

ASSAM STATE ROADS PROJECT

Addendum to Resettlement Policy Framework

1. INTRODUCTION

The Policy and Legal Framework relating to land and resettlement and rehabilitation (R&R) of Assam State Roads Project was promulgated and in operation since year 2012 for the project. The Government approved the R&R policy framework and Entitlement Matrix indicating quantum of compensation/assistance to the various impact categories vide notification no. RBPC.723/2010/75 dtd 17th April, 2012. The land acquisition process for the project are being followed under the provision of the Land Acquisition Act. 1894 and 95% land for the project have already been acquired.

The revision of policy however becomes necessary as the Government of India has brought in force a new act viz, the "Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act. 2013" (RFCTLARR) with effect from 1-1-2014. The existing project R&R Policy including Entitlement Matrix has therefore been revised incorporating and in compliance to the provisions of the RFCTLARR. Since the LA process following the RFCTLARR Act. 2013 will take considerable time and the project is in advance stage, the land acquisition for the project will follow the process of Assam Land (Requisition & Acquisition) Act. 1964 by amending the Entitlement Matrix ensuring that the compensation and R&R assistance are as per prescribed in the RFCTLARR Act. 2013. The land will be acquired following the process of Assam Land Act, 1964 but the compensation and R&R assistance will be paid as per the amended entitlements presented below. The revised entitlement provisions provided in this Addendum is applicable retroactively for land notified for acquisition after January 1, 2014.

2. THE KEY PROVISION OF ASSAM LAND (REQUISITION AND ACQUISITION) ACT, 1964.

The Assam Land (Requisition and Acquisition) Act. 1964 has come into force from 3rd August, 1964. If the opinion of the State Government or any person authorized in his behalf by the state Government it is necessary so to do, for maintaining supplies and services essential to the life of community or for providing proper facilities for accommodation, transport, communication, irrigation, flood control and anti erosion measures including embankment and drainage or for providing land individually or in groups to landless, flood affected or displaced person, the state Government or the person so authorized, as the case may be, may, by order in writing, requisition any land and may make such further orders as appear to it or to him be necessary or expedient in connection with the requisition.

1. When it is necessary to requisition any land, the person interested in the land shall be informed of the intension of requisitioning his land in the form of a notice in Form "A". The person interested may make written representation, if any, against it within 15 days from
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the date of receipt of such information.

2. An order of requisition under S.3(1) shall be in Form "B"

3. An order S.4(1) of the Act. Shall be in Form "C" where the surrender or delivery of possession is to be made to any person other than the collector, the later shall issue an order authorizing the person before an order for surrender or delivery of possession is issued.

4. Where any land has been requisitioned under S.3, the state Government may acquire such land under S. 6(1) or S.9(1) publishing notice in official Gazette in Form "D" or Form "F"

5. After the publication of a notice under S.6(1) or S.9(1), the collector shall cause public notice to be given at convenient place, stating that the State Government has acquire the land, and that claims to compensation for all interest in such land may be made to him.

3. THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT (RFCTLARR) ACT, 2013

The Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013) is applicable to the whole of India except the state of Jammu and Kashmir. The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when:

- Government acquires land for its own use, hold and control, including land for Public sector undertakings.
- Government acquires land with the ultimate purpose to transfer it for the use of private companies for stated public purpose
- Government acquires land for Public Private Partnership Projects.
- Schedule I outlines the proposed minimum compensation based on a multiple of market value.
- Schedule II through VI outlines the resettlement and rehabilitation entitlements to land owners and livelihood losers, which shall be in addition to the minimum compensation per Schedule I.

Below elaborates some important provisions:

- Section 16 of the Act briefs on the preparation of RAP, publication and public hearing of RAP. Relevant points include: (a) Upon the publication of the preliminary notification by the collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families.
 - A draft Rehabilitation and Resettlement Scheme shall be prepared by the Administrator which shall include particulars of the R&R entitlements of PAPs. The draft shall include time limit for implementing the Scheme. The Scheme shall be discussed in the concerned Gram Sabha or Municipalities.
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- A public hearing shall be conducted after adequate publicity about the date, time and venue in the affected area. Following the public hearing, the Administrator shall submit the draft Scheme along with a specific report on the claims and objections raised in the public hearing to the Collector.
- As per Section 25, the Collector shall make an award within a period of twelve months from the date of publication of the declaration and if no award is made within that period the entire proceedings for the acquisition of the land shall lapse, provided that the appropriate Government shall have the power to extend the period in circumstances justifying the same and any such decision to extend the period shall be recorded in writing and be notified and uploaded on the website of the authority concerned.
- Section 25, 29 and 30 of the Act briefs on the methodology of determining the market value of the land and other properties.
- After determining the total compensation to be paid, a "Solatium" as prescribed in the Act shall be added to the compensation.

Issues and Quantum of LA: After the effectiveness of RFCTLARR from January 1, 2014, the balance land remained to be acquired is 5.6 hectares. Differential compensation amount to be paid is for 13.5 hectares of land as the awards for this quantum of land was declared after January 1, 2014.

4. ENTITLEMENT MATRIX FOR RESETTLEMENT AND REHABILITATION

Following the principles and requirements of new LA and R&R Act 2013 (RFCTLARR), a revised Entitlement Matrix has been prepared for the project and presented in **Table 1**.

Entitlement Matrix (Table-1)

Sl. No.	Category	Type of Loss	Entitlements	Details
1	Private Property	Loss of Land (Agricultural, Homestead, Commercial)	<p>a. Land will be acquired under Assam Land (Requisition & Acquisition) Act. 1964 and compensation will be paid as per the provisions of RFCTLARR Act. 2013.</p> <p>b. Annuity/ lump sum or employment benefits as per schedule 2 of RFCTLARR Act2013, will be provided to all those who become landless or already be marginal land owners and also those who lose more than 1 hectare of unirrigated or half hectare of irrigated land</p>	Higher of (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land, situated in the nearest village or nearest vicinity area, ascertained from the highest 50% of sale deeds of the preceding 3 years;

Sl. No.	Category	Type of Loss	Entitlements	Details
				Market value to be multiplied by factor 1.5 (one and half times) for land within the radial distance of 10 km from the urban area and 2 (Two times) if the radial distance of the land beyond 10 Km from the urban area. Plus 100 % solatium and 12% interest from date of preliminary notification to award.
2	Private Property	Loss of residential structure	<p>In addition to compensation for land and assistance above under sl. No.1</p> <p>a. Replacement value of the structure and other assets as per current PWD scheduled rates without deducting depreciation value and with 100% solatium.</p> <p>b. Right to salvage material.</p> <p>c. All physically displaced families will receive one time subsistence allowance of Rs. 36000.</p> <p>d. All physically displaced families will receive one time shifting assistance of Rs. 50000.</p> <p>e. All physically displaced families will receive one time resettlement allowance of Rs. 50000.</p> <p>f. For those who lost a house and have to relocate will be provided an alternative house as per IAY specifications in rural areas; and in urban areas a house will be provided which will not be less than 50 sq. m. or cash Rs 1,50,000 in lieu of house</p> <p>g. For partially affected structure, additional 25% of structure value will be given.</p>	The stamp duty and other fees payable for registration of house allotted shall be borne by the Project
3.	Private Property	Loss of commercial s	<p>. In addition to compensation for land and assistance above under sl. No.1</p> <p>a. Replacement value of the structure and other assets as per current PWD scheduled rates without deducting depreciation value and with 100% solatium.</p>	

Sl. No.	Category	Type of Loss		Entitlements	Details
				<p>b. Right to salvage material.</p> <p>c. All physically displaced families will receive one time subsistence allowance of Rs. 36000.</p> <p>d. All physically displaced families will receive one time shifting assistance of Rs. 50000.</p> <p>e. All physically displaced families will receive one time resettlement allowance of Rs. 50000.</p> <p>f.</p> <p>f. For partially affected structure, additional 25% of structure value will be given.</p>	
4.	Private Property	Impact to Tenants	Tenant: Residential	<p>a. One month notice to vacate the rental premises</p> <p>b. Rental allowance at Rs. 2000/- per month in rural area and Rs. 3000/- per month in urban areas for six month.</p> <p>c. Shifting assistance of Rs. 10,000/-</p>	
			Tenant: Commercial	<p>a. One month notice to vacate the rental premises</p> <p>b. Rental allowance at Rs. 2000/- per month in rural area and Rs. 3000/- per month in urban areas for six month.</p> <p>c. Shifting assistance of Rs. 10,000/-</p> <p>d. Commercial tenants will receive one time grant of Rs. 25000/- for loss of trade/self employment.</p>	
			Tenant: Agricultural	In case of agricultural tenants advance notice to harvest crops or compensation for lost crop at market value of the yield determined by the Agricultural Department.	
5.	Illegal use of RoW	Impact to Non Title Holder	Encroachers	<p>a. Replacement cost of the affected structure calculated at current PWD scheduled rates without deducting depreciation value.</p> <p>b. Right to salvage material.</p> <p>b. Advance notice for harvesting crop.</p>	
			Squatters (Residential/Commercial)	<p>a. Replacement cost of the affected structure calculated at current PWD scheduled rates without deducting depreciation value.</p> <p>b. Right to salvage material.</p> <p>c. Shifting allowance of Rs.10,000/-</p> <p>d. Transitional allowance of Rs.12000/-</p>	

Sl. No.	Category	Type of Loss	Entitlements	Details
			for vulnerable (SC/ ST/ Women headed / Differently abled persons)	
		Mobile vendor/Kiosk	a. Shifting allowance of Rs.10,000/-	
6.	Loss of Livelihood	Loss of business employees of shops, agricultural labourers, sharecroppers etc.	a. Rs 25000 as subsistence allowance .	
7.	Impacts on Vulnerable	Vulnerable displaced families belonging to titleholders (SCs/STs/Women Headed Households/Differently abled persons)	a. One time lump sum assistance of Rs. 25000/- to vulnerable households.	This will be restricted to title holders only.
8.	Common Property Resources	Community Assets	a. Reconstruction of affected assets.	
9.	Any other impact not yet identified, whether loss of asset or livelihood			Unforeseen impacts will be documented and mitigated based on the principles agreed upon in this policy framework.


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