

RESETTLEMENT & REHABILITATION POLICY

7. Resettlement and Rehabilitation:

7.1 Allotment of House Site

7.1.1 Where availability of land for new settlement is not a constraint, the entire village shall be rehabilitated as one unit. In case of shortage of land for the new settlement at one place, the displaced persons shall be resettled on the basis of their option in such a manner that all the adult members of a family as well as groups of families having filial or social affinity who wish to be resettled together at the new place, are allowed to do so.

7.1.2 Every family including adult sons and un-married adult daughters of such families shall be entitled for allotment of house site in the same village as mentioned here-in below :-

7.1.3 Where availability of land is a constraint:

Developed house sites of 60' x 40' would be provided free of charge to the displaced persons at their new place of settlement irrespective of whether they had a house or house plot in their earlier deserted village or not. Those persons having more than 60' x 40' size house plot wanting to have a plot of size 60' x 90' may be allotted such a plot on payment of Rs.1 per sqft. for the extra 3000 sq. ft. of land. Major sons and unmarried major daughters and divorcees and widows will, however, be given plot of size 60' x 40' free of cost.

7.1.4 Where availability of land is not a constraint :

i) A plot of developed land measuring 60' x 90' would be allotted to the displaced persons free of cost irrespective of whether they had a house/house plot in the deserted village or not. A displaced person having more than 60' x 90' house plot size in the deserted village shall be given plot of size 90' x 120' on payment of Rs. 1 sq. ft. for the extra land of 5400 sq. ft.

ii) To keep livestock, plot of size upto 60'x 90' should be made available in each colony preferably, as per need of a PAP as on the cut-off-date.

iii) If a displaced family has a house site outside the project area that has not been acquired and wishes to take a house site to cultivate the land allotted to it, then house plot of size 60' x 90' will be allotted to such family on payment of Rs. 1 per square ft.

7.2 Shifting Arrangements:

The project authorities shall provide free transportation to the resettlement site or pay sufficient allowance to enable the displaced to transport their properties and salvaged materials to the new sites.

7.3 Civic Amenities/Community Infrastructure:

7.3.1 At the new settlement centres, civic amenities like drinking water, internal and link roads, medical facilities, schools, electricity, etc. will be provided as described in Annexure III. Any facilities provided by the Govt. & all common resource properties being availed by the displaced and affected persons prior to the project will as far as possible be provided / continued at Government cost at the new place of their resettlement or at the old place, as the case may be. The details of the civic amenities and community facilities to be developed in Resettlement Centres are given in Annexure IV.

7.4 (i) Displaced PAPs :

For the land of the PDP or PAP acquired by the project, land-for-land option upto the limits of respective entitlement shall be given to the displaced PAPs prior to payment of cash compensation. In exceptional cases where the Government is unable to provide land for land for any agricultural, homestead land or the Government lands offered to the oustees are not acceptable to him on valid grounds, the R&R O will help the oustees in purchase of private land from the compensation money/rehabilitation assistance due to them. For that purpose a "Purchase Committee" shall be formed under the Chairmanship of the R&R.O. The committee among others will be duly represented by the local peoples' representatives and representatives of the affected persons. Refusal on the part of the PAP to accept either land-for-land or cash compensation under the R&R package in accordance with this policy, shall not be a valid ground against acquisition of his / her land for the project.

Notes :-

(1) Subject to the provisions of sub-section 7.5.1 below, within 7 days of publication of declaration under section 6 of the L.A.A. or when the land is acquired by negotiation then within 7 days of intimating compensation rates admissible to the PDP under sub-para 6.5 supra, the R.O. shall notify the PDP about the lands available for allotment. Thereafter within a period of 7 days of such notification the displaced persons will give their option in writing about land to be allotted/ not allotted to them.

(2) Pattas issued to the displaced persons should be recorded jointly in the names of such entitled person and his or her spouse if any.

(ii) PAPs who are not Displaced:

(a) A Project affected person who loses land for the project but is not displaced and who is entitled to get compensation for such acquisition will get an equal area of land under the same conditions and procedure as mentioned in para 7.4(i) above & notes below it.

(b) A Project affected person losing his / her only house due to acquisition for the project, who is not displaced and who is entitled to get compensation will be given besides compensation an equal area of house site subject to the limit of maximum size specified, under the same conditions and procedure as mentioned in para 7.4 (i) above & notes below it.

(iii) Landless PAPs, Encroachers and Squatters:

A Landless PAP, Encroacher or Squatter of the affected village who has no landed property whatsoever will also be entitled to R&R assistance as stated in para 7.7 below which shall include allotment of house / establishment site as the case may be.

(iv) A P.A.P. who loses a portion of his only holding / asset and is thereby compelled to lead an uneconomic living, he or she will get all R&R benefits as at (a) and (b) above according to his/her entitlement.

7.5 Allotment of Agricultural Land

7.5.1 Preference should be given to real estate and land-based resettlement strategies since only cash payments-based R&R is rarely effective in restoring livelihoods or lost assets, opportunities for employment, self-employment should also be explored. However where the PAP/PDP does not opt for land-based R&R and prefer cash for valid reasons, then cash-based R&R may be allowed in exceptional cases on case-to-case basis under specific approval of the Director R&R, providing replacement costs as mentioned in paras 4.2 (ii) and 4.2(iii), 6.5 & notes below it and paras 8.6 (i) & (ii). Guidelines for allotment of agricultural land can be seen from Annexure III.

7.6 Civic amenities/community infrastructure:

7.6.1 At the new settlement centres, civic amenities like drinking water, internal and link roads, medical facilities, schools, electricity, etc. will be provided as described in Annexure III. Any facilities provided by the Govt. & all common resource properties being availed by the displaced and affected persons prior to the project will as far as possible be provided/continued at Government cost at the new place of their resettlement or at the old place, as the case may be. The details of the civic amenities and community facilities to be developed in Resettlement Centres are given in Annexure IV.

7.7 Resettlement Grant / Assistance:

7.7.1 Rehabilitation assistance shall be provided to the affected people including the land less, if required. The rehabilitation assistance should be assessed and programmed on a project basis to be determined in consultation with a participatory committee at project level. Attempts should also be made to design and link the economic rehabilitation of the affected people with current government development programs.

7.7.2 Compensation and R&R assistance provided should be sufficient to cover the real costs of restoring assets & livelihood. Periodic adjustments of project specific entitlements will be undertaken as required to offset the effects of inflation. All costs for R & R activities shall be included in the project budget.

7.7.3 Transitional allowance shall be provided to the displaced/affected people for a period of one year to cover the cost of losing economic opportunities.

7.8 Special Considerations To Be Observed For R&R Of Tribal, Scheduled Castes & Other Vulnerable Sections Of The Project Affected Persons.

7.8.1 While special considerations to be observed in the R&R of the S.C. & S.T., PAPs have been mentioned here-under in sub-paras 7.8.2 to 7.8.11, R&R assistance to the vulnerable PAPs such as the aged, handicapped, infirm, orphans & destitutes will be provided by considering each one of them as special case on case-to-case basis with particulars regard to his / her circumstances even if the criteria of eligibility has to be relaxed by the Govt. in exceptional & deserving cases relating to the vulnerable PAPs.

7.8.2 It shall be endeavoured to ensure that the development process fosters full respect for the dignity, rights and cultural uniqueness of the tribal PDPs and PAPs and that they receive culturally compatible social and economic benefits.

7.8.3 R&R of the tribal & S.C. PAPs shall be based on their informed participation, identifying their preferences to resettle either as separate groups or along with the general society, its values and economic activities. Their preferences shall be identified through direct consultations and rehabilitation ensured accordingly in consideration of the options preferred by them.

7.8.4 Studies should be made to anticipate adverse trends likely to be induced by the project and develop the means to avoid and mitigate the same.

7.8.5 The project R&R organisation should be strengthened for inter-action with the tribal PDPs and PAPs by involving in the R&R process the appropriate existing institutions, local organisations and NGOs with expertise matters relating to the tribal people.

7.8.6 Local patterns of social organisation, religious beliefs and resource use should be taken into account in the R&R of the tribal & S.C. PDPs and PAPs.

7.8.7 R&R activities in respect of the tribals & S.C. should be adapted to their needs and environment.

7.8.8 The R&R activities should include general education.

7.8.9 Particular attention should be given to ensuring the rights of the tribal /S.C. PDPs and PAPs to use and develop the lands they occupy with due protection against illegal intruders and to enable them to have access to natural resources such as forest/wild life/water vital to their subsistence and reproduction.

7.8.10 Customary right and land tenure system of the tribal & S.C. PDPs and PAPs will be protected.

7.8.11 The tribal & S.C. PDPs and PAPs shall be involved in decision making throughout the project planning, implementation monitoring and evaluation stages.