CHAPTER 3

Acquisition of Land: Social Impact Assessment and Conduct of Gram Sabha meetings

Social Impact Assessment (SIA) is an exercise to determine, inter alia, the exact population to be affected or displaced, as well as the impairment of their livelihood, based on which Rehabilitation and Resettlement (R&R) packages are given shape. In Scheduled areas, consent of the Gram Sabha (GS) is necessary for acquisition of land. Thus, it is imperative to conduct GS meetings in all the villages identified for land acquisition and the acquisition is required to be done as per the consent, obtained in a fair manner, of the GS. This Chapter contains observations on conduct of SIA and GS meetings.

- Audit test-checked 312 Land Acquisition (LA) cases, which included 58 LA cases relating to irrigation projects, for which SIA is not required. Of the remaining 254 LA cases, SIA studies had not been carried out in case of 44 LA cases (17 per cent).
- Preliminary notification for acquisition of land, under Section 11 of the RFCTLARR Act, 2013, is to be issued within 12 months from the date of appraisal of the SIA report by an Expert Group. In the acquisition of 82.852 acres of land, for three projects, preliminary notifications had been issued after a lapse of about one and half years from the stipulated date.
- Although obtaining the prior consent of the GS is a prerequisite for acquisition of land in Scheduled areas, in 126 (43 per cent) out of 294 LA cases, preliminary notifications for acquisition of land had been issued without conducting GS meetings, conducting GS meetings without the requisite quorum, in the absence of consent and by means of post facto conduct of GS meetings.

3.1 Process of acquisition of land

Matters relating to acquisition of private land, by Government, were governed by the Land Acquisition Act, 1894 (LA Act 1894), which was replaced by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013, with effect from 1 January 2014. Government of Odisha framed the Odisha RFCTLARR Rules, 2016, with the objective of ensuring a humane, participative, informed and transparent process in land acquisition, in the Scheduled areas, as well as to provide just and fair compensation to the affected families. The RFCTLARR Act, 2013, and the rules made thereunder, mandate prior consultation with the

concerned GS¹² in regard to such land acquisition. A brief description of some important sections of the RFCTLARR Act, 2013, is given in **Table 3.1**.

Table 3.1: Brief description of some sections of the RFCTLARR Act, 2013

Sections	Brief description	Timelines				
4-6	Carrying out Social Impact	Six months from the date of				
	Assessment(SIA) Study	commencement of study.				
7-9	Appraisal of Social Impact	Two months from the date of its				
	Assessment Report by an	constitution.				
	expert group					
41	Obtaining consent of GS	15 days from the date of completion of				
		SIA study.				
11	Issue of preliminary	12 months from the date of appraisal of the				
	notification	SIA Report, submitted by the Expert				
		Group.				
26-30	Determination of market	12 months from the date of publication of				
	value of land and award of	preliminary notification under Section 11				
1.0	solatium	of the RFCTLARR Act, 2013.				
16	Preparation of Rehabilitation					
10	and Resettlement plan					
19	Publication of declaration and					
23 & 31	summary of R&R	12 months from the data of muhication of				
23 & 31	Passing of R&R award for	12 months from the date of publication of declaration under Section 19 of the				
	land acquisition	RFCTLARR Act, 2013.				
38	Payment of compensation and	Compensation: Three months,				
36	taking over possession of	Monetary part of R&R entitlements: Six				
	acquired land	months,				
	acquired fand	Infrastructural entitlements: 18 months				
		from the date of award,				
		Taking over of possession: After making				
		full payment of compensation.				

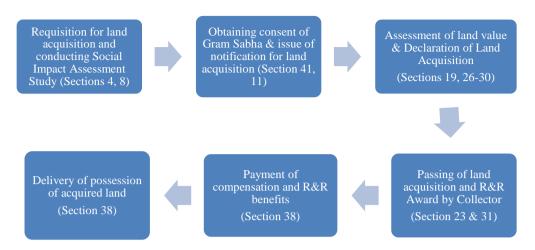
(Source: Compiled from the RFCTLARR Act, 2013)

The process outlined in the RFCTLARR Act, 2013, to be followed for land acquisition, is depicted in **Chart 3.1.**

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A body consisting of persons, registered in the electoral rolls, relating to a village. In all the cases of acquisition or alienation of any land in Scheduled Areas, consent of the concerned Gram Sabha and the Panchayats is to be obtained in Form-M, before publication of preliminary notification under sub-section (1) of Section 11 of the RFCTLARR Act, 2013

Chart 3.1: Process of Land Acquisition



In this audit, an attempt was made to ascertain whether the provisions of various legislations, as well as the rules framed thereunder, had been complied with, by the land acquisition authorities.

3.2 Land under acquisition during FYs 2017-18 to 2021-22

In the six sampled districts, which are Scheduled areas, 793 Land Acquisition (LA) cases¹³ were initiated, for acquisition of 9,307.6906 acres of land, during FYs 2017-18 to 2021-22. Of these, 315 LA cases were test-checked in Audit, as detailed in **Table 3.2.**

Table 3.2: Land under acquisition in sampled Districts

District	Tot	al	Test-checked in Audit		
	No. of LA	Area in	No. of LA	Area in	
	cases	acres	cases	acres	
Kalahandi	184	2,008.345	8	125.64	
Keonjhar	131	937.139	59	589.069	
Koraput	100	1,344.116	100	1,344.116	
Mayurbhanj	269	3,192.807	39	1,528.645	
Nabarangpur	5	12.17	5	12.17	
Sundargarh	104	1,813.1136	104	1,813.1136	
Total	79314	9,307.6906	315	5,412.7536	

(Source: Information furnished and records of the Offices of the sampled Collectors)

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Each LA case represents land acquisition, for a particular village, at a particular time, for which one preliminary notification, under Section 11 and one declaration, under Section 19, are to be made

Kalahandi and Keonjhar are partially covered Scheduled areas and the LA cases represent figures for the entire district, while the test-checked cases, in these two districts, relate to the Scheduled areas

The status of land acquisition, in regard to the 315 test-checked LA cases, was as under:

Table 3.3: Status of land acquisition in the sampled districts

District	Test- check ed LA cases	Preliminary notifications issued u/s 11 ¹⁵		Declarations u/s 19 ¹⁶		Compensation awards passed		Possession handed over to requisitioning body	
		No.	Acreage	No.	Acreage	No.	Acreage	No.	Acreage
Kalahandi	8	5	7.66	5	7.66	8	125.64	6	120.03
Keonjhar	59	59	589.069	45	561.878	45	561.878	43	558.823
Koraput	100	93	1,156.463	42	210.547	41	210.00	39	209.41
Mayurbhanj	39	37	1,527.35	37	1,527.35	37	1,527.35	29	1,403.733
Nabarangpur	5	1	0.74	1	0.74	1	0.74	1	0.74
Sundargarh	104	93	1,776.55	73	765.90	71	764.46	40	249.395
Total	315 ¹⁷	288	5,057.832	203	3,074.075	203	3,190.068	158	2,542.131

(Source: Information and records furnished by the Offices of the sampled Collectors)

3.3 Social Impact Assessment Study

Section 4 of the RFCTLARR Act, 2013, requires that, whenever the appropriate Government intends to acquire land for a public purpose, it shall carry out a SIA study by an agency¹⁸, as nominated by the respective State Government. Accordingly, the RDM Department had engaged the Nabakrushna Choudhury Centre for Development Studies (NCDS), Bhubaneswar, to conduct SIA studies for all land acquisition cases. The SIA study was, amongst other matters, required to include assessment, as to whether the proposed acquisition would serve public purpose; estimation of the affected and displaced families; social impact of the project; nature and cost of addressing them; and the impact of these costs, on the overall costs of the project, vis-a-vis the benefits of the project. The SIA report was, then, to be examined by an Expert Group, constituted under the chairmanship of the Collector concerned. The Expert Group was to communicate its views on the SIA report, to the RDM Department. Conduct of SAI studies, is, however, exempted, under Section 6 of the RFCTLARR Act. 2013, read with RDM Department's clarification (March 2016), in regard to irrigation projects, where the process of Environment Impact Assessment (EIA) is required.

As per Section 14 of the RFCTLARR Act, 2013, where a preliminary notification under Section 11 is not issued within 12 months from the date of communication of the views of the Expert Group on the SIA report, then, such a report shall be deemed to have lapsed and a fresh SIA shall have to be prepared.

Notifications issued under Section 11 of the RFCTLARR Act, are referred to as preliminary notifications

When the appropriate Government is satisfied, that any particular land is needed for a public purpose, a declaration shall be made to that effect

Includes three LA cases of Kalahandi District, involving acquisition of 117.98 acres of land, where the preliminary notifications and declarations were made, as per the provisions of the LA Act, 1894, but no awards were passed. In these three cases, compensation was determined as per the provisions of the new act *i.e.*, RFCTLARR Act, 2013

The agency would survey the affected areas, conduct group discussions with the affected people, collect their opinions, conduct public hearings and submit report on the number of people affected, due to the proposed land acquisition

The NCDS prepares Requiring body requisition from terms of reference, deposits cost of SIA Requiring body, estimate for with NCDS and RDM Collector submits conducting study and Department issues proposal to nominated notification under agency (NCDS) and copy of land schedule Requiring body Section 4(1) of the Act Collector and RDM for conducting SIA study (within 25 days) to RDM Department Department (within 10 (within seven days)

Chart 3.2: Process of SIA study

The process to be followed, for the SIA, is depicted in **Chart 3.2**.

The RDM Department issues declaration (within seven days).

The Collector submits its report to the RDM Department for issue of declaration under Section 8(2) of the Act (within seven days).

The NCDS submits SIA study report (within six months). A multidisciplinary Expert Group examines the report and submits its views (within two months).

On test-check of 312 LA cases, Audit noticed that in 52 LA cases, which were related to irrigation projects, SIA study was not required and six LA cases related to direct purchase of private land. Out of the remaining 254 LA cases, SIA was conducted for 210 cases and not conducted for 44 cases. In this context, Audit observed the following:

3.3.1 Acquisition of land without conducting SIA or EIA studies

As per Section 6 of the RFCTLARR Act, read with RDM Department's clarification of March 2016, SIA studies are exempted for irrigation projects, if EIA studies have been conducted. In 44 LA cases, 203.35 acres of land were acquired, during FYs 2017-18 to 2021-22, for two irrigation projects, *viz*. Telengiri Medium Irrigation Project (TMIP), Koraput and Ret Irrigation Project (RIP), Kalahandi¹⁹.

Audit noticed that neither EIA nor SIA studies had been conducted for either of these two irrigation projects. Since EIA studies had not been conducted, SIA studies were mandatory, before acquisition of land, as per Section 4 of the RFCTLARR Act. However, in contravention of these statutory provisions, 203.35 acres of land was acquired, during FYs 2017-18 to 2021-22, without conducting SIA study. Thus, in violation of the statutory provisions, 203.35 acres of land was acquired irregularly. Moreover, it could not be ensured, in audit, as to whether all the families affected or displaced, due to acquisition of land for the aforesaid projects, had been awarded compensation and R&R benefits.

In reply, the Special Land Acquisition and Rehabilitation & Resettlement Officer (SLA & RRO), TMIP, stated (October 2022) that SIA study was not conducted, since the same is exempted for irrigation projects, as per the RFCTLARR Act, 2013. It was added that the TMIP project had been initiated

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¹⁹ TMIP: 39 LA cases, 195.69 acres and RIP: 5 LA cases, 7.66 acres

prior to enactment of the Environment Protection Act, 2006, and, therefore, conduct of EIA was not a necessity. On the other hand, the SLA & RO, RIP, stated (January 2023) that the Audit observation had been noted, for future guidance.

The reply of the SLA & RRO, TMIP, was not convincing, since the notifications for acquisition of land had been issued during 2016 to 2021, under Section 11 of the RFCTLARR Act and Section 4 of the said Act, required conduct of SIA studies, before issue of notifications. Non-conduct of SIA study was, therefore, violative of the RFCTLARR Act, 2013.

3.3.2 Issue of preliminary notification under Section 11, after lapse of SIA report

The preliminary notification under Section 11 of the RFCTLARR Act, was to be issued within one year from the date of appraisal of the SIA report by an expert group, as per Section 14 of the RFCTLARR Act.

In six LA cases, in the Koraput district, involving acquisition of 82.852 acres of land, for three projects, Audit noticed that preliminary notifications, for acquisition of land, had been issued under Section 11, after lapse of the SIA report, as detailed in **Table 3.4.**

Project/ No. of LA cases	Area in acres	Date of appraisal of the SIA reports by the expert group	Date by which preliminary notification were to be issued	Date of issue of preliminary notification
Admunda MIP/ 4	46.370	5 January 2021	3 April 2022 ²⁰	16 June 2022
Jagamunda MIP/ 1	10.650			23 May 2022
Jeypore-	25.832	29 July 2021	29 July 2022	15 March
Nabarangpur Rail				2023
Link Project/ 1				
Total	82.852			

Table 3.4: Details of LA cases, where SIA reports had lapsed

(Source: Records of the Offices of the test-checked LAOs/SLAOs)

As can be seen from **Table 3.4**, 82.852 acres of land had been acquired on the basis of expired SIA reports, which was irregular. As the socio-economic status of the population affected by land acquisition, was prone to change with the passage of time, fresh SIA studies should have been conducted, to assess their updated status. Non-conduct of SIA studies afresh implied that there was no assurance that the interests of the affected/ displaced families had been duly safeguarded, as per the Act.

In reply, the LAO, Koraput, stated that, due to the Covid 19 Pandemic, preliminary notifications under Section 11, could not be issued within the stipulated period of one year from the date of appraisal of the SIA reports. The reply was not acceptable, since even after excluding the period of 88 days, declared as *force majeure*, due to the Covid 19 pandemic, preliminary notifications had not been issued within one year, in regard to the two MIPs (Admunda and Jagamunda).

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A period of 88 days (5 May 2021 to 31 July 2021), declared as *force majeure*, due to Covid-19 pandemic, is added to the stipulated period

The SLAO, Jeypore-Nabarangpur Rail Link Project, while admitting the fact of lapse of statutory period for issue of preliminary notification, attributed the reasons to delay in conducting GS meetings. The reply is not convincing, as a fresh SIA study should have been conducted, as per Section 14 of the RFCTLARR Act, 2013.

Recommendation 3.1: Social Impact Assessment Studies, being vital for identification of the population to be affected/ displaced, due to land acquisition, should be conducted in all required cases and preliminary notifications for acquisition of land, should be issued within the stipulated period. Responsibility should be fixed in cases of non-conduct of Social Impact Assessment Studies.

3.4 Prior consent of Gram Sabha for acquisition of land

Article 243 of the Constitution of India defines 'Gram Sabha' as a body consisting of persons, registered in the electoral rolls, relating to a village. As per Section 41 of the RFCTLARR Act, in case of acquisition or alienation of any land in the Scheduled areas, the prior consent of the concerned GS or the Panchayats or the autonomous District Councils, at the appropriate level²¹, shall be obtained before publication of preliminary notification under Section 11 of the RFCTLARR Act, 2013. Further, Section 4 of the Panchayats Extension to Scheduled Area (PESA) Act, 1996, provides that the GS, or the Panchayats at the appropriate level, shall be consulted, before making acquisition of land in Scheduled areas, for development projects.

As per instruction (January 2018) of RDM Department, the LAO/ SLAO/ SLA&RRO are to obtain consent of GS within 15 days of completion of SIA study and before issue of preliminary notification. The LAO/ SLAO/ SLA&RRO is to request the Block Development Officer/ Sarpanch concerned, for convening GS meetings.

In four out of the six sampled districts, deficiencies like acquisition of land without conducting GS meetings, disregarding the views of the GS, obtaining consent of the GS without the required quorum, conducting GS meeting after issue of preliminary notification, were noticed, as detailed in **Table 3.5**.

District	No. of LA cases, where GS meetings were required to be held	No. of GS meetin gs actuall y held	No. of GS meetin gs not held	No. of GS meetings conducte d, without required quorum	No. of cases, where land was acquired, disregardi ng the views of the GS	No. of LA cases, where GS meetings were held, after issue of preliminary notification u/s 11
Kalahandi	5	1	4	-	-	-
Keonjhar	59	59	-	-	-	-
reconjina						
Koraput	93	59	34	24	-	10

Table 3.5: Overview of GS meetings conducted in the test-checked LA cases

The consent of the Panchayats or the Autonomous District Councils shall be obtained in cases, where the Gram Sabha does not exist or has not been constituted

District	No. of LA cases, where GS meetings were required to be held	No. of GS meetin gs actuall y held	No. of GS meetin gs not held	No. of GS meetings conducte d, without required quorum	No. of cases, where land was acquired, disregarding the views of the GS	No. of LA cases, where GS meetings were held, after issue of preliminary notification u/s 11
Nabarangpur	1	1	-	-	1	-
Sundargarh	97	64	33	-	29	-
Total	294	221	73	24	29	10

(Source: Records of the Offices of the test-checked LAOs/SLAOs)

3.4.1 Acquisition of land, without conducting GS meetings

In case of acquisition of 297.4886 acres of land, as detailed in **Table 3.6**, consent of the GS had not been obtained.

Table 3.6: LA cases, where consent of GS had not been obtained

District	Project	No. of LA	Area in	Period of land
	ŭ	cases	acres	acquisition
Koraput	TMIP	34	37.36	2017-22
Sundargarh	Talcher-	29	247.64	November-
	Bimlagarh Rail			December 2021
	Link Project			
	(TBRLP)			
	For roads and	4	4.1736	October 2018 to
	approach road to			April 2022
	bridges			
Kalahandi	RIP	4	7.02	June 2017 to
				August 2018
Mayurbhanj	For roads and	2	1.295	March to
	approach road to			December 2021
	bridges			
	Total	73	297.4886	

(Source: Records of the Offices of the test-checked LAOs/SLAOs)

Audit noted that:

- In case of TMIP, the SLA & RRO, without conducting GS meetings for acquisition of 37.36 acres of land, issued preliminary notifications under Section 11 of the RFCTLARR Act, during February 2016 to January 2021. The preliminary notifications were issued on the basis of GS meetings, conducted one to nine years earlier, for acquisition of different lands in the same villages. This constituted an irregularity, as different GS proceedings had been used for issue of these preliminary notifications.
- In case of TBRLP, the LA case records, furnished to Audit, neither contained any mention regarding conducting of GS meetings, nor could copies of GS meetings, be furnished to Audit, for scrutiny.
- In case of the remaining projects, GS meetings were not conducted for acquisition of land.

Audit observed that the said land had been acquired, without obtaining consent of the GS, in contravention of the provisions of PESA, as well as RFCTLARR

Act, due to which the inhabitants of these Scheduled areas were deprived of the legal safeguards provided in the PESA, as well as in the RFCTLARR Acts.

In reply, the SLA & RRO, TMIP, stated (October 2022) that GS meeting was conducted five to seven years back, during earlier acquisitions made in the same villages. At that time, it was verbally intimated to the villagers that, if any additional land would be required at any time, this consent would be enclosed. The reply was not convincing, as GS meetings were to be conducted for each land acquisition case, which had not been done. Further, labeling the consent of the GS, given earlier on different land acquisition cases, as the consent given by the GS for acquisition of different patches of land, was irregular.

The SLAO, TBRLP, stated that GS meetings had been conducted before issue of preliminary notifications under Section 11 of the RFCTLARR Act, 2013, but the case records were not readily traceable.

In case of acquisition of roads and approach road to bridges, made through direct purchase, the LAO, Sundargarh, stated (December 2022) that direct purchase of private land had been made, as per the RDM Department notification issued in May 2016²². The reply was not convincing, since the notification referred to, related to constitution of District Level Independent Multidisciplinary Expert Group to evaluate the SIA study reports and did not relate to direct purchase of private land. Moreover, any notification, issued in regard to land acquisition, would have to be in conformity with the statutory requirements.

3.4.2 Obtaining consent of GSs, without the required quorum

Odisha RFCTLARR Rules, 2016, are silent on the requirement of quorum in conducting GS meetings for acquisition of land. However, Rule 17 of the RFCTLARR (Social Impact Assessment and Consent) Rules, 2014, of GoI, provided that the quorum for obtaining consent of GS shall be at least fifty *per cent* of the total members of the GS, provided that one third of the total women members of the GS, shall also be present in the GS meeting.

Audit noticed that the Collectors of Koraput and Nabarangpur districts had issued (April 2021 to July 2022) preliminary notifications, under Section 11 of the RFCTLARR Act, 2013, in regard to 41 LA cases, for acquisition of 871.246 acres of land, for the Jeypore-Nabarangpur and Jeypore-Malkanagiri new broad gauge Rail Link Projects. The preliminary notifications were issued on the basis of consents given by the GSs concerned. Audit compared the number of members who had attended/ signed the GS proceedings, with the voter lists in regard to all 41 LA cases. In 24 LA cases (58 per cent), Audit noticed that the percentage of attendance in the GS meetings was only 0.30 to 8.80 per cent, against the requirement of 50 per cent, as shown in Appendix 3.1. Participation of one third of the total women members of the GS, was also not ensured. As such, the consents of GSs were not valid, since the required quorum was lacking. However, the Collectors of both the districts had issued preliminary notifications, on the basis of the invalid GS consent.

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Notification No. 14158/ RDM, dated 7 May 2016

The SLAO, Jeypore-Nabarangpur and Jeypore-Malkanagiri new broad gauge Rail Link Project, did not furnish any specific reply, in regard to the consent of the GS having been obtained, without the required quorum.

3.4.3 Issue of preliminary notifications, disregarding the views of the GS

The Collector, Sundargarh, issued (March 2018 to December 2021) preliminary notifications, under Section 11, for acquisition of 1,528.91 acres of land, in 64 LA cases. GS proceedings, in regard to 32 cases, involving acquisition of 355.525 acres of land, were not made available to Audit. Out of the remaining 32 LA cases, consent of GS was available for only three LA cases²³, for acquisition of 8.12 acres of land. In regard to the remaining 29 LA cases, preliminary notifications, for acquisition of 1,165.265 acres of land, for four projects, had been issued (*Appendix 3.2*), disregarding the views of the GSs concerned. On further scrutiny, Audit noticed the following:

• In 10 cases, involving acquisition of 1012.725 acres of land, for two projects, *i.e.* 'four-laning coal corridor road', by the Executive Engineer, Roads and Bridges Division, Sundargarh, and 'Expansion of mining by Dalmia Cement (Bharat) Limited' formerly known as M/s OCL India Limited, the GSs concerned had objected to the land acquisition. However, disregarding the views of the GSs, preliminary notifications had been issued by the Collector, Sundargarh. Sample of one such GS proceedings is shown in *Image 3.1*.

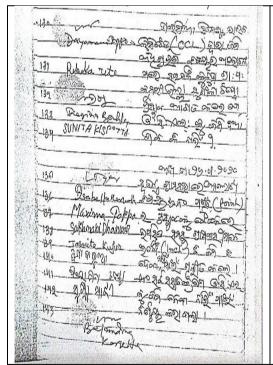


Image 3.1: GS proceedings of village Kukuda

Extracts of GS proceedings of Village Kukuda, which reads as under:

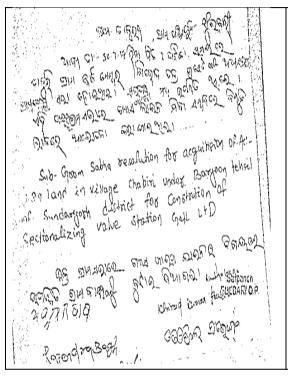
"On the matter of acquisition of land for Dalmia Cement India Limited (OCL), Sarapanch of Kukuda GP Ms Rilla Susila Toppo moved a proposal whether land shall be given to OCL or not?

Today on 26 January 2020, in a special meeting of the GS on agenda No. 6, all the villagers present in the meeting unanimously resolved not to give an inch of land to OCL."

LA Case No. 47/18: Mega Lift Irrigation Project and LA case Nos. 55/18 and 56/18: Mining project of ESSAR Steel

 There was no consensus in the GS for acquisition of 37.05 acres of land in six LA cases²⁴. In the GS meetings, either the projects had only been discussed or the meetings had been postponed, due to absence of officers of Government/ project proponent, to clarify the doubts raised in the GS meeting.

Image 3.2: GS proceedings of village Chhabri



Extracts of GS proceedings of Village Chhabri dated 30 July 2018, which reads as under:

Chhabri, "Village: Phulbari, today on 30 July 2018 at 1 PM, the meeting of the GS was conducted under the chairmanship of Shri Khirod Chadra Pruseth, Ward Member of the Village Chhabri to discuss comprehensively onthe matter of construction of gas pipeline.

In the meeting of the Grama Sabha, the villagers were explained on the matter of construction of gas pipeline."

• In 13 cases²⁵, involving acquisition of 115.49 acres of land, the GSs concerned had given conditional support for acquisition of land. The conditions included payment of compensation at a rate of ₹ 70 lakh per acre; taking of pollution control measures, renovation of medical centre, school, library, tube well, temple, waiting hall, provision of drinking water and street light; renovation of pond; provision of employment; avenue plantation, *etc*.

Acquisition of land, disregarding the views of the GSs, was irregular. Also, the inhabitants of the Scheduled areas were deprived of the legal safeguards provided in the PESA and RFCTLARR Act, in regard to acquisition of their land.

Response of the Collector, Sundargarh, had not been received (February 2024).

LA Case Nos. 02/17: Kalamegha, 03/17: Laikera, 04/17: Chuabahal, 05/17: Kanaktora, 26/18: Duduka, 28/18: Barpali, 29/18: Mahikani, 30/18: Badbanga, 31/18: Bijadihi, 32/18: Aunlabahal, 33/18: Sribhubanpur, 34/18 Budelkani and 40/18: Bramhanipali)

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LA Case Nos. 24/18: Sareikela, 25/18: Bandhpali, 36/18: Surda, 37/18: Nialipali, 38/18: Jhimermahul and 53/18 Chabiri

3.4.4 Conducting GS, after issue of preliminary notification and without quorum

The Collector, Koraput, issued preliminary notification, under Section 11 of the RFCTLARR Act, for acquisition of 71.897 acres of land, before conducting GS meetings, in 10 LA cases, for six projects, as detailed in **Table 3.7.**

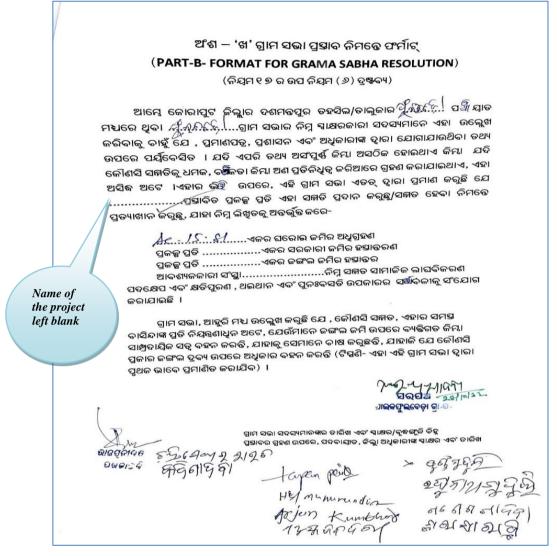
Table 3.7: LA cases where GSs were conducted after issue of preliminary notification

LAO	Purpose of acquisition	No. of LA cases	Area (in acres)	Date of issue of preliminary notification	Date of GS	Percentage of members, who attended the GS meeting
LAO, Koraput	Admunda MIP	4	46.37	16-06-22	28-10- 22	1.50 to 9.09
	Baghri MIP	1	0.390	08-02-22	06-06- 22	GS resolution not available
	Jagamunda MIP	1	10.650	23-05-22	08-06- 22	3.60
	Petujodinala MIP	2	9.19	08-02-22	07-07- 22	2.34
	Tunpar MIP	1	4.750	08-02-22	07-06- 22	1.04
LAO-cum- Tahasildar, Laxmipur, Koraput	Doubling of Koraput Singapur Road Train line	1	0.547	02-11-21	28-04- 22	4.46
	Total	10	71.897			

(Source: Records of the Offices of the test-checked LAOs)

Further scrutiny revealed that the GS meetings had been conducted without quorum, land acquisition proposals had either been refused in the GS meetings, or the resolutions did not explicitly contain a statement of consent to the project, rendering them invalid. The GS resolutions, in regard to Admunda and Petujodinala Minor Irrigation Project (MIP), did not even contain the names of the projects. A photocopy of the GS proceedings of the Phulbeda Village, conducted for acquisition of 15.81 acres of land, for Admunda MIP, is shown below:

Image 3.3: GS proceedings of village Phulbeda



As such, in a number of cases, the GS proceedings were not valid, insofar as acquisition of land was concerned. The LAOs concerned did not furnish any specific replies, regarding non-obtaining consent of the GSs, for issuing the preliminary notifications.

Thus, land had been acquired, without obtaining consent of the concerned GSs, or by disregarding their views, or by obtaining their consent without the required quorum, or by obtaining their consent after issue of preliminary notification under Section 11.

Recommendation 3.2: The Department may fix responsibility against the officers concerned for lapses in conducting GS i.e. acquisition of land without conducting GS, without obtaining consent of GS, land acquisition despite disagreement of GS and getting signature of GS members, without disclosing the names of the projects.