



# Tribal People Planning Framework for Jharkhand Power System Improvement Project (JPSIP) (Annex Volume-2)

**Jharkhand Urja Sanchar Nigam  
Limited**

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## ABBREVIATIONS

AP	Affected Person
BPL	Below Poverty Line
CNT	Chotanagpur Tenancy Act, 1908
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
LARRA	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
PTG	Primitive Tribal Groups
RF	Resettlement Framework
RP	Resettlement Plan
SIA	Social Impact Assessment
SPT	Santhal Pargana Tenancy Act, 1949
TPPF	Tribal People Planning Framework
TPPIA	Tribal People Plan Implementation Agency
TP	Tribal People

## 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 squatters, encroachers 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>
<i>Displaced Persons (DPs)</i>	<p>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.</p>
<i>Non-titleholders</i>	<p>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.</p>
<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> <ol 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> <li>(ii) The average sale price for similar type of land situated in the nearest village or nearest vicinity area; or</li> </ol>

	<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> <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>
<b>Replacement Value</b>	<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.</p> <p>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 RFCTLARRA2013 (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 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 Schedule Areas as per Schedule V of the Constitution.</p>
<b>Stakeholder</b>	<p>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.</p>
<b>Schedule Areas</b>	<p>This means the Schedule Areas as per Schedule V of the</p>

<sup>1</sup> F. No.7-2s/ 2912-FC , Government of India, Ministry of Environment and Forests, (FC Division) dated 5<sup>th</sup> May 2014.

<i>Tenants and Sharecroppers</i>	<p>Constitution.</p> <p>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.</p>
<i>Titleholders</i>	<p>Those who have legal title to land, structure and other assets.</p>
<i>Vulnerable Persons</i>	<p>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.</p>



## **1 BACKGROUND**

### **1.1 PURPOSE OF THE PROJECT**

The State Government of Jharkhand with active support of the Government of India has prepared a plan 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 Sanchar 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 Sanchar 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).

To achieve the objective of 'Power for All', the Project will involve construction of new sub-stations and associated transmission lines of about 2000 km across 24 Districts of the state.

### **1.2 POWER SECTOR IMPLEMENTATION ARRANGEMENT IN JHARKHAND**

The supply of power in Jharkhand is undertaken by five distribution licensees namely Damodar Valley Corporation (DVC) in the DVC Command Area, Jamshedpur Utilities and Services Company Limited (JUSCO), Tata Steel Limited (TSL), Steel Authority of India Limited (SAIL) in the respective industrial areas under their jurisdictions. The remaining area of the state is catered by Jharkhand Vidyut Bitaran Nigam Limited (JVBNL).

Transmission of electricity in the state is handled by Jharkhand Urja Sanchar Nigam Limited (JUSNL). JUSNL presently has 4,930 MVA substation capacities at 220kV and 132kV with 36 numbers of GSS and 3,392 ckm of transmission lines. The intrastate transfer of power within the state of Jharkhand is being done by JUSNL or DVC, while the inter-state transfer is largely done by the Inter State Transmission system (ISTS) of Eastern Regional Grid and to some extent by DVC.

### **1.3 PROPOSED PROJECT FOR JUSNL**

The approximately 2000 km of transmission lines have been divided into 26 schemes/subprojects covering most of the areas of the state except for the DVC command areas. Each scheme/subproject would contain one or more

transmission lines and substation/s. These schemes have been further bundled into 3 schemes (Scheme I: 9 Schemes, Scheme II: 7 Schemes, Scheme III: 10 Schemes) for administrative purpose. The 25 numbers of substations which are being considered are all new and thus land would be required for each of them and the details of the lines and substations are provided in *Annexure 1*. The proposed project will establish 25 new substations for which land requirement for each sub-station may vary from 8-12 acres. The ownership of the land for of substations is transferred from the existing owner to the respective utility agency. In JPSIP efforts would be made to locate the substation on non-forest government land.

## **1.4 SOCIAL ASSESSMENT AND TRIBAL PEOPLE**

Social Assessment of secondary information indicated that there could possibility of tribal people living in the project areas. Although there is a broad support for the project in the state, that will help to achieve the power scarcity in the state, however it is difficult to rule out possibility of adverse impact on tribal areas and tribal population. Given the situation, it is decided that a Tribal People Planning Framework (TPPF) may be prepared and adopted, as appropriate, and prepare a Tribal People Plan (TPP) as may be required.

### **1.4.1 Objective of the TPPF**

The Tribal People Planning Framework (TPPF) has been developed to manage and mitigate potential impacts to the indigenous people. The TPPF sets out the policy, principles, and implementation mechanisms to address such impacts according to World Bank Operational Policy on Indigenous People (IP) 4.10. The framework will address the developmental needs of indigenous people/tribes as a distinct community through a process of sustainable development.

The Tribal People Planning Framework (TPPF) outlines the objectives, policy principles and procedures for compensation and other assistance measures for tribal people who may be displaced/ affected due to project implementation. This document must be read along with the Resettlement Framework (RF) document as the details of the compensation and assistance is provided in the Entitlement Matrix table in the RF.

### **1.4.2 Structure of the TPPF**

The TPPF has been structured into eight chapters.

- **Chapter 1:** This chapter serves as introduction and provides a backdrop about the proposed project intervention.
- **Chapter 2:** The second chapter narrates the identification of Tribal /Indigenous People/Scheduled Tribes for this project, as per the World Bank Policy and relevant Indian Laws and lays down the socio-economic situation of the tribal in the project areas.

- **Chapter 3:** The third chapter explains the objective of this document and describes the national and state laws and the World Bank operational policies applicable to the proposed projects.
- **Chapter 4:** The fourth chapter discusses the anticipated impacts of the proposed projects
- **Chapter 5:** The Chapter discusses on the mitigation measures corresponding to the impacts discussed above. Chapter 6: The sixth chapter lays down the process for ensuring consultation with and participation of the scheduled tribes in the proposed projects.
- **Chapter 7:** This Chapter describes the Implementation and Institutional arrangements for implementing the TPPF.
- **Chapter 8:** This chapter elaborates the monitoring mechanism and the grievance redressal mechanism to ensure that the provisions of TPPF are implemented properly and any grievance of the scheduled tribes are addressed within the prescribed timeframe.

## 2.1

**IDENTIFICATION OF TRIBAL PEOPLE**

The World Bank's Operational Policy on Indigenous Peoples (OP 4.10) aims at ensuring that the development process fosters full respect for the dignity, human rights and cultures of indigenous peoples, thereby contributing to the Bank's mission of poverty reduction and sustainable development. It also recognizes that the identities, cultures, lands and resources of indigenous peoples are uniquely intertwined and especially vulnerable to changes caused by development programs hence require special measures to ensure that they are included in and benefit from these programs as appropriate. Because of the varied and changing contexts in which Indigenous Peoples live and because there is no universally accepted definition of "Indigenous Peoples," This policy (OP 4.10) does not define the term. Indigenous Peoples may be referred to in different countries by such terms as "indigenous ethnic minorities," "aboriginals," "hill tribes," "minority nationalities," "scheduled tribes," or "tribal groups." For purposes of this policy, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct, vulnerable, social and cultural group<sup>6</sup> possessing the following characteristics in varying degrees:

- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories.
- Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and An indigenous language, often different from the official language of the country or region.

In India, there are several policies which provide a legal framework for categorizing as well as ensuring dedicated attention to the tribals. According to Article 342 of the Constitution, STs are the tribes or tribal communities or part of or groups within these tribes and tribal communities which have been declared as such by the President through a public notification. Article 366(25) of the Indian constitution refers to Scheduled Tribes (STs) as those communities who are scheduled in accordance with Article 342 of the Constitution which uses the following characteristics to define indigenous peoples [Scheduled Tribes (ST)], (i) tribes' primitive traits; (ii) distinctive culture; (iii) shyness with the public at large; (iv) geographical isolation; and (v) social and economic backwardness before notifying them as a Scheduled Tribe. However, identification of tribes is a State subject. Thus, classification of a tribe would depend on the status of that tribe in the respective State.

Further the Fifth and Sixth Schedule of the constitution provides special provision for tribals in selected regions of the country. In the state of Jharkhand certain areas have been identified as Schedule Area <sup>(1)</sup> under Schedule V.

Essentially, indigenous people have a social and cultural identity distinct from the 'mainstream' society that makes them vulnerable to being overlooked or marginalized in the development processes. In the context of the project areas, STs in the Scheduled Areas naturally constitute IPs. In the non-scheduled areas, settlements with significant ST households and who have no modern means of subsistence, with distinctive culture and language and are characterized by socio-economic backwardness could be identified as IPs.

## 2.2 *TRIBAL POPULATION IN JHARKHAND*

The state of Jharkhand has a considerable tribal population. The Scheduled Tribe (ST) population of Jharkhand State is as per 2011 census 8,645,042 constituting 26.2 per cent of the total population (3,29,88134) of the State. The growth of the ST population has been 17.3 percent which is lower by 5 percent if compared with the growth of the State's total population (22.42 per cent) during 2001-2011. The right of the tribal are protected by Choto-Nagpur Tenancy Act (CNT), 1908 and Santhal Parganas Tenancy Act (SNT), 1949.

Jharkhand is home to 32 tribal communities. Among the thirty-two (32) Notified Scheduled Tribes <sup>(2)</sup> (refer *Annexure 2*), the Santhals are the most populous tribe with a population of 2,410,509, constituting 34% of the total ST population of the State. Oraon, Munda and Ho, are the next ranked in terms of population constituting 19.6, 14.8 and 10.5 per cent respectively of the total ST population of the state. Four other major tribes, Kharia, Bhumij, Lohra and Kharwar with population ranging from 164,022 to 192,024 together with the Santhal, Oraon, Munda and Ho, constitute 89.1 per cent of the total tribal population. The Chero, Bedia, Mal Pahariya and Mahli tribes in the population range of 75,540 to 121,174 account for another 5.6 per cent; the remaining 18 tribes, along with the generic tribes constitute the balance 5.3% of the total ST population.

### 2.2.1 *Primitive Tribal Groups*

Among the 32 tribes in Jharkhand, eight are classified as Particularly Vulnerable Tribal Group PVTG (earlier known as PTG-Primitive Tribal Groups) and they are – Asur, Birhor, Birajia, Korwa, Parahiya (Baiga), Sabar,

(1) Scheduled areas are autonomous areas within a state, administered federally, usually populated by a predominant Scheduled Tribe. Scheduled areas are autonomous areas within a state, administered federally, usually populated by a predominant Scheduled Tribe. In Jharkhand the following districts have been defined as scheduled areas: i) 1.Ranchi District ii) Lohardaga District, iii) Gumla District iv) Simdega District v) Latehar District vi) East-Singhbhum District vii) West -Singhbhum District viii) Sarikela-Kharsawan District ; ix) Sahebganj District, x). Dumka District xi) Pakur District, xii) Jamtara District; xiii) Palamu District-Rabda and Bakoria Panchayats of Satbarwa Block; xiv) Garhwa District-Bhandaria Block; xv) Godda District-Sunderpahari and Boarjor Blocks-

(2)Notified Schedule Tribes means tribal group notified under "The Constitution of Schedule Tribe Order" dated 6th September, 1950 and subsequent Amendments by Ministry of Tribal Affairs, Govt. of India.

Mal Pahariya and Souriya Pahariya. The total Tribal population constitutes 27 per cent of the total Jharkhand population (2.70 crore). The PVTG population is just 2.23 lakh as per 2011 Census. *Annexure 2* provides the list of tribal communities in the state of Jharkhand as provided by Ministry of Tribal Affairs, Government of India.

Trends in the population of the Schedule Tribes (ST) by residence as per Census data shows that 91.7 percent of the tribal population reside in rural areas. In Jharkhand certain areas have been declared as scheduled areas <sup>1</sup>as specified by the 'Scheduled Areas under the Fifth Schedule of the Constitution'. *Annexure 3* provides the list of Schedule Areas in the State.

## 2.2.2

### *Sacred Grove*

The tribal of Jharkhand worship their sacred groves <sup>2</sup> which are known as *Sarnas*. A *Sarna* is a cluster of trees where the *adivasis* worship on various occasions. Such a grove (among many others) must have at least five Sal trees held very sacred by the tribal. There are 29 sacred groves that have been identified and listed in the state of Jharkhand notified by Government and all are present in Palamu district (refer *Table 2.1*). In addition there would be non-notified sacred groves in Jharkhand. Sacred Groves are of great cultural importance to the tribal population. These groves may potentially get impacts during the stringing operation from one transmission tower to another. The branches of the trees may have to be chopped during the stringing of the conductors. In the state of Jharkhand 29 sacred groves have been identified, all in the district of Palamu – but there may be more of it across the state. All these *sarna sthal* (Sacred Groves) both listed and un-listed should be avoided during project planning.

**Table 2.1** *Notified Sacred Groves in Jharkhand*

Sr. No.	Location of Sacred Groves	District
1	Bariband	Palamu
2	Kabri	
3	Danarchampar	
4	Mahandbar	
5	Chiraiah	
6	Champi	
7	Simakhas	
8	Korwtola	
9	Lat	
10	Bandhuwa Karchha Gothaga	
11	Rol	
12	Sonwar Tola	
13	Ghasegara	
14	Mkanpur	

1 Scheduled areas are autonomous areas within a state, administered federally, usually populated by a predominant Scheduled Tribe.

2 The sacred groves are an undisturbed patch of vegetation left on the outskirts of the villages in the plain or a part of a forested area. They are dedicated to local folk deities or ancestral spirits that are protected by the local people through social traditions and taboos incorporating spiritual and ecological values and are called sacred groves.

Sr. No.	Location of Sacred Groves	District
15	Baghmrawa	
16	Ghansee Tola	
17	Chhanchu	
18	Pathratu	
19	Cheerodih	
20	Bahertola	
21	Hanthtola	
22	Kotam	
23	Siram	
24	Hendeahas	
25	Baigatola	
26	Jangharia	
27	Salwe	
28	Surkunni	
29	Maromar	

Presence of ST population within the study area shows that Khunti District has the highest proportion of STs (73.25percent). The STs constitute more than half of the total population in 5 districts namely Khunti, Simdega, Gumla, Pashchim (West) Singhbhum and Lohardaga whereas Latehar, Dumka and Pakur districts have 42.10 to 45.54 percent tribal population. Kodarma district (0.96 percent) has the lowest proportion of the STs Population.

**Table 2.2** *Scheduled Tribe Population in Districts within Operational Area*

Sr. No.	District	Population %	Sr. No.	District	Population %
1	Khunti	73.25	11	Godda	21.26
2	Simdega	70.78	12	Ramgarh	21.19
3	Gumla	68.94	13	Garhwa	15.56
4	Pashchimi Singhbhum	67.31	14	Bokaro	12.40
5	Lohardaga	56.89	15	Deoghar	12.13
6	Latehar	45.54	16	Giridih	9.74
7	Dumka	43.22	17	Palamu	9.34
8	Pakur	42.10	18	Dhanbad	8.68
9	Ranchi	35.76	19	Kodarma	0.96
10	Saraikele-Kharsawan	35.18	20	Purbi Singhbhum	28.51

The objectives of the TPPF are to ensure that if indigenous peoples (referred to as tribal in India) are affected by the project or any particular subproject, they:

- i. are adequately and fully consulted;
- ii. receive benefits and compensation equal to that of the mainstream population;
- iii. are provided with special assistance as per laws and policies because of their vulnerabilities vis-à-vis the mainstream population; and
- iv. receive adequate protection against project adverse impacts on their culture identities.

There are several policies which provide a legal framework for ensuring dedicated attention to the tribal as well as drawing measures to ensure effective social management. The relevant policies are provided in the section below.

### 3.1

#### POLICY AND LEGAL FRAMEWORK

Government of India has framed many policies and laws to safeguard the interest of the Scheduled tribes. Article 366(25) of the Indian constitution refers to Scheduled Tribes (STs) as those communities who are scheduled in accordance with Article 342 of the Constitution. According to Article 342 of the Constitution, STs are the tribes or tribal communities or part of or groups within these tribes and tribal communities which have been declared as such by the President through a public notification. The constitutional safeguards related to tribal are:

1. Article 14, related to equal rights and opportunities;
2. Article 15, prohibits discrimination on grounds of sex, religion, race, caste etc.;
3. Article 15 (4), enjoins upon the state to make special provisions for the STs;
4. Article 16 (3), empowers states to make special provisions for reservation in appointments or posts in favour of STs;
5. Article 46, enjoins upon states to promote with special care educational and economic interests of STs, protection from social injustice and exploitation;
6. Article 275 (I), grant-in-aid for promoting the welfare of STs;
7. Article 330, 332, 335, related to the reservation of seats for STs in Lok Sabha and State Assemblies; and
8. Article 339, 340, related to Control of the Union over the Welfare of STs and powers to investigations thereof. One of the important Acts which ensures Social Safeguards of the STs is "Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The applicable legal and policy framework is provided below:

**Table 3.1**

**Applicable National Laws, Policies and State Rules**

Acts / Rules / Policies	Objective	Applicability to The Project
5 <sup>th</sup> Schedule of	Provides for the administration and	For sub-projects



Acts / Rules / Policies	Objective	Applicability to The Project
<b>Constitution (Article 244) (See details at the end of the table 3.1)</b>	<p>control of Scheduled Areas and Scheduled Tribes.</p> <p>Article 244(1) and Article 244 (2) of the constitution of India enables the government to enact separate laws for governance and administration of the tribal areas. In pursuance of these articles, President of India had asked each of the state to identify tribal dominated areas. Areas thus identified by the states were declared as Fifth schedule areas</p>	(transmission lines and towers) passing through Scheduled Areas
<b>Panchayats (Extension to Scheduled Areas) Act, 1996</b>	The provision of PESA Act extends the provisions of Part IX of constitution relating to Panchayats to the Scheduled Areas. As per the provisions, every village in Schedule V areas will have Gram Sabha which would approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation at village level.	For approval of any sub-project located in Scheduled Areas
<b>The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006</b>	The act recognizes and vests the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who has been residing in such forests for generations but whose rights could not be recorded. The act provides a framework for recording forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.	For sub-projects (transmission lines and towers) passing through forest land
<b>Chotanagpur Tenancy Act (CNT Act), 1908</b>	<p>Chotanagpur Tenancy Act (CNT Act), 1908, determine the incidence of tenancy, the respective rights and obligations of the tenants in the Chotanagpur administrative division of Jharkhand.</p> <p><u><b>CNT Act, 1908</b></u></p> <p>The following sections of <b>the CNT Act</b> describe the land holding and the transfer of land:</p> <ul style="list-style-type: none"> <li>• <b>Section 4</b> of the CNT Act describes the classes of tenants.</li> <li>• <b>Section 46 and 49</b> of the CNT Act regulates sale and purchase of tribal land. Section 46 allows tribal to tribal land transfer but with the permission of Deputy Commissioner (DC).</li> <li>• <b>Section 49</b> of the CNT Act allows transfer of land from tribal to non-tribal for industries and agriculture. As per the section tribal land can be</li> </ul>	<p>During transfer of tribal land to non-tribal or land to be used for public purpose in Schedules areas of Chotanagpur administrative area, necessary permission of DC is essential. Applications to this effect have to be made by JUSNL and the conditions imposed by DC have to be complied with.</p>

Acts / Rules / Policies	Objective	Applicability to The Project
	<p>sold to non tribals too but only for the purpose of putting up industries or for agriculture work — but in this case the permission requirement has been changed. Rather than Deputy Commissioners (as provided in the original Act), permission is needed from the revenue department.</p>	
<b>Santhal Pargana Tenancy Act (SPT Act), 1949</b>	<p>Santhal Pargana Tenancy Act (SPT Act ) 1949, determine the incidence of tenancy, the respective rights and obligations of the tenants in the Santhal Pargana administrative division of Jharkhand.</p> <p>The following sections of the SPT Act describe the land holding and the transfer of land:</p> <ul style="list-style-type: none"> <li>• <b>Section 20</b> of the SPT Act, 1949 prohibits transfer, settlement or lease in any manner, unless the right to transfer is recorded in the record of rights, in respect to any raiyati holding.</li> <li>• <b>Section 42</b> of the SPT Act is one such provision which permits eviction and restoration of possession of encroached agricultural land. The power under this Section is not administrative but statutory and has to be exercised according to the right of the parties.</li> </ul>	<p>During transfer of tribal land to non-tribal or land to be used for public purpose in Schedules areas of Santhal Pargana administrative area, necessary permission of DC is essential. Applications to this effect have to be made by JUSNL and the conditions imposed by DC have to be complied with.</p>
<b>The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules, 1995</b>	<p>This Act provides for specific provisions to prevent atrocities on the Scheduled Castes and the Scheduled Tribes and suggests State Governments to frame rules for the same. These include identification of areas where atrocity may take place or there is an apprehension of re-occurrence of an offence under the Act. The State Government is required to set up a “<b>Scheduled Castes and the Scheduled Tribes Protection Cell</b>” at the state headquarters headed by the Director of Police, Inspector-General of Police. This Cell is responsible for, conducting survey of the identified area; maintaining public order and tranquillity in the identified area; recommending deployment of special police or establishment of special police post in the identified area; and restoring the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes.</p>	<p>This is applicable in the project as there will be tribal settlements on the alignment and there are chances of atrocities being committed by staff / labour force of contractor.</p>

In order to protect the interests of the Scheduled tribes, the provision of "Fifth Schedule" is enshrined in the Constitution under article 244 (2). The Fifth Schedule under article 244 (2) of the Constitution defines "Scheduled Areas" as such areas as the President may by Order declare to be Scheduled Areas after consultation with the governor of that State. The criteria for declaring any area as a "Scheduled Area" under the Fifth Schedule are:

- Preponderance of tribal population,
- Compactness and reasonable size of the area,
- Available administrative entity such as district, block or taluk, and
- Economic backwardness of the area as compared to neighboring areas.
- Out of 259 blocks in the state of Jharkhand, 111 fall under the Fifth Schedule areas (spread across 15 districts out of 24 districts).

*Purpose and Advantage of Scheduled Areas:*

Scheduled Areas have certain distinct provisions meant to protect and benefit tribal people in a State:

- The Governor of a State which has Scheduled Areas is empowered to make regulations in
- respect of (1) prohibit or restrict transfer of land from tribals; (2) regulate the business of
- money lending to the members of STs. In making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State, which is applicable to the area in question.
- The Governor may by public notification direct that any particular Act of Parliament or
- Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to such area subject to such expectations and modifications as may be specified.
- The Governor of a State having Scheduled Areas therein, shall annually, or whenever so
- required by the President of India, make a report to the President regarding the administration of the Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said area.
- Tribes Advisory Council [TAC] shall be established in States having Scheduled Areas. The TAC may also be established in any State having Scheduled Tribes but not Scheduled Areas on the direction of the President of India. The TAC consists of more than twenty members of whom, as nearly as may be, three fourth are from the representatives of Scheduled Tribes in the Legislative Assembly of the State. The role of TAC is to advise the State Government on matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to it by the Governor.
- The Panchayats (Extension to Scheduled Areas), Act 1996, which the provisions of Panchayats, contained in Part IX of the Constitution, were

extended to Schedule Areas, also contains special provisions for the benefit of Scheduled Tribes.

### 3.2 *MODIFIED AREA DEVELOPMENT APPROACH (MADA) POCKETS AND CLUSTERS*

Since the 8<sup>th</sup> Five Year Plan (1992-97), the concept of TSP has been modified by extending the coverage to the entire ST population outside the scheduled areas, but including those who live in contiguous areas. Three criteria are laid down for identification of tribal pockets under MADA approach. These include (i) a minimum population of 10,000 (ii) 50% of ST population in the pockets (iii) contiguity of villages in the pockets. At present 34 MADA projects exist in Jharkhand. The Working Group on development of STs during Seventh Five Year Plan (1985-90), suggested relaxation of present norm of population of 10000 to 5000 with 50% ST population - these areas are the "Clusters"; and Jharkhand has 7 such clusters.

In addition, to the National and state laws, bank financed projects should also comply with World Bank Operational Policies. The World Bank Policy on indigenous people (IP) is provided below:

**Table 3.2** *Applicable World Bank Operational Policies*

WB Policy & Applicability	Description
<b>OP 4.10 Indigenous People</b>	<p>The policy aims to protect the dignity, right and cultural uniqueness of indigenous people, to ensure that they do not suffer due to development and that they receive social and economic benefits.</p> <p>This policy contributes to the Bank's mission of poverty reduction and sustainable development by ensuring that the development process fully respects the dignity, human rights, economies, and cultures of Indigenous Peoples. The Bank provides project financing only where free, prior, and informed consultation results in broad community support to the project by the affected Indigenous Peoples.</p>
Applicability	<p>The policy is triggered if there are indigenous /tribal people in the project area, potential adverse impacts on indigenous people are anticipated and if indigenous people are among the intended beneficiaries.</p>

Analysis of the laws, policies and rules indicate that there are adequate provisions in the country to address the issues related to tribal population.

This section identifies the potential impacts, both positive and adverse, that may be caused on the community people due to the implementation of the proposed project. This section discusses the impacts on the community at large and also the tribal people.

#### 4.1 POSITIVE IMPACTS

##### 4.1.1 *Improved and Reliable Power Supply*

The proposed project aims to improve 24x7 power for all and quality power supply to both domestic and industrial users in the state of Jharkhand by 2018-19. The proposed project also aims to ensure consistent voltage there by reducing dependence on other sources of energy.

##### 4.1.2 *Increased Social Inclusion*

The Government of India is committed to improving the quality of life of its citizens through higher electricity consumption. The Government of Jharkhand with active support from Government of India's has planned for implementing 24X7 Power for All (PfA)<sup>1</sup> in the state. The program is aimed at achieving 24x7 reliable powers for all the households by FY 2019. This would lead to rapid economic development of the state in primary, secondary & tertiary sectors resulting in inclusive development of the State<sup>2</sup>.

##### 4.1.3 *Improved Quality of Life*

Improved electricity supply will help in economic development of the people of the state; additionally access to electricity would reduce the time spent by women on household activities which will entail availability of more time for other activities including caring for their own health.

##### 4.1.4 *Positive Impact for Women and Girls*

As per the working paper on Energy, Gender and Development of the World Bank 2011, the literature on gender and energy suggests that providing electricity to communities and homes and motive power for tasks considered women's work can promote gender equality, women's empowerment, and women's and girls' access to education, health care, and employment. Most gender benefits of providing electricity and motive power occur because women tend to spend more time at home, are responsible for household

<sup>1</sup> 24x7 - Power for All (24x7 PFA) is a Joint Initiative of Government of India (GoI) and the respective State Governments with the objective to provide 24x7 power available to all households, industry, commercial businesses, public needs, any other electricity consuming e  
<sup>2</sup> Power for All, A joint initiative of Government of India and Government of Jharkhand.

chores that can be carried out more productively with electricity, and because certain tasks that are culturally defined as women's work can benefit from motive power.<sup>1</sup>

## 4.2 *NEGATIVE IMPACT*

### 4.2.1 *Securing Land*

Land is required to undertake various project activities like construction of sub-stations and erection of transmission towers. Land for the project can be secured in the following ways:

- Transfer of Government land to the utility
- Purchase of land on willing buyer and willing seller mode through negotiated settlement
- Involuntary Land Acquisition

Land required for the substations and the land for erection of transmission tower. Land secured for construction of substations will be no longer be accessible to the existing owner. The potential social impacts related with the establishment of new substations are as follows:

- Loss of land <sup>2</sup>
- Loss of livelihood due to acquisition of private agricultural land. Homestead land would not be used for the setting up of substation or the transmission towers; and
- Loss of common property resources due to procurement of government land.

Securing land for the project may impact lands that are customarily owned, used, or occupied by the tribal people's, legal recognition of their customary rights to such lands and ancestral domains should be integrated into the project by the borrower. This will need full recognition of the existing customary land tenure system of the tribal people and conversion of customary usage of rights to communal and/or individual ownership rights. If this option is not possible under national law, the TPP will include an action plan for legal recognition of perpetual or long-term renewable custodial or user rights.

### 4.2.2 *Common Property Resources:*

For access to tower location or transmission lines, the contractor would use the existing road i.e. existing National/State highway or village road. During construction scheme due to the movement of the construction related vehicle and machinery some of the roads especially village roads may get damaged. Additionally some village roads may not be in a condition that it can be used

1 Kohlin, G., Pattanayak, S., Sills, E., Wilfong, C. (2011), Energy, Gender and Development: What are the linkages? Where is the Evidence?, Social Development Papers, A background paper for the World Development Report 2012 on Gender Equality and Development, Paper no. 125.

2 It should be noted that as stated earlier, for the proposed transmission line and substation no involuntary acquisition is required for securing land and the projects will not result in any physical or economic displacement of people.

for movement of construction vehicle. In such conditions the use of such roads would further lead to deterioration of the common property resources. Some culvert or any common utilities e.g. distribution poles may also get damage during the construction activities causing hardship to the community in general.

#### 4.2.3

#### *Tribal Communities and their Cultural Properties*

The project on transmission lines would usually bypass settlements where the habitations are dense, and generally tends to pass through rural areas where they can easily access to large stretches of land devoid of structures. As the baseline section indicates major ST population resides in rural areas of the state, it may potentially impact the tribal population and their domains.

Tribal people communities are closely tied to ancestral domains and natural resources, including land, forest, water, and others. Hence, their ties in terms of their customary rights to these ancestral domains which they traditionally own, use, or occupy, and where access to natural resources is vital for their survival and livelihood system may potentially get impacted due to erecting tower footings and stringing of operations of transmission lines.

Sacred Groves are of great cultural importance to the tribal population - the groves, which they call Sarnas, are cluster of at least five Sal trees that are worshipped by them. These groves may potentially get impacts during the stringing operation from one transmission tower to another. The branches of the trees may have to be chopped during the stringing of the conductors. In the state of Jharkhand 29 sacred groves have been identified, all in the district of Palamu – but there may be more of it across the state.

The project will require land for the substations and tower footings. Loss of land customarily owned, used or occupied by the tribal population may take place in the process.

## 5.1

*SECURING LAND*

Land is required for construction of the substations and erecting transmission towers. Land secured for construction of substations is no longer accessible to the existing owner and hence in such cases ownership is transferred from the existing owner to the respective utility. As mentioned in the earlier impact section land may be procured in three possible ways –

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

In order to avoid the loss of private / communal lands or agriculture and forest lands, the transmission utilities' endeavor will be, wherever possible, to secure Government land for their projects and avoid private or communal lands, even if this requires realignment of the proposed route. Only in rare cases that Government land is not available will other methods of securing land be pursued. Where procuring private land fails through negotiated settlement, and the land parcels may be actually be required, due to unavailability of other options, land may be procured through land acquisition process. The land owner will be duly compensated as per the provisions mentioned in the Entitlement Matrix in the Resettlement Framework (RF). In case of procurement of land through private purchase, JPSIP shall ensure that compensation/ rate for land is not less than the market value of land (details as presented in the Resettlement Framework). The price of land would not be less than the price of land calculated by the RFCTLARR, 2013. The affected persons will also be compensated for the loss of income and common property resources. The following steps are to be followed depending on the method of securing land:

*Transfer of Government Land*

The appropriate authority i.e. Jharkhand Urja Sanchar Nigam Limited (JUSNL) may apply for land transfer from the concerned government department for sub-stations and tower footings (if required). JUSNL would also obtain 'No Objection Certificate' (NOC) from the concerned government department for using the land.

*Purchase of Land on Negotiated Settlement*

The project may consider purchasing private land for its substations through a process negotiated settlement. For the purpose of the negotiated settlement district level committees would be setup under the chairmanship of the District Collector of the respective district. The Additional District Magistrate (Land Revenue) 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 District Collector would discuss on the price with the land owners and derive the appropriate price of land. The provisions of the RFCTLARRA2013 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 RFCTLARRA2013. 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 consultation.

#### *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

<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.

in land acquisition and determining the awards for rehabilitation and resettlement along with responsible authority responsible for the process.

**Table 5.1** *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 District Collector 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 District Collector</li> <li>• <i>Preliminary estimate of the cost</i>: If the District Collector is satisfied that the requisition is consistent with the provisions of the RFCTLARRA, 2013, he shall make a preliminary estimate of the cost of acquisition</li> <li>• The requiring body will deposit the estimated cost of acquisition in District collector's office</li> </ul>	<ul style="list-style-type: none"> <li>• 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>• District Collector</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 the impacts</li> </ul> <p>In case of a project involving land acquisition /involuntary displacement of the Scheduled Castes or the Scheduled Tribes Families, a Development Plan shall be prepared laying down the details of procedure for settling land rights due but not settled and restoring titles of the scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition</p> <p>b) The Development Plan shall also</p>	<ul style="list-style-type: none"> <li>• District Collector</li> <li>• District Collector</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
	<ul style="list-style-type: none"> <li>contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years sufficient to meet the requirements of tribal communities as well as Scheduled Caste.</li> <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> <li>District Collector</li> </ul>
<b>5. Preliminary survey of land proposed for acquisition</b>	<ul style="list-style-type: none"> <li>Officer authorized by District collector to conduct preliminary survey and shall have powers as provided under the Section 12 of the RFCTLARRA 2013</li> </ul>	<ul style="list-style-type: none"> <li>Officer authorized by District collector</li> </ul>
<b>6. Disposal of objections</b>	<ul style="list-style-type: none"> <li>Every objection shall be made to the Collector in writing and the Collector shall give the objector an opportunity of being 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 Collector shall submit a report along with his recommendations on the objections to the District Collector for decision</li> </ul>	<ul style="list-style-type: none"> <li>Collector / District Collector</li> </ul>
<b>7. Preparation of</b>	<ul style="list-style-type: none"> <li>The Administrator for Rehabilitation and</li> </ul>	<ul style="list-style-type: none"> <li>Administrator for</li> </ul>

Milestone	Process	Responsibility
<b>Rehabilitation and Resettlement Scheme and Public Hearing:</b>	Resettlement shall conduct a survey and undertake a census of the affected families within a period of two months from the date of publication of such preliminary notification. <ul style="list-style-type: none"> <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>	Rehabilitation and Resettlement <ul style="list-style-type: none"> <li>Commissioner of Rehabilitation and Resettlement</li> </ul>
8. <b>Development Plan for Scheduled Castes or Scheduled Tribes Families:</b>	<ul style="list-style-type: none"> <li>Prior consent of the concerned Gram Sabha or the Panchayats at the appropriate level in the Scheduled Areas under the Fifth Schedule to the Constitution shall be obtained before issue of a notification for acquiring land in Scheduled Areas</li> <li>In case there is involuntary displacement in Scheduled areas, a Development Plan will be prepared by the requiring body</li> </ul>	<ul style="list-style-type: none"> <li>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>Collector</li> </ul>

The RFCTLARRA 2013 emphasizes on conduction Social Impact Assessment (SIA) after the finalization of detail design. SIA shall assess the purpose of acquisition and estimate the affected families, gender, social group carry out analysis regarding impact on community properties, assets and infrastructure particularly roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds grazing land, plantations, public utilities electricity supply and health care facilities. The SIA report and SIMP shall be subject to public hearing in the affected area after giving adequate publicity for the venue, time etc to ascertain the views of affected families/communities which shall be included in the SIA. The final SIA report shall be published including its translation in local language and shall also be made available to Panchyats, District/Village Councils & Deputy Collector/District Magistrate office for wider circulation. Detailing of the same is provided below:

- i. Prior consent of the concerned Gram Sabha or the Panchayats at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, shall be obtained in all cases of land acquisition in such areas, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force.
- ii. Provided that the consent of the Panchayats shall be obtained in cases where the Gram Sabha does not exist or has not been constituted.
- iii. In the case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Tribes, a Tribal People Development Plan (TPDP) shall be prepared in such a form as may be prescribed. Laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes on the alienated land by undertaking a special drive together with land acquisition.
- iv. TPDP also contain a program for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years sufficient to meet the requirements of tribal communities.
- v. In the case of land being acquired from the members of the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land.
- vi. The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.
- vii. The resettlement areas predominantly inhabited by the Scheduled Tribes shall get land, to such extent as may be decided by the appropriate Government free of cost for community and social gatherings.
- viii. Any alienation of tribal lands or lands belonging to members of the Scheduled Tribes in disregard of the laws and regulations for the time being in force shall be treated as Null and void. In the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be made available to the original tribal land owners
- ix. The affected Scheduled Tribes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.
- x. Where the affected families belonging to the Scheduled Tribes are relocated outside of the district, then they shall be paid an additional 25% rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a onetime entitlement of Rs. 50,000/-.
- xi. All benefits, including the reservation benefits available to the Scheduled Tribes in the affected areas shall continue in the resettlement area.
- xii. Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule to the Constitution are relocated outside those areas, then, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled

- regardless of whether the resettlement area is a scheduled Area referred to in the said Fifth Schedule or not.
- xiii. Where the community rights have been settled under the provisions of the Scheduled 'tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The same shall be quantified in monetary amount and be paid to the individual conceded who has been displaced.

## 5.2 *COMMON PROPERTY RESOURCES*

For access to tower location or transmission lines, the contractor would use the existing road i.e. existing National/State highway or village road. During construction scheme due to the movement of the construction related vehicle and machinery some of the roads especially village roads may get damaged. Additionally some village roads may not be in a condition that it can be used for movement of construction vehicle.

Where ever required before using village road, minor improvement would be carried out by JPSIP. However, no major construction of roads would be carried out either during construction or as a part of maintenance procedures. In case of damage to the road or culvert or any common utilities during the construction activities it would be the responsibility of the contractor to repair the same.

## 5.3 *TRIBAL COMMUNITIES AND THEIR CULTURAL PROPERTIES*

The substations plots may be close to the ancestral domains of the tribal people and the transmission lines or the erecting the transmission towers may also potentially impact their domains, forests, sacred groves. The Tribal Development Planning Framework has been developed in compliance with OP4.10. Tribal People's Plans (TPPs) will be developed in consultation with tribal population as enshrined in RFCTLARRA, 2013.

In subprojects located outside the Scheduled Areas tribal people may also be affected. In such areas provisions of the Fifth Schedule will not apply. Once tribal populations affected by a subproject are identified a Tribal Development Plan would be prepared and implemented by JPSIP to ensure that affected tribal population: i) are adequately and fully consulted, ii) receive benefits and compensation at par with other affected people as per the legal requirement., (iii) are provided with special assistance as per laws and policies (iv) receive adequate protection against project adverse impacts on their culture identities. (v) Rehabilitation of livelihood systems of tribal people who are displaced should take priority.

All land owners including tribal land owners will be assisted per the entitlement matrix given in Resettlement Policy Framework. This table provides additional support that will be given to vulnerable families including tribal.

**Table 5.2 Entitlement Matrix for Tribal People**

Sl. No.	Type of Loss	Application	Entitled Persons	Compensation
<b>A.</b>	<b>Impact on Vulnerable Affected Persons</b>			
<b>A.1</b>	Impacts on vulnerable affected persons	All impacts	Legal titleholders, tenants, Non-titleholders	<ul style="list-style-type: none"> <li>Land: Further to item A.1 as mentioned in entitlement matrix in Resettlement Framework (RF), 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 as mentioned in RF In case of total loss of structure, skills training for APs</li> <li>Commercial structure: Further to item 4.a – 4.c as mentioned in RF, 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>



Unlike in case of substations, for the construction of transmission towers / distribution poles and the transmission / distributions lines, ownership of the land remains with the existing owner and is not transferred to the requesting body. The Electricity Act 2003, provides utilities with powers under the Telegraph Act 1885 which in turn states that *land for the lines and poles (towers) will not be acquired*. The utility will have the right of user only in the property under, over, along, across in or upon which the lines and poles / towers are placed.

Further affected families will receive compensation for temporary damage. Thus, the compensations are made for following:

- Damage to trees
- Damage to crops
- Damage to constructed structure

The process to calculate compensation to be paid for transmission projects is provided below:

- Compensation towards temporary crop and tree damage will be paid as stipulated in the Electricity Act 2003 and Telegraph Act 1885. The value of compensation for fruit bearing trees is determined by the horticulture department and this is revised from time to time. The value of compensation for crop damage is determined by the agriculture officer and is determined on a case by case basis
- Over and above the normal crop and tree damage, the land owner is compensated for the land taken up by the tower base. The value of compensation is determined by the District Collector and is set on the basis of voltage. The compensation is determined separately for each zone.

Tribal Peoples' Plan (TPP) will be prepared when the subproject are has tribal population. It will also get triggered in the areas where primitive tribal groups (Jharkhand) are present and when it directly and indirectly affects the dignity, human rights, livelihood systems, or culture of the IPs or affects the Territories or natural or cultural resources that IPs own, use, occupy, or claim as their ancestral domain.

In case of significant impacts being anticipated on the indigenous community, a TPP need to be prepared incorporating following steps:

- i. Social screening to establish the presence of tribes in the project area or have collective attachment to the project area.
- ii. Based on a detailed social assessments establish baseline data on the tribal people (subsistence, employment, community networks) in the project area;

- iii. Review Acts / policy guidelines applicable in the respective states regarding tribal groups and also the central Acts / Policies;
- iv. Identify the impacts (both positive and negative) and prepare an TPP;
- v. Disclose the draft TPP

### *Screening*

During the ESA stage of sub project, survey will be carried out based on group discussion with the communities in the sub project area in order to identify presence of any tribal group or any such group that have collective attachment to the project area. Apart from the consultation with the community members, consultations / in depth interviews will also be carried out with the community groups working in the area and representative of local self-government. The screening will look into the details of tribal households, assessing the number of such households along the zone of influence of the proposed sub project. If the result shows that there are tribal households, the issues related to the community will be included in the social impact assessment (SIA) survey.

### *Social Assessment*

The project would be responsible for conducting SA and the development of an action plan with the help of indigenous community and organizations working for them. The SA will gather relevant information on demographic, social, cultural; economic and networking aspects of each household and needs of the community as a whole. The information on individual household will be collected through household survey whereas, community based needs will be assessed through group discussions with the community as a whole as well as in discussion with the community leaders and government and non-governmental officials working in the area on tribal issues. The discussion will focus on both positive and negative impacts of the sub project. The suggestion and feedback of the community on the design and planning of the sub project will also be documented.

### **The Approach**

The main thrust of TPP is to address the developmental issues of the project taking into consideration the marginality status of tribal community. The TPP will offer developmental options addressing community based needs of indigenous people while respecting their socio-cultural distinctiveness. The TPP aims at strengthening the existing capacity of the affected tribal community. The strategy of TPP therefore would be to promote participation of the tribal people, initiating and identifying people's need, priorities and preferences through participatory approaches. Therefore, the action plan for a particular village will be prepared by the community themselves. These plans would be prepared on yearly basis.

Participatory Rural Appraisal (PRA) initiates the process of people's participation, facilitating decision-making through mutual discussion and direct consultation. Participatory approach is intended to promote participation of all stakeholders creating development opportunities for the

affected community. It is therefore, mandatory that appropriate PRA tools along with Focus Group Discussion (FGD) is employed to initiate participation in TPP for collection of qualitative data. The areas of enquiry would mainly include:

- i. Identification of tribal groups
- ii. Access to natural resources, likely impact on land ownership and land distribution, share cropping and lease holder
- iii. Participation in the livelihood security component of the project
- iv. Employment and income generating opportunities in agriculture, trade and business and services
- v. Poverty
- vi. Women and Gender relation
- vii. Felt needs and community organization

With a view to assess the life patterns of the affected indigenous population and to prepare TPP in consistent with community and region specific background, pertinent baseline information shall be collected, compiled and analyzed. The baseline information on socio-economic characteristics including land tenure, land holding categories, occupational pattern, usual activity status, income – expenditure pattern, access to natural resources, health status, literacy level, age structure, gender, marital status, etc shall be collected in order to facilitate the planning process. The baseline data shall be collected through pre-tested structured schedules.

The most important component of TPP is to assess the type and magnitude of impacts, both positive and negative on the tribal communities. The assessment of impacts on tribal population in the projects shall focus on the probable consequences of the project according to specific criteria / indicators. The indicators may include:

- i. Access to natural resources (such as forest, grazing land, weekly markets, etc.)
- ii. Job opportunities through wage labour within or outside agriculture
- iii. Employment and income generating opportunities in agriculture, trades, services and business
- iv. Tribal community rights, institutions, values and way of life
- v. Social infrastructure and public services such as sources of water, health facilities, schools, etc
- vi. Reduction in political power, marginalisation and social disarticulation
- vii. Changes in farming methods, cropping pattern, crop yield, income, expenditure pattern, etc.

One major activity during the course of the survey would be to identify, various community specific developmental needs linked to their socio-economic and cultural life. The needs shall be identified for infrastructure development and community service facilities such as weekly markets, drinking water facility, sanitation, health facility, schools, community halls, post office, watershed structure, drainage, etc

## 6.1 *STAKEHOLDER CONSULTATION*

As a part of social assessment for tribal population in the Jharkhand consultations were undertaken at the state level. The consultations brought out sensitive areas related to the tribal communities that are culturally close to them and needs to be identified during detail surveys for the project.

### 6.1.1 *State Level Consultation*

Consultations were conducted with the Deputy Director, Office of Tribal Welfare Commissioner, Government of Jharkhand. This department is authorised to look after the welfare of the Schedule Tribes, Schedule Castes and Backward classes of the state, bringing all round development of these sections. The department independently implements different schemes for the tribal populations and other SC, OBC communities for their welfare.

On discussion regarding the JPSIP project, the Deputy Director mentioned about some socially and culturally sensitive areas that may potentially have insinuations for the transmission project. The culturally sensitive areas are as follows:

*Sarna* - the cluster of trees worshiped by the tribal people

*Mazna* - the burial ground of the tribal people

*Satvari* - a common area where the tribal families perform various cultural rituals on death of a family member. It is also called *Hargari*, as per the land revenue records.

Efforts shall be made by the project authorities to try and avoid such sensitive areas in consultation with the local tribal communities and the tribal welfare department.

The Deputy Director of the Department suggested that a joint meeting may be conducted between JUSNL and the Office of the Tribal Welfare Commissioner where the Tribal Peoples' Planning Framework (TPPF) can be shared and if desired joint proposal can be developed for the welfare of the TP within the project area. It was also suggested by the Deputy Director if rural electricity could be provided to the tribal villages. It was shared with her that it is a transmission project and not a distribution one, however it will be shared with the government.

### 6.1.2 *Continuous Consultation*

A process of continuous consultation with different stakeholders will be followed throughout the project lifecycle that will help to monitor the progress of the project and will also enable in reducing any risks and impacts related to the tribal population during the project planning and implementation.

There are several non-government organisations (NGOs) in the State of Jharkhand who are working for the welfare of the tribal population in the sectors of health, education, nutritional status, skill training, rights and good governance, etc.

Continuous consultations will be held with following groups/community during the process of disclosure of the documents.

- Tribal community members and their headmen
- Self-help Groups
- Women of the tribal community
- State and district level Tribal Welfare Departments
- Non-governments (NGOs)/ INGOs

Consultation with the stakeholders including the project affected tribal population would include:

- Project objective and potential impacts on the TP
- Social impact assessment survey in the impacted area
- Assess the need of the TP communities and can be communicated to the concern department for support
- Entitlement provisions for different impacts as specified in the entitlement matrix in RF
- Special entitlement provisions for the TP as specified in the RFTLARRA, 2013
- Grievance redress mechanism and procedures

## 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:

- Organising community consultation and briefing them with project related information. During the consultation process provide the community with posters and diagrams so that they can visualise 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 6.1 Summary of Information Disclosure Plan**

Project Scheme	Documents to be disclosed	Frequency and Duration of Disclosure	Channels of Disclosure
Project Planning	, Tribal Development Framework	Once, after it is approved by JUSNL Board and will remain disclosed for the entire life of the project	Website of JUSNL World Bank Info shop Information leaflet to be provide during consultation meeting
Planning	Screening results and Social Assessment	Once, after it is formally accepted by JUSNL and will remain disclosed during the entire lifecycle of project	Website of JUSNL World Bank Info shop JUSNL Divisional Circle Office.
	Tribal People's 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 World Bank Info shop JUSNL Divisional Circle Office. The client would make the TPP 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

Project Scheme	Documents to be disclosed	Frequency and Duration of Disclosure	Channels of Disclosure
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 Tribal Land losers and their entitlements in local language (in case of land acquisition by RFCTLARRA2013)	Once at the start of the project and as and when demanded by the tribal PAP	Through leaflets, or other IEC materials, especially developed for the purpose in local language One to one consultations with tribal project affected people (PAPs); Tribal Community consultations List of tribal 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 tribal land owners)	Once at the start of the project	List of tribal land owners 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
	TPP Implementation Report	At regular intervals	Extracts put up at JPSIP PIU, JUSNL Divisional Office Full Report available on JPSIP/JUSNL website

### 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.

## 7.1 *EXISTING INSTITUTIONAL ARRANGEMENTS FOR TRIBAL DEVELOPMENT IN JHARKHAND*

The Department of Welfare is the department responsible for tribal welfare along with other social welfare programs in Jharkhand. The "Tribal Welfare Commissioner" is the head of the department and is the Director. The TWC is responsible for the implementation and supervision of all the schemes taken up at the field level.

The field formation includes the Deputy Director of Welfare located in the 4 divisional offices of Santhal Paraganas, Ranchi, Hazaribagh and Palamu. All the 24 districts have District Welfare Officers, Sub-divisional Officers and Block Welfare Officers.

### 7.1.1 *Traditional Institutions in Tribal areas of Jharkhand*

Apart from administrative set up, there are four different traditional governance system in different tribal regions in Jharkhand as under:

- Munda- Manki system in Ho areas.
- Parha system in Oraon villages.
- Munda- Manki system in Khuntkatti Munda dominated areas.
- Manjhi Pradhan system in Santhal.

These institutional systems will also have to be considered for any planning and implementation of the Tribal Development Plan once prepared as they have substantial influence in the tribal areas in their respective communities and people often have more faith in these than government and PRIs.

## 7.2 *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
- Acquisition of private land through under the provisions of the RFCTLARRA 2013

The institutional arrangement for land acquisition / transfer / purchase has been given in RPF.

### 7.2.1 *TPP Implementation Issues and Strategy*

It is envisaged that proper implementation of TPP is possible only through community participation. The participatory approach will ensure:

- i. Promotion of community concern and involvement
- ii. Proper organization and management of resources



- iii. Setting up of criteria and fixing criteria and procedures for project execution are done at the grass root level
- iv. Identification, selection and strengthening of implementing agency at the grass roots level

Steps will be taken to ensure that (i) tribal community participates in the project, (ii) is fully aware of their rights and responsibilities; and (iii) are able to voice their needs during TPP preparation. The community would be encouraged to prepare their own plan that caters to the needs of the community.

Appropriate people's organization and forum need to be built and strengthened to ensure effective peoples representation and empowerment in the process of selection of specific community development activities and their execution. The conventional top down approach to project implementation through prevailing bureaucratic framework, need to be reoriented for the framework of participative administrative structure to respond to bottom up initiatives based on participatory process for informed community participation and empowerment.

TPP as a means of sustainable development is based on the strategy of using culturally appropriate, socially acceptable and economically viable opportunities for livelihood of the tribal community including farmers, agriculture and non-agriculture labour, women and wage earners.

The strategy includes:

- i. Participation of tribal community in plan preparation, formulation and implementation by strengthening their existing tribal social, political and community organizations through required legislative measures, positive administrative responses and people's mobilization.
- ii. Strengthening women's traditional role in subsistence economy through organization, capacity building for leadership and skills improvement, access to non-timber forest produce (NTFP), while bringing about greater sharing of household responsibilities between men and women.
- iii. Keeping in view the strong bondage of the tribal community with land and forest, subsistence practices, traditional culture and ways of life, the strategy may create space for innovative policy measures through appropriate legislation / executive actions. Such innovative policy responses may cover any aspect of their needs from food security, income generating activities, right over forest produce, community health measures or any such issue as generated by the community in course of their participation in the plan process.
- iv. Involvement of non-governmental organization (NGO) as an interface between the government and the tribal community to "bind" and strengthen their organizations, develop a mechanism for redress of grievances and facilitate their being a "stakeholder" in the institutional arrangements for TPP.
- v. Non-governmental organizations (NGO) are "secondary stakeholders" who can facilitate the participation of "primary stakeholders"-the tribal

community. The NGOs must have a clear understanding of the socio-economic, cultural and environmental context of the project.

The social and community organizations of tribal population will be identified to strengthen and involve them in participatory process of TPP. The TPP will develop a linkage with the structure and the process of tribal development administration so that the tribal communities can enjoy more benefits. The NGOs will also provide the important interface between tribal administration and the community.

### 7.3 *INSTITUTIONAL ARRANGEMENT FOR TPP PREPARATION AND IMPLEMENTATION*

In order to implement RAP and TPP it is proposed that the Project Implementation Unit of JPSIP (JPSIP PIU) to 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
- Junior Engineer

To specifically address the issues related to land and TPP, PIU JPSIP should also include a Social Officer with experience in addressing tribal issues.

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 proposed that he should also be trained on social aspects and especially on tribal issues. In addition to the above, a Non-Governmental Agency will be appointed by JPSIP to assist them with the implementation of RAP. The same agency in coordination with Social Officer of JPSIP will help implement Tribal People Plan.

#### 7.3.1 *Roles and Responsibilities in Tribal Development Plan Implementation*

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 be responsible for supervising the implementation of Tribal Development Plan
- Shall coordinate with the social welfare department and guide team on the implementation process.
- Shall ensure that free prior informed consultations are being carried out with the tribal community and all applicable legislations are followed.
- Shall provide policy level support to IR Implementing Agency (NGO) on implementation of TPP

- Shall be responsible for coordinating training sessions and awareness workshops
- Shall be responsible for Grievance Redress mechanism and ensure timely closure of grievances
- Shall be responsible for monitoring the implementation of TPP and provide monthly and quarterly progress report

#### *Junior Engineer*

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

- Shall assist Social Officer in coordinating with the district level tribal administration;
- Shall coordinate with IR Implementing Agency ( NGO )for implementation of TPP
- Shall provide field level inputs to Social Officer on implementation of Tribal Development Plan;
- Shall be the first point of contact for the grievance redressal mechanism

Grievances related to the project in scheduled areas and contiguous tribal population areas will be resolved within the constitutional and legal framework of the state. Accordingly, a 'Grievance Redressal Cell' will be established at the Circle, Zonal and State Level. The details of the GRC at various levels is given below:

### **8.1 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.

### **8.2 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 8.1**.

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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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**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

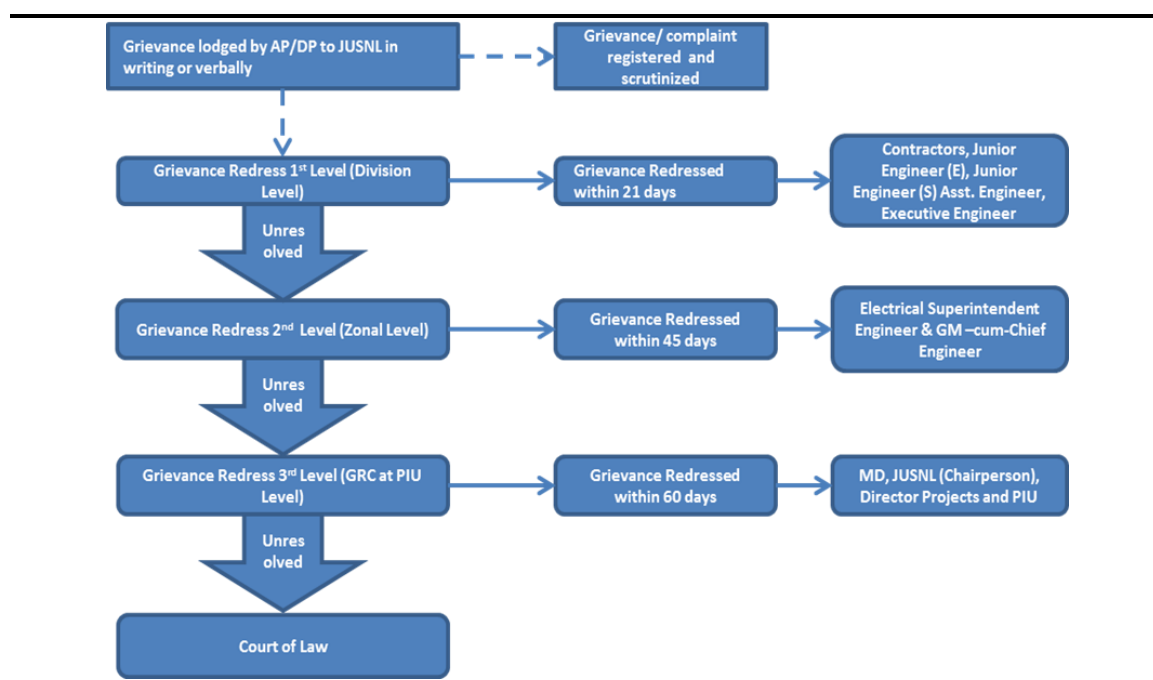
aggrieved The entire process would be completed within 45 days of the compliant being referred to Tier II. Unsatisfied with the solution the Complainant can approach the Tier III: GRC Level. If the complainant is not satisfied with the solution provided at Tier 2 the grievance/complaint can be passed 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 8.1* .

**Figure 8.1**      *Grievance Redress Process*



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.

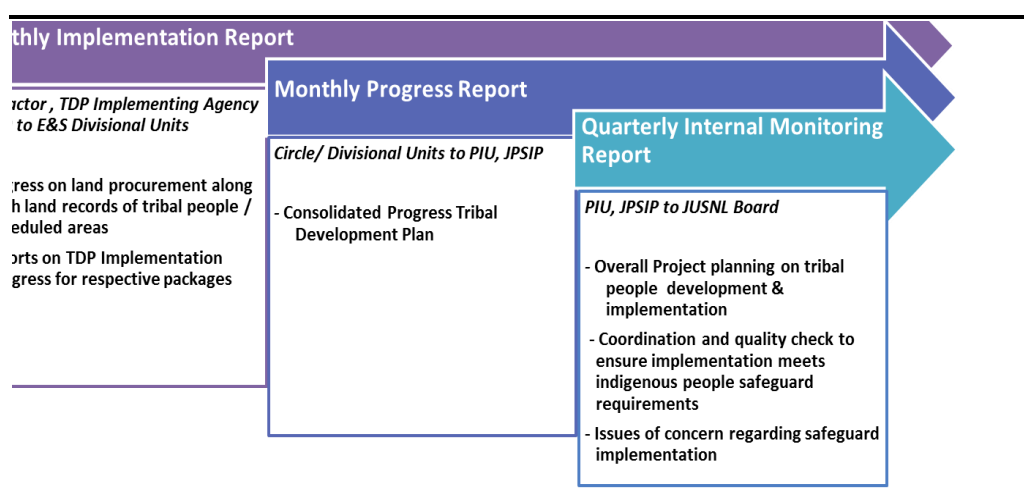
## 9.1 INTERNAL MONITORING

Periodic monitoring will be conducted to ensure that the Tribal People's Plan (TPP) implementation is effectively carried out so that the goals are achieved. Internal monitoring will be a process flow and will be achieved through an effective reporting system.

### 9.1.1 Reporting System

For effective implementation of the Tribal People's Plans for the sub-projects, a set of reports have been envisaged. The reporting would capture information on impacts on tribal people or tribal communities and its mitigations from the Contractors and IR Implementing Agency (NGO) implementing TPP 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 9.1*).

**Figure 9.1 Reporting System for Internal Monitoring**

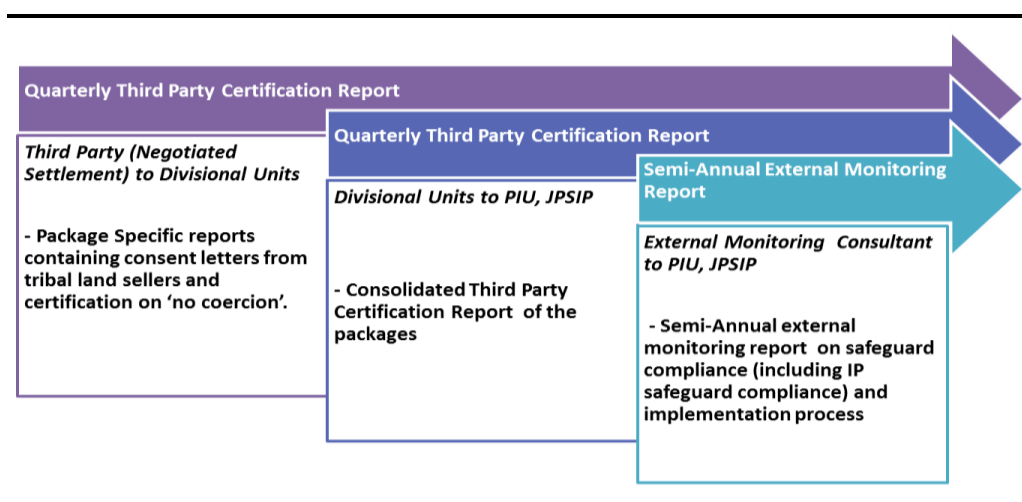


JUSNL would also conduct independent evaluation of the project on environmental and social compliance of the project and its timely deliverables. The external evaluation will be undertaken semi-annually during implementation. The external agency would conduct assessment of the Tribal development Plans implementation and verify internal monitoring carried out to suggest adjustments in delivery mechanism and procedures required. It will evaluate the TPP implementation process – land procurement process, compensation, disclose, stakeholder participation, safeguard compliance as outlined in Tribal Development Plan. The agency will identify gaps and put in suggestions to strengthen and protect the dignity of the tribal population and 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.

### 9.2.1 Reporting System

**Figure 9.2 Reporting System for External Monitoring**



Indicators for both internal and external monitoring for tribal people (indigenous people) compliance are provided in *Annexure 5*.



## Annexure 1: Scheme-wise World Bank Funded Project List

### SCHEME-I (09)

#### SCHEME-I (09)

Scheme - D			
1	132/33 Kv GSS Irba (2x50 MVA)	100	Zone-I
			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
Scheme - E			
1	132/33 kV GSS at Shikaripara (2x50 MVA)	100	Zone-II
			Transferred
2	132 kV D/C 3 Ph. Dumka - Shikaripara Trans. line		40
Scheme - H			
1	132/33 kV GSS at Silli (2x50 MVA)	100	Zone-I
			Transferred
2	132 kV D/C 3 Ph. Silli - Chouka Trans line		46
3	132 kV D/C 3 Ph. Silli - Sikidiri Trans line		32
Scheme - O			
1	132/33 kV GSS at Mahuadanr (2x50 MVA)	100	Zone-IV
			Transferred
2	132 kV D/C 3 Ph. Latehar- Mahuadanr Trans line		45
Scheme - P			
1	132/33 kV GSS at Angada (2x50 MVA)	100	Zone-I
			Transferred
2	132 kV D/C 3 Ph. Silli-Angada Transmission line		43
3	132 kV D/C 3 Ph. Angada-Sikidiri Trans. line		50
Scheme - S			
1	132/33 kV GSS at Jarmundi (2x50 MVA)	100	Zone-II
			Transferred
2	LILO of 132 kV D/C 3 Ph. Dumka-Deoghar Transmission line at GSS Jarmundi		6
Scheme - X			
1	132/33 kV GSS at Chakuliya (2x50 MVA)	100	Zone-III
			Transferred
2	132 kV D/C 3 Ph. Chandil-Chakuliya Trans. line		65
3	132 kV D/C 3 Ph. Bahragora-Chakuliya Trans. line		60
4	132 kV D/C 3 Ph. Dhalbhumgarh-Chakuliya Trans. Line		25
Scheme - Q			
1	132/33 kV GSS at Hansdiha (2x50 MVA)	100	Zone-II
			Transferred
2	LILO of 132 kV Lalmatia-Dumka Trans Line at GSS Hansdiha		35
3	132 kV D/C Hansdiha-Jasidih Trans Line		52
Scheme - T			
1	132/33 kV GSS at Amarapara (2x50 MVA)	100	Zone-II

			Transferred
2	132 kV D/C 3 Ph. Amarapara-Godda Transmission line		80
3	132 kV D/C 3 Ph. Amarapara - Pakur Trans. line		45
4	132 kV D/C 3 Ph. Amarapara-Dumka Transmission line		50

#### **SCHEME-II (07)**

<b>Scheme-A</b>			
1	132/33 kV GSS at Chainpur (2x50 MVA)	100	Zone-I Identified
2	132 kV D/C 3 Ph. Chainpur-Mahuandanr Tran. line		42
3	132 kV D/C Chainpur-Gumla Trans. Line		50
<b>Scheme - G</b>			
1	132/33 KV GSS Sundarnagar (2x50 MVA)	100	Zone-III Transferred
2	132 kV D/C 3 Ph. Sundarnagar - Jadugoda		30
<b>Scheme - K</b>			
1	132/33 kV GSS at Ramkanda (2 x 50 MVA)	100	Zone- IV Not Identified
2	132 kV D/C 3 Ph. Ramkanda - Garhwa Trans line		60
<b>Scheme - N</b>			
1	132/33 kV GSS at Chhatarpur (2x50 MVA)	100	Zone-IV Identified
2	132 kV D/C 3 Ph. Chhatarpur-Daltonganj Transmission line		50
3	132 kV D/C 3 Ph. Chhatarpur-Japla Trans. line		40
<b>Scheme - W</b>			
1	132/33 kV GSS at Kalebira (2x50 MVA)	100	Zone-I Identified
2	132 kV D/C 3 Ph. Kalebira-Kamdara Transmission line		40
3	132 kV D/C 3 Ph. Kalebira-Simdega Trans. line		70
<b>Scheme - AA</b>			
1	132/33 kV GSS at Chouka(2x50 MVA)	100	Zone-III Identified
2	132 kV D/C 3 Ph. Chouka - Tamar Trans. line		40
<b>Scheme - R</b>			
1	132 kV D/C Chaibasa-Chakradharpur Trans. Line		22
2	132 kv D/C Nowamundi- Chaibasa Trans. Line		80
3	LILO of one ckt of 132 kV D/C 3 ph Nowamundi- Chaibasa Trans Line at 132/33 kV GSS Kendposi including 2 nos 132 kV bays		14
4	LILO of one ckt of 132 kV D/C 3 ph Chaibasa- Manoharpur Trans Line at 132/33 kV GSS Goelkera including 2 nos 132 kV bays		14
5	132 KV D/C Jadugoda old - Jadugoda New T/L		15

#### **SCHEME-III (10)**

<b>Scheme - F</b>			
1	132/33 kV GSS at Meral ( 2 x 50 MVA)	100	Zone-IV Not Identified
2	132 kV D/C Meral - Garhwa Trans. line		20

<b>Scheme - I</b>			
1	132/33 kV GSS at Panki (2x50 MVA)	100	Zone-IV Not Identified
2	132 kV D/C Panki - Chhatarpur trans. line		50
<b>Scheme - J</b>			
1	132/33 kV GSS at Nagar Untari (2 x 50 MVA)	100	Zone-IV Identified
2	132 kV D/C 3 Ph. Nagar Untari-Garhwa Trans. line		40
<b>Scheme - V</b>			
1	132/33 kV GSS at Kandra (2x50 MVA)	100	Zone-III Not Identified
2	LILO of 132 kV Chaibasa-Rajkharsawan at Kandra		10
<b>Scheme - Y</b>			
1	132/33 kV GSS at Kurdeg (2x50 MVA)	100	Zone-I Identified
2	132 kV D/C 3 Ph. Kurdeg-220/132 kV Simdega GSS Transmission line		45
<b>Scheme - Z</b>			
1	132 kV GSS at Chandwa (2x50 MVA)	100	Zone-IV Identified
2	132 kV D/C Chandwa - Latehar Trans. Line		30
<b>Additional Scheme-1</b>			
1	132/33kV GSS at Sarath (2 x 50 MVA)	100	Zone-II Identified
2	132k DC Sarath-Palojori TL		24
3	132k DC Sarath-Madhupur TL		30
4	132k DC Sarath-Chitra TL		20
<b>Additional Scheme-2</b>			
1	132/33kV GSS at Surda (2 x 50 MVA)	100	Zone-III
2	132k DC Surda-Jadugoda TL		19
3	132k DC Surda-Musabani (DVC) TL		5
<b>Additional Scheme-3</b>			
1	132/33kV GSS at Naudiha (Palamu) (2 50 MVA)	100	Zone-IV
2	132k DC Naudiha-Panki TL		74
3	132k DC Naudiha-Chhatarpur TL		19
<b>Additional Scheme-4</b>			
1	132/33kV GSS at Narayanpur (Devipur) (2 x 50 MVA)	100	Zone-II
2	LILO of 132kV DC Jamtara-Madhupur TL at Narayanpur (Devipur)		12

## **Annexure 2: Tribal Communities of Jharkhand**

Jharkhand has 32 tribal communities as per Ministry of Tribal Affairs, Government of India which are as follows:

- Munda
- Santhal
- Oraon
- Kharia
- Gond
- Kol
- Kanwar
- Savar
- Asur
- Baiga
- Banjara
- Bathudi
- Bedia
- Binjhia
- Birhor
- Birjia
- Chero
- Chick-Baraik
- Gorait
- Ho
- Karmali
- Kharwar
- Khond
- Kisan
- Kora
- Korwa
- Lohra
- Mahli
- Mal-Paharia
- Parhaiya
- Sauria-Paharia
- Bhumij

### **Annexure 3: Scheduled Areas as per Schedule V of the Constitution**

Scheduled Areas in Jharkhand:

1. Ranchi District
2. Lohardaga District
3. Gumla District
4. Simdega District
5. Latehar District
6. East-Singhbhum District
7. West -Singhbhum District
8. Sarikela-Kharsawan District
9. Sahebganj District
10. Dumka District
11. Pakur District
12. Jamtara District
13. Palamu District-Rabda and Bakoria Panchayats of Satbarwa Block
- 14 Garhwa District- Bhandaria Block
15. Godda District-Sunderpahari and Boarjor Blocks

## **Annexure 4: 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 Sanchar 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 immoveable 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) o 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

Inevitably 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

*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 5: Monitoring Indicators

Sl. No.	Project Activity/ Stage	Monitoring Indicator	Frequency	Responsibility
1	Conceptualization	• E&S Screening for Scheduled areas 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 TP 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
		• TPP prepared and included in DPR		
		• % of Projects in which Hotspot Analysis carried out	Monthly Monitoring	JPSIP PIU
		• % of Projects for which TPP being prepared		
		• % of Projects in which hotpots have been avoided	Quarterly Monitoring	JPSIP PIU
3.	Approval & Clearance	• Forest Clearance contain all the requisite information required	Concurrent Monitoring	JPSIP PIU
		• JUSNL board approval in TPP		
		• % 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		
		• % Projects Tribal Development Plan (if required) has been approved by JUSNL Board and Funding Agency	Quarterly Monitoring	JPSIP PIU
4.	Tendering	• Tender for IR Implementation Agency (NGO) also responsible for implementing TPP clearly indicating the deliverables	Concurrent Monitoring	JPSIP PIU
		• Tender includes provision of ESMF/ESMP including TPPs		
		• 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 and specific requirement of TPP mentioned</li> <li>% of projects where TPP 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; TPP 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 TPP 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 to the tribal people</li> <li>No. of grievances per project registered &amp; redressed by tribal people</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
6.	Operation	<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

Sl. No.	Project Activity/ Stage	Monitoring Indicator	Frequency	Responsibility
		<ul style="list-style-type: none"> <li>Compliance with transmission tower set back condition</li> </ul>	Quarterly Monitoring	JPSIP PIU