

**Training Report of Sri B.C.Tripathy, Executive Engineer-II, PMU on Managing Land Acquisition Resettlement and Rehabilitation for a vibrant stake holder environment at ASCI, Hyderabad from 24.09.2012 to 28.09.2012**

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As per Government approval I attended the above training programme conducted by ASCI at Hyderabad from 24.09.2012 to 28.09.2012. Sri M.K. Mohanty , Deputy Secretary to Govt., Works Department also attended the programme. In all 21 participants from Hydrel, Nuclear Energy, Coal, Mining, NTPC and other sectors attended the programme. The programme was highly interactive. The experience sharing was significant. The following was the faculty:

1. Dr. Reshmy Nair, Programme Director
2. Ms Sohini Basu, ASCI
3. Mr. S.K. Joshi , Private Secretary to Govt. (Projects), AP
4. Dr. B.K. D.Raja (EMT, Hyderabad)
5. Mr Vivek Kuma Pokharwal, IAS, Collector, Balaghat, MP
6. Mr. Mishram Patil, Chief SDC, Mu MRDA
7. Ms. G.Patma, CGG, Hyderabad
8. Mr. C.Chandhuri, IFS,Spl Secretary and Commissioner R&R, AP
9. Mr. S.B. L. Misra, IFS, Addl. PCCF (FCA) , AP
10. Dr. B. Kinera Murthy, Hyderabad
11. Dr. Y. Manohar, Adj Fac, ASCI
12. Mr. P.V.S.S.V.P. Raju, CGG, Hyderabad

Key lessons learnt and experience shared are described below:

**Day one dt. 24.09.2012**

Macro economic issues and LARR:- In spite of being the second largest economy in the World, poverty affects India. Approximately 30% are in BPL categories and 40% of the hospitalized patients take loans or sell assets to meet the medical expenditure. Against this scenario, land has become the most critical issue in the country. Out of 897 nos major infrastructure projects in the country between 1994-2007, 31% had incurred cost over run and 35% time over run, land being the substantial factor. About 60 million people have been displaced in India since 1947 and 75% of them remained impoverished. Out of 8% Tribal population, 40% were displaced. The 1894 LA Act did not have provision for R&R. The historical error was recognized by various state Governments and Government of India in the 21<sup>st</sup> century. Odisha pioneered the R&R policy in 2006 which was followed by NRRP 2007 by GOI. Besides the state Governments and GOI, various PSUs like NTPC , NPCI, and THDC introduced their own policies on R&R . The LA and R&R Bill, 2011 was introduced in the parliament in 2011 and with its modifications is now under the consideration of Government of India. In the meantime Haryana Government has introduced annuity payment for 33 years to PAPs in its R&R policy indicating a trend in accepting PAPs as long term partners in development projects in lieu of their loss of land and shelter since the traditional forms of compensation like onetime cash, contract employment etc may not be viable options in future. Self-employment is practically difficult to achieve .One NGO in Diwalra, Rajasthan has trained NREGS workers under UNDP programme to produce quality products to compete and sustain in the open market. Forcing PAPs into professions in which they are not interested will not work.

**LA in Andhra Pradesh Irrigation Projects:** Consent Award (CA) has been followed successfully in Andhra Pradesh. If a title holder agrees only for a portion of his land (Part A) as per the CA, for the remaining Land “B” shall be acquired by the sections from 4.1 to 18 operate No extra compensation is made for “B” beyond the valuation for normal compensation. If the land loser is not satisfied with the valuation for part ‘B’ land he/she can write an application to the collector U/s 18 for review. The Collector refers the matter to court. If the Collector refuses to accept the grievance petition on time line the land loser can go to court directly.

In AP nearly 6 lakhs acres land has been acquired by I & CAD Department involving ` 5250 cr without any court case so far for enhancement of compensation. The District level Negotiation Committee headed by the Collector has the power to increase from 1 to 50% of the compensation as additional Package. Retired judges and people of credibility are members.

The state level Negotiation Committee has unlimited power to enhance the compensation. Government can also refer the unresolved cases to SLNC. If negotiations fail at SLNC, LAO goes ahead with other provisions of LAA without taking into cognizance any negotiations. If dissatisfied land loser can go to court .Points when illiterate land losers are fighting for their rights middlemen cannot be ruled out in consent Award process. 2. Initial compensation should not be artificially and unreasonably low by the LAO due to fear of audit and vigilance. This will delay the process in CA.

### **Social Impact Assessment (SIA)**

#### **Process:-**

1. Base line data: Indicators shall be fixed and survey formats for quantitative and quantifiable data developed. Qualitative information can be obtained by focused group discussions (FGDs). It is important for the consultant to build rapport with the people for which it should have community communicators.
2. Stake holder Assessment- All people cannot be consulted and covered in discussion Groups of people based on similarity of characters shall have to be identified by the consultant.
3. Time line: The date of survey is normally the cutoff date. Time from social survey to implementation of the Project should be ideally within 2 years.
4. Assessment of Impacts- Land Losers
  - Land Loss
  - Women
  - BPL
  - Vulnerable/others
5. Mitigation Measures- The principle should be to follow the best policy for PAPs which shall lead to development of Entitlement Matrix.
6. Preparation of RAP – The RAP will have summary and categories of PAPs budget, Institutional arrangement for implementation, GRM (field/local level/District level- /State level-/ Court), M & E arrangement, Disclosure.

#### **Important points:**

- The entitlement matrix and GRM should be translated into local language and displayed in Local PR institution.

- R&R should be completed before starting the civil works of the project.

## **Day 2/ 25.08.2012**

**LA RR: Implementation Issues:** The land market is impulsive in India .Out of 20 millions people displaced in last decade only 5 millions have been resettled and rehabilitated. The discontent is growing for the second most important factor that is 96% of Indian farmers are small and marginal farmers and it is their land which is acquired in terms of nos of holdings/plots.

The first reason is the valuation process, Transparency and Consultation are lacking. The value of land does not refer to just land but linked damages eg. Livelihood, job, commercial prospects etc.

The Supreme Court has ruled that once an award is made, Government can not change it Only court can decide. Land loser has to go to court U/s 18 of LAA. It involves delays and cost for the vulnerable land losers described above.

### **Case history**

1. Nagarjunasagar Project oustees were paid ` 500 each to settle in Govt. land; after a few years they were again displaced by Govt. for another irrigation project.
2. Dehradun Airport oustees were displaced twice successively for expansion of airport, showing lack of integrated approach (Masterplan)

**Success story: - AP irrigation Projects:** Land measuring 5 cent (202 sm) was given to nuclear family along with IAY price of Rs 45000/- plus Rs 53000/-. Fishermen were given license of fishing in new reservoir and 500 days of agr. Wages. Recognizing that cash compensation is not the best option, fishery Department prioritized assets in consultation with them like boats, nets and gave their. Guidelines for Habitat and livelihood planning were formulated and followed for different categories of PAPs.

Haryana:- Govt. provides no litigation bonus (2010)

**Negative impacts:-** Gujarat- Drilling in sea by State corporation was opposed by local leaders who led fishermen to demand compensation for loss of income due to less catch. To save time and utilize premonsoon construction period 15000 families were paid@ Agrate for 6 months (6 months being time of laying the pipeline). This short term gain by the PAPs did not improve their lot. The aggressive marketing strategy adopted by TV, motorcycle companies in the compensated areas saw their cah vanish in no time without improvement in their livelihood. The crux of the issue remained that no scientific relationship was established between drilling and catch which were physically distant.

### **LA, RR Bill 2011 : Standing Committee recommendations:**

1. New name of the bill –Right to fair Compensation, Resettlement and Rehabilitation and Transparency in Land Acquisition Bill, 2012
  - R&R is mandatory
  - State will decide limit
  - Retrospective effect clause deleted
  - If more than 100 Acs, Committee chaired by CS will decide
  - Time lines: Land Compensation in their 3 months of award.

R&R entitlements within 6 months

- In conformity with provision for food security, SIA made mandatory.
- Land price is to be treated only for compensation purposes and not to be taken as a base for circle rates for subsequent acquisition
- SIA and EIA are to be done concurrently and irrespective of R&R.

### **Unchanged features:**

- Retains sales statistics as the only method to determine compensation.

-Time limit- 2 years

### **Good feature deleted:**

Silent on Consent Award

### **Experience Sharing from different States/organizations:**

1. Haryana- Land Acquisition for Nuclear Power Project:-
  - Satellite Image of the area to 50 m resolution done.
  - Digitized total revenue record
  - Stiff resistance by PAPs to LA
  - 2 years of patience and persuasion resulted in 67% PAPs collecting their cheques.
2. NTPC- R&R Policy categorically says no direct employment
3. Front loading of CSR with R&R
4. Tihiri: Rahab. Cost went up from ` 400 cr to ` 1400 cr.
5. OSRP- Right communication to PAPs at DPR stage and correct LA requisition at a time are the two important lessons learnt during the implementation of the R&R in OSRP.

### **Preparation of Resettlement Action Plan (RAP)**

WB- RAP

ADP- RP

EAP-SMP

### **Chapters of RAP:**

- i. Description of the Project
- ii. Impacts of the Project for which RAP is being prepared.
- iii. Relevant- Regulations/Acts/ Safeguards/Policies applicable to the project (eg 4.03 OG of WB), equal wages Act, PESA R&R Policies for similar projects in the area.
- iv. Identification of PAPs- categories
- v. EM(Entitlement Matrix)
- vi. Budget

- vii. Id Card (CGG, HYd has developed e-tool for printing ID cards, use full incase of more nos of PAPs)/ Karnataka – I-Card barcode based: can be swiped); electronic transfer to PAP a/c to avoid delay/nonpayment of cheques to PAPs)
- viii. Livelihood analysis and provision training
- ix. Monitoring and Evaluation.

**Day 3 : 26.09.2012**

**Integrating CSR with R&R:** The current sequence of LA- RR-CSR results in negative demand. CSR can be utilized ahead to build relationships/ brand which last and facilitate LA and RR on trust.

According to the UN Global Compact Programme, companies who own wealth must contribute to society's development.

**Experience shared by Mr. Porwal, Collector, Badaghat,**

Key lessons-

1. The state Govt. should be a referee and not a party.
2. The Collector should be allowed to function independently. Project should not pester/pressurize the collector.
3. Patience is the key to success in LA, RR
4. Communication should be stronger. NGO, not ideologically inclined but professionally sound, can do this job.
5. Project proponents should desist from (a) pressure tactics (eg. m/c is gathering dust), (b) employing middlemen, and (c) over projecting LA requirement;
6. Management of inflation of expectation; no mass bribing/heuristic.
7. Communication of limits
8. No political alignment
9. Fast decision making
10. Non-import of unskilled labour (To incorporate in sub-contractor's agreement)
11. Immediate possession
12. Avoid over-involvement of Govt.
13. Care for the vulnerable: Women, children
14. Avoid excessive stress on physical Infrastructure
15. Mismatch between present and future costs
16. Non-planning of Immediate costs.

**Day 4: dt. 27.09.2012**

**Innovative practices World wide:** Mr Chaohua Zhang, Lead SDS, World Bank, Washington:-

- (a) China: China Reservoir Resettlement Management System is an effective MLARR institution operating at five levels (county-provincial- municipal- country- township). Resettlement and Rehabilitation has been integrated in China's Development plan, considered to be " development induced impact"- the progress /development of the displaced people will contribute to China's/ over all development. Their under development is considered to be a burden on the country.

**Background:**

- 86000 dams (more than 40 m high) built in China in 50 years.
- 20 mPAPs displaced; 1/3<sup>rd</sup> belong to hard core, absolute poverty who can not feed themselves.
- Realisation of the huge problem by Chinese Govt./ Leaders that construction of Public utilities made them poorer.

**Objective now** : RR to help people improve their living standard.

Ex: Xiaolangdi Resettlement Project (25% WB funding)

Dam cost Y 34.b

RR cost y 10 b

It shows the importance attached to RR now 54000 people have been resettled on reclaimed land by constructing dykes pumping silty water and allowing sedimentation on meandering course of the Yellow River. Post Impounding operational stage causes RR issues as cracks develop on houses sited on top of embankments due to variation in water level 20 years post RR sustainability period is covered.

Other features:

- Resettlement news paper is published by each country .
- Village info board is used for disclosure.
- RR Design Institute
- Supervising Engineer on behalf of the Project owner.
- Environment monitor, and Public Health Monitor
- Environment Training
- Clearout contract between central ministry and province
- Flexibility in RR Planning because of land ownership lying with the village/country

**(B) Bangladesh- Padma Bridge (WB funded)**

- 6.1 km bridge over the Padma river
- River characteristics forced people living on its banks to shift almost every year.
- BD Govt. opined that they were not titleholders and were to be paid allowance only. But WB Policy prevailed.
- 80000 people, 15261 house holds affected; 3000 volunteered for self- relocation and were paid cash incentive.
- Charland management (Sand dunes) led to resettlement site
- 5 nos Resettlement sites, 10 years programme

- Advantage: BD has genuine NGO's base. Implementation was done by NGOs; community mobilization was effective

- 5 NGOs each having large contracts, PMU having 3 SDAs

GRM- local body and project level

- Project cost \$ 2.5 billions , RR Cost \$ 270 m (2%)

**GRM- MUTP (WB assisted Project) (2002-2011)**

-High cost of land in Mumbai

-19000 Hhs, the largest urban displacement

-Transferable right

-Valuation based on what the land-owner would have built based on SSI.

-2 NGOs-SPARC and SRS engaged in implementation of RR

-Structures – Residential 225 sft free to all

-Legal occupants max 750 sft

-50000 tenements on the basis of TDR (FSI fully utilized)

-6000 transit camps

-5 storeyed flats without lifts.

-Some shop owners were to be resettled in costly Hiranandani Estate/mall.

-Grievances commonly related to :

- (i) Project Alignment and RR impact
- (ii) Resettlement colonies and stock
- (iii) Dissemination of Information.
- (iv) Baseline/ cutoff
- (v) Eligibility
- (vi) Acquisition
- (vii) Entitlements
- (viii) Disputes about structures.
- (ix) Process of allotment
- (x) Timing of shifting
- (xi) Relocation of CPRs
- (xii) Grievances by Non PAPs.

-GRM is a continuous process.

-Field Level Grievance Redressal Committee

-Senior Level Grievance Redressal Committee

-Government Level Redressal Committee

-R&R officer is not a member of the GRM Committee; he/she is a party, invited to present his/her points

-Total 4621 Grievances, 1465 allowed , 3156 rejected

Large nos complaints were settled at field level GRC where a Tehsildar (Retd) is the one man FLGRC, paid@sittings. PAP represents his/ her own case. NGO, Engineer (PIA) , R&R agency are parties (Unlike OSRP where INGO assists the PAPs in GRM including writing petitions).

Inform disclosure: Public information centers in offices, sites

Meetings with PAPs, PAP groups.

### **Day 5 dt. 28.09.2012**

#### **(A) Environmental Clearance.**

- Forest in concurrent list since 1980.
- Restrictive, regulatory act.
- Non forest purpose includes horticulture crops, tea, coffee etc.
- Forest land not necessarily under forest Department.
- Density 1 refers to no sunlight in the forest at noon on a sunny day.
- Categories of forest – Reserved, Protected and Notified In Rajstan, desert, in HP, glaciers and in some states large water bodies come under the reserved forest category. Not long ago 400 acs of land in the heart of Hyderabad city was handed over to the forest Department for protection . To day is a National Park and is well conserved.
- Forest land is only transferred, mutation is not done.
- National goal 33% cover, now only 22%
- GOI guideline says site specific projects need GOI clearance (FL). Dam is site specific, colony/school is not
- CAMPA if < 1 hac, no cA Central Govt. Project, no CA. Transmission lines, trees maintained 2 m below Ad hoc campa A/c is maintained by MOEFF, GOI
- Net present value concept (NPV)
- Carbon sequestration value is considered forest being the biggest carbon sink.
- Example: NPV of ECO-1 Dense Forest Rs 10.47 lakhs/ha.
- User agency to pay the NPV and bear the cost of felling and transportation no royalty is to be paid.
- Forest rights act (FRA): Traditional forest dwellers (3 generation @ 20 years living for i.e. 60 years)

# **Project Presentation Towards an Effective Project Strategy for Implementation of R&R:**

## **Lessons from OSRP**

R&R involves social, economic and emotional issues which may not be in the overall project objective and list of priorities of the project but affect the implementation as a whole.

Implementation involves professionals from different fields and institutions at different levels Strategy needs to be project and region specific but broadly covers the following:

### **1) A sound DPR from R&R perspective:-**

- i) Reviewed, Monitored including correct views, corrections incorporated at the time of preparation , itself; DPR Consultants should have recorded consultation including location of underpasses, bus bays, junctions, development and drains with all stakeholders including Government/ District/ Local Administration, producing some kinds of MOUs, agreements and minutes of such consultations, meetings.
- ii) Important to have right communication no wrong, no high expectation, no tall and false promises and assurances by staff of DPR consultant to PAPs.

### **2) Funding Agency Stipulation particularly in respect of EAPs like World Bank, ADB:-**

There should be clear cut micro level agreement undertaking between the borrower state and Funding Agency on different prospect of R&R Policy to be adopted before the implementation starts.

- Entitlements
- Implementation Arrangement
- Monitoring and Evaluation
- GRM

### **3) Institutional Arrangement –**

Government State Level Committee for R&R should be activated or the project specific committee should be constituted for overseeing and ensuring inter-departmental co-ordination which is critical in implementation of R&R..

Line Department should have a dedicated officer for R&R at the state Secretariat .

Project Implementing Authority/ Project Management Unit should have a social Development wing or R&R Wing headed by a Government officer selected/identified for the purpose. The wing will have personnel from Land Acquisition, Social Development Specialist, and Social Welfare Officer and required support staff .

Implementation in the field can be take up either of the two ways:-

- i. R&R officer with required professionals in MSW to work as Supervisors, Counselors, Retired Amins conversant with the land records of locality

Or

ii. Implementing NGO with well defined TORs, stage payments strictly linked to tasks/outputs as well as required manpower deployment. NGO should have prior experience in R&R and in the region or at least deploy staff acquainted with local area.

**4) Review and Monitoring:**

Even if NGO is engaged its work, staff deployment, close monitoring by the Project officer at field level is essential. Monitoring and review by P.D. on a directly/ basis depending on the urgency level is essential.

District Administrator's role is critical Reporting / Review by Dist Administration is to be inbuilt. District level committee on R&R needs to be activated.

**5) Key Lessons:**

- (i) Common and petty issues should not be allowed to snowball to large issues.
- (ii) NGO, Project Personnel involved in R&R should be oriented in a series of regular workshops, training.
- (iii) Confidence/Rapport building is essential –
- (iv) A PAP may not have time for going to bank for opening a/c, depositing documents depositing cheque and drawing stage payment. He/She may loose trust if there is delay. NGO is to co-ordinate with the Bank and arrange bank's response should be on priority.
- (v) Timely issue of sanction order and release of the R&R entitlements from the project.
- (vi) Timely deposit and withdrawal of 1<sup>st</sup> installment by the RAP- NGO/ Implementation tema is to pursue.
- (vii) If land is idle for too long after demolition of PAPs structures say in a road project even due to indirect cause, of it results in trust deficit. More so if the road is not maintained and made unsafe. PAPs whose structures are not demolished in other stretches resist and it delays the implementation of R&R for the entire project.
- (viii) Transparency policy --- Disclosure must be ensured.
- (ix) Prevention of Complaints --- key issues must be addressed to minimize possible complaints, eg. Valuation of structures , alignment, restoration of Nayanjori
- (x) IEC strategy – Project highlights in a longer prospection.

**Conclusion:** The training Programme was co-ordinated well by Dr. Reshmy Nair, Programme Director pooling resource persons from different disciplines and sectors. The significant sharing of experience in implementation of LA and R&R resulted in understanding and better interpretation of key and critical issues.

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