

# Resettlement Policy Framework for Power Transmission and Distribution Projects

**Andhra Pradesh**

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# Acronyms and Abbreviations

|                  |  |
|------------------|--|
| <b>ADE</b>       | Assistant Divisional Engineer  |
| <b>AE</b>        | Assistant Engineer   |
| <b>AP</b>        | Andhra Pradesh   |
| <b>APEPDCL</b>   | Andhra Pradesh Eastern Power Distribution Company Limited  |
| <b>APSDCL</b>    | Andhra Pradesh Southern Power Distribution Company Limited   |
| <b>APTRANSCO</b> | Transmission Corporation of Andhra Pradesh Limited   |
| <b>CE</b>        | Chief Engineer   |
| <b>CEA</b>       | Central Electricity Authority  |
| <b>CGRF</b>      | Consumer Grievance Redressal Forum   |
| <b>DC</b>        | District Collector   |
| <b>DE</b>        | Divisional Engineer  |
| <b>EE</b>        | Executive Engineer   |
| <b>EEE</b>       | Electrical and electronic equipment  |
| <b>EMF</b>       | Environment Management Framework   |
| <b>ESMF</b>      | Environment Social Management Framework  |
| <b>GAP</b>       | Gender Action Plan   |
| <b>GoAP</b>      | Government of Andhra Pradesh   |
| <b>GoI</b>       | Government of India  |
| <b>HVDS</b>      | High Voltage Distribution System   |
| <b>LVDS</b>      | Low Voltage Differential Signalling  |
| <b>MRO</b>       | Mandal Revenue Officer   |
| <b>NOC</b>       | No Objection Certificate   |
| <b>PIUs</b>      | Project Implementation Unit  |
| <b>PTCC</b>      | Power & Telecommunication Coordination Committee   |
| <b>R&amp;R</b>   | Rehabilitation and Resettlement  |
| <b>RFCTLARRA</b> | Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act |
| <b>ROW</b>       | Right of Way   |
| <b>RPF</b>       | Resettlement Policy Framework  |
| <b>SC</b>        | Scheduled Caste  |
| <b>SE</b>        | Superintendent Engineer  |
| <b>SIA</b>       | Social Impact Assessment   |
| <b>ST</b>        | Scheduled Tribe  |
| <b>T&amp;D</b>   | Transmission and distribution  |
| <b>ULBs</b>      | Urban Local Bodies   |

# Definitions

The definitions provided below are as per Chapter 1 Section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA 2013).

|                               |  |
|-------------------------------|--|
| <b>Administrator</b>          | An officer appointed for the purpose of rehabilitation and resettlement of affected families under sub-section 1 of section 43 of the RFCTLARRA 2013   |
| <b>Affected Area</b>          | Such area as may be notified by the Appropriate Government for the purposes of land acquisition  |
| <b>Affected Family</b>        | <p>Includes:</p> <ul style="list-style-type: none"> <li>(i) A family whose land or other immovable property has been acquired;</li> <li>(ii) A family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land'</li> <li>(iii) The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land;</li> <li>(iv) Family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;</li> <li>(v) A member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;</li> <li>(vi) A family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land</li> </ul> |
| <b>Appropriate Government</b> | <p>Means:</p> <ul style="list-style-type: none"> <li>(i) In relation to acquisition of land situated within the territory of a State, the State Government;</li> <li>(ii) In relation to acquisition of land for public purpose in more than one State, the Central Government, in consultation with the concerned State Governments or Union territories;</li> </ul> <p>Provided that in respect of a public purpose in a District for an area not exceeding such as may be notified by the Appropriate Government, the Collector of such District shall be deemed to be the Appropriate Government</p>   |

|                            |  |
|----------------------------|--|
| <b>Collector</b>           | Means the Collector of a revenue district, and includes Deputy Commissioner and any officer specially designated by the Appropriate Government to perform the function of a Collector under the RFCTLARRA 2013   |
| <b>Commissioner</b>        | Means the Commissioner for Rehabilitation and Resettlement appointed under sub-section (1) of section 44 of the RFCTLARRA 2013   |
| <b>Cost of Acquisition</b> | Includes: <ul style="list-style-type: none"> <li>(i) Amount of compensation which includes solatium, any enhanced compensation ordered by the Land Acquisition and Rehabilitation and Resettlement Authority or the Court and interest payable thereon and any other amount determined as payable to the affected families by such Authority or Court;</li> <li>(ii) Demurrage to be paid for damages caused to the land and standing crops in the process of acquisition</li> <li>(iii) Cost of acquisition of land and building for settlement of displaced or adversely affected families;</li> <li>(iv) Cost of development of infrastructure and amenities at the resettlement areas;</li> <li>(v) Cost of rehabilitation and resettlement as determined in accordance with the provisions of the RFCTLARRA 2013</li> <li>(vi) Administrative cost for (a) acquisition of land, including both in the project site and out of the project area lands, not exceeding such percentage of the cost of compensation as may be specified by the Appropriate Government; and (b) rehabilitation and resettlement of owners of the land and other affected families whose land has been acquired or proposed to be acquired or other families affected by such acquisition;</li> <li>(vii) Cost of undertaking Social Impact Assessment Study</li> </ul> |
| <b>Displaced Family</b>    | Means any family, who on account of acquisition of land has to be relocated and resettled from an affected area to the resettlement area   |
| <b>Family</b>              | Includes a person, his or her spouse, minor children, minor brothers and minor sisters depended on him: provided that widows, divorces and women deserted by families shall be considered separate families  |
| <b>Holding of Land</b>     | Means the total land held by a person as an owner, occupant or tenant or otherwise   |
| <b>Land</b>                | Includes benefits to arise out of land, and things attached to the ear or permanently fastened to anything attached to the earth   |
| <b>Landless</b>            | Means such persons or class of persons who may be: <ul style="list-style-type: none"> <li>(i) Considered or specified as such under any State law for the time being in force; or</li> <li>(ii) In a case of landless not being specified as above, as may be specified by the Appropriate Government</li> </ul>   |

|                          |   |
|--------------------------|---|
| <b>Land Owner</b>        | Includes any person: <ul style="list-style-type: none"> <li>(i) Whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or</li> <li>(ii) Any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or under any other law for the time being in force; or</li> <li>(iii) Who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or</li> <li>(iv) Any person who has been declared as such by an order of the court or Authority</li> </ul>   |
| <b>Local Authority</b>   | Includes a town planning authority (by whatever name called) set up under any law for the time being in force, a Panchayat as defined in article 243 and a Municipality as defined in article 243P of the Constitution  |
| <b>Market Value</b>      | Means the value of land determined in accordance with section 26 of the RFCTLARRA 2013  |
| <b>Person Interested</b> | Means: <ul style="list-style-type: none"> <li>(i) All persons claiming an interest in compensation to be made on account of the acquisition of land under the RFCTLARRA 2013</li> <li>(ii) The Scheduled Tribe and other traditional forest dwellers, who have lost any forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;</li> <li>(iii) A person interested in an easement affecting the land;</li> <li>(iv) Persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and</li> <li>(v) Any person whose primary source of livelihood is likely to be adversely affected;</li> </ul> |
| <b>Requiring Body</b>    | Means a company, a body corporate, an institution, or any other organisation or person from 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 transfer of such land is for public purpose to a company, body corporate, an institution, or any other organisation, as the case may be, under lease, licence or through any other mode of transfer of land  |
| <b>Resettlement Area</b> | Means an area where the affected families who have been displaced as a result of land acquisition are resettled by the Appropriate Government   |
| <b>Scheduled Areas</b>   | Means the Scheduled Areas as defined in section 2 of the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996.  |

# Executive Summary

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The Government of Andhra Pradesh (GoAP) has signed a Memorandum of Understanding (MoU) with the Government of India (GoI) to launch the 'Power for All' initiative. The purpose of the initiative is to ensure 24x7 power supply in the State of Andhra Pradesh (AP). The key interventions planned under the initiative are:

- Adequate power generation for providing 24x7 power supply
- Adequate power transmission and distribution systems
- Interventions for improving operational efficiency and customer satisfaction

The Government of Andhra Pradesh (GoAP), through the Government of India (GoI), has approached the World Bank for financial and technical support. Specifically, the proposed World Bank investments will be to implement the following initiatives:

- Establish new transmission sub-stations
- Upgrade existing transmission sub-stations
- Lay Transmission lines
- Undertake HVDS work
- Replace existing irrigation pump sets with energy efficient pump sets
- Remote ON/OFF starters for irrigation pump sets
- Smart Metering
- Real-time monitoring and control of distribution network by deploying SCADA/DMS system
- Provide UG cabling and covered conductors in important pilgrim towns and tourist towns
- Technical assistance and capacity building support for the utilities

The investments will be implemented through the Andhra Pradesh state power utilities – Transmission Corporation of Andhra Pradesh Limited (APTRANSCO), Andhra Pradesh Southern Power Distribution Company Limited (APSPDCL) and Andhra Pradesh Eastern Power Distribution Company Limited (APEPDCL).

The proposed investments includes the establishment of new sub-stations, the construction of which requires securing of land by the concerned utility. For the construction of a 220 / 132 kV sub-station 8-15 acres of land is required, whereas a 132 / 33 kV sub-station requires 5-8 acres of land. While the majority of the land required for sub-station construction will be secured through transfer of Government lands, there is a possibility that some private land may need to be acquired. However, this will be done only as a demonstrable last resort in the case of non-availability of Government lands in the area. The RPF is applicable in those cases where involuntary acquisition is unavoidable.



The objective of the RPF is to appropriately identify, address and mitigate adverse socio-economic impacts that may occur due to the implementation of projects that involve the involuntary acquisition of land and subsequent resettlement of affected families. Without proper planning and management, involuntary resettlement may result in long-term hardship for affected people.

This RPF is based on relevant National / State laws as well as the World Bank Operational Policy for Involuntary Resettlement (OP-4.12). The National and State laws that are applicable are the RFCTLARRA 2013 and the RFCTLARRR 2014. In addition, the Andhra Pradesh Government Land Allotment Policy has been included as it covers instances when there is alienation of people residing on government lands.

Based on the applicable laws / policies, an entitlement matrix has been created listing the potential negative impacts / losses that may arise from involuntary land acquisition, and detailing out the nature and extent of entitlements available to affected families. The entitlements include compensation for land, which is to be calculated based on: the market rate of land multiplied by a factor dependent on whether the land is urban or rural; market value of any assets / property that is on the land being acquired (including buildings, crops and trees); and a solatium which is equal to the sum of the land value and value of assets.

In addition to the value of land, a separate rehabilitation and resettlement scheme that includes awards to affected families who need to relocate. These awards include housing, employment (or annuity), subsistence grant, transportation costs, and a onetime resettlement grant. The scheme is to be prepared by the Administrator for Rehabilitation and Resettlement (who shall be the level of Joint Collector or Additional Collector or Deputy Collector) under the supervision of the Commissioner for Rehabilitation and Resettlement. The Rehabilitation and Resettlement award shall be determined by the Collector with the support of the Administrator for Rehabilitation and Resettlement.

For the settlement of disputes regarding land acquisition and rehabilitation and resettlement a "Land Acquisition, Rehabilitation and Resettlement Authority" (Authority) will be set up consisting of one individual who has either been a District Judge; or is a qualified legal practitioner who has been practicing for not less than seven years. If any affected person does not accept the rehabilitation and resettlement award he / she may submit a written application to the Collector asking that the matter be referred to the Authority for determination. Once the Collector receives the application, he shall refer it to the Authority within a period of thirty days. Upon receiving the reference, the Authority shall issue a notice specifying the day on which the objection will be determined through a public hearing.

The Commissioner for Rehabilitation and Resettlement, will be responsible for the proper implementation of the rehabilitation and resettlement scheme and shall carry out post-implementation social audits in consultation with Gram Sabhas in rural areas, and municipalities in urban areas. In addition, the State Government shall constitute a State Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans.

# 1. Introduction and Context

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## 1.1 Introduction

This Resettlement Policy Framework (RPF) is to be adopted by the Andhra Pradesh Power Utilities (APTRANSCO, APSPDCL and APEPDCL) for all projects that are undertaken as part of the 24X7 Power for All initiative whenever there is displacement of persons associated with land acquisition for such projects. This Policy has been developed generally in accordance with the requirements of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (RFCTLARRA 2013), the Andhra Pradesh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014 (A.P. RFCTLARRR 2014), and the World Bank Operational Policy 4.12. As the RFCTLARRA 2013 adheres to the requirements of the World Bank Social Safeguard guidelines, this RPF has adopted the RFCTLARRA, 2013 in general. The RPF clearly states the situations in which the policy will be applicable, includes safeguards against involuntary acquisition of land, outlines the appropriate monetary compensation to the affected families, and identifies those who are entitled as affected families to the momentary compensation.

## 1.2 Project Description

The Government of Andhra Pradesh (GoAP) has signed a Memorandum of Understanding (MoU) with the Government of India (GoI) to launch the 'Power for All' initiative. The purpose of the initiative is to ensure 24x7 power supply in the State of Andhra Pradesh (AP). The key interventions planned under the initiative are:

- Adequate power generation for providing 24x7 power supply
- Adequate power transmission and distribution systems
- Interventions for improving operational efficiency and customer satisfaction

The Government of Andhra Pradesh (GoAP), through the Government of India (GoI), has approached the World Bank for financial and technical support. Specifically, the proposed World Bank investments will be to implement the following initiatives:

- Establish new transmission sub-stations
- Upgrade existing transmission sub-stations
- Lay Transmission lines
- Undertake HVDS work
- Replace existing irrigation pump sets with energy efficient pump sets
- Remote ON/OFF starters for irrigation pump sets
- Smart Metering

- Real-time monitoring and control of distribution network by deploying SCADA/DMS system
- Provide UG cabling and covered conductors in important pilgrim towns and tourist towns
- Technical assistance and capacity building support for the utilities

The investments will be implemented through the Andhra Pradesh state power utilities – Transmission Corporation of Andhra Pradesh Limited (APTRANSCO), Andhra Pradesh Southern Power Distribution Company Limited (APSPDCL) and Andhra Pradesh Eastern Power Distribution Company Limited (APEPDCL)

The proposed investments are provided below:

| Utility          | Proposed Investments  |
|------------------|---|
| APTRANSCO        | <p>Twelve tentative list of schemes were identified for proposed World Bank funding. The total investments were estimated to be INR 522.11 crores. The identified investments are for raising of new 132 kV substations and for erection of 132 kV DC radial line between the substations. Apart from the above a total investments of INR 166 Cr. were identified for the following:</p> <ul style="list-style-type: none"> <li>• Constructing Substations and erection of 132 KV radial line</li> <li>• Augmentation of power transformers;</li> <li>• Testing instruments (13 sets);</li> <li>• Tower spotting software;</li> <li>• Design licenced software;</li> <li>• Earthing software and other software's and;</li> <li>• Trainings at CPRI</li> </ul>   |
| APSPDCL/AP EPDCL | <p>The total investments are estimated to be INR 2490 Cr for APSPDCL and INR 677 Cr for APEPDCL. The sub-projects covered under the investments are:</p> <ul style="list-style-type: none"> <li>• High Voltage Distribution System (HVDS) <ul style="list-style-type: none"> <li>○ HVDS aims at reduction of losses through replacement of the low voltage distribution network (LVDS) with HVDS and installation of large number of smaller capacity distribution transformers – 25 KVA or 16 KVA in place of higher capacity distribution transformers – 100 KVA or 63 KVA for supply to agricultural consumers. This system is best suited to meet the scattered low density loads observed in rural areas</li> </ul> </li> <li>• Energy Efficient Pump Sets <ul style="list-style-type: none"> <li>○ Replacement of existing pump sets with 5 star BEE rated energy efficient pump sets would result in energy conservation and increased pumping efficiency</li> <li>○ A total of 50000 energy efficient pump sets to be installed on pilot basis</li> </ul> </li> <li>• Remote ON/OFF starters: <ul style="list-style-type: none"> <li>○ Remote starters/Electric Smart Control Panel would provide facility ON/OFF operation remotely by using SMS/phone call. This would also provide protection to the devices due to under voltage, over voltage, dry run, single phasing etc.</li> </ul> </li> </ul> |

| Utility | Proposed Investments   |
|---------|--|
|         | <ul style="list-style-type: none"> <li>○ It is proposed to install remote starters for 10 lakh pump sets</li> <li>● Smart Metering <ul style="list-style-type: none"> <li>○ A smart meter would record consumption of electric energy in intervals of an hour or block and communicates information back to the utility for monitoring and billing. Smart meters enable two-way communication between the meter and the central system</li> <li>○ Smart meters for 10 lakh urban consumers</li> </ul> </li> <li>● SCADA <ul style="list-style-type: none"> <li>○ The SCADA/DMS System will provide real time monitoring and control, loss minimization/loss balancing and considerable improvement in voltage/VAR profiles. It would also facilitate proper handling of loads while load shedding &amp; restoration, efficient planning of network for future growth by using proven power system planning tools</li> <li>○ Scheme consists of installation of Remote Terminal Units (RTU) at each 33/11 KV substation and integration of these RTUs with centralized control center to manage the Distribution system of the town</li> <li>○ SCADA to be implemented in balance sub-stations of Vishakhapatnam and Vijayawada which have not been covered under R-APDRP/IPDS</li> </ul> </li> <li>● UG Cabling and Covered Conductors <ul style="list-style-type: none"> <li>○ AP is exposed to cyclones, storm surges, floods and droughts. Every two or three years, AP experiences a moderate to severe intensity cyclone or landfall. According to an estimate by the Deptt. Of Disaster Management, GoAP, about 44% of the state is vulnerable to tropical storms and related hazards. Placing power lines underground eliminates their susceptibility to lightning and wind damage</li> <li>○ It is proposed to provide UG cabling in important pilgrim and tourist towns</li> </ul> </li> <li>● Technical Assistance (TA)/Capacity Building <ul style="list-style-type: none"> <li>○ TA would be needed for effective implementation of proposed investments. TA support is required for overall institutional development, capacity building and governance improvement as well as some specific areas like strengthening and improving Project Planning and implementation, business processes and accountability systems, corporate governance and financial management practices and human resource development</li> </ul> </li> </ul> |

### **1.3 Need for Land Acquisition and Resettlement**

Land is required for construction of substations and erecting transmission and distribution towers. Land secured for construction of substations is no longer accessible to the existing owner and hence in such cases ownership is transferred from the existing owner to the respective utility. However, ownership of land used for erecting towers remains with the existing land owner and the utility only receives rights to use the land. Therefore when we talk of loss of land, it refers to land secured for substation construction. There are four ways in which this land can be secured; these are:

- (i) Transfer of Government land to utility
- (ii) Voluntary donation
- (iii) Purchase of land on willing buyer and willing seller basis on negotiated price
- (iv) Involuntary acquisition of land

The RPF is applicable in instances where there is involuntary acquisition of land which in turn results in the need to rehabilitate and resettle affected families.

The proposed project includes the establishment of new of new sub-stations, the construction of which requires securing of land by the concerned utility. For a 220 / 132 kV sub-station, 8-15 acres of land is required for the construction of the substation, whereas a 132 / 33 kV sub-station requires 5-8 acres of land. While the majority of the land required for sub-station construction will be secured through transfer of Government lands, there is a possibility that some private land may need to be acquired. However, this will be done only as a demonstrable last resort in the case of non-availability of Government lands in the area.

### **1.4 Objective of the Policy Framework**

The objective of the RPF is to appropriately identify, address and mitigate adverse socio-economic impacts that may occur due to the implementation of projects that involve the involuntary acquisition of land and subsequent resettlement of affected families. Without proper planning and management, involuntary resettlement may result in long-term hardship for affected people. Hence, the RPF aims to avoid involuntary acquisition of land (and subsequent resettlement) wherever possible and in cases where it is unavoidable, the RPF requires the Appropriate Government to develop of a robust rehabilitation and resettlement plan to effectively manage the social impacts crated by the project. The plan would identify the full range of people affected by the project and justify their displacement after consideration of alternatives that would avoid or minimize displacement.

## 1.5 Basic Principles of the Policy Framework

The basic principles on the basis of which the RPF has been developed are:

- **Avoidance:** wherever possible, involuntary acquisition of land should be avoided
- **Least disturbance:** where involuntary acquisition is not avoidable, efforts will be made to minimize displacement, damage to / loss of property, loss of livelihood and any other negative social impact the project may have. Only the minimum amount of land required for a project is to be secured
- **Public purpose:** the land acquired must be found to serve a legitimate and bonafide public purpose and the social benefits should outweigh and potential social costs
- **Participative:** the process of land acquisition should be done through a humane, participative, informed and transparent process in which local self-government and Gram Sabhas are consulted and interested parties are fully informed and have a chance to air their grievances
- **Fair compensation:** the affected families will receive fair compensation for any loss of land along with a compensation award for resettlement
- **Maintaining the social and economic status of families:** the RPF is based on the principle that there should be minimal possible negative impacts on the livelihoods of the affected families. Where resettlement is unavoidable, the resettlement plan should attempt to ensure that affected families are able to maintain the same social and economic status as they did before displacement. Affected families will be provided appropriate compensation and where possible jobs in the project.

The next section provides the overall policy framework based on which the RPF has been developed. This is followed by the mitigation measures, entitlement matrix for affected families, institutional arrangements, grievance redressal mechanism and monitoring plan.

## 2. Legal Framework

This RPF is based on relevant National / State laws as well as the World Bank Operational Policy for Involuntary Resettlement (OP-4.12). The National and State laws that are applicable are the RFCTLARRA 2013 and the RFCTLARRR 2014, details of which have been provided in the table below. In addition, the Andhra Pradesh Government Land Allotment Policy has been included as it covers instances when there is alienation of people residing on government lands. Based on this framework, the impact management and mitigation measures has been elaborated in the subsequent section. The table below provides an overview of the legal and regulatory provisions applicable in such situations. The

### 2.1 Applicable National and State Laws

|   | Act / Rules / Policies   | Applicability  |
|---|--|--|
| 1 | The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA), 2013 | <p>RFCTLARRA, 2013 is applicable in cases where land is secured through involuntary acquisition. It has been introduced to ensure a “humane, participative, informed and transparent process for land acquisition...with the least disturbance to the owners of the land and other affected families and to provide just and fair compensation to the affected families whose land has been acquired...”</p> <p>In line with this, <b>Chapter II Section 4 (1)</b> requires the Appropriate Government who intends to acquire the land to consult the concerned village / ward level body and carry out a Social Impact Assessment study in consultation with them. Further <b>Chapter II Section 8 (1) of the Act</b>, states that the Appropriate Government shall ensure that-</p> <ul style="list-style-type: none"> <li>(a) There is a legitimate &amp; bona fide public purpose which necessitates the acquisition</li> <li>(b) The potential benefits &amp; the public purpose shall outweigh the social costs &amp; adverse social impact as determined by the Social Impact Assessment</li> <li>(c) Only the minimum area of land required for projects is proposed to be acquired</li> <li>(d) There is not unutilized land which has been previously acquired in the area</li> <li>(e) Any land acquired earlier and remaining unutilized is used for the public purpose</li> </ul> <p><b>Chapter IV Section 28</b> specifies the compensation for land acquired under the Act once it has fulfilled the above conditions. To determine the compensation the Collector shall take into account:</p> |

|   | Act / Rules / Policies   | Applicability   |
|---|--|---|
|   |  | <ul style="list-style-type: none"> <li>(i) The market value of the land (determined as per provisions of Section 26 in accordance with the First and Second Schedule of the Act)</li> <li>(ii) The damage sustained by the person interested due to the taking of any standing crops and trees on the land at the time of possession by the Collector</li> <li>(iii) The damage (if any) sustained due to the severing of the land from other land</li> <li>(iv) The damage sustained (if any) by reason of the acquisition injuriously affecting the other property or earnings of the interested party</li> <li>(v) Reasonable expenses incidental to the interested party having to change residence or place of business</li> <li>(vi) The damage (if any) bona fide resulting from diminution of the profits of the land between the time of notification and the time of possession</li> <li>(vii) Any other ground that may be in the interest of equity, justice and beneficial to the affected families</li> </ul> <p>Further, as per Chapter IV Section 30, a Solatium equivalent to 100% of the compensation amount shall be awarded over and above the compensation payable</p> <p>In addition to the compensation for acquisition of land, Chapter V provides for Rehabilitation and Resettlement Awards for each affected family in line with the terms of entitlement specified in the Second Schedule of the Act.</p> <p>The Act also provides for institutional arrangements for ensuring proper implementation and monitoring of the Act including the appointment of an Administrator, a Commissioner for Rehabilitation and Resettlement; and project level Rehabilitation and Resettlement Committees (Chapter VI); a National Monitoring Committee for Rehabilitation and Resettlement (Chapter VII); and establishment of a Land Acquisition, Rehabilitation and Resettlement Authority (Chapter VIII)</p> |
| 2 | Andhra Pradesh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, | <p>These rules have been notified by the Government of Andhra Pradesh in exercise of the powers conferred by Section 109 of the RFCTLARRA, 2013. The rules specify:</p> <ul style="list-style-type: none"> <li>(i) Process for carrying out the Social Impact Assessments (SIAs)</li> <li>(ii) Institutional Support for SIAs</li> <li>(iii) Other guidelines for carrying out the SIAs</li> <li>(iv) Process for conducting public hearings</li> <li>(v) Declaration of Awards and Compensation</li> </ul>   |



|   | Act / Rules / Policies  | Applicability   |
|---|---|---|
|   | (A.P. RFCTLARRR) 2014   | As per <b>Chapter V Sections 25, 26 and 27</b> of the A.P. RFCTLARRR 2014, awards and compensations are in line with the provisions of the <b>RFCTLARRA, 2013. Section 28</b> , further specifies the following that were to be notified by the State Government: <ul style="list-style-type: none"> <li>(a) The multiplication factor mentioned in RFCTLARRA, 2013 is set at 1.25 for rural areas other than scheduled areas and 1.50 for scheduled (tribal) areas</li> <li>(b) The one-time grant to artisan, small traders and certain others is set at INR 25,000</li> <li>(c) The payment of compensation shall be made expeditiously through account payee cheques / electronic mail transfer</li> </ul>  |
| 6 | Andhra Pradesh Government Land Allotment Policy G.O. Ms. No. 571 – 14.09.2012 | The Government Land Allotment Policy was formulated to create a set of uniform guidelines for the extent and rate of allocation of Government land for various purposes to Government departments and private organizations. According to the policy: <ul style="list-style-type: none"> <li>• Government land shall be allotted only for public purposes</li> <li>• For each category of institution, project or industry, there should be a norm on the extent of land required as stipulated by the respective administrative departments. These norms are to be scrupulously followed</li> <li>• Only waste lands are to be allotted; environmentally sensitive and fragile areas such as, tank beds, river beds, hillocks with afforestation etc., shall not be alienated or allotted</li> <li>• Government lands should not be auctioned for resource mobilization</li> <li>• Lands assigned to poor people for agriculture purpose should not be resumed and in case of inevitable resumption, alternate land should be given to the said assignees apart from rehabilitation.</li> <li>• If the assignee uses for purpose other than for which, the land was assigned or he transfers the land in favor of some other persons unauthorizedly, then the government shall have power to resume the land in their favor</li> <li>• For fixing cost of land, provisions of BSO-24 shall apply to all the land allotments along with the conditions stipulated by the alienating agencies/departments</li> <li>• The allotment / alienation shall be on market value as recommended by the Collector and the A.P.L.M.A.</li> <li>• Government lands may be given free of cost to State Government Departments for welfare and development purposes</li> <li>• A.P. Land Management Authority (APLMA) to be constituted for processing and recommending land allotment, with the task of monitoring the utilization of land for the intended purpose and resumption of land in case of violation of conditions</li> </ul> |

|  | Act / Rules / Policies | Applicability   |
|--|------------------------|---|
|  |                        | <ul style="list-style-type: none"> <li>• NOC from Urban Local Body (ULB) or Urban Development Authority (UDA) (in case of areas falling outside Urban Local Body limits) and Directorate of Town and Country Planning (DT&amp;CP) for the areas falling outside ULBs and UDA areas may be insisted before taking a decision on the allotment of land by APLMA.</li> <li>• The administrative department and the APLMA shall therefore invariably ensure that the statutory environmental and zonal regulations are strictly complied with in this regard</li> <li>• Government lands owned by various departments and which are not being utilized to the full extent by the respective departments shall be proposed for allotment for public purpose</li> <li>• All the Departments should prepare comprehensive plans for Rehabilitation and Resettlement (R&amp;R) where displacement of people is involved</li> <li>• Wherever applicable, the allottee shall also provide green buffer along the nalas, tanks and water bodies, as specified in the building rules</li> </ul> |

## 2.2 Comparison of National Laws wit World Bank Policy

As mentioned earlier, the provisions of the RFCTLARRA 2013 and by extension the RFCTLARRR 2014 are in aligned to the World Bank Operational Policy 4.12 on Land Acquisition. The table below shows the synergy between the key requirements of the WB OP 4.12 and RFCTLARRA 2013.

| World Bank OP Requirements   | Coverage in RFCTLARRA 2013 | Specific Provision in RFCTLARRA 2013   |
|--|----------------------------|--|
| Involuntary resettlement should be avoided where feasible, or minimized, exploring all alternative project designs | ✓                          | <p><b>Chapter II Section 8 (1) of the RFCTLARRA 2013</b>, states that the Appropriate Government shall ensure that-</p> <ul style="list-style-type: none"> <li>(a) There is a legitimate &amp; bona fide public purpose which necessitates the acquisition</li> <li>(b) The potential benefits &amp; the public purpose shall outweigh the social costs &amp; adverse social impact as determined by the Social Impact Assessment</li> <li>(c) Only the minimum area of land required for projects is proposed to be acquired</li> <li>(d) There is not unutilized land which has been previously acquired in the area</li> <li>(e) Any land acquired earlier and remaining unutilized is used for the public purpose</li> </ul> |

|  |          |  |
|--|----------|--|
|  |          | <p><b>Chapter II Section 4 (1) of the RFCTLARRA, 2013</b> also requires that a Social Impact Assessment Study (SIA) be conducted in consultation with the concerned Panchayat, Municipality or Municipal Corporation. The SIA shall also include reports of public hearings conducted in the affected area.</p> <p><b>Chapter II Section 7 (4) of the RFCTLARRA 2013</b> states that if an Expert Group upon review the SIA finds that the project does not serve a public purpose, or that the costs outweigh the benefits, then the project will be abandoned and no further steps will be taken to acquire the land. <b>Further Section 7 (5)</b> states that if the project does serve a public purpose and its benefits outweigh the costs, then the Expert Group shall make specific recommendations on whether the extent of land proposed for acquisition is the absolute bare minimum needed and that there are no less displacing options available.</p> |
| <p>Where resettlement cannot be avoided, resettlement activities should be conceived and executed as a development programme by providing sufficient resources to enable Affected Persons (APs) to share in the project. Displaced persons should be consulted and have opportunities to participate in the resettlement process</p> | <p>✓</p> | <p><b>The Preamble to RFCTLARAL 2013</b> calls for a consultative, humane, participative informed and transparent process for land acquisition.</p> <p><b>Chapter II Section 4 (1)</b> of the Act requires the SIA to include public hearings. Further, ample notification for the public hearings needs to be given.</p> <p>Throughout the Act, at every stage, the Appropriate Government is required to publish the recommendations of the SIA, and notifications for any public hearings, decision on land acquisition, hearings of objections etc.</p>  |
| <p>Displaced persons should be assisted in their efforts to improve their livelihoods, or at least restore them, to pre-displacement levels or to levels prevailing prior to the beginning of</p>  | <p>✓</p> | <p><b>Chapter IV Section 16 (1b) of RFCTLARRA 2013</b> requires that in his survey and census of the affected families, the Administrator for Rehabilitation and Resettlement shall include an assessment of the livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on lands being acquired</p>   |

|  |          |  |
|--|----------|--|
| <p>project implementation, whichever is higher</p>   |          | <p><b>Chapter V Section 31 (2h) of the Act</b> states that the Rehabilitation and Resettlement Award shall include details of mandatory employment to be provided to members of the affected families</p> <p>Further, <b>Serial number 4 of the Second Schedule to the Act</b> states that:</p> <p>a) where jobs are created through the project, provisions will be made for at least one member per family affected to be employed after receiving relevant training. The remuneration shall not be less than minimum wage; or</p> <p>b) a onetime payment of INR 5,00,000 shall be made per family; or</p> <p>c) annuity policies will be given that pay no less than INR 2,000 per month per family for 20 years, with appropriate indexation to the Consumer Price Index for agricultural labourers;</p> <p><b>Serial number 7</b> provides for a minimum compensation of INR 25,000 to any family that has lost a cattle shed or petty shop;</p> <p><b>Serial number 8</b> provides for a onetime grant to artisans and small traders; and</p> |
| <p>Provision of prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project</p>   | <p>✓</p> | <p><b>Chapter IV Sections 26-30 of the RFCTLARRA 2013 along with the First Schedule to the Act</b> outlines the compensation to be paid. Compensation includes full market value of the land and assets multiplied by a factor that depends on distance from urban areas. Further a solatium of 100% is given over and above this amount. The award must be paid within 12 months and an amount calculated at the rate of 12% per annum on the market value shall be given to the affected families from the date of notification of the SIA study till the date of the award or the date of taking possession of the land, whichever is later</p>   |
| <p>Assistance (such as moving allowances) during relocation; residential housing or housing sites as required and other advantages equivalent to the advantages of the old site; and support</p> | <p>✓</p> | <p>This is provided for in the <b>Second Schedule to the RFCTLARRA 2013</b></p>  |

|   |   |   |
|---|---|---|
| after displacement for a transition period  |   |   |
| <p>Eligibility of benefits is to:</p> <p>a) those who have formal legal right to the land including customary and traditional rights</p> <p>b) those who do not have formal rights at the time of census but have claim to such land or assets that are recognized by the laws of the country</p> <p>c) those who have no recognizable rights</p> | ✓ | All three are covered in the <b>Definitions (Section 3) of the RFCTLARRA 2013</b>   |
| Resettlement planning implementation and monitoring   | ✓ | <b>Chapter II Section 16 (1) of the RFCTLARRA 2013</b> requires that a Resettlement Schedule be prepared; while <b>Chapter V</b> provides details of the Resettlement Award while <b>Chapter VI</b> provides the procedure for the Award; <b>Chapter VII</b> provides for the monitoring of the Resettlement Scheme; and <b>Chapter VIII</b> calls for establishment of a Land Acquisition, Resettlement and Rehabilitation Authority |

# 3. Resttelement Entilements Matrix

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## 3.1 Compensation for Land Acquisition

The compensation shall be calculated by the Collector on the basis of the provisions laid down under section 26 to section 30 and the First Schedule of the RFCTLARRA 2013. The compensation shall be paid to all parties whose land or other immovable property or assets attached to the land or building have been acquired. As per the Act, land owners are defined as any person:

- Whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or
- Who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or under any other law for the time being in force; or
- Who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or
- Who has been declared as such by an order of the court or Authority

The Collector shall determine the market value of the land to be acquired on the basis of whichever of the following is higher:

- Market value, if any, specified in the Indian Stamp Act, 1889 for the registration of sale deeds or agreements to sell in the area where the land is situated; or
- The average sale price for similar type of land situated in the nearest village or nearest vicinity area; or
- Consented amount of compensation as agreed in case of acquisition of lands for private companies or for public private partnership project

The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner by including all assets attached to the land. This will be done as follows:

|    | <b>Component of Compensation</b>  | <b>Manner of Determination of Value</b>  |
|----|---|--|
| 1. | <b>Market value of land</b>   | <p>Whichever of the following is higher:</p> <ul style="list-style-type: none"> <li>• Market value, if any, specified in the Indian Stamp Act, 1889 for the registration of sale deeds or agreements to sell in the area where the land is situated; or</li> <li>• The average sale price for similar type of land situated in the nearest village or nearest vicinity area; or</li> <li>• Consented amount of compensation as agreed in case of acquisition of lands for private companies or for public private partnership project</li> </ul> |
| 2. | <b>Factor by which the market value is to be multiplied</b>   | <ul style="list-style-type: none"> <li>• In case of rural areas (other than Scheduled Areas) a multiplication factor of 1.25 will be applied</li> <li>• In case of Scheduled (Tribal) Areas, a multiplication factor of 1.50 will be applied</li> <li>• In case of urban areas, a multiplication factor of 1.00 will be applied</li> </ul>   |
| 3. | <b>Value of assets attached to land or building</b>   |  |
| a. | Market value of the building and other immovable property or assets attached to the land or building that is to be acquired | <ul style="list-style-type: none"> <li>• The Collector shall use the services of a competent engineer, or any other specialist in the relevant field, as may be considered necessary</li> </ul>  |
| b. | Damage sustained to standing trees and plats  | <ul style="list-style-type: none"> <li>• For fruit bearing trees, the value of compensation per tree will be determined from time to time by the Horticulture Department based on the species of tree</li> <li>• For non-fruit bearing trees, the value of compensation will be determined by the Forest Department</li> </ul>   |
| c. | Damage sustained to standing crops  | <ul style="list-style-type: none"> <li>• For standing crops, the compensation will be determined by the Agricultural Officer on a case by case basis</li> </ul>  |
| 4. | <b>Solatum</b>  | <ul style="list-style-type: none"> <li>• The solatium shall be equivalent to one hundred percent of the market value of the land mentioned against serial number 1 multiplied by the relevant factor mentioned against serial number 2 plus the value of assets attached to land or building mentioned against serial number 4a, 4b and 4c.</li> </ul>   |
| 5. | <b>Total Compensation</b>   | <ul style="list-style-type: none"> <li>• The total compensation = Market value of land mentioned against serial number 1 X relevant factor mentioned against serial number 2 + Value of assets as mentioned against serial number 3 + Soaltium mentioned against serial number 4</li> </ul>  |

In addition to the market value of the land provided, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent per annum on the market value for the period commencing on and from the date of the publication of the notification of the SIA till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

### **3.2 Compensation for Rehabilitation and Resettlement**

In addition to the compensation detailed above, the Collector shall pass Rehabilitation and Resettlement Awards for each affected family. According to the RFCTLARRA 2013, affected family is defined as:

- A family whose land or other immovable property has been acquired;
- A family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;
- The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land
- Family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;
- A member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;
- A family residing on any land in urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land

The elements of the rehabilitation and resettlement entitlements are as follows:



|    | Elements of R&R Entitlements   | Entitlement / Provision   |
|----|--|---|
| 1. | <b>Provision of housing units in case of displacement</b>                | <ul style="list-style-type: none"> <li>• If a house is lost in rural areas, a constructed house shall be provided as per Indira Awas Yojana specifications; or if the family opts not to take the house, the equivalent cost of the house may be offered instead</li> <li>• If a house is lost in urban areas, a constructed house shall be provided, which will be no less than 50 sq mts in plinth area; or if the family opts not to take the house offered, it shall get a one-time financial assistance for house construction which shall not be less than INR 1,50,000 / -</li> <li>• These benefits shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for not less than three years preceding the date of notification of the affected area</li> <li>• No family shall be given more than one house</li> </ul>   |
| 2. | <b>Choice of Annuity or Employment</b>                                   | <p>The Appropriate Government shall provide the following options:</p> <ul style="list-style-type: none"> <li>• Where jobs are created through the project, after providing suitable training and skill development, the Appropriate Government shall make provision for employment to at least one member per affected family in the project or arrange a job in such other project as maybe required. The wages for the job shall not be less than the minimum wages provided for in any law for the time being in force</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>• Onetime payment of INR 5,00,000 / - per affected family</li> </ul> <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> <li>• Annuity policies that shall pay not less than INR 2,000 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers</li> </ul> |
| 3. | <b>Subsistence grant for displaced families for a period of one year</b> | <ul style="list-style-type: none"> <li>• Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to INR 3,000 per month for a period of year from the date of award</li> </ul>   |
| 4. | <b>Transportation cost for displaced families</b>                        | <ul style="list-style-type: none"> <li>• Each affected family which is displaced shall get a onetime financial assistance of INR 50,000 / - as transportation cost for shifting of the family, building materials, belongings and cattle</li> </ul>   |
| 5. | <b>Cattle shed / petty shops cost</b>                                    | <ul style="list-style-type: none"> <li>• Each affected family having cattle or having a petty shop shall get onetime financial assistance of such amount as the Appropriate Government may specify subject to a</li> </ul>  |

|    |   |  |
|----|---|--|
|    |   | minimum of INR 25,000 /- for the construction of cattle shed or petty shop   |
| 6. | <b>Onetime grant to artisan, small traders and certain others</b>   | <ul style="list-style-type: none"> <li>Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, shall get a one-time financial assistance of INR 25,000 /-</li> </ul>   |
| 7. | <b>Onetime resettlement allowance</b>                               | <ul style="list-style-type: none"> <li>Each affected family shall be give a onetime Resettlement Allowance of INR 50,000 /-</li> </ul>   |
| 8. | <b>Stamp duty and registration fee</b>                              | <ul style="list-style-type: none"> <li>The stamp duty and any other fees payable for registration of the land or house allotted to the affected families shall be borne by the requiring body</li> <li>The land for house allotted to the affected family shall be free from all encumbrances</li> <li>The land or house allotted may be in the joint names of wife and husband of the affected family</li> </ul>              |
| 9. | <b>Special provisions for Scheduled Castes and Scheduled Tribes</b> | <ul style="list-style-type: none"> <li>Scheduled Castes and Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to INR 50,000 /- per family</li> <li>Families settled outside the district shall be entitled to an additional 25% R&amp;R benefits;</li> <li>Payment of one third of the compensation amount at very outset;</li> <li>Free land for community and social gatherings;</li> </ul> |

# 4. Institutional & Implementaiton Arrangements

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## 4.1 Institutional Arrangements

The following institutional arrangements have been provided for in the RFCTLARRA 2013 and the A.P. RFCTLARRR 2014 for the management of rehabilitation and resettlement of affected parties:

- 1) **Commissioner for Rehabilitation and Resettlement:** As per section 44(1) of the RFCTLARRA 2013, the State Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families. The Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans and proper implementation of such schemes or plans. The Commissioner shall also be responsible for the post-implementation social audit in consultation with the Gram Sabha in rural areas and municipality in urban areas.
- 2) **Administrator for Rehabilitation and Resettlement:** As per section 43(1) of the RFCTLARRA 2013, where the Appropriate Government is satisfied that there is likely to be involuntary displacement of persons due to acquisition of land, then the State Government shall, by notification, appoint in respect to that project, an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department to be Administrator for Rehabilitation and Resettlement.
- 3) **Powers of the Administrator for Rehabilitation and Resettlement:** As per section 30 of the A.P. RFCTLARRR 2014, the Administrator shall exercise the following powers and have the following responsibilities:
  - a. To conduct a survey and undertake a census of the affected families in the manner and within the time provided under the A.P. RFCTLARRR 2014;
  - b. To prepare a draft Rehabilitation and Resettlement Scheme;
  - c. To publish the draft scheme by the mode provided under the A.P. RFCTLARRR 2014;
  - d. To make the draft scheme available to the concerned persons and authorities;
  - e. To organize and conduct public hearings on the draft scheme;

- f. To provide an opportunity to the Requiring Body to make suggestions and comments on the draft scheme;
- g. To submit the draft scheme to the Collector;
- h. To publish the approved Rehabilitation and Resettlement Scheme in the affected area;
- i. To assist the Collector in preparing the Rehabilitation and Resettlement award;
- j. To monitor and supervise the implementation of the Rehabilitation award;
- k. To assist in post-implementation audit of Rehabilitation and Resettlement; and
- l. Any other work required to be done for Rehabilitation and Resettlement

**4) Project Level Rehabilitation and Resettlement Committee:** As per section 45(1 & 2) of the RFCTLARRA 2013, where land proposed to be acquired is equal to or more than one hundred acres, the Appropriate Government shall constitute a Committee under the chairmanship of the Collector to monitor and review the progress of implementation of the Rehabilitation and Resettlement Scheme and to carry out post-implementation audits in consultation with the Gram Sabha in rural areas and municipality in urban areas. The Committee shall include the following members:

- a. Officers from the Appropriate Government;
- b. A representative of women residing in the affected area;
- c. A representative each of the Scheduled Castes and the Scheduled Tribes residing in the affected area;
- d. A representative of a voluntary organization working in the area;
- e. A representative of a nationalized bank;
- f. The Land Acquisition Officer of the project;
- g. The Chairperson of the panchayats or municipalities located in the affected area or their nominees;
- h. The Chairperson of the District Planning Committee or his nominee;
- i. The Member of Parliament and Member of the Legislative Assembly of the concerned area or their nominee;
- j. A representative of the Requiring Body; and
- k. Administrator for Rehabilitation and Resettlement as the Member-Convenor

As per section 31(2) of the A.P. RFCTLARRR 2014, the Committee shall have its first meeting when a draft Rehabilitation and Resettlement Scheme has been prepared by the Administrator. The Committee shall discuss the scheme and make suggestions and recommendations. Thereafter the Committee shall meet and review and monitor the

progress of Rehabilitation and Resettlement once in a month till the process is completed. For the post-implementation social audits, the Committee shall meet once in three months. In order to monitor the progress, the Committee may visit the affected area and hold discussions with the affected families and also visit the resettlement area.

## 4.2 Implementation Arrangements

The RPF follows the strategy of **avoidance, minimization and mitigation**. This means that preference is given to avoiding displacement and resettlement wherever possible. If it is not possible to avoid this, utilities will strive to minimize the extent of displacement and take appropriate mitigation measures for all social impacts caused by such displacement.

In order to **avoid** the loss of land and subsequent need for resettlement, the following safeguards are put in place:

- The Appropriate Government will endeavour, wherever possible, to secure Government land for projects even if this requires realignment of the proposed route
- Only the minimal amount of land required for substations will be secured; the land required for a 132kV / 33kV substation is approx. 5-8 acres, for 220kV / 132 kV substations approx. 8-15 acres; and for 440kV / 220kV approx. 45-60 acres<sup>1</sup>
- Only in rare cases that Government land is not available will other methods of securing land be pursued (voluntary donation or willing buyer and willing seller) with involuntary acquisition being the last resort
- Even, when Government lands are used, lands assigned to poor people for agriculture purpose will not be resumed unless unavoidable
- In case of voluntary donation, no undue pressure will be put on the land owner / user to transfer ownership of the land; and in the case of willing buyer and willing seller, the compensation shall not be less than the rate provided for under RFCTLARRA 2013
- There should be no unutilized land which has been previously acquired in the area where land is sought for the project. Further, any land acquired earlier and remaining unutilized is to be used for the purpose of the project before additional land is allotted
- The Appropriate Government shall ensure that a Social Impact Assessment (SIA) study is carried out in consultation with the concerned Panchayat, Municipality or Municipal Corporation in the affected area and also hold public hearings in the process

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<sup>1</sup> Reference manuals on construction and operational practices of EHV substations & lines and commercial and load dispatch operations. Available at: <http://www.aptransco.gov.in/transco/images/APTRANSCO-Technical-reference-book-2011-vol-ii.pdf>

- An Expert Committee will be required to review the SIA and certify that the requested land serves a legitimate public purpose; that the social benefits of the proposed project outweigh any potential social costs; that only the minimum amount of land required is being utilized; and that no other less displacing option was available

Where it is not possible to avoid the acquisition of land and displacement of affected families, the provisions of RFCTLARRA, 2013 and the A.P. RFCTLARRR, 2014 shall be applicable.

The table below provides a snapshot of the process involved in land acquisition and determining the awards for rehabilitation and resettlement along with details who the competent authority responsible at each step of the process. Following the table, the implementation process is elaborated in detail.

*Table 1: Competent Authority Responsible at Various Stages*

|   | Milestone                       | Process  | Responsibility  |
|---|---------------------------------|--|---|
| <b>Involuntary Acquisition of Land – Process as per APRFCTLARRR, 2014</b> |                                 |  |   |
| <b>1.</b>   | <b>Request for Land</b>         | <ul style="list-style-type: none"> <li>• <i>Requisition for land:</i> Requiring body files requisition to the concerned District Collector and the Commissioner Rehabilitation and Resettlement</li> </ul>   | <ul style="list-style-type: none"> <li>• Principal Secretary Energy Department or any Person authorised by him</li> </ul>                       |
|   |                                 | <ul style="list-style-type: none"> <li>• <i>Preliminary inquiry</i> about the correctness of particulars furnished in the requisition</li> <li>• <i>Report on preliminary inquiry</i> submitted to the District Collector</li> </ul>   | <ul style="list-style-type: none"> <li>• Team of Revenue and Agriculture Officers along with Representative of Requiring Body</li> </ul>        |
|   |                                 | <ul style="list-style-type: none"> <li>• <i>Preliminary estimate of the cost:</i> If the District Collector is satisfied that the requisition is consistent with the provisions of the RFCTLARRA, 2013, he shall make a preliminary estimate of the cost of acquisition</li> </ul> | <ul style="list-style-type: none"> <li>• District Collector</li> </ul>  |
|   |                                 | <ul style="list-style-type: none"> <li>• The requiring body will deposit the estimated cost of acquisition in District collector's office</li> </ul>   | <ul style="list-style-type: none"> <li>• Requiring body</li> </ul>  |
| <b>2.</b>   | <b>Social Impact Assessment</b> | <ul style="list-style-type: none"> <li>• Notification to undertake SIA</li> </ul>  | <ul style="list-style-type: none"> <li>• District Collector</li> </ul>  |
|   |                                 | <ul style="list-style-type: none"> <li>• Disclosure of the notification</li> </ul>   | <ul style="list-style-type: none"> <li>• District Collector</li> </ul>  |
|   |                                 | <ul style="list-style-type: none"> <li>• Select team to carryout SIA from the individuals and institutions registered or empanelled in the state database of Qualified SIA Resource Partners and Practitioners</li> </ul>  | <ul style="list-style-type: none"> <li>• Commissioner, Rehabilitation and Resettlement acting as state Social Impact Assessment Unit</li> </ul> |
|   |                                 | <ul style="list-style-type: none"> <li>• Undertake SIA in consultation with concerned Gram Panchayat, Mandal Parishad, Municipality or Municipal Corporation, followed by a public hearing to ascertain the views of the affected families</li> </ul>                              | <ul style="list-style-type: none"> <li>• Appointed team to conduct SIA</li> </ul>   |

|           | <b>Milestone</b>   | <b>Process</b>   | <b>Responsibility</b>   |
|-----------|--|--|---|
|           |  | <ul style="list-style-type: none"> <li>Submit SIA report to Commissioner, Rehabilitation and Resettlement within a period of six months from the date of commencement</li> </ul>   | <ul style="list-style-type: none"> <li>Appointed team to conduct SIA</li> </ul>                 |
|           |  | <ul style="list-style-type: none"> <li>Submit Social Impact Management Plan listing the ameliorative measures required to be undertaken for addressing the impacts</li> </ul>  | <ul style="list-style-type: none"> <li>Appointed team to conduct SIA</li> </ul>                 |
|           |  | <ul style="list-style-type: none"> <li>Disclosure of SIA report and Social Impact Management Plan</li> </ul>   | <ul style="list-style-type: none"> <li>Commissioner, Rehabilitation and Resettlement</li> </ul> |
|           | <b>Validation of SIA by Expert Group</b>                   | <ul style="list-style-type: none"> <li>Constitute an expert group consisting of two non-official social scientists, two representatives of panchayats, Gram Shabha, municipality or municipal corporation, two experts on rehabilitation and a technical expert in the subject related to the project</li> </ul> | <ul style="list-style-type: none"> <li>AP State Government</li> </ul>                           |
|           |  | <ul style="list-style-type: none"> <li>Recommendations of the expert group, within two months of its constitution, on whether the proposed project should be implemented or not</li> </ul>   | <ul style="list-style-type: none"> <li>Expert Group</li> </ul>                                  |
|           |  | <ul style="list-style-type: none"> <li>Disclosure of recommendations of the expert group</li> </ul>  | <ul style="list-style-type: none"> <li>AP State Government</li> </ul>                           |
| <b>3.</b> | <b>Decision by appropriate Government</b>                  | <ul style="list-style-type: none"> <li>Decide area for acquisition based on the Social Impact Assessment report and the recommendations of the expert group</li> </ul>   | <ul style="list-style-type: none"> <li>AP State Government</li> </ul>                           |
|           |  | <ul style="list-style-type: none"> <li>Obtain consent from the affected people, where required</li> </ul>  | <ul style="list-style-type: none"> <li>AP State Government</li> </ul>                           |
|           |  | <ul style="list-style-type: none"> <li>Disclosure of the decision</li> </ul>   | <ul style="list-style-type: none"> <li>AP State Government</li> </ul>                           |
|           |  | <ul style="list-style-type: none"> <li>Create public website to upload and disclose each acquisition case</li> </ul>   | <ul style="list-style-type: none"> <li>Commissioner, Rehabilitation and Resettlement</li> </ul> |
| <b>4.</b> | <b>Publication of Preliminary Notification</b>             | <ul style="list-style-type: none"> <li>Preliminary notification shall be issued, after conclusion of SIA and consent of the affected persons or Gram Sabha, as the case may be, when it appears to the Government that land is required or likely to be required in any area for any public purpose</li> </ul>   | <ul style="list-style-type: none"> <li>AP State Government</li> </ul>                           |
|           |  | <ul style="list-style-type: none"> <li>Update land records within 2 months of the notification</li> </ul>  | <ul style="list-style-type: none"> <li>District Collector</li> </ul>                            |
| <b>5.</b> | <b>Preliminary survey of land proposed for acquisition</b> | <ul style="list-style-type: none"> <li>Officer authorized by District collector to conduct preliminary survey and shall have powers as provided under the Section 12 of the RFCTLARRA 2013</li> </ul>  | <ul style="list-style-type: none"> <li>Officer authorized by District collector</li> </ul>      |
| <b>6.</b> | <b>Disposal of objections</b>                              | <ul style="list-style-type: none"> <li>Every objection shall be made to the Collector in writing and the Collector shall give the objector an opportunity of being</li> </ul>  | <ul style="list-style-type: none"> <li>Collector / District Collector</li> </ul>                |

|     | <b>Milestone</b>   | <b>Process</b>   | <b>Responsibility</b>  |
|-----|--|--|--|
|     |  | <p>heard in person or by any person authorized by him in this behalf</p> <ul style="list-style-type: none"> <li>• After hearing all such objections and making further inquiries as he thinks necessary, the Collector shall submit a report along with his recommendations on the objections to the District Collector for decision</li> </ul>  |  |
| 7.  | <b>Preparation of Rehabilitation and Resettlement Scheme and Public Hearing:</b> | <ul style="list-style-type: none"> <li>• The Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families within a period of two months from the date of publication of such preliminary notification.</li> <li>• The Administrator shall prepare comprehensive and detailed draft Rehabilitation and Resettlement Scheme and give publicity in the affected area</li> <li>• The Commissioner of Rehabilitation and Resettlement shall publish the approved Rehabilitation and Resettlement Scheme in the affected area</li> </ul> | <ul style="list-style-type: none"> <li>• Administrator for Rehabilitation and Resettlement</li> <li>• Commissioner of Rehabilitation and Resettlement</li> </ul> |
| 8.  | <b>Development Plan for Scheduled Castes or Scheduled Tribes Families:</b>       | <ul style="list-style-type: none"> <li>• Prior consent of the concerned Gram Sabha or the Panchayats at the appropriate level in the Scheduled Areas under the Fifth Schedule to the Constitution shall be obtained before issue of a notification for acquiring land in Scheduled Areas</li> <li>• In case there is involuntary displacement in Scheduled areas, a Development Plan will be prepared by the requiring body</li> </ul>   | <ul style="list-style-type: none"> <li>• Concerned Utility</li> </ul>  |
| 9.  | <b>Publication of Declaration Regarding Acquisition of Land</b>                  | <ul style="list-style-type: none"> <li>• A declaration for acquisition of the land along with the summary of the Rehabilitation and Resettlement Scheme shall be made by the appropriate Government in the prescribed format.</li> </ul>   | <ul style="list-style-type: none"> <li>• Appropriate Government</li> </ul>   |
| 10. | <b>Payment of Compensation and Entitlements</b>                                  | <ul style="list-style-type: none"> <li>• The award for land acquisition shall be made within 12 months of the public declaration of the acquisition</li> <li>• The compensation shall be calculated on the basis of provisions laid down under section 26 to section 30 and \ the First Schedule of the RFCTLARRA 2013.</li> <li>• In addition to the compensation for land acquisition, Rehabilitation and Resettlement Awards will also be provided to each affected family</li> </ul>   | <ul style="list-style-type: none"> <li>• Collector</li> </ul>  |



The detailed implementation process is as follows:

- 1) Request for Land:** Any Requiring Body, or its representative duly authorized by it, for whom land is to be acquired shall file the Requisition to the concerned District Collector and to the Commissioner, Rehabilitation & Resettlement as per Form I found in the annexures of the A.P. RFCTLARRR 2014. In case of acquisition for Government, the requisition shall be filed by concerned Secretary of the Department or a person authorized by him.

The District Collector upon receiving requisition shall constitute a team of revenue and agriculture officers to make field visit along with the representative of the requiring body to make a preliminary enquiry about the correctness of the particulars furnished in the requisition including the enquiry whether the requisition is consistent with the provisions of the Act, and submit a report to the District Collector

If the District Collector, based on the report of the team, other information available with him and instructions issued by the State Government in this regard, is satisfied that the requisition is consistent with the provisions of the RFCTLARRA 2013; he shall make a preliminary estimate of the cost of the acquisition as defined under Section 3 (i) of the Act. The administrative cost under item (A) of Section 3 (i) (vi) of the Act, shall be at the rate of 10% of the cost of compensation as provided in item (i) of Section 3 (i) of the Act. The District Collector will ask the Requiring Body to deposit the estimated cost of acquisition in his office within a period as may be specified by him.

- 2) Set up Social Impact Assessment Unit:** The Commissioner, Rehabilitation & Resettlement shall be the state Social Impact Assessment Unit to arrange to carry out Social Impact Assessment Study (SIA). The Commissioner, Rehabilitation & Resettlement shall select the SIA team for each project from the individuals and institutions registered or empanelled in the State Database of Qualified SIA Resource Partners and Practitioners. The size and selection criteria for the SIA team shall be as per the project-specific ToR developed by the State SIA Unit. The SIA team may be constituted by appointing individuals or an organization with experience in conducting SIAs or related field-based assessments and the team may include:

- A combination of independent practitioners, qualified social activists, academics, technical experts, who are not directly connected with the requiring body; and
- At least one woman member

The Requiring Body shall not be involved in any way in the appointment of the SIA team and while selecting the team it shall be ensured that there is no conflict of interest involving the team members appointed to assess the concerned project. If any team member is found to have a conflict of interest, the said member shall be disqualified.

**3) Conduct Social Impact Assessment:** A Social Impact Assessment (SIA) will be carried out for all land acquisition proposals except for when land is proposed to be acquired invoking urgency provisions under section 40 of RFCTLARRA 2013. In such cases, the District Collector, where he is not the Appropriate Government, shall submit a report to the State Government to issue appropriate directions. In other cases, the District Collector shall take the decision.

The District Collector shall, **within a period of fifteen days** from the date of deposit of the processing fee for carrying the SIA study by the Requiring Body, issue a notification for carrying out SIA in as per Form II found in the annexures of the A.P. RFCTLARRR 2014. The notification shall be made available in Telugu language to the Gram Panchayat, Mandal Parishad, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tahsildar at Mandal level.

The notification shall be published in the form of posters and pamphlets circulated in the affected area and by affixing the posters at some conspicuous places in the affected areas and shall be uploaded on the website of the State Government and the revenue district concerned. Provided that such notification shall be issued within thirty days after the deposit of the processing fee for carrying Social Impact Assessment by the Requiring Body.

The SIA shall be conducted in consultation with concerned Gram Panchayat, Mandal Parishad, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected areas. This will be followed by a public hearing at the affected areas to ascertain the views of the affected families; these views shall be recorded in writing. Adequate publicity about the date and time and venue for the public hearing shall be given.

The SIA report shall be submitted as per Form III found in the annexures of A.P. RFCTLARRR 2014 to the Commissioner, Rehabilitation & Resettlement **within a period of Six months from the date of commencement** and shall include the views of the affected families recorded in writing. The SIA Report including summaries shall be prepared and divided into three parts;

- The Project Feasibility Report;
- The Project Impact Report, and
- The Social Impact Management Plan

**4) Develop Social Impact Management Plan:** A Social Impact Management Plan listing the ameliorative measures required to be undertaken for addressing the impact of the project shall be submitted as per Form IV found in the annexures of A.P. RFCTLARRR 2014 along with the SIA report to the Commissioner, Rehabilitation & Resettlement.

The SIA team must provide a conclusive assessment of the balance and distribution of the adverse social impacts and social costs and benefits of the proposed project and land acquisition, including the mitigation measures, and provide an assessment as to whether the benefits from the proposed project exceed the social costs and adverse social impacts that are likely to be experienced by the affected families or even after the proposed mitigation measures, the affected families remained at risk of being economically or socially worse, as a result of the said land acquisition and resettlement.

- 5) Publicizing the SIA Report and Social Impact Management Plan:** The SIA Report and the Social Impact Management Plan shall be made available in the Telugu language to the concerned Gram Panchayat, Mandal Parishad, Municipality or Municipal Corporation, at village level or ward level in the affected areas and in the Offices of the District Collector, the Sub-Divisional Officer and Tahsildar. It shall also be published by way of a public notice by affixing at some conspicuous places in the affected areas and shall be uploaded on the website of the State Government and the revenue district concerned.
- 6) Validation of SIA by Expert Group:** The Appropriate Government shall ensure that the SIA report is validated by an independent multi-disciplinary Expert Group, as may be constituted by it. The Expert Group shall have:
- Two non-official social scientists;
  - Two representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation;
  - Two experts on rehabilitation, and a technical expert in the subject relating to the project

If the Expert Group determines that the project does not serve any public purpose, or the social costs and adverse social impacts of the project outweigh the potential benefits, it **shall make a recommendation within two months from the date of its constitution** and the project shall be abandoned forthwith and no further steps to acquire land will be initiated in respect of the same.

If the Expert Group believes that there is a public purpose and that the benefits outweigh social costs, it shall make recommendations within two months of its constitution as to whether the extent of land proposed to be acquired is the absolute bare-minimum extent needed for the project and whether there are no other less displacing options available.

All recommendations of the Expert Group shall be recorded in writing along with details and reasons for their decisions. The recommendations shall be made available in the Telugu language to the Panchayat, Municipality, or Municipal Corporation; and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil; and shall

be published in the affected areas and also uploaded on the website of the Appropriate Government.

- 7) Decision by Appropriate Government:** The Appropriate Government shall examine the Social Impact Assessment report, the recommendations of the Expert Group, if any, and decide such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected. Before taking a decision the appropriate Government shall ensure that consent is obtained the cases where such consent is required.

The decision of the Appropriate Government shall be made available in the local language to the Panchayat, Municipality, or Municipal Corporation; and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil; and shall be published in the affected areas and also uploaded on the website of the Appropriate Government.

Each acquisition case will be uploaded, on a public website that is to be created by the Commissioner, Rehabilitation & Resettlement. All details regarding the case beginning with the notification of the SIA and tracking each step of decision making, implementation and audit will be made available on the website.

- 8) Publication of Preliminary Notification:** After conclusion of the SIA and consent of the affected persons or Gram Sabha, as the case may be, when it appears to the appropriate Government that land is required or likely to be required in any area for any public purpose, a preliminary notification shall be issued as per Form VI (a & b) found in the annexures of A.P. RFCTLARRR 2014.

The notification shall be published in the following manner:

- In the Andhra Pradesh Gazette;
- In two daily newspapers circulating in the locality of such area of which one shall be in the Telugu language
- In the Telugu language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, the Sub-divisional Magistrate and the Tehsil;
- Uploaded on the website of the Appropriate Government;
- In conspicuous places in the affected areas and shall also be informed to the **public by beat of Tom-tom.**

After issuing the preliminary notification, the Collector shall updated land records within a period of two months.

**9) Preliminary survey of land proposed for acquisition:** The officer authorized by the District Collector to conduct preliminary survey shall have all the powers as provided under section 12 of the RFCTLARRA 2013.

**10) Disposal of objections:** Any person interested in any land which has been notified as being required or likely to be required for a public purpose, may **within sixty days from the date of the publication** of the preliminary notification object to:

- The area and suitability of land proposed to be acquired;
- Justification offered for public purpose;
- The findings of the SIA report

Every objection shall be made to the Collector in writing and the Collector shall give the objector an opportunity of being heard in person or by any person authorized by him in this behalf or by an Advocate and shall, after hearing all such objections and making such further inquiry, if any, as he thinks necessary, shall submit a report along with his recommendations on the objections to the District Collector for decision. The decision of the District Collector shall be final.

**11) Preparation of Rehabilitation and Resettlement Scheme and Public Hearing:** On publication of the preliminary notification by the Appropriate Government, the Administrator for Rehabilitation and Resettlement shall **conduct a survey and undertake a census of the affected families within a period of two months from the date of publication** of such preliminary notification.

For the survey and the census of the affected families the Administrator shall collect data based on the SIA report as well as data from secondary sources such as Panchayat and Government records and verify that data by door visit of the affected families and by site visits in case of infrastructure in the affected area.

The draft Rehabilitation and Resettlement Scheme prepared by the Administrator shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired: Where resettlement of affected families is involved the scheme shall contain the following:

- List of Government buildings to be provided in Resettlement Area
- Details of public amenities and infrastructural facilities which are to be provided in Resettlement Area
- List of likely to be displaced families;
- List of infrastructure in the affected area;
- List of land holdings in the affected area;
- List of trades/business in the affected area;

- List of landless people in the affected area;
- List of persons belonging to disadvantageous groups like persons belonging to Scheduled Castes or Scheduled Tribes, handicapped persons in the affected area;
- List of landless agricultural labourers in the affected area;
- List of unemployed youth in the affected area.

The Administrator shall prepare comprehensive and detailed draft Rehabilitation and Resettlement Scheme, as per Form VIII found in the Annexures of the A.P. RFCTLARRR 2014, and give wide publicity in the affected area. The Administrator or an officer authorized by him shall conduct a public hearing in the affected areas on such date, time and venue as decided by **giving advance notice of fifteen days**.

The Commissioner of Rehabilitation and Resettlement shall publish the approved Rehabilitation and Resettlement Scheme in the affected area by affixing in conspicuous places in addition to making it public by other means as described above in the case of the preliminary notification.

**12) Development Plan for Scheduled Castes or Scheduled Tribes Families:** As far as possible, no acquisition of land shall be made in Scheduled Areas; and where this is done, it shall be only as a **demonstrable last resort**. Further the prior consent of the concerned Gram Sabha or the Panchayats at the appropriate level in the Scheduled Areas under the Fifth Schedule to the Constitution shall be obtained before issue of a notification. This prior consent shall be taken in all cases, even in the case of urgency.

In cases of a project involving land acquisition on behalf of a requiring body which involves involuntary displacement of the Scheduled Castes or Scheduled Tribes families, a Development Plan shall be prepared in the prescribed format. The Development Plan shall lay down the details of the procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition.

The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.

The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity. Further, the resettlement areas predominantly inhabited by the Scheduled Castes and the Scheduled Tribes shall get land, to such extent as may be prescribed by the Appropriate Government free of cost for community and social gatherings.

All the benefits, including the reservation benefits available to the Scheduled Tribes and Scheduled Castes in the affected areas shall continue in the resettlement area.

Any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void.

**13) Publication of declaration for acquisition:** A declaration for acquisition of the land along with the summary of the Rehabilitation and Resettlement Scheme shall be made by the appropriate Government in the prescribed format. However, no such declaration shall be made unless the requiring body has deposited an amount in full towards the cost of acquisition of the land. Every declaration shall be published in the same manner as described above in the case of the preliminary notification.

**14) Land acquisition award:** The Collector shall **make an award for land acquisition within a period of twelve months from the date of publication of the declaration for acquisition.** If no award is made within this period, the entire proceedings for the acquisition of the land shall lapse.

**15) Mode of payment of compensation:** The payment of compensation shall be made expeditiously through account payee cheques/electronic mail transfer.

### **4.3 Dispute Settlement**

As per section 51(1) of the RFCTLARRA 2013, the Appropriate Government shall, for the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish one or more Authorities to be known as "the Land Acquisition, Rehabilitation and Resettlement Authority".

Section 52(1, 2 & 3) specifies that the Authority shall consist of one person only (Presiding Officer) who will be appointed by the Appropriate Government in consultation with the Chief Justice of a High Court in whose jurisdiction the Authority is proposed to be established. The Presiding Officer must be, or have been, a District Judge; or a qualified legal practitioner who has been practicing for not less than seven years. The Presiding Officer shall hold office for a term of three years or until the age of sixty-five, whichever is earlier.

The Appropriate Government shall also provide the Authority with a Registrar and such other officers and employees as it deems fit. As per section 33 of the A.P. RFCTLARRR 2014, the salaries, allowances, and conditions of service of the Registrar and other Officers and employees of the Authority shall be the same as applicable to the officers and employees of similar grades working in the Judicial Department of the State Government; while the salaries and allowances of the Presiding Officer shall be the same as that applicable to a District Judge working in the State.

Any person interested who has not accepted the rehabilitation and resettlement award may, by written application to the Collector, require that the matter be referred by the Collector to the Authority for determination. The objection of the interested person may concern:

- a. Measurement of the land;
- b. The amount of the compensation;
- c. The person who is payable;
- d. The rights of Rehabilitation and Resettlement; or
- e. The appointment of the compensation among the interested persons

The application objecting to the award will be accepted if the application is made:

- a. Within six weeks from the date of Collector's award, in the case that the person making the application was present or represented before the Collector at the time when the award was made; or
- b. In other cases, within six weeks of receipt of the notice from the Collector, or within six months from the date of the Collector's award, whichever period shall expire first

However, the Collector may entertain an application within a further period of one year after the expiry of the stipulated period if there is sufficient cause for not filing it within the specified time period.

Once the Collector receives the application, he shall refer it to the Authority **within a period of thirty days** from the date of receipt of the application. If the Collector fails to refer the matter within the stipulated time period, the applicant may apply to the Authority, requesting it to direct the Collector to make the reference.

While making the reference to the Authority, the Collector shall specify:

- a. The situation and extent of the land, with particulars of any tress, buildings or standing crops on it;
- b. The names of the persons interested in the land;
- c. The amount awarded for damages and paid or tendered, and the amount of compensation awarded;
- d. The amount paid or deposited under any other provisions of the RFCTLARRA 2013; and
- e. If the objection is to the amount of the compensation or the grounds on which the amount of compensation was determined.

On receiving the reference, the Authority shall issue a notice specifying the day on which the objection will be determined and direct that the applicant and all interested persons appear on the notified date. The proceedings shall take place in public and all persons entitled to appear in any Civil Court in the State shall be entitled to appear, plead and act in such proceedings.

In determining whether the amount of compensation awarded for land acquisition and rehabilitation and resettlement entitlements is appropriate, the Authority shall take into consideration whether the Collector has followed the parameters set under section 26 to section 30 of the RFCTLARRA 2013. If the Collector's award is not upheld by the Authority, the cost of the proceedings shall be paid by the Collector.

If the Authority believes that the compensation should have been in excess of that awarded by the Collector, the Authority may direct the Collector to pay interest on such excess at the rate of nine percent per annum from the date on which the Collector took possession



of the land to the date of payment of the excess amount. If the payment of the excess amount is after the expiry of one year from the date the Collector took possession, the interest rate applied will be fifteen percent per annum for the period after the expiry of one year to the time the excess payment is made.

In such cases where the Authority awards compensation in excess of the amount awarded by the Collector, any person interested in any other land covered by the same preliminary notification, may submit a written application to the Collector to re-determine the amount of compensation made to them. Such applications should be made **within three months of the Authority's awards.**

If the Requiring Body or any person aggrieved by the Authority's award may file an appeal to the High Court **within sixty days from the date of the award.** This period may be extended by a further sixty days if the High Court determines that the appellant was prevented by sufficient cause from filing the appeal in the stipulated period. The high Court will be required to dispose of any such appeal **within six months** from the date on which the appeal is presented to the High Court.

#### **4.4 Monitoring Mechanism**

As per section 50(1 & 2) of the RFCTLARRA 2013, the State Government shall constitute a State Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans. The Committee may, besides having representatives of the concerned Ministries and Departments of the State Government, associate with eminent experts from the relevant fields.

Further, as per section 32(1) of the A.P. RFCTLARRR 2014, the State Monitoring Committee shall have its first meeting for review and monitoring the implementation of the rehabilitation and resettlement scheme within a month of the date that the said scheme is approved and published by the Commissioner for Rehabilitation and Resettlement. Thereafter, the meetings of the Committee shall be held once in three months to review and monitor the implementation of the rehabilitation and resettlement schemes.

Section 32(2) of the A.P. RFCTLARRR 2014 prescribes that the experts associated with the State Monitoring Committee shall be paid an amount of INR 1,000 as sitting fee and travelling and daily allowance at the rate admissible to the Class-I rank Officers of the State Government for journeys outside headquarters.

# Annexure 1 – SIA Process

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The process of carrying out the SIA is provided for in **Section 10 of the A.P. RFCTLARRR 2014**. The process is as follows:

(1) The SIA team shall collect and analyse a range of quantitative and qualitative data, undertake detailed site visits, use participatory methods such as focused group discussions, participatory rural appraisal techniques and informant interviews in preparing the Social Impact Assessment report.

(2) All relevant project reports and feasibility studies shall be made available to the SIA team throughout the SIA process, as required. Any request for information from SIA team shall be met at the earliest but not exceeding seven days. The District Collector shall be responsible for providing the information requisitioned by the SIA team.

(3) A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar projects shall be conducted by the SIA team. The assessment shall determine the following, namely:-

- (a) Area of impact under the proposed project, including both land to be acquired and areas that will be affected by environmental, social or other impacts of the project;
- (b) Area and location of land proposed to be acquired for the project;
- (c) The land proposed for acquisition is the bare minimum required;
- (d) Possible alternative sites for the project and their feasibility;
- (e) Whether the land proposed for acquisition is irrigated multi-cropped land and if so, whether the acquisition is a demonstrable last resort;
- (f) Land, if any, already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project;
- (g) The possibility of use of any public, unutilised land for the project and whether any of such land is under occupation;
- (h) Nature of the land, present use and classification of land and if it is an agricultural land, the irrigation coverage for the said land and the cropping pattern;
- (i) The special provisions with respect to food security have been adhered to in the proposed land acquisition;
- (j) Size of holdings, ownership patterns, land distribution, number of residential houses, and public and private infrastructure and assets; and
- (k) Land prices and recent changes in ownership, transfer and use of lands over the last three years.

(4) Based on the land assessment, land records and field verification, the SIA team shall provide an accurate estimate of the number of affected families and the number of displaced families among them and ensure that, as far as possible, all affected families are enumerated:

Provided that where enumeration is not possible, a representative sample shall be done.

(5) A socio-economic and cultural profile of the affected area must be prepared, based on available data and statistics, field visits and consultations as per FORM-III:

Provided that in projects where resettlement is required, the identified resettlement sites shall be visited and a brief socio-economic profile of the land and its current resident population shall be indicated.

(6) Based on the data collected in processes listed above and in consultation with the affected communities and key stakeholders, the SIA team shall identify and assess the nature, extent and intensity of the positive and negative social impacts associated with the proposed project and land acquisition as per FORM-III.

(7) The SIA process includes the preparation of a Social Impact Management Plan (SIMP), which will present the ameliorative measures to be undertaken to address the social impacts identified in the course of the assessment. The SIA team must assess the viability of impact mitigation and management strategies with clear indication of costs, timelines and capacities. The Social Impact Management Plan (SIMP) shall include the following measures-

- (a) That have been specified in the terms of Rehabilitation and Resettlement and compensation for all the categories of affected families as outlined in the Act;
- (b) That the Requiring Body has stated that it will undertake in the project proposal and other relevant project documents; and
- (c) That additional measures being undertaken by the Requiring Body, which have been undertaken by it in response to the findings of the SIA process and public hearings.

(8) The SIA team must provide a conclusive assessment of the balance and distribution of the adverse social impacts and social costs and benefits of the proposed project and land acquisition, including the mitigation measures, and provide an assessment as to whether the benefits from the proposed project exceed the social costs and adverse social impacts that are likely to be experienced by the affected families or even after the proposed mitigation measures, the affected families remained at risk of being economically or socially worse, as a result of the said land acquisition and resettlement.

# Thank you

The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

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