

Social Impact Assessment under Rehabilitation & Resettlement Program for EIA Study

By

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By



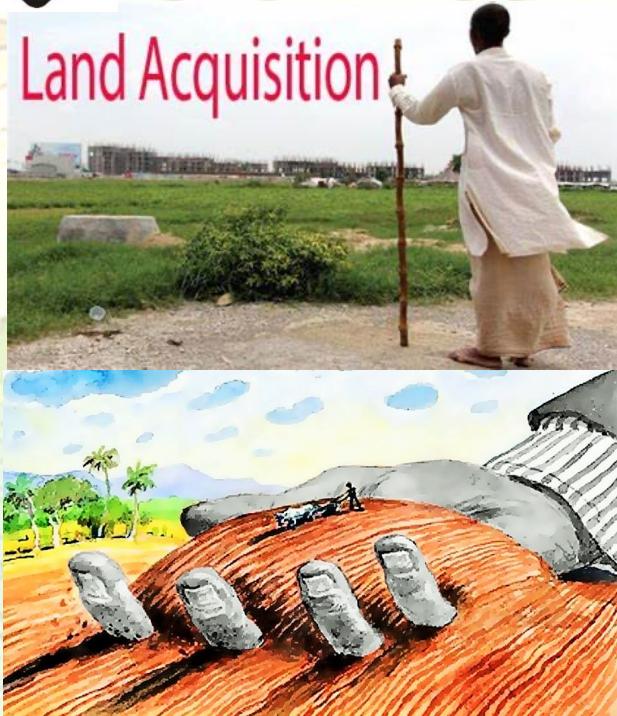
RECYCLING AND ENVIRONMENT INDUSTRY ASSOCIATION OF INDIA

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Land Acquisition



18-Dec-23

The Need

Affected Individuals/Family

- Fear & Uncertainty
- Social Justice
- Right of Equality

Professionals

- Tedious Process
- Confusion over LAWs
- Which EIA or SIA or R&R
 - Law
 - Associated Authorities & Professional
 - Execution Process

SURVEY

Q1. How many are from infrastructure Sector Development?

Type Y

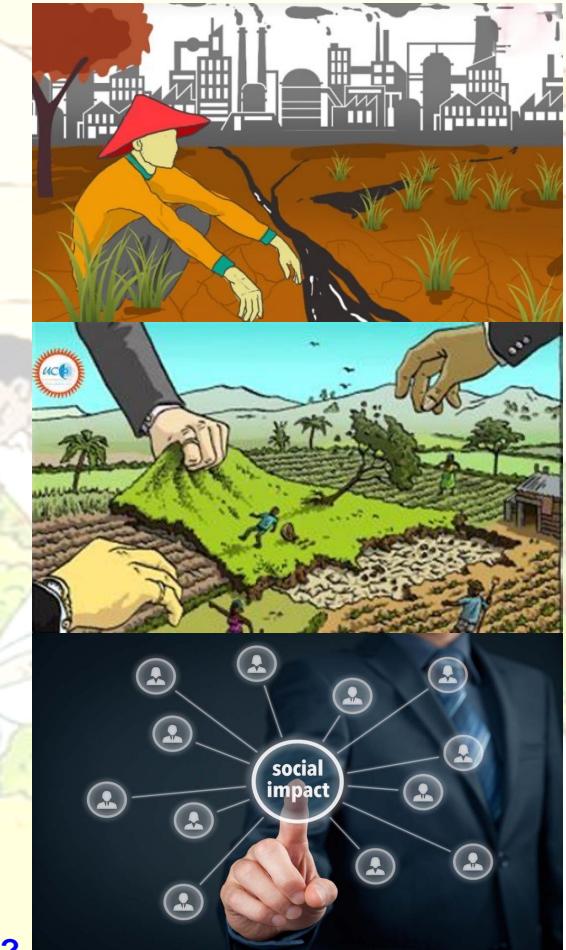
Q2. How much you know about SIA & R&R?

1.DK 2. Partial 3. Full

Q3. How many of you participated in R&R Execution Process?

1.NP 2. Partial 3. Full

REIAI-DRHS SIA-RR Webinair



R&R plan/compensation details for the **Project Affected People (PAP)** should be furnished. While preparing the R&R Plan, the relevant **State/National Rehabilitation & Resettlement Policy** should be kept in view. In respect of **SCs/STs and other weaker sections** of the society in the study area, a need base sample survey, family-wise should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and Socio-economic aspects should be discussed in the report.

OR

Status of acquisition of land under **RFCLARR Act 2013**. If acquisition is not complete, stage of the acquisition process and expected time of complete possession of the land. R&R details in respect of land in line with state Government policy

OR

Owing the displaced population/ **Project Affected People (PAP)** a detailed SIA study should be done for Preparation of R&R Plan under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" w.e.f on 1 January 2014.

About Rehabilitation and Resettlement

- **Why & When: The Need of R & R**

- ~~People are forced to move out of their land due to both natural and man made disasters. Natural disasters like earthquakes, cyclones, tsunami etc. render thousands of people homeless and sometime even force them to move and resettle in other areas.~~
- **Infrastructure developmental projects (EC is required) like construction of roads, dams, canals and flyovers displace people from their home.**

- **What:**

- **Define Rehabilitation:** Rehabilitation is the act of restoring something (Caused due to any type of disturbance) to its original state after doing intervention
 - Rehabilitation means restoration to the former state.
- **Define Resettlement:** the act or instance of settling (Solve by any means: Agreement) or being settled in another place
 - resettlement refer to the process of settling again in a new area.
 - the act or state of settling or the state of being settled.
 - the act of making stable or putting on a permanent basis.
 - state of stability or permanence.

Objectives (RFCTLARR Act 2013...)

In Context to the **PROPOSER** & Concerned **PROFESSIONALS**

- **Part 1: Historical Evolution** of Land Acquisition ACT 1894 on ward
- **Part 2: Milestone and Comparative Analysis** of LA Act and RFCTLARR Act
- **Part 3: Understanding RFCTLARR 2013 (By Chapters)**
- **Part 4: How to Conduct Social Impact Assessment Study**
- **Part 5: Understanding the Process For SIA & R&R Program**
- **Part 6: CASE Study: Land Acquisition in Singur**

Part I

Historical Evolution of the Land Acquisition Act in India

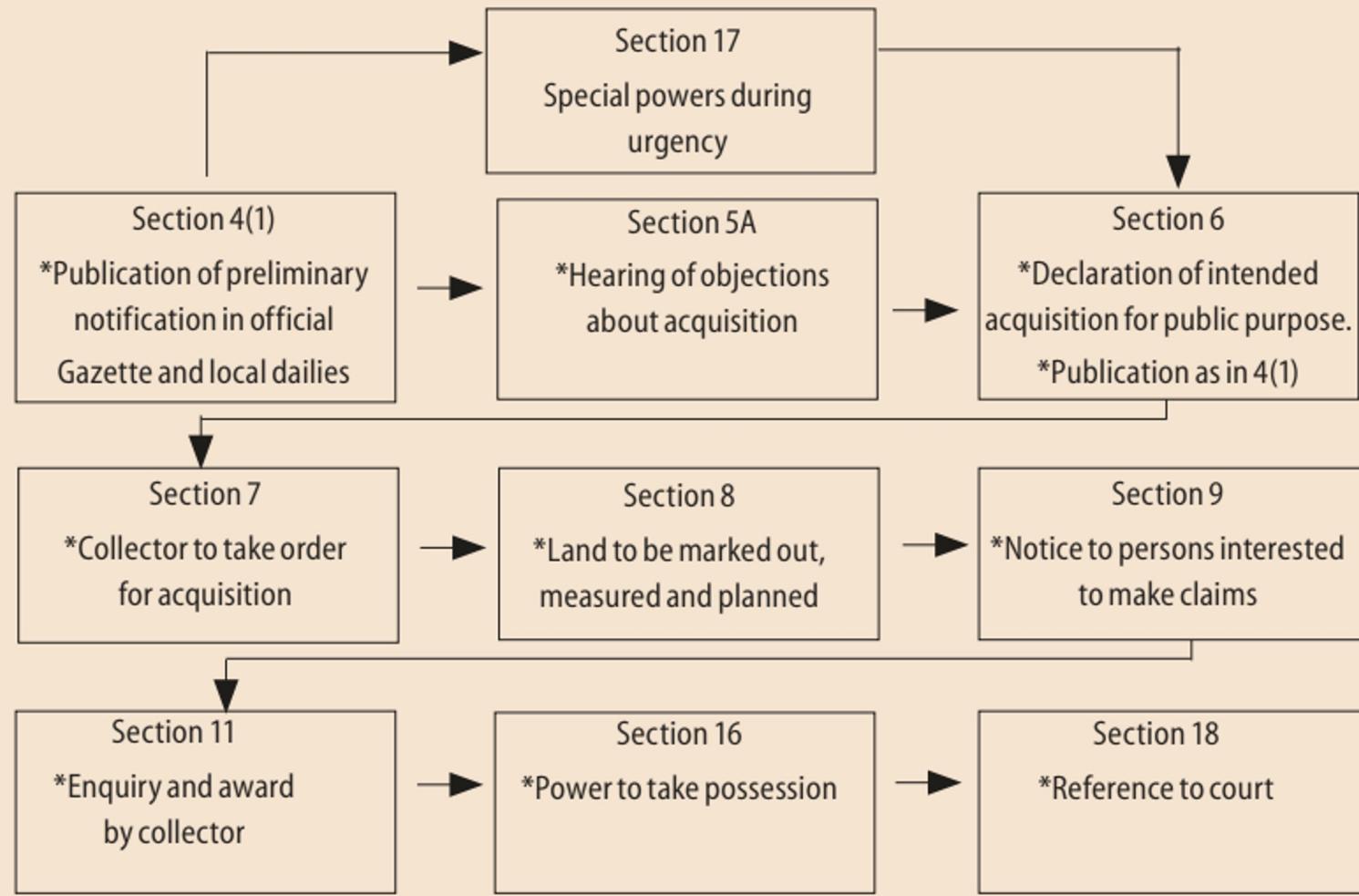
Historical Evolution of the Land Acquisition Act in India

- The Bengal Resolution I of **1824**
- The Britishers extended the regulation to Calcutta through another legislation, the Act I of **1850**
 - Building railway lines across the country
 - Likewise, similar Acts in Bombay in **1839**
 - The Building Act XXVII and Act XX of **1852** in Madras
- British India. Act VI of **1857**
- Further amended in **1861** (Act II) and **1863** (Act XXII) and subsequently enactment of Act X of **1870**
- The **1870 law**: mechanism for settlement through civil court for compensation, if the collector couldn't settle by agreement
- Replaced by the **Land Acquisition Act, 1894** (Act I of 1894) Not to Princely States.

Reasons to Introduce Land Acquisition Act, 1894

- **Infrastructure Development:**
 - Construction of railways, roads, canals, and other public works required even private land
- **Developing Public Projects:**
 - Deemed essential for governance, administration, and public welfare
- **Essential for Economic Development:**
 - Stimulate economic development in India, and infrastructure projects
 - Facilitating trade, transportation, and communication
- **Legal Clarities:**
 - Introduction of a specific law provided legal clarity
 - Standardized process for acquiring land for public purposes
- **Compensation to Land owner:**
 - Ensure that landowners were compensated fairly for the land
 - Mechanism for determining compensation based on the market value of the land
- **Eminent Domain:**
 - Allows the government to take private property for public use
- **Consolidation of Land Laws:**
 - Consolidated and codified the laws related to land acquisition
 - Uniformity of land laws all over under British rule in India.

Process of Land Acquisition as per LQ Act, 1894



Source: Land Acquisition Act 1894.

- **Purpose of Acquisition:**

- Projects deemed beneficial to the public for Construction of roads, railways, schools, etc

- **Notification and Hearing:**

- Government issuing a notification expressing its intention to acquire land
- Hearing where affected parties could present their objections

- **Compensation:**

- Market value of the land at the time of the notification
 - plus an additional solatium amount (usually 15% of the market value) to compensate for the compulsory nature of acquisition

- **Status Consent:**

- Not require obtaining the consent of landowners & displaced population out of it

- **Provisions Made:**

- Limited to primarily on compensation given against their LAND ACQUISITIONS

- **Legal Framework for Dispute Resolution:**

- Provision for resolving disputes related to the acquisition process
 - Disputes could be taken to court for adjudication

- Compensation Rates
- Absence of Rehabilitation and Resettlement Provisions
- Lack of Transparency and Public Participation
- Wide and Ambiguous Definitions
- No Safeguards for Vulnerable Communities
- Lengthy Legal Procedures
- Non-Uniform Compensation Practices
- Lack of Environmental Safeguards

Part II

Milestone of the Land Acquisition Act in India

- 1923 - Introduced the concept of stating objections to the acquisition which was to be heard by competent authority (**Princely States Exempted**)
- 1935 - Right to property explicitly: tracing the origins of right to property in India
- 1946 - Fundamental rights: "*expropriation of right to property*" and not "*right to property*" per se. (Proposed)
- 1949 - " No person shall be deprived of his life, liberty or property without due process" (Implemented)
- 1963 – Land Acquisition Company: provided detailed procedures and guidelines regarding the acquisition of land by companies for public purposes
- 1976 - The 42nd Amendment Act And Crusade Against Article 19(1)(F)
 - Case Of I.C Golak Nath from Punjab in 1963 – Sized 500 acers of land
 - The Case Of Keshav Ananda Sripadagalvaru in 1967 – Seized 470 acers out of 500 acers
 - Minerva Mills Ltd. & Ors vs Union Of India & Ors
 - 1978 - The Death Of Article 19(1)(F): 44TH Amendment Act:
- 1998 - Ministry of Rural Development (MORD) initiated for the Land Act Reforms
- 2007: MORD introduced a LQ & **National Rehabilitation & Resettlement Policy** was framed

Continue Milestone of Land Acquisition Act after 1897

- **2009:** It was passed in **Lok Sabha** as the “**Land Acquisition (Amendment) Act** (Includes SIA)
- **2011: Land Acquisition Rehabilitation and Resettlement Bill (Proposed)**
 - For Private 80% of the affected families agree
 - Under PPP 70% affected families must agree
 - Four times the market rate in rural areas and two times of the market rate in urban areas
- **2012: Revised Nation Rehabilitation Council: Ministry of Coal – Coal India Ltd**
 - Revise and provide greater flexibility to the basic principles for the **Resettlement and Rehabilitation** of people affected by coal mining projects i.e. Project Affect People (PAPs)
- **2013: Introduction The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" and came into effect on 1 January 2014.**
 - introducing provisions for fair compensation, transparency, and rehabilitation and resettlement of affected families
 - greater emphasis on the social impact of land acquisition and sought to strike a balance between development needs and the rights of affected communities.
- **2015: Revised RFCLARR**
 - Five categories got exemption from taking consent & doing SIA
 - National security and defense production; rural infrastructure including electrification; affordable housing for the poor; industrial corridors; and PPP (public private partnership) projects with the central government.
 - The Act would apply retrospectively, if an award had been made five years earlier and compensation had not been paid or possession not taken (Period of court Stay order exempted)
 - The Act deemed the head of a government department guilty for an offence by the department. The Bill removes this, and adds the requirement of prior sanction to prosecute a government employee.

National Rehabilitation & Resettlement (R&R) Policy 2007

1. Scope and Applicability:

- **R&R needs of** people displaced by development projects for development Projects

2. Involvement of Local Communities:

- Involvement of local communities and affected people in the planning and implementation of R & R measures.

3. Identification of Project-Affected Families (PAFs):

- Identification of Project-Affected Families (PAFs) and the determination of compensation and rehabilitation measures for them

4. Entitlements and Assistance:

- The policy outlined the entitlements and assistance that displaced families should receive, including compensation for land, house, and other assets, as well as assistance for resettlement.

5. Resettlement and Rehabilitation Committees:

- **Establishment of R&R Committee** at various levels was emphasized to ensure the participation of affected communities in decision-making processes.

6. Social Impact Assessment (SIA):

- Conducting Social Impact Assessments (SIAs) to understand the social and economic implications of displacement and to plan appropriate rehabilitation measures.

7. Alternative Livelihoods:

- Provisions were made for providing alternative livelihoods to displaced families, ensuring that they had sustainable sources of income after resettlement.

8. Infrastructure and Civic Amenities:

- The policy recognized the need for providing basic infrastructure and civic amenities in resettlement areas, including schools, healthcare facilities, and other community services.

National Rehabilitation & Resettlement (R&R) Policy 2007

9. Special Provisions for Vulnerable Groups:

- Special provisions were outlined for vulnerable groups such as Scheduled Tribes, Scheduled Castes, and other marginalized communities, recognizing their unique rehabilitation needs.

10. Participation of NGOs and Civil Society:

- The involvement of Non-Governmental Organizations (NGOs) and civil society organizations in the rehabilitation process was encouraged for effective implementation and monitoring

11. Review and Monitoring Mechanisms:

- To establish periodic mechanisms for monitoring of R&R intervention and measures to ensure their effectiveness and address any issues that may arise during the process

Highlights of National Rehabilitation & Resettlement (R&R) Policy 2012

- The highest priority for avoiding or **minimizing disturbance** of the local population while taking decisions to open new mines or expand existing ones too
- Wherever people are likely to be adversely affected by a project, the subsidiaries **will prepare resettlement and rehabilitation action plans** for the project.
- The project affect individuals be a **part of in planning and execution** of the resettlement and rehabilitation action plans for the project
- The **affected persons become partners in development leading** to an improvement in their post acquisition social and economic status and matters connected therewith or incidental thereto

Highlights of National Rehabilitation & Resettlement (R&R) Policy 2012

- A humane, participatory, informed **consultative and transparent process** for land acquisition for coal mining and allied activities with the least disturbance to the owners of the land and other affected families
- Project-affected people improve or at least **regain their former standard of living and earning capacity** after a reasonable transition period. The transition period is to be kept to a minimum.
- **CSR Activities** shall be intensified in and around the villages where land is being acquired in accordance with the CSR Policy of Coal India.
- For enumeration of the **actual compensation** to be given for the affected families, a **detailed HH survey regarding** the demography, details assessment of Moveable & immovable property, income and livelihood, forest dependency as well area public amenities ..etc. must be done thoroughly

Major difference between National Rehabilitation & Resettlement (R&R) Policy 2007 & 2012

1. The 2007 policy applies to all projects that lead to involuntary displacement of people, while the 2012 policy applies only to projects that involve land acquisition under the Land Acquisition Act, 1894 or any other law for the time being in force¹².
2. The 2007 policy requires residency for 3 years in the affected area for displacement benefits, while the 2012 policy requires 5 years³.
3. The 2007 policy provides a choice of annuity or employment for the affected families, while the 2012 policy provides both annuity and employment as mandatory entitlements¹².
4. The 2007 policy provides a subsistence allowance of Rs. 3000 per month for 12 months, while the 2012 policy provides Rs. 3000 per month for 36 months¹².
5. The 2007 policy provides a one-time financial assistance of Rs. 50,000 for the affected families, while the 2012 policy provides Rs. 50,000 for the displaced families and Rs. 25,000 for the affected families

Major difference between National Rehabilitation & Resettlement (R&R) Policy 2007 & 2012

6. The 2007 policy provides a minimum of 2.5 acres of land or Rs. 1.5 lakhs for the landless families, while the 2012 policy provides a minimum of 2 acres of land or Rs. 2 lakhs for the landless families¹².
7. The 2007 policy provides a minimum of 50 sq. m. of built-up area or Rs. 50,000 for the houseless families, while the 2012 policy provides a minimum of 150 sq. m. of built-up area or Rs. 1.5 lakhs for the houseless families¹².
8. The 2007 policy provides a one-time resettlement allowance of Rs. 10,000 for the affected families, while the 2012 policy provides Rs. 50,000 for the displaced families and Rs. 10,000 for the affected families¹².
9. The 2007 policy provides a preference for land-for-land compensation, while the 2012 policy provides a mandatory land-for-land compensation for the affected families of irrigation projects¹².
10. The 2007 policy provides a provision for a National Monitoring Committee, while the 2012 policy provides a provision for a National Monitoring Cell¹².



Title: Acts, Rules & Policies

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

Details of Attachment (Links)

[Compensation, Rehabilitation and Resettlement and Development Plan\) Rules, 2015 \(429.24 KB\)](#)

[RFCTLARR \(Removal of Difficulties\) Order, 2015 \(1.88 MB\)](#)

[RFCTLARR \(Amendment\) Second Ordinance, 2015 \(102.96 KB\)](#)

[RFCTLARR \(Amendment\) Ordinance, 2015 \(103.66 KB\)](#)

[RFCTLARR \(Amendment\) Ordinance, 2014 \(1.77 MB\)](#)

[Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 \(17.1 MB\)](#)

The Registration Act, 1908

Title: Bills

RFCTLARR (Amendment) Second Bill, 2015

Details of Attachment (Links)

[As introduced in Lok Sabha - Errata \(English\) \(109.5 KB\)](#)

[As introduced in Lok Sabha - Errata \(English\) \(71.48 KB\)](#)

RFCTLARR (Amendment) Bill, 2015

[As introduced in Lok Sabha \(English\) \(35.39 KB\)](#)

[As passed in Lok Sabha - Errata \(English\) \(6.26 KB\)](#)

[As passed in Lok Sabha \(English\) \(66.55 KB\)](#)

Registration (Amendment) Bill, 2013

[Registration \(Amendment\) Bill 2013 - Bill No XLVII of 2013 as Introduced in Rajya Sabha \(167.27 KB\)](#)

[Registration \(Amendment\) Bill, 2013 - PSC\(RD\)'s 9th Report \(2014-2015\) \(929.61 KB\)](#)

Title: Policies

National Rehabilitation & Resettlement Policy, 2007

Details of Attachment (Links)

[National Rehabilitation & Resettlement Policy, 2007 \(6.31 MB\)](#)

Details of Attachment (Links)

Title: Rules

RFCTLARR Act 2013 (sub-section 2 of Section 109) Rules 2015

[Download \(422.47 KB\)](#)

RFCTLARR (Compensation, Rehabilitation and Resettlement and Development Plan) Rules 2015

[RFCTLARR \(Compensation, Rehabilitation and Resettlement and Development Plan\) Rules 2015 \(429.24 KB\)](#)

RFCTLARR (Social Impact Assessment and Consent) Rules 2014

[RFCTLARR \(Social Impact Assessment and Consent\) Rules 2014 \(355.13 KB\)](#)

Land Acquisition (Companies) Rules, 1963

[LAND ACQUISITION RULES \(64.84 KB\)](#)

18-Dec-23

REIAI-DRHS SIA-KR Webinar
SOURCE: <https://dolr.gov.in/en/acts-rules-policiesacts/acts>

22



Category	YEAR	Categorization of RFCTLARR by INDIA CODE: A digital Coding System	LINK	Map
Applicable RFCTLARR				drhs™ A Diversified Consultancy Service
ACT	In 1894	The Land Acquisitions Act (1), 1894 During Colonial Rule		1a
	27-Sept-2013	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, MINISTRY OF Law and Justice (Legislative Department) ACT,2013 (Includes Schedule 1 , 2 , 3 & 4)		1b
RULES	Modified on 1-Sept-1985	LAND ACQUISITION (COMPANIES- Part VII) RULES, 1963 (Referred from Dept of Land Resources, Govt. of India)		2a
	8-Aug-2014	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2014		2b
	18-Dec-2015	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Compensation, Rehabilitation & Resettlement and Development Plan) Rules, 2015		2c
Notifications	19-Dec-2013	Gazette Notification for commencement of The Right to Fair Compensation and Transparency in Land Acquisition Act, 2013		3a
	09-Feb-2016	Notification for Multiplication Factor for Determination of Compensation for Land Acquisition in Rural Areas		3b
	09-Feb-2016	Notification for Limit of extent of Land Beyond which R & R have to be Provided to Project Affected Families as provided in Section 46		3c
	12-May-2016	Notifications under section 10 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013		3d
	13-May-2016	Notifications under section 10 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013		3e
ORDER	28-Aug-2015	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015		4a
ORDINANCES	31-Dec-2014	The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement (Amendment) Ordinance, 2014 (9 Of 2014)		5a
	03-Apr-2015	The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement (Amendment) Ordinance, 2015 (4 Of 2015)		5b
	30-May-2015	The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement (Amendment) Second Ordinance, 2015 (5 Of 2015)		5c
POLICY	31-Oct-2007	National R&R Policy; MOD (Department of Land Resources). (Land Reforms Division) -2007		6a & 6b
	26-Mar-2012	National R&R Policy for Coal India Ltd -2012		

1) Comparative Analysis For the SCOPE of RFCTLARR Act 1894; 2013 & 2015

Land Acquisitions Act, 1894	RFCTLARR Act 2013	RFCTLARR Act 2015
1) The Act regulates the acquisition of land by the central and state governments for public purpose, which is broadly defined to include defence, infrastructure, industry, etc¹.	1) Applicable to both Public & Private: Here the Private company defined as one include in Company Act, 1956 or under the Societies Registration Act, 1860.	1) Modified as Private Entity, Which is defined as an entity other than a government entity and includes a proprietorship, partnership company, corporation, non-profit (Trust, Society, Company under 12 A and Sec. 8 of the Companies Act, 2013 etc
2) The does not explain jurisdiction of India by states	2) The Act regulates the acquisition of land by the central and state governments, except for Jammu and Kashmir, for industrialisation, development of essential infra-structural facilities and urbanisation ¹² .	2) The Act regulates the acquisition of land by the central and state governments, including Jammu and Kashmir, for industrialisation, development of essential infrastructural facilities and urbanisation ³ .
3) The Act does not cover the land acquisitions made under other Acts, such as the National Highways Act 1956, the Railways Act 1989, the Coal Bearing Areas Acquisition and Development Act 1957, etc	3) The Act covers the land acquisitions made under 13 other Acts specified in the Fourth Schedule, such as the National Highways Act 1956, the Railways Act 1989, the Coal Bearing Areas Acquisition and Development Act 1957, etc ³ .	3) The Act covers the land acquisitions made under 13 other Acts specified in the Fourth Schedule, as well as any other Act of Parliament relating to land acquisition.
4) The Act does not provide for any rehabilitation and resettlement benefits for the affected persons whose land has been acquired or proposed to be acquired¹.	4) The Act puts in place the rules for granting compensation, rehabilitation and resettlement to the affected persons whose land has been acquired or proposed to be acquired or are affected by such acquisition ¹² .	4) The Act puts in place the rules for granting compensation, rehabilitation and resettlement to the affected persons whose land has been acquired or proposed to be acquired or are affected by such acquisition, and also provides for the establishment of a Land Acquisition, Rehabilitation and Resettlement Authority to adjudicate disputes arising from such acquisition ³ .

Issues	Land Acquisitions Act, 1894	RFCTLARR Act 2013	RFCTLARR Act 2015
2. Consent of Affected Families	Not required	<p>No Consent required for government projects</p> <p>Consent of 70% land owners required for PPP Projects</p> <p>Consent of 80% land owners required for Private Projects</p>	<p>Five categories got exemption from taking consent:</p> <ul style="list-style-type: none"> (i) National security and defense production; (ii) Rural infrastructure including electrification; (iii) Affordable housing for the poor; (iv) Industrial corridors; and (v) PPP (public private partnership) projects with Central Govt.
3. Exemption from SIA	No Such Provision	<p>Mandatory to all Land Acquisition Projects except:</p> <p>(i) in cases of urgency or (ii) for irrigation projects where an EIA is required</p> <p>-It also emphasizes to understand to understand the impact of the project on affected families, particularly those belonging to vulnerable and marginalized communities</p>	<p>-The Government may/may not exempt above five types of the projects from SIA</p> <p>-The government is to ensure that the extent of land being acquired is in keeping with the minimum land required</p>

Land Acquisitions Act, 1894	RFCTLARR Act 2013	RFCTLARR Act 2015
The urgency clause was applicable to defense projects ONLY	<p>1) The urgency clause can be invoked by the appropriate government after giving a hearing to the landowner and passing a notification stating the reasons for invoking the clause¹.</p>	<p>1) The urgency clause can be invoked by the appropriate government without giving a hearing to the landowner or passing a notification stating the reasons for invoking the clause².</p>
No Such Provision	<p>2) The urgency clause can be applied to any land acquisition for public purpose, except for those covered under the provisions of Chapter X (Land Acquisition for Private Companies) and Chapter XI (Land Acquisition for Public Private Partnership Projects)¹</p>	<p>2) The urgency clause can be applied to any land acquisition for public purpose, including those covered under the provisions of Chapter X and Chapter XI.</p>
No Such Provision	<p>3) The compensation for the land acquired under the urgency clause shall be paid within a period of three months from the date of the notification.</p>	<p>3) The compensation for the land acquired under the urgency clause shall be paid within a period of one month from the date of the notification².</p>
No Such Provision	<p>4) The rehabilitation and resettlement benefits for the affected families shall be provided within a period of six months from the date of the notification¹.</p>	<p>4) The rehabilitation and resettlement benefits for the affected families shall be provided within a period of three months from the date of the notification².</p>

5) Comparative Analysis For the **TRANSPRENCY** of RFCTLARR Act 1894; 2013 & 2015

ACTIVITIES IN THE ACT	Land Acquisition Act 1894	RFCTLARR 2013	RFCTLARR 2015
Publication of preliminary notification	Yes	Yes	Yes
Public hearing for Social Impact Assessment	No	Yes	No*
Publication of Social Impact Assessment report	No	Yes	No*
Appraisal of Social Impact Assessment report by an Expert Group	No	Yes	No*
Publication of Rehabilitation and Resettlement Scheme	No	Yes	Yes
Publication of declaration and summary of Rehabilitation and Resettlement	No	Yes	Yes
Determination of market value of land by Collector	No	Yes	Yes
Award of compensation, rehabilitation and resettlement by Collector	No	Yes	Yes
Establishment of Land Acquisition, Rehabilitation and Resettlement Authority	No	Yes	Yes
Establishment of National Monitoring Committee	No	Yes	Yes

☞ The RFCTLARR 2013 introduced several provisions to enhance the transparency in land acquisition, such as social impact assessment, public hearing, expert appraisal, rehabilitation and resettlement scheme, and monitoring committee¹.

☞ The RFCTLARR 2015, which was introduced as an ordinance and later lapsed, proposed to exempt five categories of projects from the social impact assessment and public hearing clauses, while retaining the other measures of transparency².

Continue.....

Sr.	Issues	Land Acquisitions Act, 1894	RFCTLARR Act 2013	RFCTLARR Act 2015
6	Irrigated Multi Cropped Land	No Such Provision	Irrigated multi cropped land cannot be acquired beyond a limit specified by the state government	<ul style="list-style-type: none"> The Government may/may not exempt above five types of the projects from SIA The government is to ensure that the extent of land being acquired is in keeping with the minimum land required
7	Return of unutilized Land	No Such Provision	If the land acquired under current Act – remained unutilized for five years from the date of possession or granted – than it must returned to the original owner	The period after which the unutilized land has to be returned will be later of either FIVE years AND with reference to the period specified at the time of the beginning/setting up the project
8	Survey of Waste Land	No Such Provision	No Such Provision	The Government must conduct a survey of wasteland and maintain a record of the same.

Continue.....

Sr.	Issues	Land Acquisitions Act, 1894	RFCTLARR Act 2013	RFCTLARR Act 2015
9	Compensation of rehabilitation and resettlement (R&R) provisions of 13 other laws which govern land acquisition	Only Market based Value	Market value, solatium and additional amounts -13 Act (such as the national Highway Act, 1956) are exempt from the provisions of the Act -The compensation and R&R provisions of these Acts to be brought in consonance with the Act by 1 st Jan 2015	Compensation and R&R provisions of 13 Acts are in consonance with the Act: -Four times the market value in case of rural areas and twice in case of urban areas -The value of assets attached to the land and other factors - All types of movable & Immovable property as an asset of the affected family
10	Rehabilitation & Resettlement Package	Very Limited Provisions	One member of the affected families MUST be given employment	Adding to this employment to farm labour must be given with other desired amenities as observed originally habitats area/piece of Land

THE SECOND SCHEDULE [See sections 31 (1), 38 (1) and 105 (3)]

In case of displacement of Population OR Project Affected Persons (PAP)

1. Provision of housing units
2. Land for Land
3. Offers for Developed Land
 - in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development
4. Choice of Annuity or Employment
 - EMPLOYMENT: Atleast one member sof the family should be given employment
 - ANNUITY: shall pay not less than two thousand rupees per month Per family for twenty years. with appropriate indexation to the Consumer Price Index for Agricultural Laboures
5. Subsistence grant for displaced families for a Period of one year
6. Transportation Cost of the Displace Family
7. One time Cattle shed/petty shops cost
8. One-time grant to artisan, small traders and others
9. One time resettlement Allownace
10. Food Security for one or two years
11. Stamp duty Registration

9a) COMPENSATION for Affected Families Under RFCTLARR Act 1894; 2013 & 2015

Feature	LA Act, 1894	RFCTLARR Act, 2013	RFCTLARR Act Amendment, 2015
Market Value	No mention of market value	Market value of land + 100% solatium (additional compensation for loss of land)	Market value + 150% solatium for rural areas and 120% for urban areas
Multiplier on Market Value	None	None	Applicable for certain types of acquisitions, like multi-crop irrigated land (5 times market value)
Additional Compensation	Only for improvements on the land	Acquisition costs (registration fees, stamp duty), structural damage, relocation costs, loss of livelihood	Loss of income due to land acquisition, loss of common property resources, severance benefits for tenants
Payment of Compensation	In cash or bonds	In cash or land acquisition bonds with 12% interest	Same as 2013 Act

NOTE: The Collector is the sole responsible authority to decide Compensation

: Several factors are involved and hence different methods are applied to calculate Compensation

: Does the Compensation only be based on Market Survey Value?

Why Market Value should not be the yard stick for COMPENSATION?

- Land owners in rural areas: they value their asset at more than market price for the life long
- Does not agree with the classification based on rural and urban price of land (Two times in Rural & Four times in Urban)
 - RFCTLARR Act, 2013 - Notification under Section 10 on 13-May-2016
- **Forced to Sell the Land against the wish/will of the Land Owner**
- **Total Violation related to the limit of extent of land**
 - MORD NOTIFICATION New Delhi, the 9th February, 2016
- **Which narrates the higher compensation in Central or State RFCTLARR Act**

Sr.	Issues	Land Acquisitions Act, 1894		RFCTLARR Act 2013	RFCTLARR Act 2015
		Acquisitions Act, 1894	RFCTLARR Act 2013	RFCTLARR Act 2015	
11	Mechanism for Review/Monitoring Authority	Very Limited Provisions	If not satisfied with the Rehabilitation Package – can approach Land Acquisition Rehabilitation and Resettlement (LARR) Authority	Adding to this LARR must hold its hearing in the district where LQ has taken place – after being referred from the collector proved that all parties involved are given prior notice	
12	Retrospective application	No Such Provision	Applicable if in case on award has been made five year or more before the commencement of the LQ 2013 Act but the physical Possession of the land has not been taken or compensation have not been paid yet.	Here Retrospective means any period during which the proceedings were held up (i) due to stay order of court OR (ii) for the period specified in the award of a Tribunal OR (iii) for any period where possession was taken but the compensation is lying deposited in a court or any designated account, will not count.	
13	Accountability of Government Employee	No Such Provision	It an offence is committed by a governmental department; the head of the department will be deemed guilty unless he can show that he had exercised due diligence to prevent the commission of the offence	This bill deletes the previous provision made in 2013. While 2015 bill adds a provision to state the prior sanction of the government will be required before prosecuting a government employee.	

Sr	Name of States	Associated Web Links
1	Assam	https://landrevenue.assam.gov.in/sites/default/files/Assam_right_to_Fair_compensation31072015.pdf
2	Andhra Pradesh	https://ccla.ap.gov.in/CCLA/Uploads/ActsManuals/ind202505.pdf
3	Chandigarh	https://www.chandigarh.gov.in/sites/default/files/documents/finnot18-1178.pdf
4	Chhattisgarh	https://prsindia.org/files/bills Acts/acts_states/chhattisgarh/2019/Act%204%20of%202019%20CHH.pdf
5	DNH	https://prsindia.org/files/bills Acts/acts_states/chhattisgarh/2019/Act%204%20of%202019%20CHH.pdf
6	Goa	https://www.goa.gov.in/wp-content/uploads/2020/10/Land-Acquisition-Rehabilitation-and-Resettlement-Act2013.pdf
7	-Gujarat	https://prsindia.org/files/bills Acts/acts_states/gujarat/2016/2016Gujarat12.pdf
8	Haryana	https://prsindia.org/files/bills Acts/bills_states/haryana/2021/Bill%20No.%2022%20of%202021%20Haryana.pdf http://www.bareactslive.com/HRY/hl062.htm?AspxAutoDetectCookieSupport=1
9	Himachal Pradesh	https://rajpatrahimachal.nic.in/OPENFILE1.aspx?ID=%2022/GAZETTE/2017-03/05/2017%20&etype=SPECIAL
10	Jammu & Kashmir	https://kcrevenue.nic.in/pdf/Circulars/so313of2022.pdf
11	Jharkhand	https://rajpatrahimachal.nic.in/OPENFILE1.aspx?ID=%2022/GAZETTE/2017-03/05/2017%20&etype=SPECIAL
12	Karnataka	https://www.karnatakajudiciary.kar.nic.in/hcklibrary/pdfupdates/12.pdf
13	Kerala	https://www.egazette.kerala.gov.in/pdf/2014/29/part_1/ACT_30.pdf https://ildm.kerala.gov.in/wp-content/uploads/2017/01/RIGHT-TO-FAIR-COMPENSATION-AND-TRANSPERANCY-2013.pdf
14	Ladakh	https://cdnbbsr.s3waas.gov.in/s395192c98732387165bf8e396c0f2dad2/uploads/2023/10/202310261195917304.pdf
15	Lakshadweep	https://www.livelaw.in/pdf_upload/lakshadweed-draft-development-regulations-394114.pdf

Continue.....State Level Act & Notification for RFCTLARR as on 16th Dec 2023

Sr	Name of States	Associated Web Links
16	Madhya Pradesh	http://www.bareactslive.com/MP/mp920.htm
17	Maharashtra	https://prsindia.org/files/bills Acts/acts states/maharashtra/2018/2018MH37.pdf
18	Manipur	https://prsindia.org/files/bills Acts/acts states/ https://manipur.gov.in/wp-content/uploads/2015/03/annexure-03-larra2013.pdf
19	Meghalaya	https://megpns.gov.in/gazette/2017/10/06-10-17-X.pdf
20	Mizoram	https://landrevenue.mizoram.gov.in/uploads/attachments/05e2d66cf499a83223779ae24a9633db/the-mizoram-land-acquisition-rehabilitation-and-resettlement-act-2016.pdf
21	Nagaland	https://timesofindia.indiatimes.com/city/guwahati/nagaland-govt-extends-support-to-centres-land-act/articleshow/48104234.cms
22	Orissa	https://revenue.odisha.gov.in/sites/default/files/2020-05/9068_19_03_16.pdf
23	Pondicherry	https://cdn.s3waas.gov.in/s3b4288d9c0ec0a1841b3b3728321e7088/uploads/2023/11/2023112356.pdf
24	Punjab	https://morth.nic.in/sites/default/files/circulars_document/LA2016.05.18Govt.%20of%20Punjab%20 notification.pdf
25	Rajasthan	https://landrevenue.rajasthan.gov.in/content/dam/landrevenue/revenuedepartment/notification/2018-2022/2018/04.pdf https://cjp.org.in/wp-content/uploads/2017/11/The-Rajasthan-Land-Acquisition-Act-2014-.pdf
26	Sikkim	https://www.sikkimlrdm.gov.in/Notifications/Notf%20Right%20to%20Fair%20Compensation%20and%20Transparency%20in%20Land%20Acquisition,%20Rehabilitation%20and%20Resettlement%20Ac.pdf https://www.desmesikkim.nic.in/images/Publication/4a533f2c2db1560f404c092382cbd37d57c76e5d.pdf
27	Telangana	https://faolex.fao.org/docs/pdf/ind204604.pdf https://legislationlegislature.telangana.gov.in/PreviewPage.ts!&filePath=basePath&fileName=Bills/PassedBills/English/Eng_passbill_S_1_7_40_v_1.pdf
28	Tripura	https://revenue.tripura.gov.in/sites/default/files/RFCTLARR RULES 2015 FINAL.pdf
29	Uttarakhand	https://cdn.s3waas.gov.in/s3f770b62bc8f42a0b66751fe636fc6eb0/uploads/2021/02/2021020692.pdf
30	Uttar Pradesh	https://bor.up.nic.in/pdf/1-Final%20Draft%20Rule%20English%20(8-5-2015).pdf
31	West Bengal 18-Dec-23	https://banglarbhumi.gov.in/BanglarBhumi/ActRuleOrderNotification https://wb.gov.in/departments-details.aspx?id=190305165850306&page=Land-and-Land-Reforms-and-Refugee-Relief-and-Rehabilitation 35

- **Short title** remained same but **commencement/enforced** notification in the Official Gazette, 12th August, 2016.
- Amendment of section 2 of 30 of 2013: "Provided also that the acquisition of land for the projects listed in section 10A and the purposes specified **there in shall be exempted from the provisions of the first provision to this sub-section.**"
- **Insertion of new section 10A in 30 of 2013:** '10A The State Government may, in the public interest, by notification in the Official Gazette, exempt any of the following projects from the application of the provisions of Chapter II and Chapter III of this Act, namely:
 - National security or defense of India and every part thereof;
 - Rural infrastructure including electrification;
 - Affordable housing and housing for the poor people;
 - Industrial corridors set up by the State Government and its undertakings;
 - Infrastructure projects including projects under public-private partnership where the ownership of land continues to vest with the Government
- **Insertion of new section 23A in 30 of 2013:** Award of **Collector** without enquiry in case of agreement of interested persons
- **Amendment of section 24 of 30 of 2013:**
 - 'Provided further that in computing the period referred to in this sub- section, any period or periods during which the proceedings for acquisition of the land were held up on account of any stay or injunction issued by any court or the period specified in the award of a Tribunal for taking possession or such period where possession has been taken but the compensation is lying deposited in a court or in any designated account maintained for this purpose, shall be excluded.'.

- **Insertion of new section 31A in 30 of 2013:** Payment of lump sum----State for its linear amount Government nature by projects
 - State Government to pay, whenever the land is to be acquired for its own use amounting to less than one hundred acres or whenever the land is to be acquired in case of projects which are linear in nature as referred to in proviso to sub-section (4) of section 10, as Rehabilitation and Resettlement cost, such lump sum amount equal to fifty per cent, of the amount of compensation as determined under section 27 to the affected families.”
- **Amendment of section 40 of 30 - of 2013:** In the principal Act, in section 40, in sub-section(2), after the words approval of Parliament”, the words “or to comply with the directions given by the Central Government to the State Government” shall be added.
- **Amendment of section 46 of 30 of 2013:** In the principal Act, in section 46, in sub-section (6), in the Explanation, in clause (b), sub-clauses (i) and (ii) shall be deleted.
- **Substitution of section 87 of 30 of 2013: Offences by Government Officials**
 - “87. Where any offence under this Act has been committed by any person who is or was employed in the Central Government or the State Government, as the case may be, at the time of commission of such alleged offence, the court shall take cognizance of such offence provided the procedure laid down in section 197 of the Code of Criminal Procedure, 1973 is followed’

1. [The Ancient Monuments and Archaeological Sites and Remains Act, 1958 \(24 of 1958\).](#)
2. [The Atomic Energy Act, 1962 \(33 of 1962\).](#)
3. [The Damodar Valley Corporation Act, 1948 \(14 of 1948\).](#)
4. [The Indian Tramways Act, 1886 \(11 of 1886\)](#)
5. [The Land Acquisition \(Mines\) Act, 1885 \(18 of 1885\).](#)
6. [The Indian Telegraph Act, 1885](#)
7. [The Metro Railways \(Construction of Works\) Act, 1978 \(33 of 1978\).](#)
8. [The National Highways Act, 1956 \(48 of 1956\).](#)
9. [The Petroleum and Minerals Pipelines \(Acquisition of Right of User in Land\) Act, 1962 \(50 of 1962\).](#)
10. [The Requisitioning and Acquisition of Immovable Property Act, 1952 \(30 of 1952\).](#)
11. [The Resettlement of Displaced Persons \(Land Acquisition\) Act, 1948 \(60 of 1948\).](#)
12. [The Coal Bearing Areas Acquisition and Development Act, 1957 \(20 of 1957\).](#) [Additional](#)
13. [The Electricity Act, 2003 \(36 of 2003\).](#)
14. [The Railways Act, 1989 \(24 of 1989\).](#)

- **Mine & Minerals:** https://www.indiacode.nic.in/repealed-act/repealed_act_documents/A2015-10.pdf
: https://ibm.gov.in/writereaddata/files/01272022133235MMDR_2022.pdf
- **COAL:** <https://coal.nic.in/en/acts-rules-policies>
- **DAM:** <https://www.cisa.gov/sites/default/files/publications/nipp-ssp-dams-2015-508.pdf>
: https://damsafety.cwc.gov.in/ecm-includes/PDFs/Guidelines_for_Preparing_O&M_Manuals_for_Dams.pdf
- **PIB_Tribal:** <https://pib.gov.in/PressReleasePage.aspx?PRID=1577163>
- **Tribal:** <https://tribal.nic.in/downloads/FRA/5.%20Land%20and%20Governance%20under%20Fifth%20Schedule.pdf>
- **Bihar Tribal:** <https://patnahighcourt.gov.in/bslsa/pdf/ActsRules/57.pdf>
- **NITI Ayog for Urban:** <https://www.niti.gov.in/sites/default/files/2021-09/TDRguidelines.pdf>
- **Transportation:**
https://morth.nic.in/sites/default/files/A_Manual_of_Guidelines_on_Land_Acquisition_for_National_Highways_File3449.pdf
 - Majority of States and Union Territories have Land Acquisition for National Highways
 - Gujarat, Maharashtra, Andhra Pradeshetc

- Rehabilitation and Resettlement Policy of 2007 and 2012
- Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, MINISTRY OF Law and Justice (Legislative Department) ACT,2013
- Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Compensation, Rehabilitation & Resettlement and Development Plan) Rules, 2015
- State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement,
- Different Sector Law
- Law associated with Population Groups (ST/SC/OBC.... Etc)

Part III

Understanding RFTCLARR Act 2013

(By Chapters)



PLEASE NOTE

- I am Experienced SIA- R&R professional under RFTCLARR Act 2013 & subsequent changes being made under this Act
- This summary provides a brief overview of key sections and is not a substitute for legal advice.
- It is recommended to consult a legal professional for specific guidance and interpretation of the Act.



In Understanding the Process of SIA-R&R

- The specific details of the process can vary depending on the nature of the project, the scale of the acquisition, and other contextual factors.
- The act may be subject to amendments or changes, so it's advisable to refer to the latest legal documents or official government sources for the most accurate information.

- **04 Schedules;**
- **13 Chapters;**
- **114 sections;**

SCHEDULES	CONTENTS
Schedule I	Calculation Formula for Compensation to Land-Owners Section 26-30
Schedule II	List of 11 Compulsory R&R Benefits Section 31(1); 38 (1)
Schedule III	List of 25 Compulsory Items of Infrastructure Sections 32, 38(1), 105(3); New ones may be added by Notification of the Central Government.
Schedule IV	List of 13 Acts under Section 105 including the: •National Highways Act, 1956; 48 of 1956. •The Coal Bearing Areas Acquisition and Development Act, 1957 The RFCTLARR (Amendment), 2014 has extended the compensation/R & R norms as specified under the Act to all the above Acts from January 2015

Chapters	Title & (Sections)
Chapter I	Preliminary (1-3)
Chapter II	Determination of Social Impact and Public Purpose (4-9)
Chapter III	Special Provision to Safeguard Food Security (10)
Chapter IV	Notification and Acquisition (11-30)
Chapter V	Rehabilitation and Resettlement Award (31-42) Use format – SCHEDULE 2,3,4
Chapter VI	Procedure and Manner of Rehabilitation and Resettlement (43-47) Schedule 4
Chapter VII	National Monitoring Committee for R & R (48-49)
Chapter VIII	Establishment of Land Acquisition, Rehabilitation and Resettlement Authority (51-76) Use format – SCHEDULE 3
Chapter IX	Apportionment of Compensation (75-76) Use format - SCHEDULE ONE
Chapter X	Payment (77-80)
Chapter XI	Temporary Occupation of Land (81-83)
Chapter XII	Offences and Penalties (84-90)
Chapter XIII	Miscellaneous (91-114)

Chapter 1: Preliminary

These sections provide the short title, extent, commencement, application and definitions of the Act.

Sections Applied (1 - 3)	Process/Activities involved	Professional Involved	Major Challenges	Limitation
-Provides the short title, extent, and commencement of the Act.	To ensure fair compensation, transparency, and rehabilitation for affected families.	Top level Management of Proponent: -Government; -PPP; Pvt. Etc -Legal Cell: Concerned Land Specialized Lawyer	Interpret the RFTCLARR Act 2013 as per the – -type of the project and nature of the project -and also target groups to be rehabilitated	-Priority Setting and -Budget Provision and allocations
-Defines important terms used in the Act.	<ul style="list-style-type: none"> for framing the R&R Program Designing Project Strategy Decision making process 			
-Outlines the objectives of the Act, including ensuring fair compensation, transparency, and rehabilitation for affected families.				

Sections Applied (4-9)	Process/Activities involved	Professional Involved	Major Challenges	Limitation
<p>-For conducting the process of a Social Impact Assessment (SIA) study for any proposed land acquisition, which includes public hearing, publication, and appraisal by an expert group.</p> <p>-the criteria for determining the public purpose of land acquisition, and the cases where SIA can be exempted</p>	<p>-Formation of SIA Committee</p> <ul style="list-style-type: none"> -Notification of the SIA -Project-specific TOR and Processing Fee for the SIA <p>-Formation of SIA Team</p> <p>-Process conducting SIA</p> <ul style="list-style-type: none"> -Data Tools Designing & Data Collection -Data Analysis & Report Writing ..etc <p>-Process for conducting PHs</p> <p>-Submission & Assessment:</p> <ul style="list-style-type: none"> -SIA Report -SI Management Plan <p>-SIA Committee</p> <ul style="list-style-type: none"> -Appraisal of SIA-SIMP Recommedation -Webbased workflow for LQ & R&R -Additional norms for SIA Inventroy of Wast/Barren Land <p>-About Consent Requirement:</p> <ul style="list-style-type: none"> -Garm Sabha Level -Affected Land owners <p>-Roles & Responsibilities of..</p> <ul style="list-style-type: none"> -Government for consent processes -Requiring Body for consent processes 	<p>-SIA Committee Members</p> <p>-Representative of Local bodies</p> <p>-Professionals:</p> <ul style="list-style-type: none"> -Social Scientist -Gender Specialist -Other Professionals <p>-Members of SIA Authorities (Consent)</p> <p>-Legal Cell</p> <ul style="list-style-type: none"> -Team of Lawyers 	<p>-Lack of awareness and understanding of SIA among stakeholders</p> <p>-Lack of enforcement of SIA recommendations</p>	<p>•Inadequate capacity for conducting quality SIAs</p> <p>-Hiding Tendency from the Stakeholders</p> <p>-Avoiding the some of the mandatory aspect for its execution</p> <p>•Limited resources for conducting effective SIAs</p> <p>-Technical capacity of the executing agency collecting the desired data</p> <p>-Technical capacity of understanding the Subject Matters</p>

Chapter 3: Special Provision to Safeguard Food Security

Sections Applied (10)	Process/Activities involved	Professional Involved	Major Challenges	Limitation
<ul style="list-style-type: none"> -Imposes a restriction on the acquisition of irrigated multi-cropped land and other agricultural land, to protect the food security of the country. -It also provides for the development of wasteland or barren land as an alternative to agricultural land. 	<p>During Land Survey:</p> <ul style="list-style-type: none"> -Demarcation under SIA study -Under Land acquisition under 	<ul style="list-style-type: none"> -SIA Committee Members -SIA Survey Team 	<ul style="list-style-type: none"> -An equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of the land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. -The acquisition of the agricultural land in aggregate for all projects in a district or State, shall in no case exceed such limits of the total net sown area of that district or State, as may be notified by the appropriate Government: 	<ul style="list-style-type: none"> -Overlooked -By Virtue -By Vested Interest -Ignoring Resistance -Development Priority is on high

Chapter 4: Notification and Acquisition

Sections Applied (11-30)	Process/Activities involved	Professional Involved	Major Challenges	Limitation
<ul style="list-style-type: none"> -The steps involved in notifying and acquiring the land, such as publication of preliminary notification, survey of land, hearing of objections, preparation and review of Rehabilitation and Resettlement (R&R) scheme, -lays down the principles and methods for determining the market value of land and the amount of compensation to be paid to the land owners and other affected persons. 	<ul style="list-style-type: none"> -land to be acquired in rural and urban areas shall be published (Gazette; Local Media, website.. Etc -Enabling the appropriate Government to determine the extent of land to be acquired -likely to be required for a public purpose, may within 60 days from the date of publication of the preliminary notification -Issue preliminary notification under section 2 is not issued within 12 months from the date of appraisal of the SIA -Conduct SIA survey for the family area got affected & Study the SIA report -Based on the findings of SIA Report, decides the market Value of the land 	<p>The collector is the sole player for conducting the entire process with legal cell of the administrative body</p>	<ul style="list-style-type: none"> -Unable to do justification livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired -Difference of opinion between the Collector and with R&R Committee 	<ul style="list-style-type: none"> -Largely Dependent upon the thought process and action of one single person (Collector) -the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land Based on the market Value of the Land
<ul style="list-style-type: none"> -Also deals with the cases where the land acquisition process under the previous Act of 1894 shall be deemed to have lapsed, and the special powers of the government in case of urgency to acquire land 				<p><u>Scheduled 1:</u></p>

Chapter 5: Rehabilitation and Resettlement Award

Sections Applied (32-42)	Process/Activities involved	Professional Involved	Major Challenges	Limitation
<ul style="list-style-type: none"> -Provides for the R&R award (Package) for the affected families by the Collector, which includes the entitlements and benefits under the R&R scheme, such as land for land, employment, annuity, subsistence allowance, housing, etc. 	<p>It involves both Rehabilitation and Resettlement Plan Central/State/Sector based:</p> <ul style="list-style-type: none"> -Mode of payment and recovery in case of excess amount -Develop Benefits Plan for the compensation, solatium, related allowance, livelihood employment...etc <p><u>Scheduled 2:</u> (refer slide 30)</p> <ul style="list-style-type: none"> -The minimum public amenities for the survival of the displaced population in the given area <p><u>Scheduled 3:</u></p>	<ul style="list-style-type: none"> -Collector and his office team -Revenue Department -Relief Commissioner -Specialized Ministry -Scheduled Tribal -Scheduled Caste 	<ul style="list-style-type: none"> -To be done in the specified time -Unknown local Political interference <p><u>PROBLEM</u></p>	<ul style="list-style-type: none"> -Delay in the official process -Provision the budget under <ul style="list-style-type: none"> • Rehabilitation Plan • Resettlement Plan
<ul style="list-style-type: none"> -Mandates the provision of infrastructural Public amenities in the resettlement area, such as roads, water supply, drainage, health care, education, etc 				
<ul style="list-style-type: none"> -It also gives the power to the Collector to make corrections to the awards, and to summon and enforce the attendance of witnesses and production of documents during the enquiry 				

Chapter 6: Procedure and Manner of Rehabilitation and Resettlement

Sections Applied (43 -47)	Process/Activities involved	Professional Involved	Major Challenges	Limitation
<ul style="list-style-type: none"> -Establishes the institutional framework for the implementation of R&R, such as the appointment of Administrator, Commissioner, and R&R committee at the project level. 	<ul style="list-style-type: none"> -To Develop R&R Framework dealing the process of Implementation -Provision based on State level RFTCLARR Act -Sector based Law/Act <p><u>Scheduled 4:</u></p>	<ul style="list-style-type: none"> -Proponent (Govt. Public Sector, PPP, Private, Trust, NGO, ...etc) -Process Department (Relief Commissioner, R&R Dept...etc) -Lawyers (Expert of LA) -Local Level (District Administration; -Representative of Displaced population 	<ul style="list-style-type: none"> -Post-implementation social audit in consultation with the Gram Sabha in rural areas and municipality in urban areas 	<ul style="list-style-type: none"> -Operational Difficulties:-No land use change shall be permitted if rehabilitation and resettlement is not complied with in full -Sector based Unforeseen Obstacles
<ul style="list-style-type: none"> -It also prescribes the duties and functions of these authorities, such as preparing and updating the R&R records, monitoring and supervising the R&R process, ensuring the participation and consultation of the affected persons, etc. 				

Sections Applied (48-49)	Process/Activities involved	Professional Involved	Major Challenges	Limitation
<p>-Constitutes a National Monitoring Committee for R&R, which consists of representatives from the Central and State Governments, experts, and civil society organizations.</p> <p>-It also defines the role and responsibilities of the committee, such as reviewing and evaluating the R&R policies and plans, issuing guidelines and directions, ensuring compliance with the Act, etc.</p>	<p>In defines the role and responsibilities under R&R Plan:</p> <ul style="list-style-type: none"> -Review & Evaluating Committee -Issuing guidelines and directions -Ensuring compliance with the Act -Difference of Opinion among various committee members -Difference of opinion among Private Proponents and Govt. Officials 	<p>Representatives from the</p> <ul style="list-style-type: none"> -Central/National and State Governments, -Professional experts, -Civil society organizations -Local bodies -Displaced families. Etc -Group of Specialized Population -Sometime /Occasionally Lawyer 	<p>Difference of opinion between various committee members with representative of Legal professional Department</p>	<p>-----</p>

Chapter 8: Establishment of Land Acquisition, Rehabilitation and Resettlement Authority

Sections Applied (51-76)	Process/Activities involved	Professional Involved	Major Challenges	Limitation
-Appoint Presiding Officer and define his role and responsibility	-Speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish	The Presiding Officer	Operational Difficulties:-No land use change shall be permitted if rehabilitation and resettlement is not complied with in full	
It also provide for the reference to the Authority by the Collector or the applicant, the procedure and powers of the Authority, and the appeal to the High Court against the award of the Authority				As specified in the Rule

Chapter 9: Apportionment* of Compensation Use format - SCHEDULE ONE

Sections Applied (75-76)	Process/Activities involved	Professional Involved	Major Challenges	Limitation
-Particulars of apportionment to be specified	-How apportionment shall be specified in the award	-Concerned appointed presiding officer	Define the Compensation package based on apportionment	As per the specified rule
-Dispute as to apportionment.	Deals with the dispute arises as to the apportionment of the same or any part thereof.	-Collector		

*the act of sharing something between several people or organizations OR
the expenses which can not be charged against a specific department are dispersed over multiple departments.

Chapter 10: Payment (77-80)

Sections Applied (77-80)	Process/Activities involved	Professional Involved	Major Challenges	Limitation
-Payment of Compensation or deposite of same in the Authority	Disburse the compensation in the bank account	-The Collector -Revenue department -Relief Commissioner	Criteria adopted in paying the compensation	As per the specified rule
-Settlement of the compensation under certain circumstance	Settle the compensation shall not consent to receive it/No claimer ..etc			

Chapter 11: Temporary Occupation of Land

Sections Applied (81-83)	Process/Activities involved	Professional Involved	Major Challenges	Limitation
The temporary occupation and use of any waste or arable land are needed for any public purpose	<p>Government may direct the Collector to procure the occupation and use (not exceeding 3 years)</p> <p>Define TOR for acquisition and payment terms</p> <p>If compensation by way payen differ than matter is sent to the court</p>	<p>-Collector</p> <p>-Revenue Department</p> <p>-Land use Dept</p> <p>-Lawyer</p>	<p>Fixing the price of the Barren Land</p>	<p>As per the specified rule</p>

Chapter 12: Offences and Penalties (84-90)

Sections Applied (84-90)	Provisions/Process/Activities involved	Professional Involved	Major Challenges	Limitation
Punishment for false information, malified action etc	<ul style="list-style-type: none"> -Penalty for contravention of provisions of Act -Action against the offense made <ul style="list-style-type: none"> • by Company • By Government Officials -Cognizance offence by the court - CCP of 1973: offence to be non-Cognizable -Offence to cognizable only when write petition from Collector or authroised person by Govt or any member of the affected family 	Collector And the Party	Time Consuming	As per Specified Law

Chapter 13: Miscellaneous (91-114)

Sections Applied (91 - 114)	Process involved	Professionals Involved	Challenges	Limitation
Provision made for local authority or Requiring Body shall be entitled to demand a reference to the Authority concerned under section 64	<ul style="list-style-type: none"> -Completion of acquisition not compulsory but compensation to be awarded when not completed -Acquisition part or the building -Acquisition of land at cost of a local authority or Requiring Body 	<p>Govt Machinery: (Parliament & State Legislative)</p> <p>Collectorate Office</p> <p>Collector</p> <p>Revenue Department</p>		
Power to amend the rule: Central-Parliament State-Legislative assembly	<ul style="list-style-type: none"> -Acceptance of the certified copy as evidence -Exemption from income tax, stamp duty and fees -No Change in the ownership.. -No change in purpose -Return of unutilised land --Option to affected families to avail better compensation and rehabilitation & resettlement 		-----	-----

Part IV

Social Impact Assessment Survey

(For Professionals)

Dept .of Land Resource
Notification

19th December 2013 Sr. 3a

- **FORM I:** Term of Reference (refer sub rule (1) of rule 5)
- **FORM II:** SIA under Sub Sec- rule (3); sub rule (5) & (6) of rule 7 and rule (14)
 - Socio-Economic and Cultural parameters
 - Exploring the Key Impact Area
 - Writing SIA Report
- **FORM III:** Preparing Social Impact Management Plan:
- **FORM IV:** Prior Written Consent / Declaration Form:
 - PART A: Prior Written Consent/Declaration Form
 - PART B: FORMAT FOR GRAM SABHA RESOLUTION

Dept .of Land Resource
Notification

MORD 8th August 2014 Sr. 2b

- **FORM I:** Term of Reference (refer sub rule (1) of rule 3)
- **FORM II:** SIA under Sub Sec- rule (3); sub rule (5) & (6) of rule 7 and rule (14)
 - Socio-Economic and Cultural parameters
 - Exploring the Key Impact Area
 - Writing SIA Report
- **FORM III:** Preparing Social Management Plan
- **FORM IV:** Prior Written Consent / Declaration Form:
 - PART A: Prior Written Consent/Declaration Form
 - PART B: FORMAT FOR GRAM SABHA RESOLUTION

FORM I: Term of Reference

PART A: Terms of References & Processing Fee for SIA: (refer sub rule (1) of rule 5)

- Description of the Project Area & all other related technicities;
- Desirable Team Compositions
 - Type and Size
- Detailed Time Schedule
- Proposed Budget: Detailed Itemise Breakup
- Scheduled disbursement of funds to SIA Team
- A Processing Fee
 - Depending upon the project size; Type of Land; Individuals involved, Sensitivity of the Land Acquisitions ... etc
 - Fixed proportion of the fee will be reserved

PART A: Terms of References & Processing Fee:

- Description of the Project Area & all other related technicities;
- Desirable Team Compositions
 - Type and Size
- Detailed Time Schedule
- Proposed Budget: Detailed Itemise Breakup
- Scheduled disbursement of funds to SIA Team
- A Processing Fee
 - Depending upon the project size; Type of Land; Individuals involved, Sensitivity of the Land Acquisitions ... etc
 - Fixed proportion of the fee will be reserved

Changes made to the process of land acquisition specified under the RFCTLARR Act, 2013 to RFCTLARR Act 2015

Sequential steps outlined in 2013 Act*	Time limit specified in RFCTLARR Act, 2013	RFCTLARR (Second Amendment) Bill, 2015
SIA	6 months	
Appraisal of SIA by expert group	2 months (from the constitution of the group)	Five types of projects may be exempt from the SIA provision (and consent requirement) through a government notification**
Examination of proposal for land acquisition and SIA by the government	No time limit specified	
Preliminary notification to acquire land	12 months (from the appraisal of the SIA by the expert group) but extendable by the government	No change
Declaration to acquire land	12 months (from preliminary notification) but extendable by the government	No change
Land acquisition award (compensation)	12 months (from declaration) but extendable by the government	No change
Possession of land	6 months (from award)***	No change
Total time for possession of land (without extensions)	50 months	42 months

THE SECOND SCHEDULE [See sections 31 (1), 38 (1) and 105 (3)]

In case of displacement of Population OR Project Affected Persons (PAP)

1. Provision of housing units
2. Land for Land
3. Offers for Developed Land
 - in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development
4. Choice of Annuity or Employment
 - EMPLOYMENT: Atleast one member sof the family should be given employment
 - ANNUITY: shall pay not less than two thousand rupees per month Per family for twenty years. with appropriate indexation to the Consumer Price Index for Agricultural Laboures
5. Subsistence grant for displaced families for a Period of one year
6. Transportation Cost of the Displace Family
7. One time Cattle shed/petty shops cost
8. One-time grant to artisan, small traders and others
9. One time resettlement Allownace
10. Food Security for one or two years
11. Stamp duty Registration

(under rule Sub Sec- rule (3); sub rule (5) & (6) of rule 7 and rule (14))

- **Socio-Economic & Culture Pattern**

- Demography
- Poverty Level & Income Level
- Identifying Vulnerable Groups
- Kinship pattern & Women's Role
- Social & Cultural Organization
- Administrative & Political Setup
- Civil Society Organization
- Land use Pattern
- Livelihood & Local economic Pattern
- Quality of Life and Living Environment

- **Impact Assessment:**

- Land, Livelihood & Income
- Physical resources
- Private Assets, Public Services & Utilities
- Health impact
- Culture & Social Cohesion

- **Different Stages of Project Cycle:**

- Pre Construction Phase
- Construction & Commissioning
- Regular Operations
- Decommissioning
- Direct & Indirect
- Differential

The Social Impact Assessment Framework for projects (elaborated version)

PROJECT	PEOPLE	LIVELIHOOD	QUALITY OF LIFE	ENVIRONMENT	DEVELOPMENT	INSTITUTION/GROUPS	PROJECT CYCLE
<ul style="list-style-type: none"> -Type of land in Urban/Rural area -Market value & related factors -Factors affecting market value -Direct Commercial Purchase of Land OR -value of assets attached to land -Solanium -Subsistence -Provision of Housing -Land for Land -Compensation for Land -Transportation for displaced population -Temporary Rehabilitation Plan -Permanent Resettlement Plan 	<ul style="list-style-type: none"> • Type of People <ul style="list-style-type: none"> -General -Technical -Other backward Caste -Scheduled Caste -Scheduled Tribe • Capacity to work <ul style="list-style-type: none"> - Household strengths & vulnerabilities (children, elderly, disabled) - Education & skills - Gender divisions & women's empowerment - Aspirations, fears, expectations and anxieties - Leisure & recreation 	<ul style="list-style-type: none"> • Type of Work <ul style="list-style-type: none"> -Labour -Cultivator -Petty Business • Savings, loans & (micro)credit access • Stores of food, seeds, tools & household goods • Wage-based livelihoods: formal & informal employment & labour conditions • Land & water-based livelihood activities: cropping, sharecropping, livestock, fishing, hunting & gathering & legal small-scale mining • Enterprise-based livelihood activities: sale of goods & services, rental properties & tourism • Illegal activities: corruption, drug sales, illegal mining, fishing, sex-work, theft/crime, smuggling & poaching • Other livelihood supports: bartering, unpaid work, labour-sharing, caretaker, project compensation, remittances, pensions, dowries & gifts 	<ul style="list-style-type: none"> -Type of housing -Water supply -Gutter connection -Power supply -Street light -Black Metal Approach Road -Internal road type -Water Tank -Control Ration Shop -ATM Machine -Commercial Bank -Agriculture Credit Bank -Community Hall -Panchayat Office -Primary School -Anganwadi Centre -Mobile/Telephone -Public/Private mode of Transportation -Facility of Pond/River/Handpump -PHC/SC 	<ul style="list-style-type: none"> • Natural resource assets (individual/common): forests, waterbodies, cropland & pasture, etc • Trends in land & resource use: deforestation, land degradation, land speculation & overfishing • Ecosystem services: crops, livestock, fish, wild foods, timber, freshwater, traditional medicines, biodiversity, genetic resources... • Tenure arrangements for land & common property • Competing land-use demands & elite capture • Impact on Physical Resources <ul style="list-style-type: none"> -Soil; Water; Air, water, land -common Property -natural resource for livelihood -Nuisance factors: noise, dust, vibration, blasting, flaring & light, traffic etc • Landscape aesthetics, natural 	<ul style="list-style-type: none"> • Local Economic Activities -Formal & Informal local Industries -Access to Credit -Wages rates -Specific Livelihood activities women are involved <p>Land use and livelihood</p> <ul style="list-style-type: none"> -Agricultural and non-agricultural use -Quality of land – soil, water, trees etc. -Livestock - Formal and informal work & employment -Household division of labour and women's work -Migration -Household income levels -Livelihood preferences - Food security <p>Village/Household Level</p> <ul style="list-style-type: none"> -Demographic Index -Social Index -Economic Index - Quality of Life index 	<ul style="list-style-type: none"> • Social and cultural organisation • Administrative organisation • Political organisation • Civil society organisations and social movements -Women Groups -Youth Group -Cooperative Group 	<p>(a) Pre-construction phase</p> <ul style="list-style-type: none"> (i) Interruption in the delivery of services (ii) Drop in productive investment (iii) Land speculation (iv) Stress of uncertainty <p>(b) Construction phase</p> <ul style="list-style-type: none"> (i) Displacement and relocation (ii) Influx of migrant construction workforce (iii) Health impacts on those who continue to live close to the construction site <p>(c) Operation phase</p> <ul style="list-style-type: none"> (i) Reduction in employment opportunities compared to the construction phase (ii) Economic benefits of the project (iii) Benefits on new infrastructure (iv) New patterns of social organisation <p>(d) De-commissioning phase</p> <ul style="list-style-type: none"> (i) Loss of economic opportunities (ii) Environmental degradation and its impact on livelihoods <p>(e) Direct and indirect impacts</p> <ul style="list-style-type: none"> (i) "Direct impacts" will include all impacts that are likely to be experienced by the affected families (i.e. Direct land and livelihood losers) (ii) "Indirect impacts" will include all impacts that may be experienced by those not directly affected by the acquisition of land but those living in the project area <p>(f) Differential impacts</p> <ul style="list-style-type: none"> (i) Impact on women, children, the elderly and the different abled (ii) Impacts identified through tools such as Gender Impact Assessment Checklists, and Vulnerability and Resilience Mapping <p>(g) Cumulative impacts</p> <ul style="list-style-type: none"> (i) Measurable and potential impacts of other projects in the area along with the identified impacts for the project in question. (ii) Impact on those not directly in the project area but based locally or even regionally

- **Family level: Household level** (Primary Survey)
 - Family background (Includes individual Identity)
 - Demographic back ground
 - Housing types and facilities availed (health, education ...etc)
 - Moveable and Immovable Property (Fully/Partially submerged)
 - Economic Status (based on last three/five years earnings & debt/Loan)
 - Social; Cultural and Political Set up..... etc
- **Area Specific: Village level** (Primary Survey)
 - All Public Amenities
 - Religious and Community Welfare Centres
 - Natural Assets (Immovable)
 - Historical Building
 - Economic/Agriculture Centres
 - Trade and Commerce.....etc
- **Impact Assessment** (SIA Primary & EIA Secondary Survey)

- **Why to develop?**

- **Mandatory Clause Chapter 2 section 6 (I) 6. /Rehabilitation Action Plan (RAP) / R&R Plan (RRP)**

- **What are Objectives?**

- Minimizes the negative impacts of displacement
- Improves the lives of displaced people
- Promotes social justice and equity
- Contributes to sustainable development

- **What Best Practices involved:**

- **Early engagement:** Displaced people should be engaged in the planning process from the beginning.
- **Free, prior, and informed consent:** Displaced people should have the right to give or withhold their consent to the project.
- **Culturally appropriate:** The RRP should be culturally appropriate and sensitive to the needs of the displaced people.
- **Gender-sensitive:** The RRP should be gender-sensitive and address the specific needs of women and girls.
- **Participatory:** Displaced people should be involved in the implementation and monitoring of the RRP.
- **Transparent:** The RRP process should be transparent and accountable.

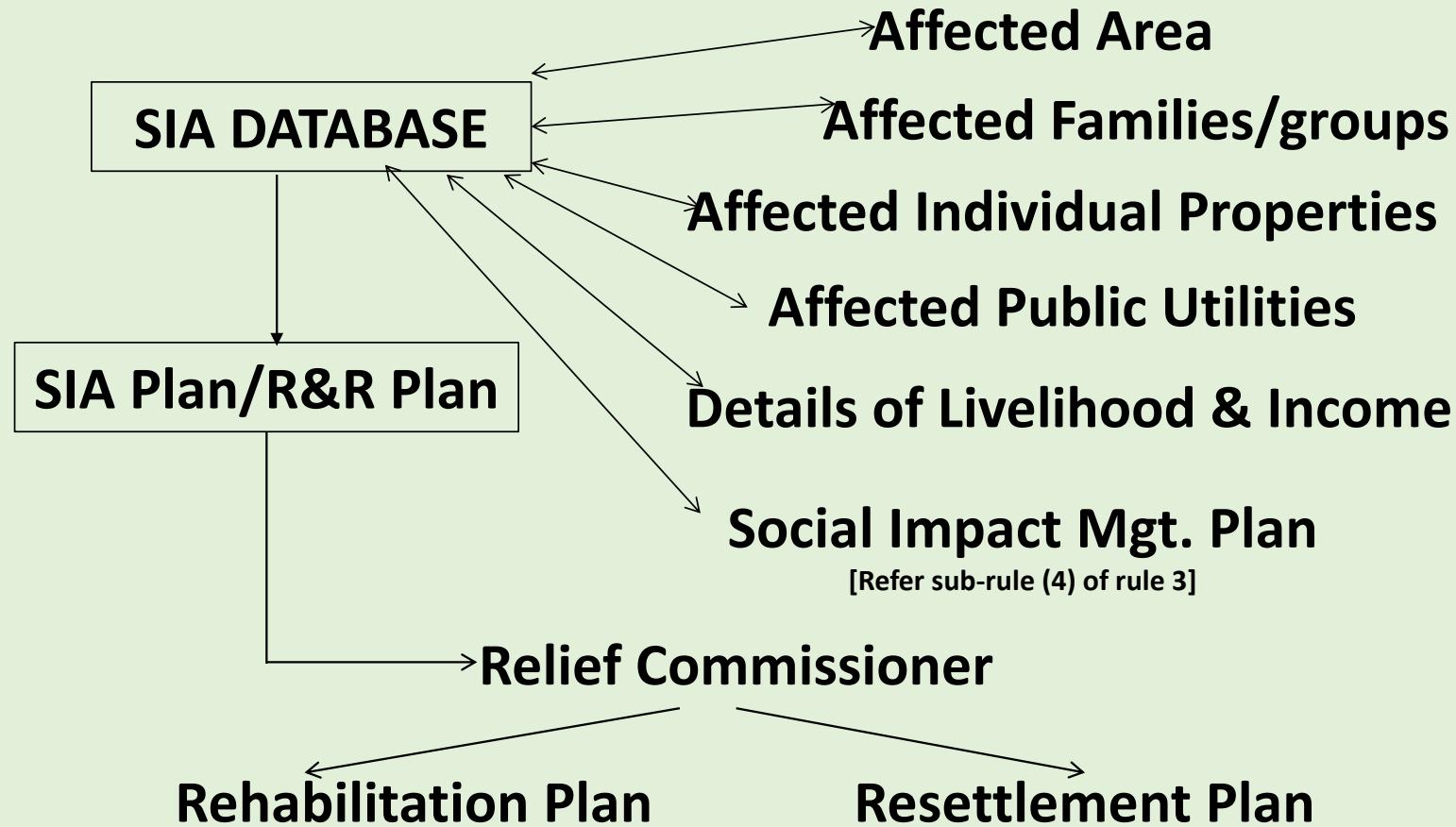
Scope Social Impact Assessment Plan

- 1. Baseline Assessment:** Conducting a comprehensive assessment of the existing socio-economic conditions of the affected area and the people to be displaced. This helps in understanding the context and formulating appropriate strategies.
- 2. Identification of Affected Persons:** Clearly identifying and categorizing individuals and communities who will be adversely affected by the project. This includes both those who will be physically displaced (resettled) and those whose livelihoods may be impacted.
- 3. Compensation and Entitlements:** Specifying the compensation packages and entitlements for affected persons, ensuring they receive fair and just compensation for their assets, land, and any losses incurred due to displacement.
- 4. Resettlement Sites and Infrastructure:** Identifying suitable resettlement sites and planning the necessary infrastructure, such as housing, schools, healthcare facilities, and other amenities, to support the well-being of the resettled communities.

Continue...Scope Social Impact Assessment Plan

- 5) **Livelihood Restoration:** Implementing measures to restore or improve the livelihoods of affected persons. This may involve providing training, skill development programs, and access to alternative employment opportunities.
- 6) **Social and Cultural Considerations:** Taking into account the social and cultural aspects of the affected communities, including preserving cultural heritage and ensuring that resettlement sites are compatible with the social structures of the displaced communities.
- 7) **Consultation and Participation:** Involving affected persons in the decision-making processes and keeping them informed throughout the planning and implementation of the resettlement and rehabilitation measures.
- 8) **Grievance redressal mechanism:** A grievance redressal mechanism is established to address the concerns of displaced people. The mechanism should be accessible, timely, and impartial.
- 9) **Monitoring and Evaluation:** Establishing mechanisms for ongoing monitoring and evaluation to assess the effectiveness of the resettlement and rehabilitation measures and making adjustments as needed.

Example: HPPCL: https://hppcl.in/WriteReadData/userfiles/file/R%20and%20R/Standard_final_R_R_Plan_English.pdf



- **Impact Assessment (Primary Survey)**
 - **Environment Impact Assessment**
 - Land Use Expert includes Soil Expert (Pattern & Change)
 - Ecology & Biodiversity Expert
 - Hydro-Geology Expert
 - **Social Impact Assessment**
 - Socio-Economic Expert & his team
 - **Tools for Baseline data & Impact Assessment**
 - **FOUR types of Data Tools**

Part V

Understanding the Process For SIA & R&R Program under RFCTLARR 2013

- 1. Legal policies/acts - Lawyer**
- 2. Socio-economic profiling (Status)-SE expert/agency**
- 3. Impact Assessment - SE expert/agency**
- 4. Resettlement planning (also involve rehabilitation planning)**
 - Local authorities; leader of peer groups; experts (Civil)**
- 5. Land Acquisition Framework – Local Authorities**
- 6. Execution (Operation Plan) – Sr. Administration**
- 7. Closure – District/State Administration**

- Identification of Affected Area
- Baseline Data Collection
- Identification of Affected Persons
- Social Impact Analysis
- Preparation of Social Impact Assessment Report (SIAR)
 - Social impact Assessment Plan
- Public Hearing/Consultation
- Review and Approval
- Feedback and Revision
- Integration with Decision-Making

NOTE:

- It's essential to note that the specific details of the process can vary depending on the nature and scale of the project, as well as other contextual factors.
- Additionally, legal frameworks may be subject to amendments or changes, so it's advisable to refer to the latest legal documents or official government sources for the most accurate and up-to-date information.

Operational Steps for Conducting SIA

1. Scoping and Terms of Reference (TOR) Development:

- The acquiring agency, often in consultation with the affected communities, defines the scope of the SIA and outlines the key issues to be studied.
- A TOR document is developed specifying the objectives, methodology, timeframe, budget, and expertise required for the SIA.

2. Data Collection and Analysis:

- The SIA team gathers data through various methods, including:
 - Household surveys and interviews with affected individuals and families.
 - Focus group discussions with community groups and vulnerable sections.
 - Review of existing documents and data related to the project area and demographics.
 - Field observations and mapping of the social and physical environment.
- Data is analyzed to understand the existing social fabric, livelihoods, cultural practices, resource dependence, and potential impacts on these aspects due to land acquisition.

Conti.. Operational Steps for Conducing SIA

3. Impact Assessment and Mitigation Measures:

- **The SIA team identifies the potential positive and negative social impacts of the project, including:**
 - Displacement of families and communities.
 - Loss of livelihoods and income.
 - Disruption of social networks and cultural practices.
 - Access to resources and infrastructure.
 - Gender-specific impacts.
- **Based on the assessment, the SIA team proposes mitigation measures to address these impacts, such as:**
 - Effective R&R package with adequate compensation, housing, and livelihood support.
 - Skills development programs and job creation opportunities.
 - Relocation assistance and infrastructure development at resettlement sites.
 - Protection of vulnerable groups, including tribal communities and women.

4. Reporting and Consultation:

- The SIA team prepares a comprehensive report documenting the findings, analysis, and proposed mitigation measures.
- The report is shared with the acquiring agency, affected communities, and relevant stakeholders for review and feedback.
- Public hearings and consultations are held to gather feedback and ensure transparency throughout the process.

5. Approval and Integration into R&R Plan:

- The acquiring agency considers the SIA report and community feedback while finalizing the R&R plan.
- The R&R plan should incorporate the recommended mitigation measures to ensure the project addresses the identified social impacts and minimizes negative consequences.

Major Challenges and limitations of SIAs

- Lack of awareness and understanding of SIA among stakeholders
- Inadequate capacity for conducting quality SIAs
 - Hiding Tendency from the Stakeholders
 - Avoiding the some of the mandatory aspect for its execution
- Limited resources for conducting effective SIAs
 - Technical capacity of the executing agency collecting the desired data
 - Technical capacity of understanding the
- Lack of enforcement of SIA recommendations

1. Process seeking permission ↑
2. Executing process Social Impact Assessment (SIA): ↘
3. Conducting Public Hearing & Approval of SIA Report
4. Rehabilitation and Resettlement Plan
5. Approval of R&R Plan
6. Implementation of R&R Measures
7. Operational Strategies for Resettlement Sites and Infrastructure
8. Developing Monitoring & Evaluation with Grievance cell
9. National and State-level Monitoring Committees

NOTE:

- It's essential to note that the specific details of the process can vary depending on the nature and scale of the project, as well as other contextual factors.
- Additionally, legal frameworks may be subject to amendments or changes, so it's advisable to refer to the latest legal documents or official government sources for the most accurate and up-to-date information.

1. Preparation of R&R Plan:

- A comprehensive R&R plan outlining the specific measures for rehabilitation and resettlement is prepared by the concerned authorities in consultation with affected families.
- The plan addresses issues like:
 - Land allotment and development: Details the allocation of land grants in the resettlement site and its development with infrastructure.
 - Housing and infrastructure: Specifies the provision of housing units, schools, healthcare facilities, and other amenities in the resettlement site.
 - Livelihood restoration: Outlines programs for skill development, financial assistance, and access to markets for affected families to restore their livelihoods.
 - Grievance redressal: Establishes a mechanism for addressing complaints and concerns of affected families.
 - Monitoring and evaluation: Defines procedures for monitoring the implementation of the R&R plan and evaluating its effectiveness.

2. Resettlement Site Development:

- Based on the R&R plan, the government develops the resettlement site, including land allocation, housing construction, and infrastructure development.
- This involves activities like:
 - Land acquisition and preparation
 - Construction of housing units
 - Development of essential infrastructure like roads, water supply, electricity, sanitation, etc.
 - Building schools, healthcare facilities, and other community amenities

3. Livelihood Rehabilitation:

- Programs are implemented to help affected families restore their livelihoods and improve their income. This may include:
 - Skill development training: Programs are offered to equip affected families with new skills relevant to the local job market.
 - Financial assistance: Grants and loans are provided to help families start small businesses or invest in income-generating activities.
 - Market access: Initiatives are undertaken to connect affected families with markets and resources to sell their products and services.

6. Completion and Closure:

- Once all stages are completed, affected families are fully resettled, and their livelihoods are restored.
- The R&R process is formally closed, and any outstanding issues are addressed.

7. Points to Remember for R&R Program Implementation

- The execution of R&R is a complex and dynamic process requiring collaboration among various stakeholders, including government agencies, NGOs, affected families, and other relevant parties.
- Effective communication and community engagement are crucial throughout the process to ensure transparency, address concerns, and build trust among affected families.
- The success of R&R hinges on adequate funding, efficient implementation mechanisms, and robust monitoring and evaluation systems.



Major Challenges and limitations of R&R Implementation

- Delays and bureaucratic hurdles in R&R implementation
- Inadequate compensation and entitlements
- Lack of livelihood restoration opportunities
- Poor infrastructure and amenities in resettlement sites
- Social and cultural disruption for affected families (Social)
- Unforeseen ground level realities acting as a major hurdle for Implementation (Political & OR Human Rights)

Part VI

CASE STUDIES Land Acquisition in Singur (TATA motors V/s State Government)

- **Land Acquisitions**
- **Compensation**
 - **Apportionment of Compensation**
 - **Market Value based**
- **Provision of Public Facilities**
- **Consent & Transparency**
- **Employment: Skill Development**

Background of the SINGUR Cases

- It involves the acquisition of 997 acres of agricultural land by the West Bengal government (Left Front) in 2006 for the Tata Nano car factory,
- the protests and legal challenges by the affected landowners and farmers,
- the withdrawal of Tata Motors from Singur in 2008,
- the enactment of the Singur Land Rehabilitation and Development Act in 2011 by the Mamata Banerjee government to return the land to the original owners, and
- the Supreme Court verdict in 2016 that quashed the land acquisition and upheld the Singur Act.

Who Got Affected in LA of SINGUR?

- **Owner-cultivators:** These were the landowners who cultivated their own land. They lost their land and livelihoods, and received compensation that was lower than the market value of their land. Many of them refused to accept the compensation and joined the protests against the land acquisition. They also faced difficulties in finding alternative sources of income or employment.
- **Tenants:** These were the landless farmers who rented land from the owners and cultivated it. They also lost their livelihoods, and received compensation that was even lower than the owners. They had no legal rights over the land, and were not consulted or informed about the land acquisition. They also faced challenges in finding alternative sources of income or employment.
- **Agricultural workers:** These were the casual laborers who worked on the farms of the owners or tenants. They were the most adversely affected group, as they lost their source of income and received no compensation at all. They had no voice or representation in the land acquisition process, and were largely ignored by the government and the media. They also had the least skills and education to find alternative sources of income or employment

Comparing RFCTLARR for Singur

Feature	Pre-RFCTLARR Act 2013	Post-RFCTLARR Act 2013
Applicable Law	Land Acquisition Act, 1894	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)
Compensation	Market value of land + 30% solatium (additional compensation)	Market value of land + 100% solatium (significantly higher)
Transparency	Limited transparency in land acquisition process and compensation determination.	Greater transparency through public hearings, social impact assessment (SIA), and detailed R&R plan.
Social Impact Assessment	Not mandatory	Mandatory SIA to assess potential social and economic impacts on affected communities and propose mitigation measures.
Resettlement and Rehabilitation (R&R)	No comprehensive R&R plan	Mandatory R&R plan providing housing, livelihood support, infrastructure development, and common property resource compensation.
Community Participation and Consultation	Limited involvement of affected communities	Increased community participation through public hearings, consultations, and grievance redressal mechanisms.
Vulnerable Groups	Limited protection for vulnerable groups like farmers and tenants.	Specific provisions for tribal communities, women, and other vulnerable groups.
Grievance Redressal	Limited access to grievance redressal mechanisms	Multi-tiered grievance redressal system with access to courts and tribunals.

Research Questions in LA of SINGUR?

- The public purpose and urgency of the land acquisition, and whether it was done in accordance with the Land Acquisition Act of 1894, which was the applicable law at the time.
- The adequacy and fairness of the compensation offered by the state government to the landowners, and whether it reflected the market value and the livelihood loss of the affected families.
- The social and environmental impact of the land acquisition, and whether it was assessed and mitigated properly.
- The legality and constitutionality of the Singur Act, and whether it violated the rights of Tata Motors and other stakeholders.
- The feasibility and desirability of returning the land to the original owners, and whether it would serve the interests of development and justice.

What R&R Pack Offered as per LA1894?

- The compensation was based on the average sale price of similar land in the preceding three years, plus a solatium of 30%¹
- An ex gratia payment of Rs 50,000 per acre for owner-cultivators²
- A monthly allowance of Rs 500 for one year for agricultural workers²
- A one-time payment of Rs 20,000 for tenants²
- A provision of 300 days of employment under the National Rural Employment Guarantee Scheme²
- A reservation of 10% of the jobs in the Tata factory for the affected families²
- According to a household survey conducted by some researchers³⁴, the average compensation offered to the owners of the acquired land was Rs 8.79 lakh per acre, which was slightly higher than the average market value reported by the owners themselves, which was Rs 8.62 lakh per acre

What was the market prize in Singur cases in 2006?

According to the web search results, the market price of land in Singur in 2006, when the land acquisition took place, was between Rs. 9 lakh and Rs. 12 lakh per acre, depending on the type and fertility of the land¹².

However, in 2016, after the Supreme Court verdict, the land price had increased to more than Rs. 20 lakh per acre². The land owners who got their land back were compensated at the 2006 rate¹.

Irregularities & Limitations in Singur Case

1. Inadequate Social Impact Assessment (SIA):

- The SIA conducted for the Singur project was criticized for being rushed and lacking in-depth analysis of the social and economic impacts on affected communities.
- This led to insufficient understanding of the specific needs and vulnerabilities of different groups, like marginal farmers and tenant families, resulting in inadequate compensation and support measures.

2. Lack of Transparency and Community Participation:

- The process lacked transparency in land acquisition decisions and compensation calculations, leading to distrust and resentment among affected communities.
- Insufficient consultation with affected families and communities during the planning and implementation phases resulted in alienation and a sense of being ignored or sidelined.

Continue...Irregularities & Limitations in Singur Case

3. Misclassification of Land and Under-compensation:

- Concerns arose regarding the classification of land quality, with some arguing that fertile multi-cropped land was classified as lower-grade, leading to under-compensation for affected farmers.
- This resulted in dissatisfaction and a sense of injustice among those who felt their land was undervalued.

4. Inadequate Resettlement and Rehabilitation (R&R):

- The R&R package offered in Singur was criticized for being insufficient, particularly in terms of housing, livelihood support, and infrastructure development at the resettlement site.
- This led to challenges for families to rebuild their lives and livelihoods, adding to their hardships and undermining the effectiveness of the R&R package.

Continue...Irregularities & Limitations in Singur Case

5. Grievance Redressal Mechanisms:

- The effectiveness of grievance redressal mechanisms in addressing complaints and concerns raised by affected communities was questioned.
- The long and complex legal processes involved in seeking redressal further discouraged many families from pursuing their grievances.

6. Political Interference and Environmental Concerns:

- Allegations of political interference and pressure exerted on land acquisition processes further eroded trust and created an environment of uncertainty and discontent.
- Environmental concerns regarding the project's potential impact on local ecosystems and water resources also fueled opposition and raised questions about the project's overall sustainability.

- Land acquisition is a sensitive and complex issue that involves the interests and rights of various stakeholders
- Political and social movements can have a significant impact on the viability and sustainability of industrial projects.
- Industrial development and environmental protection need to be balanced and harmonized.
- Legal and judicial processes can also influence the outcome and consequences of industrial projects.
 - The Supreme Court of India held that the land acquisition in Singur was illegal and ordered the West Bengal government to return the land to the original owners in 2016².
 - This decision affected the compensation claims of Tata Motors, which had invested in the infrastructure and equipment of the Singur plant².
 - In 2016, the Supreme Court of India ruled that the land acquisition was invalid and ordered the state government to return the land to the farmers within 12 weeks¹².
 - In 2023, Tata Motors won an arbitration award of Rs 766 crore (approximately \$103 million) plus 11% interest as compensation for the losses incurred due to the abandoned Singur plant³⁴

Understand that SIA and R&R Program are Sub – Activity of EIA (Refer slide 40)

- Understand the

- Land Act 1994
- RFCLARR 2013 Act & 2015 (SIA)
- **Rehabilitation and Resettlement Policy (2007 & 2012)**
- **State & Sector Law related to RFCLARR Act**

- **Process For SIA & R&R Program**

- Able to Plan and Conduct **Social Impact Assessment** Study
 - Roles of Professionals
 - Designing Tools and developing Data Base
- Able to integrate SIA Impact Analysis to develop Rehabilitation Action Plan for R & R Program

- **Learning from the Case Study: Avoid doing Mistake**

- **Land Acquisition in Singur**



Ready for Discussion



drhsTM
18 December 2023
A Diversified Consultancy Group

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REIAI-DRHS SE-FIA Webinar

9

