GOVERNMENT OF ODISHA

DEPARTMENT OF WATER RESOURCES

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No.-WR-LA-CASEOP-0002-2023-18728 /WR, Date: 5/7/2023

From

Shri Alok Kumar Kar, IAS,

Director R&R -cum- Additional Secretary to Government.

To

The Collector & DM, Kalahandi.

Sub:- Clarification regarding the enumeration of married daughters for granting of Rehabilitation Assistance.

Sir,

In inviting reference to your office Letter No.101 dated 21.04.2023 on the subject cited above, I am directed to enclose herewith a copy of the extract of noting made by the Law Department in the file of Revenue & DM Department bearing No."R&R EH-17/2023" towards the clarification of eligibility of married daughter to be granted with the Rehabilitation Assistance.

Encl: As above

Yours faithfully,

5/07/2023

Director R&R -cum-

Additional Secretary to Govt.

Memo No. 18729 /WR, Dt. 5/7/2023

Copy forwarded to the L.A & R.O, Ret Irrigation Project, Kusumkhunti, Kalahandi for information and necessary action w.r.t. his Letter No.399 dated 21.10.2022.

5/07/2023

Director R&R -cum-

Additional Secretary to Govt.

Extracts of notes taken from the Revenue & Disaster management Department File No. R&REH-17/23

Sch.--I/II--F.No.10

NOTE SHEET

LAW DEPARTMENT

The A/D has endorsed the file to this Department for opinion as to whether the married daughter of the displaced family may be treated as an awardee for extending the R&R benefits in respect of irrigation projects under R&R Policy, 2006 or any other acts as well as the definition of project area.

Without repeating the factual aspects of the file, I solicit my opinion below :

Rehabilitation & Resettlement of displaced family of an affected area, which is to be notified for the purpose of land acquisition is governed by "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013", hereinafter called as "Act".

As per Section 31 of the Act, the Collector shall pass Rehabilitation & Resettlement Awards for each affected family in terms of the entitlements provided in the **Second Schedule**. The elements of rehabilitation and resettlement entitlements as well as entitlement provision have been provided in the Second Schedule.

Affected family is defined under Section 3(c) of the Act. Clause (i) & (ii) are the relevant provisions. As per Section 3(c), **affected family** includes;

(i) A family whose land or other immovable property has been acquired.

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NOTE SHEET

children or dependents shall be considered as a separate family for the purpose of rehabilitation and resettlement under the Act provided;

(a) If the family does not own any land and the daughter is residing in the project area for a period of not less than three years prior to the date of publication of notification for acquisition of land and her primary source of livelihood stand affected by the acquisition of land.

(b) If the land and other immovable property of the family are acquired, she is also eligible for R & R benefit as an affected family and for determination of benefits, total extent of land owned by her as a co-sharer will be taken into account.

But the above benefits should be extended in consonance with the limitations of elements of Rehabilitation & Resettlement entitlements as provided under the Second Schedule to the Act.

16/5/23

(B.P. Panda)
2nd ALR-cum-Addl. Secy.
to Govt. of Odisha
Law Department, Bhubaneswar

Revenue & D.M. Department.

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Ac(s)

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