



# Resettlement Framework for Jharkhand Power System Improvement Project (JPSIP) (Annex Volume-1)

**Jharkhand Urja Sancharan  
Nigam Limited**

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Jharkhand Urja Sancharan Limited

## Resettlement Framework for Jharkhand Power System Improvement Project (JPSIP) (Annex Volume-1)

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## ABBREVIATIONS

|           |  |
|-----------|--|
| AP        | Affected Person  |
| BPL       | Below Poverty Line   |
| DC        | District Collector   |
| DPR       | Detail Project Report  |
| EA        | Executing Agency   |
| EM        | Entitlement Matrix   |
| ESMF      | Environment Social Management Framework  |
| IR        | Involuntary Resettlement   |
| JhLARR    | Jharkhand Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015 |
| JPSIP     | Jharkhand Power System Improvement Project   |
| JUSNL     | Jharkhand Urja Sancharan Nigam Limited   |
| kV        | Kilo Volt  |
| RFCTLARRA | The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013         |
| RF        | Resettlement Framework   |
| RP        | Resettlement Plan  |
| SIA       | Social Impact Assessment   |

## GLOSSARY OF TERMS

|  |  |
|--|--|
| <i>Affected Persons (APs)</i>              | APs are all persons who are impacted due to the program implementation. The impacts may be due to (i) loss of assets: land, house and commercial structure; (ii) loss of livelihood and income opportunities; (iii) collective impacts such as community assets; and (iv) any unanticipated temporary disruptions resulting from construction works. APs may or may not be displaced.  |
| <i>Below Poverty Line (BPL) Households</i> | <p>BPL are households whose monthly income is less than a designated sum as determined by the Government of Jharkhand.</p> <p>Poverty lines as defined by two different panels commissioned by Government of India:</p> <p>Suresh Tendulkar Panel: Those spending at least INR 27 in rural and INR 33 in urban areas daily in 2011-12 were identified as above poverty line.</p> <p>C Rangarajan Panel: Raised the limit to INR 32 in rural area and INR 47 for urban areas.</p> <p>In a major policy decision, the Jharkhand government has come out with a new benchmark to judge poverty. As per the new 13-point guidelines, finalised by the state Cabinet for conducting survey of the below poverty line (BPL) families, anyone whose monthly income does not exceed Rs 10,000 per month could qualify for being treated as the poor.</p> |
| <i>Compensation</i>                        | <p>This refers to the amount paid under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARRA) Act 2013 for private property, structures and other assets acquired for the investment program. Compensation refers to payments made by the Government to those persons with legal title to their property.</p>   |
| <i>Cut-off Date</i>                        | <p>The date of notification under Section 11 under the RFCTLARRA Act 2013 will be considered as the cut-off date for APs who have legal title to the land/property proposed for acquisition. In the case of Non-titleholders and unauthorized occupants the date of the census/socio-economic survey conducted by the Implementation Agency (IA) will be considered as the cut-off date for entitlements under the investment program.</p> <p>In case of transmission line the date of notification in the Gazette u/s 64 would be considered as the cut-off date.</p>   |
| <i>Displaced Persons (DPs)</i>             | Any person who for reasons of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas will suffer physical displacement (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of.  |
| <i>Non-titleholders</i>                    | Persons who have extended their building, agricultural lands, business premises or work places into government lands /private lands or are entirely within the government /private land.   |
| <i>Market Value</i>                        | <p>This means the value of land in accordance with Section 26 of RFCTLARRA 2013.</p> <p>It will be determined by the following:</p> <ul style="list-style-type: none"> <li>(i) The market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or</li> </ul>  |

|                                    |  |
|------------------------------------|--|
|                                    | <p>(ii) The average sale price for similar type of land situated in the nearest village or nearest vicinity area; or</p> <p>(iii) The consented amount of compensation as agreed upon, in case of acquisition of lands for private companies or for public private partnership projects.</p>   |
| <b>Replacement Value</b>           | <p>Whichever is higher, will be taken and the date for determination of market value shall be the date on which the notification has been issued under Section 11 of the RFCTLARRA 2013.</p> <p>Replacement Value of the acquired assets and property is the amount required for the AP to replace/reconstruct the lost assets through purchase in the open market. The market value will be multiplied by a factor of, at least one to two times the market value for land acquired in rural areas and at least one times the market value for land acquired in urban areas. The Jharkhand State Rules on LARR, 2015 specifies in section 31, sub-section (1) that compensation shall be calculated as the provisions laid down under section 26 to section 30 read with the First Schedule of the RFCTLARRA 2013 (market value x multiplier + 100% solatium)</p> |
| <b>Right-Of-Way</b>                | <p>An electric transmission line right-of-way (ROW) is the corridor of land used by utilities for stringing, to construct, operate, maintain and repair the transmission line facilities. The RoW also takes into consideration the horizontal safety distance which should to be maintained for the safety of the citizens. The width of a right-of-way depends on the voltage of the line and must be clear of structures that could interfere with a power line. The RoW for different voltage is defined by Ministry of Environment Forest and Climate Change<sup>1</sup>.</p>   |
| <b>Requisitioning Authority</b>    | <p>This shall mean any company, a body corporate, an institution, or any other organization for whom land is to be acquired by the appropriate Government Agency, and includes the appropriate Government Agency if the acquisition of land is for such Government Agency either for its own use or for subsequent allotment of such land in public interest to a body corporate, institution, or any other organization or to any company under lease, license or through any other system of transfer of land to such company, as the case may be. Here it is JUSNL.</p>   |
| <b>Resettlement Assistance</b>     | <p>This refers to the support provided to persons displaced or affected by the project in the form of ex-gratia payments, loans, asset services, training and skills development, etc. in order to improve their standard of living and reduce the negative impacts of the investment program.</p>   |
| <b>Resettlement Framework (RF)</b> | <p>RF is required for projects with subprojects or multiple components. The framework is in line with World Bank Operation Policy on Involuntary Resettlement and RFCTLARRA 2013 that provides appropriate and concrete commitment for future implementation of Resettlement Plan.</p>   |
| <b>Resettlement Plan (RP)</b>      | <p>RP is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation which are all aimed at helping APs re-establish their pre-project standards of living.</p>   |
| <b>Schedule Areas</b>              | <p>This means the such areas "as the President may by order declare to be Scheduled Areas" under Paragraph 6 of the Fifth</p>  |

<sup>1</sup> F. No.7-2s/ 29I2-FC , Government of India, Ministry of Environment and Forests, (FC Division) dated 5<sup>th</sup> May 2014.

|                                  |  |
|----------------------------------|--|
| <i>Stakeholder</i>               | Schedule Areas as per Schedule V of the Constitution of India<br>Stakeholder is any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.   |
| <i>Tenants and Sharecroppers</i> | Those persons having bonafide written or unwritten tenancy agreements, with a private property owner having clear property titles, to occupy a structure or land for agricultural use, residence and business or have a receipt from the Panchayat or other government body for the use of government land.  |
| <i>Titleholders</i>              | Those who have legal title to land, structure and other assets.  |
| <i>Vulnerable Persons</i>        | Those persons who are by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. This includes BPL, the elderly - above 60 years of age, female headed households, differentially able persons, Scheduled Castes and Scheduled Tribes. |

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## 1.1 PURPOSE OF PROJECT

The Government of Jharkhand with active support of the Government of India has planned for implementing 24x7 Power for All in the state. The program is aimed at achieving 24x7 reliable powers for all the households by FY 2019. The PfA roadmap includes interventions in generation, transmission, distribution, renewable energy and energy efficiency and is proposed to be implemented during FY16 to FY19. As part of this initiative Government of Jharkhand through Jharkhand Urja Sancharan Nigam Limited (JUSNL) has planned to develop the transmission infrastructure in the State. This transmission infrastructure development is being funded from different sources e.g. domestic fund, Public Private Partnership (PPP) and multilateral funding. The Jharkhand Urja Sancharan Nigam Limited (the state run power transmission utility company) has approached the World Bank for assistance to fund a part of the transmission infrastructure development/upgradation under the Jharkhand Power Sector Improvement Project (JPSIP).

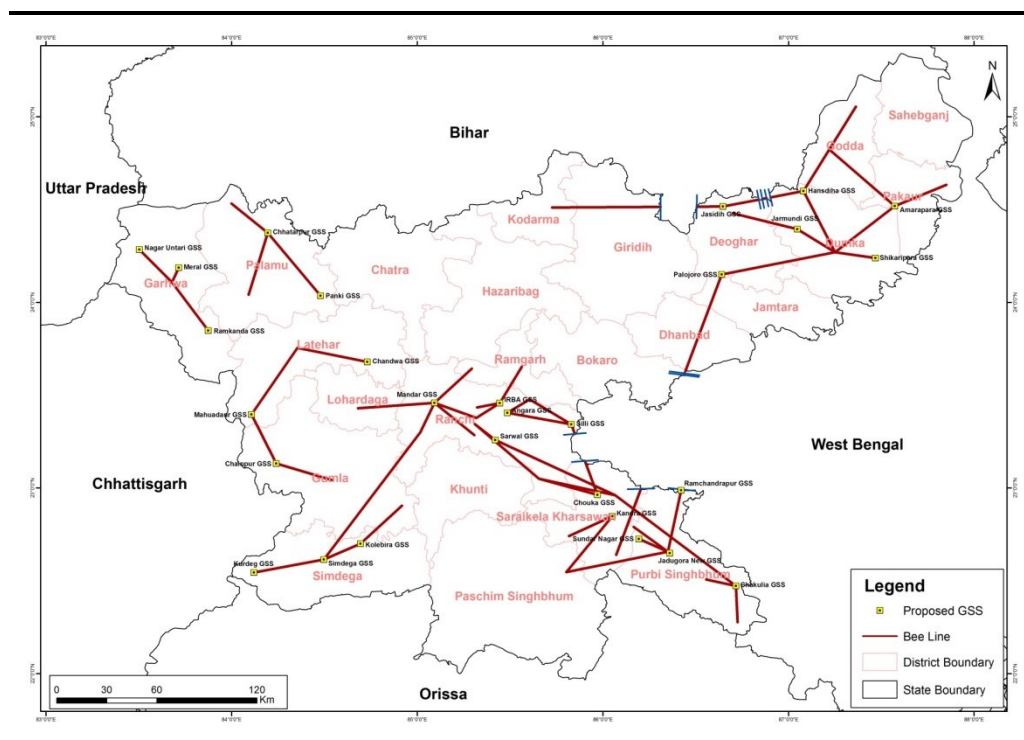
As part of the project preparation for Jharkhand Power System Improvement Project (JPSIP), JUSNL is undertaking various project preparation activities including preparation of feasibility studies, Detailed Project Reports (DPRs), Environmental and Social Management Framework (ESMF) Environmental and Social Impact Assessment (ESIA) etc. to comply with the requirement of from World Bank Policies and Guidelines.

This Resettlement Framework (RF) document is part of the Environmental and Social Management Framework for the project. The Resettlement Framework outlines Policy objectives, policies and laws guiding the resettlement and rehabilitation in JPSIP. It also lays down the procedures for procurement of land for the project including involuntary acquisition of land, if required. To offset the losses and inconvenient to the Affected persons the RF also defines the entitlements which would be used for compensating the Affected Persons (APs).

## 1.2 PROJECT DESCRIPTION

The project will entail development of approximately 2000 km of 132 KV transmission lines criss-crossing almost all the districts of Jharkhand, except the DVC command areas. In addition, 25 new substations are being considered under the project. These subprojects are presented in *Figure 1.1*. For the purpose of project management the transmission lines and substations has been sub-divided into packages. Each Package will include one sub-station and at-least one transmission lines. For the tendering/implementation purpose the entire project would be divided into three phases namely The details of the packages are presented in *Annexure 1*.

**Figure 1.1** *Schematic of the subprojects (transmission lines and substation) considered in JPSIP overlaid on the Administrative Map of Jharkhand*



### 1.3 SCOPE FOR LAND ACQUISITION AND RESETTLEMENT

Land will be required for constructing these substations and erecting transmission towers. All the 25 substations which are considered under JPSIP are new facilities. Land would be procured for the substation. Since the land for the substations will be no longer accessible to the existing owners the ownership would be transferred from the existing owner to JUSNL.

JUSNL may procure land for the substation by any of the following processes:

- Transfer of Government land to JUSNL;
- Purchase of land through negotiated settlement; and
- Involuntary land acquisition

However, in case of transmission towers JUSNL would only acquire the right for use of the land but the ownership of land used for erecting towers would remain with the existing owner. JUSNL only pays compensation for the damages to crop and property under the tower footing but does not pay any compensation for the land. Hence, scope of land loss due to land acquisition will be limited to only substations. For land along the RoW JUSNL only pays compensation for the damages and receives the right to use. After erection of the towers and the stringing action the land is returned back to the land owner with some restrictions.

### 1.4 OBJECTIVE OF POLICY FRAMEWORK

The objective of the RF is to appropriately identify, address and mitigate adverse socioeconomic impacts that may occur due to the implementation of

projects that involve the involuntary acquisition of land and subsequent resettlement of affected families. The RF aims to avoid involuntary acquisition of land wherever possible and in cases where it is unavoidable, the RF would guide the development of a Resettlement Plan to effectively manage the social impacts created by the project.

This section specifically describes the laws, policies that will govern land acquisition process and which may be implemented in JPSIP for mitigation of issues related to involuntary land acquisition, resettlement income loss, temporary access disruption and imposition of certain restrictions on land use.

## 2.1

### APPLICABLE ACTS AND POLICIES

The policy framework for JPSIP will be based on “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” (RFCTLARRA 2013), Jharkhand Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015 and World Bank Operational Policy for Involuntary Resettlement (OP-4.12). Table below provides an overview of the legal and regulatory provisions applicable for land acquisition and involuntary resettlement.

**Table 2.1** *Applicable National Laws, State Rules and OP-4.12*

| Act/ Rules/Policies   | Applicability  |
|---|--|
| 1. <b>The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA 2013)</b> | <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>i. There is a legitimate &amp; bona fide public purpose which necessitates the acquisition</li> <li>ii. 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>iii. Only the minimum area of land required for projects is proposed to be acquired</li> <li>iv. There is not unutilized land which has been previously acquired in the area</li> <li>v. Any land acquired earlier and remaining unutilized is used for the public purpose</li> </ul> <p><b>RFCTLARRA 2013</b></p> <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> <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> </ul> |

| Act/ Rules/Policies  | Applicability  |
|--|--|
| RFCTLARRA 2013   | <ul style="list-style-type: none"> <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>ii. The damage (if any) sustained due to the severing of the land from other land</li> <li>v. 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>ii. Any other ground that may be in the interest of equity, justice and beneficial to the affected families</li> </ul> <p>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> |
| <p>2. <b>Jharkhand Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015 (JhLARR Rules, 2015)</b></p> <p>JhLARR Rules, 2015</p> | <p>The JhLARR Rules, 2015 have been drafted by the Government of Jharkhand in exercise of the powers conferred by Section 109 of the RFCTLARRA, 2013.</p> <p>Chapter II Section 3 (1) mentions that the- “ Requiring body to the Collector in Form 1 together with following documents, as case may be:</p> <ul style="list-style-type: none"> <li>i. Proposal in Form I</li> <li>ii. Detailed Project Report or Administrative Approval or Sanction order of the concerned department/ Requiring body</li> <li>ii. Estimated cost of project</li> <li>v. Three copies of village map(s) showing the land to be acquired</li> <li>v. Certified copies of the khatiyana of the lands to be acquired</li> <li>vi. Information as to whether the land is irrigated multi-cropped land. If it is irrigated multi-cropped land, whether it is covered under the provision to Section 10; if not, then what are the demonstrable exceptional circumstances for acquiring the land.</li> <li>ii. Any other document or information required by the Collector.</li> </ul> <p>The rules specify:</p> <ul style="list-style-type: none"> <li>i. Process for carrying out the Social Impact Assessments</li> </ul>  |

| Act/ Rules/Policies  | Applicability  |
|--|--|
|  | (SIAs)   |
|  | ii. Institutional Support for SIAs   |
|  | ii. Other guidelines for carrying out the SIAs   |
|  | v. Process for conducting public hearings  |
|  | v. Declaration of Awards and Compensation  |
| JhLARR Rules, 2015   | Chapter IV of the State Rules specifically states the Consent Requirements for the land to be acquired.  |
|  | i. Consent of the affected land owners   |
|  | ii. Consent of the Gram Sabha in Scheduled Areas   |
|  | ii. Roles and responsibilities of the appropriate Government and Requiring body for consent process  |
| JhLARR Rules, 2015   | Section 31 (1) of the State Rules states the “compensation shall be calculated as per the provisions laid down under section 26 to section 30 read with the First Schedule of the Act and paid to all parties whose land or other immovable property has been acquired”.   |
| 3. <b>World Bank Operational Policy for Involuntary Resettlement (OP-4.12)</b> | <i>Involuntary Resettlement</i> addresses direct economic and social impacts from project activities that may cause involuntary taking of land resulting in: (i) relocation or loss of shelter, (ii) loss of assets or access to assets, and/or (iii) loss of income sources or livelihoods. The policy also applies to projects that may lead to involuntary restriction of access to legally designated parks and protected areas. Where resettlement cannot be avoided, a Resettlement Action Plan (RAP) must be prepared on the basis of meaningful consultations with potentially affected people. A Process Framework (PF) is required for projects restricting access to natural resources in connection with legally designated parks and protected areas. |

## 2.2

### **COMPARISON BETWEEN NATIONAL LAWS, STATE RULES AND WORLD BANK POLICY**

The safeguards and provisions mentioned in the RFCTLARRA, 2013 are aligned with the World Bank Operational Policy (WB OP-4.12) on Involuntary Resettlement, and the Jharkhand State Rules on the Land Acquisition and Involuntary Resettlement have been curved out based on the RFCTLARRA, 2013. The comparison between the World Bank OP4.12, RFCTLARRA 2013 and JhLARR Rule, 2015 is presented in *Annexure 2*.

In addition to the above laws relating to procurement of land the Ministry of Power, Government of India has suggested guidelines for compensation of loss of land values both for tower footing and RoW. The guidelines provides for a mechanism for compensating these damages. However it has suggested that the respective state government have to take decision on the subject of compensations as land related matters are to be decided by the State Government, as per the Constitution of India. The Government of Jharkhand is considering this matter seriously. The details of the MoP Guidelines are presented as *Annexure 3*.

### 3.1 SCREENING OF SUBPROJECTS

A preliminary assessment of the social setting in the state and the nature of activities being envisaged as a part of JPSIP indicates that broadly the potential social impacts due to JPSIP are likely from the loss of land (primarily in substation), damages to trees/crops and structures (during the construction of substation and stringing of transmission line). However, efforts would be made to reduce the social impacts through the different activities being undertaken as part of the Environmental and Social Studies in JPSIP.

During the environmental and social project preparation activities each of the subprojects/packages would be screened to identify alignments with minimal environmental and social impacts during the project conceptualisation<sup>1</sup>. The extent of involuntary land acquisition and resettlement impacts is also a criterion for the screening process. The Screening Checklist to be used is provided in *Annexure 4*.

Later during the detailed designing a Social Impact Assessment will be conducted for all the subproject/packages to identify the social impacts. The SIA will be undertaken to determine and assess the magnitude of losses and displacement and vulnerability and ascertain the cost of resettlement and rehabilitation under the package.

A Resettlement Action Plan (RAP) will be developed for packages to avoid and minimise resettlement impacts. Summary of the SIA will be incorporated in the RAP.

### 3.2 CORE SAFEGUARD PRINCIPALS FOR IR

The core safeguard principals governing the JPSIP are based on the RFCTLARRA 2013, JhLARR Rules, 2015 and the WB OP-4.12. The safeguard principles are presented in *Box 3*.

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<sup>1</sup> As discussed in the Main Volume the lifecycle of a transmission line projects necessary involves five stages. These include i) conceptualisation; ii) detailed design iii) tendering, iv) Implementation and v) Operation and maintenance

- 
- **Use of Government land:** where ever possible the project will try as much as possible to use government land, to minimise involuntary land acquisition. Where it will not be possible, private land may be procured for the project either through involuntary land acquisition or negotiated settlement.
  - **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; compensation for all lost assets acquired or affected is based on the principle of replacement cost to be determined by a Valuation Committee formed under the District Collector will determine the replacement cost.
  - **Maintaining the social and economic status of families:** the RF 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.
  - **Vulnerable groups:** Vulnerable groups, including households headed by women, the elderly, the differentially able, and indigenous groups, those without legal title to land and property, and those living below poverty line (BPL) will be given special assistance to improve their socioeconomic status and also ensure their participation in the consultation process.
  - **Eligibility of Non-title Holders:** Ensure that displaced persons without titles or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. Absence of formal title to land should not be a bar to policy entitlements.
  - **Preparation and Disclosure of RP:** The resettlement plan (RP) for each sub-project detailing the entitlements of APs/DPs, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule will be prepared and disclosed with the APs and other stakeholders. For transmission lines the RP may be disclosed during check surveys by the RP Implementing Agency.
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## 3.3

*ACQUIRING LAND FOR THE JPSIP*

Modalities for acquisition of land for the Project will be at discretion of JUSNL and the process may be either through –

- Transfer of Government land to the JUSNL
- Purchase of land on negotiated price
- Involuntary land acquisition

*Transfer of Government Land*

The appropriate authority i.e. Jharkhand Urja Sancharan Nigam Limited (JUSNL) may apply for land transfer from the concerned government department for substations and tower footings (if required). JUSNL would



also obtain 'No Objection Certificate' (NOC) from the concern government department for using the land.

#### *Purchase of Land on Negotiated Price*

The project may consider purchasing private land for its substations through negotiated settlement. For the purpose of negotiated settlement district level committees would be setup under the chairmanship of the Deputy Commissioner of the respective district. The Assistant Commissioner and the GM cum Chief Engineer of the respective zone of JUSNL would be members of the District Level Negotiation Committee. The Circle Officers of the areas affected would be invited members during the negotiation process. The committee under the chairmanship of the Deputy Commissioner would discuss on the price with the land owners and derive the appropriate price of land. The provisions of the RFCTLARRA 2013 and the inputs of the local circle officers on the value of land would be considered by the committee for deciding on the price. The minimum price of land will not be below the valuation of land based on the market value of land as mentioned in the -First Schedule of the RFCTLARRA 2013. The committee would hold two rounds of negotiations beyond which it would recommend the case to the respective Divisional Commissioner for final negotiations. The Divisional Commissioner after hearing all the parties concerned i.e. the land owners, JUSNL and reviewing the proceedings of the earlier rounds of discussion may provide for an additional value of land (top-up price) in consultation with JUSNL.

Before the negotiation process the Contractor appointed by JUSNL (for construction) would carry out Check Surveys and finalize boundary pillars/tower locations. Simultaneously, the Contractor with the support of JUSNL Division/Circle Office would coordinate with the local Circle Officer of the Land Revenue Department and verify the ownership of the land. During this process the land owner would also be meaningfully consulted<sup>1</sup> and to understand his willingness to sell the land.

Once the negotiations are successfully completed a Consent letter from the land owner would be obtained stating that no coercion was involved. The socio-economic survey of the land owner would also be carried out to assess their socio-economic profile and presence of any vulnerability. In case of failure of negotiations, JUSNL would also have the option to pursue the Land Acquisition Process for acquiring the land.

In the case of a negotiated settlement, an independent external party will be engaged by the JPSIP to document the negotiation and settlement processes. Mechanisms for calculating the replacement cost of land and other assets affected due to the program implementation should be duly recorded and maintained during the negotiated settlement through a meaningful

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<sup>1</sup> A process that (i) begins early in the project preparation stage and is carried out throughout the project cycle; (ii) provides timely disclosure of information that is understandable and accessible to APs; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of APs and other stakeholders into decision making, such as project design and mitigation measures.

consultation. Terms of Reference for hiring third party is provided in *Annexure 5*.

### *Land Acquisition under RFCTLARRA 2013*

Land can also be acquired (private land parcels) through implementation of RFCTLARRA 2013 where it is not possible to acquire land through negotiated settlement.

**Process of Land Acquisition under the RFCTLARRA 2013** involves well described steps. The table below provides a snapshot of the process involved in land acquisition and determining the awards for rehabilitation and resettlement along with responsible authority responsible for the process.

**Table 3.1** *Competent Authority Responsible for Various Stages of Land Acquisition*

| Milestone  | Process  | Responsibility   |
|--|--|--|
| <b>Involuntary Acquisition of Land as per RFCTLARRA 2013</b> |  |  |
| <b>1. Request for Land</b>                                   | <ul style="list-style-type: none"> <li><i>Requisition for land:</i> Requiring body (JUSNL) files requisition to the concerned Deputy Commissioner and the Commissioner Rehabilitation and Resettlement</li> <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 Deputy Commissioner</li> <li><i>Preliminary estimate of the cost:</i> If the Deputy Commissioner 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> <li>The requiring body will deposit the estimated cost of acquisition in Deputy Commissioner office</li> </ul>                        | <ul style="list-style-type: none"> <li>Principal Secretary, Power Sector or any Person authorised by him</li> <li>Team of Revenue and Agriculture Officers along with Representative of Requiring Body</li> <li>Deputy Commissioner</li> <li>Requiring body</li> </ul>   |
| <b>2. Social Impact Assessment</b>                           | <ul style="list-style-type: none"> <li>Notification to undertake SIA</li> <li>Disclosure of the notification</li> <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> <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> <li>Submit SIA report to Commissioner, Rehabilitation and Resettlement within a period of six months from the date of commencement</li> <li>Submit Social Impact Management Plan listing the ameliorative measures required to be undertaken for addressing</li> </ul> | <ul style="list-style-type: none"> <li>Deputy Commissioner</li> <li>Deputy Commissioner</li> <li>Commissioner, Rehabilitation and Resettlement acting as state Social Impact Assessment Unit</li> <li>Appointed team to conduct SIA</li> <li>Appointed team to conduct SIA</li> <li>Appointed team to conduct SIA</li> </ul> |

| Milestone   | Process  | Responsibility  |
|---|--|---|
|   | the impacts  |   |
|   | <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> <li>• Recommendations of the expert group, within two months of its constitution, on whether the proposed project should be implemented or no</li> <li>• Disclosure of recommendations of the expert group</li> </ul> | <ul style="list-style-type: none"> <li>• Validation of SIA to be done by the notified and empanelled Institutions/ Agencies (Social Impact Assessment Units for whole of Jharkhand) by Revenue and Land Reforms Department (Land Acquisition Directorate), Government of Jharkhand</li> </ul> |
| <b>3. 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> <li>• Obtain consent from the affected people, where required</li> <li>• Disclosure of the decision</li> <li>• Create public website to upload and disclose each acquisition case</li> </ul>  | <ul style="list-style-type: none"> <li>• Jharkhand State Government</li> <li>• Jharkhand State Government</li> <li>• Jharkhand State Government</li> <li>• Commissioner, Rehabilitation and Resettlement</li> </ul>   |
| <b>4. 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> <li>• Update land records within 2 months of the notification</li> </ul>  | <ul style="list-style-type: none"> <li>• Jharkhand State Government</li> </ul>  |
| <b>5. Preliminary survey of land proposed for acquisition</b>       | <ul style="list-style-type: none"> <li>• Officer authorized by Deputy Commissioner 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>• Deputy Commissioner</li> <li>• Officer authorized by Deputy Commissioner</li> </ul>  |
| <b>6. Disposal of objections</b>                                    | <ul style="list-style-type: none"> <li>• Every objection shall be made to the Deputy Commissioner in writing and the Commissioner shall give the objector an opportunity of being heard in person or by any person authorized by him in this behalf</li> <li>• After hearing all such objections and making further inquiries as he thinks necessary, the Deputy Commissioner shall submit a report along with his recommendations on the objections to the Deputy Commissioner for decision</li> </ul>                            | Deputy Commissioner   |
| <b>7. Preparation of Rehabilitation and Resettlement Scheme and</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</li> </ul>  | <ul style="list-style-type: none"> <li>• Administrator for Rehabilitation and Resettlement</li> <li>• Commissioner of Rehabilitation and</li> </ul>   |

| Milestone   | Process  | Responsibility   |
|---|--|--|
| <b>Public Hearing:</b>  | <ul style="list-style-type: none"> <li>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>   | Resettlement   |
| 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>JPSIP</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>Deputy Commissioner</li> </ul>    |

### 3.4

#### ELIGIBILITY CRITERIA

All persons as defined in the Chapter 1, Section 3c of the RFCTLARRA 2013 as 'Affected Families' will be eligible for assistance and compensation under JPSIP. APs<sup>1</sup> are those who are occupying land, any structure or any other asset in the subproject area and are being impacted due to the implementation of the project.

<sup>1</sup> APs refer to affected individuals, households and private and public institutions; the latter includes, among others, government agencies also.

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- (i) Persons who will be identified in the project-impacted areas as off the cut-off date will be entitled for compensation and rehabilitation measures. Those who encroach into the impacted area of the sub-project after the cut-off date will not be entitled for any compensation or any assistance, unless there is a change in the project design.
  - (ii) Persons who lost land/assets in their entirety or in part, who have formal legal rights to the land.
  - (iii) Persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws (such as customary right over land by tribal people).
  - (iv) Persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law.
  - (v) Vulnerable households, defined as poor households BPL as determined by the State, women-headed households, differentially abled, Scheduled Castes, and Schedule Tribes as determined by the State Government of Jharkhand.
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## 3.5

*CUT OF DATE REQUIREMENTS*

For land being acquired under the provisions of the RFCTLARRA 2013 the cut-off dates would be defined as follows:

- For title holders, the date of first notification will be treated as the cut-off date as stated under Section 11 of RFCTLARRA 2013, and;
- For non-titleholders the start date of project census survey during the Detailed Survey will be the cut-off date for the subproject.

## 3.6

*ENTITLEMENT MATRIX*

The Entitlement Matrix is based on the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which is also in compliance with the safeguards as outlined in World Bank Operational Policy, OP-4.12 for Involuntary Resettlement. The matrix describes the units of entitlements for compensating lost assets, income losses and different resettlement benefits.

**Table 3.2 Entitlement Matrix**

| Sl. No.    | Type of Loss                | Application   | Entitled Persons   | Compensation  |
|------------|-----------------------------|---|--|---|
| <b>A.</b>  | <b>Loss of Private Land</b> |   |  |   |
| <b>A.1</b> | Loss of private land        | Agricultural land <sup>1</sup> , homestead land, vacant plot, land granted under forest rights or any other law | Legal title holders/ Family with traditional titleholders <sup>2</sup> | <ul style="list-style-type: none"> <li>• <b>Compensation at replacement/ market value<sup>3</sup></b> as specified in the RFCTLARRA 2013 or land-for-land where feasible. If land for land is offered, titles will be in the name of the original land owner/s.</li> <li>• Compensation at replacement cost <sup>4</sup>for any investment made to land</li> <li>• <b>Solatium</b> to be paid at 100 percent of the compensation amount</li> <li>• All displaced families will receive monthly <b>subsistence allowance</b> of INR 3000 <sup>5</sup>for one year (total INR 36000) from the date of award.</li> <li>• One time <b>Resettlement Allowance<sup>6</sup></b> of INR 50,000 per affected family<sup>7</sup>.</li> <li>• <b>Choice of annuity or employment:</b> Each affected family shall be eligible for choosing one time assistance option – (i) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (ii) one-time payment of INR 500,000 per affected family; or (iii) annuity policies that shall pay not be less than INR2,000 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Laborers</li> <li>• All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of the</li> </ul> |

<sup>1</sup>The RFCTLARRA 2013 says no irrigated multi cropped land shall be acquired under this Act, except in exceptional circumstances, as a demonstrable last resort. Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. Such costing shall also reflect while preparing Resettlement Budget

<sup>2</sup> Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to title holders – i.e. people who has been 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

<sup>3</sup> Factor by which market value is to be multiplied – (i) for rural areas a multiplication factor of 2 will be applied, (ii) for urban areas as multiplication factor of 1 will be applied

<sup>4</sup> Replacement cost: Replacement Value of the acquired assets and property is the amount required for the AP to replace/reconstruct the lost assets through purchase in the open market. The market value will be multiplied by a factor of, at least one to two times the market value for land acquired in rural areas and at least one times the market value for land acquired in urban areas. The Jharkhand State Rules on LARR, 2015 specifies in section 31, sub-section (1) that compensation shall be calculated as the provisions laid down under section 26 to section 30 read with the First Schedule of the RFCTLARRA 2013 (market value x multiplier + 100% solatium)

<sup>5</sup> The RFCTLARRA 2013 provides for monthly subsistence allowance equivalent to three thousand rupees per month for a period of one Year from the date of award.

<sup>6</sup> The RFCTLARRA 2013 specifies that each affected family shall be given one-time Resettlement Allowance of Rs. 50,000 only. This is to cover transport and shifting

<sup>7</sup> ‘Affected Family’ includes a person, his or her spouse, minor children, minor brothers and minor sisters’ dependent on him. Widows, divorcees and women deserted by families shall be considered separate family. An adult of either gender with or without spouse or children or dependents shall be considered as a separate family – as defined under RFCTLARRA 2013

| Sl. No.    | Type of Loss                   | Application   | Entitled Persons  | Compensation  |
|------------|--------------------------------|---|---|---|
|            |                                |   |   | <p>preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Deputy Commissioner taking actual possession of the land; and (iii) compensation incidental to such change if the affected landowner is compelled to change his place residence or business due to proposed land acquisition;</p> <ul style="list-style-type: none"> <li>• <b>Compensation for affected plants and trees</b> (as mentioned in <b>Section E</b> of the Matrix);</li> <li>• <b>All fees, stamp duties, taxes, and other charges</b>, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the IA</li> </ul>   |
| <b>A.2</b> | Loss of private land           | Agricultural land, homestead land, vacant plot, land granted under forest rights or any other law | Tenants and leaseholders (with or without having written tenancy/lease documents) | <ul style="list-style-type: none"> <li>• Reimbursement of rental deposit or unexpired lease - such amount will be deducted from the compensation of land owners</li> <li>• Compensation for lost assets, irrigation infrastructure and other improvements made to the land by the AP at full replacement value, which will be calculated as per the latest prevailing basic schedule of rates</li> <li>• One-time resettlement allowance of INR 50,000 for those who become marginal framers or landless, or those who need to relocate due to acquisition.</li> <li>• One-time financial assistance of INR 50,000 as transportation cost for shifting</li> <li>• Choice of annuity or employment – the following options are to be provided: (i) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (ii) one-time payment of INR 500,000 per affected family; or (iii) 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 Laborers;</li> <li>• A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year from the date of award will be provided;</li> <li>• At least 60 days, notice to harvest standing seasonal crops. If notice cannot be given, compensation for loss of crops will be provided;</li> </ul> |
| <b>B.</b>  | <b>Loss of Government Land</b> |   |   |   |
| <b>B.1</b> | Loss of Government Land        | Vacant plot, agricultural land, homestead land  | Leaseholders  | <ul style="list-style-type: none"> <li>• All displaced families will receive monthly Subsistence allowance of INR. 3,000 for one year (total INR. 36,000) from the date of award</li> <li>• Compensation for any investment made to the land</li> <li>• One-time resettlement allowance of INR 50,000</li> <li>• All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or</li> </ul>   |

| Sl. No.    | Type of Loss                                    | Application   | Entitled Persons   | Compensation  |
|------------|---|---|--|---|
|            |   |   |  | <p>adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Deputy Commissioner taking actual possession of the land; and (iii) compensation incidental to such change if affected leaseholder is compelled to change his place of residence or business due to proposed land acquisition;</p> <ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for loss of crops will be provided</li> <li>• One-time financial assistance of INR 50,000 as transportation cost for shifting</li> <li>• Non-titleholders will be given 60days advance notice to remove their assets</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for loss of crops will be provided</li> <li>• All displaced families will receive monthly subsistence allowance of INR 3,000 for one year (total INR 36,000) from the date of award as per serial no 5 of second schedule, RFCTLARRA 2013</li> <li>• Displaced families belonging to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time INR 50,000 as subsistence allowance ; this subsistence allowance may be provided to other vulnerable families (women headed families, families headed by physically challenged persons)</li> </ul> |
| <b>B.2</b> | Loss of Government Land                         | Vacant plot, agricultural land, homestead land      | Non-titleholders   |   |
| <b>C.</b>  | <b>Loss of Residential Structures</b>           |   |  |   |
| <b>C.1</b> | Loss of residential structure (on private land) | Residential structure and other assets <sup>1</sup> | <ul style="list-style-type: none"> <li>• Legal titleholders;</li> <li>• Family with traditional land right; and</li> <li>• Those without homestead land<sup>2</sup></li> </ul> | <ul style="list-style-type: none"> <li>• If a house is lost in a rural area, a constructed house shall be provided as per the Indira Awas Yojana specifications or the equivalent cost of the house;</li> <li>• In urban areas, a constructed house shall be provided, which will be not less than 50 square meters in plinth area or a one-time financial assistance for house construction, which shall not be less than INR 150,000;</li> <li>• The replacement value of the structure, will be provided, calculated as per the latest prevailing Schedule of Rates without depreciation;</li> <li>• Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section;</li> <li>• One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>• A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year (total INR. 36,000) from the date of award will be provided as per serial no 5 of second schedule, RFCTLARRA 2013</li> </ul>   |

<sup>1</sup> Other assets include, but is not limited to walls, fences, sheds, wells, etc.

<sup>2</sup>Who have been residing in the area continuously for a period of not less than three years preceding the date of notification



| Sl. No.                                 | Type of Loss  | Application                            | Entitled Persons         | Compensation  |
|---|---|--|--------------------------|---|
| C.2                                     | Loss of residential structures (on private land)    | Residential structure and other assets | Tenants and leaseholders | <ul style="list-style-type: none"> <li>• Right to salvage material from the demolished structure at no cost;</li> <li>• Rental assistance<sup>1</sup> until an alternative house is ready;</li> <li>• Each affected family shall be given a one-time Resettlement Allowance of INR 50,000 in case of relocation.</li> <li>• For the loss of cattle shed a one-time assistance payment of INR 25,000 to be provided.</li> <li>• All fees, taxes and other registration charges incurred for the replacement structure shall be borne by EA.</li> <li>• Rental assistance for a period of three months.</li> <li>• One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>• A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year (total INR. 36,000) from the date of award will be provided as per serial no 5 of second schedule, RFCTLARRA 2013;</li> <li>• Each family will be provided with a one-time Resettlement Allowance of INR 50,000, in case of relocation;</li> <li>• Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount;</li> <li>• Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidence;</li> <li>• For the loss of cattle shed a one-time assistance payment of INR 25,000 to be provided</li> </ul> |
| C.3                                     | Loss of residential structures (on government land) | Residential structure and other assets | Non-titleholders         | <ul style="list-style-type: none"> <li>• Right to salvage material from demolished structure, erected by tenants.</li> <li>• Non-titleholders will be given 60 days advance notice to remove their assets</li> <li>• Replacement cost of structure constructed by the squatter</li> <li>• Right to salvage materials from structure and other assets</li> <li>• Onetime Resettlement allowance of INR 50,000 per affected family</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of INR 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of INR 3,000 for one year (total INR. 36,000) from the date of award as per serial no 5 of second schedule, RFCTLARRA 2013;</li> <li>• Displaced families belonging to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time INR 50,000 as subsistence allowance ; this subsistence allowance may be provided to other vulnerable families (women headed families, families headed by physically challenged persons)</li> </ul>  |
| <b>D. Loss of Commercial Structures</b> |   |  |                          |   |

<sup>1</sup> Rental assistance will be based on rental prices in the area of current residence of the AP, and will be fixed after discussions with the IPMO, PMC and the implementation NGO.

| Sl. No. | Type of Loss                 | Application                           | Entitled Persons   | Compensation   |
|---------|------------------------------|---------------------------------------|--|--|
| D.1     | Loss of commercial structure | Commercial structure and other assets | Legal titleholders<br>Family with traditional land right | <ul style="list-style-type: none"> <li>The replacement value of the structure, calculated as per the latest prevailing Schedule of Rates without depreciation;</li> <li>One-time grant of a minimum of INR 25,000<sup>1</sup> for self-employed persons, artisans, traders etc.</li> <li>A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year (total INR. 36,000) from the date of award will be provided as per serial no 5 of second schedule, RFCTLARRA 2013;</li> <li>Right to salvage material from the demolished structure at no cost;</li> <li>One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>Rental assistance will be provided<sup>2</sup> on a square feet basis equivalent to the space lost, for a period of three months;</li> <li>All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the EA.</li> </ul> |
| D.2     | Loss of commercial structure | Commercial structure and other assets | Tenants and leaseholders                                 | <ul style="list-style-type: none"> <li>Rental assistance will be provided at the prevalent rate of the area on a square feet basis equivalent to the space lost, for a period of three months;</li> <li>One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>A monthly subsistence allowance equivalent to INR 3,000 per month for a period of one year from the date of award will be provided as per serial no 5 of second schedule, RFCTLARRA 2013;</li> <li>Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; and</li> <li>Right to salvage material from demolished structure, erected by tenants.</li> <li>Replacement cost of part/whole of structure constructed by the tenant/leaseholder, and this will be deducted from the compensation amount of the owner.</li> </ul>                        |
| D.3     | Loss of commercial structure | Commercial structure and other assets | Non-titleholders   | <ul style="list-style-type: none"> <li>Non-titleholders will be given 60 days advance notice to remove their assets</li> <li>Replacement cost of structure constructed by the squatter</li> <li>Right to salvage materials from structure and other assets</li> <li>Onetime Resettlement allowance of INR 50,000 per affected family</li> <li>All displaced families will receive both: (i) One time Shifting assistance of INR 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of INR 3,000 for one year (total INR 36,000) from the date of award as per serial no 5 of second schedule, RFCTLARRA 2013;</li> </ul>  |

<sup>1</sup>Based on the LARR Act, 2013.

<sup>2</sup> Rental assistance will be fixed based on the rental prices of the area of current commercial establishment of the AP, and will be fixed after discussions with the EA, PMU, PIU and the implementation NGO/ Contractor.

| Sl. No.    | Type of Loss                                 | Application              | Entitled Persons  | Compensation  |
|------------|--|--------------------------|---|---|
|            |  |                          |   | <ul style="list-style-type: none"> <li>Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time INR 50,000 as subsistence allowance.</li> <li>Additional assistance to vulnerable households</li> </ul>  |
| <b>E.</b>  | <b>Loss of Trees and Crops</b>               |                          |   |   |
| <b>E.1</b> | Loss of trees and crops                      | Standing trees and crops | Titleholder, sharecroppers, leaseholders on private land and on Government Land | <ul style="list-style-type: none"> <li>APs will be notified and given 60days advance notice to remove trees. For seasonal crops and fruit trees six months' notice is to be given;</li> <li>Compensation for crops at prevalent market rates<sup>1</sup>, to be calculated as annual net product value multiplied by the number of productive years remaining;</li> <li>Compensation for one-year net harvest for seasonal crops at prevalent market rates;</li> <li>Compensation at market value of wood/timber or firewood depending on the kind of tree to be determined by the Forest Department;</li> <li>For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years remaining<sup>2</sup></li> </ul> <p>The detailed tree and crop compensation procedure is presented in <i>Annexure 6</i></p> |
| <b>F.</b>  | <b>Loss of Livelihood</b>                    |                          |   |   |
| <b>F.1</b> | Loss of Livelihood                           | Livelihood               | Legal titleholders, tenants, lease holders                                      | <ul style="list-style-type: none"> <li>A subsistence allowance of INR. 3,000 per month for a period of one year (total INR 36,000) or</li> <li>One time cash compensation as transitional allowance, amount equivalent to three months income based on per month income determined during socio-economic data collected and later to be verified by R&amp;R Authority</li> </ul>  |
| <b>F.2</b> | Loss of livelihood                           | Livelihood               | Employee of commercial structures, agricultural labours, hawker, vendor         | <ul style="list-style-type: none"> <li>Assistance for lost income based on three months maximum wage rates, as per government standards, or</li> <li>One time cash compensation as transitional allowance, amount equivalent to three months income based on per month income determined during socio-economic data collected and later to be verified by R&amp;R Authority</li> </ul>  |
| <b>G.</b>  | <b>Impact on Vulnerable Affected Persons</b> |                          |   |   |
| <b>G.1</b> | Impacts on vulnerable affected persons       | All impacts              | Legal titleholders, tenants, encroachers, squatters Non-titleholders            | <ul style="list-style-type: none"> <li>Land: Further to item A.1,</li> <li>In case of total loss of land and a total dependency on agriculture: (i) land-for-land compensation if signified by the affected person and (ii) in case of other losses of land: provision for skills training for displaced affected persons</li> <li>Residential Structure: Further to Item C.1, C.2</li> <li>In case of total loss of structure, skills training for APs</li> <li>Commercial structure: Further to item 4.a – 4.c,</li> </ul>  |

<sup>1</sup>Valuation of the crop to be determined by the Land Revenue Department/ Agriculture Department

<sup>2</sup>To be valued by Horticulture Department of Forest Department

| Sl. No.    | Type of Loss                    | Application      | Entitled Persons | Compensation   |
|------------|---------------------------------|------------------|------------------|--|
|            |                                 |                  |                  | <ul style="list-style-type: none"> <li>• In case of total loss of business, skills training for vulnerable households, including assistance for purchase of income generating assets, to a maximum INR 30,000</li> <li>• Receive preferential in income restoration training program under the project.</li> <li>• Preference in employment under the project during construction and implementation.</li> </ul> |
| <b>H.</b>  | <b>Loss of Common Resources</b> |                  |                  |  |
| <b>H.1</b> | Loss and temporary              | Common Resources | Communities      | <ul style="list-style-type: none"> <li>• Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, etc.</li> <li>• Restoration of access / provision of alternative access to common facilities/resources</li> </ul>   |

Resettlement Plan (RP) preparation will be required if the subprojects/packages involves involuntary resettlement. The resettlement plan will be based on census survey and consultation with the affected persons carried out during the social impact assessment. A resettlement plan will include measures to ensure that the displaced persons are –

- (i) Informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation;
- (ii) Consulted on resettlement options and choices; and

During the entire social impact assessment and resettlement planning process, JPSIP would pay adequate attention to gender concerns, including specific measures addressing the need of female headed households through gender-inclusive disclosures and consultation, grievance mechanisms. It would ensure that both men and women receive adequate and appropriate compensation and resettlement assistance for losses so they can restore and improve their incomes and living standards. To ensure JPSIP achieve these objectives the resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule.

RPs will comply with the principles outlined in this RF approved by JUSNL. RP comprising the Entitlement Matrix, compensation and rehabilitation options among others shall be brought to the notice of APs and host communities. Disbursement of compensation payments and entitlements must be made prior to displacement.

#### 4.1 IMPLEMENTATION ARRANGEMENT FOR LAND PROCUREMENT

As discussed earlier the land in JPSIP would be acquired by any of the three mechanisms

- Transfer of land form the Government Department;
- Purchase of land form private individuals; and
- Acquisition of private land through under the provisions of the RFCTLARRA 2013

For effective implementation of the different activities specified in these three process mentioned above and also implementing the provisions in the SIA and RAP it is proposed that the Project Implementation Unit of JPSIP (JPSIP PIU) would be adequately equipped. Presently the JPSIP PIU is housed at the JUSNL headquarters in Ranchi and includes the following personnel:

- Chief Engineer (Transmission; O&M);
- Superintending Engineer ;
- Executive Engineer; and
- Junior Engineer

To specifically address the environmental and social concerns in the project it is proposed that an Environmental Officer and Social Officer would also be included in the JPSIP PIU. Further, to handle forest related issues an officer of the rank of the Divisional Forest Office (DFO) should also be deputed in the project for the purpose of coordination.

In addition during the implementation of JPSIP since the Junior Engineer of the respective section would be responsible for the supervision of implementation of the subproject it is proposed that he should also be trained on E&S Aspects. The Contractor would also play a crucial role in case of negotiated settlement; he would carry out the first level of consultation to understand the willingness of the landowner to be involved in the negotiated settlement process. It is thus proposed that the Contractor's team should also have a Social Officer so that the consultation process can be handled sensibly. In addition to the above it is proposed that an Involuntary Resettlement (IR) Implementing Agency would be appointed by JPSIP to assist them with the implementation of the Tribal People Plan

For execution of land acquisition process, the RFCTLARRA 2013 has outlined arrangements for effective management of resettlement and rehabilitation of affected persons (APs), details provided in *Annexure 5*.

The roles and responsibilities of the different people involved in the entire process of procurement of land and the subsequent implementation of the Resettlement Plan are presented below:

*Social Officer (JPSIP PIU)*

- Shall coordinate with the Circle/Division Offices of JUSNL in case of land purchase by negotiated settlement and guide them on the documentations required for the Negotiated Settlement Process;
- Shall be responsible for providing PIU with inputs on social planning and implementation;
- Shall be responsible for supervising the implementation of Environmental and Social Management Plans including the Resettlement Plan and the Tribal Development Plan;
- Shall be responsible for coordinating training sessions and awareness workshops on Social Safeguard issues within JUSNL;
- Shall formulate and organise trainings for Division Level Staff;
- Shall be responsible for Grievance Redress mechanism and ensure timely closure of grievances;
- Shall be responsible for monitoring social safeguard implementation; and
- Shall facilitate Project Director, JPSIP for selection of IR Implementing Agency and External Monitoring and Evaluation Agency

*Junior Engineer*

The Junior Engineer would be provided training on E&S issues so that he can discharge the following duties:

- Shall coordinate with the Local Land Revenue Department for identification of the land owners;
- Shall supervise the process of consultation carried out by the Contractor for obtaining the willingness of the land owner to sell the land;
- In case of Land Acquisition (through RFCTLARRA 2013) would provide the JPSIP PIU field level inputs for verification of the Resettlement Plan
- Shall provide inputs on implementation of Social Management Plan Resettlement Plan , Tribal Development Plan;
- Shall supervise the Contractor and the IR Implementing Agency for ESMP and RP implementation respectively;
- Shall be the first point of contact for the grievance redressal mechanism
- Shall send progress report to the JPSIP PIU; and
- Shall participate in the discussion with the External Consultant for the Monitoring and Evaluation and Third Party Certification

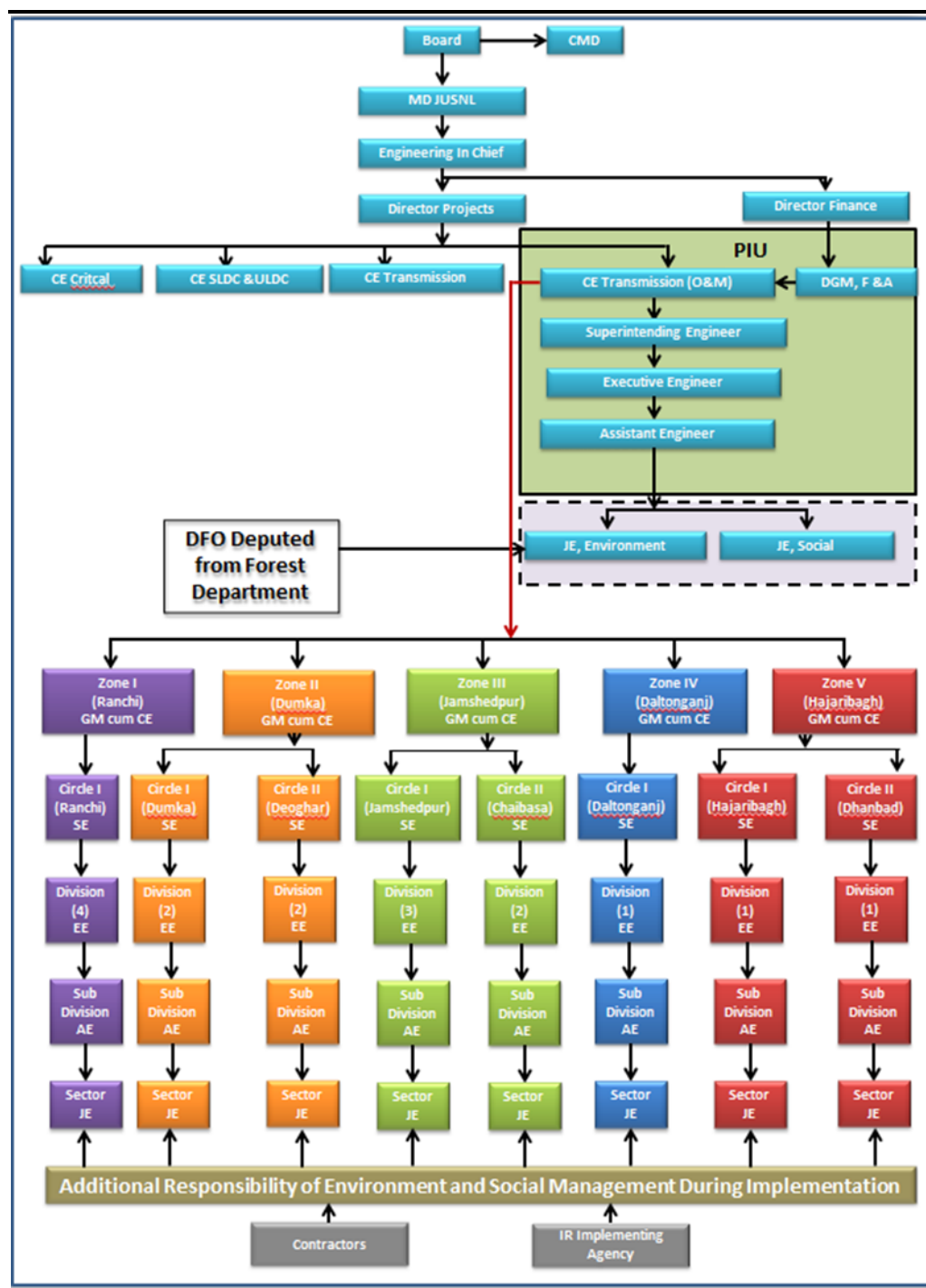
*Social Officer (Contractor)*

- Liaison with the local land revenue department for identification of land owners;

- Shall carry out consultation with the land owner for ascertaining their willing ness to sell the land;
- Documenting the process of negotiation with land owners;
- Appoint Third Party on behalf of JUSNL for certification of negotiated settlement of land;
- Support the JUSNL Divisional Office to coordinate with Land Revenue Department;
- Supervision and monitoring of the IR Implementing Agency at ground level; and
- Reporting implementation work to Division Level



Figure 4.1 JPSIP Implementation Arrangement



JUSNL would establish a grievance redressal mechanism to receive, evaluate, and facilitate the resolution of concerns, complaints, and grievances about the social and environmental performances in JPSIP. This project specific mechanism would not only help in developing an accountability of the project toward all stakeholders but also ensure that the project is in compliance with the safeguard requirement of the World Bank.

The implementation of a project is a complex time and labour intensive process involving multitude of lifecycle phases and processes. Over the duration of the project, it encounters numerous instances of conflicts, allegation and dissatisfaction within the working and associated human capital and their interactions. Some of these issues could be related to

- compensation payment,
- improper estimation of affected assets,
- failure to fulfil commitments,
- poor management of construction activities,
- accidents due to inappropriate planning of vehicle movement, and
- Cultural conflicts between migrant workers and local communities etc.

Most of the conflicts and allegations may not appear to be of serious nature but if not managed appropriately from the beginning may lead to material issues or loss of reputation. The proposed GRM of JPSIP would provide aggrieved party/s opportunity to lodge their complaints and get an amicably settlement from JPSIP. However, if he/she is still aggrieved with the outcome of the GRM he/she is free to approach the court of law for redressal. The GRM being proposed would be a common to environmental and social issues arising out of the implementation of the project.

It is understood in discussion with JUSNL that at present dispute/ conflict which arise during the implementation of projects is handled on cases to case basis by the Sub-division and Division Level of JUSNL. The mechanism, however, does not function on regular and systematic basis. Hence, for JPSIP a systematic mechanism is being proposed. The following sub sections provide an understanding of the GRM proposed for the project.

## **5.1**

### **OBJECTIVES OF THE GRIEVANCE REDRESS MECHANISM**

The objective of the GRM shall be:

- to provide an accessible mechanism to the affected people, community or any stakeholder(s) having a stake in the project to redress their issues and grievances in regards to project functioning;
- to resolve any social issues (including labour, contractor, community amongst others) and environmental related grievances locally in

consultation with the aggrieved party to facilitate smooth implementation of project related work activities.

- to democratize the development process at the local level and to establish accountability of all parties associated with project implementation towards the stakeholders.

## 5.2

### **GRIEVANCE REDRESS MECHANISM FOR JPSIP**

A three tier Grievance Mechanism is described below and the essential process related to the GRM is described in **Box 5.1**.

**Grievance Redress Process:** The grievance redressal will be a three tier process for the project.

**Tier 1 (Circle Level):** The complaints /grievances may be received by the Junior Engineer in charge of the site or at the Divisional/Sub-Divisional Offices of JUSNL verbally or through written applications. The complaints will be reviewed at level one and efforts will be made to resolve them in consultation with the affected persons or any other stakeholder, who has lodged the grievance/complaint. At 1<sup>st</sup> Level Superintending Engineer Executive Engineers (for the respective Division) and Assistant Engineers (Sub-Division Level) and Junior Engineers will make effort to resolve the grievance/ complaint within a period of 21 days from the date of receipt of the complaint. In case the aggrieved is not satisfied with the solution provided Tier 1 he may escalate it to Tier 2: Zone Level.

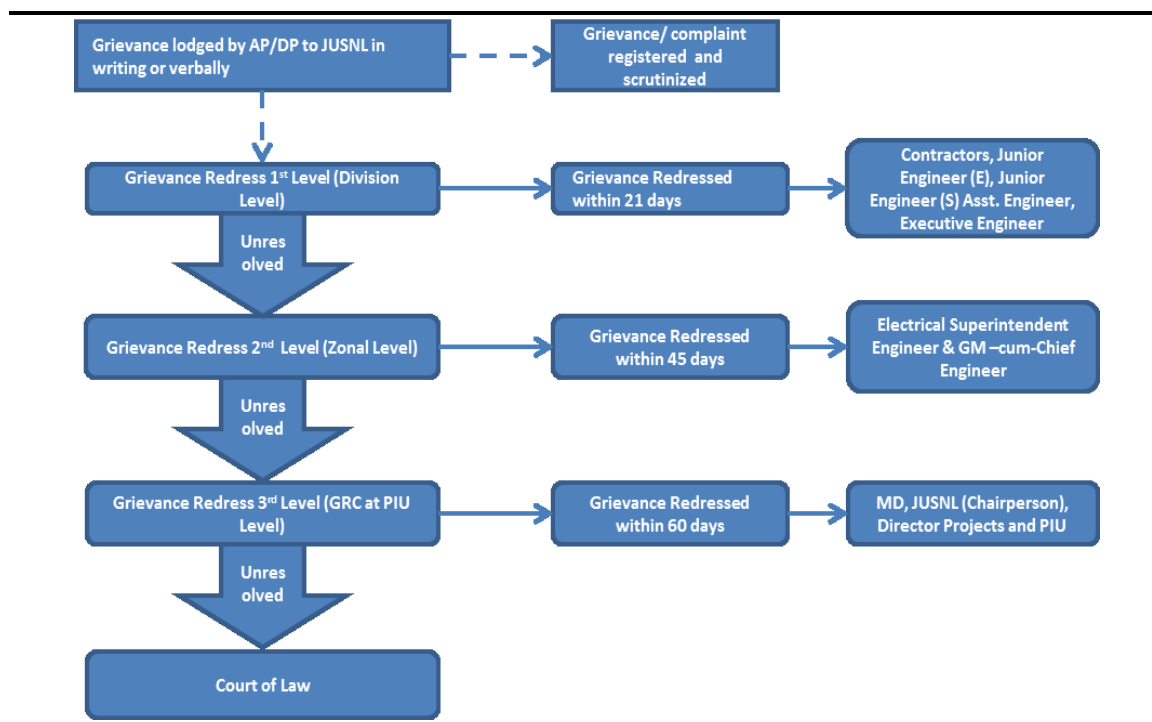
**Tier 2 (Zonal Level):** Complaints /grievances that cannot be resolved at Level 1 or if the aggrieved is not satisfied with the decision of the Tier 1 and appeals for redressal only such cases would be taken up at Tier II. The Chief Engineer cum GM of the respective Zone and all the Superintending Engineers of the Zone would be the members of Tier 2 level. They would hear the aggrieved and also review the proceedings of the Division Level and provide relief to the aggrieved. The entire process would be completed within 45 days of the complaint being referred to Tier II. Unsatisfied with the solution the Complainant can approach the Tier III: GRC Level. If the complainant is not satisfied with the solution provided at Tier 2 the grievance/complaint can be passed on to the Tier 3.

**Tier 3 (Grievance Redressal Cell):** The 3<sup>rd</sup> Level will be the Grievance Redressal Cell (GRC) at PIU level. Any grievances that cannot be addressed or resolved at Tier 2 may be brought up to GRC. The cell would be headed by the Managing Director or his representative not below the rank of Director (Projects). It would have the Director Projects, JUSNL Chief Engineer [Transmission (O&M)], Superintendent Engineer, JPSIP PIU, Executive Engineer (JPSIP PIU) as members. The respective Chief Engineer of the Zone from where the complaint has been lodged would be an invited member .The GRC will resolve the matter within a time period of 60 days.

**Court of Law:** If the grievance/ complaint is not resolved at GRC Level or the complainant is not satisfied with the solution provided by GRC, the person may approach Court of Law.

The grievance redressal process is illustrated in *Figure 5.1*.

**Figure 5.1** *Grievance Redress Process*



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**Who can file a Grievance /Complaints:** Grievances or complaints can be lodged verbally or through written applications with the Junior Engineers (JE) at site or Junior Engineer in charge of the site or at the Divisional/Sub-Divisional Offices of JUSNL. Grievances pertaining to implementation of the project can also be filed online at the website of JUSNL or by e-mails.

**Who can complain:** A complaint may be brought by one or more people who are, or could be, “directly, indirectly, materially, and adversely” affected by the project. A complaint can be submitted on behalf of the affected person/people by a representative, provided that he or she identifies the affected person/people and includes evidence of the authority to act on their behalf.

**Documentation of the complaint:** All the complaints received by the Junior Engineer / Divisional/Sub-Divisional Offices of JUSNL either verbally or through written communication would be documented in a Grievance Register kept at the Divisional Office. It must contain name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area and how the problem is addressed. The Grievance Register will help to track cases, respond to grievances in a timely manner, check the status of complaints and track progress, measure effectiveness, and report on results.

**Participatory Process in GRM:** Efforts must be made by the officers of JUSNL including the members of the Grievance Redressal Committee to resolve problems amicably, through participatory process with the community and the local representatives.

**Disclosure of GRM:** Awareness campaigns and orientations will be carried out throughout the project area to ensure that that knowledge of the grievance redress procedures is generated. The awareness campaigns to ensure that poor and vulnerable households are made aware of grievance redress procedures and entitlements.

**GRM Budget:** All costs involved in resolving the complaints/grievances (meetings, consultations, communication and reporting/information dissemination) will be borne by the concerned JPSIP; while costs related to escalated grievances will be met by JUSNL. Cost estimates for grievance redress are included in resettlement cost estimates.

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The consultation process envisages involvement of all the stakeholders' at each stage of project planning and implementation. JPSIP would be responsible for ensuring participation of the community and integrating the feedback received from the stakeholder into the project plans where it deems fit. To make the process of consultation effective the role of the community would not be limited to interactions and receiving information disclosed by JPSIP but also gathering their feedback and taking necessary actions.

## 6.1 MECHANISM FOR CONSULTATION

A Consultation Framework has been prepared to ensure involvement of stakeholders' at each stage of project planning and implementation. Community participation shall be ensured at the following stages

**Table 6.1** *Summary of Consultation Plan*

| Project Phase     | Activity             | Details   | Responsible Agency                  | Target Stakeholders   |
|-------------------|----------------------|---|-------------------------------------|---|
| Conceptualisation | Screening Surveys    | Identification of the Environmental and Social Sensitive Areas which needs to be excluded                                   | Environmental and Social Consultant | JUSNL Circle/Divisional Office, Forest Department, District Land Revenue Office.                            |
|                   | Stakeholder Mapping  | Cross-section of stakeholders to be identified in order to facilitate their participation in the subproject                 | Environmental and Social Consultant | JUSNL Circle/Divisional Office, Forest Department, District Land Revenue Office.                            |
|                   | ESMF Disclosure      | Reference Framework for JSIP Environmental & Social Sensitivities Issues and Mitigations in JPSIP Procedures to be followed | Environmental and Social Consultant | JUSNL Circle/Divisional Office, Divisional Forest Office, District Land Revenue Office, District Magistrate |
| Planning          | Detailed Surveys     | Identification of the Environmental and Social Sensitivities which needs to be avoided                                      | Environmental and Social Consultant | Local Land Revenue officer , Village Panchayat, Local Community people                                      |
|                   | Stakeholder meetings | Stakeholder meetings for  | Contractor along with JUSNL Sub-    |   |

| Project Phase  | Activity   | Details   | Responsible Agency  | Target Stakeholders   |
|----------------|--|---|---|---|
| Implementation | Check Surveys  | determining land compensation value   | Division/<br>Division Level and IR<br>Implementing Agency       | Community People especially the Land Owners, Local Land Revenue officer , Village Panchayat |
|                |  | Identification of sensitivities along RoW   | Contractor along with the JUSNL Circle/Divisional along with IR |   |
|                |  | Identification of land owners   | Implementing Agency   |   |
|                | Disclosure of Final Compensation or any other entitlements | Dissemination of translated (in local language) entitlement / compensation details along with process of disbursement |   |   |

## 6.2

### *INFORMATION DISCLOSURE*

The information disclosure would provide citizen centric information on the policies and the details of subprojects along with its implementation process of JPSIP. It would be carried out in accordance to the provision of the Right to Information Act 2005 and World Bank Policies on Information Disclosure. The JPSIP Information Disclosure Procedure would ensure that information concerning the JPSIP's activities is made available to the public in the absence of a compelling reason for confidentiality.

### 6.2.1

#### *Procedure for Information disclosure*

A simple method would be adopted for the information disclosure to ensure that information is accessible to the local public and also to the citizens at large. The important means which would be adopted are as follows:

- Organizing community consultation and briefing them with project related information. During the consultation process provide the community with posters and diagrams so that they can visualize the project its impacts and benefits;
- Briefing material prepared in local language detailing out the project related information along with timelines to be given to the project affected population;
- Project disclosure documents that can be kept or displayed in the offices of local self-government (municipal office in case of urban area and gram panchayat office in case of rural area) and JUSNL Offices;
- Consultation meetings would also be organized at regular intervals
- Display of all project related documents on the JPSIP/JUSNL website

Disclosure of information will enhance governance and accountability specifically with respect to strengthening of monitoring indicators to help the

World Bank monitor compliance with the agreements and assess impact on outcomes.

## 6.2.2 *Information to be disclosed*

The below table provides the information to be disclosed during the different stages of the project.

**Table 6.2** *Summary of Information Disclosure Plan*

| Project Phase    | Documents to be disclosed  | Frequency and Duration of Disclosure   | Channels of Disclosure   |
|------------------|--|--|--|
| Project Planning | ESMF Disclosure including the Resettlement Framework, Tribal Development Framework and Gender Action Plan                  | Once, after it is approved by JUSNL Board and will remain disclosed for the entire life of the project                                   | Website of JUSNL<br>World Bank Info shop<br>Information leaflet to be provide during consultation meeting  |
| Planning         | Environment and Social Impact Assessment including the Environment and Social Action Plan                                  | Once, after it is formally accepted by JUSNL and will remain disclosed during the entire lifecycle of project                            | Website of JUSNL<br>World Bank Info shop<br>JUSNL Divisional Circle Office.  |
|                  | Resettlement Action Plans (if required) and Tribal Development Plans   | Once, after it is formally accepted by JUSNL and approved by World Bank and will remain disclosed during the entire lifecycle of project | Website of JUSNL<br>World Bank Info shop<br>JUSNL Divisional Circle Office.<br>The client would make the RP and TDP available at places such that affected persons or any other stakeholder related to the project or any civil society organisation may get access to it and in local language. Places like - DC's Office, local Gram Panchayat or Municipal Office, Section Office of JUSNL or Contractor's Office, if any |
| Tendering        | Grievance Redresses process  | Once it is formally accepted and institutionalised   | JPSIP PIU, JUSNL Divisional Circle Office, Contractor's Office, local Gam Panchayat or Municipal Office  |
| Implementation   | Information regarding Land losers and their entitlements in local language (in case of land acquisition by RFCTLARRA 2013) | Once at the start of the project and as and when demanded by the PAP   | Through leaflets, or other IEC materials, especially developed for the purpose in local language<br>One to one   |



| Project Phase | Documents to be disclosed   | Frequency and Duration of Disclosure      | Channels of Disclosure   |
|---------------|---|---|--|
|               |   |   | consultations with project affected people APs)<br>Community consultations<br>List of land losers along with the compensation amount to be put up at JPSIP PIU, JUSNL Divisional Office /Sub-Divisional Office |
|               | Information regarding negotiated settlement (only names of land owners) | Once at the start of the project          | List of persons selling land with Daag Number, Khatian No. and Name of Mouza will be put up at JPSIP PIU, JUSNL Divisional Office or Sub-Divisional Office   |
|               | EMP , RP/TDP Implementation Report                                      | At regular intervals                      | Extracts put up at JPSIP PIU, JUSNL Divisional Office<br>Full Report available on JPSIP/JUSNL website  |
| Operations    | Information of Hazardous Waste Generation and Disposal                  | Continuously for the entire life of JPSIP | JPSIP/JUSNL website and respective facilities.   |

### 6.2.3

#### *Feedback mechanism*

The feedback of the project affected persons/citizens would be captured through the Circle/Divisional offices of JUSNL and conveyed to JPSIP for necessary action. The feedback mechanism as discussed in the Grievance Redresses Mechanism discussed in the subsequent section would be used.

Monitoring and evaluation is an integral part of any project implementation in order to measure project performance and achieve project objectives.

Monitoring is the key component to measure that all land acquisition and resettlement activities are implemented as planned in compliance with the Resettlement Framework.

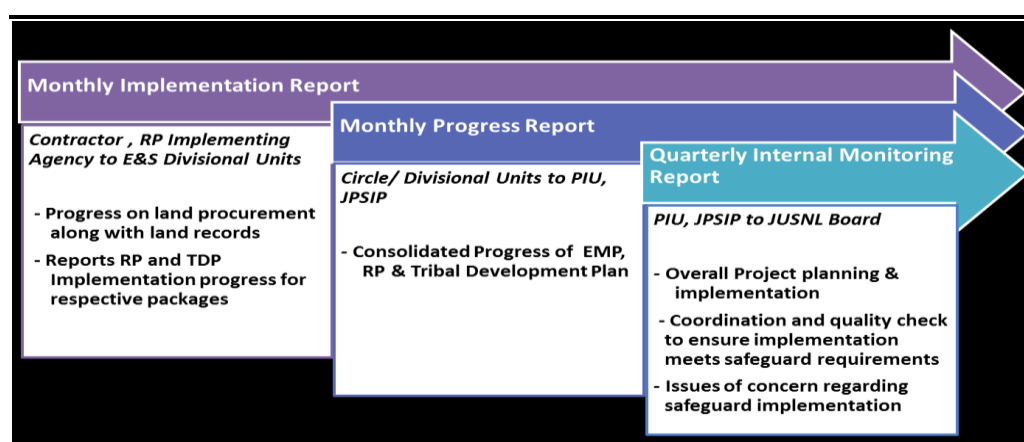
## 7.1 INTERNAL MONITORING

Periodic monitoring will be conducted to ensure that the Social Management Plan including the Resettlement Plan implementation is effectively carried out so that the IR goals are achieved. Internal monitoring will be a process flow and will be achieved through an effective reporting system.

### 7.1.1 Reporting System

For effective implementation of the sub-projects, a set of reports have been envisaged. The reporting would capture information from the Contractors and IR Implementing Agency to Circle and Divisional Offices and through a graduated process of consolidations, analysis and assessment, a monthly progress report will be send by the Division Office to the Environment and Social Officers at PIU, JPSIP. The PIU will further prepare a consolidated quarterly internal monitoring report to present it to the JUSNL Board and subsequently to the World Bank (*Figure 7.1*).

**Figure 7.1** Reporting System for Internal Monitoring



## 7.2 EXTERNAL MONITORING

JUSNL would also conduct independent evaluation of the project on environmental and social compliance of the project and its timely deliverables. The external evaluation will be undertaken semi-annually during implementation. The external agency would conduct assessment of the

Resettlement Plan implementation and verify internal monitoring carried out to suggest adjustments in delivery mechanism and procedures required.

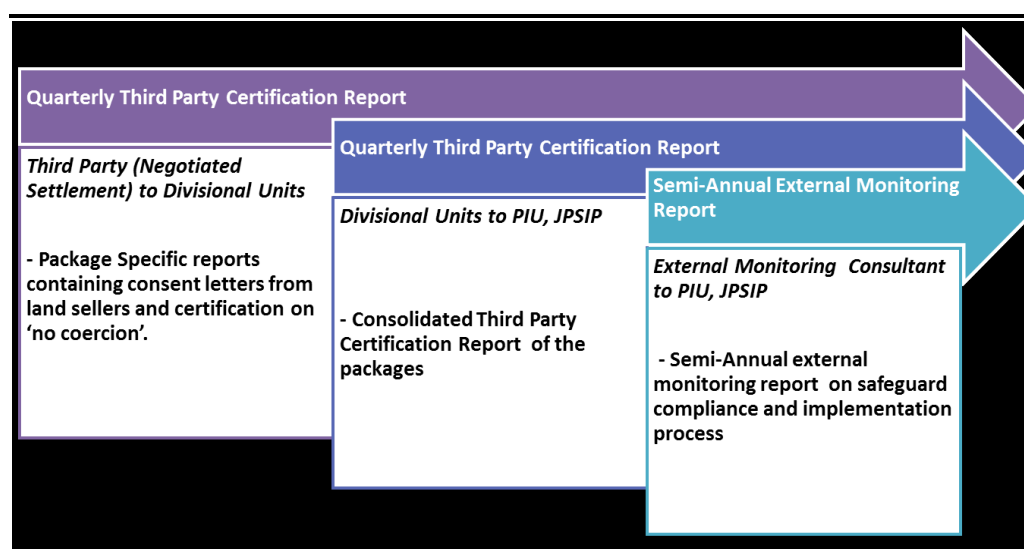
It will evaluate the IR implementation process – land procurement process, compensation, disclose, stakeholder participation, safeguard compliance as outlined in Resettlement Plan. The agency will identify gaps and put in suggestions to strengthen the implementation and thus ensuring project objectives are achieved.

In addition to the external agency, Third Party will be appointed by JPSIP to oversee and certify the process of negotiated settlement of land.

### 7.2.1 *Reporting System*

The following reporting system will be adhered to for external evaluation mechanism.

**Figure 7.2** *Reporting System for External Monitoring*



Indicators for both internal and external monitoring for Involuntary Resettlement are provided in *Annexure 7*. Terms of Reference for External Monitoring are provided in *Annexure 8*.

## Annexure 1: Phase-wise Packages under JPSIP

### PHASE-I

|    |  |     |                         |
|----|--|-----|-------------------------|
| 1  | 132/33 Kv GSS Irba (2x50 MVA)  | 100 | Zone-I<br>Transferred   |
| 2  | 132 kV D/C Irba-Ramgarh Trans. line                                      |     | 50                      |
| 3  | 132 kV D/C Irba-Kanke Trans. line  |     | 13                      |
| 4  | 132 kV D/C Irba-Ratu Trans. line   |     | 25                      |
| 5  | 132/33 kV GSS at Shikaripara (2x50 MVA)                                  | 100 | Zone-II<br>Transferred  |
| 6  | 132 kV D/C 3 Ph. Dumka - Shikaripara Trans. line                         |     | 40                      |
| 7  | 132/33 kV GSS at Silli (2x50 MVA)  | 100 | Zone-I<br>Transferred   |
| 8  | 132 kV D/C 3 Ph. Silli - Chouka Trans line                               |     | 46                      |
| 9  | 132 kV D/C 3 Ph. Silli - Sikidiri Trans line                             |     | 32                      |
| 10 | 132/33 kV GSS at Mahuadanr (2x50 MVA)                                    | 100 | Zone-IV<br>Transferred  |
| 11 | 132 kV D/C 3 Ph. Latehar- Mahuadanr Trans line                           |     | 45                      |
| 12 | 132/33 kV GSS at Angada (2x50 MVA)                                       | 100 | Zone-I<br>Transferred   |
| 13 | 132 kV D/C 3 Ph. Silli-Angada Transmission line                          |     | 43                      |
| 14 | 132 kV D/C 3 Ph. Angada-Sikidiri Trans. line                             |     | 50                      |
| 15 | 132/33 kV GSS at Jarmundi (2x50 MVA)                                     | 100 | Zone-II<br>Transferred  |
| 16 | LILO of 132 kV D/C 3 Ph. Dumka-Deoghar Transmission line at GSS Jarmundi |     | 6                       |
| 17 | 132/33 kV GSS at Chakuliya (2x50 MVA)                                    | 100 | Zone-III<br>Transferred |
| 18 | 132 kV D/C 3 Ph. Chandil-Chakuliya Trans. line                           |     | 65                      |
| 19 | 132 kV D/C 3 Ph. Bahragora-Chakuliya Trans. line                         |     | 60                      |
| 20 | 132 kV D/C 3 Ph. Dhalbhumgarh-Chakuliya Trans. Line                      |     | 25                      |
| 21 | 132/33 kV GSS at Hansdiha (2x50 MVA)                                     | 100 | Zone-II                 |
| 22 |  |     | Transferred             |
| 23 | LILO of 132 kV Lalmatia-Dumka Trans Line at GSS Hansdiha                 |     | 35                      |
| 25 | 132 kV D/C Hansdiha-Jasidih Trans Line                                   |     | 52                      |
| 26 | 132/33 kV GSS at Amarapara (2x50 MVA)                                    | 100 | Zone-II                 |
| 27 |  |     | Transferred             |
| 28 | 132 kV D/C 3 Ph. Amarapara-Godda Transmission line                       |     | 80                      |
| 29 | 132 kV D/C 3 Ph. Amarapara - Pakur Trans. line                           |     | 45                      |
| 30 | 132 kV D/C 3 Ph. Amarapara-Dumka Transmission line                       |     | 50                      |

### PHASE-II

|   |  |     |                            |
|---|--|-----|----------------------------|
| 1 | 132/33 kV GSS at Chainpur (2x50 MVA)                     | 100 | Zone-I<br>Identified       |
| 2 | 132 kV D/C 3 Ph. Chainpur-Mahuandanr Tran. line          |     | 42                         |
| 3 | 132 kV D/C Chainpur-Gumla Trans. Line                    |     | 50                         |
| 4 | 132/33 KV GSS Sundarnagar (2x50 MVA)                     | 100 | Zone-III<br>Transferred    |
| 5 | 132 kV D/C 3 Ph. Sundarnagar - Jadugoda                  |     | 30                         |
| 6 | 132/33 kV GSS at Ramkanda (2 x 50 MVA)                   | 100 | Zone- IV<br>Not Identified |
| 7 | 132 kV D/C 3 Ph. Ramkanda - Garhwa Trans line            |     | 60                         |
| 8 | 132/33 kV GSS at Chhatarpur (2x50 MVA)                   | 100 | Zone-IV<br>Identified      |
| 9 | 132 kV D/C 3 Ph. Chhatarpur-Daltonganj Transmission line |     | 50                         |

|    |  |     |                        |
|----|--|-----|------------------------|
| 10 | 132 kV D/C 3 Ph. Chhatarpur-Japla Trans.line   |     | 40                     |
| 11 | 132/33 kV GSS at Kalebira (2x50 MVA)   | 100 | Zone-I<br>Identified   |
| 12 | 132 kV D/C 3 Ph. Kalebira-Kamdara Transmission line  |     | 40                     |
| 13 | 132 kV D/C 3 Ph. Kalebira-Simdega Trans. line  |     | 70                     |
| 14 | 132/33 kV GSS at Chouka(2x50 MVA)  | 100 | Zone-III<br>Identified |
| 15 | 132 kV D/C 3 Ph. Chouka - Tamar Trans. line  |     | 40                     |
| 16 | 132 kV D/C Chaibasa-Chakradharpur Trans. Line  |     | 22                     |
| 17 | 132 kv D/C Nowamundi- Chaibasa Trans. Line   |     | 80                     |
| 18 | LILO of one ckt of 132 kV D/C 3 ph Nowamundi-<br>Chaibasa Trans Line at 132/33 kV GSS Kendposi<br>including 2 nos 132 kV bays  |     | 14                     |
| 19 | LILO of one ckt of 132 kV D/C 3 ph Chaibasa-<br>Manoharpur Trans Line at 132/33 kV GSS Goelkera<br>including 2 nos 132 kV bays |     | 14                     |
| 20 | 132 KV D/C Jadugoda old - Jadugoda New T/L   |     | 15                     |

### **PHASE-III**

|    |   |     |                            |
|----|---|-----|----------------------------|
| 1  | 132/33 kV GSS at Meral ( 2 x 50 MVA)                                | 100 | Zone-IV<br>Not Identified  |
| 2  | 132 kV D/C Meral - Garhwa Trans. line                               |     | 20                         |
| 3  | 132/33 kV GSS at Panki (2x50 MVA)                                   | 100 | Zone-IV<br>Not Identified  |
| 4  | 132 kV D/C Panki - Chhatarpur trans. line                           |     | 50                         |
| 5  | 132/33 kV GSS at Nagar Untari (2 x 50 MVA)                          | 100 | Zone-IV<br>Identified      |
| 6  | 132 kV D/C 3 Ph. Nagar Untari-Garhwa Trans. line                    |     | 40                         |
| 7  | 132/33 kV GSS at Kandra (2x50 MVA)                                  | 100 | Zone-III<br>Not Identified |
| 8  | LILO of 132 kV Chaibasa-Rajkharsawan at Kandra                      |     | 10                         |
| 9  | 132/33 kV GSS at Kurdeg (2x50 MVA)                                  | 100 | Zone-I<br>Identified       |
| 10 | 132 kV D/C 3 Ph. Kurdeg-220/132 kV Simdega GSS<br>Transmission line |     | 45                         |
| 11 | 132 kV GSS at Chandwa (2x50 MVA)                                    | 100 | Zone-IV<br>Identified      |
| 12 | 132 kV D/C Chandwa - Latehar Trans. Line                            |     | 30                         |
| 13 | 132/33kV GSS at Sarath (2 x 50 MVA)                                 | 100 | Zone-II<br>Identified      |
| 14 | 132k DC Sarath-Palojori TL  |     | 24                         |
| 15 | 132k DC Sarath-Madhupur TL  |     | 30                         |
| 16 | 132k DC Sarath-Chitra TL  |     | 20                         |
| 17 | 132/33kV GSS at Surda (2 x 50 MVA)                                  | 100 | Zone-III                   |
| 18 | 132k DC Surda-Jadugoda TL   |     | 19                         |
| 19 | 132k DC Surda-Musabani (DVC) TL                                     |     | 5                          |
| 20 | 132/33kV GSS at Naudiha (Palamu) (2 50 MVA)                         | 100 | Zone-IV                    |
| 21 | 132k DC Naudiha-Panki TL  |     | 74                         |
| 22 | 132k DC Naudiha-Chhatarpur TL                                       |     | 19                         |
| 23 | 132/33kV GSS at Narayanpur (Devipur) (2 x 50 MVA)                   | 100 | Zone-II                    |
| 24 | LILO of 132kV DC Jamtara-Madhupur TL at<br>Narayanpur (Devipur)     |     | 12                         |

## Annexure 2: Comparison between National Law, State Rules and World Bank Policy on IR

| Sl. No. | World Bank OP Requirements   | RFCTLARRA 2013  | JhLARR Rules, 2015  | Measures to Bridge Gaps (if any) in RF  |
|---------|--|---|---|---|
| 1.      | Involuntary resettlement should be avoided where feasible, or minimised, exploring all viable alternative project designs  | <ul style="list-style-type: none"> <li>- Act aims to promote non-displacing or least-displacing alternatives</li> <li>- requires early screening through SIA study; public disclosure and SIA approval are prerequisite to LA (reference to Act: Chapter 2, Section 4 to 9&amp; SIA Rules)</li> </ul>   | <p>The detail assessment shall determine following:</p> <ul style="list-style-type: none"> <li>- The land proposed for acquisition is the bare minimum required;</li> <li>- Possible alternative sites for the project and their feasibility;</li> <li>- Whether the land proposed for acquisition is irrigated multi-cropped land and if so, whether the acquisition is a demonstrable last resort;</li> <li>- The possibility of use of Government unutilised and unsettled land for the project.</li> </ul> <p>[reference to State Rules: Chapter III, Section 10, Sub-section 3, points (c), (d), (e), (g)]</p>   | <p>Major gaps have not been assessed regarding the involuntary resettlement – the National Act, State Rules emphasise on minimising IR impacts.</p> <p><i>Measure:</i> Conducting detailed socio-economic assessments and early screenings.</p>   |
| 2.      | Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. | <ul style="list-style-type: none"> <li>- The Act calls for a consultative, humane, participative informed and transparent process for land acquisition.</li> <li>- The Act requires the SIA to include public hearings. Further, ample notification for the public hearings needs to be given.</li> <li>- 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.</li> </ul> <p>[reference to Act: Chapter 2, Section 4 (1)]</p> | <p>The State Rule defines the following:</p> <ul style="list-style-type: none"> <li>- That SIA shall be conducted in consultation with concerned Panchayat, Nagar Parishad, Nagar Panchayat or Municipal Corporation, as the case may be, at village level or ward level in the affected areas, for the purposes of Section 4.</li> <li>- Public Hearings shall be held in affected areas to bring out the main findings of SIA, it shall be conducted in Gram Sabhas, Ward Sabhas. The rules clearly details out the process of conducting the public hearing.</li> <li>- Chapter VI of the State Rules defines the Rehabilitation and Resettlement of the Scheme.</li> </ul> <p>[reference to State Rules: Chapter III,</p> | <p>Major gaps have not been assessed regarding IR developments and schemes and it is aligned regarding the meaningful consultations.</p> <p><i>Measures:</i> Conducting Census and SIA for resettlement planning, such that affected persons are compensated.</p> <p>Preparation of Consultation and Participation Plan and implemented under each package.</p> |

| Sl. No. | World Bank OP Requirements   | RFCTLARRA 2013   | JhLARR Rules, 2015  | Measures to Bridge Gaps (if any) in RF   |
|---------|--|--|---|--|
|         |  |  | <i>Section 6, sub-section (2), Section 11]</i>  |  |
| 3.      | 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 project implementation whichever is higher. | <ul style="list-style-type: none"> <li>- Act seeks to provide just &amp; fair compensation, rehabilitation and resettlement of the affected families so that they become partners in development leading to an improvement in their post-acquisition social and economic status</li> <li>- Act emphasizes the need of improving or at least restoring the livelihoods of all affected/displaced persons (e.g. titled/non-titled affected persons including share-croppers, artisans, squatters, vendors as well as landless affected families) working in the affected area for three years prior to the acquisition of the land.</li> <li>- The Social Impact Management Plan (SIMP) shall include addressing the livelihood issues of all affected families whose primary sources of livelihood affected families</li> <li>- Act provides for training and skill development, wage employment /employment opportunities in the project to titled/non-titled APs including squatters, vendors as well as landless affected families. It provides for: <ul style="list-style-type: none"> <li>• Option to choose: one-time payment of INR 500,000 or a job, if available and created by the project, to the affected family; or</li> <li>• an inflation adjusted annuity of INR 2,000/month per family for 20</li> </ul> </li> </ul> | <p>The State Rules describes that the compensation shall be calculated as per the provisions laid down under Section 26 to 30 to be read with the First Schedule of the RFCTLARRA 2013. This speaks about the resettlement and also rehabilitation of the affected persons to pre-displacement levels.</p> <p><i>(reference to State Rules in Chapter VI, Section 28)</i></p> | <p>No gaps have been assessed as both the national Act and the State Rules that follows the National Act, address the livelihood issues by seeking to improve or at least restore the livelihood of all affected and displaced persons.</p> <p><i>Measure: Appropriate livelihood restoration measures may be deemed to be required in case of loss of livelihood.</i></p> |

| Sl. No. | World Bank OP Requirements  | RFCTLARRA 2013  | JhLARR Rules, 2015  | Measures to Bridge Gaps (if any) in RF  |
|---------|---|---|---|---|
| 4.      | Provision of prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project | <p>years;</p> <ul style="list-style-type: none"> <li>• Subsistence allowance of INR 3,000/ month for one year;</li> <li>• Training and skill development</li> </ul> <p>(Reference to Act: Preamble, Section 4 and Schedule 2)</p> <ul style="list-style-type: none"> <li>- Provides compensation at replacement cost</li> <li>- Current market value of the land is established as per the detailed procedure laid out in the Act</li> <li>- Assets lost is to be compensated at market value</li> <li>- Actual compensation is provided to the affected person is in excess of the market value, which is at least 2 times the market value established</li> <li>- The total compensation to be provided include the following <ul style="list-style-type: none"> <li>(i) Current market value of land</li> <li>(ii) Depending on the location of land (rural / urban) the market value is multiplied by a factor (ranging from 1 to 2, from rural to urban areas)</li> <li>(iii) Value of assets (building, crops, wells etc.,) attached to the land (valuation as per the market to be done by experts)</li> <li>(iv) Solatium of 100 % of the above two items</li> </ul> </li> <li>- The stamp duty and other fee payable for registration of the land or house allotted to the affected families shall be borne by JUSNL</li> </ul> <p>(Reference to Act: 26, 27, 28, 29, 30 and</p> | <p>The compensation shall be calculated as per the provisions laid down under Section 26 to Section 30 read with the First Schedule of the Act and paid to all parties whose land or other immovable property has been acquired.</p> <p>(reference to State Rules: Section 31, sub-section (1))</p> | <p>No major gaps assessed as the RFCTLARRA 2013 provides detailed procedure to work out the compensation without any ambiguity and the State Rules follows the National Act.</p> <p>Measure: Compensation to be provided at replacement cost.</p> |



| Sl. No. | World Bank OP Requirements  | RFCTLARRA 2013  | JhLARR Rules, 2015  | Measures to Bridge Gaps (if any) in RF  |
|---------|---|---|---|---|
| 5.      | 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 after displacement for a transition period  | <p><i>Schedule 1)</i></p> <p>Provides additional assistance to displaced families, which are as follows:</p> <ul style="list-style-type: none"> <li>(i) Subsistence grant of INR 3,000 for 1 year period and additional provision for SCs &amp; STs</li> <li>(ii) Transportation cost of INR 50,000 for shifting</li> <li>(iii) Resettlement allowance of INR 50,000</li> <li>(iv) Provision of INR 25,000 towards for displaced families with cattle of petty shops</li> <li>(v) One-time grant of minimum INR 25,000 to artisans, small trader or self-employed persons</li> <li>(vi) Choice of annuity (INR 2000/month for 20 years) or employment (1 member for family) or onetime payment of INR 500,000</li> </ul> <p><i>(Reference to Act: Chapter V &amp; Schedule 2)</i></p> | <p>The State Rules states that - the Deputy Commissioner shall make Rehabilitation and Resettlement Award for each of the affected families in accordance with the Second Schedule of the Act.</p> <p><i>(reference of State Rules: Section 30)</i></p>     | <p>Major gaps have not been assessed.</p> <p>Measures: Relocation assistance to be provided to displaced persons</p>  |
| 6.      | Eligibility of benefits is to: a) those who have formal legal right to the land including customary and traditional rights 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 c) those who have no recognizable rights | <ul style="list-style-type: none"> <li>- Recognizes nontitle holders (NTH) and provides compensation and resettlement assistance</li> <li>- As defined in the Act, besides land owners, the affected families include: <ul style="list-style-type: none"> <li>• agricultural labourers, tenants, share croppers or artisans whose primary source of livelihood is affected by the acquisition</li> <li>• a family residing on affected land in urban areas or whose primary source of livelihood is affected by acquisition</li> </ul> </li> <li>- Act also specifies that any NTH to be recognized as affected family should be residing or depended on such lands for livelihood for 3 years</li> </ul>   | <p>Compensation shall be given to agriculture labourers, usufructuary mortgagor, small traders and artisans referred to in sub-clause (ii) of clause (c) of Section 3 on the Act.</p> <p><i>[reference to State Rules: Section 31, sub-section (2)]</i></p> | <p>Both the national law and the state rules recognize displaced person without titles as affected persons and provides compensation and resettlement assistance.</p> <p>A major gap is that while WB OP 4.12 recognizes all APs residing or depending on such lands as on census survey at the start of LA process, the RFCTLARRA 2013 stipulates that such APs should be residing or depending on land for 3 years or more preceding land acquisition. Families who</p> |

| Sl. No. | World Bank OP Requirements                          | RFCTLARRA 2013  | JhLARR Rules, 2015  | Measures to Bridge Gaps (if any) in RF   |
|---------|---|---|---|--|
|         |   | or more prior to the land acquisition (reference to Act: Preamble, Section 3 (c), Section 4 (5), section 28, Chapter V and Schedule 2)  |   | are depending on such lands for less than 3 years are not recognized as APs and will not be eligible for compensation or resettlement assistance.  |
| 7.      | Resettlement planning implementation and monitoring | <p>The Act outlines:</p> <ul style="list-style-type: none"> <li>• That a Resettlement Schedule be prepared</li> <li>• Details of the Resettlement award</li> <li>• The procedure for the award</li> <li>• Monitoring of the Resettlement Scheme</li> <li>• Establishment of a Land Acquisition, Resettlement and Rehabilitation Authority</li> </ul> <p>(reference to Act: Chapter II Section 16 (1), Chapter V, VI, VII, VIII)</p> | <ul style="list-style-type: none"> <li>- Preparation of Rehabilitation and Resettlement Scheme</li> <li>- The Commissioner of Rehabilitation and Resettlement by way of public notice shall publish a summary of the approved Rehabilitation and Resettlement scheme</li> <li>- Constitution of Rehabilitation and Resettlement Committee and State Monitoring Committee</li> <li>- Establishment of Land Acquisition, Rehabilitation and Resettlement Authority</li> </ul> <p>(reference to State Acts: Section 25, Section 27 subsection (1), Section 33, Section 34, Section 35)</p> | <p>Measure: Date of census of displaced persons to be considered as cut-off date</p> <p>Major gaps not identified.</p> <p>Measures: Preparation of Resettlement Plan</p> <p>Both internal and external monitoring mechanism in place</p> |

### ***Annexure 3: Guidelines by Ministry of Power (MOP)***

Apart from the above mentioned National Laws, State Rules - the Ministry of Power, Government of India has circulated a guidelines on 15<sup>th</sup> October, 2015 for the payment of compensation towards the 'damages' as stipulated in Section 67 and 68 of the Electricity Act, 2003 <sup>1</sup>to be read with Section 10 and 16 of India Telegraph Act, 1885 <sup>2</sup>in addition to the compensation towards damages of normal crops and trees (especially for the tower footing area and width of RoW corridor of transmission line). The guidelines are provided below.

#### ***MOP Guidelines***

| <b>Items</b>                                       | <b>Description</b>   |
|--|--|
| <b>Transmission Lines</b>                          | Compensation will be payable only for transmission lines supported by a tower base of 66 kV and above and not for sub-transmission and distribution lines below 66kV.  |
| <b>Compensation for Transmission Tower Footing</b> | Compensation to be paid at <b>85 percent of land value</b> as determined by District Magistrate or any other authority based on Circle rate/ Guideline value/ Stamp Act rates for tower base area (between four legs) impacted severely due to installation of tower/pylon structure   |
| <b>Compensation for width of RoW Corridor</b>      | Compensation towards diminution of land value in the width of Right of Way (RoW) Corridor due to laying of transmission line and imposing certain restriction would be decided by the States as per categorization/type of land in different places of States, subject to a maximum of <b>15 percent of land value</b> as determined based on Circle Rate/ Guideline value/ Stamp Act rates; |

JPSIP is actively considering the adoption of these guidelines in part of full. Since land is a state subject concurrence from the Government of Jharkhand is required (which is still awaited).

<sup>1</sup> Section 67 of Electricity Act says – determination and payment of compensation or rent to persons affected by works as specified in the Section. It doesn't specify anything particular for land compensation.

<sup>2</sup> Section 10 (d) of India Telegraph Act, 1885 mentions that full compensation shall be paid to persons interested for any damages sustained

#### Annexure 4: Initial Environmental and Social Assessment (IE&SA) Checklist

Project Title:.....

Package:.....

| A. Project Siting  | Yes | No | Remarks/Observations |
|--|-----|----|----------------------|
| Is the Project area adjacent to or within any of the following: environmentally sensitive areas?   |     |    |                      |
| <ul style="list-style-type: none"><li>• Religious &amp; Cultural heritage site</li><li>• Protected Area</li><li>• Eco Sensitive Zone</li><li>• Major Habitation</li><li>• Having Involuntary Resettlement</li><li>• Sacred Groves</li><li>• Forests</li><li>• Community Land</li></ul>   |     |    |                      |
| <b>B. Potential Environmental Impacts</b>  |     |    |                      |
| Will the Project cause...  |     |    |                      |
| <ul style="list-style-type: none"><li>• Encroachment on historical/cultural areas, disfiguration of landscape?</li><li>• Increased waste generation?</li><li>• Encroachment on precious ecosystem (e.g. sensitive or protected areas)?</li><li>• Alteration of surface water hydrology of waterways?</li><li>• Crossed by roads and resulting in increased sediment in?</li><li>• Streams affected by increased soil erosion at the construction site?</li><li>• Damage to sensitive habitats by construction of Underground/overhead cables?</li><li>• Deterioration of surface water quality due to silt runoff?</li><li>• Deterioration of surface water quality sanitary wastes from worker-based camps?</li><li>• Increased local air pollution due to rock crushing, cutting and filling?</li><li>• Chemical pollution resulting from chemical clearing of vegetation for construction site?</li><li>• Noise and vibration due to blasting and other civil works?</li><li>• Dislocation or involuntary resettlement of people?</li><li>• Extent of Impact on tribal Community?</li><li>• Social conflicts relating to inconveniences in living conditions where construction interferes with</li></ul> |     |    |                      |

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pre-existing roads?

- Hazardous driving conditions where construction interferes with pre-existing roads?
  - Camps and work sites, and possible transmission of communicable diseases from workers to local populations?
  - Creation of temporary breeding habitats for mosquito vectors of disease?
  - Dislocation and compulsory resettlement of people living in right-of-way of the power transmission lines?
  - Environmental disturbances associated with the maintenance of trees within RoW?
  - Facilitation of access to protected areas in case corridors traverse protected areas?
  - Accident risks associated with maintenance of lines and related facilities?
  - Health hazards due to electromagnetic fields, land subsidence?
  - Disturbances (e.g. noise and chemical pollutants) if herbicides are used to control vegetative height?
- 

Conclusion: .....  
.....

Category: I /II /III

## **Annexure 5: Terms of Reference for Independent Third Party For Negotiated Purchase**

For any negotiated purchase, an external independent entity will observe and document the consultation process and validate the negotiated settlement process as per legal requirement

### **TOR for Independent Third Party Witness**

An independent third party is sought to be appointed to oversee and certify the process of negotiated purchase. The third party shall be briefed about his/her expected role and deliverables by the concerned Executing Agency (EA).

**Eligibility:** The third party shall be a representative of the community (for example, a leader of the community with formal/legal standing, a representative of a local NGO/CBO/Legal Agency with formal and legal standing), without any direct interest in the negotiation process or subproject activity, who is acceptable to each of the concerned parties (EA and concerned land owner).

**Scope of work:** The role of the third party shall be to ensure a fair and transparent process of negotiation/donation. The envisaged scope of work shall entail the following:

- i. Witness and keep a record of meetings held with the concerned parties,
- ii. Ensure there is no coercion involved in the process of negotiated settlement / land donation,
- iii. Ensure that the preferences and concerns of the land owner related to access, selection of site within lands held, etc. are recorded and any stipulated conditions met,
- iv. Ensure that the negotiated settlement agreement is drafted in a fair and transparent manner,
- v. Confirm that the offered/agreed price is fair and meet the market price of the land with similar value and condition in the area,
- vi. Ensure the negotiated settlement does not result any negative impacts to the third party associated with the purchase/donation activity,
- vii. Identify and recommend mitigation measures to land owner / affected third party, if required,
- viii. Ensure that taxes, stamp duties and registration fees for purchased of land are borne by Project Proponent, and
- ix. Submit a certificate as witness to the purchase and transfer process.

**Deliverables:** The details of the meetings, and certificate/reports as witness to the purchase / donation process and mitigation measures to owner, if any,

shall be submitted by the third party to Executive Agency and owner/donor in the local language.

### SAMPLE CERTIFICATION FORMATS

This is to certify that Mr./Mrs. ...., (profession, designation, address) is appointed as independent third party to certify the process of negotiated settlement of plot no.....area..... owned by ..... (names of owner), who is a signatory to this certificate. It is also placed on record that none of the signatories to this certificate have any objection to appointment of ..... as third party witness.

Date.....

Officer of RHD and land donor

(Names and Signatures)

.....  
.....

I, .....of .....(address) certify that I was witness to the process of negotiated settlement / land donation (details of plot ..... from ..... land owners names). I certify that:

1. The process of purchase of the said land was transparent; the landowner(s) was/were happy to sell the affected assets for the welfare of the community/subproject activities.
2. The offered price of the land is fair and meets the market price of the land with similar value.
3. No coercion was used in the purchase process.
4. No (formal/informal) third party (associated with the purchase/donation) is negatively affected <sup>1</sup>by the purchase/donation activity
5. Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
6. All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
7. The following mitigation measures were identified and implemented / provided to the land owner/donor.
8. Attached are the minutes of meetings held between project proponents and the land owner/donor, and the agreed price/value of the donated land which I was witness to.
9. Attached are the pictures of the land purchased and pictures of the original land owner(s) of the purchased land.
10. Attached are the information of the socio economic background of the land owner(s)

Signed/ Name .....

Date:.....Place:.....

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<sup>1</sup> Negatively affected defines as permanent loss of/ access to shelter or livelihood support which could cause impoverishment to the affected third party.

## *Annexure 6: Tree and Crop Compensation Procedures*

### **Statutory Requirements:**

As per the statutory requirements (IS-5613, Part 3, 1989) all the trees and bushes, including saplings coming in the ROW limit i.e. clearance belt of transmission lines must be cut and removed. The procedure for clearing of trees and crops is as illustrated below.

In exercise of the powers vested with Jharkhand Urja Sancharan Nigam Limited (JUSNL) under Indian telegraph Act'1885, part 3, section 10 to 19 conferred under section 164 of the Electricity Act 2003 through Gazette by India, extra ordinary dated 24th Dec. 2003, has the authority to place and maintain transmission lines under over along or across and posts in or upon, any immovable property. As per the provisions of Indian Telegraph Act1885 Part III Section 10 (b) which prohibits acquisition of any rights other than that of use only, land for tower and right of way is not acquired and agricultural activities are allowed to continue. However, as per clause 10 (d) of same act stipulates that the user agency shall pay full compensation to all interested for any damages sustained during the execution of said work. Accordingly, presently JUSNL pays compensation to land owners towards damages if any to trees or crop during implementation of transmission project as well as during Operation and maintenance phase. The procedure followed for such compensation is described below.

### **Method of Estimating Compensation**

JPSIP would follow the principle of avoidance, minimization and mitigation in the construction of line in agricultural field having crop due to inherent flexibility in phasing the construction activity. JPSIP would try to defer construction in cropped area to facilitate crop harvesting. However, if such rescheduling of the project is unavoidable as it would potentially affect project schedule, compensation is given at market rate for standing crops. All efforts would also be taken to minimize the crop damage to the extent possible. As regards trees coming in the Right Of Way (ROW) following procedure is adopted for enumeration:

All the trees which are coming within the ROW on either side of the centre line are identified and marked/numbered from one angle point (AP) of the other and documented. Type, Girth (Measured 1 m. above ground level), approximate height of the tree is also noted for each tree. Trees belonging to Govt., Forest, Highways and other local bodies would be separately noted down or timely follow up with the concerned authorities for inspection and removal. Fruit bearing trees and other hybrid trees which are not of tall growing nature are not marked for cutting since these trees can be crossed using standard tower extensions if required.

A notice under Indian Telegraph Act would be served to the landowners after the Check Survey informing that the proposed transmission line is being routed through the property of the individual concerned. The notice shall contain:



- particulars of the land,
- ownership details and;
- the details of the trees/crops

inevitability likely to be damaged during the course of the construction of the proposed transmission line and acknowledgement received from land owner. A copy of said notice would be further issued to the Revenue Officer, authorized by the State Govt. for the purpose of assessment/valuation and disbursement of compensation to the affected parties.

The revenue officer would further issue a notice of intimation to the concerned landowner and inspect the site to verify the documents related to the proof of ownership. For assessing the true value of timber yielding trees help of forest officials is taken and for fruit bearing trees help of Horticulture department would be taken.

The entitlement for compensation in case of loss of crops or trees is presented below

**Table 7.1** *Entitlement for loss of trees and crop*

| Type of Loss            | Application              | Entitled Persons  | Compensation  |
|-------------------------|--------------------------|---|---|
| Loss of trees and crops | Standing trees and crops | Titleholder, sharecroppers, leaseholders on private land and on Government Land | <ul style="list-style-type: none"> <li>• APs will be notified and given 60days advance notice to remove trees. For seasonal crops and fruit trees six months' notice is to be given;</li> <li>• Compensation for cash crops at prevalent market rates<sup>1</sup>, to be calculated as annual net product value multiplied by the number of productive years remaining;</li> <li>• Compensation for one-year net harvest for seasonal crops at prevalent market rates;</li> <li>• Compensation at market value of wood/timber or firewood depending on the kind of tree to be determined by the Forest Department;</li> <li>• For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years remaining<sup>2</sup></li> </ul> |

<sup>1</sup>Valued by an experienced person from the field of agriculture or Horticulture Department

<sup>2</sup>To be valued by persons experienced in the field of agriculture, horticulture forestry etc. as necessary

**Annexure 7: Institution Arrangements for Land Acquisition under  
RFCTLARRA 2013**

- 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 26 of the JhLARR Rules, 2015, the Administrator shall exercise the following powers and have the following responsibilities:
  - To conduct a survey and undertake a census of the affected families in the manner and within the time as provided under the JhLARR Rules, 2015 Rule 25;
  - To prepare a draft Rehabilitation and Resettlement Scheme;
  - To publish the draft scheme by the mode provided under the JhLARR Rules, 2015 Rule 25;
  - To make the draft scheme available to the concerned persons and authorities;
  - To organize and conduct public hearings on the draft scheme;
  - To provide an opportunity to the Requiring Body to make suggestions and comments on the draft scheme;
  - To submit the draft scheme to the Collector;
  - To publish the approved Rehabilitation and Resettlement Scheme in the affected area;
  - To assist the Collector in preparing the Rehabilitation and Resettlement award;
  - To monitor and supervise the implementation of the Rehabilitation award;
  - To assist in post-implementation audit of Rehabilitation and Resettlement; and
  - Any other work required to be done for Rehabilitation and Resettlement

- 4) **Constitution of Rehabilitation and Resettlement Committee at Project Level:** As per Rule 33 of JhLARR Rules, 2015 the Deputy Commissioner shall constitute a Rehabilitation and Resettlement Committee at project level to monitor and review the progress and implementation of the Rehabilitation and Resettlement Scheme and to carry out post-implementation social audits in consultation with Gram Sabha in the rural area and Nagar Parishad, Nagar Panchayat or Municipality as the case may be in the urban area. The Committee shall have its first meeting when a draft Rehabilitation and Resettlement Scheme has been prepared by the Administrator. For carrying out post-implementation social audits, the Committee shall meet once in three months and visit affected families in affected areas.

## Annexure 8: Monitoring Indicators

| Sl. No. | Project Activity/ Stage | Monitoring Indicator  | Frequency             | Responsibility |
|---------|-------------------------|---|-----------------------|----------------|
| 1       | Conceptualization       | • E&S Screening and Alternative Analysis considered during route selection  | Concurrent Monitoring | JPSIP PIU      |
|         |                         | • % of Projects – E&S Screening and Alternative Analysis done and it is part of Investment Report                 | Monthly Monitoring    | JPSIP PIU      |
|         |                         | • % of Projects where E&S Sensitive Areas have been avoided   | Quarterly Monitoring  | JPSIP PIU      |
| 2.      | Planning                | • Hotspots identified and communicated by E&S Consultant to Technical Consultant intervention identified          | Concurrent Monitoring | JPSIP PIU      |
|         |                         | • RP, TDP prepared and included in DPR  |                       |                |
|         |                         | • % of Projects in which Hotspot Analysis carried out   | Monthly Monitoring    | JPSIP PIU      |
|         |                         | • % of Projects for which ESIA, RP and TDP being prepared   |                       |                |
|         |                         | • % of Projects in which hotspots have been avoided   | Quarterly Monitoring  | JPSIP PIU      |
| 3.      | Approval & Clearance    | • % of Projects for which RP and TDP have been prepared   |                       |                |
|         |                         | • Forest Clearance contain all the requisite information required   | Concurrent Monitoring | JPSIP PIU      |
|         |                         | • JUSNL board approval in ESMP, TDP and RP  |                       |                |
|         |                         | • % Projects in which Forest Clearance Proposal has been prepared and submitted                                   | Monthly Monitoring    | JPSIP PIU      |
|         |                         | • % of project which has received Stage I and Stage II forest Clearance   |                       |                |
| 4.      | Tendering               | • % Projects ESMP, RP , Tribal Development Plan (if required) has been approved by JUSNL Board and Funding Agency | Quarterly Monitoring  | JPSIP PIU      |
|         |                         | • Tender for IR Implementation Agency clearly indicating the deliverables   | Concurrent Monitoring | JPSIP PIU      |
|         |                         | • Tender includes provision of ESMF/ESMP  |                       |                |
|         |                         | • Number of IR Implementing Agencies expressed interest   | Monthly Monitoring    | JPSIP PIU      |
|         |                         |   |                       |                |

| Sl. No. | Project Activity/ Stage | Monitoring Indicator   | Frequency             | Responsibility  |
|---------|-------------------------|--|-----------------------|-----------------|
| 5.      | Implementation          | <ul style="list-style-type: none"> <li>Reviewing of the credentials of the IR Implementing Agenesis</li> <li>% of projects where ESMP has been included</li> <li>% of projects where RP Implemented</li> <li>IR implementing agency on board</li> <li>% of project where bidders have raised quarry on ESMP clauses</li> </ul>   | Quarterly Monitoring  | JPSIP PIU       |
|         |                         | <ul style="list-style-type: none"> <li>Environmental and Social Safeguard mitigation measures implemented (RP &amp; TDP implementation)</li> <li>E&amp;S implementation monitoring conducted concurrently</li> <li>Compensation paid as per norms</li> <li>Monthly monitoring reports received from IR Implementing Agency</li> </ul>  | Concurrent Monitoring | JPSIP PIU       |
|         |                         | <ul style="list-style-type: none"> <li>% of Projects where RP &amp; TDP implementation process have started</li> <li>% of Projects where entitlements have been disclosed with APs</li> <li>No. of Projects where compensation has been paid before construction</li> <li>No. of grievances per project registered &amp; redressed</li> <li>% projects when noise monitoring carried out</li> <li>% of project where disposal of excavated soil carried out</li> </ul> | Monthly Monitoring    | JPSIP PIU       |
|         |                         | <ul style="list-style-type: none"> <li>% of Projects implemented with safeguard compliance</li> <li>% of Projects implemented and ready for start of construction work</li> <li>Number of projects effectively implemented in compliance with safeguards based on the close monitoring and evaluation</li> </ul>   | Quarterly Monitoring  | External Agency |
|         |                         | <ul style="list-style-type: none"> <li>Maintenance of ground clearance to comply with limits of EMF</li> </ul>   | Concurrent Monitoring | JPSIP PIU       |
|         |                         | <ul style="list-style-type: none"> <li>Noise level at boundary nearest to substation</li> </ul>  | Monthly Monitoring    | JPSIP PIU       |
|         |                         | <ul style="list-style-type: none"> <li>Compliance with transmission tower set back condition</li> </ul>  | Quarterly Monitoring  | JPSIP PIU       |
|         |                         |  |                       |                 |
|         |                         |  |                       |                 |
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|         |                         |  |                       |                 |
| 6.      | Operation               |  |                       |                 |
|         |                         |  |                       |                 |
|         |                         |  |                       |                 |

## ***Annexure 9: Terms of Reference for External Monitoring Agency***

### **Introduction**

In order to implement the ESMP (including the RP, TPP) properly, independent monitoring by an External Monitoring Agency (EMA), independent of the project, with prior experience in resettlement and rehabilitation of developed induced displacements will be engaged to carry out the external Monitoring & Evaluation (M&E) and reporting of the implementation of the RP.

### **Objectives**

The major objectives of engaging the External Monitoring Agency are to:

- assess the overall approach of environment and social management plan and resettlement plan implementation activities; - verify the result of internal monitoring;
- assess whether environmental and social objectives mentioned in the ESMF and allied documents have been met; especially whether environmental protection measures suggested in the ESMP for the individual projects, livelihoods and living standards have been restored or enhanced;
- assess efficiency, effectiveness of the safeguards measures drawing lessons as a guide to future safeguard implementation; and
- ascertain whether the resettlement entitlements were appropriate in meeting the objectives, and whether the objectives were suited to AP conditions.

### **Specific Tasks**

The EMA will carry out periodic review and assessment of ESMP implementation including resettlement implementation, verification of the results of internal monitoring in the field to assess the achievement of objectives of the ESMP and RP against the performance indicators. A database for monitoring and evaluation, building upon the project's own M&E system, will be developed for external monitoring. It will optionally include maps, charts, photographs of affected property, copies of contracts and land titles, payments, and valuation documents relating to resettlement. The specific tasks of the external monitoring agency will be to:-

- Build up a system of internal monitoring to assess progress in order to fulfill the targets of the ESMP and RP: budget and time frame, delivery the APs' entitlements, consultation, grievance and mitigation actions;
- Review of internal monitoring and evaluation reports on a regular basis to reach consensus on actions required to improve safeguard performance and implementation;
- Establish a system of external monitoring and evaluation to assess overall achievement of safeguards implementation;
- Establish monitoring and evaluation reporting methods and reporting requirements;
- Establish a participatory M&E system; and

- Include post evaluation of resettlement to be conducted by the independent monitor after completion of the project.



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