

INLAND WATERWAYS AUTHORITY OF INDIA

Ministry of Shipping, Government of India

“CAPACITY AUGMENTATION OF NATIONAL WATERWAY.1” BETWEEN HALDIA AND VARANASI

(Jal Marg Vikas Project)

RESETTLEMENT POLICY FOR JAL MARG VIKAS PROJECT

15th October 2016

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Abbreviations	
EA	EXECUTING AGENCY
EIA	ENVIRONMENT IMPACT ASSESSMENT
EMP	ENVIRONMENT MITIGATION PLAN
ESMF	ENVIRONMENT AND SOCIAL MITIGATION FRAMEWORK
FGD	FOCUS GROUP DISCUSSION
GOI	GOVERNMENT OF INDIA
GoJ	GOVERNMENT OF Jharkhand
IA	IMPLEMENTATION AGENCY
IWAI	INLAND WATERWAYS AUTHORITY OF INDIA
IWT	INLAND WATER TRANSPORT
KII	KEY INFORMANT INTERVIEW
NGO	NON GOVERNMENT ORGANISATION
PAF	PROJECT AFFECTED FAMILIES
PAP	PROJECT AFFECTED PERSON
PAH	PR PROJECT AFFECTED HOUSEHOLD
PCM	PUBLIC CONSULTATION MEETING
RFCTLARRA 2013	RIGHT TO FAIR COMPENSATION & TRANSPERENCY IN LAND ACQUISITION AND REHABILITATION AND RESETTLEMENT ACT
RPF	RESETTLEMENT POLICY FRAMEWORK
RAP	REHABILITATION ACTION PLAN
SMP	SOCIAL MITIGATION PLAN

1. RESETTLEMENT POLICY FRAMEWORK

1.1. Introduction and Project Description

The Inland Waterways Authority of India (IWAI), Ministry of Shipping, Government of India is implementing the Jal Marg Vikas Project for capacity augmentation of navigation on National Waterway -1 (Varanasi to Haldia stretch) on the Ganga-Bhagirathi-Hoogly River System. The capacity augmentation includes development of the infrastructural facilities i.e. river terminals with appropriate cargo handling capacity and equipment for facilitating integration with other modes of transportation; one navigational lock, provision of navigation aids; river information system; RO-RO jetties; bank protection / slope protection; river training works; tow barges; inland vessels; survey vessels including rescue boats and survey equipment and dredging facilities. Among the interventions, construction of six IWT terminals, sites of three terminals and one navigational lock have been identified.

IWAI is the Implementing Agency (IA). Considering the available LAD and cargo demand scenario, IWAI is focusing on the stretch between Haldia to Varanasi on National Waterway -1 at present in Phase -1 of the project.

The following interventions have been planned under the Jal Marg Vikas Project for which this Resettlement Policy Framework is applicable.

- Maintenance dredging to provide LAD in waterway/channel and the terminal facility
- Improved Navigation Infrastructure & Navigation Aids
 - Construction of 10 Ro-Ro jetties & ferry passenger jetties. Locations of these jetties are yet to be identified.
 - Construction of 6 terminals: Site identification and planning for 3 terminals sites at Sahibganj, Varanasi and Haldia is completed. 2 more potential sites for development of terminals are identified at Ghazipur and Kalu Ghat. These two sites are still under consideration for finalization and planning of design at initial stage only. One more terminal site along NW-1 is being identified.
 - Construction of one Navigation Lock at Farakka, West Bengal.
 - Provision for tow barges, inland vessels, survey vessels including rescue boats and survey equipment. Development of low draught cargos.
 - Development of navigation aids along NW-1 for facilitation of day & night time navigation.
- Development of efficient River Information System with all hardware & software.
- Provision for bank protection / slope protection and river training works for critical locations.
- The project will support detailed design preparation of passenger terminals at 18 locations in 6 cities (Allahabad, Varanasi, Patna, Munger, Haldia, Kolkata) for which the locations have yet to be identified.

- The project at the operational stage, will substantially increase number and frequency of vessels that may lead to limited impact on the livelihood of the fisherfolk. IWAI has hired Central Inland Fisheries Research Institute to undertake environment and social assessment at sensitive locations to prepare mitigation plans, if required.

The project also envisages the creation and improvement of integration opportunities with other surface transport modes such as roads and railways, so as to improve the overall efficiency of the logistics chain by linking the waterways through various well equipped terminals and jetties.

Thus the Consolidated RAP/SMP has been prepared for the identified locations Varanasi, Sahibganj, Haldia and Farraka for which the details are given below from para 1.2 to 1.3. The RAP/SMP for the other sub-projects will be prepared after the identification of the location according to the plan provided in Chapter 2.

1.2. Project Components and scope of land acquisition:

The 4 major infrastructural facilities identified and planned include multimodal terminals at Varanasi, Sahibganj and Haldia and Navigation lock at Farakka. The land requirement for the identified sub projects is summarized below:

1.2.1. Varanasi –

The construction of the Multi Modal terminal at Varanasi requires 7.001 Ha of land; out of which 5.586 hectares of land is already under the possession of IWAI and an additional requirement of 1.415 hectares has been assessed for purchase through negotiated settlements. The development of facilities will be undertaken in two phases. The construction of the off-shore facilities will be undertaken in Phase 1(A) on 5.586 ha of land which was acquired in 2010 under the Land Acquisition Act, 1894. Under Phase I (B), road connectivity to the terminal will be provided with NH-7, for which 1.415 ha of land has been identified.

1.2.2. Sahibganj –

The requirement of land for construction of the Multi Modal terminal with road and rail connectivity has been estimated at 78.91 ha. The facility will be developed in two Phases. Approximately 23.98 ha of will be required for Phase- I to build the terminal. 54.93 ha will be required for the expansion of the terminal and for providing road connectivity, which are proposed to be taken up in - II and I –B respectively.

However, the District Administration, Sahibganj has initiated acquisition proceedings for 45.20 ha of private land for the terminal under RFCTLARR Act 2013. In addition to this, 2.89 ha of government land will also be transferred to IWAI. The details of the notifications by the District Administration are given below:

Affected Villages	Private land to be acquired	Date of Notification as per Section 11 (1) of RFCTLARR Act 2013	Date of Declaration as per Section 19 (1) of RFCTLARR Act 2013
Samdanala	40.49 Ha	04.07.2015	29.10.2015
Rampur	4.71 Ha	08.07.2015	29.10.2015

1.2.3. *Haldia*

24.68 ha of land in the Haldia Dock Complex has been leased and transferred by the Kolkata Port Trust to IWAI on 30-year lease on June, 2015.

1.2.4. *Farakka*

14.86 ha of land in Farakka Barrage Project has been transferred by the Ministry of Water Resources, River Development and Ganga Rejuvenation to Ministry of Shipping, with IWAI the custodian, on March 2, 2016 after cabinet approval and after deposit of Rs. 2.35 crores by IWAI for transfer of land.

RAP will be prepared for subsequent sub –projects after finalisation of locations and maybe updated for Farakka new navigational –lock following the finalisation of design by the contractor.

1.3. Summary of project impacts:

A short summary of the land requirement for each sub project, scope of SIA and impacts is given below:

Name of sub project	Land required in (Ha)	Private land requisitioned in (Ha)	Government land (Ha)	SIA completed for (Ha)	No. of families displaced (losing structures)	No of total project affected families	No. of total Project affected persons
Multimodal Terminal Varanasi Phase (1a)	5.586	-	5.586	5.586	-	-	0
Road Connectivity	1.415						
Multimodal Terminal Sahibganj Phase -1	23.997	45.02	2.89	48.09	235	275	1397
Road Connectivity	3.5	*					
ROB	6.11	0**					
Multimodal Terminal Haldia	24.68		24.68	24.68	-	-	0
New navigational lock at Farakka	14.86		14.86	14.86	-	-	0
Total***	80.148	45.02	48.016	93.216****	235	275	1397

* Verification of land details and requirement going on

** Finalisation of requirement as per DPR consultants on going.

*** Tentative to change as per final contours of the project for the other interventions

**** SIA for Road Connectivity in Sahibganj and Varanasi, ROB in Sahibganj and additional terminals and RO- RO facilities will be completed once land requirement and locations are finalised.

1.4. Type of losses

Loss of Private Land

S. No.	Type of Land	To be acquired Area (Hectares)	% age to Total Private Land
1.	Land with Orchard	18.935 ha	41.79
2.	Barren Land	6.879 ha	15.22
3.	Land with structure	9.611 ha	21.26
4.	Un surveyed	9.821 ha	21.73
5.	Total	45.2 ha	100

Loss of structure

S.no.	Typology of structures	No of structures
1.	Residential structures	235
2.	Common Property Resources	2
3.	Government structures	2
	Total	239

Vulnerable communities impacted

Social category of affected families living in the affected area as presented in Table 4.5 reveals that out of total 235 AF, 206 (87.66 %) from Other Backward Classes, 20 (8.51%) from Scheduled Caste, 7 (2.98) % are from general category and 2 (0.85%) from Scheduled Tribe.

Social Category of Affected Families

Village	Social Group					
	ST (Hills)	ST (Plain)	SC	OBC	General	Other
Samda Nala & Rampur	0	2	20	206	7	0

Source: Field Survey

Special assistance for SC and ST as per Section 31 and Second Schedule of RFCTLARR Act 2013 has been budgeted and included in the R&R scheme prepared by the District Administration. Support to these families during relocation and special counselling on

livelihood enhancement measures will be prioritized.

1.5. Summary of Gender Development Plan

There are a total number of 642 women affected by the project. There are 16 women headed households the affected area. Women were specially consulted to ensure awareness about the project among them and understand their concerns with the project and any specific needs that need to be addressed. In accordance with the provisions of RFCTLARR Act 2013, women will have “joint title-holdership” to the alternate housing facility to PAFs provided under the Second Schedule of the Act. Accordingly, to address the issues raised by women in the focus group discussions at Sahibganj, awareness camps will be conducted on pre-natal health. Women from Project Affected Families will be encouraged and counselled to take on community building activities in the resettlement colony. The needs of these WHHs will be given priority while providing support during relocation. Community Infrastructure initiatives in neighbouring areas of terminal locations (particularly in Sahibganj and Varanasi) like construction of toilets and street lights shall be considered upon further consultations and upon availability of budgetary allocations. Budget for various activities in the Gender Development Plan is included in the cost of RAP/SMP.

1.5.1 Gender disaggregated data

Gender disaggregated data and separate consultations were conducted with women to understand their socio economic status.

Population: The total number of PAPs is 1397 out of which 642 are females which form 45.96% of the total PAPs.

Literacy: The literacy rate of the PAPs is 67.57% and the female literacy rate is 62.15%.

The **Table 1.1** shows the level of education of female and male PAPs. Majority of the female PAPs have studied up to Primary (class 5) school followed by HSC.

Table 1.1 : Education Level of Women PAPs along the Project Area

Educational Status	Female	%
Illiterate	243	37.85
Literate no formal education	0	0
Upto Primary (class 5)	266	41.43
Upto HSC(6-12)	124	19.32
Graduate	9	1.40
Professional. / Tech.	0	0
Total	642	100

1.5.2 Occupational Structure

Out of the 642 women, only 8.9% (57) belong to the working group. The remaining do not work i.e. 91.1 % of the women belong to the non-working group. Out of the total working women majority are agriculture labour.

Income: Out of the total working women only 48 stated their income. Out of this 38 earn less than Rs. 5000 and 10 earns between Rs. 5000 – Rs.7000,

1.5.3 Profile of Women Headed Households

Data was analysed to understand the impact of the project on vulnerable groups like the women headed households. **Table 1.2** summarises the profile of women headed households and the impact of the project on these households.

Table 1.2 : Profile of Women Headed Households

			No
1	Age Group	25-35	2
		35-45	3
		45-55	5
		55-65	4
		65 & above	2
	Total		16
2	Marital Status	Married	2
		Widow	14
	Total		16
3	Educational Attainment	Illiterate	13
		Primary	1
		Middle School	1
		Secondary	1
		Higher Secondary	0
	Total		16
4	Working Status	Yes	7
		No	9
	Total		16
6	Income (in Rs)	< 5000	6
		5000-10000	1
		> 10000	0

			No
		No Income	9
	Total		16
7	BPL		14
	APL		2
	Total		16
8	Impact	Partial	0
		Full	16
	Total		16
9	Type of Impact	Residential	16
		Commercial	0
		Open/ Vacant Plot	0
		Plantation	0
	Total		16
10	Type of Loss	Land	0
		Homestead Land & Structure	16
		Land & Livelihood	0
		Livelihood & Structure	0
	Total		16

A separate Gender Development Plan is included in the RAP/ SMP.

2. Objectives and Principles of the RPF

2.1. Purpose of RPF (Resettlement Policy Framework)

The objective of the policy framework clarifies the resettlement principles accordingly consultation will be carried out to prepare sub-project Resettlement Action Plan/Social management Plan in accordance with World Bank's Operational Policy on Involuntary Resettlement 4.12 and National Law, Right to Fair Compensation and Transparent Land Acquisition and Rehabilitation and Resettlement Act, (RFCTLAR&R) 2013.

Accordingly, RPF has been prepared mapping the laws and regulations and procedures relating to the agencies responsible for implementation of resettlement and compensation. The RFP details out the (a) brief description of the project and components for which land acquisition and resettlement are required, (b) relocation requirement, (c) estimated population displacement and likely categories of displaced persons; (d) eligibility criteria of various categories of affected and displaced persons; (e) analysis of legal framework; (f) valuation methodology; (g) specific measures for gender and vulnerable community, (h) mechanisms for consultations with, (i) and participation; institutional mechanism;(j) implementation process, (k) linking resettlement implementation to civil works; (l) description of grievance redress mechanisms and (m) citizen feedback; and (n) monitoring and reporting mechanism.

The RPF is applicable to the entire project. The project supports improving the navigability of NW-1 between Haldia and Varanasi for which facilities will be developed for increased cargo vessels. Road and rail connectivity would be provided in a phased manner as demand and usage pick up. One barge repair facility and five ro-ro crossings to promote cross-river movement of freight are also proposed. The project would also support preparation of designs for modern passenger ferry system in 18 locations in 6 cities (Allahabad, Varanasi, Patna, Munger, Haldia, Kolkata) which would eventually be implemented and operated by the four participating states. The project would also support construction of about 40 km protection works to protect unstable and erodible banks and retain the riverbank at sharp bends.

2.2. Preparation of SIA and RAP

The RAP/SMP has been prepared for the 4 sub-project identified so far. For the remaining sub-project for which locations are yet to be identified and finalized, IWA will commission a study to identify social issues and stakeholders and communities, including socially and economically disadvantaged communities. The assessment will identify local population likely to be affected by the project either directly or indirectly in accordance with the Rules framed by state governments on SIA, and census survey will be undertaken. Impacts and risks of potential investments would need to address the social safeguards gender and citizen's engagement issues. The scope of the study in particular the following:

- Will Inform, consult and carry out dialogues with the project stakeholders on matters relating to project design, objectives, and implementation and provide specific recommendations to avoid/minimize high social risks;
- Will Screen the social development issues in the project area and its vicinity and accordingly design the social services that may have to be provided by the project in order to improve the quality of life;
- Will Identify likely loss of community assets (e.g. school, community assets) including the religious structures and common property resources (e.g. forest, grazing land) the impacts of their loss on the local population;
- Will assess the impact of influx of construction workers and others (both during civil works and operation of the project) on the incidence of HIV/AIDS and other diseases and develop a strategy to control them;
- Will assess the capacity institutions and mechanisms for implementing social development aspects of the project implementation including the social safeguard plans and recommend capacity building measures; and,
- Will develop monitoring and evaluation mechanism to assess the social development outcomes.
- Will include actions related to beneficiary feedback, information dissemination, and grievance management.

3. Legal Framework

3.1. Applicable Laws

The IA (Implementing Agency) has developed Resettlement and Rehabilitation Policy based on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (RFCTLARR Act 2013); World Bank's OP 4.12 and various government rules issued by state government for issues related to R&R and land acquisition. It lays down norms for rehabilitating the affected people and broadly outlines an approach and institutional framework to achieve its objectives. The key Social regulations and legislations that will govern the preparation and implementation of the project is presented below:

Table 3.1 Key Social regulations and legislations

Acts/Rule/ Policy	Year	Objective	Applicability	Applicability to identified sub projects	Responsible Agency
Ancient Monuments and Archaeological Sites and Remains Act	1958	Conservation of cultural and historical remains found in India.	If project site is located 300 mts away from a notified Ancient monument or Archaeologic al site	Not applicable to any sub project	Archaeologic al Dept. GOI, Indian Heritage Society and Indian National Trust for Art and Culture Heritage (INTACH).
Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013	2013	Fair compensation for acquisition of immovable assets; Resettlement of displaced population due to LA and economic rehabilitation of all those who are affected due to	If IA acquires land from titleholders	Yes. Applicable for land acquisition for terminal at Sahibganj, Jharkhand.	Revenue Department. Respective State Government and IWAI / IA (requiring Body – for purposes of starting the process, calculating costs and

Acts/Rule/ Policy	Year	Objective	Applicability	Applicability to identified sub projects	Responsible Agency
Jharkhand Rules on RFCT LARR ACT 2013 (2015)	2015	The Jharkhand state government has notified rules on the RFCTLARR 2013, specifying the various forms and rules for LA and R&R proceedings under the Act.	Applicable in case of acquisition of Land in Jharkhand	Yes. In case of acquisition of land in Jharkhand for Terminal at Sahibganj	Revenue Department of Jharkhand
Panchayati Raj Act, And the Panchayat (Extension to Scheduled Areas) Act in case of Scheduled areas.	1992	Depending on the nature of the activity and the extent the Panchayat has the powers related to it, the Panchayat level institutions will be responsible for the activities in the implementation of the project. The Act enables participation of Panchayat level institutions in decision-making by broadening the village level functions, supporting implementation of development schemes. The Act provides for involvement of the PRIs especially, the Gram Sabha/ Panchayat	Applicable for any sub project located in panchayat area	Applicable in case of Sahibganj, Jharkhand	The Panchayats of the concerned villages

Acts/Rule/ Policy	Year	Objective	Applicability	Applicability to identified sub projects	Responsible Agency
		during project preparation and implementation. The Panchayats at the village level will be involved for preparation and implementation of the project.			
The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act	2006	The Act Grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws. Makes a beginning towards giving communities and the public a voice in forest and wildlife conservation. This Act lays down specific entitlements and processes. It also lays down purposes for which and conditions under which the rights under this law	If project passes through customary forest land including reserved and protected forests; protected areas and also community forest.	Not applicable	Min/Deptt of Forests, Ministry of Tribal Affaires, GOI and Department of Tribal Welfare

Acts/Rule/ Policy	Year	Objective	Applicability	Applicability to identified sub projects	Responsible Agency
		can be alienated and the manner in which it can be done. Alienation for Roads is one such purpose. Specific legal rights for specific persons/groups (individual, family, community) are mentioned under different heads such as title, user, etc. These will have to be kept in mind in the duration of the project. If any land alienation is involved, it has a limit prescribed by the Act, and has to be cleared by the Gram Sabha. There is also a limit on the number of trees that can be cleared for the purpose			

3.1.2. **World Bank Safeguard Policies**

The World Bank has Environmental and Social Safeguard Policies to reduce or eliminate the adverse effects of development projects. The social safeguard policies of World Bank are provided in the table below.

Table 3.2 Safeguard Policies of World Bank

World Bank Safe Guard Policies	Objective	Applicability	Safeguard Requirements
OP/BP 4.12	Involuntary Resettlement-The objective of this policy is to avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs. Furthermore, it intends to assist displaced person in improving their former living standards; community participation in planning and implementing resettlement; and to provide assistance to affected people, regardless of the status of their legal title.	There will be need for limited land acquisition for certain project corridors resulting in: relocation or loss of shelter; loss of assets or access to assets; loss of income sources or means of livelihood.	Resettlement Action Plan in consultation with the community and project authorities. Resettlement Action Plan has been prepared).
OP/BP 4.11	Cultural Property –This policy aims at assisting in the preservation of cultural property, historical, religious and unique natural value-this includes remains left by previous human inhabitants and unique environment features, as well as in the protection and enhancement of cultural properties encountered in Bank-financed project.	This policy may be triggered by sub-projects under IWAI in those areas where cultural property, historical, religious and unique natural value-this includes remains left by previous human inhabitants and unique environment features may be affected during widening and strengthening work of the sub-projects.	Contractor will be responsible for preparation of mitigation plans.

Source: The World Bank Operational Policy

Table 3.3 Comparative Analysis of fit between World Bank OP 4.12 on Involuntary Resettlement and RFCTLARR Act, 2013

Topics/Issues/ Areas	World Bank OP4.12	RFCTLAR&R
Application of LA	Applies to all components of the project that result in involuntary resettlement, regardless of the source of financing.	Section 2 Applicable to projects where government acquires land for its own use, hold and control, including PSU and for public purpose; for PPP where ownership of land continues to vest with govt; private companies where 80% of land owners have given consent or 70% in case of PPP.
Principle of avoidance	Involuntary resettlement displacement should be avoided where feasible, or minimized, exploring all viable alternative project design.	Alternatives to be considered as Act in chapter II, Section # 4 (d) says "extent of land proposed for acquisition is the absolute bare minimum needed for the project; and (e) says land acquisition at an alternate place has been considered and found not feasible.
Linkages with other projects		No such provision Act mentions avoidance of multiple displacement due to acquisition under the Act. Some of the R&R Provisions could also be linked to other development projects to integrate for relocation and livelihood options.

Topics/Issues/ Areas	World Bank OP4.12	RFCTLAR&R
Application of R&R	Same as above	In addition to the above, Section 2(3) land purchased by private company as prescribed by Govt. or when part acquired by govt . The Act has detailed processes and provisions for R&R. Under the Act, the process of R&R would start at the time of the R&R Census and ends with the Award of R&R duly overseen by the Commissioner for R&R and the Committees where relevant. All provisions related to R&R are mandatory and have to be formally awarded in the course of the Acquisition procedure. No possession can be taken of land acquired unless R&R provisions are complied with.
Affected area	Involuntary take of land resulting in loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood	Section 3(b) : Area notified for 'acquisition'
Family		Section 3(m) includes person, his and her spouse, minor children, minor brothers and sisters dependent. Widows, divorcees, abandoned women will be considered as separate family.

Topics/Issues/ Areas	World Bank OP4.12	RFCTLAR&R
Affected family for eligibility	All adversely affected people whether have formal legal rights or do not have formal legal rights on land	Section 3 (a): whose land and other immovable property acquired. (b)&(e): Family residing in affected area such as labourers, tenants, dependent on forest and water bodies, etc whose primary source of livelihood is affected due to acquisition (c)Scheduled tribes and other forest dwellers whose rights recognized under the Forest Dwellers Act 2006. (f) Family assigned land by state or central government under any schemes (g) Family residing on any land in urban area that will be acquired or primary source of livelihood affected by acquisition.
Cut-Off date	Date established by the borrower and acceptable to the Bank. In practice it is the date of census.	Section 3 c (ii), (iv) (vi): Families residing for preceding 3 yrs or more prior to “acquisition of land”.
Non-application of Chapter II	Stand-alone SIA for all investments	Section 6(2): Irrigation projects where EIA is required under other laws, provisions of SIA not applicable. SIA may be exempted by Government in case of urgency provisions
Consultation – Phase I during preparation	Consultation a continuous process during planning and implementation	Section 4(1) date issued for <i>first consultation</i> with PRIs, Urban local bodies, Municipalities, etc to carry out SIA. Section 5: Public hearing of SIA in affected area. Provide adequate publicity of date and time.
Time duration to prepare SIA and SIMP	Draft Social Assessment, Resettlement Action Plan and or Social Management Framework	Section 4 (2): within six months from the date of its commencement.
Disclosure – Stage I	To be disclosed before appraisal and 120 days before board date.	Section 6(1): Translated in local language available in PRI institutions and local urban government bodies; district administrative

Topics/Issues/ Areas	World Bank OP4.12	RFCTLAR&R
		offices and websites of concerned government agency.
Formation of Expert Group to appraise SIA and SIMP	Appraised by Bank staff	Section 7(1): Constitute a multi-disciplinary Expert Group include members of decentralized govt Institutes (PRIs, ULBs).
Time stipulated for Group to submit its report	Before the decision meeting for appraisal	Section 7(4): Submit its report <i>within two months from the date of its constitution</i>
Scope of work of the Expert group	Social Assessment, resettlement action Plan reviewed and appraised by Bank staff and approved by Regional safeguard advisor	Section 7 (4) (a&b): assess whether it serves any public purpose or not; if social costs outweigh potential benefits then should be abandoned; Section 7 (5) (a&b): if serves public purpose, then it has considered minimum land acquisition, and alternate options to minimize displacement; potential benefits outweigh social costs
Consultation – Phase II during appraisal	In practice consultation workshops are organized in project affected areas at district and state level.	Section 2 (2): Prior consent of 80% and 70% of land owners in PPP and where private company has approached the govt to acquire balance land has been obtained,
Disclosure – Stage II	Information dissemination through the planning and implementation	Section 7 (6): recommendations of expert group under 7(4&5) to be made public in local language in district and block administrative office and PRIs
Minimize impact on multi-crop land	Select feasible design that has minimal adverse impact.	Section 10: In case irrigated multi-crop land is to be acquired under exceptional circumstances, the area to be acquired cannot exceed aggregate of land of all projects in district or state. The area to be acquired cannot exceed the total net sown area of the district or state. Wasteland equivalent to twice the area acquired will be developed.

Topics/Issues/ Areas	World Bank OP4.12	RFCTLAR&R
Information dissemination of preliminary notice	Continuous part of the preparation and participation	Section 11 (1), (2) & (3): Notice published in local language and meetings called of gram sabahs, municipalities to provide full information about the purpose of the project, summary of SIA and particulars of administrator appointed for R&R' summary of R&R scheme
Updating land records	To be part of RAP	Section 11 (5): Once established that the land is required for public purpose, accordingly notice to be issued under section 19 following which land records to be updated within two months
Census and preparation of R&R schemes	To be part of RAP	Section 16 (1) (2): carry out census of affected people and their assets to be affected, livelihood loss and common property to be affected; R&R scheme including time line for implementation.
Information dissemination and Public hearing - Stage III	Consultation throughout the process is mandatory	Section 16(4)&(5): mandatory to disseminate information on R&R scheme including resettlement area and organize public hearing on the Draft R&R scheme in each Gram Sabha, Municipality and consultations in Scheduled area as required under PESA.
Approval of R&R Scheme		Section 17 & 18: Draft R&R Scheme to be finalized after addressing objections raised during public hearing and approved.
Final declaration of R&R Scheme	Approved RAP including budgetary provisions to implement it	Section 19 (2): Only after the requiring body has deposited the money will the govt issue the notice along with 19(1) .
Time period stipulated.	Included in RAP - Time line synchronized with Government's procedures or adopts innovative methods to reduce the time which is based operated on the principles of participation and transparency.	Section 19 (2): the entire process to update land records, disseminate information, preliminary survey, census, hearing of objections, preparation of R&R schemes and approval, deposit of money must complete within 12 months from the date on which section 11, the preliminary notice issued. Section 19 (7): If the final declaration not made within 12 months of section 11 (1), the

Topics/Issues/ Areas	World Bank OP4.12	RFCTLAR&R
		process will lapse, except under special circumstances.
Preparation of land acquisition plans	Included in RAP.	Section 20: Land marked, measured for preparation of acquisition plans.
Hearing of claims		Section 21(1) (2): Notices issued indicating govt's intension to take possession of land, and claims on compensation and R&R can be <i>made not less than one month and not more than six month</i> from the date of issue of section 21(1).
Time period stipulated for declaring the award		Section 25: It is required to announce the award <i>within 12months of issue of Section 19 (final declaration to acquire land, approved R&R scheme)</i> after completing land acquisition plans, hearing of objection, settling individual claims for declaration of the award. If award not made within the stipulated time, the entire proceedings will lapse.
LA Act 1984 deem to lapse and RFCTLAR&R is applicable		Section 24: where award is not declared under section 11, or where made five years ago but land not taken in possession or where award declared but money not deposited in the account of majority of beneficiary.
Methodology for determining market value for land	Full replacement Cost	Section 26 and First Schedule: Recognizes 3 methods and whichever is higher will be considered which will be multiplied by a factor given in Schedule First; compensation given earlier will not be considered; if rates not available floor price can be set; steps to be taken to update the market value.
Valuation of structures	Full Replacement cost	Section 29 (1) without deducting the depreciated value.
Solatum and interest		Section 30(1) 100% of the compensation amount

Topics/Issues/ Areas	World Bank OP4.12	RFCTLAR&R
		Section 30(3): 12% per annum on the market rate from the date of notification of SIA to the date of ward or land taken over
R&R Award	Total cost included in RAP to resettle and rehabilitate the affected persons and assist in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	Section 31, Second Schedule: A family as a unit will receive R&R grant over and above the compensation and those who are not entitled to compensation. Second Schedule: Homeless entitled to constructed house, land for land in irrigation projects in lieu of compensation, in case of acquisition for urbanization 20% of developed land reserved for owners at a prices equal to compensation' jobs or one time payment or annuity for 20 years' subsistence grant, transportation, land and house registered on joint name husband and wife, etc See Annex B.
Transparency		Section 37(1): Information of each individual family including loss, compensation awarded, etc will be available on the website.
Possession of land	Taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.	Section 38(1): Land will be taken over by the government within three months of compensation and 6 months of R&R benefits disbursed; infrastructure facilities at resettlement sites will be completed within 18 months from the date of award made under section 30 for compensation; in case of irrigation and hydel projects R&R completed six months prior to submergence.
Multiple displacement		Section 39: Additional compensation equivalent to compensation determined will be paid to displaced
Acquisition for emergency purpose	Not permeable in bank funded projects	Section 40 (5): 75% additional compensation will be paid over and above the compensation amount

Topics/Issues/ Areas	World Bank OP4.12	RFCTLAR&R
Prior consent before acquisition and alienation	Mandatory to carry out Free, Prior, Informed Consultation with Indigenous people.	Section 41(3) Mandatory to get consent from Gram Sabha, Panchayat, Autonomous Councils in Scheduled areas.
Development plans for SC and ST	Indigenous Peoples' Development plan required along with RAP. Land for land for is an option across all sectors.	Section 41: Separate development plans to be prepared, settle land rights before acquisition; provision of for alternate fuel fodder, non-timber produce on forest land to be developed within 5 years; 1/3 rd compensation amount to be paid as first instalment and rest at the time of taking possession; ST to be resettled within Scheduled area; land free of cost for community purpose; land alienation will be null and void and ST and SC considered for R&R benefits; fishing rights restored in irrigation and hydle projects; if wish to settle outside the district additional benefits to be provided in monetary terms; all rights enjoyed under other laws will continue. Second Schedule: additional provisions for SC&ST for land for land in irrigation projects, additional sum over and above the subsistence grant,
Institutional arrangement	Institutional arrangement must be agreed upon and included in RAP, IPDP.	Section 43-45: Appointment of administrator, R&R Commissioner, when more than 100 acres of land is to be acquired, R&R Committee will be formed at project level, social audit to be carried out by Gram Sabha and Municipalities.
Change of land use		Section 46(4): Land will not be transferred to the requisitioning authority till R&R is not complied with in full
Monitoring and Evaluation	Indicators and monitoring system included in RAP and IPDP	Section 48-50: Set up National and State level Monitoring Committee to review and monitor progress
Authority to settle claims		Section 51-74: the appropriate government shall through notification establish one or more authorities as the rehabilitation and resettlement authority. Authority will be set up

Topics/Issues/ Areas	World Bank OP4.12	RFCTLAR&R
		to settle any legal disputes that arise from acquisition and R&R, the aggrieved party can move to the high court thereafter.
Exempt from tax and fee		Section 96: Compensation and agreements will not be liable to tax and stamp duty
No change in status of land acquired		Section 99: Once the land is acquired for a particular purpose, its purpose cannot be changed
Return of unutilized land		Section 101: If the acquired land remains unutilized for 5 years, then it will be returned to original owner, heir or included in land bank
Distribution of increased value of land transferred		Section 102: 40% of appreciated value of acquired land will be distributed to owners provided no development has taken place.

Source: Compilation from Secondary Sources

Table 3.4 Entitlement Matrix

S. No.	Application	Definition of Entitled Unit	Entitlement	Details
A. Loss of Private Agricultural, Home-Stead & Commercial Land				
1	Land	Titleholder family. and families with traditional land Right	Compensation at Market value, Resettlement and Rehabilitation as per First Schedule	a) Land for land, if available. Or, Cash compensation for the land at replacement value, which will be determined as provided under section 26 of RFCTLARR Act 2013. b) The land if allotted will be in the name of both husband and wife. c) If post acquisition, residual land is economically unviable, the land owner will have the choice of either retaining or sell off rest of the land. d) Refund of stamp duty and registration charges incurred for replacement land to be paid by the project; replacement land must be bought within a year from the date of payment of compensation to project affected persons.

S. No.	Application	Definition of Entitled Unit	Entitlement	Details
				e) Compensation at market value for loss of crops if any or a month's notice f) Resettlement assistances as specified in Section E. 6 in case of relocation for loss of homestead land
B. Loss of Private Structures (Residential/Commercial)				
2	Structure	Title Holder/Owner	Compensation at Market value, Resettlement & Rehabilitation Assistance as per First and second schedule	a) Cash compensation for the structure at replacement value which would be determined as per as per section 29 of the RFCTLARR Act 2013. b) House under Indira Awas Yojna in rural area or Rs 50,000 in lieu of house under RAY in urban area or Rs 100,000 in lieu of or a constructed house in the resettlement colony. The house if allotted will be in the name of both husband and wife. c) Right to salvage material from the demolished structures. d) Three months' notice to vacate structures. e) Refund of stamp duty and registration charges for purchase of new alternative houses/shops at prevailing rates on the market value as determined in (a) above. Alternative houses/shops must be bought within a year from the date of payment of compensation. f) In case of partially affected structures and the remaining structure remains viable, additional 10% to restore the structure. In case of partially affected structures and the remaining structure becomes unviable additional 25% of compensation amount as severance allowance.

S. No.	Application	Definition of Entitled Unit	Entitlement	Details
				g) Each affected family that is displaced and has cattle, shall get financial assistance of Rs 25,000/- for construction of cattle shed. h) Each affected person who is a rural artisan, small trader or self-employed person and who has been displaced (in this project owner of any residential-cum commercial structure) shall get a one-time financial assistance of Rs 25,000/-for construction of working shed or shop. i) Resettlement assistances as specified in Section E. 6 in case of relocation due to loss of residential structures.
3	Structure	Tenants/ Lease Holders	Resettlement & Rehabilitation Assistance	a) Registered lessees will be entitled to an apportionment of the compensation payable to structure owner as per applicable local laws. b) In case of tenants, three months written notice will be provided along with Rs 50,000 towards shifting allowance.
C. Loss of Trees and Crops				
4	Standing Trees, Crops.	Owners and beneficiaries (Registered/ Un-registered tenants, contract cultivators, leaseholders & sharecroppers	Compensation at market value	a) One-month advance notice to project affected persons to harvest fruits, standing crops and removal of trees. b) Compensation to be paid at the rate estimated by: i) The Forest Department for timber trees ii) The State Agriculture Extension Department for crops iii) The Horticulture Department for fruit/flower bearing trees. c) Registered tenants, contract cultivators & leaseholders & sharecroppers will be eligible for compensation for trees and crops as per the agreement document between the owner and the beneficiaries. d) Un-registered tenants, contract cultivators, leaseholders & sharecroppers will be eligible for compensation for trees and crops as per mutual

S. No.	Application	Definition of Entitled Unit	Entitlement	Details
				understanding between the owner and the beneficiaries.
D. Loss of Residential/ Commercial Structures to Non-Titled Holders				
5	Structures on Government land	Owners of Structures or Occupants of structures identified as per Project Census Survey		a) Squatters/ encroachers shall be given three months' notice to vacate occupied land b) Squatters/ encroachers will be provided cash assistance at replacement cost for loss of structures valued as per Basic Schedule of Rates (BSR). c) All squatters/ encroachers other than Kiosks will be given shifting allowance of Rs 20,000 per family as one-time grant for a permanent structure and Rs. 15,000 for a semi-permanent structure and Rs. 10,000 for a temporary structure. d) Each affected person who is a rural artisan, small trader or self-employed person assistance' of Rs 25,000/- for construction of working shed or shop. e) In case of Kiosks, only Rs. 5000 will be paid as one-time grant. f) Training Assistance of Rs 10,000/- for income generation per family applicable for non-titleholders not covered by the RFCTLARR Act 2013.
E. Loss of Livelihood and shifting assistance				
6	Families living within the affected area	Title Holders/ sharecroppers, agricultural labourers and employees	Resettlement & Rehabilitation Assistance as per second schedule	a) Subsistence allowance of Rs. 36,000 as one time grant. b) One-time grant of Rs. 500,000 or annuity in lieu of employment. c) Each affected family getting displaced shall get a one-time financial assistance of Rs 50,000 as shifting allowance. d) One-time grant of Rs. 50,000 as resettlement assistance

S. No.	Application	Definition of Entitled Unit	Entitlement	Details
F. Additional Support to Vulnerable Families				
7	Families	SC, ST, BPL, WHH families	Resettlement & Rehabilitation Assistance as per Second Schedule	One-time additional financial assistance of Rs. 50,000. Squatters and encroachers already covered under clause 5 are not eligible for this assistance.
G. Loss of Community Infrastructure/Common Property Resources				
8	Structures & other resources (e.g. land, water, access to structures etc.)	Affected communities and groups	Reconstruction of community structure and • common property resources / Resettlement site development as per Schedule 3	Reconstruction of community structure and Common property resources in consultation with the community.
H Temporary Impact During Construction				
9	Land & assets temporarily impacted during construction	Owners of land & Assets	Compensation for temporary impact during construction e.g. diversion of normal traffic, damage to adjacent parcel of land / assets due to movement of heavy machinery and plant site.	Compensation to be paid by the contractor for loss of assets, crops and any other damage as per agreement between the 'Contractor' and the 'Affected Party'.
J. Resettlement Site				
10	Loss of residential structures	Displaced titleholders and non-titleholders	Provision of resettlement site/ vendor market	Resettlement sites will be developed as part of the project, if a minimum of 25 project displaced families opt for assisted resettlement. Vulnerable PAPs will be given preference in allotment of plots/flats at the resettlement site. Plot size will be equivalent to size lost subject to a maximum of provision given in RFCTLARR Act 2013. Basic facilities shall be provided by the project at resettlement site as per the provisions

S. No.	Application	Definition of Entitled Unit	Entitlement	Details
				given in the Third Schedule of RFCTLARR Act 2013. Similarly, if at least 25 displaced commercial establishments (small business enterprises) opt for shopping units, the Project Authority will develop the vendor market at suitable location in the nearby area in consultation with displaced persons. Basic facilities such as approach road, electricity connection, water and sanitation facility, will be provided in the vendor market by the project. Vulnerable PAPs will be given preference in allotment of shops in vendor market. One displaced family will be eligible for only one land plot at resettlement site or shop in the vendor market.

***None of the assistances will be duplicated**

****Entitlement matrix applicable to identified sub project at Sahibganj only**

*****Other state taxes and cesses will be applicable additionally**

****** Compensation for unanticipated losses such as damage to fishing nets during barge operations will be made to aggrieved fishermen on incident to incident basis. PIU will determine the nature and extent of loss (and other impacts), the operator responsible shall compensate accordingly.**

3.2. Definitions and Eligibility criteria for various categories of displaced persons

The definitions of various terms utilized in this policy are:

- **Acquired land** means the land acquired under Land Acquisition Act 1894 (LAA, 1894) or the RFCTLARR 2013 by the state governments for the Inland Waterways Authority of India (IWAI) Project or any other prevailing GOs.
- **Agricultural Land** means lands being used for the purpose of (i) Agriculture or horticulture; (ii) Dairy farming, poultry farming, pisciculture, sericulture, seed farming breeding of livestock or nursery growing medicinal herbs; (iii) Raising of crops, trees, grass or garden produce; and (iv) Land used for the grazing of cattle;
- **Affected Area** means such area as may be notified by the Government of UP for acquisition by under the LAA 1894 or RFCTLARR 2013 if the land is being acquired after January 2014.
- **Affected Family means**

(i) a family whose land or other immovable property has been acquired;

(ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers of artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;

(iii), the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 due to acquisition of land.

(iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;

- **Compensation** refers to the amount paid as compensation under various provisions of the Land Acquisition Act 1894 or RFCTLARR 2013 if the land is being acquired after 1st January 2014, for private property, structures and other assets acquired for the project.
- **Cutoff Date** is the date of Notification under Section 4(1) of Land Acquisition Act 1894 or Section 3 of RFCTLARR 2013 if the land is being acquired after 1st January 2014, and Socio Economic Survey date for Non-Title Holders i.e 15.11.2015.
 - **Displaced Family** means any Affected Family, (i) who on account of acquisition of land has to be relocated from the affected area; (ii) a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for the Project (iii) any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land in the affected area, has been involuntarily displaced from such land or other property; (iv) any agricultural or non-agricultural laborer, landless person (not having homestead land or agricultural land) rural artisan, small trader or self-employed person; who has been residing or engaged in any trade, business, occupation or vocation in the acquired land, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area
 - **Employee** means an individual engaged by a displaced commercial establishment in the Acquired Land, for compensation under a contract for employment whether oral or written, express or implied.
 - **Encroachers** are those persons who have extended their building, business premises or work places or agriculture activities into government lands. This does not include trespassers, who are liable for prosecution for illegal use of the protected land.
 - **Land acquisition** means acquisition of land under LAA 1984 or RFCTLARR 2013 where land is being acquired after 1st January 2014.
 - **Minimum Wages** means the minimum wage of a person for his/her services/labour per day as per notification published by Department of Labour of the state government where the project is located or Government of India (GoI) whichever is applicable.
 - **Non-Perennial Crop:** means any plant species, either grown naturally or through cultivation that lives for a particular harvest season and perishes with harvesting of its yields.
 - **Notification** means a notification published in the Gazette of India, or as the case may be, the Gazette of State;
 - **Perennial Crop:** means any plant species that live for years and yields its products after a certain age of maturity.

- **Rehabilitation and Resettlement (R & R) Entitlements** means the benefits awarded as per the R&R Framework given in the IWAI Policy on R&R as provided in this document and adopted by IWAI.
- **Severance of Land means a land holding divided into** two or more pieces due to acquisition of land mainly for the new project developments.
- **Squatter** means those persons who have illegally **occupied government** land for residential or other purposes.
- **State Government/Government** refers to the Government of West Bengal / Jharkhand/ Uttar Pradesh/ Bihar.
- **Tenants** are those persons having **bonafide** tenancy agreements for three years prior to the acquisition of the land, with a property owner with clear property titles, to occupy a structure or land for residence, business or other purposes.

4. Land Acquisition Process adopted for the Project

The requirement of land acquisition and involuntary resettlement for this project is primarily for proposed interventions such as the construction of terminal facilities, and intermodal connectivity with such facilities.

4.1. Framework for Land Acquisition and Other Immovable Assets

The project specific R&R policy provides two options for acquisition of land and other immovable assets. Option 1 on direct purchase and Option 2 is through RFCTLARR Act 2013. The details are given below:

Option 1: Direct Purchase of land

***This is applicable only for Land Acquisition in Uttar Pradesh for Phase 1(b) for road connectivity**

Under this option, following steps will be followed:

- Project to identify land parcels to be purchased and owners during SIA in consultation with the local revenue officials.
- List of such land owners along with intent to purchase and purpose of purchase will be forwarded to the District Magistrate. A committee will be set up as per the existing government order (GO) number 271/83 dated September 2, 2013 for direct purchase. (Applicable to UP only)
- The base price of land will be as per the process mentioned in RFCTLARR Act, 2013.
- The purchase committee appointed by the District Collector will finalize the purchase rate.

Option II: Acquisition of private land through Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013

As per option II, all private immovable assets will be acquired as per new RFCTLARR Act 2013. All eligible PAPs living within the affected area for the past 3 years will be entitled to R&R assistance over and above the compensation. Those PAPs who are not entitled for compensation (encroachers and squatters) as per the Act will get R&R benefits as per their entitlement given in project specific R&R policy. The entitlement of compensation and assistance will be extended to only those PAPs who are identified on or prior to the cut-off date.

Exemption Application

An Amendment Ordinance to the Right to Fair and Transparent Land Acquisition and Resettlement and Rehabilitation Act was promulgated on 3 April, 2015. The Ordinance provides exemptions for five categories of projects from the certain requirements: (i) Defense; (ii) Rural infrastructure; (iii) Affordable housing; (iv) Industrial corridors; (v) Infrastructure projects including Public Private Partnership (PPP) projects where the central government owns the land. These 5 categories of projects are exempted from the requirement of consent of 80% of land owners to be obtained for private projects and that the consent of 70% of land owners be obtained for PPP projects as well as conducting the Social Impact Assessment through a notification. In this context the project is likely to come under category (v). Accordingly, the requirement of Social Impact assessment under chapter II section of the RFCTLARR 2013 for the sub project in Sahibganj, this Project was

exempted as per rule 5 of the Jharkhand State Rules on RFCTLARR Act 2013 (A copy of the order is at annexure 1). However, an SIA was undertaken, following best practices, as per the World Bank requirements and a Resettlement Action Plan has been prepared for the area notified by the district authorities in consideration of the applicable national laws and rules.

4.2. Process flow for LA and R&R

4.2.1. *Requisitioning of Land by IWAI:*

The proposal for acquisition of any private land will be made in the formats prescribed by the enacted rules of the concerned State Governments on the RFCTLARR ACT 2013. These formats will include khatyan lists, khasra maps, along with the details area of land to be acquired.

4.2.2. *Appointment of 'Administrator' for R&R:*

As per Section 2 of the RFCTLARR Act 2013, the appropriate government (concerned state governments) will acquire land on behalf of other 'requiring body'. An officer appointed as the administrator will be responsible for the purpose of Rehabilitation and Resettlement as per Section 43 of the RFCTLARR Act 2013. An officer not below the rank of Collector, additional Collector or Deputy Collector or any other officer of an equivalent rank is appointed as the 'Administrator'.

4.2.3. *Notification, declaration and preparation of award:*

Upon receiving the requisition application, the concerned State Government will conduct a Social Impact Assessment as per Chapter 2 of the RFCTLARR Act 2013 unless exempted as per procedures established in the state rules for RFCTLARR 2013. Upon completion of the assessment the 'Administrator' appointed by the concerned government shall issue preliminary notifications (as per Section 11 (1)), declarations (as per Section 19 (1) for the land to be acquired. A demand is prepared by the District Administration as per rules framed by the concerned state government under the Sections 26,27,28,29,30 of the RFCTLARR Act 2013. The R&R award list and scheme is prepared on the basis of the census and survey undertaken by the District Administration and after valuation of the assets affected is completed. The R&R scheme and award is forwarded to the R&R commissioner appointed for the state. If the State Government is satisfied with the Scheme, the District Administration may issue declaration as per Section 19 (1). The requiring body deposits the (full or part) amount prior to the declaration to enable the concerned State Government to make the declaration.

4.2.4. *Method of valuation of project affected assets*

The valuation method and basis for the compensation for LA will be done as per the norms stipulated in Sections 26, 27,28, 29 , 30 and First Schedule of the RFCTLARR Act 2013.

Valuation method for compensation for Land and Structures and Trees

- **Valuation of Land**

- The valuation of land is carried out as per the state rules on the RFCTLARR 2013 (Section 26 27,28,29,30). The compensation value of land is two times the circle rate with a top up of 100 percent solatium. The rates considered will be as per the updated circle rates of the District Administration.

- **Valuation of Structure**

- The valuation of structures is calculated as per latest Basic Schedule of Rates (PWD) (last updated) and the valuation of structure is being done without depreciation, taking 100 percent solatium.

- **Valuation of trees**

- A Valuation Committee, with representation from the Forest Department for timber trees and the Horticulture Department (District Administration) for fruit/flower bearing trees, is responsible for valuation and enumeration of trees under rules applicable in Section 29 of the RFCTLARR Act 2013.

4.2.5 Disbursement process

Once the R&R scheme is approved by the appropriate government, the District Administration issues notices to titleholders losing land, trees and structures through camps in the affected area. The disbursement of assistances and compensation may happen in camps or at the District Administration's office, where in documentation of the PAFs is examined and assistances and compensation is deposited as cheques or deposited in individual accounts. The collector shall take possession of the land once all monetary disbursements are fully completed and the collector will be responsible for ensuring that the rehabilitation and resettlement process is complete before the displacement of the population as per Section 37 of the RFCTLARR Act 2013.

4.2.6 Construction of Resettlement Colony

The Collector is also responsible for ensuring the construction and development of resettlement colony with infrastructural facilities provided in Third Schedule of the RFCTLARR Act 2013. The District Administration is responsible for holding necessary consultations with the affected families in identifying suitable resettlement sites. The resettlement colony developed at the site will have houses developed as per the requirements of the Third Schedule of RFCTLARR Act 2013. The design of the houses to be provided includes one bedroom, a living room, kitchen and toilet cum bathroom (Indira Awas Yojna specifications). Total carpet area of each dwelling will be within 50 square meter. It will be constructed as per the design specifications developed by PWD (Buildings). The PWD, building division at the district level lays out the construction plan and the colony. The construction is done through an open bid method under the direct supervision of the District Administration.

5. Implementing Processes and arrangements

The implementation of RAP is the responsibility of the Implementation Agency (IWAI) along with the concerned line (revenue) departments of the State Governments. A Social Development Specialist at PMU will be responsible for overall coordination of the implementation of SIMP/RAP. The Social Officer at the Project Implementation UnitS at the regional office will coordinate field level activities.

At Sahibganj, as per the Section 43 of RFCTLARR Act 2013, Additional collector has been designated as 'Administrator' of R&R. The District Land Acquisition Officer (DLAO) will be the nodal officer primarily responsible for conducting the proceedings as per the requirements of the RFCTLARR Act 2013. An officer in charge cum Resettlement Officer will be deputed for liaising with the District Administration for all LA and RR activities.

The role of the key persons in the implantation of the Resettlement Action Plan and Social Impact Mitigation Plan are as follows:

5.1. District Land Acquisition Officer

- DLAO is responsible for ensuring the publication of notifications and declaration specified under the Sections 11 and 19 of the RFCTLARR Act 2013 on behalf of the Additional Collector.
- Preparation of the Award
- Determination of the value of the affected structures
- Disbursement of the compensation
- Identification of land for resettlement and construction of the resettlement colony

5.2. Social Development Specialist

Role of the Social Development Specialist at the PMU includes:

- Ensuring the preparation of the RAP and its timely disclosure
- Ensure consultation and stakeholder participation in the preparation of RAP.
- Guide and monitor the RAP implementation team for resettlement and rehabilitation and initiatives planned under labour, safety and health measures.
- Coordinate with stakeholders on a regular basis and undertake field visits and consultations with PAPs for first-hand information.
- Compile data related to resettlement and rehabilitation activities received from the PIU and the RO/ officers
- Review Monthly and Quarterly reports and communicate the progress to the World Bank and other government stakeholders.
- Facilitate necessary support to the Resettlement Officer and PIUs regarding the LA issues.
- Aid the Project Director in providing the necessary information

5.3. Officer- in-charge cum Resettlement Officer

An officer of IWAI from the regional directorate will be responsible for co-ordination among different agencies, such as the contractor, District Administration and other departments in

the regional office for LA & RR issues including transfer of titles, assisting in collecting the documents of PAFs. The officer will represent IWAI in public meetings.

5.4. Social Officer at PIU

The role of the social officer at the Project Implementation Unit includes:

- Coordinate the implementation process with the assistance of PIU and RAP implementation team.
- Coordination and close interaction with the state authorities during the preparation and implementation of the RAP.
- Conduct constant dialogue and regular meetings with the concerned State Authorities during the implementation and assist the Officer-in-charge cum Resettlement Officer.
- Participate in issues concerning with APs
- Coordinate the RAP implementation with the displaced community
- Monthly review and Monitoring of the implementation process and incorporation of corrective measures if required
- Assist PAPs in registering of their grievances through the help-line
- Function till the completion of implementation of RAP, preparation and evaluation of the implemented RAP.

5.5. RAP implementation Team

For the further support on management of safeguards and other social issues, a RAP implementation team will be engaged. The team consisting of Land Acquisition Facilitator, Livelihood expert, and MIS expert will carry out consultations with the affected community; verification of affected families and will prepare micro plans. The team will also be responsible for geo tagging and updating of the geo tagged information on a GIS map. The other activities to be carried out by the team includes preparation and distribution of identify cards for every individual PAF, opening of joint bank accounts, disbursement of assistance, counsel for the productive use of assistance amounts, monitor the use of assistances, planning for relocation of displaced households, allotment of houses, and coordinate the entire shifting process. A livelihood expert will be responsible for assessing training needs, awareness creation, coordination between implementing agencies etc, The tasks of the implementation team for the whole project will be as follows:

- Develop rapport with APs and between APs and Project staff
- Verification of APs and geo tagging the information, and uploading it on a MIS platform.
- Consultations with the local community during the implementation of the RAP
- Preparation of micro plan and assist the APs in receiving the rehabilitation assistance
- Preparation and distribution of ID cards
- Motivate and guide PAP for productive utilization of the compensation and assistance amounts
- Assist the APs in getting benefits from the appropriate local development schemes
- Assist IWAI in Planning for relocation of displaced households, allotment of houses, and coordinate the entire shifting process
- Forward the grievances of the APs to the grievance redressal mechanism through the phone line or registration on website.

- Assess the level of skills and identify needs training needs and organize training programs
- Participate in the monthly review meetings with the Social Officer and Displaced community
- Carry out other responsibilities as required from time to time specified by the regional director.

5.6. Contractor

The contractor will be responsible for the following activities:

1. Complying by all labour laws including the norms regarding child labour, proper scheduling of works to ensure the protection of women.
2. Participating and facilitating awareness of HIV/ AIDS in the campsites
3. Assisting in responding to queries and issues raised through the grievance redress mechanism, and assist PIU in responding to the queries.
4. Follow the instructions of the regional directorate and PIU

5.7. Technical Supervision Consultants

1. External monitoring during implementation
2. Support and guide the implementation and compliance on safeguards
3. Documentation of various processes related to the implementation of RAP
4. Sensitize and help build capacity of the IWAI officials towards the implementation of the RAP provisions.
5. Assist Social Officer of PIU in preparing monthly progress and quarterly process documentation reports

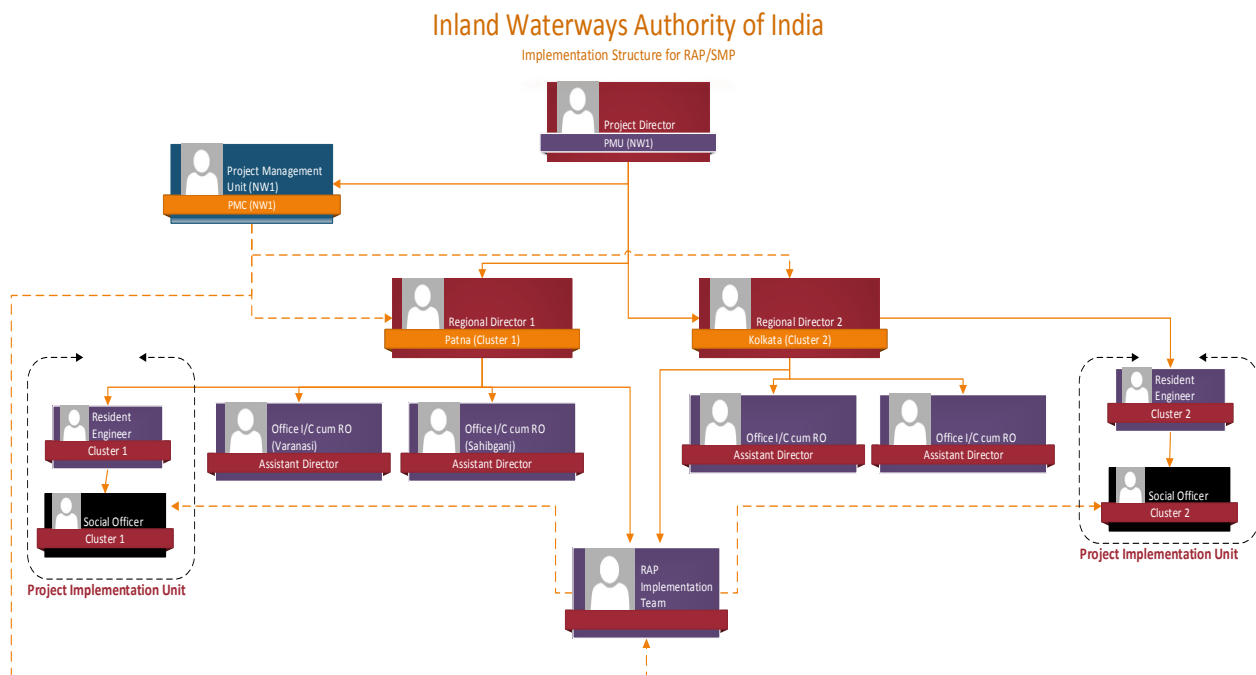


Figure 5.1 : Organisation Chart for RAP implementation

6. Grievance Redress Mechanism

Project related grievances broadly relating to matters pertaining to resettlement and rehabilitation, grievances pertaining to construction-induced impacts, grievances pertaining to environmental issues around project sites etc are anticipated in course of the project implementation.

The state government as per the Section 51 – 67 of RFCT LARR Act 2013 delineates the responsibilities of the state government in terms of establishing a Rehabilitation & Resettlement Authority and in determining the collector's responsibility in disputes arising because of disbursement of compensation and R&R assistances. Section 60 of the said Act delineates that the R&R Authority will have the same powers as that of a civil court under Code of Civil Procedure 1908 in matters pertaining to land acquisition. The R&R authority is the designated authority to handle any disputes and grievances related to land acquisition and relocation. This provision is applicable for all sub projects where private land is acquired.

A centralised grievance public grievance mechanism common online portal hosted by the Department of Administrative reforms and Public Grievances (DARPG), GOI is the established and functional grievance redress mechanism appropriated by IWAI. Citizens and aggrieved parties can lodge a complaint or a grievance to be redressed by IWAI and the JMVP through the CPGRAM online portal.

6.1. Lodging a complaint on CPGRAM:

A complainant can lodge a grievance on the CPGRAM website (accessible at : www.pgportal.gov.in) under the option of 'public grievance'. Upon lodging a complaint, the complainant receives a registration number.

Complainants are also provided with an option of filling out a reminder form and can view the status of their complaint with the registration number on the website itself.

6.2. Processing the complainant:

Once the complaint is lodged, the complaint is processed by the DARPG and is internally assigned to the concerned parent administrative ministry (in this case the ministry of Shipping) through the in- built features of the portal. The concerned ministry shall forward the grievance to the subordinate department (in this case IWAI) . Email notifications with timelines are also intimated to the concerned department, which has a nodal officer to address the grievances.

6.3. Nodal officer for grievance redress at IWAI:

Once each complaint is received by IWAI, the Secretary, IWAI, the nodal officer, will mark any project related grievance to the Project Director , JMVP for submitting a reply with 15 days. Each grievance will be processed by the establishment section and Secretary IWAI will be the concerned officer for the monitoring of grievance redressal.

6.4. Redress of Project Related grievances:

In case of project related grievances, complaints will be forwarded by the Social Specialist PMU on behalf of the Project Director to the concerned field units / PIUs . Replies for

complaints pertaining to construction induced impact at project sites will be addressed by the Resident Engineer, PIU (Patna /Kolkata) and replies to complaints pertaining to R&R issues will be addressed by Social Officer, PIU (Patna/ Kolkata). In case of any dispute pertaining to R&R measures or compensation, the Social Officer will prepare the reply in consultation with R&R authority and the District Administration. Once replies are received the Project Director will mark the grievance to Secretary, IWAI who shall then upload the reply on the portal. Intimation will be provided to the complainant via email/ post as is preferred by the latter.

Documentation of all grievances resolved and pending will be maintained by the specialist, Social development, PMU. The monitoring indicator in terms of the number (%) of grievances Responded and / resolved within the stipulated service standard for response times will be submitted in the monthly reports.

6.5. In case of non-resolution:

Reminders from the parent administrative ministry will be issued in case of pendency of complaints. The grievances will be tracked and monitored by the coordination section of the parent ministry.

6.6. Timelines:

A grievance should be redressed within 2 months (as per the current guidelines of the DARPG) of its receipt. An interim reply is to be submitted in case the time taken to address the complaint may be longer than 2 months.

6.7. Extension of the existing system and linking with phone based registration of complaints:

Linking and augmenting the existing provisions in the portal with a phone based recording and registration of complaints will be undertaken by IWAI in consultation and with the National Information Centre (NIC) subject to necessary clearances and approvals. The work flow of the mechanism is further elaborated below.

6.8. Process Flow of Grievance Redressal mechanism through toll free number

A dedicated phone line shall be established which shall be operational for 8 hours everyday. The dedicated phone line will be operated by a GR officer at the PMU level and the PIU social officers being the Nodal Officers for resolving each complaint. The grievance redress mechanism will be planned around the following process flow.

Step 1 : Grievance is received by the redressal officer and the officer will enter the details of the complainant as a new caller.

Step 2 : A confirmation will be sent through auto generated SMS, with a reference number to the person registering the complaint. Provision may be made for providing a token number to the complainant , to help the complainant track the grievance.

Step 3 : The two nodal officers for handling each grievance will be the PIU officer (Patna and Kolkata). The following representatives will be provided access to the software and will be linked to the monitoring dashboard to handle any escalation of complaint.

- a. Social Specialist, PMU.
- b. Land acquisition facilitator – R&R and compensation related
- c. Resident engineer - (Patna, Kolkata) – technical
- d. Project Manager (cases of escalation)
- e. Project Director (cases of escalation)

Step 4 - Once the complaint is registered, the PIU officer will receive an SMS notification, with a deadline of 21 days to resolve the grievance. The PIU officer will have the option of choosing the following actions.

- a) View (Complaint will be viewed)
- b) Action (what are the actions that have been taken to resolve the complaint)
- c) Assign / forward (the action will be forwarded)
- d) Escalate (The complaint will be escalated to officials)

Step 5 - Type of Grievances and persons who will handle:

Once the PIU officer ascertains the nature of the complaint, the officer will take the following action:

R&R: In case of any grievance related to resettlement and rehabilitation and land acquisition, the land acquisition facilitator will be responsible addressing complaints pertaining to grievances relating to the acquisition of land. The PIU officer will assign and forward the queries to the land acquisition facilitator

As the grievance redress function of the State government relating to compensation and land acquisition is mentioned in section 51-67 of the LARR Act 2013, the Land acquisition facilitator shall review each request and provide input in consultation with the district officials for any action pertaining to R&R.

Construction induced impact and Environment Health Safety: the Resident engineer (Patna / Kolkata) will address Grievances pertaining to problems induced during construction.

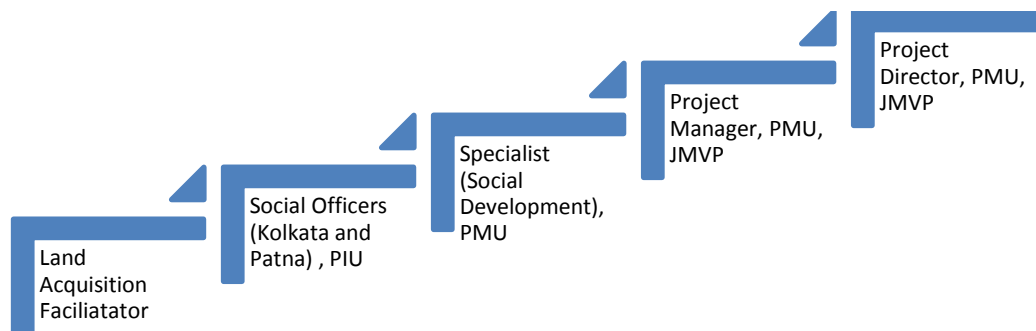
A window of 14 days will be provided to the officers concerned to resolve the issue and submit their responses. In case of non-response, SMS alert will be issued to remind the officers about the action pending.

Step 6 - Taking Action: The action taken on the basis of the consultation with the district administration will then be filled out in the action section in the dash board by the PIU social officer/ land acquisition facilitator.

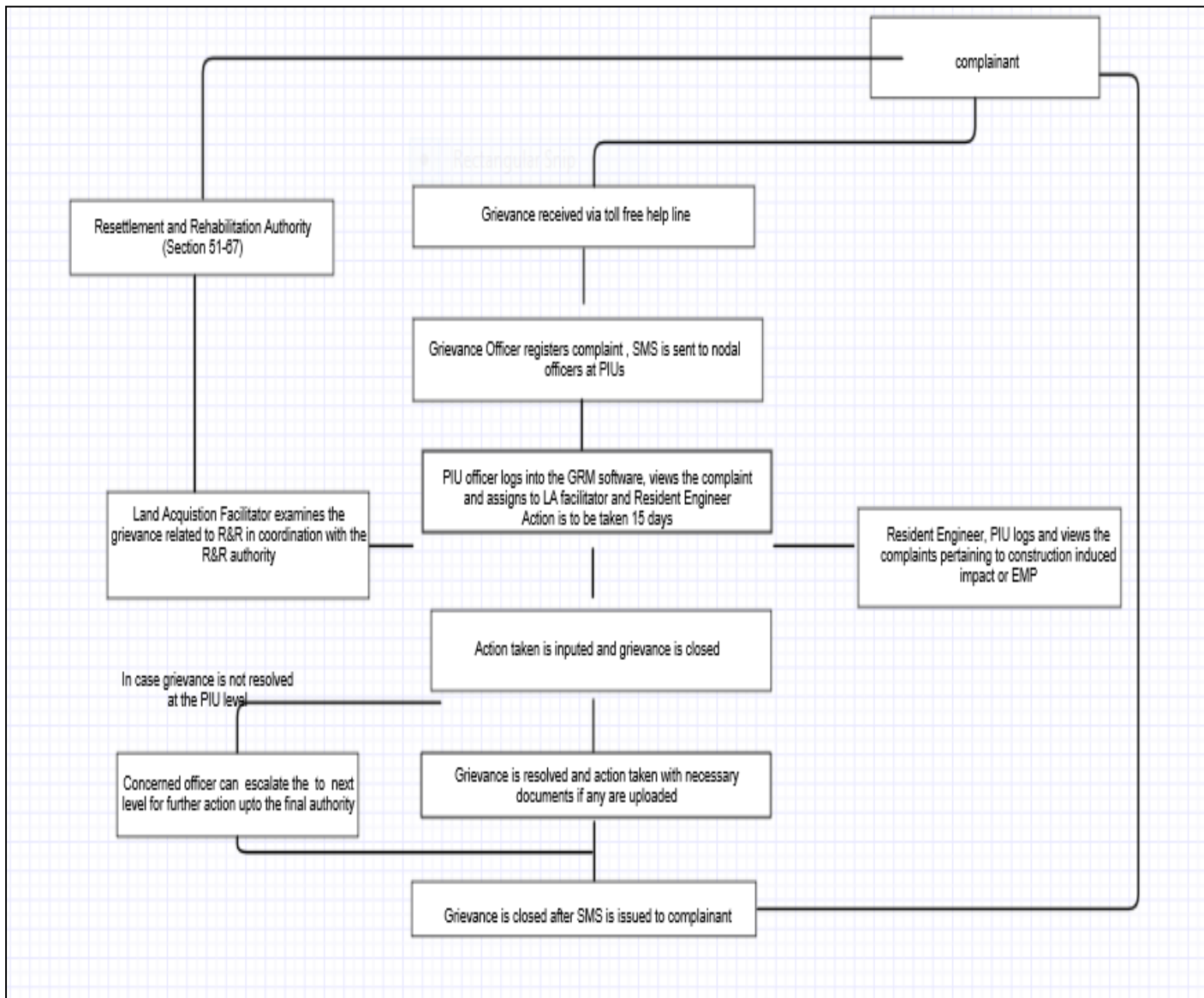
Step 7 - Resolving the grievance: Once the grievance is addressed and updated information is placed in the software, the grievance is labelled as resolved. An SMS will be accordingly issued to the complainant. If any grievance is not resolved within 21 days an SMS alert will be issued to the officer above (refer the hierarchy of GRM given below) the concerned officer tackling the grievance.

For instance, the PIU officer does not respond within 21 days , an SMS alert will be forwarded to the Social Specialist, PMU. Further to this , if the social specialist is unable to respond within 21 days, , an SMS will be forwarded to Project Manager, PMU, and upon the non-response of the same , it will be forwarded to the Project Director.

Step 8 - Non resolution of grievance at any level: In case of non- resolution of the grievance due to the problem being beyond the jurisdiction of the concerned officer, the said officer may escalate the issue in the following hierarchy until step 6 and 7 are achieved:



Hierarchy of escalation of complaint



Process flow of GRM.

7. Aligning of civil works with the R&R implementation

In compliance with the RFTCLARR Act 2013, no structures shall be disturbed until the PAFs have received the entitlements. Construction activities on government land may however, commence after receiving a no objection from the District Collector. Three months' notice will be given to PAFs to vacate their residences and PAFs will be informed accordingly. An implementation schedule with the tentative resettlement milestones will be a part of the RAP and the schedule (see format given below) will be closely followed up with District Administration in an effort to align the resettlement activities with the construction schedule.

Table 7.1 Sample Schedule of Relocation plan

Sl. No.	Relocation Task/Activities	Time schedule
1	Tentative Start of Construction of Relocation Colony	
2	Notice to PAPs and consultation for their relocation	
3	Completion of Construction of houses	
4	Shifting of PAPs	
5	Completion of construction of full colony and shifting of all PAPs	

8. Monitoring Arrangements

The IA will be responsible for carrying out Monitoring and Evaluation throughout the project cycle. Internal monitoring including process monitoring will be carried out by the Social Specialist at the PMU level with the assistance from Social Officer at the PIU level and RAP implementation team and external monitoring and evaluation will be carried by a third party. The IA shall engage services of an external agency (third party) to carry out monitoring and evaluation to help monitor project activities closely. Regular monitoring by undertaking site visits will help identify potential difficulties and problems faced in the project implementation and subsequently help take timely corrective measures, if needed.

Monitoring will start as soon as the RAP implementation team is mobilized at site for implementation of RAP. Components of monitoring will include performance monitoring i.e., physical progress of the work such as construction of houses in relocation site, provision of basic amenities, relocation of displaced households, etc. and impact monitoring, process monitoring such as grievances redress mechanism. Indicators that would be monitored related to performance are provided in the following sections. However, if during the project implementation some other indicators are found relevant, those shall be included as well.

8.1. Internal Monitoring

The IA is responsible for internal monitoring on regular basis with the help of social specialist of the PMU, PIU and the support of the safeguards specialist of the supervision consultant. Apart from the monthly reports submitted by the Implementation team, a quarterly report of internal monitoring will be prepared by Social Officer, PIU. IA will follow the disbursement process of the District officials closely track all transactions in their resettlement database, followed by entitlement records signed by the affected persons and survey based monitoring of resettlement progress. The internal monitoring will also provide feedback on community concerns, grievances and requests. Internal monitoring will focus and ensure the following:

- Verification that there are no outstanding or unresolved issues with respect to the property valuation and economic rehabilitation in accordance with the provision of the award list prepared and disbursed by the District authorities.
- Information campaign, discrimination and consultation with affected persons,
- Status of relocation and timely disbursement of R&R assistance,
- Value of entitlement received equal to that of actual structure acquired,
- Use of entitlement and monitor its use,
- Compensation for affected structures and other assets,
- Payments for loss of income,
- Relocation of affected persons and supports provided,
- Implementation of economic rehabilitation and income restoration measures as per the entitlement matrix,
- Effective operation of the Grievance Redress Mechanism detailing out number of complaints received and those resolved; reasons for delay in resolution, status of unresolved grievances, and

- Funds for implementing economic rehabilitation activities as timely manner and sufficient for the purposes and spent in accordance with the plan.

The following table 8.1 details the frameworks for internal monitoring and table 8.2 contains details of these indicators

Table 8.1 : Frameworks for Internal Monitoring

Type	Indicators	Issue	Procedure	Timing	Responsibility
Process level monitoring	RAP implementation	Grievances: Number (%) Responded and / resolved within the stipulated service standard for response times. Citizen's engagement Published reports on effect of collaboration on project (Yes/no)	Reports generated by the MIS software on cases open and closed and analysed the types of grievances	Monthly Quarterly (Citizen's engagement)	PIU/ External Consultant
		Status of disbursement of R&R assistances (verification of PAPs, preparation of Identity (ID) cards; preparation of micro plan, Number of displaced persons Resettled, implementation of community awareness . HIV awareness, consultation	Verification and examination of district records and discussions with PAPs, geo tagged information on the status of disbursement will be simultaneously uploaded on GIS map.	Monthly	PIU / External Consultant

		process, distribution of assistance, etc. no. of trainings held for income enhancement			
		Use of health and safety measures, Compliance of labour laws including (I) Equal Wages (ii) Violation of laws pertaining to child labour (iii) Sexual Harassment at camp site and construction site (iv) Proper work timings for women (v) Smooth functioning of day care centre (vi) Facilities in health care, sanitation provided at the site	Site observation, checking of rosters interaction with labourers, contractors	Monthly	PIU/External Consultant
		Consultations: Number of consultations held on livelihood enhancement and counselling for effective use of assistances and quality of consultations, follow up with issues raised, equal participation of	Records and submitted transcripts of consultations	Quarterly	PIU/ External Consultant

		women in consultations.			
		Process efficiency: Adequacy of staff employed, time lag in the delivery of compensations by the district government, process of handling conflicts.	Observation of disbursement process, and documents pertaining to the distribution of compensation.	Monthly	PIU/ External consultant
		Restoration of livelihood standards	Observation, ,Survey, photograph	Quarterly	PIU/ External consultant
		No. of trainings conducted on income generation or HIV AIDS etc	Discuss and assess records of trainings held with local people, health workers/ health post/ centre records and the training institutes engaged for the conducting training livelihood enhancement.	Annually	PIU /External consultant
Impact level	Change in household level income and economic activities	Changes in occupation,	Survey and Consultation with relocated PAPs	Annually	PIU/ External consultant
	Social safety	State of social harmony and social security in the resettled areas	Police records, consultation with relocated PAPs, PIU's progress report, report submitted by M&E Consultants	Annually	PIU / External consultant

9. Cost and funding arrangements for R&R implementation

9.1 Sources of Funds and Flow of Funds

- Provisions in the appropriate budget heads in the demands for grants of the Ministry of Shipping towards land acquisition and Resettlement and Rehabilitation implementation will be made each year of the project period. Corresponding provisions in the allocation for Jal Marg Vikas Project will also be made by IWAI. On passing the finance bill by the Parliament, funds will be transferred to the IWAI for meeting the cost on land acquisition and R&R implementation.
- IWAI is the 'requiring body' for land acquisition as per section 3 (zb) of the RFCTLARR Act 2013.
- The 'Administrator' under the RFCTLARR Act 2013 for Land acquisition, preparation of R&R plan and cost estimate, disbursements, monitoring etc. is the State Government.
- State Government concerned will send a demand to IWAI for deposit of moneys to be disbursed as per the Sections 26,27, 28,29, 30, 31,32 and Schedules First, Second and Third of the said Act.
- On receipt of such a demand, the same will be examined, verified and if necessary got modified from the State Government concerned and payment made to the State Government in the designated account. Thereafter, it is the responsibility of the 'Administrator' to disburse the eligible amounts amongst the project affected families.
- The Project Management unit will liaise, with the State Government for ensuring timely and appropriate disbursement.
- If land is purchased from another government authority, the valuation of land is done at existing circle rates and land is transferred through a title change. The cost will be met through the fund allocations to the IWAI.
- All costs pertaining to land Acquisition and R&R will be borne by IWAI

9.2 Implementation cost estimates for the Project

In order to implement the RAP, certain costs have been estimated for purchasing and acquiring land, augmenting the institutional arrangements, and implementing mitigation measures indicated in the RAP under Gender Development plan and in the labour health and safety section. Cost head of SMP (Social Management Plan) includes provisioning for implementing the components specified in the gender development plan, HIV awareness and IEC material.

Component wise cost estimates are indicated below. The same have been incorporated in the project costs:

S. No.	Component	Estimated Cost in crores	Remarks
I.	Land Acquisition		
a.	MMT at Varanasi (including allied facilities)		
	Cost of LA	10	
	Cost of R&R,	0.02	
	Cost of Gender development Plan and HIV Awareness	0.03	

b.	MMT at Sahibganj (including allied facilities)		
	Cost of LA	187 (including R&R as per provisions of RFCTLARR Act 2013)	Cost based on demand presented by State Government and approved by Standing Finance Committee for 78.91 Ha.
	Cost of R&R		
c.	Multimodal Terminal at Haldia		
	Cost of LA (Transfer)	44.98	
	Cost of SMP	0.02	
	Cost of Gender development Plan and HIV Awareness	0.03	
d.	New Navigational Lock at Farakka		
	Cost of LA	2.35	
	Cost of SMP	0.02	
	Cost of Gender development Plan and HIV Awareness	0.03	
e.	IWT terminals at Kalughat & Ghazipur and Kalyani		
		15.10	Land requirement has not been finalised and requisition not made to the State Government
f.	5 Ro- Ro terminal pairs		
		15.10	Locations and Land requirement has not been finalised and requisition not made to the State Government.
	Total Cost towards Land Acquisition and SIMP	274.68 crores	
II	RAP implementation support consultancies / team	1.00	Including consultancies for MIS / external audits / augmentation of GRM/ hiring of LA facilitator, MIS expert and Livelihood specialist and minor costs on preparation of IEC

			materials and consultations.
	Total of I, II	275.68	

10. Citizen's Engagement Mechanism

10.1. Feedback mechanisms

Feedback is received currently through a module available in the IWAI website (accessible at <http://iwai.nic.in/>). Options are available for submitting feedback (seeking replies) and suggestions through the options in the module. The feedback received is currently monitored by the EDP Wing of IWAI and Secretary, IWAI is the nodal officer for processing feedback received through the module.

A separate website for JMVP is being planned which will make accessible various reports, new, and updates and status of various sub projects. Citizens can access important notices on tenders, MOUs, consultancies engaged etc. In addition to this, minutes and highlights of stakeholder consultations will be available on the website. A separate feedback module will be present on the website containing options for queries and comments and the feedback received will be monitored by the communication team at the PMU.

In addition, the project proposes to engage with wider stakeholder through consultations during the project cycle, which is given below:

10.2. Plan for consultations

Public Consultations will be held at three stages

- Project preparation
- Project implementation
- Post implementation

The Project will coordinate with the District Administration and other Developmental agencies to strengthen the socio-economic development of displaced and vulnerable families through constant engagement and consultations.

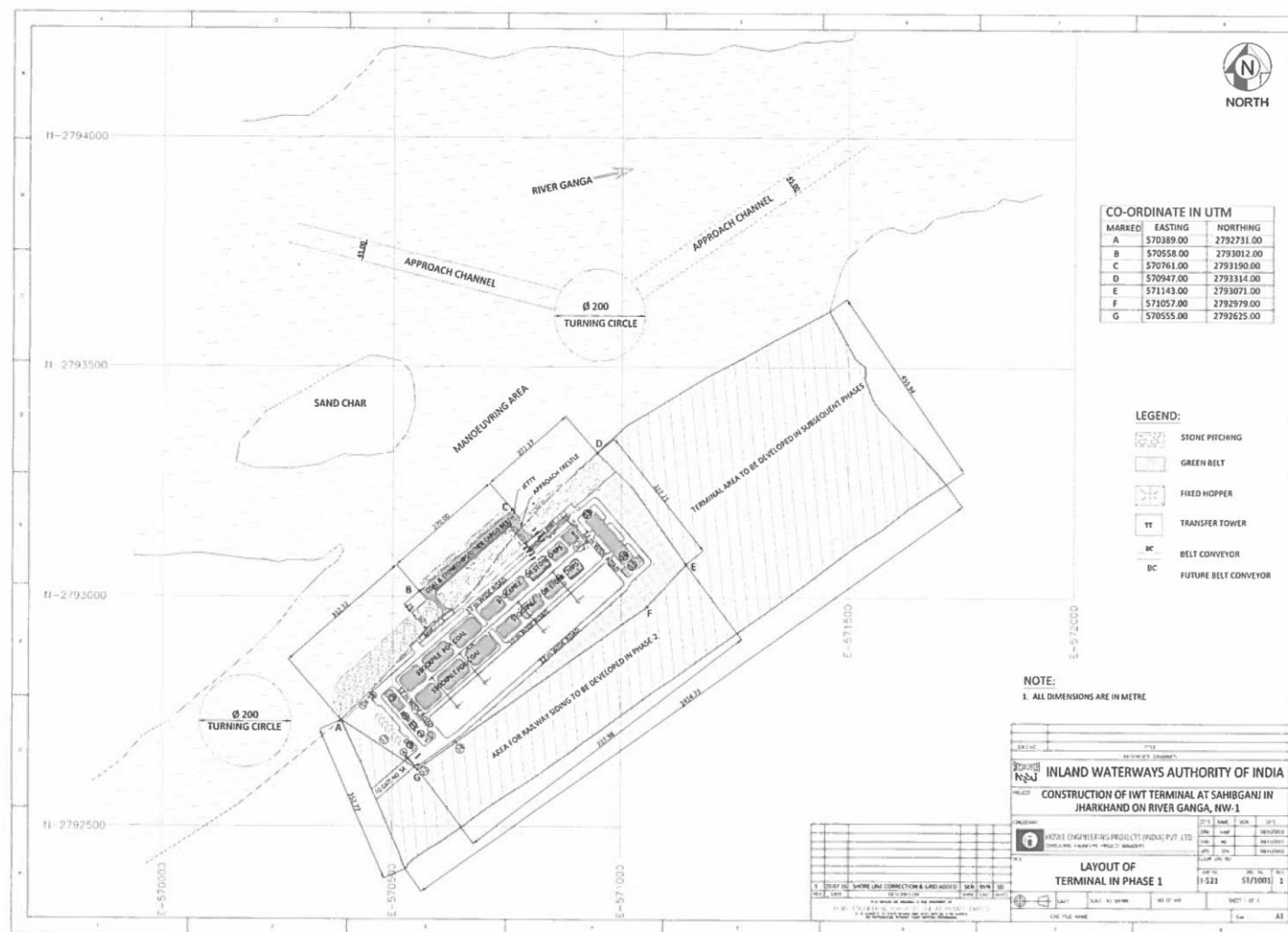
To ensure effective communication with the stake holders during Project implementation and to enhance the project outcomes, the project will adopt following strategies.

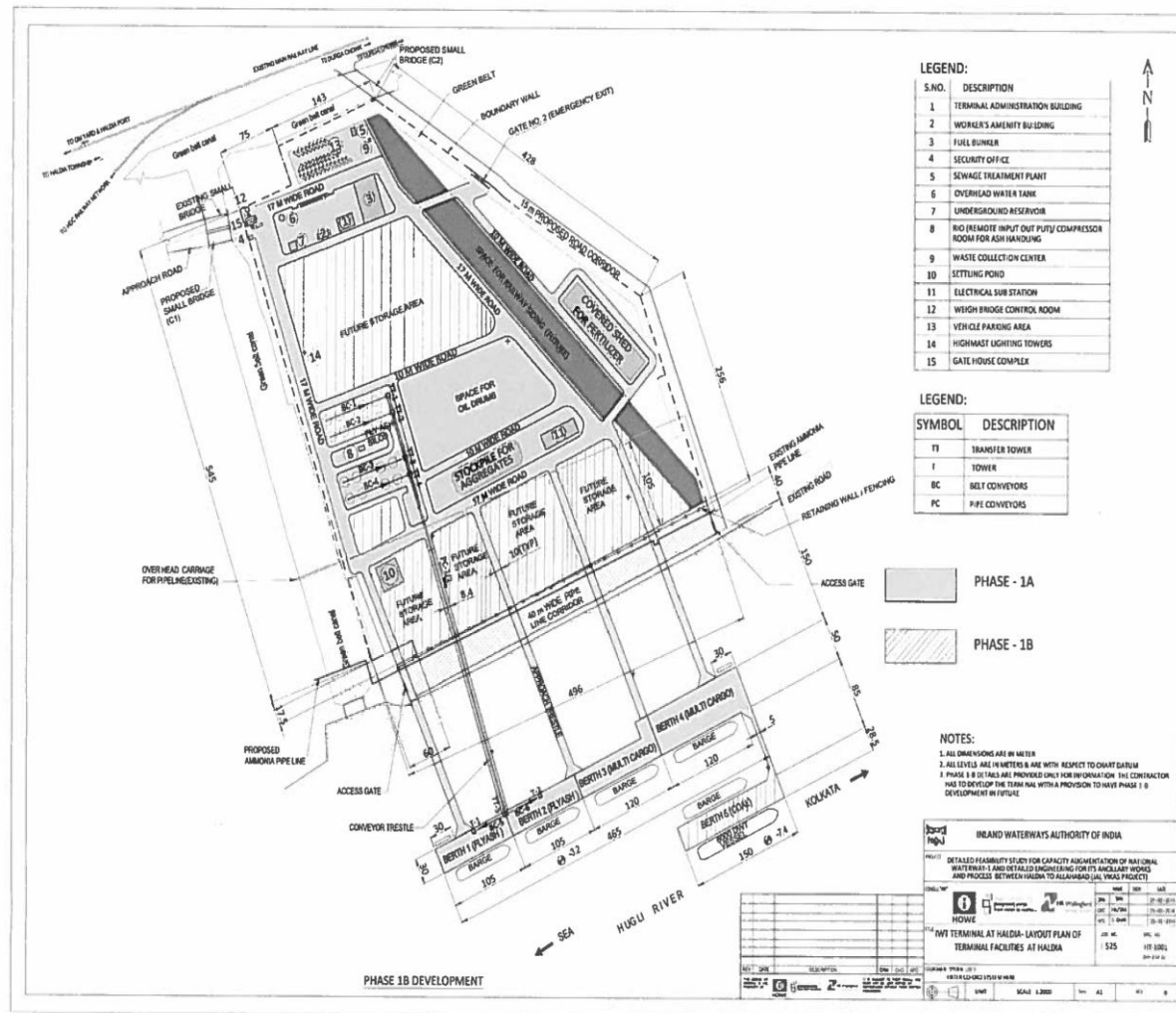
- To ensure the positive public behavior, communication and consultations will be facilitated to link the affected families with other development programmes particularly those pertaining to skill development and livelihood generation further to Mainstream their skill needs through constant engagement with affected families
- Awareness campaigns related to construction induced impacts shall be regular activities during the project implementation.
- Feedback registers and suggestion boxes will be maintained at the site offices and important numbers of nodal project officers and concerned TSSC personnel will be displayed at prominent locations on the site.

Consultations will be documented and reports uploaded on IWAI website. Published reports on effect of collaboration on project will serve as a monitoring indicator.

A detailed action plan for consultations for citizen's engagement is detailed in the Table below :

Stakeholder type	Timelines	Methods and themes of engagement
Project Affected Families Women vulnerable groups and affected families losing land and any source of livelihood	During R&R Disbursement: FGDs for livelihood counselling (once every month)	Livelihood Expert will conduct monthly counselling sessions with sets of affected persons , identifying their skill needs and advising them on the alternate livelihood options. Information about nearest Kaushal Vikas Kendras, information on procedures of enrolment in these Kendras etc maybe be provided during these group discussions.
Project Affected Families	During Relocation: 2 times within 3 months.	During relocation, FGDs shall be conducted for facilitating smooth transitioning of PAFs into resettlement colony. The consultations will aim at advising the PAFs to set up Welfare associations and understand various concerns and problems faced during the relocation and finding strategies of resolving them. Panchayat heads will be involved in the mobilisation and organisation of the camps at locations convenient for the PAFs
Fishermen communities around project sites	Assessment of impacts during implementation phase :6 months During operation stage: Vessel traffic and management strategies at sensitive locations	FGDs will be conducted to understand and assess if any impact on fish catch and discuss possible mitigation strategies. During operation stage: consultations for dissemination of information on barge movement and sensitisation of the navigation channel shall be planned.
Barge Operators/ Vessel Owners / Dredgers	Every 6 months	Consultations and workshops will be conducted with shippers, barge owners and dredgers for planning strategies of increased market response and familiarity to the project, Safeguard provisions, understanding their constraints in operation and assessing institutional capacity in addressing those constraints.
NGOs and empaneled NGOs with NACO	Every 6 months	Consultations with the prominent NGOs in linking affected families to various government schemes. Enhancing opportunities of health and sanitation in the affected area and spreading HIV awareness sessions through empanelled NGOs. NGOs empanelled with NACO shall be invited to organise awareness camps at the construction sites.
Communities around the planned facilities	Every 6 months	To enhance the project's response to local needs and understand how best to address community needs, consultations shall be organised with the support of local panchayat offices.







**Annexure - B : First , Second and Third Schedule of RFCTLARR Act
2013**

SEC. 2] THE GAZETTE OF INDIA EXTRAORDINARY 37

THE FIRST SCHEDULE

[See section 30 (2)]

COMPENSATION FOR LAND OWNERS

The following components shall constitute the minimum compensation package to be given to those whose land is acquired and to tenants referred to in clause (c) of section 3 in a proportion to be decided by the appropriate Government.

Serial No.	Component of compensation package in respect of land acquired under the Act	Manner of determination of value	Date of determination of value
(1)	(2)	(3)	(4)
1.	Market value of land	To be determined as provided under section 26.	
2.	Factor by which the market value is to be multiplied in the case of rural areas	1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government.	
3.	Factor by which the market value is to be multiplied in the case of urban areas	1 (One).	
4.	Value of assets attached to land or building	To be determined as provided under section 29.	
5.	Solatum	Equivalent to one hundred per cent. of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2).	
6.	Final award in rural areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
7.	Final award in urban areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building	

38 THE GAZETTE OF INDIA EXTRAORDINARY			[PART II—
(1)	(2)	(3)	(4)
		mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	
8.	Other component, if any, to be included		
NOTE.—The date on which values mentioned under column (2) are determined should be indicated under column (4) against each serial number.			

Sec. 2]

THE GAZETTE OF INDIA EXTRAORDINARY

39

THE SECOND SCHEDULE

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

ELEMENTS OF REHABILITATION AND RESETTLEMENT ENTITLEMENTS FOR ALL THE AFFECTED FAMILIES (BOTH LAND OWNERS AND THE FAMILIES WHOSE LIVELIHOOD IS PRIMARILY DEPENDENT ON LAND ACQUIRED) IN ADDITION TO THOSE PROVIDED IN THE FIRST SCHEDULE.

Serial No.	Elements of Rehabilitation and Resettlement Entitlements	Entitlement/provision	Whether provided or not (if provided, details to be given)
(1)	(2)	(3)	(4)
1.	Provision of housing units in case of displacement	(1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area. (2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area: Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees: Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house: Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act.	

40	THE GAZETTE OF INDIA EXTRAORDINARY	[PART II—	
(1)	(2)	(3)	(4)
		<i>Explanation.</i> —The houses in urban areas may, if necessary, be provided in multi-storied building complexes.	
2.	Land for Land	In the case of irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired: Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lower.	
3.	Offer for Developed Land	In case the land is acquired for urbanisation purposes, twenty per cent. of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development: Provided that in case the land owning project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.	
4.	Choice of Annuity or Employment	The appropriate Government shall ensure that the affected families are provided with the following options:	

Sec. 2]		THE GAZETTE OF INDIA EXTRAORDINARY		41
(1)	(2)	(3)	(4)	
		(a) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) one time payment of five lakhs rupees per affected family; or (c) annuity policies that 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 Labourers.		
5.	Subsistence grant for displaced families for a period of one year	Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees. In cases of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.		
6.	Transportation cost for displaced families	Each affected family which is displaced shall get a one-time financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle.		

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(1)	(2)	(3)	(4)
7.	Cattle shed/petty shops cost	Each affected family having cattle or having a petty shop shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees for construction of cattle shed or petty shop as the case may be.	
8.	One-time grant to artisan, small traders and certain others	Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees.	
9.	Fishing rights	In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.	
10.	One-time Resettlement Allowance	Each affected family shall be given a one-time "Resettlement Allowance" of fifty thousand rupees only.	
11.	Stamp duty and registration fee	(1) The stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the Requiring Body. (2) The land for house allotted to the affected families shall be free from all encumbrances. (3) The land or house allotted may be in the joint names of wife and husband of the affected family.	

THE THIRD SCHEDULE

[See sections 32, 38(1) and 105(3)]

PROVISION OF INFRASTRUCTURAL AMENITIES

For resettlement of populations, the following infrastructural facilities and basic minimum amenities are to be provided at the cost of the Requisitioning Authority to ensure that the resettled population in the new village or colony can secure for themselves a reasonable standard of community life and can attempt to minimise the trauma involved in displacement.

A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate:

Serial No.	Component of infrastructure amenities provided/proposed to be provided by the acquirer of land	Details of infrastructure amenities provided by the acquirer of land
(1)	(2)	(3)
1.	Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families be adequately arranged.	
2.	Proper drainage as well as sanitation plans executed before physical resettlement.	
3.	One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India.	
4.	Provision of drinking water for cattle.	
5.	Grazing land as per proportion acceptable in the State.	
6.	A reasonable number of Fair Price Shops.	
7.	Panchayat Ghars, as appropriate.	
8.	Village level Post Offices, as appropriate, with facilities for opening saving accounts.	
9.	Appropriate seed-cum-fertilizer storage facility if needed.	
10.	Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance.	
11.	All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities.	
12.	Burial or cremation ground, depending on the caste-communities at the site and their practices.	
13.	Facilities for sanitation, including individual toilet points.	

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(1)	(2)	(3)
14.	Individual single electric connections (or connection through non-conventional sources of energy like solar energy), for each household and for public lighting.	
15.	Anganwadi's providing child and mother supplemental nutritional services.	
16.	School as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);	
17.	Sub-health centre within two kilometres range.	
18.	Primary Health Centre as prescribed by the Government of India.	
19.	Playground for children.	
20.	One community centre for every hundred families.	
21.	Places of worship and chowpal/tree platform for every fifty families for community assembly, of numbers and dimensions consonant with the affected area.	
22.	Separate land must be earmarked for traditional tribal institutions.	
23.	The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood.	
24.	Appropriate security arrangements must be provided for the settlement, if needed.	
25.	Veterinary service centre as per norms.	
NOTE.— Details of each component of infrastructural amenities mentioned under column (2) against serial numbers 1 to 25 should be indicated by the acquirer of land under column (3).		

THE FOURTH SCHEDULE

(See section 105)

LIST OF ENACTMENTS REGULATING LAND ACQUISITION AND
REHABILITATION AND RESETTLEMENT

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 Metro Railways (Construction of Works) Act, 1978 (33 of 1978).
7. The National Highways Act, 1956 (48 of 1956).
8. The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962).
9. The Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952).
10. The Resettlement of Displaced Persons (Land Acquisition) Act, 1948 (60 of 1948).
11. The Coal Bearing Areas Acquisition and Development Act, 1957 (20 of 1957).
12. The Electricity Act, 2003 (36 of 2003).
13. The Railways Act, 1989 (24 of 1989).

P.K. MALHOTRA,
Secretary to the Govt. of India.