I	Irrigated	-
	II	Class-I Bahal & Berna	10,00,000/-
	III	Class-II Mal & goda	10,00,000/-
	IV	Others	5,00,000/-
	V	Gharbari	12,00,000/-
	VI	Barl	-

12.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Duduka	I	Irrigated	-
	II	Class-I Bahal & Berna	15,00,000/-
	III	Class-II Mal & goda	15,00,000/-
	IV	Others	5,00,000/-
	V	Gharbari	16,00,000/-
	VI	Barl	9,00,000/-
	VII	Roadside	15,00,000

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13.

Name of the village	Category		Valuation Per Acre.
1	2	3	4
Kuisira	I	Irrigated	-
	II	Class-I Bahal & Berna	70,000/-
	III	Class-II Mal & goda	70,000/-
	IV	Others	40,000/-
	V	Gharbari	1,00,000/-
	VI	Barl	-

21. We prepared comparative charts of the sales statistics and the Bench Mark valuation, which are extracted below:

Sale Transaction

	Gharabari (In lakh)	Goda-I (In lakh)	Goda-II (In lakh)	Berna (In lakh)	Bahal (In lakh)	Malsa (In lakh)
Ghogharpali	5.00		2.50	1.25	1.25	1.35
Podajalanga	Nil		7.00	3.5	Nil	7.00
Balbaspur	4.50		3.00	2.00	2.50	3.00
Kalentspahi						0.40
Kund	1.00	1.50		1.50		1.50
Sahanspur			1.50	1.10	1.25	
Kutabaga		7.00		1.50	1.30	7.00
Durubaga	5.00		5.00	5.00		7.00
Manoharpur	20.00	4.00		4.00	20.00	3.85
Sanghumunda			5.00	2.00	4.50	5.00
Barpali	10.30	9.5		7.00	5.00	10.00
Duduka	13.00	15.00	15.00	10.00	5.00	12.00
Kuisira		1.50				

Bench mark valuation

	Bahal & Berna (In Rs)	Mal & Goda (In Rs)	Others (In Rs)	Gharabari (in Rs)	Bari (In Rs)	Road side (In Rs)
Ghogharpali	5.0	4.00	1.00	6.00	-	-
Podajalanga	7.00	7.00	7.00	7.00	-	-
Balbaspur	3.00	3.00	0.50	6.00	-	-
Kalentspahi	0.70	0.70	0.40	1.00	-	-
Kund	1.50	1.50	0.60	2.00	-	-
Sahanspur	3.50	3.50	2.00	3.00	-	-
Kutabaga	7.00	7.00	3.00	4.00	-	-
Durubaga	8.00	7.00	3.00	7.00	5.00	10.00
Manoharpur	20.00	6.00	1.00	20.00	-	-
Sanghumunda	5.00	5.00	1.00	4.00	-	-
Barpali	10.00	10.00	5.00	12.00	-	-
Duduka	15.00	15.00	5.00	16.00	9.00	15.00
Kuisira	0.70	0.70	0.40	1.00	-	-

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22. From these charts we found that the lowest and highest rate of recent sale transactions of different varieties of lands per acre in Hemgiri area are as follows :

Nature of land	Lowest rate per acre	Highest rate per acre
Gharabari	Rs. 4.5 lakhs	Rs. 20 lakhs
Goda-I	Rs.1.5 lakh	Rs.15 lakhs
Goda-II	Rs.1.5 lakh	Rs.15 lakhs
Berna	Rs.1.1 lakhs	Rs.10 lakhs
Bahal	Rs.1.25 lakhs	Rs.20 lakhs
Mal	1.35 lakhs	Rs.12 lakhs

25 The highest and lowest Bench Mark for different varieties of lands in Hemgiri area is as follows :

Nature of land	Lowest rate per acre	Highest rate per acre
Gharabari	Rs. 1 lakh	Rs.20 lakhs
Mal & Goda	Rs.0.7 lakh	Rs.15 lakhs
Bahal & Berna	Rs.0.7 lakh	Rs.20 lakhs
Others	Rs.0.4 lakh	Rs.7 lakhs

It also appears from the sales statistics provided by the village representatives of Gopalpur that gharabari lands in some villages are sold between Rs.8 lakhs to Rs.16 lakhs, Mal and Goda are sold between Rs.12 lakhs to Rs.15 lakhs, Bahal and Berna lands are sold between Rs.8 lakhs to Rs.15 lakhs and other varieties of lands are sold at the rate approximately Rs.3 to 5 lakhs per acre. However, most of the sales statistics provided relate to small pieces of lands, which were apparently purchased for the purpose of homestead. A close examination of the sales statistics provided by the Sub-Registrar show that the rates are lower in case of transactions relating to bigger chunk of lands. Be that as it may, if the mean rate is worked out from the statistics available, the following figures emerge.

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Nature of land	Lowest Rate(LR) + Highest Rate(HR)	Mean = $\frac{(LR+HR)}{2}$
Gharabari	Rs. 4.5 lakhs+ Rs. 20 lakhs	Rs.12.25 lakhs
Goda-I	Rs.1.5 lakh+ Rs.15 lakhs	Rs.8.25 lakhs
Goda-II	Rs.1.5 lakh+ Rs.15 lakhs	Rs.8.25 lakhs
Berna	Rs.0.40 lakhs+ Rs.10 lakhs	Rs.5.20 lakhs
Bahal	Rs.1.25 lakhs+ Rs.20 lakhs	Rs.10.612 lakhs
Mal	0.40 lakhs+ Rs.12 lakhs	Rs.6.20 lakhs

From the Bench Mark, the highest and lowest value, the following mean rate emerge.

Nature of land	Lowest Rate(LR) + Highest Rate(HR)	Mean = $\frac{(LR+HR)}{2}$
Bahal & Berna	Rs. 0.70 lakhs+ Rs. 20 lakhs	Rs.10.35 lakhs
Mal & Goda	Rs. 0.70 lakhs+ Rs. 15 lakhs	Rs.07.85 lakhs
Gharabari	Rs.1.00 lakhs + Rs.20 lakhs	Rs.10.50 lakhs
Others	Rs.0.40 lakhs + Rs.7.00 lakhs	Rs.3.70 lakhs

From the sale statistics provided by land holders, the highest and lowest rate and their mean value emerge as follows:

Nature of land	Lowest Rate(LR) + Highest Rate(HR)	Mean = $\frac{(LR+HR)}{2}$
Gharabari	Rs.8.00 lakhs + Rs.16 lakhs	Rs.12.00 lakhs
Bahal & Berna	Rs.8.00 lakhs+ Rs.15 lakhs	Rs.11.50 lakhs
Mal & Goda	Rs.12.00 lakhs+ Rs.15 lakhs	Rs.13.50 lakhs
Others	Rs.3.00 lakhs + Rs.4 lakhs	Rs.3.50 lakhs

So, the mean rates found from the sales statistics as well as the Bench Mark guideline rate are close to each other. They are also close to the average rates found from the sale statistics put-forth by the village representatives. If a broad view is taken, it can be inferred that the average market rate of different varieties of lands in Hemgiri area during 2009 to 2011 was as follows :

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Average market rate

Nature of land	Approximate value of the land per acre.
Gharabari	Rs.1.2 lakhs
Mal & Goda	Rs.8.5 lakhs
Bahal & Berna	Rs.10 lakhs
Others categories	Rs.3.5 lakhs

We accordingly, recommend that the compensatory value of the acquired land of village Gopalpur be assessed on the above noted average market rate.

Principle regarding fixation of compensation on structures

23. The survey teams undertook necessary measurements for the structures, which stood completed and inhabited. No measurement was undertaken by them for the constructions which were still going on. According to the MCL authorities and their counsel, some people undertook constructions hastily after learning about the survey notification issued by the Claims Commission and therefore, those incomplete/ newly completed constructions were rightly excluded by the survey team. The village representative and their counsel, on the other hand, stated that because the MCL did not pay compensation and did not rehabilitate the villagers for more than 20 years, some people had to take up new constructions / additional construction to accommodate their expanding family and in such situation, the new constructions should not be excluded and all constructions completed or incomplete as on the date of survey should be measured and necessary compensation be paid for the same.

24. According to the Coal Bearing Act, all constructions existing on the date of Section 4(1) notification are to be taken into consideration. But as has been stated earlier, that provision applies in normal circumstances and not in abnormal circumstances where delay of more than 20 years is caused by the Government or beneficiary company in granting compensation. In such situation, the principle

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relating to the cut-off date should be the date of issue of notice of survey by the Claims Commission pursuant to the order of the Supreme Court and not the date of Section 4(1) notification. We, accordingly, feel that whatever structures old, new or incomplete were there in village Gopalpur on the date of issue of notification by the Claims Commission for survey in the year 2010 should be measured and compensated.

25. The land holders of village Gopalpur and their counsel canvassed that compensation may be given @ 2000/- per Sq.ft for pucca houses, Rs.1200/- per Sq.ft for thatched houses and Rs.800/- per Sq.ft for other houses. On the other hand, the MCL authorities in their offer have given the following rates for different types of structures per Sq.m. of plinth area.

Sl.No.	Category of structure	Description of structure	Qty	Unit	Rate/sqm	Amount
1	1	Analysis for stone wall with mud mortar and country tile	1	sqm	176.84	
2	2	Open shade with Nurla tile	1	sqm	92.46	
3	3	Open shade with thatched roof	1	sqm	25.56	
4	4	Mud wall with Nurla tile/Country tile (roofing model -I)	1	sqm	136.21	
5	5	Mud wall with Nurla/country tile (Model-II)	1	sqm	131.94	
6	6	Mud wall thatched roofing	1	sqm	37.84	
7	7	Wattle and Dub wall with thatched roofing	1	sqm	32.63	
8	8	Brick work with mud mortar Thatched roofing	1	sqm	111.33	
9	9	Brick work with mud mortar C.P. & Nurla tile	1	sqm	253.48	
10	10	Brick work with Mud Mortar with Mud leaping & Nurla tile	1	sqm	227.81	
11	11	Brick work with Mud Mortar with CP and AC sheet roofing	1	sqm	257.30	
12	12	Brick work with CM & CP and AC roofing	1	sqm	287.63	
13	13	RCC roof with Brick work with CM & CP	1	sqm	378.59	
14	14	RCC roof with column structure with brick work out finishing	1	sqm	378.95	

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Barmal OCP.

15	15	RCC roof with column structure with brick work with finishing	1	sqm	495.38	
16	16	RCC roof with Column structure with Brick work with finishing with steel shutter	1	sqm	505.06	
17	17	Brick work with mud mortar with mud leaping & AC sheet roofing	1	Sqm	248.73	

For ancillary structures they adopted the following rates for compensation.

Sl.	Category of structure	Description of structure	Qty	Unit	Rate/sqm	Amount
1	1	Wood plank ceiling	1	sqm	138.55	
2	2	Bamboo ceiling	1	Sqm	7.08	
3	3	Septic tank(10 users)	1	Each	1324.94	
4	4	Tulsi chourah model-1	1	Each	79.40	
5	5	Tulsi chourah model-2	1	Each	3.44	
6	6	Gobar Gas plant	1	Each	514.97	
7	7	Bore well 150mm	1	Each	15097.75	

26. In assessing the value of the structures, they relied on the schedule of rates prevalent in the State Government Public Works Department in the years 1982, 1985, 1997, 2006, and 2007 and from these they worked out the rate for the year 1984. We obtained the rates prevalent for different kinds of structures from the same department and found that there is great gulf of difference between the old rates and that of 2010-11. Like rise in the value of the land, the cost of the building materials as well as labour cost has gone up multifold and the value of the currency of the country has dwindled sharply. The buying power of money in 1984 or 1987 was at least 10 times more than the buying power of money today. For some items, and labour cost, the increased is even more. That being so, basing on

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the schedule rate of construction set by the State Government in 1982, 1987, 1996 or 2006, the structures cannot be valued now and the compensation assessed will not be fair and reasonable even though interest and solatium are paid on that estimated value. The best course, in our humble opinion, to assess the value of different structures of Gopalpur for the purpose of compensation is to adopt the rate propagated by the State Govt. in the area in recent time, i.e., 2010 on plinth area basis. That will not only satisfy the persons whose houses are being acquired, but will also make it easier to assess the real compensation for the houses. In this connection, we consulted the P.W.D. (R & B) Chief Engineers Office and office of the Executive Engineer, P.W.D. (R & B), Sundargarh. They provided us the copy of the circular letter no. 10647 dated 4.3.2011 issued by the office of the Engineer-in-chief (Civil), Odisha, wherein tentative rates of different kind of building structure plinth area square feet-wise have been provided as guideline for preparing estimate for the building. The rate chart is noted below:

Sl. No	Floor Status	Building with RCC frame structure		Building with load bearing well footing	
		Non-Residential	Residential	Non-Residential	Residential
1.	Single storey	900.00	839.00	816.00	767.00
2.	Single storey with double storeyed foundation(G.F)	977.00	911.00	900.00	816.00
3.	Single storey with three storeyed foundation(G.F)	1046.00	975.00	977.00	900.00
4.	First Floor	851.00	793.00	767.00	739.00
5.	Second Floor	977.00	911.00	900.00	816.00
6.	Third Floor	1102.00	1028.00	977.00	900.00
7.	Fourth Floor	1144.00	1067.00	-	-
8.	Fifth Floor	1207.00	1125.00	-	-
9.	Sixth Floor	1304.00	1216.00	-	-
10.	Seventh Floor	1409.00	1314.00	-	-

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B. Extra cost to be added towards provision of following items of work in the estimate as shown hereunder.

SL NO	ITEMS	RATE (in Rs. Per sq.ft)
1.	Marble Stone Flooring	77.00
2.	Marble Stone Dado	79.00
3.	Chaquered Tile Flooring	25.00
4.	Kota Stone Flooring	48.00
5.	Kota Stone Dado	50.00
6.	Granite Stone Flooring	190.00
7.	Glazed tile Flooring	40.00
8.	Glazed tile Dado	41.00
9.	Vitrified tile Flooring	68.00
10.	Vitrified tile Dado	89.00
11.	Mosaic floor	25.00
12.	Mosaic Dado	22.00
13.	Compound well having brick wall with width 10" but height 5'-0"	785.00
14.	Compound well having brick wall with width 5" but height 5'-0"	465.00
15.	Portico	550.00

It is clarified in the circular that in addition to the above rates 10% for E.I. (internal) and 15% for P.H. (internal) are to be added. Similarly, for marble floor, kota stone floor, mosaic floor, granite stone floor portico etc. additional cost rate as provided in the chart are to be added.

After examining the rates noted in the P.W.D. circular and the surrounding factors, we recommend the following approximate rates of compensation for the structures on the plinth area measurement (which includes all E.I. and P.H. fittings).

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- For marble floor and granite floor further Rs.79/- and Rs.190/- per square feet respectively to be added.
- For industrial structures additional 15% rate be added.

So far as the other types of structures where the plinth area measurement cannot be adopted, the value of those structures be determined as per the schedule rates notified by the State P.W.D. for different items. In structures where even item wise valuation is not possible, there approximate flat value be determined keeping in mind the nature and quantity of material used and the cost of labour involved.

Principle regarding trees

28. A large number of trees of different species belonging to the State and land holders were also acquired along with the lands in village Gopalpur. For determining the compensation for these trees, the General Manager, Basundhara, MCL requested the Divisional Forest Officer, Sundargarh Division to issue the unit rate chart of the different trees and the D.F.O., Gundargarh replied that the unit rate of the trees is Rs.1419/- for the year 2010-2011. He also provided the rate chart for fruit bearing trees and fruit crops and the unit value of different type of trees as well as the normal longevity of different trees. The same are extracted below:

Class (Sal, Bija, Gambhar, Sissoo, Bandhan, Champa, Karigra, Kasl, Kurum, Mitkinia etc.)

SOUND			UN-SOUND		
No. of trees	Unit Value	Total	No. of trees	Unit Value	Total
Up to 59 cm	X 0.25			X0.12	
60 to 89 cm	X 0.50			X0.25	
90 to 119 cm	X 1.00			X0.50	
120 to 149 cm	X2.00			X1.00	
150 to 179 cm	X4.00			2.00	
180 & Up	X6.00			3.00	
Total					

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2nd class (Asan, Mango, Kendu, Dharua, Tendra & Jamun)

SOUND			UN-SOUND		
No. of trees	Unit Value	Total	No. of trees	Unit Value	Total
Up to 59 cm	X 0.125			X0.60	
60 to 89 cm	X 0.25			X0.125	
90 to 119 cm	X 0.50			X0.25	
120 to 149 cm	X1.00			X0.50	
150 to 179 cm	X2.00			X1.00	
180 & Up	X3.00			X1.50	
Total					

3rd Class (Rest others except Teak, Chandan, Khair, Sidha & Rohini)

SOUND			UN-SOUND		
No. of trees	Unit Value	Total	No. of trees	Unit Value	Total
Up to 59 cm	X 0.06			X0.30	
60 to 89 cm	X 0.25			X0.125	
90 to 119 cm	X 0.125			X0.12	
120 to 149 cm	X0.50			X0.25	
150 to 179 cm	X1.00			X0.50	
180 & Up	X1.50			X0.75	
Total					

29. The MCL authorities adopted the aforesaid rate in determining the compensation for the trees. The village representatives and their counsel on the other hand demanded compensation at the rate of Rs.30,000/- for general tree, Rs.60,000/- for furniture tree, Rs.1,00,000/- for muhul tree and Rs.1,00,000/- for medicinal tree. They however did not indicate either in their objection or during hearing as to what is the basis of claim of such rates. We find from the materials and correspondence that the value of different varieties of plants as on 2010-11 have been assessed by the State Government after a thorough survey and scrutiny by the experts and scientists, such as, Joint Director, Horticulture, Deputy Director, Horticulture, Prof. Agriculture Economics, Orissa University of Agriculture and

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Technology, Bhubaneswar, Prof. Horticulture, OUAT, C.H.E.S., I.I.H.R., District Manager, O.F.D.C., Bhubaneswar, Principal Scientist, C.H.E.S., Bhubaneswar, Climatologist and others. Since so many technical experts after an in-depth study formulated the unit value of different types of trees, we consider it prudent to adopt the rates formulated by them, particularly because the same has also been accepted by the State Forest and Horticulture Departments. **We, accordingly, recommend compensation for the trees at the rates noted on the tables above.**

Principle regarding Tube Well

30. For the Tube wells, the MCL authorities adopted the rates given by them against their work orders for 150 mm dia bore well. According to their own statement, they paid Rs.64,200/- for a complete and operative bore well of 150 mm dia and 110 meter deep in 2006. Against this price, they applied the price index and derived that the rate in 1984 was Rs.15097.75 for each tube well available in village Gopalpur and offered compensation at that rate. The tube well owners of village Gopalpur expressed dis-satisfaction on the offered rate and claimed that compensation of Rs.50,000/- to Rs.60,000/- per tube well and bore well be paid. We wrote to the Executive Engineer, Public Health Department, Sundargarh, who sent an estimate report indicating that at present a tube well along with necessary fixtures will cost Rs.44,365 and a full operative bore well will cost Rs.78,575/-. The said report is extracted below:

Estimate for sinking of 200 MM x 150 MM dia production well

Sl. No.	Description of Item	Qty	Unit	Rate	Amount
1.	Labour for drilling a perfectly vertical bore hole of specified dia for a specified depth below Ground level through consolidated and un-consolidated rock with down the hole hammer drilling rigs or combination drilling rigs as required to suit the site condition as per the direction of Engineer-in-charge including supply of rigs with its accessories, T&P & consumables etc. for lowering				

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		200mm dia PVC pipes / GI pipes / MS pipes for housing, fitted with socket and with or without well screws as per the necessity for the soft, medium and hard formation (PVC/GIMS pipes casing pipes). If required to prevent collapse of the over burden in to the provided by the contractor including lowering and withdrawing after completion of the tube well.				
	(a)	200 mm dia 100 mm to 24" mtr.	24 mtr.	Mtr.	805.00	14,520/-
	(b)	150 mm dia 26" mtr. To 30" mtr.	6 mtr.	Mtr.	385.00	2,310/-
		31" mtr. To 45" mtr.	15 mtr.	Mtr.	400.00	6,000/-
		45" mtr. To 60" mtr.	15 mtr.	Mtr.	415.00	6,225/-
		61" mtr. To 110 mtr.	50 mtr.	Mtr.	450.00	22,500/-
2.		Lowering the following size GI/PVC pipes with our without slotted pipes as per the necessary from GL up to 30 m depth and fitted and fixed up perfectly vertical position including cutting and threading pipe and slotted pipe and supplying and fixing all jointing materials T & P etc. complete and keeping the top of the casing pipe threaded including phlegging tube to prevent entry of foreign materials from above.				
	(a)	200 mm dia PVC pipes 00 mtr. To 24" mtr.	24 mtr.	Mtr.	40.00	960/-
3.		Cleaning and developing the tube well with their own compressor continuously worked till clear and				

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Estimate for sinking of 125 MM x 100 MM size tube well

Sl. No.	Description of Item	Qty	unit	Rate	Amount
1.	Labour for drilling a perfectly vertical bore hole of 125mmx100 dia for a specified depth below ground level through consolidated and un-consolidated rock with down the hole hammer drilling rigs or combination drilling rigs as required to suit the site condition as per the direction of Engineer-In-charge including supply of rigs with its accessories, T&P & consumables etc. for lowering 125mm dia PVC pipes or GI pipes for housing, fitted with socket and with or without well screens as per the necessity for the soft, medium and hard formation (PVC/GI/MS pipes casing pipes) If required to prevent collapse of the over burden is to be provided by the contractor including lowering and withdrawing after completion of the tube well.				
	125 mm dia 00 mtr. To 30 th mtr.	30 mtr.	Mtr.	Rs.309.00	Rs.9,270/-
2.	Lowering the following size PVC/ GI pipe with or without slotted pipes as per the necessary from 0 mtr. up to 30 m depth, fitted and fixed up in perfectly vertical position including cutting and threading pipe and slotted pipe and supplying and fixing all jointing materials T & P etc. complete and keeping the top of the casing pipe threaded including plugging tube to prevent entry of foreign materials from above.				
	125 mm dia GI/ PVC pipe	25 mtr.	Mtr.	47.00	Rs.1,175/-
3.	Cleaning and developing the Tube Wells with their own compressor continuously worked till clear and adequate discharge is obtained from the tube well including supply and use of all necessary equipments and labour as per the direction of Engineer-In-charge.	For 1 TW	Each TW	Rs.47.00	Rs.1,175/-
4.	Supplying all labour & T & P fitting & fixing India Mark-II Hand Pump complete with	1 No.	No.	Rs.300.00	Rs.300/-

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		cylinder connecting rod, 65 mm dia G.I. Pipe of required length with supply of extra socket of approved make all complete as per UNCEF specifications and I.S. specifications.				
05.		Supplying all materials labour and T & P and construction of platform for India Mark-III Hand Pump as per I.S. Specification of 1.85 mtr. Outside dia meter and 3 mtr. Length of drawn with cement-C.C. 1:2:3 with 12mm size hard broken granite chips all complete including 76 mm x 76 mm x 40 mm deep cement concrete foundation around the Tube Wells as per UNICEF Designed drawing and direction of the Engineer in-charge	1 no.	Each	Rs.300.00	Rs.3,000/-
01.		125 mm Dia PVC pipe	25 mtr.	Mtr.	Rs.400.00	Rs.10,000/-
02.		Cost of India Mark-II Hand pump sets with riser pipe	1 Set	1 set	Rs.11,000.00	Rs.11,000/-
			Total			Rs.44,365/-
			Or say			Rs.44,400/-

31. We then sent a technical survey team to Gopalpur to make physical verification in the village and report that no. of tube wells and bore wells and the name of the owners thereof. The said team after survey submitted a list which indicates that 52 individual villagers own bore well and six of them have two such bore wells each and that Govt. instructions in village Gopalpur own 23 tube wells and 2 bore wells. The said list is noted below:

Installed by Govt. Deptt.

Sl.No.	Name of Deptt.	Nos. of tube wells
1.	Education Department	6 nos. of Tube well
2.	Veterinary Department	1 no. of Tube well
3.	Health Department	1 no. of Tube well & 1 nos. of Bore-well
4.	Kenduleaf Department	2 nos. of Tube well
5.	Forest Department	1 no. of tube well
6.	Public purpose	23 nos. of Tube Well & 2 nos. of Bore-well (RPWS Scheme)

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Installed by private persons (Bore-well)

Sl.No.	Name of the person
1.	Kundlal Bag
2.	Bimal Dalmia & others
3.	Arnapurna Agarwal
4.	Anirudha Makar
5.	Ghanshyam dalmia
6.	Sitaram Agrawal
7.	Janardan Pandey (twl)
8.	Dillip Agrawal
9.	Arnapurna
10.	Sriya Ganda
11.	Kshymasila Sandha
12.	Jayamanl Kariall
13.	Dibasa Sa
14.	Manmati Patel
15.	Durjodhan Pandey
16.	Jogesh Dalmia & others
17.	Jibeswari Patel
18.	Fakir Toppo
19.	Debraj Bhalsal
20.	Ramkaran Ray
21.	Gobardhan Thakur
22.	Kanaklata Lenka (two)
23.	Bikash Panda
24.	Radha Panda
25.	Binod Gidili
26.	Dhaniram Khanda
27.	Usadevi Agrawal
28.	Dibakar Choudhury
29.	Bikash Ray
30.	Dhruba Khanda
31.	Dibya Singh Behera
32.	Nabin Bagh
33.	Somanath Biswal(two)
34.	Samayanti Panda
35.	Jeharu Thakur
36.	Tejraj Patl
37.	Anil Agrwal(two)
38.	Ram Kumar Dalmia
39.	Rabindra Samrath
40.	Prafulla Panda
41.	Sandip Ray (two)
42.	Sushanta Ray
43.	Sishir Ray
44.	Judhistir Gidili (two)
45.	Biren Mahanta
46.	Susen Jalpuria
47.	Toshram Pradhan
48.	Chhabila Patel
49.	Motilal Patel
50.	Md.Anwar
51.	Harhar Kusum
52.	Anirudha Sankria

32. Since with the acquisition of village Gopalpur for MCL, the tube wells and borer wells will also be lost by the Govt. and Individuals, they should be

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compensated properly. The official report of the Executive Engineer, PWW & S Division, Sundargarh is clear and authentic. So, we recommend that compensation for tube wells, bore wells be paid at the following rates:

Tube Well 125mm x 100 mm size - Rs.44,400/-

Borewell 200 mm x 150 mm size - Rs.78,600/-

Cost will be proportionately reduced if the size is smaller.

Principle regarding fixation of compensation on other structures

33. For septic tanks, a compensation offer of Rs.1324.94 has been made by the MCL. For brick-work with mud mortar Tulas choura Rs.79.40 has been offered, for mud wall Tulas choura Rs.3.44 has been offered, for each Gobar gas plant Rs.514.97 has been offered. There was strong protest to the rates by the land holders. The above noted rates of compensation appear ridiculous to commonsense. Although the calculation on various items have been shown and reduction in rate as per price index has been calculated, one cannot accept that a Gobar Gas plant can be constructed with Rs.514.97 or brick mud mortar Tulas choura with Rs.79.40 or septic tank used by 10 persons with Rs.1324.94. Since these are minor items, it will be proper to ignore the technical assessment and fix a reasonable flat rate for such items. After consulting construction Engineer of Govt. Department and applying our own experience, we feel that the following rate of compensation will be fair for the noted items:

Septic tank (usable by 10 persons)	-	Rs.10,000/-
Tulasi Choura	-	Rs.1,000/-
Gobar Gas plant	-	Rs.10,000/-

We recommend the rates of compensation accordingly.

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REHABILITATION AND EMPLOYMENT PACKAGE

34. During survey of village Gopalpur, the survey teams prepared the up-date family genealogy of each land holder and in the genealogy they also mentioned the age of each member of the family and their marital status. They also mentioned whether the family has residential house and where it is located and on what kind of land it is there. This information was noted after making a thorough enquiry in the village in presence of the witnesses. Such family genealogy forms part of the case records prepared for the holding. When these case records were handed over to the MCL Empowered Authority for making their offer of rehabilitation and employment package to the respective land holders, the MCL authorities made a verification through their technical team to ascertain the correctness of the family genealogy and the information contained therein. During such verification, discrepancies were found in some cases basically about the marital status of some persons. These errors were corrected jointly by the survey teams of the Commission and the verification team of the MCL in presence of the land holders and village witnesses. After the correction of such errors, the MCL authorities extended rehabilitation and employment packages to the land holders along with the monetary compensation and these offers were published through open notice in the local news papers and displayed at important places of village Gopalpur. In the notice the land holders were asked to file their objection, if any, to those offers. Most of the land holders filed their objection to the rehabilitation and employment packages offered by the MCL. Their basic objection was that the MCL authorities have excluded many deserving persons from rehabilitation and employment and this has happened because they adopted the rehabilitation and resettlement policy of the Government of Orissa, 1998, although the Government of Orissa has already issued and adopted the new Rehabilitation and Resettlement policy of 2006. They demanded that as per the Rehabilitation and Resettlement Policy of 2006 issued by the Government of Orissa, displaced persons be given rehabilitation and

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employment. They specifically demanded that all adult sons whether married or not, all daughters of the family who are 18 years and above, whether married or not, be given employment and whenever any such person is not given service, each of them be paid onetime cash assistance of Rs.15 lakhs in lieu of service. Their further claim was that the old, inefficient, and handicapped persons be given Rs.15 lakhs each in lieu of service. The MCL authorities, on the other hand, took the plea that the Government of Orissa have already formed an Advisory Committee on Rehabilitation and periphery development headed by the Revenue Divisional Commissioner (Northern Division), Sambalpur and a notification in this regard has been issued by the Government of Orissa, Revenue Department and this Committee is empowered to impart advice on Rehabilitation and Resettlement packages. They claimed that this Committee after deliberation in the meeting dated 7.11.2006 advised that the comprehensive Rehabilitation and Resettlement policy of 2006 would be applicable to new acquisitions for which notification under section 4(1) of the Land Acquisition Act or Section 4(1) of the Coal Bearing Act was made after 14.5.2006. Since the acquisitions of land of Gopalpur was made earlier to 14.5.2006, the provisions of comprehensive Rehabilitation and Resettlement policy of 1998 was adopted for the land holders of Gopalpur and the employment offer were made according to this policy of 1998.

35. ~~Admittedly,~~ the Government of Orissa has already issued comprehensive Rehabilitation and Resettlement policy of 2006 but it was not followed by the MCL authorities on the plea that the advisory committee headed by the Revenue Divisional Commissioner (Northern Division), Sambalpur advised that this new policy of 2006 will apply to the lands for which notification under section 4(1) of the Act was published after 14.05.2006 and the lands of village Gopalpur were acquired in 1984 and 1987. The submission of learned counsel appearing for the land holders of village Gopalpur is that the Rehabilitation and Resettlement policy of 2006 of the Government of Orissa is squarely applicable to the land holders

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of village Gopalpur because even though section 4(1) notification was issued in 1984 and 1987 the land holders have not yet been rehabilitated or re-settled and no step in that regard was taken for more than 20 years. According to him in such situation, the date of acquisition notification is not important but the date of rehabilitation is material. The rehabilitation and re-settlement should be undertaken according to the policy in vogue at the time of rehabilitation and resettlement. We find substance in the submission made by learned counsel for the land holders because the Central Government and the MCL authorities did not take any step for rehabilitation and re-settlement of the land holders for all these years even under the Rehabilitation and Resettlement policy of 1998. They delayed the matter and only after the intervention of the apex Court the process of rehabilitation and re-settlement started in the year 2010 by which time the Rehabilitation and Resettlement policy of 2006 had come into force replacing the earlier policy of 1998. That apart, we have already indicated (supra) that in the abnormal situation arising because of delay of 24-25 years, the cut-off date should be September, 2010 and such time will be hypothetically taken as the date of publication of acquisition notification. So, logically the Rehabilitation and Resettlement policy of 2006 should be followed as far as practicable for the land holders of village Gopalpur.

36. At this stage, it will be beneficial to make a comparative study of the Rehabilitation and Resettlement policy of 1998 and Rehabilitation and Resettlement Policy of 2006.

37. In Rehabilitation and Resettlement policy of 1998, under clause 2.1 'family' has been defined as husband, wife and their unmarried children except unmarried daughters above 30 years. Under clause 2.2 it has been mentioned that the following category of persons will be treated as separate families:

- (a) A major married son.
- (b) An unmarried daughter above 30 years.

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- (c) A divorcee/deserted women or widow having no source of livelihood.
- (d) Physical handicapped and/or mentally retarded person irrespective of age and sex to the extent and in the manner who is suffering from more than 40% permanent disability..
- (e) All unmarried brothers and sisters whose parents are not alive.

In this policy It is provided that the company setting up the Mining Project will have to give preference to the nominated members of the displaced families in providing employment either in the project or in the ancillary unit in the following order of preference:

- (a) Displaced families losing all lands including homestead land;
- (b) Displaced families more than $2/3^{\text{rd}}$ of land and homestead land.
- (c) Displaced families losing more than $1/3^{\text{rd}}$ of land and homestead land.
- (d) Other displaced families.

It is also stipulated that the company shall provide appropriate training facilities to the nominated persons of the displaced families to acquire skill as required for such employment and the company will also assist such persons for their self-employment through allotment of shops, service premises and other activities in the company's township or otherwise. It is also provided that the families who are not provided employment or self employment as mentioned above or who refuses to avail of such employment/ self employment would be entitled to a onetime cash grant in the following manner:

- (I) Families coming under category (a) to (b) - Rs. 1 lakh
- (II) Families coming under category (c) and (d) - Rs.50,000/-

38. In the Rehabilitation and Resettlement Policy of 2006, 'family' has been defined as the person and his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him or her and dependent on him or her for his/her livelihood. In the

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note It is clarified that the following categories will be treated as a separate family for the purpose of extending rehabilitation benefits under this Policy.

- (i) A major son Irrespective of his marital status.
- (ii) Unmarried daughter/ sister more than 30 years of age.
- (iii) Physically and mentally challenged person Irrespective of age and sex, certified to be suffering from more than 40 % disability.
- (iv) Minor orphan, who has lost both his/her parents.
- (v) A widow or a woman divorcee.

39. In Clause 8(II), Type B of the Rehabilitation and Resettlement policy of 2006, there is an indication as to which of the displaced person will get employment. It reads as follows:

(a) Employment- Displaced and other affected families shall be eligible for employment, by the project causing displacement. For the purpose of employment, each family will nominate one member of the family. The project proponent will give preference to the nominated members of the displaced and other affected families in the matter of employment. The order of preference will be as follows:

- (i) Displaced families losing all land including homestead land;
- (ii) Displaced families losing more than 2/3rd of agricultural land and homestead land;
- (iii) Families losing all agricultural land but not homestead land,
- (iv) Displaced families losing more than 1/3rd of agricultural land and homestead land.
- (v) Displaced families losing only homestead land but not agricultural land.
- (vi) Families losing agricultural land in part but not homestead land.

It is also provided that the project authorities will make special effort to facilitate skill up gradation of the nominated member of the displaced family to make him/her 'employable' in their project. It is also specifically provided that where an eligible person is not provided with employment in the project, the reason for the same be

explained in writing and cash compensation mentioned below shall be provided to such families. The families who do not opt employment/ self-employment shall be provided with one time cash assistance in lieu of employment in the following manner:

- | | |
|--|--------------|
| (i) Displaced families coming under category(I) | - Rs.5 lakhs |
| (ii) Displaced families coming under category(II) | - Rs.3 lakhs |
| (iii) Displaced families coming under category(III) | - Rs.2 lakhs |
| (iv) Displaced families coming under category(IV),(V) and (VI) | - Rs.1 lakhs |

40. In the Rehabilitation and Resettlement policy of 1998, provision for re-settlement was as follows:

5. Land for homestead purpose:

- 5.1 Each displaced family will be given 1/10th of an acre of land for homestead purpose free of cost in a resettlement colony with basic infrastructure facilities.
- 5.2 Each of the displaced families who opts for self relocation elsewhere other than in the resettlement colony will be given a one time cash grant of Rs.50,000/-.

6. Facilities to be extended to homesteadless and landless encroachers:

- 6.1 Encroachers who are landless (as defined in the OPLE Act; 1972) will get ex-gratia equal to compensation admissible under L.A. Act, 1894 for a similar category of Rayati land to the extent of land under their physical possession up to a maximum of one standard acre. If the encroachment is unobjectionable.
- 6.2 The encroachers who are homesteadless (as defined in the OPLE Act, 1972) will get ex-gratia equal to compensation for similar category of Rayati land, against the encroached homestead land up to a maximum of 1/10th of an acre if the encroachment is unobjectionable, they will be entitled to the cost of the structure only."

41. In the Rehabilitation and Resettlement policy of 2006, the re-settlement provisions read as follows:

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- (a) Provision for homestead land: Subject to availability, each displaced family will be given at least $1/10^{\text{th}}$ of an acre of land free of cost in a resettlement habitat for homestead purpose.
- (b) Assistance for Self-relocation: Each of the displaced family who opts for self-location elsewhere other than the Resettlement habitat shall be given a onetime cash grant of Rs.50,000/- In lieu of homestead land.
- (c) House Building Assistance: Besides, Project authority shall construct house for each displaced families in the resettlement habitat or provide house building assistance of Rs.1,50,000/- to each of the displaced family settling in the Resettlement habitat or opting for self relocation elsewhere."

42. Similarly at clause 9, nature of benefit to be extended to landless and encroachers is mentioned. The same is extracted below:

- a) An encroacher family, who is landless as defined in the Orissa Prevention of Land Encroachment Act, 1972, and is in possession of the encroached land at least for a period of ten years continuously prior to the date of notification under relevant law(s) declaring intention of land acquisition will get ex-gratia equal to compensation admissible under the Land Acquisition Act, 1894 for a similar category of land to the extent of land under his/her physical possession up to a maximum of one standard acre, if the encroachment is unobjectionable. While determining the extent of land for such compensation, the rayati land held by him/ her is to be taken into account.
- b) An encroacher family, who is homestead less as defined in the Orissa Prevention of Land Encroachment Act, 1972 and is in possession of the encroached land at least for a period of the years continuously prior to the date of notification under relevant law(s) declaring intention of land acquisition will get ex gratia, equal to compensation for the similar category of homestead land, against the encroached homestead land up to a maximum of $1/10^{\text{th}}$ of an acre in rural areas or $1/25^{\text{th}}$ of an acre in urban areas. If the encroachment is unobjectionable. While determining the extent of land for such compensation the homestead land held by him/her is to be taken into account. The ex-gratia will be in addition to the actual cost of structures thereon. If the encroachment is found to be objectionable, (s)he will be entitled to the cost of structure only.

43. Here a comparative reading of the above noted provisions would show that they are not in conflict with one another. The only difference is that in the later policy the scope of employment and rehabilitation has been slightly enlarged and has been made more specific and the monetary allowance in 2006 policy is a little more than the earlier policy. When persons are up-rooted from their land and house

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by acquisition notification of the authorities, they should be compensated and rehabilitated in a benevolent manner. Since the Rehabilitation and Resettlement policy of 2006 appears to be more benevolent and since survey and re-settlement process for the land holders of village Gopalpur started in 2010, it would be appropriate to rehabilitate and re-settle them as per the provisions of Rehabilitation and Resettlement policy of 2006.

44. For the above said reasons, we humbly recommend that the Rehabilitation and Resettlement policy of 2006 issued by the Government of Orissa be applied to the land holders of village Gopalpur whose lands were acquired.

45. Learned counsel for the land holders argued that irrespective of gender of male or female anyone, who has attained majority should be considered as a separate family and should be separately re-settled and should also get employment. According to him, in view of the amendment of Hindu Succession Act, the daughters/ sisters have been given equal share in the properties of the parents as coparceners and therefore, they should be treated equal with the son. The argument appears interesting, but the same is not acceptable because taking note of the socio and economic condition and other factors in mind, the Rehabilitation Policy, old and new contemplate that only unmarried sister/ daughter above 30 years of age should be considered as separate family. The reasoning is that after the age of 30 years, the chance of marriage of a girl becomes bleak in our society. The policy appears sound and reasonable and therefore, we are not inclined to favour the submission of the learned counsel for the land holders.

46. We accordingly make the following recommendations on the issue of employment and resettlement:-

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- (1) For the purpose of deciding who is a separate family, the definition of 'family' given at clause 2(f) of Rehabilitation and Resettlement Policy of 2006 and the notes to that clause should be followed.
- (2) For the purpose of re-settlement and rehabilitation assistance, the provisions of clause 8(II) Type-B (Mining Projects) should be followed. The M.C.L. should first notify the number and type of employment available in its establishment and how many posts it will create within coming two years. Then it should notify asking each family to nominate one person for employment. If any family fails to nominate or M.C.L. cannot provide employment to the nominated person, then one time monetary assistance as provided in clauses 8(a)(vi) of Rehabilitation and Resettlement Policy of 2006 be given to the family.
- (3) For resettlement, the assistance noted in clause 8(d)(e)(f) be given to each displaced family.
- (4) The M.C.L. should establish centres to train desirous displaced land holders for self employment, so that those persons become suitable for new job opportunities.
- (5) The M.C.L. should get the plots, houses and essential infrastructure ready for occupation of the displaced families, so that they can shift to those rehab area immediately after vacating their houses at Gopatpur.
- (6) For encroachers families, who are landless/ homesteadless, provisions of clause 9(a) and (b) of the Rehabilitation and Resettlement Policy of 2006 be followed, provided an encroacher is in possession for 10 years or more continuously and the encroachment is un-objectionable.

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Interest, Solacium etc.

47. The Coal Bearing Act and clarification circular of the Ministry of Coal provides an Interest @ 9% for the first year and 15% thereafter from the date of acquisition notification till the date of payment of compensation. It also provides 30% solacium on the compensation amount and 12% towards price escalation subject to maximum of three years. None of the parties has any objection to the above said rates. The disagreement is on the starting date. While the land holders claim interest from the date of publication of Section 4(1) notification in 1984 and 1987, the M.C.L.'s version is that if compensation is assessed on the market rate of 1984 and 1987, then only interest is payable from those dates.

48. The land holders demanded that the compensation for their acquired properties be assessed on the market rate of 2010 when the Claim Commission issued notice for survey of village Gopalpur taking the cut off date in 2010. As has been mentioned supra, this plea in their objections was accepted and the compensation for the acquired properties are being assessed on the market rate of 2010. Now that the cutoff date is set in September, 2010, there is no justification of granting interest from 1984 or 1987. We, accordingly, recommend that interest @ 9% per annum for the first year and @ 15% thereafter be awarded on the compensation amount from the date of notice of survey, i.e., September, 2010 till the date of payment, solacium @ 30% on the compensation along with compensation for compulsory acquisition @ 12% per annum subject to maximum of 36 months be awarded.

Periphery Development

49. During the course of hearing of objections at the camp office, Sundargarh, many villagers of Gopalpur and neighbouring area complained that the M.C.L. is not undertaking any peripheral development in the area although it is

having extensive coal mining and its heavy transport vehicles are plying on the public roads damaging the same and causing pollution. They demanded that the M.C.L. must construct good roads, establish schools, hospitals, community centres etc. in the area. Clause 13 of the Rehabilitation and Resettlement Policy of 2006 clearly says that the project authorities shall be responsible for periphery development as decided by the RPDAC within the guidelines issued from time to time by the State Government. The MCL authorities admit that RPDAC has already been formed. We, therefore, recommend that the MCL, RPDAC and State Government be directed to undertake peripheral development in the Basundhara area and they must ensure that at least 10% of the net-profit MCL makes in its project at Basundhara area is spent in such development work.

SUMMARY OF THE REPORT- PART-I

1. Survey of all the land holdings and measurement of all houses and structures was done by five survey teams and 715 case records for the land holders were prepared. The family genealogy of all land holders were prepared in presence of witnesses and age and marital status of each family member was prepared.
2. For each land holding, person in possession and nature of possession were ascertained and noted.
3. Except Ac.73.19 dec. of land for which compensation has already been paid by the MCL, all other lands of Gopalpur were found to be in possession of the land holders. These land holders were found residing in their respective houses and cultivating their lands, enjoying the usufructs thereof.
4. Though the MCL took plea in the writ petition before the Orissa High Court and in S.L.P.(C) No. 6933 of 2007 before the apex Court that they do not want all the acquired lands of village Gopalpur, during survey and objection

**Project Officer
Sarnal GCP**

hearing, they expressed that they want all the acquired lands and do not want de-notification of any land. In that situation, there was no scope to recommend any de-notification of any part of the acquired land

5. After publication of the compensation offer made by the MCL, 650 nos. of objections were filed by the land holders demanding higher monetary compensation and better re-settlement and employment packages.
6. During policy hearing and individual objection hearing, the land holders demanded for following the Orissa Rehabilitation and Resettlement Policy, 2006 and not the Rehabilitation and Resettlement Policy, 1998 which was followed by MCL in awarding the compensation to the land holders. They demanded that the cut-off date to be September, 2010.
7. Taking note of abnormal delay of 24/25 years and the sharp rise in the price of the land in the area as well as the diminishing value of money, it is recommended that the cutoff date be taken as September, 2010 when the Claim Commission published the notice in Gopalpur for survey of the lands and properties of the land holders and that date be hypothetically taken as date of acquisition notification.
8. It is recommended that the monetary compensation for the lands, houses and properties of the land holders be assessed on the market value prevalent in 2010 in the relevant area.
 - (a) The recommended market value of the land after necessary scrutiny is as follows :

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Project Officer
Sikmal OCA

Nature of land	Approximate value of the land per acre.
Gharabari	Rs.12 lakhs
Mal & Goda	Rs.8.5 lakhs
Bahal & Berna	Rs.10 lakhs
Others categories	Rs.3.5 lakhs

- (b) The recommended plinth area value of structures are as follows (this includes the finished structure with all E.I. and P.H. fittings :

1.	Pucca building with R.C.C. column structure, & RCC roof	..	Rs.1000/-per sq.ft
2.	Pucca building with wall support structures & RCC roof	...	Rs. 900/-per sq.ft
3.	Pucca house with asbestos/ G.I. sheet roof	...	Rs.700/-per sq.ft.
4.	Brick walls with nurla tile roof houses	...	Rs.600/- per sq. ft.
5.	Other type of residential, commercial houses with thatched roof	...	Rs.400/- per sq. ft.
6.	Pucca portico, garage etc.	...	Rs.500/- per sq.ft.
7.	Pucca compound wall 10" thick and 5ft. high	...	Rs.400/- per running ft.

- For marble floor and granite floor further Rs.79/- and Rs.190/- per square feet respectively to be added.

- For industrial structures additional 15% rate be added.

- (c) The recommended flat rate for ancillary structures are as follows :

Sapting tank (usable by 10 persons)	-	Rs.10,000/-
Tulasi Choura	-	Rs.1,000/-
Gobar Gas plant	-	Rs.10,000/-

- (d) For structures where plinth area valuation is not possible, it is recommend that those structures be valued as per the schedule of rates of the PWD Department of the State prevalent at present.

Project Officer
Siarnai OCK.

(e) For tube well and bore well, the recommended compensations are as follows :

Tube Well 125mm x 100 mm size - Rs.44,400/-

Borewell 200 mm x 150 mm size - Rs.78,600/-

Cost will be proportionately reduced If the size is smaller.

(f) Standing trees be valued as per unit rates provided by the Divisional Forest Officer, Sundargarh.

9. Recommended that interest @ 9% for the 1st year and @ 15% thereafter be awarded on the compensation amount from September, 2010 till the date of payment.

10. Solacium @ 30% on the compensation recommended.

11. Compensation for price escalation @ 12% per annum be awarded on the compensation amount subject to a maximum of 36 months.

12. Recommended that all employment and re-settlement of the displaced families be done as per the Orissa Rehabilitation and Resettlement Policy, 2006.

13. Recommended that the MCL be directed to keep ready the rehab centres, i.e., plots, houses etc., so that the displaced families can shift there soon after physical displacement and not be destitute.

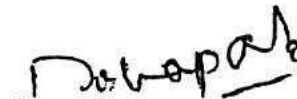
14. Recommended that the MCL should undertake periphery development of Basundhura area and must spend at least 10% of the net profit it makes from its project in the area. Also recommended for a direction to the State Govt. of Orissa and the periphery development committee to formulate the development plans and supervise its execution.

Dr
Project Officer
Sundargarh OCP

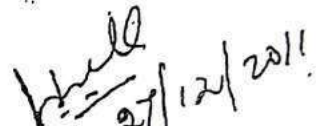
5. Part-I report contains the details of the exercise undertaken by the Claim Commission and recommendations of the panel on each subject.
16. Part-II of the report, which is under process contains the detailed monetary compensation, rehab and resettlement packages of each land holders of Gopalpur and will be submitted by 15th of February, 2012, as verification relating to some new structures have become necessary in view of the cut-off date being moved to September, 2010 and detailed calculation to work-out the individual compensation of each land holder is involved.




(Mr. Alok Sinha)
MEMBER



(Mr. B. Mohapatra)
MEMBER



(Justice A.K. Parichha)
CHAIRMAN


Project Officer
Bargarh Dist.

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**PART - II REPORT RELATING TO VILLAGE GOPALPUR
SUBMITTED BY THE CLAIMS COMMISSION TO HON'BLE
APEX COURT IN SLP (C) No. 6933 OF 2007**

At the outset, we respectfully beg to indicate that in the mean time part - I of the report relating to village Gopalpur has already been submitted. In the said part - I report, the work undertaken by the Claims Commission, the contention of the parties, relevant case law, rules, notifications of the Centre and State Government and the recommendation of the Commission on policy matters such as rate of the lands, structures, eligibility for rehabilitation and employment etc. have been outlined. In that report it was indicated that compensation, rehabilitation and employment packages of each land holder of village Gopalpur is being worked out as per the policy recommended by the Commission, and that the same would be submitted in Part - II of the report.

Part - II of the report basically contains the physical data of land, structures and other properties acquired from the land holders and the monetary compensation, rehabilitation and employment package recommended by the Commission for each displaced land holder of village Gopalpur. In working out the monetary compensation, the policy recommended by the Commission in Part - I report has been followed as far as possible. Wherever rate of any property is not covered under the policy formulated in the Part - I of the report, the valuation thereof has been assessed after obtaining expert opinion regarding unit rates of such properties. It is worthwhile to indicate that many land holders of village Gopalpur have tube wells, bore wells, dug wells as well as ponds. Expert opinion regarding the present contractual rates of digging and installation of the


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Project Officer
Bhavani Nagar

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obtained from State Public Health Department and Panchayat Department and the same has been taken into consideration while assessing the values of those wells and ponds. Similarly many structures of village Gopalpur have iron grills, iron grill gates and steel structures. The unit rates of such items were obtained from the Executive Engineer, Sundargarh, Works Department of Government of Odisha and accordingly, the compensation value of such steel structures have been

recommended. There were also a few industrial shades and structures available in village Gopalpur. After consulting the State Works Department as well as Industries Department, and taking note of the clause 2 of manual for Civil Engineering adopted by Coal India Ltd. such structures were valued @ 15 % higher than normal structures. Copies of letters and correspondences of the concerned Government Departments in these connections are annexed herewith.

While assessing the rehabilitation and employment packages, the policy formulated by Government of Odisha in 2006 was followed as far as practicable. It was however unanimously felt by the Claims Commission, that persons who are having houses on Govt. lands as encroachers would be given only monetary compensation for the houses but would not be given any employment or rehabilitation package. The details of the lands, structures, trees and other properties of the land holders of village Gopalpur including lease land holders and recommended monetary compensation along with solatium, interest, escalation etc. have been described in Vol.I to VI (all kept in one bound book with the flag marks). Similarly, names, ages, status of the family members, the employment and rehabilitation packages of all the entitled persons of Gopalpur have been contained in Vol.VI (a part of the bound book). For comparative study, monetary compensation packages of all these land holders of village Gopalpur and their family



Project Officer
Bilateral COP.

members assessed on the basis of market rate of 1984-1987 plus interest, solatium etc. have been worked out and submitted in Vol.A to E (All volumes kept in one bound book with flag marks). Likewise for comparison, the rehabilitation and employment packages of all the land holders of village Gopalpur and their family members assessed as per the rehabilitation notification of Government of Odisha 1998 are being submitted vide Vol.F (also a part of the bound book).

During the course of preparation of Part - II report, we held some meetings with the MCL authorities where the MCL authorities were apprised that according to law and the policy of State Government, the MCL is duty bound to declare the number of employment they propose to provide, prepare necessary infrastructure for rehabilitation of the land oustees of village Gopalpur and also to undertake compensatory afforestation in lieu of forest which have been acquired in village Gopalpur. It was made clear in those meetings that unless these obligations are complied, the land losers cannot be physically evicted from the respective land and houses. The MCL authorities have promised to take necessary steps in this regard.

We would therefore, humbly recommend for issuance of a direction to MCL to fulfill the above noted obligations within a time bound frame. We also humbly recommend for issuance a direction to the Government of Odisha to extend necessary cooperation in the matter of rehabilitation and compensatory afforestation by allotting suitable lands to the MCL at the earliest.

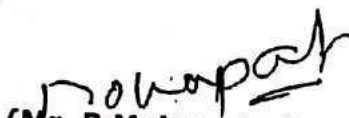
At the end, we respectfully submit that Part - II of the report contains statistical and data aspect in large volume and involves mathematical calculations. We have checked these entries and calculations at various stages and also cross


Project Officer
Simal OCZ.

checked the entries but considering the enormity figure work involved, it is not impossible that some errors might have inadvertently crept in at places. We accordingly pray the Hon'ble Apex Court to accord liberty to this Commission to correct clerical, typographical and calculation error, if situation demands in future.



(Mr. Alok Sinha)
MEMBER



(Mr. B. Mohapatra)
MEMBER



(Justice A.K. Parichha)
CHAIRMAN

Enclosures:

- (1) Summary of part II report.
- (2) Letter of Executive Engineer RWS & S Division, Sundargarh.
- (3) Letter of Executive Engineer, R & B, Division, Sundargarh.
- (4) Manual for Civil Engineering works, Coal India Ltd.
- (5) Copy of an estimate for pond prepared by B.D.O, Hemgir Block.
- (6) Extract of an estimate for pond prepared by local Engineers.
- (7) Bound book (4 nos.) containing the dates and packages of individual land holder of Gopalpur.

Project Officer
Starmal CC?

No. 18040-R & REH.-1/2006-R

GOVERNMENT OF ORISSA

REVENUE DEPARTMENT

RESOLUTION

The 14th May 2006

ORISSA RESETTLEMENT AND REHABILITATION POLICY, 2006

In order to ensure sustained development through a participatory and transparent process, Government have framed a comprehensive Resettlement and Rehabilitation Policy. Basic objectives of the policy are :-

1. to avoid displacement wherever possible and minimize it exercising available options otherwise;
2. to recognize voices of displaced communities emphasizing the needs of the indigenous communities and vulnerable sections;
3. to ensure environmental sustainability through participatory and transparent process; and
4. to help guiding the process of developing institutional mechanism for implementation, monitoring, conflict resolution and grievance redressal.

With the above objectives in view, Government has been pleased to lay down the following policy guidelines.

Orissa Resettlement and Rehabilitation Policy, 2006

Preamble :

Government of Orissa has been pursuing various development initiatives to improve the quality of lives. Ensuring social justice being one of the major cornerstones of development, the Government always proactively tries to make sure people's participation in development process. In spite of Government's intention to bring development to the people, development interventions do at times create undesirable consequences. Displacement due to large development projects is one such phenomenon. Government of Orissa has been responding to this problem through various projects specific Resettlement & Rehabilitation Policies and Plans. The current intervention of Policy formulation has actually taken note of the lessons learnt through these past policies, which essentially reflects Government's genuine spirit of learning and retrospection. The present Policy draws its strength from experiences from the implementation of past policies, best practices in other states and Orissa Government's Industrial Policy Resolution, 2001. Consultation with various direct and indirect stakeholders including civil society of the state has been conducted and the views of the academicians, and specialists in the field of resettlement and rehabilitation have been considered as a part of democratic response of the Government in Policy formulation. Limitations of the past policies have been acknowledged and analyzed and a flexible frame work has been attempted, which nonetheless demonstrates the dynamism of the Government. Unlike many other policies, there is a strong focus on the modalities of implementation of this Policy that makes it a vibrant instrument to promote sustainable development in the state.

*Project Officer,
Barnali*

1. Short Title, Application and Commencement

- (i) This Policy may be called as "The Orissa Resettlement and Rehabilitation Policy, 2006" and shall come into effect from the date of its publication in the *Orissa Gazette*.
- (ii) It shall apply to all those projects ^{*1}[including ongoing Irrigation Projects] for which, acquisition of private land under Land Acquisition Act, 1894 or under any other law's for the time being in force or proclamation inviting objections in case of Government land is notified;

^{*2}["Provided that no rehabilitation assistance shall be provided to the ongoing Irrigation Projects as per this policy where any rehabilitation assistance has been provided to the displaced family or affected family in respect of ongoing project immediately before commencement of this policy."

NOTE—For the purpose of this Para., the expression "ongoing projects shall not include the projects which are completed prior to commencement of this policy and 'commencement of this policy' means the 15th May, 2006."]

- (iii) This shall also be applicable to all projects for which land is acquired through negotiation under the provisions of this Policy.

2. Definitions—In this Policy unless the context requires otherwise:

- (a) "Agricultural Land" means land used or capable of being used for raising of crops, grass or garden produce, horticulture, dairy farming, fish farming, breeding and keeping of livestock and used as pasture or for any other purpose where such use is ancillary to agriculture.

^{*3}["(a-1) 'affected family' means a family whose land is affected by construction of the project but not displaced or required to be displaced."]

(Included vide R. & D. M. Department Resolution No. 21392/R. & D. M., dated 4-6-2007 & E.O.G. No. 990, dated 6-6-2007).

- (b) "Compensation" has the same meaning as assigned to it under the Land Acquisition Act, 1894.
- (c) "Cut-off date" for the purpose of compensation shall be the date on which the notification declaring the intention to acquire land under the relevant Act or under the provisions of this Policy is published.

NOTE :—For the purpose of declaring eligibility for R. & R. benefits, the list of displaced families, will be updated on the 1st of January of the year in which physical displacement is scheduled to take place provided that those families who move into the project area after determination of the "cut-off date", will not be eligible for any benefit.

- (d) "Displaced Family," means a family ordinarily residing in the project area prior to the date of publication of notification under the provisions of the relevant Act and on account of acquisition of his/her homestead land is displaced from such area or required to be displaced.

^{*1} Inserted vide Rev. & D.M. Department Resolution No. 21392/R. & D.M., dated 4-6-2007 & E.O G. No 990, dated 6-6-2007

^{*2} Inserted *ibid*

^{*3} Inserted *ibid*

Dr.
Prof. Dr. B. K. Mishra
Secretary

- (e) "District Compensation Advisory Committee (D.C.A.C.)" means the Committee constituted by Government under relevant provisions of this Policy.
- (f) "Family" means the person and his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him or her and dependent on him or her for his / her livelihoods.

NOTE :—Each of the following categories will be treated as a separate family for the purpose of extending rehabilitation benefits under this Policy :

- (i) A major son irrespective of his marital status
- (ii) Unmarried daughter / sister more than 30 years of age
- (iii) Physically and mentally challenged person irrespective of age and sex; (duly certified by the authorized Medical Board). For this purpose, the blind/ the deaf/ the orthopaedically handicapped/mentally challenged person suffering from more than 40 per cent permanent disability will only be considered as separate family.
- (iv) Minor orphan, who has lost both his/her parents
- (v) A widow or a woman divorcee.
- (g) "Government" means the Government of Orissa in Revenue Department
- (h) "Land Acquisition Officer (L.A.O.)" means an Officer appointed by the Government by an order to perform duties as such under Land Acquisition Act, 1894, for the project and shall include a Special Land Acquisition Officer.
- (i) "Non-Government Organization (N.G.O.)" means any organization duly registered under the Society Registration Act, 1860 and functioning for public cause outside the Government.
- (j) "Original Family" means the family, which at the time of Notification under provisions of relevant Act(s) is living together in a single household with a common kitchen.
- (k) "Periphery" means the district(s) in which the project is geographically situated
- (l) "Project" means the construction, extension or improvement of any work such as Reservoir, Dam, Canal, Highway, Industrial Plant, Factory, Mining, National Park, Sanctuary, etc. as notified by the Government from time to time and includes its offices and establishment within the State.
- (m) "Project area" for the purpose of extending R. & R. benefits means the land, which is acquired / alienated / purchased for establishment of any project.
- (n) "Project Director, Resettlement & Rehabilitation (P.D., R.R.)" means an Officer appointed by the Government by an order to perform such duties under R. & R. Policy of the State, for the project.
- (o) "Rehabilitation & Periphery Development Advisory Committee (R.P.D.A.C.)" means the Committee constituted by the Government under relevant provisions of this Policy by Government to look after rehabilitation and periphery development matters.
- (p) "State Level Compensation Advisory Committee" means a Committee constituted by Government under the relevant provisions of this Policy.

Project Officer
Siarnal G.P.

- (q) "State Level Council on Resettlement & Rehabilitation (S.L.C.R.R.)" means the Council headed by the Chief Minister constituted by a notification of Government to that effect.

3. Policy Objectives—Objective of the Policy of the Government in general shall be :

- (a) To avoid displacement where possible and minimize it, exercising available options otherwise.
- (b) To facilitate resettlement/ rehabilitation process :
 - (i) Recognizing voices of the displaced communities (emphasizing the needs of the indigenous communities and vulnerable sections); and
 - (ii) Ensuring environmental sustainability through participatory and transparent process; and
- (c) To help guiding the process of developing institutional mechanisms for implementation, monitoring, conflict resolution and grievance redressal.

4. Survey and Identification of Displaced Families—

- (a) Ordinarily within two months of publication of notice for acquisition of land for the development project, a socioeconomic survey would be undertaken in the manner to be decided by the Government for identification of displaced families; and for preparing their socioeconomic baseline.
- (b) The list of displaced families shall be placed before and approved by the respective R.P.D.A.C.
- (c) The list of displaced families so approved will be displayed at Collectorate/Block/ Tehsil / Panchayat and other conspicuous locations for wider dissemination.
- (d) R.D.C. shall realistically assess the requirement of land for acquisition before issue of notification under the relevant law(s) or under the provisions of this Policy.
- (e) A socio-cultural, resource mapping, and infrastructural survey shall be conducted by an independent agency to be identified by the Government to ensure proper benchmarking. It will be the responsibility of the concerned Project Authority to conduct the survey within two months of notifying the intention to acquire land under the provisions of the relevant law(s) or under the provisions of this Policy.
- (f) A comprehensive communication plan for awareness creation shall be formulated and executed in the affected area. The detailed modalities of this exercise that include involvement of civil society will be notified by the Government. The cost of implementation of this communication plan shall be borne by the project(s).
- (g) Gram Sabha or Panchayats at the appropriate level shall be consulted in scheduled areas before initiating Land Acquisition Proposal.
- (h) Normal development programmes implemented by different agencies should be dovetailed with resettlement and rehabilitation package in resettlement habitats and made available to the displaced community on a priority basis.
- (i) An identity card shall be issued to each displaced family in a manner prescribed by Government.

Sub
Project Officer
Bimal DCP

5. Project Types

For the purpose of R. & R. benefits under this Policy, Development Projects are classified into the following types:

- A. Industrial Projects,
- B. Mining Projects,
- C. Irrigation Projects, National Parks and Sanctuaries;
- D. Urban Projects and Linear Projects like roads and railways, power lines; and
- E. Any other Projects

6. Land Acquisition and Payment of Compensation/Award

Procedure prescribed by Government shall be followed in acquiring land and other property and for payment of compensation / award. All compensation money due to the "displaced families" shall be paid through account payee cheques.

As regards "public property" like School Building, Club House, Hospital, Panchayat Ghar, electrical installation, place(s) of worship, value of such property affected shall be deposited with the concerned District Collector. Either Project or District Administration shall take up construction at the place as would be determined in consultation with representatives of displaced persons.

The Project proponent may opt for direct purchase of land on the basis of negotiated price after issue of notification requiring acquisition of land under relevant Act (s). If acquisition of land through direct purchase fails, other provisions of the relevant Act may be invoked.

Land not utilized by the Project within the prescribed time limit and for the required purposes shall be resumed.

7. Resettlement and Rehabilitation Plan

Based on the list approved by Government and option of displaced families, Resettlement and Rehabilitation Plan shall be prepared by the Collector for resettlement and rehabilitation after due consultation with displaced communities in the manner determined by the Government. Such plan should address the specific needs of the women, vulnerable groups and indigenous communities. The same will be placed before the R.P.D.A.C. for approval.

While preparing the plan, the following aspects should be taken into consideration :

- (i) Site for the resettlement habitat shall be selected by the R.P.D.A.C. in consultation with the displaced families.
- (ii) No physical displacement shall be made before the completion of resettlement work as approved by the R.P.D.A.C. The certificate of completion of resettlement work will be issued by the Collector.
- (iii) Gram Sabha shall be consulted
- (iv) Where there is multiple displacement additional compensation amounting to 50 per cent of the normal compensation payable, shall be paid to each displaced family over and above the normal compensation in form of *ex gratia*.

Project Officer
Bharatpur

- (v) Provisions relating to rehabilitation will be given effect from the date of actual vacation of the land.
- (vi) Project Authority shall abide by the provisions laid down in this Policy and the decisions taken by R.P.D.A.C. from time to time provided they are within the ambits of the approved Policy of the Government.
- (vii) District Administration and Project Authorities shall be jointly responsible for ensuring that the benefits of R. & R. reach the target beneficiaries in a time bound manner.
- (viii) Record of Rights of the land and houses allotted to the displaced persons should be handedover to them by the District Administration while resettling them in the resettlement habitat. The District Administration shall take steps for immediate declaration of the new resettlement habitat as a Revenue Village if it is not a part of an already existing Revenue Village.
- (ix) Steps will be taken by the Project Authorities for acclimatization of the resettled people in new habitat including development of cordial social relationship between the host and resettled communities and to ensure as far as practicable overall improvement of standard of living of the displaced families.
- (x) Subject to the details regarding provision of employment as enunciated elsewhere in the Policy the Project Authorities shall give preference in the matter of employment, both direct and indirect as well as through contractors employed by them, for execution, operation and maintenance of the project, to local persons as per the detailed guidelines issued by the State Government from time to time.

8. Rehabilitation Assistance

Rehabilitation Assistance will be specific to the 'type' of project as mentioned at Para. 5 above, because of difference in nature of projects, their source(s) of funding and magnitude of displacement / impact.

I. Type A : Industrial Projects

- (a) Employment :- Families shall be eligible for employment, by the project causing displacement or loss of all agricultural land. For the purpose of employment, each original family will nominate one member of such family. However, the families as mentioned at Para. 2 (f); (i), (ii), (iii), (iv), or (v) will not be considered separately for employment. Any one from among these categories may, subject to eligibility, be nominated by the family as defined in Para. 2 (f) for the purpose of employment. The project proponent will give preference to the nominated members of the displaced / other families in the matter of employment. The order of preference will be as follows :-
 - (i) Displaced families losing all land including homestead land,
 - (ii) Displaced families losing more than 2/3rd of agricultural land and homestead land,
 - (iii) Displaced families losing more than 1 /3rd of agricultural land and homestead land,
 - (iv) Displaced families losing only homestead land but not agricultural land,

*Project Officer
Barnal DCP.*

- (v) Families losing all agricultural land but not homestead land.

The Project Authority will make special efforts to facilitate skill upgradation of the nominated member of each displaced/other family to make him/her 'employable' in their project.

1. In case of nominees of displaced/other families eligible for employment otherwise, the upper age limit shall be relaxed by five years.
2. Project Authorities should notify their employment capacity sufficiently in advance.
3. As far as practicable, the objective shall be to provide one member from each displaced/other family as mentioned above with employment in the project. However, where the same cannot be provided because of reason to be explained in writing, cash compensation as mentioned below shall be provided to the displaced/other families. Displaced/other families, who do not opt for employment/self-employment as mentioned in sub-para. (a) and (b), shall be provided by the Project Authority with one time cash assistance in lieu of employment at the scale indicated below :

Categories of families referred to in clauses (i) to (v) of Para. 2 (f) shall not be considered separately for employment in the project. However, they will be paid one time cash compensation in lieu of employment :

Provided that if any industry is willing to offer employment to more than one member of a family, it may do so in lieu of one time cash assistance.

Displaced/other families who are eligible to be considered for employment and families defined under clauses (i) to (v) shall be provided with one time cash assistance in lieu of employment/self-employment in the scale indicated below :

Sl. No.	Families under category as per sub-para. (a) above	Amount of one time cash assistance (Rs. in lakhs)
(i)	Displaced Families coming under category (i)	5.00
(ii)	Displaced Families coming under category (ii)	3.00
(iii)	Displaced Families coming under category (iii)	2.00
(iv)	Families coming under categories (iv) and (v)	1.00

- (b) Training for Self-employment :-Project Authority under the guidance of the Collector concerned will make adequate arrangement to provide vocational training to at least one member of each displaced/other family so as to equip him/her to start his/her own small enterprise and refine his/her skills to take advantage of new job opportunities. For those engaged in traditional occupations/ handicrafts/ handlooms, suitable training shall be organized at the cost of Project Authority to upgrade their existing skills.

- (c) Convertible Preference Share :-At the option of the displaced family and, subject to the provisions of relevant law(s) in force for the time being, the Project Authority may issue Convertible Preference Share(s) or Secured Bond (s) up to a maximum of 50% out of one time cash assistance as mentioned in sub-para. (a) above.

Project Authority
Barmal OCP

- (d) Provision for Homestead Land :—Subject to availability, each displaced family will be given at least 1/10th of an acre of land free of cost in a resettlement habitat for homestead purpose.
- (e) Assistance for Self-relocation :—Each of the displaced family who opts for self-relocation elsewhere other than the resettlement habitat shall be given a one time cash grant of Rs. 50,000 in lieu of homestead land.
- (f) House Building Assistance :—Besides, Project Authority shall construct house for each of the displaced families in the resettlement habitat or provide house building assistance of Rs. 1,50,000 to each of the displaced families settling in the resettlement habitat or opting for self-relocation elsewhere.
- (g) Shops and Service Units :—Project Authorities will also construct shops and service units at feasible locations at their own cost, which will be allotted in consultation with Collector to project displaced families opting for self-employment. While allotting such units, preference will be given to physically challenged persons and members of displaced S.C. & S.T. families.

II. Type B : Mining Projects

- (a) Employment :—Displaced and other affected families shall be eligible for employment, by the project causing displacement. For the purpose of employment, each family will nominate one member of the family. The project proponent will give preference to the nominated members of the displaced and other affected families in the matter of employment. The order of preference will be as follows :—
 - (i) Displaced families losing all land including homestead land,
 - (ii) Displaced families losing more than 2/3rd of agricultural land and homestead land,
 - (iii) Families losing all agricultural land but not homestead land,
 - (iv) Displaced families losing more than 1/3rd of agricultural land and homestead land,
 - (v) Displaced families losing only homestead land but not agricultural land,
 - (vi) Families losing agricultural land in part but not homestead land.

The Project Authority will make special efforts to facilitate skill upgradation of the nominated member of the displaced family to make him/ her 'employable' in their project.

1. In case of nominees of displaced families eligible for employment otherwise, the upper age limit shall be relaxed by five years.
2. Project authorities should notify their employment capacity sufficiently in advance
3. As far as practicable, the objective shall be to provide one member from each displaced/other family as mentioned above with employment in the project. However, where the same cannot be provided because of reason to be explained in writing, cash compensation as mentioned below shall be provided to such families. Families, who do not opt for employment/self-employment as mentioned in sub-para. (a) above

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Project Officer
Barnal Ock

and (b) below, shall be provided by the Project authority with one time cash assistance in lieu of employment at the scale indicated below :

Sl. No.	Families under category as per sub-para. (a) above	Amount of one time cash assistance (Rs. in lakhs)
(i)	Displaced Families coming under category (i)	5.00
(ii)	Displaced Families coming under category (ii)	3.00
(iii)	Families coming under category (iii)	2.00
(iv)	Families coming under categories (iv) (v) and (vi)	1.00

- (b) Training for Self-employment :—Project authority under the guidance of the Collector concerned will make adequate arrangement to provide vocational training to at least one member of each displaced/other family so as to equip him/her to start his/her own small enterprise and refine his/her skills to take advantage of new job opportunities. For those engaged in traditional occupations/ handicrafts/ handlooms, suitable training shall be organized at the cost of Project authority to upgrade their existing skills.
- (c) Convertible Preference Share :—At the option of the displaced family, the Project Authority may issue convertible preference share up to a maximum of 50% out of the one time cash assistance as mentioned in sub para (a) above.
- (d) Provision for Homestead Land :—Subject to availability, each displaced family will be given at least 1/10th of an acre of land free of cost in a resettlement habitat for homestead purpose.
- (e) Assistance for Self-relocation :—Each of the displaced family who opts for self-relocation elsewhere other than the resettlement habitat shall be given a one time cash grant of Rs. 50,000 in lieu of homestead land.
- (f) House Building Assistance :—Besides, Project authority shall construct house for each displaced families in the resettlement habitat or provide house building assistance of Rs. 1,50,000 to each of the displaced family settling in the resettlement habitat or opting for self-relocation elsewhere.
- (g) Shops and Service Units :—Project authorities will also construct shops and service units at feasible locations at their own cost which will be allotted in consultation with Collector to project displaced families opting for self-employment. While allotting such units, preference will be given to physically challenged persons and members of Displaced S.C. & S.T. families.

III. Type C : *1[Irrigation Projects] / National Parks and Sanctuary

Rehabilitation Package for Displaced Family (DF) *2[and Affected Family]

- (a) Homestead Land :—@ 0.10 acre in rehabilitation habitat or cash equivalent @ Rs. 50,000 to each displaced family opting for self-relocation elsewhere.
- (b) House Building Assistance :—Rs. 1,50,000 to each displaced family which includes cattle shed. This will be admissible to all displaced families whether settling in a resettlement habitat or elsewhere.

*1 Substituted, replacing the words "Water Resources" vide Rev. & D.M. Department Resolution No. 21392/R. & D.M. dated 4-6-2007 & E.O.G. No. 990, dated 6-6-2007.

*2 Inserted *Ibid*

Project Authority
Resettlement Officer

- (c) Assistance for Agricultural Land :—Each displaced family belonging to S.T. category shall be provided two and a half acres of irrigated agricultural land, or five acres of non-irrigated agricultural land. Each displaced family belonging to all other categories shall be provided two acres of irrigated agricultural land, or four acres of non-irrigated agricultural land. In case of non-availability of land, cash equivalent will be provided @ Rs. 1,00,000 per acre of irrigated land and Rs. 50,000 per acre of non-irrigated land including the cost of reclamation or at the rate decided by the Government from time to time.
- (d) Registration Cost of land up to 5 acres of unirrigated land or two and half acres of irrigated land in case of indigenous households or 4 acres of unirrigated land or 2 acres of irrigated land for other displaced households who opt for cash based rehabilitation in lieu of land shall be paid by the Project authority within a period not exceeding five years from the date of displacement.
- *(e) Training for Self-employment :—Project authority under the guidance of the Collector concerned may make adequate arrangements to provide vocational training or skill development training to willing displaced or affected families so as to equip them to start their own small enterprise and refine their skills to take advantage of new job opportunities. For those engaged in traditional occupations, handicrafts or handlooms the Project authority shall arrange suitable training programme at his own cost to upgrade their skills.
- (f) An affected family who is losing more than seventy-five per centum of his total extent of land in the irrigation project area, he shall get the benefit as provided in items (a), (b), (c) and (d).
- (g) An affected family who is losing less than seventy-five per centum of his total extent of land in the irrigation project area, other than for the purpose of canal, he shall get land to equal extent of acquired land subject to maximum as provided in items (a) or (c), as the case may be, and also benefit of registration cost as provided in item (d).
- (h) An affected family who is losing homestead land, on account of acquisition for canal, where he ordinarily resides shall get benefit as provided in items (a), (b) and (d)."]

IV. Type D : Urban Projects and Linear Projects

Each displaced family will get—

- (a) Homestead Land :—@ 1/10th of an acre in rural area and @ 1/25th of an acre in urban area or cash equivalent of Rs. 50,000 preferably near growth centres like land by the side of roads and important junctions, land by the side of railway stations etc., subject to availability. If required, Project authority may acquire such suitable land under the relevant Act for the purpose.
- (b) House Building Assistance :—Rs. 1,50,000 to each displaced family will be admissible whether settling in a resettlement habitat or elsewhere.
- (c) If house/homestead land of any landholder is acquired for linear project or if there is total displacement due to acquisition for such project, the Project authority shall provide employment to one of the members of such displaced family in the project. Wherever

R.P.D.A.C. decides that provision of such employment is not possible, one-time cash assistance as decided by the Government will be paid by the Project Authority.

V. Type E : Any other Projects

Government may issue separate Policy guidelines for any other projects not covered above specifying R. & R. packages to be extended to displaced families.

9. Benefit to Landless & Homesteadless encroachers common to all categories

- (a) An encroacher family, who is landless as defined in the Orissa Prevention of Land Encroachment Act, 1972, and is in possession of the encroached land at least for a period of ten years continuously prior to the date of notification under relevant law(s) declaring intention of land acquisition, will get *ex gratia* equal to compensation admissible under the Land Acquisition Act, 1894 for a similar category of land to the extent of land under his/her physical possession up to a maximum of one standard acre, if the encroachment is unobjectionable. While determining the extent of land for such compensation, the rayati land held by him/her is to be taken into account.
- (b) An encroacher family, who is homesteadless as defined in the Orissa Prevention of Land Encroachment Act, 1972, and is in possession of the encroached land at least for a period of ten years continuously prior to the date of notification under relevant law(s) declaring intention of land acquisition, will get *ex gratia*, equal to compensation for the similar category of homestead land against the encroached homestead land up to a maximum of 1/10th of an acre in rural areas or 1/25th of an acre in urban areas, if the encroachment is unobjectionable. While determining the extent of land for such compensation, the homestead land held by him/her is to be taken into account. The *ex gratia* will be in addition to the actual cost of structures thereon. If the encroachment is found to be objectionable(s), he will be entitled to the cost of structure only.

10. Other Assistance common to all categories of Projects

- (a) Maintenance Allowance :—In order to ensure timely vacation, an allowance of Rs. 2,000 per month per displaced family shall be provided on vacation of land/house for a period of one year from the date of vacation as determined by the Collector concerned.
- (b) Assistance for Temporary Shed :—An assistance of Rs. 10,000 shall be provided to each displaced family.
- (c) Transportation Allowance :—Transportation allowance of Rs. 2,000 or free transportation to the resettlement habitat or their new place of inhabitation shall be provided to each displaced family by the Project Authority :

Provided that State Government in Revenue Department shall review and may revise the rate, if necessary, once every two years basing on the index point.

11. Additional provisions for Assistance

Notwithstanding anything contained elsewhere in the Policy, the Government or the Project Authority may extend any additional benefits and provisions to the displaced families keeping in view the specific nature of displacement *and to the affected families in irrigation project area keeping in view the gravity of damage.]

* Inserted vide Rev. & D.M. Department Resolution No. 21392/R. & D.M., dated 4-6-2007 & E.O.G. No. 990, dated 6-6-2007

Dr. J. K. Sahoo
Project Officer
Siarnal Dam

12. Special benefits to displaced Indigenous Families and Primitive Tribal groups

- (a) While developing the resettlement plans, the socio-cultural norms of indigenous and primitive tribal groups will be respected.
- (b) Each displaced family of Indigenous category shall be given preferential allotment of land.
- (c) As far as practicable, indigenous communities should be resettled in a compact area close to their natural habitat.
- (d) Indigenous displaced families resettled outside the district shall be given 25 per cent higher R. & R. benefits in monetary terms.

13. Indexation of Rehabilitation Grant

Rehabilitation grant will be indexed to the Wholesale Price Index (W.P.I.) with 01-04-2006 as the reference date and will be revised by the Government once in every two years thereafter on the basis of W.P.I.

14. Periphery Development

The Project Authorities shall be responsible for periphery development as decided by the R.P.D.A.C. within the guidelines issued from time to time by the State Government.

15. Compensation Advisory Committee

Government in Revenue Department may constitute a District Compensation Advisory Committee (D.C.A.C.) under the chairmanship of the Collector to determine negotiated price. Adequate representation will be given to women and indigenous communities (wherever applicable) in the Committee.

If any dispute arises on recommendation of the D.C.A.C., the matter will be referred to the State Level Compensation Advisory Committee (S.C.A.C.) chaired by the Member, Board of Revenue whose decisions shall be final and binding on all concerned. The composition of this State Level Compensation Advisory Committee will be notified by the Government.

16. Rehabilitation and Periphery Development Advisory Committee (R.P.D.A.C.)

In order to encourage participation of displaced people and their elected representatives in implementation and monitoring of R. & R. package to oversee and monitor periphery development, the Government may constitute a Rehabilitation-cum-Periphery Development Advisory Committee (R.P.D.A.C.) for each or a group of projects falling in one district. The detailed composition of the Committee shall be notified by the Government and it may include people's representatives, one or two leading NGOs of the affected area and select Government officers and any other persons to be notified by the Government. Adequate representation will be given to women and indigenous communities (wherever applicable) in the Committee. Chairman of the Committee will be at liberty to co-opt members for efficient discharge of its functions.

Sub
Project Officer
General DCR

17. State Level Council on Resettlement and Rehabilitation (S.L.C.R.R.)

At the State level, there will be a Council headed by the Chief Minister to advise, review and monitor implementation of Resettlement and Rehabilitation Policy. The Council may comprise of Ministers, select representatives of the people, leading social activists, academicians and experts of national and international repute and senior officials of the Government.

18. L.A. and R. & R. Structure

(a) State Level

A Directorate of R. & R. will be constituted to discharge and oversee the implementation of the R. & R. Policy. Detailed structure and functions of this Directorate will be notified by the Government.

(b) District/Project Level

- (i) Depending on magnitude of the R. R. works at the project level, there may be a Project Director, Resettlement and Rehabilitation (P.D., R.R.), who shall be assisted by such other officers as Government may decide. The P.D., R.R. shall be the Chief Co-ordinating Officer between all the line departments in the matter of resettlement and rehabilitation. He will be responsible for implementation of the Policy and timely execution of R. & R. works under the overall supervision and guidance of the Collector and the Directorate of R. & R.
- (ii) Where R. & R. work is of lesser magnitude, the same can be undertaken by the L.A.O. of the Collectorate.

19. Budgetary Provision and Allotment

Wherever required, adequate budget provision will be kept towards land acquisition and R. & R. establishments to ensure effective implementation of R. & R. Policy. The Directorate of R. & R. should submit such budgetary estimate/ works by 1st January of every year. Government will ensure timely release of allotment to the concerned authorities.

20. Grievance Redressal Mechanism

An effective Grievance Redressal Mechanism will be set up at District and Directorate level to deal with grievance of the project displaced people relating to land acquisition, resettlement and rehabilitation. Besides, all the project authorities shall be asked to set up an effective Grievance Redressal Mechanism relating to their project.

Effective participation of the displaced communities will be ensured in the process.

21. Assessment of Policy Implementation

Government may from time to time undertake assessment of the implementation of this Policy through appropriate agencies.

Handwritten: Draft
Stamp: Project Director, Resettlement and Rehabilitation, Government of India

22. Interpretation and Amendment

- (a) Any issue or doubt regarding this Policy shall be referred to Government in Revenue Department whose decision shall be final and binding on all concerned.
- (b) Government in Revenue Department may from time to time amend the provisions as contained in this Policy as considered necessary.
- (c) Government in Revenue Department shall have the powers to issue guidelines and instructions from time to time to operationalise this Policy.

ORDER— Ordered that the resolution be published in the extraordinary issue of *Orissa Gazette* for general information of the public and copies of the same be forwarded to Government of India, Ministry of Rural Development/Ministry of Tribal Affairs/Ministry of Social Justice and Empowerment/All Departments of Government/All Heads of Departments/All Revenue Divisional Commissioners/All Collectors/Secretary, Board of Revenue/C.M.D., IDCO/C.M.D., IPICOL/A.-G., Orissa, Bhubaneswar/D.A.-G. (Works), Orissa, Puri for information.

By order of the Governor

TARUN KANTI MISHRA

Principal Secretary to Government

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Project Officer
Starinal OGP.

R&R benefits provided by MCL to the Project Affected Families as per the approved R&R Plan

S.N.	Category of Project Displaced Families	Land Compensation	Structure Compensation	Employment		Resettlement		
				Employment	Monetary compensation in lieu of Employment (in Lakhs)	Area of Plot resettlement (in Acre)	House building Assistance (in Lakhs)	Cash in lieu of Restitment (in Lakhs)
Cat-1	Displaced Families Losing all land including homestead land	Base Rate value of Land Per Acre - Gharbati-12 Lakhs Mal & Gonda-8.5 Lakhs Bahala & Berna- 10 Lakhs Other Categories-3.5 Lakhs	(1) Pucca Building with RCC Column structure & RCC Roof-Rs 1000 Per Sq. feet, (2)	Emp.	10	0.10	2.70	5.70
Cat-2	Displaced families losing 2/3rd of agricultural land & homestead land		Pucca Building with wall support structure & RCC Roof-Rs 900 Per Sq. feet, (3)	Emp.	10	0.10	2.70	5.70
Cat-3	families losing all agricultural land but not homestead land		Pucca house with asbestos/ G.I. sheet roof- Rs.700/- per sq. ft., (4) Brick walls with nuria tile roof houses-Rs.600/- per sq. ft., (5) other type of residential commercial houses with thatched roof-Rs.400/- per sq. ft., (6) pucca portion,garage etc-Rs.500/- per sq. ft., (7)	Not elligilbe	7	NIL	NIL	NIL
Cat-4	Displaced families losing 1/3rd of agricultural land & homestead land		pucca compound wall 10" thick and 5ft. high- RS.400/- per running ft.	Not elligilbe	5	0.10	2.70	5.70
Cat-5	Displaced families losing only homestead land but not agricultural land			Not elligilbe	3.5	0.10	2.70	5.70
Cat-6	Families losing agricultural land in part but not homestead land			Not elligilbe	2	NIL	NIL	NIL

[Signature]
General Manager
Mahanadi Coal
General Manager
Mahanadi Coal Fields Limited

[Signature]
Project Officer
Simal OCP
Mahanadi Area
Project Officer
Simal OCP
Mahanadi Area

[Signature]
Staff Officer (R&R)
Mahanadi Area

Cost Benefit Analysis

Cost Benefit Analysis in respect of Diversion of 349.709 Ha of forest land for Siarmal OCP of Mahanadi Coalfields Limited having mine lease area of 2290.449 ha for supply of coal produced from opencast coal mine (Proposal No.FP/OR/MIN/32796/2018, State Serial No. OR-061/ 2019 dated 07.09.19)

Table-B Estimation of Cost of Forest Division			
Sl.No.	Parameters	Remarks	Cost (in Rs.)
1	Ecosystem Service loss due to proposed forest diversion.	Economic Value of loss of ecosystem Services due to proposed diversion of Forest – NPV amount of forest land being diverted as prescribed by Central Government (MoEF&CC).	<p>Economic Value of loss of ecosystem Services due to proposed diversion of Forest shall be Rs 803000 / Ha (NPV rate as per ECO value of Class III Forest as per Handbook Guideline of MoEF & CC, GoI dated 28/03/2019) As prescribed by Central Government (MoEF & CC).</p> <p>12,28,590</p> <p>Total Forest Land: 349.709 Ha Environment Loss: 349.709 x Rs. 8,03,000.00 =Rs. 2808.16 Lakhs</p>
2	Loss of animal husbandry productivity including loss of fodder	To be quantified and expressed in monetary term or 10% of NPV applicable whichever is maximum	Rs. 280.82 Lakhs
3	Cost of Human Resettlement.	To be quantified and expressed in monetary terms as per approved R & R Plan	Budgeted cost of human settlement for 2562 families: 67804.13 Lakhs (Page No. 280 of DP-R&R Plan) (Chapter 9 Environmental economics of EIA EMP of Siarmal OCP- copy enclosed as Annex- "A")

Dr. D. S. Prasad
Project Officer
Siarmal OCP

4	Loss of public facilities and administrative infrastructure (roads, building, schools, dispensaries, electric lines, railway etc.) on forest land, which would require forest land if these facilities were diverted due to project.	To be quantified and expressed in monetary terms on actual cost basis at the time of diversion	There is no public facilities and administrative infrastructure on the forest land to be diverted. Hence, there is no loss of public facilities.
5	Possession Value of the forest land diverted.	30% of environment cost (NPV) due to loss of forest or circle rate of adjoining area in the district should be added as a cost component as possession value of forest land whichever is maximum	Rs. 842.45 lakhs
6	Cost of suffering to outsees	The social cost of rehabilitation of outsees (in additional to the cost likely to be incurred in providing residence, occupation, and social services as per R & R plan) be worked out as 1.5 times of what outsees should have earned in two years had he not been shifted	The average earning of each family is around Rs. 92400.00 per annum considering wage @ Rs. 308 per day for 300 working days. The total earning of 2562 PAFs will be Rs. 2367.288 lakhs/ Years(2562 x Rs 0.924 lakhs). The social of rehabilitation is considered at 1.5 times of what the person should have earned in two years, have the family had not been shifted. Therefore, the suffering of the fats is estimated at Rs. 2367.288 lakhs x 2 x 1.5= Rs. 7101.86 Lakhs
7	Habitat Fragmentation Cost	While the relation between fragmentation and forest goods and services is complex, for the	Rs. 1404.08 Lakhs

Dmitri
Project Officer
Blarman

		sake of simplicity the cost due to fragmentation has been pegged at 50% of NPV applicable as a thumb rule	
8	Compensatory afforestation and soil & moisture conservation cost.	The actual cost of compensatory afforestation and soil & moisture conservation and its maintenance in future at present discounted value.	The cost @ Rs 400000 / Ha is taken for compensatory afforestation and soil & moisture conservation. Hence amount will be: Rs. 1351.76 Lakhs

Total cost due to diversion of forest land: (Rs. 2808.16 + Rs. 67804.13+Rs. 842.45+Rs. 7101.86+Rs. 1404.08+1351.76)

B. Total Cost to the society = **Rs. 81593.26 Lakhs**

Table – C Existing guidelines for estimating benefits of forest - diversion

1	Increase in productivity attribute to the specific project.	To be quantified & expressed in monetary terms avoiding double counting.	The NPV obtained from selling of coal as per Project Report of the project at 100% production level: Rs. 269695 lakhs
2	Benefits to economy due to the specific project.	The incremental economic benefit in monetary terms due to the activities attributed to the specific project	Royalty @ Rs. 135.10/ton for 1547820000 T (Total reserve of Coal) Rs. 2091104.82 lakhs NMET Fund i.e., 2% of royalty 41822.09 lakhs DMF, i.e., 30% of royalty 627,331.44 lakhs CGST@2.5% of Rs. 965.00-tonx 1547820000 T tons 373411.57 lakhs SGST@2.5% of Rs. 965.00 ton x 1547820000 T tons 373411.57 lakhs Total: 3507081.49 lakhs

Dr. M. K. Singh
Project Officer
Siarnan, DGM

3	No. of population benefited due to specific project.		<p>The average population benefited due to this project is about 20000. Assuming a family of four, total numbers of family benefited: $20000/4=5000$</p> <p>Benefit=$5000 \times \text{Rs. } 5460/\text{months} \times 12 \text{ months} \times 38 \text{ years (Life of Mine)}$</p> <p>124488.00lakhs (As per MGNREGA rates)</p>
4	Economic benefits due to of direct and indirect employment due to the project.		<p>The employment potential of the project is 2995 persons per day.</p> <p>The average wages to the employees @ Rs. 1801659.60 (EMS Rs. 5774.55 per person* 26 days per month* 12 months) per year will be Rs. 53959.705 Lakhs/year</p> <p>Total for 30 Years; Rs. 1618791.15 lakhs</p>
5	Economic benefits due to Compensatory afforestation	Benefits from such compensatory forestation accruing over next 50 years monetized and discounted to the present value should be included as benefits of compensatory afforestation.	<p>Compensatory afforestation of 691.558 Ha of land @ 800 nos. of sapling+ survival rate @ 80%.</p> <p>The sapling on 581 Ha at Satparlia R.F. =464800 trees</p> <p>Survival trees @ 80%= 371840 trees</p> <p>Total saplings on 110.558 ha at Jamkani R.F.= 22112 trees</p> <p>Survival trees @ 80%= 17690 trees</p> <p>Economic benefits if one tree accruing over next 50 years monetized in terms of providing oxygen, water, soil, moisture conservation, etc., timber &</p>

Dr. S. K. Singh
Project Officer
Sharnal Co.

			firewood=200000. Future benefits of 389530 nos. of trees @ Rs. 200000. = Rs. 779060.00 lakhs
Total benefits due to diversion of forest land for non – forest activity: (Rs. 269695.00+Rs. 3507081.49+ Rs. 124488.00+ Rs. 1618791.15+ Rs. 779060.00)			
C. Total Benefit to the Society = Rs6299115.64 lakhs			

Total Cost to the Society: Rs. 81593.26 Lakhs

Total Benefits to the society: Rs 6299115.64lakhs

Cost Benefit Ratio: $6299115.64/81593.26 = 77.20$

Cost Benefit Ratio= 1:77.20

Dinesh
Project Officer
Sarmal CCR.

Chrase
DIVISIONAL FOREST OFFICER
SUNDARGARH FOREST DIVISION

Annexure No - III "A"

ମହାନଦୀ କୋଲଫିଲ୍ଡସ୍ ଲିମିଟେଡ୍
महानदी कोलफील्ड्स लिमिटेड
Mahanadi Coalfields Limited
(A subsidiary of Coal India Limited)

OFFICE OF THE GENERAL MANAGER
MAHALAXMI AREA
A/P.O.: Basundhara, Dist: Sundargarh
(Odisha), Pin Code No. 770076
Tel. No. 06621-286129
E-mail: mcl.mahalaxmi2019@gmail.com



Dated. 12/03/2022

Ref. No.: MCL/GM/MLA/2022/ 192

To,
The Engineer -In-Chief (Water Resources)
Water Resources Department
Secha Sadan,
Bhubaneswar

Receiving Officer
D/o. E.I.C. (WR) Odisha, BSR

Study of hydrological regime viz. Basundhara River due to proposed straightening of Chattajor nallah for mining of coal in upcoming Siarmal OC Project of Mahanadi Coalfields Limited in Sundargarh District, Odisha and Study of hydrological regime viz. Basundhara river and its rivulets due to upcoming Siarmal OC Project and other operational OC projects in the area for obtaining considered opinion of Water Resource Department of the State on the proposed straightening of Chattajor nallah and proposed mitigating measures and submission of plan and vision to develop an integrated approach for the protection of the Basundhara River from the proposed mining in the area.

Ref. Minutes of Meeting of the FAC held on 21.02.2022 (Agenda No. 3) for Proposal for Non-forestry use of 349.709 ha forest land within total mining lease area of 2290.449 ha in Siarmal Open Cast Coal Mining Project.

Dear Sir,

Siarmal OCP, Mahalaxmi Area, MCL is an upcoming mining project with a normative capacity of 40 MTY and a peak capacity of 50 MTY. The total mine lease area of the project is 2290.45 ha consisting of 349.709 ha of Revenue forest land (*Location Map showing the proposed mining area and hydrological regimes around the mine in enclosed*). Proposal for diversion of 349.709 ha Revenue forest land within total mining lease area of 2290.45 ha in Siarmal Open Cast Coal Mining Project of Mahanadi Coalfields Limited in Sundargarh District, Odisha [Proposal No. FP/OR/MIN/32796/2018, State Serial No. OR-061/2019 dated 07.09.2019] was submitted to Ministry of Environment, Forests & Climate Change, Govt. of India; New Delhi. The proposal was deliberated in Forest Advisory Committee (FAC) of MoEF&CC, Govt. of India meeting held on 21.02.2022 (Agenda No. 3) and the Minutes of Meeting has been published on 07.03.2022 (*copy enclosed*)

The FAC deferred the proposal seeking inter alia following information:-

"Chattajor nallah located in the area has been proposed to be straightened by the user agency. Also a number of mines are operational in the area which may cause threat to hydrological regime viz. Basundhara river and its rivulets, therefore, considered opinion of Water Resource Department of the State on the proposed straightening of Chattajor nallah and proposed mitigating measures may be informed by the State. Further State Government may submit its plan and vision to develop an integrated approach for the protection of the Basundhara River from the proposed mining in the area."

For compliance of the decision of the FAC, it is proposed by Siarmal OCP, Mahalaxmi Area, MCL to undertake the "Study of hydrological regime viz. Basundhara River due to proposed straightening of Chattajor nallah for mining of coal in upcoming Siarmal OC Project of Mahanadi Coalfields Limited in Sundargarh District, Odisha and Study of hydrological regime viz. Basundhara river

Project Officer
Siarmal OCP

ମହାନଦୀ କୋଲଫିଲ୍ଡସ୍ ଲିମିଟେଡ୍
महानदी कोलफील्ड्स लिमिटेड
Mahanadi Coalfields Limited
(A subsidiary of Coal India Limited)

OFFICE OF THE GENERAL MANAGER
MAHALAXMI AREA

At/P.O.: Basundhara, Dist: Sundargarh
(Odisha), Pin Code No. 770076
Tel. No. 06621-286129

E-mail: mcl.mahalaxmi2019@gmail.com



and its rivulets due to upcoming Siarmal OC Project and other operational OC projects in the area for submission of plan and vision to develop an Integrated approach for the protection of the Basundhara River from the proposed mining in the area."

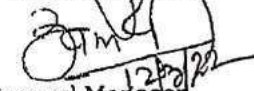
The above study will be conducted by engaging reputed and experienced consultant working in this field. The consultant will study the hydrological regime of the area by field surveys of the study area and prepare and submit a DPR elaborating the details of the study conducted by field surveys and plan and vision to develop an integrated approach for the protection of the Basundhara River from the proposed mining in the area along with cost estimates for execution of the plan.

The DPR so prepared by the consultant will be submitted to you by the Siarmal OCP, Mahalaxmi Area; MCL for considered opinion of Water Resource Department, Govt. of Odisha as directed by the FAC of MoEF&CC, Govt. of India.

This is for your kind information please.


Encl: As above.

Yours faithfully,


General Manager
MCL, Mahalaxmi Area

Copy to:-

1. Chief Engineer (Planning & Design), WRD, Secha Sadan; Bhubaneswar; Odisha.
2. GM (Env. & F), MCL, Sambalpur.
3. PO, Siarmal OCP.
4. SO (Env. & F), Mahalaxmi Area.


Project Officer
Siarmal OCP

Annexure - II 'B' D's'

ମହାନଦୀ କୋଲଫିଲ୍ଡସ୍ ଲିମିଟେଡ୍
महानदी कोलफील्ड्स लिमिटेड
Mahanadi Coalfields Limited
(A subsidiary of Coal India Limited)

MAHANADI COALFIELDS LIMITED
(A Subsidiary of Coal India Limited)
DY. G.M. (MIN)/PROJECT OFFICER
SIARMAL OCP, MAHALAXMI AREA
At/P.O.: Basundhara, Dist: Sundargarh
(Odisha), Pin. Code No. 770076



Ref. No.: MCL/GM/MLA/PO/SOCP/2021-22/151

Date: 17/03/2022

UNDERTAKING

Subject: Proposal for Non-forestry use of 349.709 ha forest land within total mining lease area of 2290.449 ha in Siarmal Open Cast Coal Mining Project of Mahanadi Coalfields Limited in Sundargarh District, Odisha.

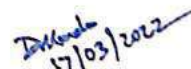
[Proposal No. FP/OR/MIN/32796/2018, State Serial No. OR-061/2019 dated 07.09.2019]


This is to undertake that the User Agency (Siarmal Open Cast Coal Mining Project of M/s Mahanadi Coalfields Limited) will engage reputed and experienced consultant to study the hydrological regime of the area by field surveys of the study area and prepare and submit a DPR elaborating the details of the study conducted by field surveys and plan and vision to develop an integrated approach for the protection of the Basundhara River on the proposed straightening of Chattajor nallah and the proposed mining in the area along with cost estimates for execution of the plan.

The DPR so prepared by the consultant will be submitted by the User Agency for obtaining considered opinion of Water Resource Department, Govt. of Odisha as directed by the FAC of MoEF&CC, Govt. of India.

We hereby undertake to execute the activities to be carried out, as per DPR vetted by Water Resource Department, Govt. of Odisha, at project cost by Siarmal Open Cast Coal Mining Project of M/s Mahanadi Coalfields Limited.


General Manager
MCL, Mahalaxmi Area
General Manager
Mahalaxmi Area
Mahanadi Coal Fields Limited


Project Officer
Siarmal Opencast Project,
MCL, Mahalaxmi Area
Project Officer
Siarmal OCP.


17.03.2022
DIVISIONAL FOREST OFFICER
SUNDARGARH FOREST DIVISION

ମହାନଦୀ କୋଲଫିଲ୍ଡସ୍ ଲିମିଟେଡ୍
महानदी कोलफील्ड्स लिमिटेड
Mahanadi Coalfields Limited
(A subsidiary of Coal India Limited)

MAHANADI COALFIELDS LIMITED
(A Subsidiary of Coal India Limited)
DY.G.M.(MIN)/PROJECT OFFICER
SIARMAL OCP, MAHALAXMI AREA
A/P.O.: Basundhara, Dist: Sundargarh
(Odisha), Pin. Code No.770076



Ref. No.: MCL/GM/MLA/PO/SOCP/2021-22/151

Date: 17/03/2022

UNDERTAKING

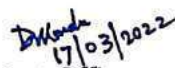
Subject: Proposal for Non-forestry use of 349.709 ha forest land within total mining lease area of 2290.449 ha in Siarmal Open Cast Coal Mining Project of Mahanadi Coalfields Limited in Sundargarh District, Odisha.


[Proposal No. FP/OR/MIN/32796/2018, State Serial No. OR-061/2019 dated 07.09.2019]

This is to undertake that the User Agency (Siarmal Open Cast Coal Mining Project of M/s Mahanadi Coalfields Limited) have already approached CMPDIL for preparation of a Soil and Moisture Conservation (SMC) work plan to mitigate the impact of the proposed mining activity on the local rivulets (nallah),

We hereby undertake to execute the activities to be carried out as per Soil and Moisture Conservation (SMC) work plan at project cost by Siarmal Open Cast Coal Mining Project of M/s Mahanadi Coalfields Limited.


General Manager
MCL, Mahalaxmi Area
General Manager
Mahalaxmi Area
Mahanadi Coal Fields Limited


Project Officer
Siarmal Opencast Project,
MCL, Mahalaxmi Area
Project Officer
Siarmal OCP.


17.03.2022
DIVISIONAL FOREST OFFICER
SUNDARGARH FOREST DIVISION

VA Annexure - V 'A'

ମହାନଦୀ କୋଲଫିଲ୍ଡସ୍ ଲିମିଟେଡ୍
Mahanadi Coalfields Limited
(A subsidiary of Coal India Limited)

Office of The Project Officer,
Siarmal OCP,
Mahalaxmi Area, AT:PO, Basundhara - 770076
District: Sundargarh (Odisha)



MCL

Ref. No.: MCL/MLA/SOCP/2021-2022/ 150

Date: 27.02.2022

To

The Chief Conservator of Forests,

(Forest Diversion & Nodal Officer, FC Act),

O/o the PCCF & HoFF,

Bhubaneswar, Odisha.

Received
02.03.22

Sub: Proposal for Non-forestry use of 349.709 ha of forest land within total mining lease area of 2290.449 ha in Siarmal Opencast Coal mining project by Mahanadi Coalfields Limited (MCL) in Sundargarh District, Odisha. [Proposal No: FP/OR/MIN/32796/2018, State Serial No.: OR-061/2019 dated 07.09.2019]

- Ref: 1. Letter No. 1062/4F/(Miss.)/Dated 23.02.2022 of DFO, Sundargarh
2. Letter No. 3472 dated 22.02.2022 of Chief Conservator of Forests (Forest Diversion & Nodal Officer, FC Act) & FAC meeting held on dated 21.02.2022.

Dear Sir,

With reference to the above cited subject, the point-wise reply of the observation of FAC meeting held on dated 21.02.2022 is given below:

Reply of Point No. 1: The Revenue Forest land (85.010 ha) required for the proposed infrastructure (Embankment, OB dumps, blasting zone & Others) have been reviewed.

- a) **Embankment (12.800 ha)** in Revenue Forest land against **Basundhara River** is needed from the mine's safety point of view and as per the Mines Act, 1952 and Regulation 149 (2) of Coal Mines Regulations (CMR), 2017, to protect the mine from the danger of inundation. Therefore, 12.800 ha of revenue forest land required for making the embankment is necessary and cannot be relocated.
- b) **OB Dumps:** During the entire life of the mine, a total of 2269.69 M Cum. waste rock, i.e., Overburden will be generated. Out of 2269.69 M. Cum. Overburden, about 77.18 M.Cum. OB will be accommodated in the mine voids of nearby existing mine, Basundhara West OCP, about 2007.79 M. cum. OB will be accommodated in backfilled area of Siarmal OCP. The remaining OBR quantity, i.e.,



183.21 M. cum. is required to be dumped externally within the mining lease area because there are other coal blocks adjacent to the Siarmal OCP leasehold boundary. The details of the boundary of the Siarmal & Siarmal Extension Block are given below:

- i) **North:** The northern boundary of the block is marked by East west trending Basundhara River.
- ii) **South:** The southern boundary is marked with arbitrary boundary of Prajapara block.
- iii) **East:** The eastern boundary is limited by Kulda block along Basundhara River and then followed by Chhattajhor Nalla.
- iv) **West:** The western boundary of the block is limited by eastern boundary of Rampia & dip side of Rampia.

About 9.142 ha of Revenue Forest land will be used for creating OB Dump No. 1 and about 9.340 ha of Revenue Forest land will be used for creating OB dump No. 2, totaling an area of 18.482 ha of Revenue Forest land. The total area covered by these OB dumps is 386.08 ha, out of which only 18.482 ha is Revenue Forest land which is about 4.78 %. Moreover, a distance of 100 meters is to be kept as safety distance around each dump as per Regulation 108 (5) of Coal Mines Regulations (CMR), 2017, for which 2.790 ha Revenue Forest land will be required. The location and shape of the OB dumps as well as its design has been done scientifically. Therefore, in absence of any non-Coal bearing area adjacent to Siarmal OCP, external dumping cannot be relocated and there is no suitable non-forest area available for these OB dumps.

- c) **Others:** i) **25.160 ha** towards northern excavation boundary and eastern boundary- this Revenue Forest land is required for mining use like haul roads for OB and coal movement towards Sardega Railway siding via OB dump of existing Basundhara West OCP, wheel washing units, Effluent Treatment Plant, HT and LT power lines, etc. which cannot be relocated.

ii) About **25.778 ha** of Revenue Forest land which is within the mine lease boundary, in between both the external dumps and surrounded by proposed infrastructure on Non-Forest Land towards the Southern side of the boundary, falls under coal bearing area and will be needed during further expansion of the mine. Till such expansion, this area will not be disturbed and will be developed as a green belt through assisted natural regeneration (ANR) in the progressive years to abate fugitive dust emission and maintaining the environmental balance within the mining lease area. Thus, 25.778 ha of Revenue Forest land cannot be excluded. The details have been shown in the enclosed plan.



The purpose-wise break-up of 85.010 ha of Revenue Forest land is as follows:

Embankment against Basundhara River as per Mines Act, 1952	OB Dump 1 (Jhupruna) as per scientific design	OB Dump 2 (Tumulia) as per scientific design	Safety Distance (100 meters) around each dump as per Mines Act, 1952	Others		Total
				Infrastructure like approach roads, HT and LT power lines	Remaining Forest Land for further expansion	
12.800 ha	9.142 ha	9.340 ha	2.790 ha	25.160 ha	25.778 ha	85.010 ha

Reply of Point No. 2: There is no change/revision in purpose wise break up of Revenue Forest land. Hence, the duly authenticated purpose wise breakup of forest and non-forest land that has already been submitted with the diversion proposal may kindly be accepted.

Reply to Point No.3: As required, a comprehensive Soil & moisture conservation plan for the project will be prepared by user agency. An undertaking to this effect is enclosed herewith.

This is being submitted for kind information and necessary action.

Thanking You

Enclosure:


1. Duly attested copy of plan (initially uploaded in Form A part I) showing purpose wise details of 85.010 ha of Revenue Forest land.
2. Undertaking for preparation of comprehensive Soil & moisture conservation plan for project.


27/12/22
General Manager
Mahalaxmi Area

Copy to: Mahanadi Coal Fields Limited

1. RCCF, Rourkela
2. DFO, Sundargarh Forest Division

Yours faithfully,


27/12/2022

Project Officer,
Siarnal OCP,
Mahalaxmi Area, MCL.

ମହାନଦୀ କୋଲଫିଲ୍ଡସ୍ ଲିମିଟେଡ୍
Mahanadi Coalfields Limited
(A subsidiary of Coal India Limited)

OFFICE OF THE GENERAL MANAGER
MAHALAXMI AREA
At/P.O.: Basundhara, Dist: Sundargarh
(Odisha), Pin Code No. 770076
Tel. No. 06621-256129
E-mail: mcl.mahalaxmi2019@gmail.com



Ref. No.: MCL/GM/MLA/2022/ 137


Date: 26/02/2022

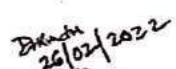
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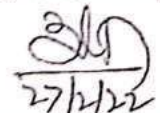
Subject: Proposal for Non-forestry use of 349.709 ha forest land within total mining lease area of 2290.449 ha in Siarmal Open Cast Coal Mining Project of Mahanadi Coalfields Limited (MCL) in Sundargarh District, Odisha.

(Proposal No. FP/OR/MIN/32796/2018, State Serial No. OR-061/2019 dated 07.09.2019)

This is to undertake that the User Agency (Siarmal Open Cast Coal Mining Project of Mahanadi Coalfields Limited) will develop a Comprehensive Soil & Moisture Conservation Plan. The cost involved in execution of the conservation measures will be borne by the User Agency (Siarmal Open Cast Coal Mining Project of Mahanadi Coalfields Limited).


General Manager
Mahalaxmi Area


Project Officer
Siarmal OC
Mahalaxmi Area

Attested

27/2/22
General Manager
Mahalaxmi Area
Mahanadi Coal Fields Limited



STATE FOREST HEADQUARTERS
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF, ODISHA,
ARANYA BHAWAN, CHANDRASEKHARPUR, BHUBANESWAR

E-mail: nodal.pccfhooff@odisha.gov.in

No. /9F (MC) - 35/2021
Dated, Bhubaneswar the March' 2022

From

Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)
O/o the PCCF & HoFF, Odisha, Bhubaneswar

To

The Inspector General of Forests(FC)
Government of India, Ministry of Environment, Forests & Climate Change
(Forest Conservation Division), Indira Paryavaran Bhawan
Aliganj, Jorbagh Road, New Delhi-110003

Sub:- Compliance to the observations of FAC meeting held on 21.02.2022 - Proposal for non-forestry use of 349.709 ha of forest land within total mining lease area of 2290.449 ha in Siarmal Open Cast Coal Mining Project by Mahanadi Coalfields Ltd. (MCL) in Sundargarh District, Odisha-regarding.

Ref:- Discussion in the FAC meeting held on 21.02.2022.

Sir,

In reference to the discussion in the FAC meeting held on 21.02.2022 on the above project, the user agency was requested vide this office Letter No. 3472 dated 22.02.2022 for exploring possibility of relocation of 85.01 ha of forest land proposed under infrastructure (Embankment, Over Burden, Blasting Zone & Others) in the proposal to Non-forest land. Pending receipt of minutes of FAC meeting, the following compliance of user agency is submitted.

1. The proposed forest land of 85.01 ha under infrastructure (Embankment, Over Burden, Blasting Zone & Others) classification and justification provided by user agency is mentioned below:

Infrastructure details	Proposed land use	Justification by M/s MCL
Embankment (against Basundhara River)	12.80 ha	12.80 ha of Revenue Forest Land against Basundhara River is needed from mine's safety point of view to protect the mine from the danger of inundation and for making embankment and hence cannot be relocated. (Details reference Point (1)(a) Page 1 of user agency)
OB Dumps(2, nos) and Safety Distance	18.482 ha 2.790 ha 21.272 ha	"The total area covered by two OB dumps is 386.08 ha, out of which only 18.482 ha is Revenue Forest Land which is about 4.78% and no

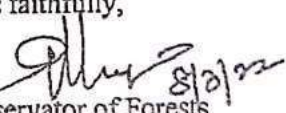
		suitable non-forest area available for these OB dumps and 2.790 ha Revenue Forest Land is required for keeping a safety distance of 100 metres" (Details reference Point (1)(b) Page 1 & 2 of user agency)
Others(Infrastructure etc)	25.160 ha	Cannot be relocated as the said Revenue Forest Land is required for mining use like haul roads for OB and Coal movement etc (Details reference Point (1)(c)(i) Page 2 of user agency)
Others (for further expansion)	25.778 ha	Cannot be relocated as the said land will be needed for further expansion of the mine (Details reference Point (1)(c)(ii) Page 2 of user agency)
Total	85.01 ha	

2. The user agency has also furnished an undertaking to develop a comprehensive soil and moisture conservation plan. The cost will be borne by the user agency.

In view of the above, the detailed compliance report submitted by the Project Officer, Siarmal OCP, Mahalaxmi Area, MCL alongwith its enclosure is sent herewith for kind consideration of the said proposal.

Encl-As above

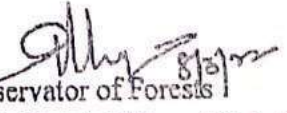
Yours faithfully,


Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)

Memo No.

/ Dt.


Copy alongwith its enclosure forwarded to the the Deputy Director General of Forests (Central), Government of India, Ministry of Environment, Forest & Climate Change, Integrated Regional Office, A/3, Chandrasekharapur, Bhubaneswar-751023 for information and necessary action with reference to the discussion in the FAC meeting held on 21.02.2022.


Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)

Memo No.

/ Dt.

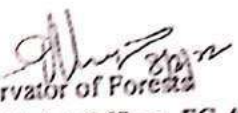
Copy alongwith its enclosure forwarded to the OSD-cum-Special Secretary to Government, Forest, Environment & Climate Change Department, Odisha, Bhubaneswar for information and necessary action with reference to the discussion in the FAC meeting held on 21.02.2022.


Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)

Memo No.

/Dt.


Copy forwarded to the RCCF, Rourkela Circle for information and necessary action with reference to this office memo no. 3473 dated 22.02.2022.


Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)

Memo No.

/Dt.


Copy forwarded to the Divisional Forest Officer, Sundargarh Forest Division for information and necessary action with reference to this office memo no. 3474 dated 22.02.2022.


Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)

Memo No.

/Dt.

4428 08-03-2022
Copy forwarded to the Project Officer, Siarnal OCP, At/Po-Basundhara, Dist-Sundargarh, Odisha, Pin-770076 for information and necessary action with reference to his Letter No. MCL/MLA/SOCP/2021-2022/150 dated 27.02.2022.


Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)