

RESETTLEMENT & REHABILITATION POLICY

6. Acquisition of Land and Properties:

6.1 The land and properties falling under submergence upto the designed Full Storage Level of Reservoir (FRL) shall be acquired. For submergence between FRL and Maximum Water Level (MWL) of reservoir, the properties excluding the agricultural land and wells shall be acquired. In addition to the acquisition of land / properties in the zones mentioned above, land shall also be acquired for other components of the Water Resources Development projects such as approach / inspection roads, quarries, offices, stores, workshops, staff colonies, temporary or permanent borrow areas and head works.

6.2 Land surveys for payment of compensation shall be done on the basis of updated official records and ground facts. The land records shall be updated relating to title / classification / current use of land expeditiously for ensuring adequate cost compensation and allotment of land to the displaced persons. For determining classification / current use of land, field level situation on the cut-off date shall be taken into consideration.

The PDPs, PAPs and NGOs shall also be consulted and their views brought on record in the matters pertaining to compensation of lands & properties.

6.3 If 75 percent or more land holding of a PAP/PDP is acquired or when the part of a property remaining after acquisition becomes economically unviable or when a property is rendered useless/economically unviable after acquisition of a contiguous property, then the owner of such land/property shall have the right to seek acquisition of his entire contiguous holding /property.

6.4 If the land holding of PAP left after acquisition of land by the project is less than MEH , then compensation will be paid to the PAP also for his houses/ structures, if any, lying nearby outside the land acquired by the project. In case remaining land holding of PAP after acquisition of land for the project is more than MEH and the PAP wishes to have compensation of his nearby houses/ structures lying outside the land acquired by the project, then compensation for such houses/ structures will also be paid to him. In other cases, such as enclaves surrounded by water, hamlets, disjointed holdings, a decision about the offer, if any, for acquisition of the entire holding shall be taken on a case by case examination by the Chief Executive of the project. This shall also include cases of compensation of lands & properties which get isolated due to submergence by water from three sides.

6.5 The compensation amount for the land and properties to be acquired shall be paid according to the provisions of the LAA which include :-

i) Payment of market value as on the date of notification under Section (u/s) 4(1) of the LAA along with reasonable incidental expenses/damages, if any, sustained by the displaced person.

ii) Payment of interest at the rate of 12% per annum from the date of notification U/S 4(1) of LAA to the date of award or the date of taking possession of the land and property, whichever is earlier.

iii) Payment of solatium at the rate of 30% of the market value in view of compulsory land acquisition.

NOTE :

The Registrar of sale of properties maintains register of index value of the land. The index values indicate the highest rates at which the sale deeds are registered. In determining the market value of land, index values should be considered. Land market surveys will be done by the Project Authority in association with the representatives of the PAPs to ascertain that compensation together with resettlement & rehabilitation benefits / grants accruing to the PAP are not less than replacement costs of the acquired assets. The land market surveys will be carried out by :-

i) Contacting in the relevant area, various operating property dealers, genuine land sellers and buyers for different classes of land.

ii) Considering the Index values with inflation index over last revision, for various classes of land.

iii) Capitalising the net income from land by particular number of times to be determined for each project through detailed studies by Agriculture Economist of Rajasthan Agricultural University or any other similar independent Agriculture Economist taking into account the average production of past 3 years regularly documented by the Directorate of Agriculture, Rajasthan, showing average productivity of land and wholesale market prices of various agricultural commodities. For arriving at the net income from land, the out-of-pocket expenditure incurred by the farmer in raising crops thereon as well as the value of labour input by the farmer's family shall be deducted from the gross income from such land.

6.6 Land and properties will preferably be acquired by the Project Authority by mutual negotiations with the person concerned provided the rate at which compensation is to be paid is certified by the LAO as reasonable. The PAP will be informed by the Project Authority in writing about the compensation rates certified as reasonable by the LAO. The PAP may accept or reject these rates as may be suitable to the PAP. In case of acceptance by the PAP, these rates shall become the negotiated rates of compensation. In case of non-acceptance of the rates by the PAP, the payment of compensation shall be made by the process of issuing of awards by the L.A.O. under the L.A. Act where-in PAP shall be provided full opportunity to present his case before the LAO. Administrative guidelines will be issued to the LAOs for arriving at reasonability of compensation rates.

6.7 Compensation for buildings and Structures shall be paid at replacement value as laid down in sub-para 4.2 (iv). The minimum amount of compensation for houses shall be Rs. 10,000/- including solatium and other charges payable under L.A. Act.

6.8 The PDPs and PAPs who have made structures on Government land shall also be paid compensation (except for the cost of land) after necessary verification.

6.9 Compensation for properties belonging to the community or for common places of worship existing in the abandoned villages shall be provided to enable construction of the same at the new place through the local self-governing bodies/panchayats concerned in accordance with the modalities determined by such bodies to ensure correct use of the compensation amount. Ghair khatedars who are working on "Muafi Lands" pertaining to the common places of worship, shall be assisted for their R&R under special assistance scheme.

6.10 If any displaced or affected person has made any temporary construction after the date of the first notification under section 4 of the LAA from out of any assistance paid to him for damages caused to his property by a natural calamity, compensation will be paid to him against such temporary construction also, after ascertaining the bonafides of such claims.

6.11 Ex-gratia payment for wells made in river bed area coming under the project shall also be made besides compensation for land and wells, houses and other structures constructed by the tenant. For payment of compensation, bhoodan lands shall be considered to be the land of the tenant cultivating the land for more than 5 years.

6.12 Persons whose lands are entirely submerged but whose houses fall outside the area acquired by the project (second category houses) shall be paid compensation for such houses on option of their owners, if they wish to sell the same to the project.

6.13 Compensation shall also be paid for properties, if acquired, like construction of boundary walls, pump house, pipe lines, water courses, water intake and conveyance structures built for irrigating the lands concerned.

6.14 Compensation for trees will also be based on their market value in case of timbre bearing trees and replacement cost in case of fruit bearing trees to be worked on the basis of their age, maturity and returns.

6.15 Compensation shall be paid and R&R of a PAP/PDP completed before taking possession of the land/properties. However, sufficient time not exceeding a specified limit shall be allowed from the date of payment of compensation to the occupiers to settle on the alternative site. The PDPs and PAPs shall hand over the land and properties acquired to the Government free from all encumbrances such as mortgage, debt etc., pertaining to the lands and properties acquired. However, in case of any loans on such acquired lands and properties given to the PAP by any State Govt. agency, the loan shall be deemed to be transferred from the acquired land/property and attached to land allotted by the Govt. to the PAP concerned.

6.16 Persons receiving compensation will be advised about the comparative advantage of re-investment of the amount in small saving instruments and other scheme etc. by the project authorities.

6.17 Disposal of Acquired Properties :

(i) The acquired land and properties shall vest in the department/organisation paying compensation for such lands/properties.

(ii) Even after payment of compensation, PDPs be allowed to take away the materials salvaged from their houses and shops etc. acquired by the project and no charges will be levied upon them for the same by the Govt.

(iii) The displaced persons receiving compensation for trees shall be allowed to take away timber of their acquired trees for their domestic use. Trees standing on Govt. land shall be disposed off by open auction by the Revenue Department / Forest Department.