

**REVIEW OF RESETTLEMENT & REHABILITATION  
POLICIES/ ACTS OF STATES/PROJECTS  
FOR PROJECT AFFECTED FAMILIES**

**BASED ON A REPORT BY  
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## Preface

No trauma could be more painful for a family than to get uprooted from a place where it has lived for generations and to move to a place where they may become total strangers. And nothing could be more irksome than being asked to switch over to a vocation which the family has not practiced. With displacement the family undergoes hardship and distress and faces an uncertain future (Varma, S.C., 1985). Uprooting and resettlement is not merely an unavoidable logistics of building, because in the uprooting and resettlement operations, human beings and not material and inanimate objects are involved. Therefore, the whole gamut of resettlement needs planning with a human face and execution with commitment. There are two extreme positions in resettlement issue. One, either to give cash compensation for the loss (of their assets) or to rehabilitate the affected families with an integrated approach.

The inception of a New Economic Policy (NEP) gave a way for the growth of a number of development projects, national as well as international. This has led to a displacement of a large number of people in different pockets of the country. Simultaneously the growing resentment among the affected population has put blocks in the pace of development. The prevailing situation has forced us to realize the need to review the existing Resettlement and Rehabilitation Policies/ acts of the states/ projects.

This study has been done on behalf of the Ministry of Rural Development, Govt. of India vide its letter number 18012/1/2001-LRD dated 27 July, 2005. The Centre for Rural Studies, LBS National Academy of Administration, Mussoorie was entrusted to conduct this study to review the existing rehabilitation packages in different States and the projects. Therefore, for the purpose of study, we have collated Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Chhattisgarh (2005), Arunachal Pradesh (2004), Uttar Pradesh (2004), Tamil Nadu (2004), Pondicherry (2004), Jharkhand (2003), Orissa (1994), Maharashtra (2001), Karnataka (1987) and

Madhya Pradesh (1985). Similarly, Resettlement & Rehabilitation policies of four projects namely National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998), Upper Krishna Project (1964) and Coal India Ltd. were also reviewed. Initially it was a problem as to how to go about this study. To sort out this problem a meeting was held in the office of Sh. P.K. Sarangi, Director, (LR, MoRD) which was attended by Sh. O.P. Sisodia, Asstt. Commissioner (Retd.), Sh. S.K. Narula, Asstt. Commissioner (LR) and Saroj Arora, Sr. Research Officer, CRS, LBSNAA, Mussoorie. It was decided in the meeting that the provisions of the National Policy on Resettlement & Rehabilitation-03 be compared with the provisions of other policies and acts.

Thus, this monograph is a modest attempt to find-out the uniformity in the definitions of resettlement issues and provisions of resettlement packages for the affected families in the Resettlement & Rehabilitation policies/acts across the States/ projects. It is a beginning by the Centre for Rural Studies, at the directions of Sh. V.S. Sampath, the then Additional Secretary (DoLR) M/O Rural Development, Govt. of India to put all the policies/acts concerning Resettlement & Rehabilitation in India in one place. It also gives some recommendations for the intervention. Among the families, who are getting displaced, a large percentage of them belong to the Scheduled Tribes and the backward communities. They need special care and consideration in these policies/ acts. If this publication succeeds in drawing the attention of all concerned for taking appropriate action, we will think that our purpose is well served.

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**11 December, 06**

**Mussoorie**

## Acknowledgement

The resettlement of project affected families is a dynamic process therefore, it is necessary that its planning and execution should remain flexible and take care of unpredictable situations. This study report entitled "Review of Resettlement & Rehabilitation Policies/Acts of States/ Projects for Project Affected Families" attempts to review the existing Resettlement & Rehabilitation policies/ acts of states/ projects of the country. During the process of conducting this study it was found that all the states/ union territories have yet not formulated Resettlement & Rehabilitation policies/ acts.

Various people were involved in giving a shape to this draft therefore; I would like to acknowledge on record my appreciation for their significant contribution. First of all I acknowledge my thanks to Sh. V.S. Sampath, the then Additional Secretary, Ministry of Rural Development, GoI and at present Director General, National Institute of Rural Development, Hyderabad who has conceptualized this study and asked the Centre for Rural Studies, LBSNAA, Mussoorie to work on this issue of relevance. He has suggested reviewing the existing Resettlement & Rehabilitation policies/ acts of various states/ projects. Sh. O.P. Sisodia, Asstt. Commissioner (Rtd.) (MoRD), GoI, a knowledgeable person in the field of policy related issues of Resettlement & Rehabilitation, was invited as a resource person to review the policies and acts for the project affected families across the states/ projects. This report is based on his work. Sh. S.K. Narula, Asstt. Commissioner, Ministry of Rural Development, GoI has also been a great support in shaping up this report.

I would also like to be thankful to Sh. Manoj Ahuja, IAS, Sh. Chiranjiv Choudhary, IFS and Sh. L.C. Singhi, IAS former Coordinators and Vice Chairmen of the Centre for Rural Studies. In fact, they had initiated the process of conducting this study and took pains in correcting the first draft report. Sh. Adesh Kumar and Sh.

Samar Kashyap have typed and formatted this draft a number of times. Sh. Dalip Bist and Sh. Suresh Kumar have provided all kind of secretarial support. They deserve special thanks. I do hope that this publication of the Centre will be found useful by those interested on policy related issues on resettlement of the project affected families.

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## INTRODUCTION

Many development interventions to transform natural resources, particularly large scale infrastructure projects- involve some form of displacement of people from their livelihoods as well as homes. Displacement refers to the 'physical displacement of the people and loss of their livelihood in the project area. With displacement, accessibility of all natural resources bases, is denied suddenly to communities who traditionally remained dependent from centuries, on land and the natural resources such as agricultural production, fishing, livestock grazing, fuel wood gathering and collection of forest products. Thus, the process of development induced displacement disrupts the subsistence based local economies. This form of livelihood displacement deprives people of their means of production and dislocates them from their existing socio- cultural and environment milieu (The Report of the World Commission on Dams, 2000:102).

The marginalized sections such as landless that have no legal entitlement, down stream communities, indigenous people and women, etc. get excluded from assessments for resettlement. Meaning thereby that the existing resettlement process safeguard the interest of those in possession of legal entitlements, leaving out a large number of people- often the poorest who depend on common resources such as forests and grazing grounds for subsistence. With such criteria for eligibility, marginalized people suffer disproportionately as they lack tenancy, or land tenure documented evidence.

Highlighting the basic features of the displaced families who are generally poor **Singh (1989)** says that according to the present legal system, a large number of them do not have any property rights. He classified citizens into two broad categories. One, those who have a right to land. Two, there are a very large number of tribals and forest dwellers who do not have any land entitlement even after

several generations of occupancy and cultivation and most of these belong to either Scheduled Castes or Scheduled Tribes. They do not have any land rights other than perhaps a homestead. Singh further adds that the percentage of landless oustees is very high. **Fernandes (1992:1)** corroborates this fact with the existing data and says that the tribals who constitute 7.85% of the country's population are more than 40% of the displaced people; there would be an equal number of dalits and other landless among the displaced. Apart from the displaced there are people who have been deprived of their livelihood due to loss of their land and common property, or because the community to which they had till then rendered services, has broken up. **Ganguly Thukral** explains:

The displaced tribals had very little or no exposure to the outside world setting. The fact of their being predominately illiterate and non-monetized made the process of displacement even more difficult. They, therefore, accepted whatever was given to them without questioning as this was the first time they had handled such large sums of money, as a result of which the sense of loss was mixed with some amount of excitement..... the presence of petty businessmen selling commodities like watches made the situation worse. All that they were left with were a few colorful trinkets and perhaps a transistor radio or a watch but nothing to sustain them in future.

The situation was further aggravated by the absence or unequipped rehabilitation policy or law. Initially Maharashtra, Madhya Pradesh and Karnataka have introduced laws for displaced persons mainly for water resource projects. But soon after the introduction of the New Economic Policy various states have taken the initiative to formulate Resettlement & Rehabilitation policies/ acts.

**Dhagamwar (1989)** says that being landless, forest dependent communities are much more dependent on the village as a unit than the big and medium farmers who get compensation for the loss of

their land. They are dependent completely on common property resources (CPR) for their subsistence. As a result, only compensation for their homestead does not in any way compensate for the loss of their livelihood since the village is dispersed and is not rebuilt as a unit. She further adds that in a rural agricultural economy when the cycle of agriculture is disturbed, all the related activities are disrupted and the livelihood of all the landless endangered. The Land Acquisition Act is not well equipped to address the problem of this category of people who are large in proportion.

Describing the tribals and rural families who get affected severely, she says that while their culture is geared to preserving the natural resources and treating them as a life-support system, they do not have skills required by the formal system that takes control of these resources. Yet in reality they remain only marginal to national development which is controlled by a small powerful minority. They join this "mainstream", only as cheap labour and not as the beneficiaries of its products.

**Areepampil (1989)** calls such a situation as a state of "dispossession" of the indigenous people which is not merely economic but socio-political and cultural also. The indigenous peoples and other populations are deprived of their very sense of personal worth/ sense of belongingness and become alienated in their own land. Eliciting an example of Chotanagpur, he says that the tribals have been integrated into the mainstream only as cheap labourers and all positions of power and skilled jobs are held by outsiders. This "dispossession" is what **Mankodi (1989)** calls it the transfer of resources for exclusive use of one class from the community that considered them a common resource as land has been converted for exclusive use and access to it as a resource is denied to those who enjoyed it earlier, either customarily or through legal entitlements.

Thus, due to neglect and lack of capacity to secure justice, because of structural inequities, cultural dissonance, economic and

political marginalisation, indigenous and tribal people have suffered disproportionately because of displacement and are often being excluded from sharing in the benefits of the project.

For proper resettlement, it is important to address the complexities of resettlement itself and **engage effectively the range of political and institutional actors**. A positive outcome requires several enabling conditions such as low level of displacement, resettlement as development policy with supporting legislation, a combination of land and non-land based sustainable livelihood provisions, community participation, accountability and commitment from government and project implementation agency (The Report of the World Commission on Dams, 2000)

Social Science inputs have a strong influence in determining the outcome. Baseline demographic and socio-cultural studies play an important role in informing planners about distinct socio-cultural characteristics of affected people.

Studies have also shown that **gender inequalities** exist in access to and control of economic and natural resources. Forests, fisheries and other common property resources which support subsistence livelihoods are often not replaced during resettlement to which women are very closely linked with. It is the women who suffer more than men from the disruption of their social life resulting from displacement from their land, which support their subsistence livelihoods with water, forests and other natural resources. Also the employment created during the construction of big projects generally benefited men. Gender gaps have widened and women have frequently borne a disproportionate share of the social costs and were often discriminated against in the sharing of benefits.

Similarly, the issue of **cultural heritage** is ignored in the planning process. Large projects have had significant adverse effects on the heritage through the loss of local cultural resources (temples, shrines and sacred elements of the landscape and buildings of

historical importance) and the submergence of archaeological resources (plant and animal remains, burial sites and architectural elements), (The Report of the World Commission on Dams:2000). For instance, submergence of Old Tehri Town in Garhwal region due to the construction of Tehri Dam has sub-merged many buildings of archeological significance.

**Progressive national legislation and policies** provide the legal framework and standardize benefit sharing, thus, having a far broader impact than project level approaches. For instance, in various projects in our country agriculture and homestead land are being provided even to those who were land less as part of resettlement processes. In some cases, previously marginalized farmers were given more agricultural land than they had originally. An appropriate legal and policy environment, accompanied by clear political will to act, can ensure that poor and vulnerable groups marginalized by the large projects can get share in the benefits generated by such projects. Thus, absence or inadequate policy/ legislation aggravate the problem. In India to cope up with such a situation initially three States namely Maharashtra (2001), Madhya Pradesh (1985) and Karnataka (1987) have introduced laws for displaced persons mainly for water resource projects. After the liberalization of the national economy more land has been required for the projects and this is enhancing the demand for land to be provided within a short time span (MoRD, 1994; 1.1). With that most of the states/union territories/ projects have formulated Resettlement & Rehabilitation policies/ acts for the project affected families. However, at the implementation level there still seems to be some problems hence, a re-look and review of Resettlement & Rehabilitation policies of the states and the projects becomes necessary.

## **CHAPTER - 2**

### **OBJECTIVES AND METHODOLOGY**

The objectives of this study are to review and analyse the existing Resettlement & Rehabilitation policies/ acts of various states/ UTs/ projects for the project affected families across the states and projects and compare them with the provisions of the National Policy on Resettlement and Rehabilitation- 2003 and find out the anomalies, if any in the resettlement packages of these policies/ acts. Therefore, all the Resettlement & Rehabilitation policies/ acts collated for this study have been analyzed in the context of the provisions/ rehabilitation packages of the National Policy on Resettlement & Rehabilitation - 03.

### **METHODOLOGY**

Mainly secondary data (existing Resettlement & Rehabilitation policies/ acts of different states/ projects) have been collated for purposes of review and analysis. Policy document/ acts were procured from the concerned ministries, government departments and internet, etc..

Resettlement & Rehabilitation policies/ acts of various states vis-a-vis union territory and projects were collated. These policies/ acts were of Andhra Pradesh (2005), Chhattisgarh (2005), Tamil Nadu (2004), Uttar Pradesh (2004), Arunachal Pradesh (2004), Jharkhand (2003), Orissa (1994), Pondicherry (2004), Maharashtra (2001), Karnataka (1987) and Madhya Pradesh (1985). Besides Resettlement & Rehabilitation policies of the projects such as National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998), Upper Krishna Project (1964) and Coal India Ltd. were also undertaken. Narmada Water Dispute Tribunal (NWDI) developed for the Sardar Sarovar Project was also reviewed. Punjab State is in the process of formulating Resettlement & Rehabilitation Policy.

For the review and analysis purpose all the policies/ acts have been classified into five major categories. In the first category are those states which have formulated its own Resettlement & Rehabilitation policies. These states were Andhra Pradesh (2005), Chhattisgarh (2005), Tamil Nadu (2004), Jharkhand (2003) and Orissa (1994). Notably, most of these states have formulated Resettlement & Rehabilitation policies/ acts soon after the inception of the New Economic Policy. In the second category, states which have enacted laws for Resettlement & Rehabilitation for the project affected families were included. These were Maharashtra (2001), Karnataka (1987) and Madhya Pradesh (1985). In category three, those states/ UTs which have adopted the resettlement package of draft National Policy on Resettlement and Rehabilitation- 03 in toto have been included. These were Uttar Pradesh (2004), Arunachal Pradesh (2004) & Pondicherry (2004). The fourth category includes those projects which have framed Resettlement & Rehabilitation policies for the project affected families. These were National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998), Upper Krishna Project (1964) and Coal India Ltd.. In the fifth category, those States which have not yet evolved/formulated any Resettlement & Rehabilitation policy. All North Eastern States except Arunachal Pradesh, fall in this category. Some states like Himachal Pradesh has deliberately refrained from enacting a state policy as they would prefer to have project wise policies given the wide geographical disparities in the state. Details of the Resettlement & Rehabilitation policies/ acts reviewed can be seen at **Annexure- 'I'**. A comparative chart of Resettlement & Rehabilitation policies/ acts has also been prepared and placed at **Annexure- 'II'**. Similarly, a separate table showing comparison of the Resettlement & Rehabilitation provisions as awarded by the Narmada Water Dispute Tribunal (NWDT) for the states of Madhya Pradesh, Gujarat and Maharashtra have also been prepared and appended at **Annexure- 'III'**.

## **CHAPTER - 3**

### **REVIEW OF RESETTLEMENT AND REHABILITATION POLICIES/ACTS OF THE STATES AND THE PROJECTS**

Before analyzing the Resettlement & Rehabilitation policies/ acts of various states and the projects and comparing it with the national policy, it would be essential to have a look on the basic features and provisions of the National Policy of Resettlement & Rehabilitation - 03 as well as of States and the projects undertaken for this study. The National Policy on Resettlement & Rehabilitation (NPPR-3) is at the draft stage. It has basically eight chapters viz. i) Policy; ii) Objectives of the Policy; iii) Definitions; iv) Appointment of Administrator and Commissioner for Resettlement and Rehabilitation and their powers and functions; v) Schemes/Plans for Resettlement and Rehabilitation; vi) Resettlement & Rehabilitation Benefits for Project Affected Families; vii) Dispute Redressal Mechanism; and viii) Monitoring Mechanism. Of all the chapters, chapter six is the most important chapter which provides for Resettlement & Rehabilitation packages applicable to project affected families.

A gist of definitions used in the National Policy on Resettlement & Rehabilitation and the benefits to the project affected families are given in the analysis section as well as in the statement, which provides a comparison between the National Policy on Resettlement & Rehabilitation-03 and acts/policies of the Central/States and Policies of the PSUs.

The Policy essentially addresses the need to provide succour to the assetless rural poor, support the rehabilitation efforts of the resource poor sections, namely, small and marginal farmers, Scheduled Castes/Scheduled Tribes and women who have been displaced. Besides, it seeks to provide a broad canvas for an effective

dialogue between the projects affected families and the 'Administrator' for Resettlement & Rehabilitation.

The National Policy on the Resettlement and Rehabilitation of Project Affected Families will be in the form of broad guidelines and executive instructions for guidance of all concerned and will be applicable to projects displacing 500 families or more enmasse in plain areas and 250 families enmasse in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.

The rehabilitation grants and other monetary benefits proposed in the Policy would be minimum and applicable to all project affected families whether belonging to below poverty line (BPL) or non-below poverty line families. States whose Resettlement and Rehabilitation packages are higher than that proposed in the Policy are free to adopt their own packages.

The objectives of the National Policy on Resettlement & Rehabilitation-03 are as follows:-

- To minimize displacement and to identify non-displacing or least displacing alternatives;
- To plan the Resettlement and Rehabilitation of project affected families (PAFs) including special needs of Tribals and vulnerable sections;
- To provide better standard of living to project affected families; and
- To facilitate harmonious relationship between the requiring body and project affected families through mutual cooperation.

In case a project covers an area in more than one State or States or a Union territory where the project affected families are or had 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.

The Central Government, Ministry of Rural Development, Department of Land Resource 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 projects to which this Policy applies.

The Committee will have the following or his nominee not below the rank of Joint Secretary as its members:

- Secretary - Planning Commission
- Secretary - M/o Social Justice and Empowerment
- Secretary - M/o Water Resources
- Secretary - M/o Tribal Affairs
- Secretary - M/o Railways
- Secretary - M/o Power
- Secretary - M/o Coal

The National Policy on Resettlement & Rehabilitation -03 is a modest beginning to identify the problems of displaced / project affected families and addresses them through Resettlement & Rehabilitation policy, which may be acceptable to all of them. However, to make Resettlement & Rehabilitation Policy more acceptable to project affected families following suggestions are put forth for inclusion, while revising it in future:

- Inclusion of grant for meeting the gap between compensation of land cost and cost to be paid for allotment of land in settlement zone, as in case of Karnataka and Madhya Pradesh.

- Financial assistance to purchase productive assets or to start business for earning livelihood, as in case of Jharkhand (2003) and National Thermal Power Corporation (2005).
- Employment to the eligible project affected families.
- The draft policy also does not provide for compensation for loss of common property resources as well as schemes such as incentive for adopting small family, special assistance to girl child, rural health insurance scheme, adoption of a village as a model village, opening of public information center and village development advisory committee.

If the provisions of this Policy are to be implemented without fail, in that event it may be necessary to provide it legal teeth in the form of an 'Act'.

The NPRR-03 is still in the draft shape. The main objectives and some features of the Resettlement & Rehabilitation policies/ acts of various states and projects are summarized below:

**ANDHRA PRADESH RESETTLEMENT AND REHABILITATION FOR PROJECT AFFECTED FAMILIES -2005**

Objectives of Andhra Pradesh R &R policy are as follow:

- To minimize displacement and to identify non-displacing or least-displacing alternatives;
- To plan the resettlement and rehabilitation of project affected families including special needs of Tribals and vulnerable sections;
- To provide better standard of living to PAFs;
- To facilitate harmonious relationship between the requiring body and PAFs through mutual cooperation.

R & R provisions in Andhra Pradesh policy were quite similar to the provisions made in NPRR- 03.

## **CHHATTISGARH REHABILITATION POLICY-2005**

Chhattisgarh (2005) Rehabilitation policy's main objective is to acquire land for the projects of Govt. and private institutions and to provide an atmosphere for the project affected families so as to allow them reasonable rate of compensation and to make necessary arrangement for employment, which would help them in raising their standard of living or to regain at least their earlier standard of living.

## **TAMIL NADU URBAN INFRASTRUCTURE AND FINANCIAL SERVICES LIMITED, SOCIAL SAFE GUARDS AND ENTITLEMENT FRAME WORK (R & R)**

The Tamil Nadu Urban infrastructure Financial Services Limited (TNUIFSL) has been set up to manage a trust fund- Tamil Nadu Urban Development Fund (TNUDF). The trust has been established to manage urban infrastructure projects in Tamil Nadu. The development of funds will be on the basis of a management contract and will be managed by TNUIFSL. Eligible borrowers include Urban Local Bodies (ULBs), Statutory Boards, Public Undertakings and potential Private Investors. The fund has a corporate Trustee Company (TC) with shareholdings from Government of Tamil Nadu (GoTN) and three leading Financial Institutions- ICICI (Industrial Credit and Investment Corporation of India), HDFC (Housing Development and Financial Corporation) and IL&FS (Infrastructure Leasing and Financial Services Limited). A new Grant Fund (GF) has been established to operationalise the environmental and social measures.

The type of projects that Tamil Nadu Urban Development Fund (TNUDF) is expected to fund will require land, which may be either

- Private patta land including homestead land
- Poramboke land
- Government land under different tenure systems
- Forest land

The Tamil Nadu Urban Development Fund (TNUDF) Resettlement & Rehabilitation provides both for the (i) Rural Projects as well as (ii) Urban Projects.

The need for resettlement and rehabilitation arises when the land which is acquired or alienated or transferred results in involuntary displacement and / or loss of livelihood, sources of income and access to common properties / resources on which people depend for economic, social and cultural needs irrespective of their legal status. Though the squatters and encroachers are not entitled to legal compensation for land that they have occupied, this policy will provide for resettlement and rehabilitation of such persons with the aim of improving their standard of living. This policy will also be applicable to those landowners from whom land would be acquired.

**Principles and objectives governing resettlement :** TNUIFSL ESF policies are based on the following principles and objectives :

Addressing legitimate concerns of relevant stakeholders, especially project affected persons.

Avoiding or minimizing resettlement and rehabilitation due to land acquisition and transfer of government land under different tenure system through appropriate technical and management measures.

Ensuring appropriate resettlement and rehabilitation of project affected persons irrespective of legal status with a view to provide sustainable livelihood options that at least restore, if not improve, their standard of living.

### **Entitlements for Project Affected Population**

The entitlement for different category of impacts is explained in the entitlement matrix. The principles of the entitlement matrix are in accordance with the National Policy on Resettlement & Rehabilitation - 03.

The Tamil Nadu Urban Infrastructure Financial Services Limited (TNUIFSL) has evolved an Environmental and Social Framework (ESF) recognizing the environmental and social issues that can arise in urban infrastructure projects. The ESF provides TNUIFSL an overall framework to guide it in identification, assessment and management of environmental and social concerns at the project level. The ESF outlines the policies, assessments and procedures that will enable TNUIFSL to ensure that a project that it funds is developed in accordance with ESF and is adequately protected from environmental and social risks. The ESF also aims to sensitise borrowers to assessment and management of environmental and social issues arising in urban infrastructure projects.

### **Eligibility Criteria**

In order to provide a framework for the Resettlement & Rehabilitation process in projects where World Bank financing is involved, this ESF provides the eligibility criteria and the entitlements for different categories of project affected persons.

### **JHARKHAND REHABILITATION POLICY FOR DISPLACED FAMILIES-2003**

Jharkhand Resettlement and Rehabilitation Policy (2003) has defined the basic terms such as displaced person, landless, family, small and marginal farmers, etc. It considers each elder son as a separate unit of family.

Resettlement provisions made in the policy are: homestead plot allotment or cash payment of Rs. 50,000.00 only, house construction grant, transport cost, basic amenities (school, health centre, drinking water, pond, panchayat ghar, community hall, road construction, electricity, sulabh sauchalaya, religious institutions, and training centre, etc.)

Other resettlement provisions were: land in place of land with special considerations for SCs, STs, small and marginal farmers, allotment

of shop, grant for self employment, training and subsistence allowance.

There has also been provision of constituting of coordinating committee.

The Jharkhand (2003) rehabilitation policy aims at providing displaced families to raise their standard of living or maintain at least their previous standard of living after their transition period.

**THE ORISSA RESETTLEMENT AND REHABILITATION OF PROJECT AFFECTED PERSONS POLICY (1994)**

This policy was framed for project affected families of water resources projects. Construction of Water Resources projects is likely to affect persons. It should be the objective of the Government in general and the concerned project authority in particular to resettle and rehabilitate the affected persons in a manner so that they do not suffer from adverse effects and their former standard of living is restored in the minimum. With a view to providing for Resettlement and Rehabilitation of persons displaced from lands, which are acquired for Water Resources Projects

**MAHARASHTRA PROJECT AFFECTED PERSONS REHABILITATION ACT-1999. (AMENDED IN 2001)**

The Maharashtra Rehabilitation Act (2001) shall apply to all projects, other than irrigation projects specified in clause (a), such as industry including industrial estate, atomic energy, university, oil and natural gas, energy, chemical, roads, national park, sanctuary and mines, etc. however, the entire responsibility to execute them and to rehabilitate the project affected persons shall rest with the concerned department of the Government of Maharashtra by entering into an agreement with the concerned project authority or body.

Notwithstanding anything contained in clauses (a) and (b), it shall not apply to projects falling under the jurisdiction of Inter-

State Projects; and the rehabilitation work, financed by the external agencies and countries.

#### **MADHYA PRADESH REHABILITATION ACT-1985**

Madhya Pradesh Rehabilitation Act-1985 was enacted to provide for the resettlement of certain persons displaced from lands, which are acquired for irrigation projects, power projects or public utility projects and for matters connected therewith or incidental thereto.

The MP Act extends to the whole of the State of M.P. It defines some of the basic concepts such as affected zone, agricultural land, agricultural labourer, benefited zone, code, commissioner, displaced persons, family, holding, irrigation project, land pool, project, project resettlement officer, resettlement commissioner, power project, public utility project.

Chapter II defines the resettlement officers, their powers and duties.

Resettlement provisions include grant of land, transfer of encumbrance, grant-in-aid, transportation cost, plot for building house (free of cost) and agricultural land.

#### **KARNATAKA REHABILITATION ACT- (1987)**

Karnataka Rehabilitation Act- (1987) was enacted to provide for the Resettlement of certain persons displaced from lands which are acquired for projects of public utility and for matters connected therewith.

#### **NATIONAL THERMAL POWER CORPORATION, RESETTLEMENT & REHABILITATION POLICY- (2005)**

Most of National Thermal Power Corporation (2005) projects are located in remote areas. National Thermal Power Corporation acquires land for its projects, which may relocate people or affect their livelihood.

National Thermal Power Corporation has ambitious expansion and diversification plans for the future. National Thermal Power

Corporation aims to be a 56000 MW company by 2017. Further it intends to diversify providing backward and forward integration. As part of its diversification plans it has entered the Hydro sector and has plans to enter into mining, coal washeries, distribution, etc. This will require acquisition of large tracts of land. This may relocate people or affect their livelihood.

In those instances, National Thermal Power Corporation will take measures for Resettlement and Rehabilitation of project affected persons (PAPs) with the objective that the PAP will improve or at least regain their previous standard of living. Thus, National Thermal Power Corporation's effort is complementary to the Government's efforts for upliftment of people.

Minimise the land requirement through compact and efficient layout of plant, township and other facilities. Multi-storeyed facilities like township, etc. will be planned wherever possible to reduce the land requirement.

Minimize the acquisition of prime agriculture land and other assets to the extent possible and avoid acquisition of the homestead. This will be one of the principal criteria in selecting a site among the techno-economically feasible alternatives and for finalizing the boundaries / layout of plant, township and other facilities. For this, National Thermal Power Corporation will share information and carryout consultations through formal mechanism of Public Information Centre (PIC) and Village Development Advisory Committee (VDAC) during the implementation of Rehabilitation Action Plan (RAP). This will be supplementary to the set up proposed by National Policy on Resettlement & Rehabilitation. Informal consultations and participation will also be carried out through Community Based Organisations (CBOs), Non Government Organisations (NGOs), Clubs engaged in social activities, etc. after implementation of RAP, sharing of information will be carried out through the neighboring village panchayats.

This Policy has a paradigm shift not only in identifying the

rehabilitation options based on practicality of the option, and feed back from the stakeholders but also extending the facilities to project affected populations beyond the boundaries of Resettlement & Rehabilitation obligations.

The land for land has been preferred as the most viable option. A custom-made implementation procedure has been evolved to make it friendly to project affected populations.

The policy may be reviewed every three years keeping in view the experiences / learning during implementation of this Resettlement & Rehabilitation policy and / or there is any significant change / amendment in the National Policy on Resettlement & Rehabilitation -03 by the Govt. of India.

#### **REHABILITATION POLICY OF TEHRI HYDRO DEVELOPMENT CORPORATION (1998)**

The Resettlement & Rehabilitation Policy provides Resettlement Rehabilitation package both for Rural and Urban areas.

Rehabilitation work had been commenced by the Irrigation Department of the Govt. of Uttar Pradesh from the year 1976. The Rehabilitation Policy, including the location of the New Tehri Town, had been evolved and decided by the State Government at the highest level after interaction with the representatives of the local population. After the formation of the Tehri Hydro Development Corporation and the transfer of rehabilitation work to THDC, Rehabilitation Policy as evolved by the State Government was fully adopted by the Corporation, and later on the amounts of compensation was improved where necessary. A comprehensive package of improvements was decided in 1995 by the Tehri Hydro Development Corporation after interaction with the affected population and the Local Administration, both for rural and urban rehabilitation, which was made effective from 1st September, 1995.

Since certain demands were being received for further examination of certain Rehabilitation and Environmental issues

relating to Tehri Project, the Govt. of India, under the Ministry of Power Office Memorandum No. 19/18/96-Hydel-II, dated 17th September 1996, had constituted a twelve member Expert Committee, under the Chairmanship of Prof. C.H. Hanumantha Rao, Former Member, Planning Commission, to examine the Rehabilitation and Environmental aspects of the Tehri Hydro-Electric Project, being executed by the Tehri Hydro Development Corporation.

As per demand of the oustees, efforts are / were made to rehabilitate the fully affected families as far as possible in the nearby districts of Deharadun and Haridwar or other adjoining districts by developing the selected rehabilitation sites. In developing these sites, care is / was taken to provide all the necessary civic facilities / amenities, like electricity, irrigation, drinking water, roads, schools, dispensary, community center, etc., where such facilities do not exist within a convenient distance.

#### **REHABILITATION POLICY OF COAL INDIA LTD.**

The purpose of this Policy is to set out the basic principles for the resettlement and rehabilitation of people affected by coal mining projects (PAPs). As such, this Policy attempts to streamline the different resettlement and rehabilitation practices that are being followed by subsidiaries and to modify them in a way that allows subsidiaries to deal more effectively with resettlement and rehabilitation issues.

#### **Objectives**

- In the light of the growing difficulties many subsidiaries face in land acquisition highest priority will be given to avoiding or minimizing disturbance of the local population.
- In their decisions to open new mines or expand existing ones, subsidiaries will explore alternative sites and project designs in order to minimize the need for resettlement.
- Wherever people are likely to be adversely affected by project, the subsidiaries will prepare resettlement and rehabilitation

action plans for the project.

- Through the preparation of resettlement and rehabilitation action plans subsidiaries will safeguard that project-affected people improve, or at least regain, their former standard of living and earning capacity after a reasonable transition period.
- Involuntary resettlement is conceived and executed as a development programme with project-affected people being provided sufficient resources and opportunities to share in a project's benefits.
- The efforts of subsidiaries are complementary to government schemes in rural development.

### **Entitlement**

It is Coal India's Policy to recognize adult individuals as the unit of entitlement. In their rehabilitation efforts subsidiaries deal with a wide range of project-affected people. They fall into the following categories:

- A) Land owners, including those with whom government land is settled :
  - Persons from whom land is acquired including tribal cultivating land under traditional rights;
  - Persons whose homestead is acquired; and
  - Persons from whom land and their homestead are acquired.
- B) Landless, who derive their livelihood from the land to be acquired for a period of three years prior to the date of notification (of intention to acquire land)
  - Sharecroppers, land lessees, tenants and day labourers;
  - Tribal dependent on forest produce; and
  - Persons whose homestead is acquired.

The policy also provides different package to the above categories of PAPs. The subsidiary will assist in developing non-farm employment package.

### **Land for Land Package**

In many areas where subsidiaries expand their mining operations, land is scarce. It has been the experience of these companies that few project affected people opt for acquiring land. Wherever possible and if so desired by the PAPs who are landowners, PAPs will identify and purchase land with assistance from the subsidiary. The land and its area should be such as to provide better or at least the same income to the PAPs, which he was deriving from his original land.

### **KARNATAKA UPPER KRISHNA PROJECT-III**

The Upper Krishna Project (1964) was taken up in 1964. Paucity of funds, enlarging scope and changing designs has delayed its execution and inevitably the project is being implemented in two stages. In the first stage three phases are there.

The Resettlement & Rehabilitation policy for Upper Krishna Project does not define various terminology as used in the National Policy on Resettlement & Rehabilitation -03, viz. administrator for resettlement and Rehabilitation, below poverty line family, displaced persons, family, marginal farmer, occupiers, project, project affected family, requiring body, small farmer, grant for meeting out the gap between compensation of land cost and cost to be paid for allotment of land in settlement zone, one time grant for development of cultivable waste land, one time grant for development of agricultural land construction of cattle shed, one time grant for construction of work shed, assistance for purchase of productive assets, direct employment, special scheme for women and acquisition for long stretches.

## **CHAPTER - 4**

### **DEFINITIONS OF BASIC CONCEPTS**

This study titled "Review of Resettlement & Rehabilitation policies/ acts of States/ Projects for the Project Affected Families" is a comparative analysis of Resettlement & Rehabilitation policies/ acts evolved by various states and projects for the project affected families. The parameters defined in the National Policy on Resettlement & Rehabilitation-03 have been used as benchmark for comparative analysis of State's act/ policies/ corporations/projects, etc. The National Policy on Resettlement & Rehabilitation has adopted a five dimensional approach for the resettlement of the project affected families. These were (i) Definition of basic concepts; (ii) Provisions of resettlement packages for project affected families; (iii) Other packages for project affected families; (iv) Package for tribals and (v) Dispute Redressal Mechanism.

This chapter focuses on certain specific terms with regard to displacement and resettlement and analyzes them from the administrative point of view. Definitions of basic concepts such as administrator for resettlement and rehabilitation, family below poverty line, displaced person, family, marginal farmer, small farmer, project, project affected family, occupier and requiring body as mentioned in the states/ projects Resettlement & Rehabilitation policies/ acts are compared with that in the National Policy on Resettlement & Rehabilitation-03. The other issues, i.e., on the resettlement packages, special provisions for tribals and disputes redressal mechanism as dealt with elsewhere in this report.

In the following paras, definitions of some important basic concepts as defined in the National Policy on Resettlement & Rehabilitation-03 have been placed first and in the subsequent paras, these concepts are compared with the Resettlement & Rehabilitation

policies/ acts across the states and the projects. The most important basic concepts are as follows:

**i) 'ADMINISTRATOR' as defined in NPPR -03 (draft) :**

*Means an officer not below the rank of District Collector of the State Government appointed by it for the purpose of resettlement and rehabilitation of the Project Affected Families of the Project concerned provided that if the appropriate Government in respect of the project is the Central Government such appointment shall be made in consultation with the Central Govt. (Para 3.1(a)).*

The comparative chart placed at Annexure 'II' shows that the Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Orissa (1994) and Madhya Pradesh (1985) have defined the concept of 'Administrator'.

Resettlement & Rehabilitation policies/ acts of rest of the states/ projects, reviewed and analyzed in this study, have not defined this term.

It is generally observed that the agency responsible for the project implementation has remained responsible for the resettlement of the project affected families too. For instance, resettlement agency in case of Tehri Dam Project was earlier Irrigation and Power Works Department but when Tehri Hydro Development Corporation (1998) took charge for the construction of dam, it was made responsible for the implementation of resettlement also. At present, the task of resettlement has been reverted back to the Irrigation and Power Works Department. The construction agency while being an expert in technical matters lacks expertise in Resettlement & Rehabilitation. Also, these agencies have an agenda of completing the project at minimal cost which ultimately effects to the resettlement process. Hence, it is essential that the states/ projects which have not defined the term 'administrator' in its Resettlement & Rehabilitation policies/ acts should define it.

**ii) The term 'BELOW POVERTY LINE' as defined in NPRR-03 (draft) :**

*The Below Poverty Line Family shall be those as defined by the Planning Commission of India from time to time (para 3.1(g)).*

The comparative chart shows that the Resettlement & Rehabilitation policy of only Andhra Pradesh (2005) has defined the term Below Poverty Line (BPL).

Resettlement & Rehabilitation policies/acts of remaining states/projects such as Chhattisgarh (2005), Tamil Nadu (2004), Jharkhand (2003), Orissa (1994), Maharashtra (2001), Karnataka (1987), Madhya Pradesh (1985), National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998) Upper Krishna Project (1964) and Coal India Ltd. have not defined the term Below Poverty Line.

Various studies have proved that the displacement effects families living below poverty line (BPL) more adversely as livelihood opportunities get shrunk in resettled areas. For instance, in case of the Tehri Dam affected families who were below poverty line before displacement were not declared below poverty line after displacement. In fact, some of the above poverty line families have been rendered to below poverty line. Therefore, it is important to define the term 'below poverty line' in Resettlement & Rehabilitation policies/ acts of all the states/ projects.

**iii) The term 'DISPLACED PERSON' as defined in NPPR- 03 (draft):**

*Means any tenure holder, tenant, Government lessee or owner of other property, who on account of acquisition of his land including plot in the abadi or other property in the affected zone for the purpose of the project, has been displaced from such land or other property (Para 3.1 (i)).*

The term 'displaced person' is defined in Resettlement &

Rehabilitation policies/ acts of Andhra Pradesh (2005), Chhattisgarh (2005), Jharkhand (2003), Orissa (1994), Karnataka (1987) and Madhya Pradesh (1985).

Resettlement & Rehabilitation policies/ acts of only Maharashtra (2001) and of all four projects namely National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998) Upper Krishna Project (1964) and Coal India Ltd. have not defined this term.

**Unless this term is clearly defined in all state enactments, it may result in some eligible persons being denied the compensation due to them.**

**iv) The term 'FAMILY' as defined in NPRR-03 (draft) :**

*Means project affected family consisting of such persons, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependant on him for their livelihood.*

Except Resettlement & Rehabilitation policies/ acts of Maharashtra (2001), Tehri Hydro Development Corporation (1998) and Upper Krishna Project (1964), no other states/ projects have defined the term 'family'.

In the resettlement process, 'family' is considered as one of the important parameter for determining the resettlement package. Absence of definition or lack of uniformity in the definition of family creates ambiguity and also resentment among the affected families. The concept of 'family' as defined in Narmada Water Dispute Tribunal (see annexure 'c') can be adopted in Resettlement & Rehabilitation policies/ acts of other states/ projects.

In a study conducted by the Centre for Rural Studies on project affected families by Tehri Dam it was found that if the father was alive, his sons, even if they were old and married, were not

considered for resettlement benefits. But if the father was not alive, all elder sons were considered as a separate unit for resettlement. Such provision has created resentment among those sons who were not covered under resettlement package. Later on, Hanumantha Rao Committee suggested provision for ex-gratia for this category of family members. This suggestion was accepted and it proved a great respite for them.

**It would be desirable to consider 'nuclear family' as a basic unit for resettlement.**

**v) The term 'MARGINAL FARMER' as defined in NPRR-03 (draft):**

*Means a cultivator with an un-irrigated land holding upto one hectare of irrigated land holding upto half hectare. (para 3.1 (i)).*

Resettlement & Rehabilitation policies of only three States namely Andhra Pradesh (2005), Chhattisgarh (2005) and Jharkhand (2003) have defined the term 'marginal farmer'.

It is not defined in Resettlement & Rehabilitation policies/ acts of Tamil Nadu (2004), Orissa (1994), Maharashtra (2001), Karnataka (1987), Madhya Pradesh (1985), National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998), Upper Krishna Project (1964) and Coal India Ltd..

**Since marginal farmers are a vulnerable group, the remaining states/ projects need to define the term 'marginal farmer' in its Resettlement & Rehabilitation policies/ acts.**

**vi) The term 'OCCUPIER' as defined in NPRR -03 ((draft) :**

*Means members of Scheduled Tribe community in possession of forest land prior to 25th October, 1980 (Para 3.1 (o)).*

Resettlement & Rehabilitation policies of only Andhra Pradesh

(2005) and National Thermal Power Corporation (2005) have defined the term 'occupier'.

Remaining states/ projects have left it undefined. This is despite the fact that most of the project affected families, in various development projects, were tribals having no entitlement on land. Hence, it is essential and important for every states/ projects to define this term.

**vii) The term 'PROJECT' as defined in NPPR- 03 (draft):**

*Means a project displacing 500 families of more enmasse in plain areas and 250 families or more enmasse in hilly areas. DDP blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India as a result of acquisition of land for any project. (para 3.1 (p)).*

The term 'project' is defined in Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Orissa (1994), Maharashtra (2001), Karnataka, (1987) and Madhya Pradesh (1985).

However, Resettlement & Rehabilitation policies / acts of Chhattisgarh (2005), Tamil Nadu (2004), Jharkhand (2003) and all four projects namely National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998), Upper Krishna Project (1964) and Coal India Ltd. have not defined this term.

**It is desirable that the definition outlined in the NPPR-03 is also adopted by the other state/project policies.**

**viii) The term 'PROJECT AFFECTED FAMILY' as defined in NPPR- 03 (draft) :**

*Means a family/ person whose place of residence or other properties or source of livelihood are substantially affected by the process of acquisition of land for the project and who has been residing continuously for a period of not less than three years preceding the*

*date of declaration of the affected zone or practicing any trade, occupation or vocation continuously for a period of not less than three years in the affected zone, preceding the date of declaration of the affected zone (Para 3.1 (q)).*

Resettlement & Rehabilitation policies/ acts of states/ projects such as Andhra Pradesh (2005), Tamil Nadu (2004), Orissa (1994), Karnataka (1987), Madhya Pradesh (1985), National Thermal Power Corporation (2005) and Coal India Ltd. have defined the term 'project affected family'.

Resettlement & Rehabilitation policies/ acts of Chhattisgarh (2005), Jharkhand (2003), Karnataka (1987), Madhya Pradesh (1985) and projects such as Tehri Hydro Development Corporation (1998) and Upper Krishna Project (1964) have not defined this term.

**It is recommended that each state/project accept the definition of the project affected family given in the NPRR-03, unless they wish to reduce the period of occupation prior to displacement.**

**ix) The term 'REQUIRING BODY' as defined in NPRR-03 (draft) :**

*Shall mean any company, a body corporate an institution or any other organization 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 to 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 (Para 3.1 (s)).*

Only Resettlement & Rehabilitation policy of Andhra Pradesh (2005) has defined the term 'requiring body'.

Resettlement & Rehabilitation policies/ acts of remaining states/ projects reviewed here, have not defined the term.

**It is recommended that the NPRR-03 definition is accepted by all the states.**

**x) 'SMALL FARMER' as defined in NPRR-03 (draft) :**

*Means a cultivator with an un-irrigated land holding up to two ha. or with an irrigated land holding up to one ha. Para 3.1 (1).*

Resettlement & Rehabilitation policies/ acts of only three states namely Andhra Pradesh (2005), Chhattisgarh (2005), and Jharkhand (2003) have defined the term small farmer.

Resettlement & Rehabilitation policies/ acts of Orissa (1994), Maharashtra (2001), Karnataka (1987), Madhya Pradesh (1985) National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998), Upper Krishna Project (1964) and Coal India Ltd. have not defined it.

**Just as in the case of the marginal farmer, it is desirable to define this category in all states/acts.**

## CHAPTER - 5

### RESETTLEMENT PACKAGES FOR PROJECT AFFECTED FAMILIES

This Chapter deals with the provisions in resettlement package for project affected families. In the following paras, resettlement provisions as specified in National Policy on Resettlement & Rehabilitation- 03 are compared with Resettlement & Rehabilitation policies/ acts of the states/ projects.

- a) **Allotment of Land in Lieu of Acquired Land** : as defined in NPRR -03 (draft)
- *Allotment of land for land to the extent of actual land loss or one hectare irrigated land or two hectares dry free of cost to BPL project affected families subject to availability (Para 6.4).*
  - *Land shall be in the joint names of wife and husband (para 6.6).*

Analysis of comparative chart on Resettlement & Rehabilitation policies/ acts (see annexure II) shows that all Resettlement & Rehabilitation policies/ acts of states/ projects have made provision for allotment of land in lieu of acquired land. Although there was variation in land size allotment in Resettlement & Rehabilitation policies/ acts of states/ projects. Since land holding pattern vary sharply from state to state, hence, it may not be possible to follow the provision specified in NPRR-03.

- b) **Grant for Meeting Out the Gap Between Compensation of Land Cost and Cost to be Paid for Allotment of Land in Settlement Zone as defined in NPRR-03 (draft).**

#### NO PROVISION.

Resettlement & Rehabilitation acts of only Karnataka (1987) and Madhya Pradesh (1985) have made provision for Grant for meeting out the gap between compensation of land cost and cost to be paid for allotment of land in settlement zone.

Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Chhattisgarh (2005), Tamil Nadu (2004), Jharkhand (2003), Orissa (1994), Maharashtra (2001), National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998), Upper Krishna Project (1964) and Coal India Ltd. have not made provision for this particular grant.

*Provision for grant for meeting out the gap between compensation of land cost and cost to be paid for allotment of land in settlement zone should be made in other states as well as NPRR-03.*

**c) One Time Grant for Development of Cultivable Wastelands: as defined in NPRR-03 (draft):**

**Rs. 10,000/- per hec. per project affected families (Para 6.7)**

Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Jharkhand (2003), Orissa (1994), National Thermal Power Corporation (2005) and Tehri Hydro Development Corporation (1998) have made provision for one time grant for development of cultivable wastelands.

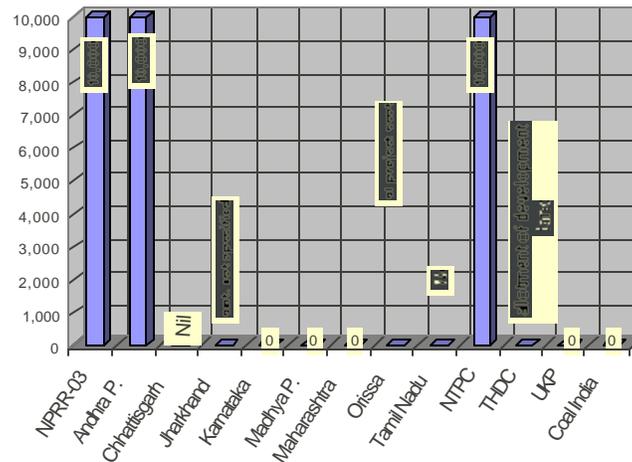
Resettlement & Rehabilitation policies/ acts of remaining states/ projects such as Chhattisgarh (2005), Tamil Nadu (2004), Maharashtra (2001), Karnataka (1987), Madhya Pradesh (1985), Upper Krishna Project (1964) and Coal India Ltd. have not made provision for one time grant for development of cultivable wastelands.

Notably, amount of one time grant for development of cultivable wasteland varies across the states and the projects. As is evident from Fig.-1., grant amount for development of cultivable wastelands was the highest (Rs. 10,000/-) in Andhra Pradesh (2005) and National Thermal Power Corporation (2005). This was at par with the grant amount as specified in the National Policy on Resettlement & Rehabilitation-03. The amount was not specified in Jharkhand Resettlement & Rehabilitation policy. Orissa has made a provision for reclamation of allotted land at project cost. Tehri Hydro Development Corporation (1998) has made a provision of allotment of developed land. Resettlement & Rehabilitation policies/ acts of

remaining states/ projects have not made provision for one time grant for development of cultivable wastelands.

*It is recommended that state may provide minimum grant for development of cultivable wastelands as provided in NPRR-03. The grant provided in NPRR-03 may be taken as benchmark by all the states/projects.*

**Fig-1 :One Time Grant for Development of Cultivable Wastelands**



**d) One-Time Grant for Development of Agricultural Land**

As defined in NPRR -03 (draft):

**Rs. 5,000/- per project affected family (Para 6.7)**

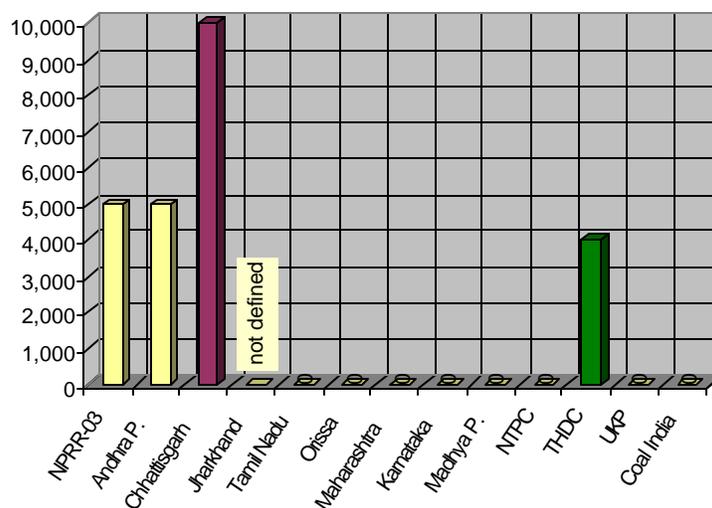
The amount for one time grant for development of agricultural land was specified in Resettlement & Rehabilitation policies of Andhra Pradesh (2005), Chhattisgarh (2005) and Tehri Hydro Development Corporation (1998).

*Remaining states/ projects have not made provision for one time grant for development of agricultural land.*

**Fig.- 2** shows that Chhattisgarh (2005) Resettlement & Rehabilitation policy has a provision of Rs. 10,000/- as a grant for development of agricultural land whereas Andhra Pradesh (2005) has a provision of grant amount of Rs. 5000/- which was at par with

the provision of National Policy on Resettlement & Rehabilitation - 03. In Tehri Hydro Development Corporation (1998), the amount of grant was the lowest (Rs. 4000/-).

**Fig-2 :One Time Grant for Development of Agricultural Land**



Sometime undeveloped land has been allotted to the project affected families which require capital investment. Hence, it is necessary to make a provision of grant for development of agricultural land by those states which have not done so.

**e) Homestead/ House site/ Dwelling House Cost/ Grant/ (house site): as defined in NPRR-03 (draft) :**

*Any Project Affected Family (PAF) owning house and whose house has been acquired may be allotted free of cost house site to the extent of actual loss of area of the acquired house but not more than 150 sq. m. of land in rural areas and 75 sq. mt. Of land in urban areas.*

This term has been defined in Resettlement & Rehabilitation policies/ acts of every States/ projects. Although there was a variation in the size of house site from state to state.

*The minimum size specified in NPRR-03 should be followed by all the states/projects.*

**f) Construction of House One-Time Grant as defined in NPRR-03 (draft) :**

**Rs. 25,000 (Para 6.3)**

Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Jharkhand (2003), Orissa (1994), Tamil Nadu (2004), National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998), Upper Krishna Project (1964) and Coal India Ltd. have made a provision for construction of house one-time grant. Maharashtra (2001) has made a provision for house construction on payment basis.

Contrary to it, Resettlement & Rehabilitation policy of Chhattisgarh (2005) has not made any such provision. Karnataka (1987) and Madhya Pradesh (1985) have made a provision but the grant amount was not specified (see fig. - 3).

**Fig-3 : Construction of House One-time Grant**

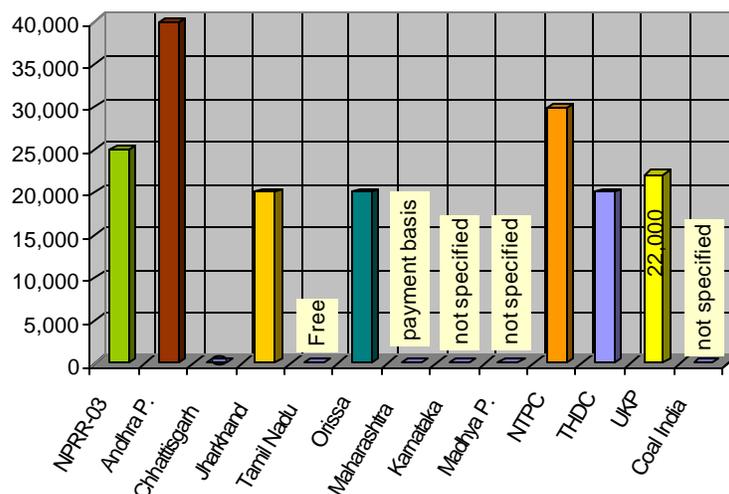


Fig. -3 shows that the grant amount provided for construction of house was the highest (Rs. 40,000/-) in Andhra Pradesh (2005). National Thermal Power Corporation (2005) has made a provision of Rs. 30,000/-, Tamil Nadu (2004) Rs. 25,000/- which was at par with the grant amount of National Policy on Resettlement &

Rehabilitation-03. Upper Krishna Project (1964) has made a provision of Rs. 22,000/-. Similarly, Jharkhand (2003), Orissa (1998) and Tehri Hydro Development Corporation (1998) have a provision of Rs. 20,000/-. In case of Karnataka (1987) and Coal India Ltd. the grant amount was not specified. In Maharashtra, it was on payment basis.

*It is recommended that other states/projects which have not specified the grant amount for house construction may do so.*

**g) Temporary Shelter u/s 17 LA Act: as defined in NPRR-03:**

**Transit house only for those acquired under the emergency provisions of 17 of Land Acquisition Act (Para 6.16)**

Resettlement & Rehabilitation policies of Andhra Pradesh (2005), Orissa (1994), National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998) and Upper Krishna Project (1964) have defined the term temporary shelter.

Contrary to it, Resettlement & Rehabilitation act of Maharashtra (2001) and Karnataka (1987) have not made provision for temporary shelter.

*NPRR-03 has appreciated the difficulties when land is taken quickly invoking emergency purposes. Quite rightly they have provided for provision of transit accommodation. This feature must be adopted by the states/projects also.*

**h) Transportation Cost: as defined in NPRR-03 (draft):**

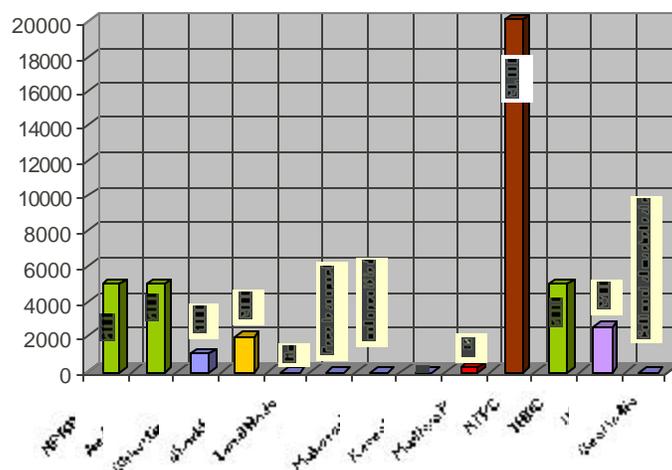
**Rs. 5000 per PAF (Para 6.9)**

Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Chhattisgarh (2005), Tamil Nadu (2004), Jharkhand (2003), Orissa (1994), Madhya Pradesh (1985), National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998) Upper Krishna Project (1964) and Coal India Ltd. have made a provision for transportation cost.

Karnataka Act (1987) has not made any provision for transportation cost. Maharashtra Act (2001) has not specified the transportation cost.

As is shown in Fig.-4, the provision of transportation cost was the highest (Rs. 20,000/-) in National Thermal Power Corporation (2005). The transportation cost provided by Madhya Pradesh (1985) was the lowest (Rs. 200/-). Andhra Pradesh (2005), Tamil Nadu (2004) and Tehri Hydro Development Corporation (1998) have provision of Rs. 5000/- which was at par with National Policy on Resettlement & Rehabilitation-03. In Upper Krishna Project (1964), it was Rs. 2500/- and in Jharkhand it was Rs. 2000/-. In case of Orissa (1998), there was a provision of providing free transportation by the project and in case of Chhattisgarh (2005) payment of transport cost was by the project authority. In case of Coal India Ltd. the transport cost was reimbursable at market rate.

**Fig-4 : Transportation Cost**



*It is seen that the transportation cost granted by some states are prima facie so low that it might not cover all expenses. It is recommended that the states adopt the NPRR-03 figures as a benchmark, or reimburse on the basis of actual.*

**i) Construction of Cattle Shed: as defined in NPRR-03 (draft):**

**Rs. 3,000/- per project affected family (Para 6.8)**

Resettlement & Rehabilitation policy of only Andhra Pradesh (2005) and Tamil Nadu (2004) have made provision for construction of cattle shed.

Resettlement & Rehabilitation policies/ acts of remaining states/ projects have not made provision for construction of cattle shed.

**Fig-5 : Construction of Cattle Shed**

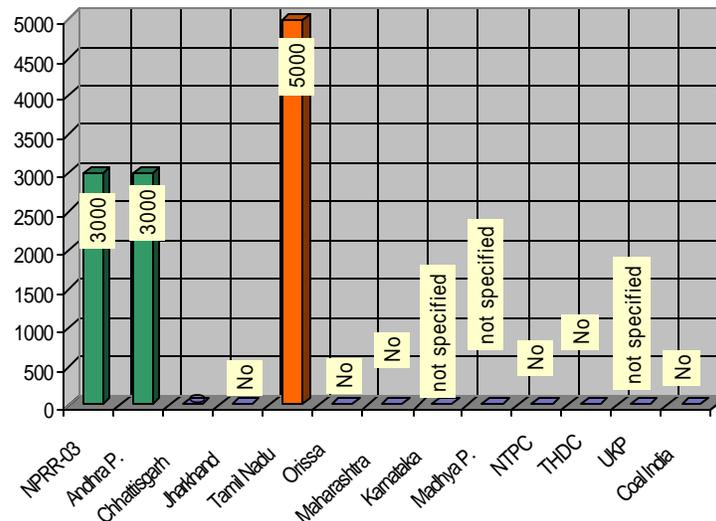


Fig. 5 clearly shows that the provision of grant for construction of cattle shed was the highest (Rs. 5000/-) in Tamil Nadu (2004) and lowest (Rs. 3000/-) in Andhra Pradesh and National Policy on Resettlement & Rehabilitation- 03.

Karnataka (1987), Madhya Pradesh (1985) and Upper Krishna Project (1964) have not specified the amount and other states/ projects have not made provision for this grant.

*Since the displacement occurs largely in rural areas and cattle are an important economic assets provision may be made in all states/projects policies for this purpose. The NPRR-03 standard may be adopted as a benchmark.*

## CHAPTER - 6

### OTHER RESETTLEMENT PACKAGES FOR PROJECT AFFECTED FAMILIES

This chapter explores the other provisions of resettlement packages for project affected families. These include rehabilitation grant, subsistence allowance, one time grant for construction of work shed, financial assistance to purchase productive assets, training and direct employment, etc.

It may be noted that these provisions are related mainly to livelihood after displacement rather than immediate resettlement issues. The relevant provisions in NPRR-03, and the state/project policies have been examined below:

- a) **REHABILITATION GRANT (ONETIME)** :as defined in NPRR-03 (draft)
- 750 days min. agricultural wages (MAW) for loss of livelihood where neither agricultural land nor regular employment to one member of the PAF has been provided. (Para 6.11)
  - 625 days of MAW for each PAF belonging to 'agricultural labourer' or 'non-agricultural labourer' (para 6.14)
  - 500 days of MAW for each PAF owning agricultural land in the affected zone and whose entire land has not been acquired and consequently he becomes a marginal farmer (Para 6.12)
  - 375 days of MAW for each PAF owning agricultural land in affected zone and consequently he becomes a small farmer (Para 6.13)

Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Tamil Nadu (2004), Madhya Pradesh (1985), National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998) and Upper Krishna Project (1964) have made provision for rehabilitation grant (one time).

Other states / projects such as Chhattisgarh (2005), Jharkhand (2003), Orissa (1994), Maharashtra (2001), Karnataka (1987) and Coal India Ltd. have not made provision for rehabilitation grant (one time).

*Livelihood issues of the displacement are a major source of worry and discontent: many protests sprung up just because displaced persons have been severed from their traditional resource bases, as elaborated by the views of experts, given in the introduction. Hence, all states must provide for rehabilitation grants in order to assist project affected families in making the transitions. The NPRR-03 guidelines may be taken as a benchmark.*

**b) SUBSISTENCE ALLOWANCE:** as defined in NPRR-03 (draft)

**20 days of MAW per month  
for a period of one year (Para 6.15)**

Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Tamil Nadu (2004), Jharkhand (2003), National Thermal Power Corporation (2005) and Upper Krishna Project (1964) have made provision for subsistence allowance.

Resettlement & Rehabilitation policies/ acts of Chhattisgarh (2005), Orissa (1994), Maharashtra (2001), Karnataka (1987), Madhya Pradesh (1985), Tehri Hydro Development Corporation (1998) and Coal India Ltd. have not made provision for subsistence allowance.

*As regards subsistence allowance the same arrangements advanced above for the rehabilitation grant apply. Hence, all states/projects may make provision for this, using NPRR-03 as a benchmark.*

**c) ONE- TIME GRANT FOR CONSTRUCTION OF WORK SHED/WORKSHOP :** as defined in NPRR-03 (draft)

**Rs. 10,000/- per PAF (Para 6.10)**

Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Tamil Nadu (2004), Jharkhand (2003), National Thermal Power Corporation (2005) and Upper Krishna Project (1964) have made provision for one time grant for construction of work shed.

Resettlement & Rehabilitation policies/ acts of Chhattisgarh (2005),

Orissa (1994), Maharashtra (2001), Madhya Pradesh (1985), Tehri Hydro Development Corporation (1998) and Coal India Ltd. have not made provision for grant for construction of work shed.

*This is again a livelihood issue. Construction work sheds will facilitate quick rehabilitation of project affected families. Hence, the NPRR-03 guidelines may be adopted by the states in the absence of other specific provision.*

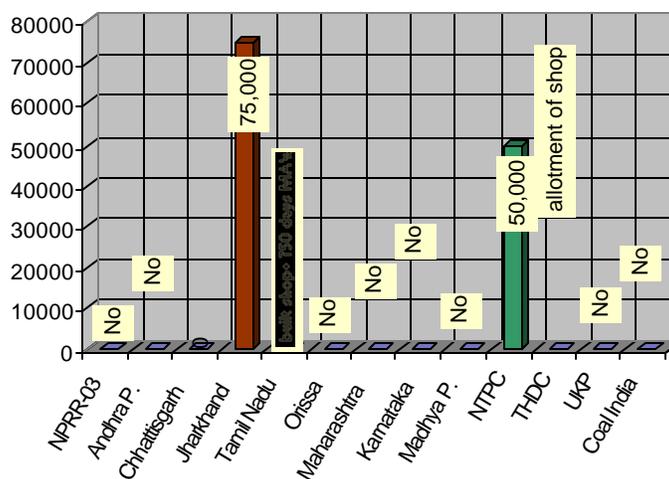
**d) FINANCIAL ASSISTANCE TO PURCHASE PRODUCTIVE ASSETS OR TO START BUSINESS FOR EARNING LIVELIHOOD :** as defined in NPRR-03 (draft)

**No Provision**

Resettlement & Rehabilitation policies/ acts of Jharkhand (2003), National Thermal Power Corporation (2005) and Tehri Hydro Development Corporation (1998) have made provision for financial assistance to purchase productive assets.

However, most of the states/ projects viz. Andhra Pradesh (2005), Chhattisgarh (2005), Tamil Nadu (2004), Orissa (1994), Maharashtra (2001), Karnataka (1987), Madhya Pradesh (1985), Tehri Hydro Development Corporation (1998), Upper Krishna Project (1964) and Coal India Ltd. have not made provision for financial assistance to purchase productive assets.

**Fig-6 : Financial Assistance to Start Business for earning livelihood**



As the Fig. 6 shows that Jharkhand (2003) has made a provision of Rs. 75,000/- for financial assistance to start business for earning livelihood and National Thermal Power Corporation (2005) has made a provision of Rs. 50,000/-. Tehri Hydro Development Corporation (1998) has made a provision of allotting shop and Tamil Nadu (2004) has made a provision of shop allotment along with the 750 minimum agricultural wages days.

*Provision for this should be inserted in the NPRR-03 and in other states/projects policies where it is not there.*

e) **TRAINING** : as defined in NPRR-03 (draft)

**The project affected families shall be provided necessary training facilities for development of entrepreneurship to take up self employment projects at the resettlement zone as part of R&R benefits.**

Provision of training/ capacity building has been made in the rehabilitation package of Jharkhand (2003), National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998) and Upper Krishna Project (1964).

There has not been provision for training in the rehabilitation package of Andhra Pradesh (2005), Tamil Nadu (2004), Orissa (1994), Maharashtra (2001), Karnataka (1987), Madhya Pradesh (1985) and Coal India Ltd.

In a study conducted on the Tehri Dam by the Centre for Rural Studies, it was found that the project affected families complained that they were not equipped to start a new life, particularly since they had been severed from their traditional resource bases. Furthermore the requiring body did not have the capacity to employ even a small number of project affected families. ***Hence this provision assumes significance it may be inserted in the NPRR-03 and in the states/projects policies where it is absent.***

f) **DIRECT EMPLOYMENT** : as defined in NPRR-03 (draft)

**Not defined it.**

Resettlement & Rehabilitation policies/ acts of Chhattisgarh (2005), Jharkhand (2003), Maharashtra (2001), Tehri Hydro Development Corporation (1998) and Coal India Ltd. have made provision for this.

Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Tamil Nadu (2004), Orissa (1994), Karnataka (1987), National Thermal Power Corporation (2005) and Upper Krishna Project (1964) have not made provision.

This is a contentious issue, as most requiring bodies say that they neither have the capacity to absorb the project affected families as regular employees, and nor all the project affected families trained to take up jobs available in the projects. The NPRR-03 also does not address this issue.

*Perhaps, provision could be made to the effect that requiring body will endeavour to employ as many trained and eligible project affected families' members as possible, without creating a legal obligation to do so. They may also give preference in matters of petty contracts and job works in the projects for project affected families. It has seen that this measure was granted to project affected families in the Tehri Dam case, and it had some impact in mitigating the effects of displacement.*

g) **BASIC AMENITIES TO BE PROVIDED** : as defined in NPRR-03 (draft)

**The Project Affected Family shall be provided basic amenities and infrastructural facilities at the resettlement site as per norms specified by the Appropriate Govt. It is desirable that provision of drinking water, electricity, schools, dispensaries and access to the resettlement sites amongst others be included in the resettlement plan formulated by the administrator for R&R**

Resettlement & Rehabilitation policies/ acts of all the states/ projects have made provision for basic amenities.

**h) SPECIAL SCHEMES FOR WOMEN :** as defined in NPRR-03 (draft)

**No provision**

Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), National Thermal Power Corporation (2005) and Coal India Ltd. have made provision for special schemes for women.

Resettlement & Rehabilitation policies/acts of remaining states/ projects have not made this provision.

*It is strongly recommended that the NPRR-03 make provisions in this regard. States Government should also have special provisions for women*

**i) ACQUISITION FOR LONG STRETCHES :** as defined in NPRR-03 (draft)

**An ex-gratia amount of Rs. 10,000/- per family (Para 6.17)**

Resettlement & Rehabilitation policies/ acts of only Andhra Pradesh (2005) and National Thermal Power Corporation (2005) have made provision for this.

Resettlement & Rehabilitation policies/ acts of other states/ projects have not made this provision.

*Provision for this compensation may be made in the state policies as well.*

**j) LOSS OF COMMON PROPERTY RESOURCES :** as defined in NPRR- 03

**No provision**

Loss of common property resources have been defined in the Resettlement & Rehabilitation policies of only Tamil Nadu (2004) and National Thermal Power Corporation (2005).

Resettlement & Rehabilitation policies/ acts of other states/ projects have not made provisions for common property resources.

This is a serious question in the NPRR-03 (draft). Provision may be made for this since many displaced communities are dependent on common resources traditionally. This aspect has been

clearly elaborated in the introduction. *The existing provision in the NTPC (2005) and Tamil Nadu (2004) policies may be studied and suitable measures may be included in the NPRR-03. These measures can form the standard for other states/projects Resettlement & Rehabilitation policies subsequently.*

**k) PROVISIONS OF OTHER RESETTLEMENT PACKAGE** such as Incentive for Adopting Small Family, Special Assistance to Girl Child, Rural Health Insurance Scheme, Adoption of a Village as a Model Village and Opening of Public Information Centre have been made in Resettlement & Rehabilitation Policy of only National Thermal Power Corporation (2005).

**Remaining states/ projects have not made such provisions.**

*These are all incentives for development available to the community. Such incentives must be given to project affected families, more so in view of the difficulties they have to undergo, and the essential for the long term growth of the groups. Provisions may be made in the NPRR-03 and state policies.*

**l) INCOME GENERATIONS SCHEME GRANT :** As defined in NPRR-03 (draft)

**It has made a provision.**

Resettlement & Rehabilitation policies/ acts of Andhra Pradesh (2005), Tamil Nadu (2004), Jharkhand (2003), National Thermal Power Corporation (2005) and Upper Krishna Project (1964) have made this provision.

Resettlement & Rehabilitation policies/ acts of Chhattisgarh (2005), Orissa (1994), Maharashtra (2001), Karnataka (1987), Madhya Pradesh (1985), Tehri Hydro Development Corporation (1998) and Coal India Ltd. have not made provision for income generation scheme grant.

*The provisions of NPRR-03 may act as the benchmark.*

## CHAPTER - 7

### PACKAGES FOR TRIBALS

As mentioned earlier section four of the National Policy on Resettlement & Rehabilitation -03 (draft) deals with the resettlement package for Tribals in which following provisions have been made for the tribals.

- Preference in allotment of land (para 6.21.1)
- Additional financial assistance equivalent to 500 MAW for loss of customary rights (para 6.21.3)
- Re-settled close to their natural habitat (para 6.21.4)
- Get land free of cost for religious and community gathering (para 6.21.5)
- Resettled out of the district/ taluka shall get 25% higher Resettlement & Rehabilitation benefits (para 6.21. 6)
- Land -alienated in violation of the laws shall be treated as null and void (para 6.21. 7)
- Given fishing rights in the reservoir area (para 6.21.8)
- Entitled to get the reservation benefits at the resettlement zone (para 6.21.9).

Resettlement & Rehabilitation policies of Andhra Pradesh (2005), Chhattisgarh (2005), Jharkhand (2003), Orissa (1994) and of projects viz. National Thermal Power Corporation (2005) and Coal India Ltd. have made specific provisions for the tribals.

Resettlement & Rehabilitation policies/acts of Tamil Nadu (2004), Maharashtra (2001), Karnataka (1987), Madhya Pradesh (1985), Tehri Hydro Development Corporation (1998) and Upper Krishna Project (1964) have not made specific provision for tribals.

*The issue raised in this context obviously required deeper considerations in view of the various social and developmental complexities involved. We restrict our self to stating that a separate package for tribals is absolutely essential since they appear to be a significant portion of project affected families (refer page 2 ibid). States/projects which have made no specific provision for tribals must do so and they should not be in violation of NPRR-03 guidelines.*

## CHAPTER - 8

### DISPUTE REDRESSAL MECHANISM

The last section of the NPRR-03 is on Dispute Redressal Mechanism. This includes

- Resettlement & Rehabilitation committee at Project Level.
- Grievances Redressal Cell at the State Level.
- National Level Monitoring Committee.

A comparative analysis of all Resettlement & Rehabilitation policies/ acts reviewed for this study shows that the National Policy on Resettlement & Rehabilitation-03 (draft) has a provision for dispute redressal mechanism for all the three levels such as resettlement and rehabilitation committee at project level, grievances redressal cell at the state level and national level monitoring committee. However, a comparison across the states and the projects shows that the Resettlement & Rehabilitation policies/ acts of only three states namely Andhra Pradesh (2005), Maharashtra (2001) and Karnataka (1987) have provisions for constituting dispute redressal mechanism at the project as well as State level.

Resettlement & Rehabilitation act of Madhya Pradesh (1985) and of projects such as National Thermal Power Corporation (2005), Tehri Hydro Development Corporation (1998) and Upper Krishna Project (1964) have made a provision of Grievance Redressal Cell only at State level.

Resettlement & Rehabilitation policy of Coal India Ltd. has a provision of a Grievances Redressal cell at the State Level and a National Committee at National Level.

*In order to bring the states/project enactments in conformity with NPRR-03, it would be necessary to have Grievances Redressal Cells at the*

*projects and states level. Provision of cells at the state level only will result in difficulties for project affected families in terms of access. Furthermore if Grievances Redressal Cells are provided at the project level, a good portion of complaints can be quickly redressed at the local level. This will result in some reduction of the cases pending in courts and may help in speeding up the project of the requiring bodies.*

## CHAPTER - 9

### CONCLUSIONS AND SUGGESTIONS

The inferences made on various issues in this monograph are reiterated here. Some fresh issues are also addressed as they are pertinent to this work.

#### **1) BASIC CONCEPTS WITH REGARD TO PROJECT AFFECTED FAMILIES AND RESETTLEMENT ARE EITHER NOT DEFINED OR IF DEFINED LACKS UNIFORMITY**

Some of the basic concepts with regard to the project affected families and resettlement issues as mentioned in National Policy on Resettlement & Rehabilitation are not defined in Resettlement & Rehabilitation policies/ acts of various states/ projects. For example, except Andhra Pradesh (2005) no other states and projects have defined the term 'Below Poverty Line.

An empirical (unpublished) study conducted by the Centre for Rural Studies on Tehri Dam affected families have shown that many affected families who were below poverty line prior to displacement were not declared below poverty line after displacement. Similarly, many families were above poverty line prior to displacement rendered to below poverty line because of loss of their livelihood.

Similarly, other basic concepts such as administrator, displaced person, family and project affected family as mentioned in National Policy on Resettlement & Rehabilitation-03 are not defined in Resettlement & Rehabilitation policies/ acts of various states/ projects. Absence of definition of these basic concepts creates complexities in the resettlement process.

Also, lack of uniformity in the definitions of some of the concepts was also found in various state/ project Resettlement & Rehabilitation policies/acts. For example, the cut off date for

declaring a project affected family as defined in National Policy on Resettlement & Rehabilitation -03 '-----is a person who has been residing continually for a period of not less than three years preceding the date of declaration of the affected zone'. Contrary to this, in Orissa Policy (1994) 'the cut off date is for a period of at least one year prior to the date of publication of the notification under section 4 of land acquisition 1894.

*To sum up the basic concepts which have to be clearly defined in all state/project Resettlement & Rehabilitation policies, as identified by us are:*

- Administrator
- Below Poverty Line
- Displaced Person
- Family
- Marginal Farmer
- Occupier
- Project
- Project Affected Family
- Requiring Body
- " Small Farmer

## **2) NO PACKAGE FOR COMMON PROPERTY RESOURCES**

The common property resources have a significant role in the lives of the rural people particularly the marginal communities. In fact, the issues of common property resources and livelihood are interlinked. The comparative chart (annexure II) of Resettlement & Rehabilitation policies/ acts reveals that the National Policy on Resettlement and Rehabilitation-03 has not defined this term. Except Resettlement & Rehabilitation policy of National Thermal Power Corporation (2005) no other states /projects have addressed this issue. Depriving the marginal communities from the common property resources deteriorate their conditions further and make them more vulnerable.

As common property resources and livelihood are closely interlinked particularly for the marginal sections. Hence a package for compensation for the loss of Common Property Resources may be included in NPRR-03 and state policies.

### **3) INADEQUATE GRANT/ CASH COMPENSATION**

This pertains to grants for resettlement. A wide variation is noticed in the state acts. Amount of grant and cash compensation, as specified in resettlement package of various states/projects, such as grant for meeting the gap between compensation of land cost and cost to be paid for allotment of land in the resettlement zone, one time grant for development of agricultural land, cost of site, construction of house (one time grant), transportation cost or construction of cattle shed varies very sharply. In many projects, provisions for these grant or cash compensation have not been made.

A similar trend was found in the case of rehabilitation grant (one time), subsistence allowance, one time grant for construction of work shed, financial assistance to purchase productive assets or to start business for earning livelihood significant variation was found across states/ projects.

The amount of grant/ cash compensation should be uniform to a minimum level in all states/ projects. It should also take into account the cost index. States/ projects which have not made provision for grant should make such provisions in its resettlement package.

NPRR-03 does not have any provision for meeting the differential amount between compensation paid for land, and the cost charged by the project for land/or resettlement.

**In this context the following specific recommendations are made:**

- **All States may provide rehabilitation and subsistence grants;**
- **All States must provide a grant for construction of work sheds wherever eligible;**

- **All States may make provision for training eligible PAFs;**
- **All States must compensate for acquisition of long stretches.**

**The NPRR-03 must make provisions for**

- **Meeting the differential amount between the compensation paid for land and that charged for land in the resettlement zone.**
- **Financial assistance for purchasing productive assets.**

#### **4) LESS OR NO EMPHASIS ON DIRECT EMPLOYMENT, LIVELIHOOD SOURCES AND TRAINING**

Due to displacement livelihood sources get depleted. Lack of skill further aggravates the problems, particularly of the vulnerable groups, in the job market. Resettlement & Rehabilitation policies/ acts reviewed in this study show that despite the fact that the issues such as generation of livelihood sources, direct employment and also capacity building are important in nature but have been given less or no importance in the resettlement and rehabilitation policies/ acts of various states/ projects.

*As displacement has a direct bearing on the livelihood sources hence, resettlement and rehabilitation policies/ acts of states/ projects should address this basic issue (refer pae 42 ibid).*

#### **5) SPECIAL PACKAGES FOR TRIBALS**

Review of Resettlement & Rehabilitation policies/ acts of states/ projects shows that Tamil Nadu (2004), Maharashtra (2001), Karnataka (1987), Madhya Pradesh (1985) and Upper Krishna Project (1964) have not made any special resettlement provisions for the tribals.

*Various studies have shown that the large number of tribals and dalits have been adversely affected by the development projects. Seeing the vulnerabilities and the special needs of indigenous community, specific package for tribals and dalits should be made in the resettlement policies/ acts of those states/ projects which have not made provision for this.*

## **6) IMPLEMENTATION OF RURAL AND OTHER DEVELOPMENT PROGRAMMES**

Resettled sites were either not integrated with the host villages/ colonies or its notification get delayed due to various administrative reasons. Therefore, the project affected families, particularly family below poverty line, do not get access to rural and other development programmes at the resettled sites. Resettlement & Rehabilitation policies/ acts of states/ projects have not included the issue of implementing rural and various other development programmes at the resettled sites.

*Implementation of various rural and other development programmes needs to be addressed and accordingly, provisions should be made.*

## **7) CULTURAL ETHOS AND ARCHEOLOGICAL ISSUES NOT ADDRESSED**

Displacement has negative implications on cultural ethos such as language, festivals and kinship structure, etc. Analysis of Resettlement & Rehabilitation policies/ acts of various states/ projects show that none of the states/ projects has addressed this issue in its resettlement policies/ acts. Projects in which more than one states are involved, these issues become a matter of great concern. For example in Sardar Sarovar Project , project affected tribals of Madhya Pradesh and Maharashtra have been resettled in Gujarat State. This has eroded the cultural pattern and also a young generation is facing language constraints particularly in the educational institutions. This ultimately reduces their chances of competing in other spheres including the job market.

*No steps have been taken to minimize or mitigate the loss of cultural and archeological resources. There is an urgent need to address the cultural dimension and management of heritage in Resettlement & Rehabilitation policies/ acts. Experts of these fields should be made a part of the rehabilitation planning and its execution.*

## **8) NEED TO ADDRESS GENDER ISSUES**

Except National Thermal Power Corporation (2005) and Andhra Pradesh (2005) Resettlement & Rehabilitation policies, other states/ projects do not seem to be gender sensitive with regard to the resettlement of women.

In the allotment of land and other assets during resettlement process, women's rights especially of widows, divorcees and single women must be ensured in the Resettlement and Rehabilitation policies/ acts of various projects/ acts.

*The NPRR-03 also does not contain specific provision in this regard. This must be included.*

## **9) NO SOCIO ECONOMIC IMPACT ASSESSMENT**

None of the Resettlement & Rehabilitation policies/ acts including National Policy on Resettlement & Rehabilitation -03 has a provision of socio-economic assessment of the project affected families.

*It may be stipulated that each development project should contain as its integral part a socio economic evaluation study to be done on the project affected families one year after displacement. This may focus in livelihood issues primarily.*

## **10) LEGAL ENTITLEMENT OF ALLOTTED LAND**

In an (unpublished) study conducted by the Centre for Rural Studies on Tehri Dam affected families, it was found that the project affected families have not been given legal entitlement papers for the agricultural land and house site allotted to them at resettled sites. In the absence of ownership entitlement papers actual entitlement of the affected family not only remains at stake but also the affected family can not take loan from the credit institutions.

This issue needs to be addressed in the Resettlement & Rehabilitation policies/ acts across the states/ projects.

**11)** To sum up, displacement of project affected families is a traumatic process for those involved and the issues are very complex. There are several lacunas in existing state policies, the National Policy on Resettlement & Rehabilitation -03 (draft) is definitely an improvement on existing state documents but even this requires some additions. It is noted that the vulnerable sections of society are among the most affected. The recommendations made in this document may go some way in ameliorating their condition if these are incorporated in the National Policy on Resettlement & Rehabilitation- 03 and the various state government policies. Emphasis should be on quick resettlement and renewal of livelihood opportunities. There is no substitute for having suitable monitoring mechanisms in place to watch the implementation of Resettlement & Rehabilitation policies. In fact, it is best if the project affected families are made stakeholders in the development projects and given a say in their eventual resettlement and rehabilitation.

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## **ANNEXURE-I**

### **DETAILS OF RESETTLEMENT & REHABILITATION POLICIES/ ACTS REVIEWED FOR THIS STUDY**

- **National Policy on Resettlement & Rehabilitation-03**
- Resettlement and Rehabilitation Policy **Andhra Pradesh-** 2005.
- **Chhattisgarh** Rehabilitation Policy –2005.
- **Tamil Nadu** Resettlement and Rehabilitation Policy – 2004.
- **Jharkhand** Rehabilitation Policy for Displaced families- 2003.
- **Orissa** Resettlement and Rehabilitation of Project Affected Persons Policy-1994.
- **Maharashtra** Project Affected Persons Rehabilitation Act, 1999 (Amended 2001)
- **Karnataka** Rehabilitation Acts-1987.
- **Madhya Pradesh** Rehabilitation Act-1985.
- **National Thermal Power Corporation** Resettlement and Rehabilitation Policy-2005.
- Rehabilitation Policy **Tehri Hydro Development Corporation** 1998.
- **Upper Krishna Project** -1966.
- Rehabilitation Policy **Coal India Ltd.**

**COMPARATIVE  
of the packages provided under the National Policy on  
Acts/ R&R Policies as well as**

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	Tamil Nadu Policy
<p><b>(I) DEFINITIONS</b></p> <p><b>1. Administrator for Resettlement and Rehabilitation</b></p> <p>Means an officer not below the rank of District Collector of the State Government appointed by it for the purpose of resettlement and rehabilitation of the Project Affected Families of the Project concerned provided that if the appropriate Government in respect of the project is the Central Government, such appointment shall be made in consultation with the Central Govt. (Para 3.1(a))</p>	<p>Means an officer not below the rank of Joint Collector of the State Government appointed by it for the purpose of resettlement and rehabilitation of the Project Affected Families of the Project concerned provided that if the appropriate Government in respect of the project is the Central Government, such appointment shall be made in consultation with the Central Govt. (Para 3.1)</p>	<p>Not defined</p>	<p>Not defined</p>	<p>"Resettlement &amp; Rehabilitation officer", in relation to a project, means an officer appointed by the Government by an order in writing for that Project for the purpose of this policy. (Para 2 (p))</p>	

## ANNEXURE-II

### CHART Resettlement and Rehabilitation-2003 and Various States' corporations of the Union Government

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
Not defined	Not defined	Defines, Resettlement Officers and their powers and duties Se. 3.	Not defined	Not defined	Not defined	Not defined

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<p><b>2. BPL Family</b></p> <p>The below Poverty Line Family shall be those as defined by the planning commission of India from time to time (Para 3.1(g))</p>	<p>The below Poverty Line Family shall be those as defined by the planning commission of India from time to time (Para 3.7)</p>	Not defined	Not defined	Not defined	<p><b>Project Affected Persons (PAPs):</b></p> <p>Any person affected either directly or indirectly by the project and / or project related activity, irrespective of the legal status and would include.</p> <p>a) Patta Holders</p> <p>b) Encroachers</p> <p>c) Squatters</p> <p>d) Tenants, leaseholders, sharecroppers Employees, landless labourers</p> <p>e) Vulnerable groups (women, children, landless, marginal and small farmers, scheduled population)</p> <p>f) Persons loosing access to community amenities and resources and</p> <p>g) Shopkeepers, hawkers etc.</p>

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
Not defined	Not defined	Not defined	Not defined	Not defined	Not defined	Not defined

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<p><b>3. Displaced persons</b></p> <p>Means any tenure holder, tenant, Government lessee or owner of other property, who on account of acquisition of his land including plot in the abadi or other property in the affected zone for the purpose of the project, has been displaced from such land or other property. (Para3.1(i))</p>	<p>Means Family consisting of such persons as his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependent on him for their livelihood. (Para 3.10)</p>	<p>Any person living in that area for the last three years prior to declaration of section 4 of L.A. Act. Para 2 (b)</p>	<p>Displaced are those who have been residing for the last one year in that area before the declaration of section 4 of L.A. Act and is likely to be acquired and</p> <p>a) whose homestead is likely to be submerged or outside this area</p> <p>b) 50% or more land is acquired or after acquisition left with 2.5 acres or less irrigated or 3.5 acres or less unirrigated land.</p> <p>c) Landless persons who have been deriving their livelihood from the acquired land as agricultural labourer/self employed persons/ artisans and after acquisition have become homeless and have lost their livelihood (Para 3.1)</p>	<p>Means a person who since at least one year prior to the date of publication of the notification Under Section 4 of the land Acquisition Act, 1894, has been ordinarily residing, and who on account of acquisition of his/her land including homestead land in the submergence zone for the purpose of the project is displaced from such land. This would also include landless labourers. (Para 2 (f))</p>	<p><b>Project Affected Family (PAF) :</b> A family consisting of father, mother, children living together with common kitchen and are affected by the project, irrespective of their legal status resulting in loss of homestead, other assets, sources of income / livelihood, common assets and cultural properties.</p>

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
Not defined	Means any tenure holder, tenant, Government lessee or owner of other property, who on account of acquisition of his land including plot in the gramathana or other property in the affected zone for the purpose of the project, has been displaced from such land or other property (Section 2 (g))	Means any tenure holder, tenant, Government lessee or owner of other property, who on account of acquisition of his land including plot in the abadi or other property in the affected zone for the purpose of the project, has been displaced from such land or other property. (Section 2(8))	Not defined	Not defined	Not defined	Not defined

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<p><b>4. Family</b></p> <p>Means Project Affected Family consisting of such persons, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependant on him for their livelihood. (Para 3.1(j))</p>	<p>Means Family consisting of such persons as his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependent on him for their livelihood. (Para 3.10)</p>	<p>Displaced family includes any displaced person his wife or husband minor children and old parents, Widow mother or sister and unmarried daughter dependent on him Explanation: Adult son of displaced person, who has attained the age of adult hood on the date of declaration of section 4 of L.A Act shall be treated as a separate family</p> <p>Para: 2 (d)</p>	<p>a) Means Project Affected Family consisting of such persons, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependant on him for their livelihood.</p> <p>b) Every adult son shall be treated as a separate family.</p> <p>c) Any married daughter who has become divorcee or widow and does not have any other means of livelihood.</p> <p>d) Any displaced person of 18 years age as on the date of declaration of Section 4 of L.A. Act shall be treated as adult (Para 3.2)</p>	<p>Family, in relation to a displaced person, means,</p> <p>(i) Such person and his or her spouse, minor sons, unmarried daughters, minor brothers or sisters, father &amp; mother and other members residing with him &amp; dependent on him for their livelihood.</p> <p>(ii) A son who is more than 18 years of age irrespective of his material status.</p> <p>(iii) The unmarried daughter who is more than 30 years of age.</p> <p>(iv) Physically and mentally retarded persons, irrespective of their age and sex.</p> <p>(v) Minor orphan who have lost their parents and have nobody to fall back upon. Such orphas</p>	<p>Not defined</p>

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
Not defined	In relation to a displaced person means the family of the displaced person consisting of such person and his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependant on him for their livelihood. (Section 2 (h))	In relation to a displaced person means the family of displaced person consisting of such persons and his or her spouse, minor son, unmarried daughter, minor brother or unmarried sister, father and mother and other members residing with him and dependant on him for their livelihood. (Section 2 (9))	Family of a PAP consists of such persons, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him and dependant on him/her for their livelihood (Para 2.1.2.1)	Not defined	Not defined	Not defined

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<p><b>5. Marginal farmer</b></p> <p>Means a cultivator with an unirrigated land holding upto one hectare or irrigated land holding upto half hectare. (Para 3.1(l))</p>	<p>Means a cultivator with an unirrigated land holding upto one hectare or irrigated land holding upto half hectare or combination</p>	<p>Means a cultivator owning 1 ha. of unirrigated land or 0.50 ha. irrigated</p>	<p>Means a cultivator with one hectare of cultivable land (Para 3.4)</p>	<p>numbering more than one in a particular family will be clubbed together &amp; counted as one family.</p> <p>(vi) Share croppers/ holders if recorded as such in the Record of Rights.</p> <p>(vii) Divorcees and widows having no source of livelihood.</p> <p>(viii) A person in whose favour encroachment if any within the affected zone is settled as per the law of the land. (Para 2 (g))</p> <p>Not defined</p>	<p>Not defined</p>

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
Not defined	Not defined	Not defined	Not defined	Not defined	Not defined	Not defined

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<p><b>7. Project</b></p> <p>Means a project displacing 500 families or more enmasse in plain areas and 250 families or more enmasse in hilly areas, DDP blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India as a result of acquisition of land for any project. (para 3.1.(p))</p>	<p>Means the project(s) notified under this policy and displacing:</p> <p>a) 100 or more families en-masse in plain areas or</p> <p>b) 25 or more families en-masse in Tribal areas or in areas mentioned in Schedule V of the constitution of India from their lands and or houses. (Para 3.8)</p>	Not defined	Not defined	<p>Means the construction, extension or improvement of any work (reservoir, dam and appurtenant, canals) for the supply of water for the purpose of irrigation construction, extension, improvement or development of which adversely affects persons from lands which may be used for such work. (Para 2 (o))</p>	<p><b>Project Affected Family (PAF):</b> A family consisting of father, mother, children living together with common kitchen and are affected by the project, irrespective of their legal status resulting in loss of homestead, other assets, sources of income / livelihood, common assets and cultural properties.</p>

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
<p>Means: -</p> <p>a) An irrigation project, that is to say, the construction, extension, improvement or development of any work for the supply of water for the purpose of irrigation;</p> <p>b) Atomic energy and power project, that is to say, construction, extension, improvement or development of any work for the production or supply of electricity or any work conducive to electrical development;</p> <p>c) A public utility project, that is to say, any work of construction, extension, improvement or development of public utility including roads, other than irrigation project and power project;</p>	<p>Means the construction, extension or improvement of any work for the supply of water for the purposes of irrigation (hereinafter called an irrigation project) or for the production and supply of electricity or of any work conducive to electrical development (hereinafter called a power project), and includes any other work of public utility, construction, extension, improvement or development of which results in displacing persons from lands which may be used for such work. (Section 2(p))</p>	<p>Means an irrigation project, a power project or public utility project of the above mentioned two or more projects in respect of which a declaration is made under Section 10 (Section 2(13))</p>	Not defined	Not defined	Not defined	Not defined

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
<p>d) National Park and Sanctuary declared under the provisions of the Wild Life Protection Act, 1972;</p> <p>e) An industrial project, that is to say, setting up of production, distribution or service industry or providing any service, in relation to them and includes as Industrial Estate;</p> <p>f) An university project, that is to say, setting up of any university or any teaching, training institution;</p> <p>g) A chemical project, that is to say, extraction, production and processing of chemicals;</p> <p>h) A mine project, that is to say, extraction of any mineral from the bed</p>						

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<p><b>8. Project Affected Family</b></p> <p>Means a family/person whose place of residence or other properties or source of livelihood are substantially affected by the process of acquisition of land for the project and who has been residing continuously for a period of not less than three years preceding the date of declaration of the affected zone or practicing any trade, occupation or vocation continuously for a period of not less than three years in the affected zone, preceding the date of declaration of the affected zone.(Para 3.1(q))</p>	<p>Means:</p> <p>a) a family whose source of livelihood are substantially affected by the process of acquisition of land for the project and who has been residing continuously for a period of not less than three years preceding the date of declaration of the affected zone or practicing any trade, occupation or vocation continuously for a period of not less than three years in the affected zone, preceding the date of declaration of the affected zone regardless of the fact whether they owned land or</p>	<p>Not defined</p>	<p>Not defined</p>	<p>Means a person who since at least one year prior to the date of publication of the notification Under Section 4 of the land Acquisition Act, 1894, has been ordinarily residing, and who on account of acquisition of his/her land including homestead land in the submergence zone for the purpose of the project is displaced from such land. This would also include landless labourers. (Para 2 (f))</p>	

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
<p>of the earth or river bed;</p> <p>i) Any composite project of any of the two or more such projects; (Para 2 (10))</p> <p>Means: -</p> <p>(a) An occupant whose land in the affected zone (including land in the gaathan) is acquired under section 14 for the purposes of a project;</p> <p>Explanation:- For the purpose of this sub-clause, where any agricultural land is recorded in the relevant village records in the name of one of the brothers as a Karta or Manager of a Hindu Joint family, then every brother (or son or sons of any deceased brother all</p>	Not defined	Not defined	Means a person and his family whose place of residence or other properties or source of livelihood are substantially affected by the process of acquisition of land for the project and who has been residing continuously for a period of not less than three years preceding the date of Sec 4 notification of the Land Acquisition Act, 1894 or practicing any trade, occupation or vocation continuously for a period of not less than three years in the land proposed to be acquired, preceding the	Not defined	Not defined	Project Affected People fall in to the following categories: A. Land owners with whom govt. land is settled: (para 10. A)  B. Land less who derive their livelihood from the land to be acquired for a minimum period of three years prior to the date of notification (para 10.B)

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
	<p>not.</p> <p>b) a family whose more than 50% land is acquired and left over after acquisition is below Ac.5.0 dry or Ac.2.5 wet or combination of both on above principle</p> <p>c) a Project Displaced family (Para 3.16)</p>				

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
<p>together as one unit) who has a share in the lands, whether his name is recorded in such village record or not, shall be treated as affected person;</p> <p>(b) a person who is a tenant in actual possession of land under the relevant tenancy law in the affected zone at the time of acquisition of land;</p> <p>(c) an occupant whose land in the benefited zone is acquired for construction, extension, improvement or development of canals and their banks under irrigation project or for establishment of a new gaathan within or outside the benefited zone for rehabilitation</p>			<p>date of Sec 4 notification. (Para 2.1.2)</p> <p>A. PAPs owning agricultural land in the acquired area since last three years before the Sec 4 notification and whose entire land has been acquired. The list shall be prepared based on the revenue records as on the date of Section 4 notification under LA Act.</p> <p>B. PAPs owning agricultural land in the acquired area since last three years before the Sec 4 notification and losing partial land and becoming marginal farmer (left with unirrigated land holding upto one Ha or irrigated holding upto half Ha). The list shall be prepared based on the revenue records as on</p>			

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
<p>of persons from affected zone, and whose-</p> <p>(i) residual cultivable holding is reduced to less than one hectare after acquisition; or</p> <p>(ii) residual holding stands divided into fragments which are rendered unprofitable for cultivation; or</p> <p>(iii) residual holding is rendered uncultivable.</p> <p><b>Explanation:-</b> For the purpose of this sub-clause, the expression "Occupant" includes a tenant in actual possession of land under the relevant tenancy law in the benefited zone at the time of acquisition of land;</p> <p>(d) a person who is an agricultural</p>			<p>the date of Section 4 notification under LA Act. (Para 2.2)</p> <p>C. PAPs owning agricultural land in the acquired area since last three years before the Sec 4 notification and losing partial land and becoming small farmer (left with unirrigated land holding upto one Ha or irrigated holding upto half Ha). The list shall be prepared based on the revenue records as on the date of Section 4 notification under LA Act.</p> <p>D. PAPs owing agricultural land in the acquired area since last three years before the Sec 4 notification and losign partial land but not covered in either C at B or</p>			

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
labourer; (e) a person, not being an occupant or a person referred to in sub-clauses (a), (b), (c) and (d), who for a continuous period of not less than five years immediately before the date of publication of the notification under section 4 of the Land Acquisition Act, 1894, has been ordinarily residing or carrying on any trade, occupation or calling or working for gain in a gaathan in the affected zone; (Section 2(2))			C. The list shall be prepared based on the revenue records as on the date of Section 4 notification under LA Act.  E. Agricultural labourer PAP including squatters and encroacher who normally is a resident of the affected area for a period not less than three years immediately before Sec 4 notification, who does not own land in the acquired area but who earns his/her livelihood principally by manual labour on agricultural land therein immediately before such notification and who has been deprived of his/her livelihood. The list shall be prepared based on the socio economic survey,			

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
			<p>verification by the Gram Panchayat and duly certified by Collector or his/her authorized representative. (Para 2.2)</p> <p>F. Non agricultural labourer PAP including squatters and encroachers who is not an agricultural labourer, PAP, but is normally residing in the affected zone, for a period of not less than three years immediately before the Sec 4 notification and who does not own any land but who earns his livelihood principally by manual labour or as a rural artisan or having any client relationship with PAP community, immediately before acquisition and has been deprived of his/her such livelihood</p>			

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
			<p>due to acquisition. The list shall be prepared based on the socio-economic survey, verification by the Gram Panchayat and duly certified by Collector or his/her authorized representative.</p> <p>(Para 2.2)</p> <p>G. PAs losing partial lands in case of projects/ schemes related to railway lines e.g. in MGR transportation for fuel, connecting roads outside the project and its associated area, laying pipelines for fuel and ash transportation etc wherein only a narrow stretch of land extending several kilometers is being acquired. The list shall be prepared based on the</p>			

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
			<p>revenue records as on the date of Section 4 notification under LA Act. (In case of acquisition of home-steads in such a case shall fall in Category</p> <p>H). However, three years residence is required for belonging to this category also. In case of acquisition of major portion of their land holding (say 75% of land or more, however, in such a case shall fall in Cat A to D, subject to a minimum acquisition of one acre.</p> <p>H) Occupiers i.e. PAPs of STs in possession of forest land since 25th Oct 1980. The list shall be prepared based on the socio economic survey, verification by the Gram Panchayat, State / Central</p>			

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<p><b>9. Requiring Body</b></p> <p>Shall mean any company, a body corporate, an institution, or any other organization 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</p>	<p>Shall mean any company, a body corporate, an institution, or any other organization 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</p>	<p>Not defined</p>	<p>Not defined</p>	<p>Not defined</p>	

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
Not defined	Not defined	Not defined	<p>Forest Department and duly certified by Collector or his/her authorized representative.</p> <p>i). PAPs who are Homestead Oustees (HSO), residing in the area and owning house since last three years before the Sec 4 notification under LA Act and whose house has been acquired by the process of law. (Para 2.2)</p>	Not defined	Not defined	Not defined

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
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. (Para 3.1(s))	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. (Para 3.19)				
<b>10. Small Farmer</b>	Means a cultivator with an unirrigated land holding up to two ha. or with an irrigated land holding of more than half ha. and up to one ha. or combination of both on same principle (Para 3.20)				
Means a cultivator with an unirrigated land holding up to two ha. or with an irrigated land holding up to one ha. Para 3.1(t)	A cultivator with 2 ha. of cultivated land (Para 3.4)	Means a cultivator owning 2 ha. of un irrigated agriculture land or one ha. of irrigated agriculture land Para 2(e)		Not defined	

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
Not defined	Not defined	Not defined	Not defined	Not defined	Not defined	Not defined

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<p><b>(II) PACK-AGES</b></p> <p><b>(a) Allotment of land in lieu of acquired land</b></p> <p>i) Allotment of land for land to the extent of actual land loss or 1 hectare irrigated land or 2 hectares dry free of cost to BPL PAF subject to availability (Para 6.4)</p> <p>ii) Land shall be in the joint names of wife and husband (Para 6.6) with the Central Govt. (Para 3.1(a))</p>	<p>i) Allotment of land for land to the tribals to the extent of actual land loss or 1.25 ha. irrigated land or 2.5 hectares dry free of cost (Para 6.4)</p> <p>ii) Land shall be in the joint names of wife and husband (para 6.6)</p>	<p>i) Allotment of land for land if land is acquired for State Projects if not available then cash compensation Para (4.1.1.a)</p> <p>ii) If land is acquired, other than the State Project then cash compensation Para: (4.1.1.b)</p> <p>iii) No allotment of land for Govt. encroached land. However, if scheduled castes encroachments prior to 1990, shall be allotted land.</p> <p>iv) Lands of Kotwar Sewa, if acquired shall be given cash compensation (Para: 4.1.6)</p>	<p>Allotment of land for land or in lieu of that:</p> <p>a) Allotment of shop</p> <p>b) Group or Individual basis grant for self employment</p> <p>c) Priority employment for Group 3 &amp; 4 posts (Para 6.1) and (Para 6.2)</p>	<p>2 Acres of irrigated or 4 Acres of unirrigated land on cost (Para 9(g))</p> <p>(ii) and Note 2 (c)</p>	Not defined

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
Not defined	Not defined	Not defined	Not defined	Not defined	Not defined	Not defined

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<b>(b) Grant for meeting out the gap between compensation of land cost and cost to be paid for allotment of land in settlement zone</b>	No	No	No	No	Yes Replacement of land on equal basis i.e. 1 ha. of dry land for 1 ha. of dry land or ½ ha. of wet land. Upto a maximum of 3 ha. of dry land or 1.50 ha. of wet land [Para 2(a)]
<b>(c) One-time grant for development of cultivable waste-lands</b> Rs. 10,000 per hec. Per PAF (Para 6.7)	Rs. 10,000 per hec. Per PAF (Para 6.4)	Nil	Yes (Para 6.2(g)) Amount not specified	Reclamation of allotted land at Project Cost (Para 9 (b))	No
<b>(d) One-time grant for development of agricultural land</b> Rs. 5,000/- per PAF (Para 6.7)	Rs. 5,000/- per PAF (Para 6.4)	Rs. 10,000/- per acre (Para 5.27)	Not defined	Nil	Nil
<b>(e) Home-stead/ House site/ dwelling house cost/ grant</b> <b>a) House-site/ homestead</b>	150 sq.m. of land in rural areas and 75 sq.	Allotment of plot (a) in Rural Area:	15.0 Decimal land or in lieu of it Rs. 50,000/-	0.20 acres (Para (G) Note (2) (d))	Nil

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
No	If occupancy price of land granted is in excess of the amount of compensation, then excess amount of occupancy price is borne by State Govt. (Section 19 (1))	Difference between the compensation received and price PAF has to pay for allotted land will be given as grant-in-aid by State Govt. (Section 18 (3))	No	No	No	No
Nil	Nil	Nil	Rs. 10,000/- (Para 2.3.1)	Allotment of developed land (Para 1 (ii))	Nil	Nil
Nil	Nil	Nil	Nil	Rs. 4000/- (Para 1(x))	Nil	Nil
370-740 sq. meter (Section 16(1))	1200-2400sq. feet (Section 19 (1))	100-150 sq. metre (Section 18 (3))	200 Sq. Mt. In Resettlement Colony (Para 2.4.2.1)	200 Sq. Mts. in rural area (Para I (viii))	100-400 sq. meter	100sq. meter (Para A ii)

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
m. of land in urban areas.(Para 6.2)	m. of land in urban areas.(Para 6.2)	I) Land Less-300 sq.mt. ii) Small/ Marginal farmer- 450 sq.mt. iii) Other Agricultural family: 600: sq.mt.	- (Para 5.1 (a))		
<b>b) Cost of site</b> Free (Para 6.2)	Free (Para 6.2)	Free	Free (Para 5.1 (a))	Free (Para (9) Note (2) (d))	Alternate built house as per IAY norms, provided for (a) title holder (b) Encroachers (c)squatter (d) tenant Para I (1.a)
<b>c) Construction of house one-time grant</b> Rs. 25,000(Para 6.3)	Rs. 40,000(Para 6.3)	Nil	5.0 Dcimal land or in lieu of it Rs. 20,000/- (Para 5.1 (b))	Rs. 20,000 (plus inflation) (Para (9) (c) Note (1))	Free Para I (1.a)
<b>d) Temporary Shelter u/s 17 LA ACT</b> Transit house only for those acquired u/s17 of LA Act(Para 6.16)	Transit house only for those acquired u/s17 of LA Act(Para 6.15)	Nil	No	Transit Camp Para (9) Schedule (c) (3)	Yes Rs. 25,000/- Para I (a)
<b>e) Transportation cost</b> Rs. 5000 per PAF (Para 6.9)	Rs. 5000 per PAF(Para 6.8)	Shall be paid by Project Authority or in lieu. Rs. 1000/-	Rs. 2000/- (Para 5.4)	Free Transport Para (9) Schedule C (5)	No

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
				150-300 Sq. Mts. in Urban areas (Para II (i))		
Payment basis (Section 16 (1))	Payment basis (Section 19 (1))	Free (Section 18 (3))	Free (Para 2.4.2.1)	Cost Basis (Para I (viii))	Free	Free (Para A ii)
Payment basis (Section 16 (1))	Not specified	Not specified	Rs. 30,000/- (Para 2.4.4.2)	Rs. 20,000 to Rs. 50,000 (Para I (vi))	Rs. 22,000	Financial Assistance given but not specified (Para A ii)
No	No	No		Yes	Yes till rehabilitated	No
Not specified	Nil	Minimum Rs. 200 or decided by the Project Authority (Section 18 (3))	Rs. 20,000/- (Para 2.4.4.1)	Rs. 5000/- (Para I (xi))	Rs.2500 per project displaced family (PDF)	Full cost at market rate (Para A ii(c))

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<p><b>f) Construc- tion of cattle shed</b></p> <p>Rs. 3,000/- per PAF(Para 6.8)</p> <p><b>(III) OTHER PACK- AGES</b></p> <p><b>(a) Rehabili- tation grant (one time)</b></p> <p>(i) 750 days min. agricul- tural wages for loss of livelihood where neither agricultural land nor regular employment to one member of the PAF has been provided. (Para 6.11)</p> <p>(ii) 625 days of MAW for each PAF belonging to 'agricultural labourer' or 'non- agricultural labourer' (Para 6.14)</p> <p>(iii) 500 days of MAW for each PAF owning agricultural land in the affected zone and whose entire land has not been acquired and consequently he becomes a marginal farmer (Para 6.12)</p>	<p>Rs. 3000/- per PAF</p> <p>(i) 750 days min. agricultural wages for loss of livelihood where neither agricultural land nor regular employment to one member of the PAF has been provided. (Para 7.10)</p> <p>(ii) 625 days of MAW for each PAF belonging to 'agricultural labourer' or 'non- agricultural labourer' (Para 6.13)</p> <p>(iii) 500 days of MAW for each PAF owning agricultural land in the affected zone and whose entire land has not been acquired and consequently he becomes a marginal farmer (Para 6.11)</p>	<p>Nil</p> <p>Not defined</p>	<p>No</p> <p>Not defined</p>	<p>No</p> <p>No</p>	<p>Rs. 5000/- as per NPRR-03, Para: I (1.a) (3)</p> <p>No</p>

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
No	Not specified	Not specified	No	No	Not specified	No
No	Not specified	Not specified	i) 1000 days MAW for Category B to F ii) 750 days MAW for Category G iii) 500 days MAW with no other benefits (Para 2.3.2)	750 days MAW or Rs. 33,000/- (Para I (xv))	Rs. 20,000 to landless agricultural labourers of the villages where more than 51% of the agricultural land was acquired for the project. Rs. 5000 to those land losers who are left with economic holdings.	No

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
(iv) 375 days of MAW for each PAF owning agricultural land in affected zone and consequently he becomes a small farmer. (Para 6.13)	(iv) 375 days of MAW for each PAF owning agricultural land in affected zone and consequently he becomes a small farmer. (Para 6.12)				
<b>b) Subsistence allowance</b>					
20 days of MAW per month for a period of one year (Para 6.15)	One time subsistence allowance for 240 days of MAW (Para 6.14)	Nil	Rs. 1000/- p.m. (Para 7.2)	No	i) Rs. 24661. per ha. for dry land or Rs. 41420/- per ha. for wet land upto a maximum of 3 ha. dry land or 1.50 ha. of wet land.  ii) One time livelihood assistance equivalent to 625 MAW.
<b>d) Financial assistance to purchase productive assets or to start business forearning livelihood</b>					
No	No	Nil	Rs. 75,000/- (Para 6.4 (b))	No	Land for the shop or alternate built shop of 9 m area + 750 days MAW for 12 months. Para 2 (b) (a)

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
No	Not defined	No	Yes (Para 2.3.3)	No	Rs. 2,800 per PDF	Not specified
No	No	No	Rs. 50,000 to 1,00,000 (Para 2.4.1)	Allotment of shops on cost basis (Para II (xii))	No	No

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<b>e) Training</b> Yes (Para 6.18)	No	Yes (Para: 7.7)	Yes (Para 6.5)	No	No
<b>f) Direct employ- ment</b> No	No	Yes (Para: 7.1)	On preferential basis in group 3 & 4 posts (Para 9.2)	No	Yes
<b>g) Basic amenities to be provided</b> PAF shall be provided basic amenities . (para 6.22.2)	Basic amenities to be provided (Para 6.18)	Yes (Para: 8.8, 8.9)	Yes (Para 5.5)	Yes	No
<b>h) Special schemes for women</b> Nil	No Special schemes for long stretches	No	No	No	Yes (Para-II-3)
<b>i) Acquisition for long stretches</b> An exgratia amount of Rs. 10,000/- per family (Para 6.17)	No provision for Acquisition of long stretches	No	No	No	No
<b>j) Loss of common property resources</b> Nil	Nil	Nil	Nil	Nil	No

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
No	Not defined	No	Yes (Para 2.9.1)	Yes (Para III (a))	Yes	No
Yes Section 6 (c)	No	No	No	Preference in employment (Para III (a))	Not specified	Offer of appointment as per their policy (para A(i)(a) and para 17
Yes Sect. 10 (3)	Yes Section ( 22-I)	Yes Section 21 (J)	Yes (Para 2.10)	Yes (Para I (xvii))	Yes	Yes .(Para 18)
No	No	No	Yes (Para 2.13)	No	No	Yes .(Para 16)
No	No	No	Yes (Para 2.2 (g))	No	No	No
Nil	Nil	Nil	Yes (Para 2.7)	Nil	Nil	Nil

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<b>k) Incentive for adopting small family</b> Nil	Nil	No	Nil	Nil	Yes Para [(II)-2]
<b>l) Special Assistance to girl child</b> Nil	Nil	Nil	Nil	Nil	Nil
<b>m) Rural Health Insurance Scheme</b> Nil	Nil	Nil	Nil	Nil	Nil
<b>n) Adoption of a village as a Model Village</b> Nil	Nil	Nil	Nil	Nil	Nil
<b>o) Opening of Public Informa- tion Center</b> Nil	Nil	Nil	Nil	Nil	Nil
<b>p) Village Develop- ment Advisory Committee</b> No	No	Nil	No	No	Nil

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
Nil	Nil	Nil	Yes (Para 2.9.2)	No	Nil	Nil
Nil	Nil	Nil	Yes (Para 2.11.1.1)	Nil	Nil	Nil
Nil	Nil	Nil	Yes (Para 2.11.2.1)	Nil	Nil	Nil
Nil	Nil	Nil	Yes (Para 2.14)	Nil	Nil	Nil
Nil	Nil	Nil	Yes (Para 4.1.1)	Nil	Nil	Nil
No	No	No	Yes (Para 4.1.2)	Nil	No	No

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
q) Constitu- tion of Lok Adalat  No	No	No	No	Yes	No
r) Income genera- tions Scheme grant  Yes	Yes	No	Yes	No	No
<b>(IV) PACKAGE FOR TRIBALS</b>  i) Preference in allotment of land( para 6.21.1)  ii) Additional financial assistance equivalent to 500 MAW for loss of customary rights (para 6.21.3)  iii) Re-settled close to their natural habitat (para 6.21.4)  iv) Get land free of cost for religious and community gathering (para 6.21.5)  v) Resettled out of the district/ taluka shall get 25% higher R&R benefits (para 6.21.6)	1) The Project Affected Families who were in possession of forest lands prior to 25th October, 1980 shall get all the benefits of R&R  a) Each Project Affected Family of ST category shall be given preference in allotment of land.  b) Each Tribal PAF shall get additional financial assistance equivalent to 500 days minimum agriculture wages for loss of customary rights/usages of forest	Extension of present development programmes for the displaced Tribal families Para: (8.12)	Preference in allotment of land for land (Para 6.2 (f))	Yes (Para 9 (viii))	No

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
No	No	No	No	No	No	No
No	No	No	Yes	No	Yes (Para 2.07-2.2.10)	No
Not defined	Not defined	Not defined	i) Nil  ii) Yes (Para 2.6.1)  iii) Yes (Para 2.6.2)  iv) Yes (Para 2.6.3)  v) Yes (Para 2.6.4)	No Separate package for Tribals	Not defined	ix) Package C or jobs with contractors. Contractors will be persuaded to give jobs to eligible PAPs on a preferential basis, where feasible. In addition, the subsidiaries will shift the tribal community as a unit and provide facilities to meet the specific needs of the tribal community that will allow them to maintain their unique cultural identity (Para 11 (B) (ii))

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<p>vi) Land Alienated in violation of the laws shall be treated as null &amp; void (para 6.21.7)</p> <p>vii) Given fishing rights in the reservoir area (para 6.21.8)</p> <p>viii) Entitled to get the reservation benefits at the resettlement zone (para 6.21.9)</p>	<p>produce.</p> <p>c) Tribal PAFs will be re-settled close to their natural habitat of their choice, to the extent possible, in a compact block so that they can retain their ethnic, linguistic and cultural identity.</p> <p>d) Tribal PAFs resettled out of the district or out side tribal area will get 25% higher R&amp;R benefits in monetary terms.</p> <p>e) The tribal Land Alienated in violation of the laws and regulations in force on the subject would be treated as null and void and the R&amp;R benefits would be available only to the original tribal landowner.</p> <p>f) The Tribal families residing in the Project Affected Areas having fishing rights in the river /pond/ dam shall be given fishing rights in the reservoir area. (Para 6.19)</p>				

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
			vi) Yes (Para 2.6.6)			
			vii) Yes (Para 2.6.5)			

Definition/ Packages NPRR-03	Resettlement & Rehabilitation Policies				
	Andhra Pradesh Policy 2005	Chhattisgarh Policy 2005	Jharkhand Policy 2003	Orissa Policy 1994	TamilNadu Policy
<b>(V) DISPUTE REDRESSAL MECHA- NISM</b>					
I) R & R committee at Project Level					
Yes (para 7.1.1)	Yes (para 7.1 & 8.3)	Yes Para (10.12)	Yes (Para11.1)	Yes. Schedule (G) (9)	Not defined
ii) Grievance Redressal Cell at the State level					
Yes(para 7.2.1)	Yes (para 7.2.1)	Yes Para: 9.2.		No	Yes ( Para: 6.5)
iii) National Level Monitoring Committee					
Yes	No			No	Yes (Para: 6.6)

Resettlement & Rehabilitation Acts			Projects Based Resettlement & Rehabilitation Policies			
Maharashtra Act 2001	Karnataka Act 1987	Madhya Pradesh Act 1985	NTPC R&R Policy 2005	THDC 1998	Upper Krishna Project (1964)	Coal India Ltd. Policy
Yes	Yes	No	1) Yes (Para 4.3.1)	Yes	Yes	Yes (para, 20 and 25)
Sect. 9	Sect. 23 (5) and Sect. 12	Yes Section 34.				- do -
No	No					

## ANNEXURE-III

### SARDAR SAROVAR PROJECT (SSP) ENTITLEMENTS OF REHABILITATION BENEFITS AS PER NWDT AWARD AND STATE-WISE COMPARATIVE PROVISIONS

Item	NWDT Award	Madhya Pradesh	Gujarat	Maharashtra
<b>Definition of oustee</b>	An oustee shall mean any person who, since at least one year prior to the date of publication of notification u/s 4 of the Land Acquisition Act, has been ordinarily residing or cultivating land or carrying on any trade, occupation or calling or working for gain in the area likely to be submerged permanently or temporarily.	Any person who has been ordinarily residing or carrying on any trade or vocation for his livelihood for at least one year before the date of publication of notification u/s 4 of the Land Acquisition Act or has been cultivating land for at least three years prior to such notification in an area which is likely to come under submergence whether temporarily or permanently because of the project or is otherwise required for the Project.	Same as under NWDT Award Clause XI-1(2)	Same as under NWDT Award Clause XI-1(2)
<b>Family</b>	A family shall include husband, wife and minor children and other persons dependant on the head of the family, e.g. widowed mother.	A family shall mean and include husband, wife and minor children and other persons dependant on the head of the family e.g. widowed mother, widowed sister, unmarried sister, unmarried daughter or old father.	Same as under NWDT Award Clause XI-1(3) (ii)	Same as under NWDT Award Clause XI-1(3) (ii)

Item	NWDT Award	Madhya Pradesh	Gujarat	Maharashtra
<p><b>Land Allotment</b></p> <p>a) Landed Oustees</p>	<p>Every displaced family from whom more than 25% of its land holding is acquired shall be entitled to and be allotted irrigable land to the extent of land acquired from it subject to the prescribed ceiling in the State concerned and a minimum of 2 hectares (5 acres) per family, the irrigation facilities being provided by the State in whose territory the allotted land is situated. This land shall be transferred to the oustee family if it agrees to take it. The price charged for it would be as mutually agreed between Gujarat and the concerned State. Of the price to be paid for the land a sum equal to 50% of the compensation payable to the oustee family for the land acquired from it will be set off as an initial installment of payment. The balance cost of the allotted land shall be recovered from the allottee in 20 yearly installments free of interest. Where land is allotted in Madhya Pradesh</p>	<p>1. Land equivalent to that acquired with a minimum of 2 ha and maximum of 8 ha and also Govt. assistance in providing irrigation by wells/tubewells or any other method if land not irrigated. If irrigation is not possible, minimum 4 ha will be allotted. Development of dry land would be subsidized by the Government to the extent of 75% of the cost involved.</p> <p>2. (a) For the families of all SC/ST and other categories with land holding upto 2 ha grant-in-aid would be paid to cover the gap, if any, between the amount of compensation and the cost of allotted land in full. For other owing land from 2 to 8 ha will be eligible for an additional amount of Rs. 2000/- per ha or 50% of the difference in cost of allotted land and the compensation received. Which is less.</p> <p>(b) Oustee has two choice:</p>	<p>1. Land equivalent to that acquired with a minimum of 2 ha and maximum limited to State ceiling. Joint holders are also eligible for land equal to his share subject to a min. of 2 ha Joint holders and major sons will be considered as co-sharer of acquired land. Irrigation facilities to be provided by the State.</p> <p>2. Where agricultural land is purchased by the oustees' family through committee, the difference, if any, in price of land so purchased and the amount of compensation shall be paid as an ex-gratia.</p> <p>3. The landed oustee/encroacher who have received compensation of land has an option to contribute 50% of his compensation as initial installment towards the cost of allotted land and rest of the amount of the cost of land to be repaid in 20 years, yearly interest free installments of contribute 100%</p>	<p>1. Land equivalent to that acquired with a minimum of 2 ha and maximum limited to State ceiling. Joint holders are also eligible for land equal to his share subject to a minimum of 2 ha Irrigation facility to be provided by the State</p> <p>2. The land is allotted to the oustee free of cost.</p>

Item	NWDT Award	Madhya Pradesh	Gujarat	Maharashtra
	or Maharashtra, all recoveries for the allotted land shall be credited to Gujarat.	I. He can opt for cash compensation for his submerged land. II. He can opt for compensation in the form of land. He will be entitled for 50% amount of compensation in cash and remaining 50% amount will be adjusted against the cost of the allotted land. Remaining cost of allotted land will be recovered in 20 yearly installments as loan due from third year. Loan will be interest free.	compensation towards the cost of allotted land and the difference between the price of the allotted land and compensation would be treated as ex-gratia towards occupancy price. In other categories, i.e. landless agricultural labourer, encroacher (who has not received compensation) and their major sons are given full ex-gratia amount towards the cost of allotted land.	
b) Encroacher oustees	No land allotment benefit provided.	a) They will be treated as landed oustees subject to two conditions. i. Encroachment must be on or before 13.04.87. ii. Allotment of agricultural land will be 1 ha or 2 ha only subject to the size of encroachment coming under submergence. b) Encroachers will be entitled to get compensation for land under submergence,	Encroaches prior to 1 year of Notification under Sec. 4 of the Act are entitled for 2 ha of land and compensation for the balance encroached land as ex-gratia.	2 ha of land and compensation as ex-gratia payment for the balance land encroached upto 31/3/78. Later encroachers will be treated as landless and will get 1 ha agricultural land.
c) Landless oustees	No provision for land allotment	No. land. According to liberalized R&R policy of GOMP letter No. 12/1/27/2/98/1286 dated 04.12.2001 which is over &	2 ha of land to landless Agricultural labourers only	1 ha of land it oustee moves with others.

Item	NWDT Award	Madhya Pradesh	Gujarat	Maharashtra
d) Major sons of above all categories of oustees	" Every major sons will be treated as separate family  " No provision for land allotment	above NWDT award, all landless agricultural labourers and all SC/ST landless oustees will get Rs. 49,300 each for productive assets while other landless will get Rs. 33,150.  Major sons will be treated as separate family. They will be entitled to cash compensation according to the category to which they belong.	2 ha of land to each major sons of all category of oustees with 1/1/87 as cut-off date for major sons.	1 ha. of land to each major unmarried daughters and major sons of all category of oustees with 1/1/87 as cut-off date for major sons and unmarried daughters.
<b>House plot</b>	Free of cost allotment of house plot to each oustee family measuring 18.29 X 27.43 m (60'X90') including major sons	Residential developed plot of 502 Sq. m. (60'X90') in rural areas will be given free to the oustee families and their major sons.	1. Residential plot of 502 sq.m. would be given free of charge to the oustee families and their major sons.  2. Free readymade core house/ financial assistance of Rs. 45,000/- for construction of core house to the oustee families and their major sons.	1. Residential plot of 502 sq. m. would be given free of charge to the oustee families and their major sons and unmarried major daughters.  2. Free Mangalore tiles and bamboos.
<b>Rehabilitation Grant, Grant-in-aid, Subsidy</b>	Resettlement/ Rehabilitation grant @ Rs. 750/- per family inclusive of transportation charges.  Grant-in-aid upto Rs. 500/-	The GOMP has further liberalized the R&R policy dated 04.12.2001 which is over and above NWDT Award. Accordingly, the scale of grant-in-aid for rehabilitation will be as follows:  Rehabilitation Grant:	Subsistence Allowance  Each family will be paid subsistence allowance at Rs. 15/- per day for 25 days in a month for a period of one year after resettlement.  Rs. 750/- per family with an	Subsistence Allowance  Each family will be paid subsistence allowance at Rs. 15/- per day for 25 days in a month for a period of one year after resettlement or Rs. 4,500 per PAP Annually.

Item	NWDT Award	Madhya Pradesh	Gujarat	Maharashtra
		All agricultural landless labourers/SC/ST laboures, small and marginal farmer @ Rs. 18700 each. All other labourers & landless families @ Rs. 9,350 each.	increase of 8% year worked out with January, 1980 as base, as resettlement grant. Grant-in-aid upto Rs. 500/- as per NWDT Award. Rs. 7,000 to purchase productive assest to all category of oustees & their major sons.	Rs. 750/- per family with an increase of 8% per year worked out with January, 1980 as base, as resettlement grant. Grant-in-aid upto Rs. 500/- as per NWDT Award. The above benefits at Sl. 2 will be provided to all category of oustees and their major sons and un-married major daughters.
<b>Transportation Grant</b>	Transportation charges to be met out of Resettlement/Rehabilitation grant of Rs. 750/-	Free transport will be provided by the project. In case this facility is not availed of, a lumpsum relocation grant will be paid.	Free transport will be provided by State Government.	Free transport will be provided by State Government
<b>Acquisition of Private land/ Houses which get isolated or physically cut-off.</b>	Not dealt with	Would be acquired and owners treated as oustees.	Would be acquired and owners treated as oustees.	Would be acquired and owners treated as oustees.
<b>Compensation</b>				
(a) Land	As per Land Acquisition Act in operation at the time of acquisition	Compensation for land on the basis of price of similar land in adjacent command areas.	As per Land Acquisition Act as amended from time to time.	As per Land Acquisition Act as amended from time to time.
(b) Houses	As per Land Acquisition Act.	Replacement value of House.	As per Land Acquisition Act.	As per Land Acquisition Act.
<b>Civic Amenities</b>	1. One primary school (3 rooms) for every 100 families 2. One Panchayat Ghar for every 500 families.	1. Drinking water well/tubewell with trough. 2. Link and approach road and drains. 3. Electricity	As per NWDT Award.	1. One Primary School (3 rooms) for 100 families 2. One Panchayat Ghar for 500 families.

Item	NWDT Award	Madhya Pradesh	Gujarat	Maharashtra
	<p>3. One dispensary for every 500 families.</p> <p>4. One seed store for every 500 families.</p> <p>5. One children's park for every 500 families.</p> <p>6. One village pond for every 500 families.</p> <p>7. Drinking water well with trough for every 50 families.</p> <p>8. One tree platform for every 50 families.</p> <p>9. One religious place of worship for every 500 families.</p> <p>10. Each Colony should be linked to main road by roads of appropriate standards.</p> <p>11. Electrification, water supply, sanitary arrangements etc.</p>	<p>4. Dispensary</p> <p>5. Primary School</p> <p>6. Panchayat Bhawan-cum-Community Hall</p> <p>7. Playground/Children's Park</p> <p>8. Cattle Shed</p> <p>9. Place of Worship</p> <p>10. Threshing ground</p> <p>11. Seed Store</p> <p>12. Tree Platform.</p> <p>13. Cremation &amp; burial ground</p> <p>14. Pond, wherever feasible</p> <p>15. Social amenities for each municipal town viz. water supply, sanitary arrangements etc.</p> <p>16. Any other facility such as middle school which was existing in the affected village and its improvement.</p> <p>17. Ear marking of pasture land and its improvement.</p>		<p>3. Samaj Mandir (cultural center) for 500 families</p> <p>4. One health dispensary for 500 families.</p> <p>5. One seed store</p> <p>6. Electricity supply.</p> <p>7. Open gutters.</p> <p>8. Public Latrines.</p> <p>9. Open place for collection of animals.</p> <p>10. Khalwadi (Threshing platform)</p> <p>11. S.T. Stand</p> <p>12. Grazing Land.</p> <p>13. Open Place for Bazar.</p> <p>14. Cremation/ burial ground.</p>
<b>Other facilities</b>	Nil	<p>1. Where the option of interest free loan is not availed, the family would be assisted to the extent of a grant-in-aid of Rs. 1,000/- per ha per year for 2 years.</p> <p>2. Age relaxation of 2 years in Class III posts under</p>	<p>1. Special schemes for rehabilitating Dungri Bhils in their marriage circles.</p> <p>2. Priority in allotment of tankbed land.</p> <p>3. A non-agriculturist family i.e.,</p>	Relocation would be given priority in public employment subject to meeting minimum qualifications and subject to age relaxation upto 3 years. Also attempt would be made to absorb as many oustees as

Item	NWDT Award	Madhya Pradesh	Gujarat	Maharashtra
		<p>the Govt. service.</p> <p>3. All welfare schemes being run at the site of displacement will be implemented at relocation sites also.</p>	<p>Trader, Shopkeeper, Artisan, are given financial assistance upto Rs. 5000/- at the new site for resettling at the new location. He is also provided floor area equal to that lost at new site for carrying out the trade. The differential price is treated as ex-gratia.</p> <p>Preference in employment.</p> <p>4. All ongoing welfare schemes will be implemented at relocation sites also.</p>	<p>possible in project works.</p> <p>1. Priority in Class-III &amp; IV posts. Reservation in project establishment.</p> <p>2. 50% reservation in ITI.</p> <p>3. 5% reserved for PAP's children in Class-III &amp; IV posts in all Govt./Semi Govt. Organisations and local authority.</p> <p>3. Housing building advance</p> <p>i) Landholder-Rs. 8,000/-</p> <p>ii) Landless labourers -Rs. 4,000/-</p>