



Dedicated Freight Corridor Corporation of India Ltd.

(A Government of India Enterprises)

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No HQ/PIO/RTI/274/12

Dt. 01-01-2013

Deputy Director/Infra Cell

Ministry of Railways
Rail Bhawan
New Delhi- 110 001

Sub: Information under RTI Act- 2005

Ref: Board's letter no. 2012/Infra/15/34 dt: 27-12-2012.

As sought by the applicant, attested copies of Chapter 5 of Resettlement Policy and Entitlement containing 10 pages, are sent herewith, necessary requisite fee as per provision of the RTI Act, may be collected from the applicant.

DA:AA

The same is also available on the website of DFCC.

(Rajiv Bhatnagar)
DGM/PIO

1/1/13

CHAPTER 5 RESETTLEMENT POLICY AND ENTITLEMENTS

5.1 Objectives of Rehabilitation and Resettlement

Recognising the adverse impacts of the project and the need to address the involuntary displacement and other related adverse social impacts, MOR and DFCCIL have formulated the Resettlement and Rehabilitation Policy including entitlements keeping in view the national laws and international guidelines: The Railways (Amendment) Act, 2008 (RAA 2008), the National Rehabilitation and Resettlement Policy, 2007 (NRRP 2007), and Japan Bank for International Cooperation (Ex-JBIC) Guidelines for Confirmation of Environmental and Social Considerations, April 2002. The RRP will govern all cases of rehabilitation and resettlement due to the DFC project. Based on these, the following core involuntary resettlement principles applicable are:

- Avoid or minimize land acquisition and involuntary resettlement impacts by exploring all viable alternative designs;
- Where displacement is unavoidable, prepare time-bound RRP for PAPs so that they are not worse off than the present socio-economic condition after the implementation of the project. In other words, assist affected persons in improving their former living standards and income earning capacity with additional assistance to vulnerable groups;
- Ensure wide range of meaningful consultations with stakeholders including likely PAPs on compensation, disclosure of resettlement information, participation of PAPs in planning and implementation of the resettlement program in order to suitably accommodate their inputs and make rehabilitation and resettlement plan more participatory and broad based;
- Facilitate harmonious relationship between the Executing Authority and PAPs through mutual co-operation and interaction;
- Ensure payment of compensation and assistance to PAPs for lost assets at replacement value as per the Entitlement Matrix;
- Ensure payment of compensation and resettlement assistance prior to taking over the possession of land and commencement of any construction activities;
- Provision of rehabilitation assistance for loss of livelihood/income;
- Establishment of institutional arrangements such as grievance redress mechanism, NGO if required.
- In case of linear acquisitions, in projects relating to railway lines, highways, transmission lines, laying of pipelines and other such projects wherein only a narrow stretch of land is acquired for the purpose of the project or is utilised for right of way, each khatedar in the affected family shall be offered by the requiring body an ex-gratia payment of such amount as the appropriate Government may decide but not less than twenty thousand rupees, in addition to the compensation or any other benefits due under the Act or programme or scheme under which the land, house or other property is acquired:

5.2 Rehabilitation and Resettlement Policy

The Resettlement and Rehabilitation policy is based on the principles that the project affected persons would not be worse-off on account of the project than they were before.

5.2.1 General Principles

General principles for the rehabilitation and resettlement for the Project are shown below.

Table 5.2.1 General Principles for the Rehabilitation and Resettlement for the Project

- 1) Project-affected persons/families (PAPs/PAFs) will be categorized as titleholders, non-titleholders, tenants, users of the land plot including kiosks, vendors, etc.
- 2) The compensation and assistance will be provided as per the "Entitlement Matrix" for different categories of PAPs.
- 3) PAPs will be assisted in improving or regaining their standard of living at project cost.
- 4) Vulnerable PAP will be eligible for additional resettlement and rehabilitation assistance as provided in entitlement matrix.
- 5) PAPs will receive applicable compensation for lost assets at replacement cost as per the entitlement matrix.
- 6) PAPs not enumerated during the census shall be included in the list of PAPs based on documentary evidence.
- 7) However, anyone moving into the project area after the cut-off date will not be entitled to assistance.
- 8) The project will have separate resettlement budget.
- 9) All information related to rehabilitation and resettlement policy, mitigation measures, resettlement plan preparation and implementation will be disclosed to all stakeholders including likely PAPs.
- 10) Meaningful participation of stakeholders would be ensured at various stages of the project.
- 11) Appropriate grievance redress mechanism will be established to ensure speedy resolution of disputes.
- 12) Consultations carried out with stakeholders and PAPs will be documented. It will be ensured that meaningful consultations continue during the implementation of the Rehabilitation and Resettlement Plan.
- 13) Any change in the status of title-holding/tenancy after the cut-off dates shall not be considered.

5.2.2 Minimization of Adverse Impacts

Efforts are made to minimize land acquisition and involuntary resettlement impacts as far as possible by exploring all viable alternative designs throughout the implementation of the project as explained in Chapter 3.

5.2.3 Prevention of Influx of New Encroachers and Squatters

The following measures are undertaken to prevent influx of new encroachers and squatters within the proposed ROW after the cut-off date:

- PAPs will be identified and recorded as early as possible through the Baseline Survey and Census and/or the Joint Measurement Survey.
- One of the DFCCIL officers of the rank of Executive Engineer shall be made responsible for the identification, reporting and initiation of action for eviction of encroachers and squatters that occur after the cut-off date as per the existing law. DFCCIL carry out monitoring of the entire section under his/her jurisdiction with the help of other support staff. Monthly monitoring will be reported to senior officer in DFCCIL for further information and guidance.
- Fencing or construction of wall in the urban sections and other potential locations to prevent entry of illegal occupants in future within the proposed ROW during the project implementation period.

5.3 Eligibility for Compensation/Assistance/Rehabilitation

Eligibility for compensation, assistance, and rehabilitation is shown below.

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Table 5.3.1 Eligibility for Compensation, Assistance, and Rehabilitation

- 1) The cut-off date for entitlement is the date on which notification is issued as per the notification prescribed under the Section 20A of the RAA 2008 for titleholders and non-titleholders.
- 2) Eligibility of different categories of PAPs will be as per the Entitlement Matrix as shown in the subsequent section below.
- 3) The unit of entitlement will be family.
- 4) Titleholder PAPs will be eligible for compensation as well as assistance.
- 5) Non-titleholder PAPs will not be eligible for compensation of the land occupied by them. However, they will receive applicable compensation for the investment made by them on the land such as replacement value of structures and other assets as per the Entitlement Matrix. They will also be eligible for R&R assistance as per Resettlement Policy and Entitlement Matrix.
- 6) In case a PAP could not be enumerated during census, but has reliable evidence to prove his/her presence before the cut-off date in the affected zone shall be included in the list of PAPs after proper verification by the grievance redress committee.
- 7) PAPs from vulnerable group will be entitled for additional assistance as specified in the Entitlement Matrix.
- 8) PAPs will be entitled to take away or salvage the dismantled materials free of cost without delaying the project activities.
- 9) If a notice for eviction has been served on a person/family before the cut-off date and the case is pending in a court of law, then the eligibility of PAP will be considered in accordance with the legal status determined by the court and the PAP will be eligible for compensation/assistance in accordance with the RRP provisions.

5.4 Compensation and Assistance

Main policy on the compensation of land acquisition for the Project is shown below.

Table 5.4.1 Main Policy on the Compensation of Land Acquisition for the Project

- 1) Land acquisition will be the responsibility of the MOR as project proponent and DFCCIL as project implementation agency from the Central Government, and Competent Authority from State government authorized by the Central Government.
- 2) Additional land required for the project shall be acquired as per the RAA 2008 therein from time to time.
- 3) Land will not be acquired for the project by invoking emergency clause of the RAA 2008.
- 4) The compensation amount for land will be paid to the land losers as per the RAA 2008.
- 5) The completion of land acquisition will be considered complete in completion of the procedure prescribed under the Section 20(I) of RAA 2008.
- 6) If the land losers decide to surrender residual land plot to the Project in such case DFCCIL will be bound to acquire the residual plot and pay compensation and R&R assistances as per provisions of the policy.
- 7) All land measurements shall be based on the latest revenue map of the concerned village.
- 8) If compensation money is not claimed by the interested persons for one year after the notice for collection of compensation amount then in such cases the compensation amount will be kept with DFCCIL/CA in a separate account till the currency of the project. Interested parties either directly or through their legal heirs as the case may be can claim their compensation after satisfactory documentary verification. After project completion however, the money will be kept in the Govt. treasury as "unclaimed money".

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Main items for the compensation and assistance for the Project are shown below.

Table 5.4.2 Main Items for the Compensation and Assistance for the Project

- 1) Independent valuator authorized by DFCCIL will determine the replacement value of land, structures, trees and crops and other assets wherever required.
- 2) The difference between the replacement cost as determined by the independent valuator and the amount paid as compensation shall be paid as assistance by DFCCIL/Competent Authority (CA). Thus the replacement cost is the total of compensation and assistance.
- 3) Replacement cost of structures and other assets affected shall be paid without depreciation
- 4) In case the structure is partly acquired, then cost to maintain the viability and safety of the remaining part of structure shall be taken into consideration while estimating the replacement cost.
- 5) Absentee titleholder PAPs will be eligible for compensation only.
- 6) PAPs losing source of livelihood shall be eligible for transitional allowance as specified in the Entitlement Matrix. Loss of livelihood will be verified by the DFCCIL/CA for providing transitional assistance.
- 7) PAPs losing their place of residence/business or both (displaced) shall be eligible for shifting allowance for carrying household items and transport allowance for transporting salvaged materials from dismantled structure.
- 8) PAPs losing sources of livelihood shall be eligible for cash compensation of Rs.4000/- in lieu of training to upgrade their skills (one person per affected family) at project cost.
- 9) Compensation and assistance will be paid before taking possession of the acquired land and properties.
- 10) Non-title holders shall be paid applicable compensation for structure and other assets before taking over the land for civil construction work.
- 11) Civil works will start only after the compensation and/or assistance has been paid to the PAPs.
- 12) Advance notice of appropriate period such as 3 months shall be given by DFCCIL/CA for harvesting of standing crops.
- 13) Assistance on account of damage to standing crops shall be based on the estimate provided by the Agriculture Department. Market rate of crops will be determined by DFCCIL/CA in consultation with agricultural department or procurement rate announced by the concerned government, whichever is higher.
- 14) Advance notice of appropriate period such as 3 months will be served by DFCCIL/CA to vacate encroached homestead or vacant land.

5.5 Resettlement and Rehabilitation

The compensation for rehabilitation and resettlement shall be paid as per the Entitlement Matrix.

5.6 Entitlement Matrix

A detailed description of compensation and assistance is given in the Entitlement Matrix as shown in Table 5.6.1. PAPs will be eligible for a combination of compensation and assistance measures depending upon the nature of ownership rights of lost assets, type of impact and socio-economic status of PAPs.

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Table 5.6.1 Entitlement Matrix for DFC Project Based on RAA 2008 and NRRP 2007

S.No	Application	Definition of Affected Persons	Entitlement	Details
A. Loss of Private Agricultural, Homestead & Commercial Land				
1	Land on the Project Right of Way	Legal Title holders and Affected Parties with traditional land rights	1.Compensation at replacement cost 2.Resettlement and Rehabilitation	<p>(i) Cash compensation for the land at market value, which will be determined as mentioned in note (A) (section 20 G of RAA 2008)</p> <p>(ii) 60% solatium on the compensation determined in (i) above (section 20F(9) of RAA 2008).</p> <p>(iii) In case where a State Government through any act or Gazette Notification or as approved by any authority of State Government (duly authorized for the purpose) as per their approved procedure has fixed a rate for compensation of land, the same may be adopted by the Competent Authority in determining the compensation for land in lieu of (i) & (ii) above.</p> <p>(iv) Additional ex-gratia amount of Rs 20,000/- for those losing land up to 1,500 sqmts (para 7.19 NRRP 2007); Plus @ Rs.15 per sqmt for area acquired above 1,500 sqmt</p> <p>(v) If as a result of land acquisition, the land holder becomes landless or is reduced to the status of a "small" or "marginal" farmer, rehabilitation assistance equivalent to 750 days of minimum agricultural wages would also be given</p> <p>(vi) The Competent Authority may in case of doubt/conflicting claims of compensation of market value may take inputs from an independent evaluator also before deciding the award. Detailed procedure in this regard is in note B</p> <p>(vii) Policy for acquisition/compensation for residual land will be as per note C</p> <p>(viii) Refund of stamp duty and registration charges incurred for replacement land to be paid by the project; replacement land must be bought within a year from the date of payment of compensation to affected party as defined in section 20(H) of RAA 2008</p>
2		Registered tenants, contract cultivators & leaseholders	Compensation for standing crops at market rate	Registered tenants, contract cultivators & leaseholders are not eligible for compensation for land. They will only be eligible for compensation for standing crops at market rate if 3 months' advance notice is not served by EA.
3		Un-registered tenants, contract cultivators,	Compensation for standing crops at	Un-registered tenants, contract cultivators, leaseholders &

S.No	Application	Definition of Affected Persons	Entitlement	Details
		leaseholders, sharecroppers	market rate	sharecroppers are not eligible for compensation for land. They will only be eligible for compensation for standing crops at market rate if 3 months' advance notice is not served by EA. In case of share croppers, compensation shall be in the ratio as mutually agreed by the share croppers and land owners.
B. Loss of Private Structures (Residential/Commercial)				
4	Structure on the Project Right of Way	Title Holder/Owner	Compensation at replacement rate & Resettlement & Rehabilitation Assistance	<p>(i) Cash compensation for the structure at replacement cost which would be determined as per note D.</p> <p>(ii) Right to salvage material from the demolished structures.</p> <p>(iii) Three months' notice to vacate structures.</p> <p>(iv) Refund of stamp duty and registration charges for purchase of new alternative houses/shops at prevailing rates on the market value as determined in (i) above. Alternative houses/shops must be bought within a year from the date of payment of compensation to affected party as defined in section 20(H) of RAA 2008.</p> <p>(v) Resettlement & Rehabilitation Assistance as applicable as under:</p> <p>(a) Transition Allowance of Rs 4,000/- per household.</p> <p>(b) Each affected family getting displaced shall get a one-time financial assistance of Rs 10,000 as shifting allowance (para 7.10 NRRP 2007).</p> <p>(c) Each affected family that is displaced and has cattle, shall get financial assistance of Rs 15,000/- for construction of cattle shed (para 7.10 NRRP 2007).</p> <p>(d) Each affected person who is a rural artisan, small trader or self employed person and who has been displaced shall get a one-time financial assistance of Rs 25,000/- for construction of working shed or shop (para 7.12 NRRP 2007).</p> <p>(e) House construction assistance for those living below poverty line equivalent to the latest construction cost of Indira Awas Yojana Scheme for Rural Areas and cost of house construction under JNURM for Urban Areas.</p>

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S.No	Application	Definition of Affected Persons	Entitlement	Details
5	Structure on the Project Right of Way	Tenants/Lease Holders	Resettlement & Rehabilitation Assistance	(i) Registered lessees will be entitled to an apportionment of the compensation payable to structure owner as per applicable local laws. (ii) In case of tenants, three months written notice will be provided along with Rs 10,000 towards shifting allowance (NRRP 7.11). (iii) Three months' notice to vacate structures. In case notice is not provided, then three months' rental allowance will be provided in lieu of notice.
C. Loss of Trees & Crops				
6	Standing Trees, Crops on Project Right of Way	Owners & beneficiaries of land	Compensation at market value	(i) 3 months' advance notice to affected parties to harvest fruits, standing crops and remove trees (ii) Compensation to be paid at the rate estimated by: (a) the Forest Department for timber trees (b) State Agriculture Extension Department for crops (c) Horticulture Department for perennial trees (d) Cash assistance to title holders and non title holders including informal settlers/ squatters for loss of trees, crops and perennials at market value
D. Loss of Residential/Commercial Structures by Non Title Holders				
7	Structures on the Project ROW	Owners of structures identified as on date of notification (20A).	Compensation at replacement cost Resettlement & Rehabilitation Assistance	(i) Encroachers (as defined in Note F) shall be given three months' notice to vacate occupied land or compensation for loss of crops or structures, if notice is not given. Cash assistance to squatters (as defined in Note F) for their structures at replacement costs which will be determined as mentioned in Note D (ii) Resettlement & Rehabilitation assistance as under: (a) Transition Allowance of Rs 4,000/- per household. (b) Shifting allowance of Rs 10,000 per household (para 7.11 NRRP 2007). (c) Assistance of Rs 15,000/- for loss of cattle shed (para 7.10 NRRP 2007). (d) If the affected party getting displaced is a rural artisan, small trader or self employed person assistance of Rs 25,000/- for construction of working shed or shop (para 7.12, NRRP 2007) (e) House construction assistance for those living below poverty line equivalent to the latest construction cost of Indira Awas Yojana Scheme for Rural Areas and cost of house construction under JNURM for Urban Areas.
E. Loss of Livelihood				
8	Households living on Right of way	Title Holders/ Non-Title holders/share-croppers, agricultural labourers and employees	Rehabilitation Assistance	(i) Rehabilitation grant equivalent to 750 days of minimum agricultural wages to those families losing livelihood (para 7.14,NRRP) <i>(land title holders availing assistance of 750 days minimum wages under section 1 (v) above would not be eligible for this</i>

S.No	Application	Definition of Affected Persons	Entitlement	Details
				assistance) (ii) Training Assistance of Rs 4,000/- for income generation per household (iii) Temporary employment in the project construction work to Affected Persons with particular attention to APs Below Poverty Line (BPL) by the project contractor during construction, to the extent possible
E1 Additional support to Vulnerable Group (as defined in Note E) & those Below Poverty Line				
9	Households affected by ROW	Households affected by ROW	Resettlement & Rehabilitation Assistance	One time additional financial assistance equivalent to 300 days of minimum wages
E2 Additional assistance to Scheduled Tribe affected families				
10	Affected Scheduled Tribes	Households affected by ROW	Rehabilitation Assistance	(i) Each ST affected family shall get an additional one time financial assistance equivalent to five hundred days minimum agricultural wages for loss of customary right or usage of forest produce (para 7.21.5 NRRP 2007) (ii) In case of land acquisition from each ST affected family, at least one third of the compensation amount due shall be paid to the affected families at the outset as first instalment and the rest at the time of taking over the possession of the land (para 7.21.4 NRRP 2007)
F. Loss of Community Infrastructure/Common Property Resources				
11	Structures & other resources (eg land, water, access to social services etc) on ROW	Affected communities and groups	Reconstruction of community structure and common property resources	Reconstruction of community structures and replacement of common property resources in consultation with the community as appropriate
G. Temporary impact during Construction				
12	Land & assets temporarily impacted during construction	Owners of land & assets	Compensation for temporary impact during construction like disruption of normal traffic, damage to adjacent parcel of land/ assets due to movement of heavy machinery and plant site.	The contractor shall bear the compensation cost of any impact on structure or land due to movement of machinery during construction or establishment of construction plant. All temporary use of lands outside proposed ROW to be through written approval of the landowner and contractor. Location of construction camps by contractors in consultation with DFCCIL

Note A

- Compensation would be determined by Competent Authority as per provisions in RAA 2008, Section 20 (G) which specifies the following criterion for assessing and determining market value of the land:
 - the minimum land value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds in the area, where the land is situated; or
 - the average of the sale price for similar type of land situated in the village or vicinity, ascertained from not less than 50% of the sale deeds registered during three years, where higher price has been paid, whichever is higher.
- Wherever the above provisions are not applicable, the concerned State Government shall specify the floor price per unit area of the said land based on the average higher prices paid for similar type of land situated

- in the adjoining areas or vicinity, ascertained from not less than 50% of sale deeds registered during the preceding 3 years where higher price has been paid, and the competent authority may calculate the value of the land accordingly (Section 20(G) of RAA 2008 to be followed).
3. While determining the compensation amount, competent authority or arbitrator shall also take into account the following, as per provisions in Section 20 F (8) of RAA 2008:
 - (i) damage, if any sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land.
 - (ii) damage, if any, sustained by the persons interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings
 - (iii) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.
 4. Before assessing and determining the market value of the land being acquired, competent authority shall:
 - (i) ascertain the intended land use category of such land; and
 - (ii) take into account the value of the land of the intended category in the adjoining areas or vicinity.
 5. In case where the right of the user or any right in the nature of an easement on, any land is acquired, an amount calculated at ten percent of the compensation amount determined under Section 20 F(1) of RAA 2008, shall be paid by the EA to the owner and any other person whose right in enjoyment of the land has been affected.

Note B

DFCCIL would also hire an Independent Evaluator registered with Government, who can assist to assess the replacement cost of land as follows and provide inputs to the competent authority:

- (i) Appraise recent sales and transfer of title deeds and registration certificates for similar type of land in the village or urban area and vicinity
- (ii) Appraise circle rate in urban and rural areas of the district
- (iii) Appraise agricultural productivity rate for land – 20 years yield.

The Competent Authority may take inputs from the independent evaluator before deciding the compensation for the land.

Note C

If the residual plot(s) is (are) not economically viable, the EA will follow the rules and regulations applicable in the state and compensate accordingly; if there are no state specific rules and regulations available regarding residual land is less than average land holding of the district after EA purchase, the EA in agreement with the Affected Party, will follow one of the following:

- i. The EA will buy the residual land for the project following the entitlements listed in the entitlement matrix; or
- ii. The EA will pay the Affected Party 25% of the land hardship compensation for that portion of land without its purchase.

Note D

The compensation for houses, buildings and other immovable properties will be determined on the basis of replacement cost by referring to relevant Basic Schedule of Rates (B.S.R) as on date without depreciation. While considering the B.S.R, the independent evaluator registered with the Government will use the latest B.S.R for the residential and commercial structures in the urban and rural areas of the region, and in consultation with the owners

Note E

NRRP 2007 defines Vulnerable Persons as disabled, destitute, orphans, widows, unmarried girls, abandoned women or persons above 50 years of age; who are not provided or cannot immediately be provided with alternative livelihood, and who are not otherwise covered as part of a family (para 6.4 (v) NRRP 2007)

Note F

Definitions:

Marginal farmer - A cultivator with an un-irrigated land holding up to 1 hectare or with an irrigated land holding up to half hectare.

Small farmer – A cultivator with an un-irrigated land holding up to 2 hectares or with an irrigated land holding up to 1 hectare, but more than a marginal farmer.

Encroacher- A person/family, who transgresses into the public land (prior to the cut of date), adjacent to his/her own land or other immovable assets and derives his/her additional source of shelter/livelihood.

Squatter – A person/family that has settled on the public land without permission or has been occupying public building without authority prior to the cut-off date and is depending for his or her shelter or livelihood and has no other source of shelter or livelihood.

Government Resolution for the State of Maharashtra

- ✓ Govt. of Maharashtra has issued a GR (Government Resolution) for determination of rate of compensation of land for acquisition of Pvt. Land for DFCCIL. The Committee will consist of Collector (Chairman), Special Land Acquisition Officer/Competent Authority (Member Secretary) and 5 members and will be formed to decide the rate of compensation for land to be acquired by DFC in Maharashtra state.
- ✓ To fix the rate of land, the committee may take into account of Note A of the Entitlement Matrix, Para 20G of RAA 2008, and others such as the claims of PAPs, results of the Base Line Survey, findings of the Land Market Survey Report, development potential of the nearby area and any other local factor relevant to the land prices of the subject land.
- ✓ The committee should compare the Ready Reckoner rate with sales deed rates for the same year and offer the higher rate to land owners. If the landowners do not agree for this rate then the committee may ascertain the rate acceptable to villagers and recommend the same to acquiring body (i.e. DFCCIL) in writing for approval and then the committee will finalise the rate accordingly.
- ✓ The committee shall invariably meet once in a month to decide the rates for villages under consideration. The committee, who finalized rates of compensation for acquisition in those villages where the dedicated freight corridor has been planned in the Maharashtra State shall advise to Competent Authority for acceptance and disbursement of compensation.