

## **Development planning, minimum displacement and just rehabilitation policy (A preliminary draft prepared by NAPM and others)\***

**This document is limited to rehabilitation of oustees of projects in rural areas. The idea, initially, was to prepare a draft enactment of Development Planning, Minimum Displacement and Just Rehabilitation. However, considering the efforts made by the relevant groups and movements as well as the National Rehabilitation Policies of the government in 2003 and 2006, it was decided to call this document National Policy only. It can be converted into a draft enactment with ease, as and when required. This document is based on the structure of the 2006 NRP because the government itself has accepted the need to have a proper R&R. There are substantial changes, incorporations made in the 2006 NRP by taking into consideration the comments of NAC, NBA and other organizations/NGOs/Movements. This document may require yet another effort to make it precise and to tie all the loose ends, wherever they occur.**

**In the Preamble itself, the essential principles of rehabilitation have been mentioned. Several changes have been made in the definitions; certain new definitions like that of ‘Development planning’ and ‘prior informed consent’ have been added. Acquisition of the land and private purchase of land have been put at par when they result in physical displacement of 100 or more families *en masse* in plain areas, or 25 or more families *en masse* in tribal or hilly areas, DDP blocks and areas mentioned in Schedule V and Schedule VI of the Constitution of India. The Requiring Body may be State, Corporation or a private company. The burden of rehabilitation remains equal on all of them. In the SIA and EIA, many changes have been made. The finalization of SIA and EIA reports will be after hearing is granted to the affected persons. Gram sabhas/NGOS/mass movements have been included in the multi-disciplinary expert group. The final clearance**

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\* A preliminary draft prepared collectively on the initiative of the National Alliance of People's Movements and circulated at the National Consultation of People's Organizations and Movements at the Indian Social Institute on February 10-11, 2008. The final draft will emerge only after wider consultations. <delhiforum@bol.net.in>

to the project is given by the National Rehabilitation Commission. The role of the Administrator and the Commissioner in R&R has been clarified. The preparation of R&R has been ensured in consultations with gram sabhas and affected persons and families. After declaration of the affected zones, there is a provision for survey by the expert teams. The gram sabhas and the affected people have been given the right to raise objections on the findings of the survey. There is also a provision for appeal before the Commissioner against the decision of the Administrator. The Draft R&R scheme has to be endorsed by gram sabhas. The land-based rehabilitation is one of the important components. Affected persons, who have not been granted rehabilitation benefits, have been given various opportunities to stake their claims, upto the National Rehabilitation Commission. There is a time limit fixed for the concerned authorities to take a decision. The land for rehabilitation should be available simultaneously with the availability of land for the project. Benefits of R&R have been enumerated in Chapter VIII. Chapter IX contains the dispute redressal mechanism and Chapter X, the Monitoring Mechanism by the National Resettlement and Rehabilitation Commission.

## Chapter I

### PREAMBLE

Plans and projects may involve acquisition of land and other private property and resources. This acquisition often leads to displacement which impacts upon people's access to their human and constitutional rights to housing, livelihood and a life with dignity. In particular it can deprive people of their land, livelihood and shelter, restricting their access to traditional resource bases and uprooting them from their socio-cultural environment. These have traumatic, psychological and socio-cultural consequences on the displaced population which calls for affirmative State action to protect their rights especially of those who are the most severely affected including Adivasis, Dalits, small and marginal farmers, children and women. Displacement is caused by the main project, sub-units as well as project-related works.

The thrust of this policy is towards meaningful redressal of these issues. It is acknowledged that many State governments and Central public sector undertakings/agencies either have their own resettlement and rehabilitation (R&R) policies or are in the process of formulating them. The provisions

of this policy provide the basic minimum that all projects leading to involuntary displacement must address. State governments and Central public sector undertakings/agencies are free to put in place greater benefit levels than those prescribed in here. The principles of this policy may apply to the rehabilitation of persons displaced for any reason.

This policy is therefore, meant to provide for development planning ensuring minimum displacement and to grant statutory recognition to the rehabilitation of displaced persons in a just and fair manner keeping in view their social, economic and cultural rights. This Preamble is based on recognition of the following: -

- That it is by development planning alone that protection to the environment and biodiversity can be ensured while taking care of the human rights, including, Right to Life itself.
- That such development should answer the basic requirement of minimum displacement, i.e. all possibilities in development planning should be explored before resorting to even minimum displacement.
- That while recognizing the rights of displaced persons under Article 21 of the Constitution and under India's international human rights commitments, it would ensure that the impact on their life and human rights including social, economic and cultural rights, will be protected and promoted with a view to improving their standard of living by rehabilitating them on a better footing within the minimum time frame.
- That the better footing will mean land-based rehabilitation and in no case will cash compensation be given in lieu of land and houses.
- That the procedures adopted for displacement will be based on prior informed consent and that at every stage there will be transparency and public participation.
- That the rehabilitation will be an integral part of any development project.
- That when land is acquired for a project, it would be ensured that land for rehabilitation of the displaced persons is also acquired/made available at the same time.
- That special care is taken for those belonging to marginalized sections of the society including members of SCs/STs, women, children, people with disabilities and the elderly and those who are entitled to any special consideration in law.

## **Chapter II**

### **OBJECTIVES**

1. To minimize development-induced displacement of people by promoting non-displacing or least displacing alternatives for meeting development objectives.
2. To minimize the direct and indirect adverse social impacts of land use changes due to development and commercial projects, activities or policy changes (on land, shelter, livelihood and access to resources).
3. In those rare cases where non-displacing alternatives are not available, to shift from the earlier practice of forced displacement to displacement after prior informed consent.
4. Where displacement is inevitable, to ensure a fair and humane rehabilitation and its timely implementation of rehabilitation.
5. To ensure full transparency and justice in the processes of project assessment, displacement and rehabilitation.
6. To ensure that all those who are displaced are brought above the poverty line and made significantly better off than they were before displacement, not just in economic terms, but also in terms of human development and security, in a reasonable time frame.
7. To integrate rehabilitation concerns into the development planning and implementation process.
8. To ensure that special care is taken for protecting the rights of, and ensuring affirmative state action for, the marginalized segments of society, especially women and members of Scheduled Castes and Scheduled Tribes, and to create legal obligations on the state to ensure that they are treated with special concern and sensitivity.

## **Chapter III**

### **APPLICABILITY**

- 3.1 This policy shall extend to the whole of India.
- 3.2 It shall be applicable to all projects, whether new or expansion of existing projects, which involves physical displacement of 100 or more families *en masse* in plain areas, or 25 or more families *en masse* in

tribal or hilly areas, DDP blocks and areas mentioned in Schedule V and Schedule VI of the Constitution of India and land for which the project is acquired by the Central Government or State Government or by any private company, a body corporate, an institution or any other organization through private negotiations or consent awards.

3.3 The provisions of this policy are in addition to and not in derogation of the Rights under the Panchayats Extension to Scheduled Areas (PESA) Act 1996 and the Schedules Tribes (Recognition of Forest Rights) Act, 2006.

## **Chapter IV**

### **DEFINITIONS**

- 4.1 The definition of various terms used in this policy are as follows:
- i. “Administrator for Resettlement and Rehabilitation” means an officer not below the rank of District Collector of a State Government appointed for the purpose of resettlement and rehabilitation of displaced persons.
  - ii. “Affected Zone”, means area of villages or locality that will be affected by the project and any other work related to the project and will therefore cover houses, farms, trees, forests, any property private or public therein.
  - iii. “Agricultural Family” means a family whose primary mode of livelihood is agriculture and includes family of owners as well as sub-tenants of agricultural land, agricultural labourers, forest dwellers.
  - iv. “Agricultural Labourer” means a person normally resident in the affected zone for a period of not less than one year immediately before the declaration of the affected zone who does not hold any land in the affected zone but who earns his/her livelihood principally by manual labour on agricultural land therein immediately before such declaration and who has been deprived of his/her livelihood.
  - v. “Agricultural Land” includes lands used or capable of being used for the purpose of:
    - (a) agriculture or horticulture;
    - (b) dairy farming, poultry farming, pisci-culture, breeding or livestock and nursery growing medical herbs;

- (c) raising of crops, grass or garden produce; and
- (d) land used by an agriculturist for the grazing of cattle.

*Explanation:* For the purpose of this policy, where only waste or degraded lands are available for allotment, the said land must be made cultivable by the relevant authority after which it must be certified by an independent authority to be fit for agriculture before it is deemed to be agricultural land for allotment.

- vi. “Prior informed consent” will mean prior information to the affected people and Gram Sabhas at every stage of the decision-making and consideration of their views and concerns in a transparent and just manner.
- vii. “Appropriate Government” means:
  - (a) in relation to acquisition of land for the purposes of the Union, the Central Government;
  - (b) in relation to a project which is executed by Central Government agency/Central Government undertaking or by any other agency on the orders/ directions of Central Government, the Central Government, otherwise the State Government and
  - (c) in relation to acquisition of land for other purposes, the State Government;
  - (d) in relation to rehabilitation of persons displaced for any other reason including the private purchase, the State Government; and
  - (e) where two or more States are involved, the Central Government.
- viii. ‘BPL Family’: The Below Poverty Line families shall be those as defined by the Planning Commission of India or the concerned State Government from time to time. The definition of BPL Family which has wider coverage or is more beneficial, out of the two, shall apply.
- ix. “Commissioner for Resettlement and Rehabilitation” means the Commissioner for Resettlement and Rehabilitation appointed by the State Government not below the rank of Commissioner /Secretary of that Government.
- x. “DDP block” means a block identified under the Desert Development Programme of the Government of India.

- xi. "Development Planning" means planning which is based on the principles of equity, minimum need and distributive justice and takes care that there is minimum displacement and if such displacement is unavoidable then there is just rehabilitation of the affected persons/families. The Development Plan must evolve from the lowest unit plan, keeping in view the role of the gram sabha as provided under the Constitution.
- xii. "Family" means a person, his or her spouse, minor child, adult unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him/her and dependent on him/her for their livelihood. Widows, divorcees, women abandoned by their families and adult married sons should be considered as separate families.
- xiii. "Holding" means the total land held by a person as an occupant or tenant or as both.
- xiv. "Khatedar" means a person whose name is included in the record of right of the parcel of land under reference.
- xv. "Marginal Farmer" means a cultivator with unirrigated landholding up to five acres or irrigated land holding up to three acres.
- xvi. "Small Farmer" means a cultivator with unirrigated landholding up to ten acres or irrigated land holding up to five acres.
- xvii. "Non-Agricultural Labourer" means a person who is not an agricultural labourer but is normally residing in the affected zone for a period of not less than one year immediately before the declaration of the affected zone and who does not hold any land under the affected zone but who earns his livelihood principally by manual labour or as a rural artisan and who has been deprived of earning his livelihood principally by manual labour or as such artisan in the affected zone.
- xviii. "Self-employed Person" means any person who is not an employee, but directly engages himself/herself in any employment or vocation for livelihood.
- xix. "Notification" means a notification published in the Official Gazette.
- xx. "Forest Dwellers" means persons who primarily reside in and/or who depend on the forests or forest lands for bona fide livelihood needs and includes the pastoralist communities.
- xxi. "Project" means a project and any or all of the work related to that project.

- xxii. "Project Affected Family" means a family or a nuclear family whose place of residence or other properties or source of livelihood are substantially (more than 25 per cent of their assets, income, shelters or livelihoods regardless of legal title) are affected by the process of acquisition of land for a project or otherwise and includes marginal farmers, small farmers, agricultural and non-agricultural labour, self-employed persons, persons whose livelihood is dependent on the community facing displacement and forest dwellers and has been residing continuously for a period of not less than one year preceding the date of declaration of the affected zone or practising any trade, occupation or vocation continuously for a period of not less than one year in the affected zone, preceding the date of declaration of the affected zone.
- xxiii. "Project Affected Person" means a major person (above the age of 18) whose place of residence or other properties or source of livelihood are substantially (more than 25 per cent, of their assets, income, shelters or livelihoods regardless of legal title) affected by the process of acquisition of land for a project or otherwise and includes marginal farmers, small farmers, agricultural and non-agricultural labour, self-employed persons, persons whose livelihood is dependent on the community facing displacement and forest dwellers and who have been residing continuously for a period of not less than one year preceding the date of declaration of the affected zone or practising any trade, occupation or vocation continuously for a period of not less than, one year in the affected zone, preceding the date of declaration of the affected zone.
- xxiv. "Resettlement zone" means any area so declared under relevant paragraph of this policy by the Appropriate Government.
- xxv. "Requiring Body" shall mean any company, a body corporate, an institution, or any other organization which acquires land through private negotiation or consent award or for whom land is to be acquired by the Appropriate Government, and includes the Appropriate Government if the acquisition of land is for such government either for its own use or for subsequent allotment of such land in public interest to a body corporate, institution, or any other organization or to any company under lease, license or through any other system of transfer of land to such company, as the case may be.
- xxvi. Major person: A person above the age of 18 years on the date of displacement or date of payment of compensation whichever is later.



## Chapter V

### **SOCIAL IMPACT ASSESSMENT (SIA) AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA) OF PROJECTS**

5.1 To undertake a new project or expansion of an existing project, which involves physical displacement of 100 or more families *en masse* in plain areas, or 25 or more families *en masse* in tribal or hilly areas, DDP blocks and areas mentioned in Schedule V and Schedule VI of the Constitution of India, two reports shall be prepared by the Requiring body through two different sets of experts. These reports shall be:

- a) Social Impact Assessment (SIA) Report which while considering the social and economic impacts of the project will consider, among other things:
  - i. Deprivation of economic, social and cultural opportunities, including but not restricted to means of livelihood, due to (i) stagnation of developmental activity soon after a project is proposed; (ii) loss of property; (iii) loss of access to clientele; (iv) loss of jobs owing to physical relocation; (v) loss of gainful employment due to loss of lands, fish, forests, etc; and (vi) loss of rights access to income-generating resources owing to degradation of forests and other resources.
  - ii. Deprivation of common property resources such as grazing lands, forests and rivers, sources of timber, fuel wood and other non-timber forest produce.
  - iii. Adverse impacts on both physical and mental health.
  - iv. Loss of security especially for women, children and the aged.
  - v. Loss of cultural heritage sites and monuments.
  - vi. Trauma, uncertainties and insecurities.
  - vii. Impacts of social alienation from, and conflicts with, host communities.
  - viii. Impact on education of children.

The SIA Report shall be prepared by a team of experts from various social science disciplines like sociology, anthropology, archaeology and social work appointed by the Ministry of Social Justice and Empowerment.

- b) Environmental Impact Assessment (EIA) Report which while considering the environmental and bio diversity impacts of the project

shall be prepared by a team of experts from the fields of environment, geography, geology, bio-diversity and other sciences, appointed by the Ministry of Environment and Forests.

- 5.2 The SIA Report and the EIA Report shall be submitted by the respective teams to the Ministry of Social Justice and Empowerment and the Ministry of Environment and Forests respectively.
- 5.3 The aforementioned Ministries shall, within thirty days of receipt of the report publish it in a manner so that it is available to all project-affected families/persons in project-affected zones after translating it into the local vernacular language. The reports and the translated versions must be made available at the Gram Sabha offices.
- 5.4 The aforementioned Ministries shall after thirty days of availability of the report at the Gram Sabha hold a public hearing in the affected zones. All the oral and written submissions made during the public hearing shall be duly recorded by the Ministries.

The Rules of 1994 and 2006 promulgated by the Ministry of Environment and Forests with regard to publishing the EIA report and the public hearing shall be applicable here for both EIA and SIA reports and the public hearing.

- 5.5 The SIA and EIA reports shall, along with the oral and written submissions made during the public hearing, will be placed before a multi-disciplinary expert group constituted by the concerned State government(s) comprising experts from the field of social sciences and environment other than those who had prepared the SIA and EIA reports and the representatives of the Gram Sabha. At least one-third members of the group must be from non-governmental organisations/affected Gram Sabha(s), mass movements who have been working in the project-affected area.

This expert group shall examine the reports, oral and written submissions made during public hearings and decide whether or not clearance should be granted to the project, within forty-five days of the placement of the reports and all documents and proceedings of the public hearing before them.

- 5.6 The multi-disciplinary expert group will send their decisions to the National Rehabilitation Commission, which will consider it and either accept it or reject it or add/delete or impose conditions.
- 5.7 Conditions laid down in the EIA/SIA clearance shall be included in the R&R plan of the project.

## **Chapter VI**

### **APPOINTMENT OF ADMINISTRATOR AND COMMISSIONER FOR RESETTLEMENT AND REHABILITATION AND THEIR POWERS AND FUNCTIONS**

6.1 For all the Applicable projects, an officer not below the rank of District Collector of the State Government shall be appointed as the Administrator for R&R.

Provided that if the Appropriate Government in respect of the project is the Central Government or two or more States are involved, such appointments shall be made by the Central Government in consultation with the concerned State Government(s).

6.2 The Administrator for Resettlement and Rehabilitation shall be assisted by such officers and employees as the Appropriate Government may provide.

6.3 Subject to the superintendence, directions and control of the Appropriate Government and Commissioner for R&R, the Administrator for Resettlement & Rehabilitation shall take all measures for the resettlement and rehabilitation of the project-affected families (PAF/PAP).

6.4. The overall control and superintendence of the formulation, execution and monitoring of the resettlement and rehabilitation plan shall vest in the Administrator, Resettlement & Rehabilitation.

6.5 Subject to any general or special order of the Appropriate Government, the Administrator for Resettlement and Rehabilitation shall perform the following functions/duties:

- (i) Minimize displacement of persons and to identify non displacing or least displacing alternatives in consultation with the Requiring Body.
- (ii) Hold consultation with the affected persons, affected families and Gram Sabhas while preparing a resettlement and rehabilitation scheme/plan.
- (iii) Ensure, in consultation with the communities and the Gram Sabha, that interests of the adversely affected persons or Scheduled Castes/Scheduled Tribes and weaker sections are protected.

- (iv) Prepare a draft plan/scheme of resettlement and rehabilitation as required under Chapter VII of this policy.
  - (v) Prepare a budget including estimated expenditure of various components of acquisition of land, resettlement and rehabilitation activities or programmes in consultation with representatives of the affected families and the Requiring Body.
  - (vi) Formation of Resettlement and Rehabilitation Planning Committee to ensure adequate land for fulfilling the R&R requirements of the PAFs/PAPs.
  - (vii) Allot land and sanction the benefits to the affected families.
  - (viii) Perform such other functions as the Appropriate Government may, from time to time, by order in writing, assign.
- 6.6 The Administrator for Resettlement and Rehabilitation may, by order in writing delegate such of the administrative powers conferred and duties imposed on him by or under this policy to any officer not below the rank of Tehsildar or equivalent.
- 6.7 All officers and staff appointed by the Appropriate Government under this policy shall be subordinate to the Administrator for Resettlement and Rehabilitation.
- 6.8 For the purposes of this policy, the Administrator for Resettlement & Rehabilitation and other officers and employees appointed for the purposes of resettlement and rehabilitation of PAF/PAP shall be subordinate to the Commissioner for Resettlement and Rehabilitation.
- 6.9 The State Government shall appoint an officer of the rank of Commissioner/Secretary of that Government for resettlement and rehabilitation in respect of such cases to which this policy applies to be called the Commissioner for Resettlement and Rehabilitation.
- 6.10 For the purposes of this policy, the Administrator for Resettlement and Rehabilitation and other officers and employees appointed for the purposes of resettlement and rehabilitation of PAFs shall be subordinate to the Commissioner for Resettlement and Rehabilitation.

## **Chapter VII**

### **RESETTLEMENT AND REHABILITATION PLAN (DECLARATION OF AFFECTED ZONE AND SURVEY)**

- 7.1 For all the applicable projects which are granted SIA and EIA clearance, the Appropriate Government shall, declare, by notification in the Official Gazette, area of villages or localities as an affected zone of the project.
- 7.2 Every declaration/order/notification made under para 7.1 of the policy shall be published in at least two local daily newspapers one of them should be in the local vernacular with circulation in villages or areas which are likely to be affected and also by affixing a copy of the notification on the Notice Board of the concerned Gram Panchayats and Tehsildar's office, Block Development Officer's office and other government institutions like ration shops and government schools.

A copy of project-related information including the detailed project report and all other documents, whether at the preparatory stage or otherwise, must be available at the Gram Sabha office.

- 7.3 Once the declaration is made under para 6.1 of the policy, the Administrator for Resettlement and Rehabilitation shall undertake surveys for identification of the persons and their families likely to be affected.
- 7.4 Two survey teams shall be formed:

- (a) To conduct a community level survey to understand and document the total resource base, vocational and economic practices, social institutions, amenities, and traditions and culture of the area in question, opinions on the project and visions of change regarding development and choices pertaining to resettlement and rehabilitation.

A survey team comprising at least 1/3<sup>rd</sup> of social science experts from various fields and representatives of non-governmental organizations and mass movements who have experience of working in the affected zone shall be constituted by the Administrator of Resettlement and Rehabilitation.

- (b) To document all demographic data including village-wise information of the affected zone to identify all affected persons which must necessarily include:

- (i) members of the family who are permanently residing, practising any trade, occupation or vocation in the project-affected area as well as their monthly and annual income;
- (ii) all affected persons who are likely to lose, or have lost, their houses, agricultural land, employment or are alienated wholly or substantially from the main source of their trade occupation or vocation;
- (iii) agricultural labourers, non-agricultural labourers and forest dwellers; and
- (iv) affected persons who are/were having possession of or residing on forest lands and other common property resources including grazing land and land belonging to the Gram Panchayat.

A survey team comprising government officials, representatives of the Gram Sabha and at least one male and one female representative from the families shall be constituted by the Administrator for Resettlement and Rehabilitation for this purpose.

7.5 Every survey undertaken under para 7.4 shall be completed within a period of one eighty days from the date of declaration made under para 7.1. Additional time of thirty days is to be given if families in the affected zone are not covered in the six month period.

7.5.1 Families left out of the survey even after this period may approach the Administrator for Resettlement and Rehabilitation to have their names and other data included.

7.6 On completion of the above survey the Administrator for Resettlement and Rehabilitation shall prepare a draft of the details of the findings of the survey conducted by him and publish the said draft so as to reach all those likely to be affected. A copy of the same shall be made available at the Gram Sabha office by the Administrator.

Any person who wants to raise objections may do so with the Administrator of Resettlement and Rehabilitation within 30 days from the date of publishing of the aforementioned draft of the details of the findings of the survey

All decisions regarding the objections and suggestions so raised must be made by the Administrator of Resettlement and Rehabilitation within 30 of the objections raised.

If no decision is taken by the Administrator within the prescribed period, it shall be deemed that the claims so made have been accepted.

7.7 On the expiry of ninety days from the date of publication of the draft of the details of survey and after considering the objections and suggestions received by him in this behalf, the Administrator for Resettlement and Rehabilitation shall submit the final details of the survey with his recommendations to the State Government. Copies of this final draft shall be made available at the Gram Sabha office.

7.8 Appeals against aforementioned final details may be raised with the Commissioner for Resettlement and Rehabilitation within sixty days from the date it is submitted to the State Government and made available at the Gram Sabha office, whichever is later.

All decisions regarding these appeals must be made by the Commissioner for Resettlement and Rehabilitation within thirty days from the end of sixty days from the date it is submitted to the State Government.

If no decision is taken by the Commissioner within the prescribed period, it shall be deemed that the claims so made have been accepted.

7.9 The Authority for Resettlement and Rehabilitation shall ensure that the affected families may be settled preferably in group or groups and such sites should form a part of the existing gram panchayat as far as possible. However, it has to be ensured that the PAFs may be resettled with the host community on the basis of equality and mutual understanding, consistent with the desire of each group to preserve its own identity and culture.

7.10 For the purposes of para 7.9 above, the Resettlement & Rehabilitation Planning Committee shall draw up a list of lands which may be available for resettlement and rehabilitation of affected families. In any case, the land for R&R should be made available simultaneous with the land for the project.

7.11 The lands drawn up under para 7.10 shall include:

- a) Agricultural land defined by this policy;
- b) the land for residential purposes located within a three kilometre radius from the source of livelihood;

) in all irrigation projects, it is mandatory that displaced people primarily dependent on agriculture (as cultivators, tenants, sub-tenants or wage workers) are settled within the command area

of the project. To make such land available the Requiring Authority would acquire upto 50 per cent of land in excess of two standard hectares of each landholder benefiting from the new command area.

and shall consist of:

- a) Government waste and any other land vesting in the government available for allotment to affected families.

Provided that government wastelands and any other land vested in the Government will be considered only after settling the rights of all those who may be old cultivators/ residents on that land. Such persons must be treated as Project-Affected Persons and their claims must be considered and resettlement done based on the same criteria of the project affected persons for the R&R scheme.

- b) If sufficient government land is not available there, then land may be purchased through private negotiation or the Requiring Authority may acquire upto 50 per cent of land in excess of two standard hectares of each landholder in the area for the purposes of resettlement and rehabilitation scheme/plan.

7.12 After completion of the baseline survey and census of affected families and assessment of project wise requirement of land for resettlement as mentioned in paras 7.3 and 7.11, the Administrator with the help of the R&R Planning Committee shall prepare a draft scheme/ plan for the Resettlement & Rehabilitation of the affected families in consultation with representatives of the affected families including women.

The draft R&R scheme/plan shall also be discussed in and endorsed by the Gram Sabhas with a minimum of 3/4th of the members present and voting and the meeting of Gram Sabha must be held with a prior notice of at least 15 days.

7.13 The draft R&R plan shall contain the following particulars, namely:

- (a) the extent of area to be acquired under the Land Acquisition Act, 1894 or by private purchase for the project and the name(s) of the affected village(s);
- (b) a village-wise list of displaced persons, family-wise, affected persons and likely number of and the extent and nature of land and immovable property in their possession indicating the survey numbers thereof held by such persons in the affected zone;



- (c) a list of agricultural labourers in such area and the names of such persons whose livelihood depends on agricultural activity;
- (d) a list of persons who have lost or are likely to lose their employment or livelihood or who have been alienated wholly or substantially from their main sources of occupation or vocation consequent to the acquisition of land for the project or displacement due to any other cause;
- (e) a list of occupiers, if any;
- (f) a list of public utilities and government buildings which are affected/likely to be affected;
- (g) a comprehensive list of benefits and packages which are to be provided to affected persons;
- (h) details of the extent of land available which may be acquired in the settlement area for resettling and for allotment of land of project-affected families;
- (i) details of the basic amenities and infrastructure facilities which are to be provided for resettlement;
- (j) the time schedule for shifting and resettling displaced persons in resettlement zones;
- (k) such other particulars as the Administrator for Resettlement & Rehabilitation may think fit to include for the information of the displaced persons.

7.14 In case of projects involving private purchase of land or acquisition of land on behalf of a Requiring Body or consent awards, while preparing a draft scheme/plan, the Administrator for R&R shall ensure that the cost of R&R scheme/plan should be an integral part of the cost of the project for which the land is being acquired and the entire expenditure of RR benefits and other expenditure for resettlement and rehabilitation of PAFs are to be borne by the Requiring Body for which the area is being purchased or acquired. The Administrator for R&R shall ensure that the entire cost of R&R benefits and other expenditure for resettlement and rehabilitation of PAFs is communicated to the Requiring Body for incorporation in the project cost.

7.15 It shall be the responsibility of the Requiring Body to provide sufficient funds to the Administrator for R&R for proper implementation of the resettlement and rehabilitation scheme/plan of PAFs.

- 7.16 The Administrator for R&R shall keep proper books of accounts and records of the funds placed at his disposal and submit periodical returns to the Appropriate Government in this behalf.
- 7.17 The Administrator for Resettlement & Rehabilitation shall submit the draft scheme/plan for R&R to the State Government for its approval. In case of projects involving land acquisition on behalf of a Requiring Body, it will be the responsibility of the State Government to obtain the consent of the Requiring Body and to ensure that the Requiring Body has obtained the necessary approvals as required under this policy and has agreed to bear the entire cost of R&R benefits and other expenditure for resettlement and rehabilitation of PAFs as communicated by the Administrator, before approving it.

The draft scheme/plan may be published in the district and State Gazettes and be made known locally by wide publicity in the affected zone.

- 7.18 Upon final notification of a scheme/plan, it shall come into force.
- 7.19 In case of projects involving land acquisition on behalf of a Requiring Body, the updating of land records, clarification regarding tenure, survey and standardization of land and property values shall be undertaken before the land acquisition proceedings, following laws and special provisions under this R&R policy. Owners who have acquired rights before notification u/ s 4(1) of the Land Acquisition Act, 1894 as per updated records shall have the same right to compensation as original landowners referred to in Section 4(1) of the Land Acquisition Act, 1894. An encumbrance free certificate shall be issued before land is handed over to the Requiring Body in stages as required.
- 7.20 The compensation award should be declared well in time before relocation of PAFs. Full payment of compensation as well as full rehabilitation and resettlement will be done in advance of relocation of PAFs.
- 7.21 Land acquired for a project for public purpose cannot be transferred to any other purpose without consent of the oustees. If such a land, or part thereof, remains unutilized for the project after a period of seven years from taking over possession, the same shall be offered back to the displaced families at nominal cost.

## **Chapter VIII**

### **R&R BENEFITS FOR AFFECTED FAMILIES**

- 8.1 The resettlement and rehabilitation (R&R) benefits shall be extended to all the PAFs/PAPs as defined under para 2 (xxii) and (xxiii).
- 8.2 Any PAF/PAP who has lost his/her house of residence, irrespective of title, will be allotted free of cost house site to the extent of actual loss of area of the acquired house subject to a minimum of 150 sq. mt. land in rural areas.
- 8.3 Each PAF/PAP of BPL category shall, in addition to what is provided in para 8.2, get a one time financial assistance which is not less than what is given under any programme of house construction by the Government of India.
- 8.4 Each PAF/P AP who has lost 25 per cent or more of agricultural land, irrespective of title in the affected zone, shall be entitled to a minimum of two hectares of agricultural land. In case of irrigation projects, the PAFs/PAPs will be given preference in allotment of land in the command area.
  - 8.4.1 The Requiring body shall be liable to pay the stamp duty and other fees applicable for executing sale deed in favour of the PAF/PAP.
  - 8.4.2 Land allotted shall be free from all encumbrances. The land allotted shall be in the joint names of the wife and husband of PAP/PAF.
- 8.5 The Requiring body shall either construct or pay actual construction costs for the cattle shed to each PAF/PAP having cattle.
- 8.6 Each PAF/PAP shall get financial assistance as transportation cost for shifting of building materials, belongings and cattle from the affected zone to the resettlement zone on actual cost basis.
- 8.7 The Requiring body shall construct working shed/shop for each PAP/PAF who is a rural artisan, small trader or self-employed person.
- 8.8 The Requiring Body shall:
  - (a) Provide employment to affected persons who lose their employment because of the project.
  - (b) The obligation under para 8.8(a) shall apply only to giving employment to minimum of one person per family of adult husband/wife and minor children.

- (c) The RB will give preference to groups and cooperatives of affected persons while outsourcing contracts.
  - (d) The RB will give preference to willing landless labourers and unemployed project-affected persons while engaging labour in project during the construction phase.
  - (e) Unemployed project-affected persons will be given preference in cases of all vacancies subject to suitability.
  - (f) In addition, all PAFs and PAPs will be given preferential right of allotment of free shares of the projects particularly of the companies, whenever such shares are issued to the public. The amount of free shares, and shares at discounts to be allotted to various categories of fully and partially affected family, may be decided by the concerned project authorities/companies in consultation with the State Government.
- 8.9 In the case of irrigation projects and other projects, fishing rights in the reservoirs shall be given to all oustees from traditional fishing communities and those dependent on fishing as a source of livelihood.
- 8.10 Each displaced PAP shall get a monthly subsistence allowance equivalent to 20 days' minimum agricultural wages per month for a period of one year.
- 8.11 PAPs shall be provided the necessary training facilities for development of entrepreneurship skills to take up self-employment projects at the resettlement zone as part of R&R benefits.
- 8.12 PAFs/PAPs who are forest dwellers as defined in this policy, shall get all the benefits of R&R as given in the above paras under the policy.
- 8.13 R&R Benefits for Project-Affected Families Belonging to Scheduled Castes and Scheduled Tribes
- 8.13.1 In all projects displacing 25 or more families belonging to the Scheduled Castes or Scheduled Tribes, each such PAF/PAP shall be entitled to get R&R benefits as mentioned above. Following benefits will be in addition.
- 8.13.2 Concerned Gram Sabha(s) shall be consulted in all cases of acquisition in Schedule V areas, including acquisition under the emergency clause, before issue of Section 4(1) notification under the Land Acquisition Act, 1894.

- 8.13.3 Each PAF of SC/ST categories shall be given preference in allotment of land for land.
- 8.13.4 Each SC/ST PAF shall get an additional onetime financial assistance equivalent to 500 days minimum agricultural wages for loss of customary rights/usages of forest produce.
- 8.13.5 Tribal PAFs/PAPs will be resettled in the same Schedule Area in a compact block so that they can retain their ethnic, linguistic and cultural identity. Exceptions would be allowed only in rare cases where the Requiring Body in case of projects involving land acquisition, or the State Government in other cases of displacement, is unable to offer such land after exhausting all available options.
- 8.13.6 Settlements predominantly inhabited by tribals shall get land free of cost for community and religious gatherings.
- 8.13.7 Tribal and Scheduled Caste families residing in the affected areas having fishing rights in the river/pond/dam shall be given fishing rights in the reservoir area of irrigation projects.
- 8.13.8 Tribal and Scheduled Caste PAFs/PAPs enjoying reservation benefits in the affected zone shall be entitled to get the reservation benefits at the resettlement zone.
- 8.14 Infrastructure Facilities and Basic Amenities to be provided at Resettlement Zone:
  - 8.14.1 In all cases involving displacement of 100 families or more *en masse* in plain areas, or 25 families or more *en masse* in tribal or hilly areas or DDP blocks or areas mentioned in Schedules V and VI of the Constitution of India, comprehensive infrastructural facilities and amenities notified in R&R Plan by the Appropriate Government will be provided. If relocation takes place in an existing settlement, the same infrastructure will also be extended to the host community.
  - 8.14.2 While shifting the population of the affected zone to the resettlement zone, the Administrator for R&R may as far as possible, ensure that:
    - a) In case the entire population of the village/area to be shifted belongs to a particular community, such population/families may be resettled *en masse* in a compact area so that socio-

cultural relations (social harmony) amongst shifted families are not disturbed.

- b) In the case of resettlement of Scheduled Caste and Scheduled Tribe PAFs/PAPs, it may be ensured that they are resettled in sites close to their original villages.

8.16.4 PAFs/PAPs shall be provided basic infrastructural facilities and amenities at the resettlement site as per norms specified by the Appropriate Government. Drinking water, sanitation facilities, electricity, schools, dispensaries and access to the resettlement sites amongst others must be included in the resettlement plan formulated by the Administrator for R&R. (See Annexure II for details on infrastructural facilities in the Rehabilitation Package)

## **Chapter IX**

### **DISPUTE REDRESSAL MECHANISM**

#### 9.1 R&R Committee at Project Level

9.1.1 In all cases where this policy applies, the State Government shall constitute a Committee to be called the Resettlement and Rehabilitation Committee to monitor and review the progress of implementation of scheme/plan of resettlement and rehabilitation of the affected families.

9.1.2 The constitution of the Resettlement and Rehabilitation Committee shall be as follows:

- the Chairperson of the R&R Committee
- a representative of women residing in the affected zone;
- a representative each of the Scheduled Castes and Scheduled Tribes residing in the affected zone;
- a representative of a voluntary organization;
- a representative of the lead bank;
- Chairperson (or his/her nominee) of the *Panchyat Raj Institutions* (PRIs) located in the affected zone
- MPs/MLAs of the area included in the affected zone

9.1.3 The Appropriate Government shall prescribe procedure regulating the business of the Resettlement and Rehabilitation Committee, its meetings and other matters connected thereto.

9.2 Grievance Redressal Cell:

9.2.1 In all cases where this policy applies, the State Government shall constitute a Grievance Redressal Cell under the chairpersonship of the Commissioner for Resettlement and Rehabilitation for redressal of grievances of PAFs/PAPs. The Grievance Redressal Cell shall also have an expert technical person. It would be ensured that the Cell functions efficiently and independently to ensure proper implementation of the R&R plan.

9.2.2 The composition, powers, functions and other matters relating to the functioning of the Grievance Redressal Cell shall be such as may be prescribed by the Appropriate Government.

9.2.3 Any PAP, if aggrieved, for not being offered the admissible R&R benefits as provided under this policy, may move an appropriate petition for redressal of his/her grievances to the Grievance Redressal Cell.

9.2.4 The form and manner in which and the time within which complaints may be made to the Grievance Redressal Cell and disposed of shall be such as may be prescribed by the Appropriate Government.

9.2.5 The Grievance Redressal Cell shall have the power to consider and dispose of all complaints relating to resettlement and rehabilitation against the decision of the R&R Committee and issue such directions to the Administrator for Resettlement and Rehabilitation as it may deem proper for till redressal of such grievances.

9.2.6 The Grievance Redressal Cell shall decide all the complaints within 90 days of its receipt.

9.2.7 Against the decision of the grievance redressal cell, an affected person, individually or represented by members of social service organisation and NGOs or public spirited persons, can approach the National Resettlement and Rehabilitation Commission which will decide his/her grievance within three months of his filing the petition.

3 Inter State Projects-In case of projects involving land acquisition on behalf of a Requiring Body:

3.1 In case a project covers an area in more than one State or Union Territory where the project affected families are or has been residing, or proposed to be resettled, the Central Government in

the Ministry of Rural Development (Department of Land Resources) shall in consultation with concerned States or Union Territory, as the case may be, appoint the Administrator for Resettlement and Rehabilitation and the Commissioner for Resettlement and Rehabilitation for the purposes of this policy.

- 9.3.2 The method of implementation of plans/schemes for resettlement and rehabilitation shall be mutually discussed by the State Governments and the Union Territory administration and the common plan/scheme shall be notified by the Administrator for Resettlement and Rehabilitation in the States or Union Territory administration, as agreed to, in accordance with the procedure laid down in this policy.
- 9.3.3 If any difficulty arises in the implementation of the schemes/plans, the matter shall be referred to the Central Government in the Ministry of Rural Development (Department of Land Resources) for its decision and the decision of the Central Government shall be binding on the concerned States and Union Territory.

## **Chapter X**

### **MONITORING MECHANISM**

#### **National Monitoring Committee**

- 10.1 The Central Government, Ministry of Rural Development, Department of Land Resources shall constitute a National Monitoring Committee, to be chaired by the Secretary, Department of Land Resources for reviewing and monitoring the progress of implementation of resettlement and rehabilitation scheme/plan relating to all cases to which this policy applies. The Committee will have the following or his nominee not below the rank of Joint Secretary as its members:
- i. Secretary, Planning Commission;
  - ii. Secretary, M/o Social Justice & Empowerment;
  - iii. Secretary, M/o Water Resources;
  - iv. Secretary, M/o Tribal Affairs;
  - v. Secretary, M/o Railways;
  - vi. Secretary, M/o Power;
  - vii. Secretary, M/o Coal.



Besides, in case of projects involving land acquisition on behalf of a Requiring Body, the Secretary of the administrative Ministry/Department of the project for which the land is to be acquired shall be invited as one of the members. The functions and duties of this Committee shall be prescribed by this Ministry of Social Justice and Empowerment.

10.2 The National Monitoring Committee shall be serviced by the National Monitoring Cell(s) to be constituted by the Department of and Resources for reviewing and monitoring the progress of implementation of Resettlement and Rehabilitation scheme/plan relating to all cases to which this policy applies.

### **National Monitoring Cell**

10.3 National Monitoring Cell constituted under this policy shall be headed by an officer not below the rank of Joint Secretary to the Government of India. The National Monitoring Cell as, referred to above shall be suitably staffed for efficient functioning.

## **Chapter XI**

### **NATIONAL REHABILITATION COMMISSION**

11.1 A National Resettlement and Rehabilitation Commission (NRRC) shall be constituted with regard to compliance, monitoring and supervision of the Resettlement and Rehabilitation process, Grievance Redressal and issues connected thereto.

11.2 Composition of the Commission

The National Resettlement and Rehabilitation Commission shall consist of the following members:

1. Chairperson: The Chairperson shall be a retired Supreme Court judge or Chief Justice of the High Court
2. Members: There shall be four members of the Commission
  - a) A Social Scientist from one of the Government recognized universities or Schools of Social Work
  - b) An Environmental Scientist
  - c) Member of the National Commission for Scheduled Castes and Scheduled Tribes
  - d) Member of the National Commission for Women

### 11.3 Role and Powers of the Commission

1. Examination of Social Impact Assessment and Environmental Impact Assessment reports after examination by the multi-disciplinary expert group to assess social and environmental impacts and ensure that displacement is minimized.
2. Examine the Resettlement and Rehabilitation plans.
3. Redressal of grievances of individuals or collectives of affected people (individuals may be represented by members of social service organization and non-governmental organizations or public-spirited persons).
4. To examine the process of rehabilitation and pass necessary orders if rehabilitation is not proceeding in compliance with the Resettlement and Rehabilitation Plan with a view to ensuring that no displacement takes place without provisions for complete rehabilitation well in time with at least a minimum of six months before such displacement.
5. If necessary, pass orders stopping progress till rehabilitation is carried out as per Resettlement and Rehabilitation Plan and policies within the mandatory time schedule.

## **Chapter XII**

### **COMMENCEMENT**

- 12.1 The Development Planning, Minimum Displacement and Just rehabilitation policy shall come into effect from the date of its publication in the Gazette of India (Extraordinary).

## **ANNEXURE I**

### **Guiding Principles on Development Planning**

1. Displacement, as a rule, should not be forced, and people should be assured that it is their legal entitlement that, despite inevitable losses, they are on the whole going to be better off. Consequently, the prior informed consent of the community should be taken before any project, including a dam project, is approved.
2. Forced displacement of people should only be permitted in the 'rarest of rare' cases, and only after it has been established by independent and credible evaluation that the displacing project has the sorts of social benefits that indisputably make it desirable
3. Even then, it must be ensured that the number of people displaced is the minimum required, and that no less displacing or non-displacing alternatives are possible. The policy unambiguously states its preference for those development projects that involve the minimum displacement. The burden of proof is on the requiring authority to establish that the proposed project is the best among available alternatives to achieve the given objectives, with minimum displacement.
4. Each large development project (involving transfer or change in land use leading to displacement, of one hundred acres of land or more and leading to displacement) must be first subjected to a holistic appraisal as to the desirability and justifiability of the project. The public, and particularly the people likely to be affected, must be given due opportunities of information and hearings, and allowed to examine all aspects of the project, including the 'public purpose' (see Appendix 4), and also the possibilities of achieving the same objectives through non-displacing or less displacing alternatives. The process of such 'social appraisal' of development projects is given in Appendix 5, and this will be legally binding before any new development project is taken up.
5. The land acquisition act must be amended to permit people to challenge the claim of 'public interest' of any acquisition. For this to be possible in an informed manner, the provisions of the rights to information must be incorporated into the legal proceedings. Specifically, the detailed cost benefit analysis, and proposed rehabilitation package as per the norms of this policy, should be spelled out at the stage of the Section 4 notification itself, and people should have the right to interrogate this.

6. The 'national interest' and 'public purpose' having been satisfactorily established following this procedure, which should be binding under the law, the project authority would only then initiate the process of formulating plans for the resettlement of all the project-affected people.
7. It shall be a compulsory obligation on the part of the project planning and implementation authorities to involve and consult the representatives of the affected communities, including women and members of disadvantaged groups, in all phases of planning, execution and monitoring of the RR Plan. The entire decision-making process regarding RR Plans must be completely transparent. The comprehensive draft plans for resettlement must be made public. It must be proactively brought to the notice and explained to the people likely to be affected, through such channels like the local language media, local exhibitions, local meetings, etc. It is important that the government and the, project authority are under an obligation to take the information to the doorstep of the affected population so as to enable even non-literate people in the most distant area to acquire full knowledge of the plan for their resettlement. It is mandatory and enforceable that the project affected people must be given the right to participate at this very stage so that they can bring their full weight to bear on the design and content of the plan. Their views must be given full weight, and the plan modified in conformity with their aspirations.
8. All PAPs, and other concerned citizens and people's organizations, would enjoy right to information about all aspects of the project which are of public interest, including the detailed project report, financial plan, economic/financial viability studies, social impact-benchmark and other studies, environmental impact assessment and environment rehabilitation plans and the detailed RR plan. This must be in the language of the people and in a form and manner that they can understand. This would enable PAPs to understand in depth issues critically related to their futures, and if necessary to challenge, in an informed way, all aspects of the proposed project including rehabilitation and the public purpose of the project.
9. While determining compensation, replacement value at the operative market rates must invariably be the basic principle. This must be at the market rates that actually operate, and that too at the time of purchase, and not just those that are officially recorded. Also, paying of depreciated value is manifestly unfair, for it leaves the PAP with even less adequate means to replace a critical need. For example, if a poor person was paid

only the depreciated value of his or her house, he or she would be unable to buy or build a new house and would become homeless. The person's house, however old or ramshackle it might be, is providing shelter. When it is forcefully acquired, it must be ensured that the compensation is enough to provide an alternate and equal shelter.

10. Also, not only should lost property and assets be compensated for, but lost livelihoods and lost opportunities should also be compensated for. Communities must be adequately and appropriately compensated for common amenities and assets lost because of the project. Also, all those amenities and assets required for fulfilling basic needs must be provided. This is especially important in order to prevent conflicts with host communities, whose common resources would otherwise be under pressure from the PAPs.
11. However, it is not enough to just pay cash compensation, various other principles must be followed to ensure that social costs are minimized. For one, payment of large sums of cash might not be in the best interests of those PAPs who are unused to handling large amounts of money.
12. The principle of 'land for land' must be followed scrupulously and each PAP in irrigation projects, and SC/ST PAPs in all projects, who loses land must be given land of at least one standard hectare of irrigated land. In irrigation projects, the principle of giving land to PAPs of dams in the command area should be adopted, as it not only gives those who have paid the major costs a part of the benefits, it also lessens the inequities between the upstream displaced persons and the downstream beneficiaries.
13. Usually the project authorities must also construct or have constructed appropriate replacement housing for the PAPs, of designs and locations that are approved by the PAPs within the allocated resources. However, in cases where the PAPs would prefer to construct their own houses, like among some tribal communities, they must be given the freedom to do so.
14. The process of selecting rehabilitation sites and lands must involve the PAPs and their preferences must be mandatory for the final selection.
15. Agricultural land must be consolidated, as far as possible, and communities invariably kept together, after displacement, so that their social and cultural identities are safeguarded. Communities should be relocated as an organic whole, and not fragmented in the process of relocation.

16. Wherever the people are not willing to shift, it must be assumed that the fault is either in the package being offered, the progress of implementation or in the approach to the displaced communities. Alternatively, it could be because the implementation of resettlement and rehabilitation programmes is so unsatisfactory that the affected people do not feel confident of receiving what they have been promised. In any case, this must be recognized as a failure of the rehabilitation process.
17. The time-frame for the displacement process should be sensitively determined and people given enough time to adjust to their new locations and lifestyles. It should be a mandatory practice to allot agricultural land to the PAPs at least two years before they are to be displaced, so that they can get used to cultivating this land even while they continue to live in their original homes. Likewise, house-sites should be allocated in fully developed colonies at least two years before relocation. This makes the process of displacement more gradual and humane. In any case, all compensation must be paid at least two years before a person is displaced. Delays in the rehabilitation process and its various components can cause major hardship. Time-frames must, therefore, be finalized well in advance and adhered to. Delays must be looked at very seriously and invite serious consequences for the functionaries responsible.
18. Even delays in finalizing the policy-related to rehabilitation and other aspects of projects, and delays in initiating the planning process can seriously affect the well-being of the affected people. These must also be done according to a pre-determined time frame that statutorily gives adequate time for the concerned persons to give inputs and intervene in the process of policy formulation and planning.
19. Whereas it must be ensured that PAPs are not forced to change their occupations and professions, there must, of course, be the flexibility to allow individual PAPs to choose from among other viable alternatives. Some might not wish to return to the land and might prefer to pursue other professions. They must be helped to do so.
20. The PAPs must also have a first right to get employment in the project. The need for trained and experienced personnel should not be a constraint as training should be organized for interested PAPs even before the project is initiated. The trained PAPs may even be sent to other projects to get the experience they need. In fact, the availability

of sufficient trained PAPs should be a precondition to the initiation of the project. Where necessary, even basic literacy lessons must be organized for the PAPs and they should be properly equipped to make the most of the opportunities being presented to them.

21. The PAPs must also have the first right to specific benefits arising out of projects. Apart from livelihood opportunities, they must, for example, have the first right on irrigation waters from irrigation projects and to power from hydro-electric projects, and to both in multi -purpose projects.
22. Rehabilitation packages and processes must be gender sensitive. Land and other assets should be provided in the joint names of both spouses. Consultations with the PAPs must also be done keeping in mind the need to consult both men and women, the aged and the young, and members of all castes and communities.
23. The special needs of particularly vulnerable communities, like isolated tribal groups, Dalits, those with disabilities or other marginalized groups, must be catered for.
24. The compounded plight of those who have been affected by earlier projects must be recognized and they must be properly rehabilitated and compensated on a priority basis before any further dislocation and displacement is effected.
25. The provisions of an enlightened rehabilitation and compensation policy must have legal backing so that not only the concerned agencies of the government but affected and interested citizens can ensure enforcement and legal intervention. A recent Supreme Court ruling on another matter, that the agency that seeks to intervene has the onus to prove that its intervention is beneficial, needs to be applied to the case of development projects.
26. It is to be ensured that the resettlement site and the resource-base is large enough to accommodate the natural growth in population, over a minimum time perspective of 100 years, and to generate income to provide for a progressive rise in standards of living.
27. For smooth and effective resettlement, the principle of geographical continuity, cultural homogeneity and ready adaptability must be accepted in choosing and planning resettlement units and sites, especially while resettling tribal and Dalit communities.

28. Whenever whole villages, slum localities, neighbourhoods and communities are uprooted, there is total disturbance of structure and network of social relationships, which support an ethos and a way of life. Any plan of resettlement must be sensitive to this loss and aim at creating afresh a community ethos and a way of life. It is only such a dynamic living community that can successfully cope with the challenge of mobility and development in the new surroundings.

## **ANNEXURE II**

### **REHABILITATION PACKAGE**

#### **Infrastructural Facilities**

1. For *en masse* resettlement of populations, the following infrastructural facilities and basic minimum amenities are to be provided at the cost of 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 minimize the trauma involved in displacement. The new resettlement site must be reasonably habitable or be made reasonably habitable, and the villages or colonies established in new sites should be well planned in all aspects. A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate:
2. 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.
3. Proper drainage as well as sanitation plans executed before physical resettlement.
4. One or more assured sources of safe drinking water for each 25 families settled in a pocket has to be ensured, capable of yielding enough water to meet the demand of at least six litres per capita per day (lpcd) of safe drinking water and 40 lpcd of water for other purposes
5. Drinking water for cattle through a pond/ borewell/ well with a trough.
6. Grazing land as per proportion acceptable in the state.
7. Pattas for *abadi* plots and recognition as a revenue village or a *basti* with a panchayat/ local self-government committee.



8. Necessary plantation of inhabited areas must be taken up under social forestry or agro-forestry schemes financed by various Ministries of the Government and environmental aspects of the new rehabilitation site duly taken care of.
9. A reasonable number of Fair Price shops must be set up.
10. Panchayat Ghars, as appropriate, must be established in each newly settled village/ basti.
11. Efforts must be taken to set up one Primary Agricultural Cooperative Credit Society with facility for selling essential consumer articles in every resettled village.
12. Village-level Post Offices, as appropriate, with facilities for opening saving accounts must be set up.
13. Appropriate seed-cum-fertilizer storages must be set up.
14. 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.
15. Institutional arrangements for training under the TRYSEM, easy access to financial institutions for availing of financial assistance from the IRDP or any other government or bankable schemes.
16. Panchayati Raj Institutions (PRIs) must be immediately brought under operation in the newly settled villages/colonies above (institutions such as schools, supplemental nutrition and health centres and community centres must be controlled and managed through some local organization which either already exists or is newly formed, like the gram sabha or gram panchayat, or a mahila mandal).
17. All resettlement families living below the poverty line receiving land in the resettled area for agricultural purposes shall also get free supply of seeds and irrigation from any public source for cultivation of suitable crops free of cost for the first year, and on a loan basis for subsequent two years.
18. All new villages established for resettlement of displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the neighbouring growth centres/ urban localities.
19. Burial and/or cremation ground, depending on the caste-communities at the site and their practices.

20. Facilities for sanitation, including individual toilet points.
21. Individual single electric connections (or connection through non-conventional sources of energy like solar energy), for each household and for public lighting.
22. Child and mother supplemental nutritional services.
23. Pre-school and primary school.
24. Sub health centre within two-kilometre range.
25. Primary Health Centre for each group of 20,000 population.
26. Playground for children.
27. One community centre for every 500 families.
28. Places of worship and *chowpal*/ tree platform for every 50 families for community assembly, of numbers and dimensions consonant with the affected area.
29. Separate land must be earmarked for traditional tribal institutions.
30. Grazing ground and nistaar land for food and fodder, especially in the case of bio-mass dependent communities.
31. The forest dweller families must be provided, where possible, with their traditional 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.
32. The beneficiaries of resettled areas, irrespective of caste, creed, religion or economic status, must be allowed to construct for themselves all other facilities essential for community life by taking up suitable projects for which finances are available from governmental schemes. In addition, members of a resettled family may be encouraged to undertake suitable self-employment schemes for which finances are available under government and/or any bankable scheme.
33. Appropriate security arrangements must be provided for the settlement, if needed. □