



# **RESETTLEMENT POLICY FRAMEWORK (RPF)**

## **Addendum to RPF of 2011**

**DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA LIMITED**  
**DRAFT**  
**RESETTLEMENT POLICY FRAMEWORK**  
**Dedicated Freight Corridor Corporation of India Limited (DFCCIL)**  
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## Acronym

APM	Assistant Project Manager
BPL	Below Poverty Line
BSR	Basic Schedule of Rates
CPM	Chief Project Manager
CPR	Common Property Resources
CRO	Chief Resettlement Officer
CVC	Central Vigilance Commission
CVO	Chief Vigilance Officer
DFCCIL	Dedicated Freight Corridor Corp. of India Ltd
EA	Executing Agency
EDFC	Eastern Dedicated Freight Corridor
EIA	Environmental Impact Assessment
EM	Entitlement Matrix
FLC	Field Level Committee
GRC	Grievance Redress Committee
HH	House Hold
HLC	Headquarter Level Committee
INR	Indian Rupees
IR	Income Restoration
MOR	Ministry of Railways
NGO	Non Governmental Organization
NRRP	National Rehabilitation and Resettlement Policy
NTH	Non Title Holder
OP	Operational Policy
OM	Operational Manual
PAF	Project Affected Family
PAH	Project Affected House Hold
PAP	Project Affected Person
PCM	Public Consultation Meeting
PDF	Project Displaced Family
PDP	Project Development Plan
PMU	Project Management Unit
SESMRC	Social & Environmental Safeguard Monitoring and Review Consultants
R&R	Resettlement and Rehabilitation
RAA	Railway Amendment Act

RAP	Resettlement Action Plan
ROW	Right Of Way
SEMU	Social and Environmental Management Unit
SIA	Social Impact Assessment
SMF	Social Management Framework
SQM	Square meter
ST	Scheduled Tribe
TH	Title Holder
TOR	Terms of Reference

## EXECUTIVE SUMMARY

### E.1 THE PROJECT

**a)** Dedicated Freight Corridor Corporation of India Ltd. (DFCCIL), a Special Purpose Vehicle (SPV) of the Ministry of Railways, Government of India has planned Implementation of Dedicated Freight Corridors connecting Delhi with Mumbai on the Western side and Ludhiana with Kolkata on the Eastern side. DFCCIL has sought World Bank Loan assistance for Implementation of part of Eastern Dedicated Freight Corridor (EDFC). The whole section is divided in three phases. EDFC-1 is 343 kilometer long from Khurja to Bhaupur section, EDFC-2 is 393 kilometer long from Bhaupur to Mughalsarai section and EDFC-3 is 401 from Sahnewal (Ludhiana) to Pilakhni to Khurja –Section. Khurja-Dadri section of 47 Kms is planned to be incorporated in EDFC-1 as part of project restructuring. Draft RAP for this section has been prepared. As part of the project preparation for EDFC-1, a Resettlement Policy Framework (RPF) was prepared and has been updated. In case of EDFC-3, the Project corridor is divided into two stretches: (i) Pilakhni-Sahnewal (175 kilometers with two detours of total 12.79 kilometers) and Khurja-Pilakhni (226 kilometers with three detours of total 111 kilometers). The draft Resettlement Action Plan (RAP) for Pilakhni-Sahnewal section has been prepared and disclosed. The RAP for the Khurja-Pilakhni (226 km) has not been prepared due to change in alignment with new detours. This addendum to the Resettlement Policy Framework (RPF) of September 2011 has been prepared to provide guidelines for preparing the RAP for the Khurja-Pilakhni stretch, where land survey is underway.

**b)** The Land Acquisition details for the three EDFC projects including EDFC-3 are given below.

EDFC- Sections	Length in km	No. of Villages affected	LA required (in ha)	No. of Affected land owners	No. of Affected Structures	Community Prosperities Affected	Land Compensation Awarded as on Dec 31, 2014 (in ha)
EDFC-1 Khurja-Bhaupur	343	287	1410	29253	585	78	1340 (96%)
EDFC-2 Bhaupur-Allahabad	393	369	1475	27205	1752	55	1401 (95%)
<b>EDFC-3 Impact Details</b>							
EDFC-3 (301) .(Pilakhni-Sahnewal)	175	138	355.34	3051	324	8	325.8 (91%)
EDFC-3 (303) Khurja- Pilakhni	226	143	802	NA	NA	NA	90.2 (11%)
<b>EDFC-3 Total</b>	<b>401</b>	<b>301</b>	<b>1157</b>	<b>3051+</b>	<b>324+</b>	<b>8+</b>	<b>426 (36%)</b>

### E.2 SIA Methodology

**a)** The RPF provides for social impact assessment and preparation of RAP in line with the World Bank OP 4.12, NRRP 2007 and The Railways (Amendment) Act 2008, the Entitlement Matrix approved by Railway Board, Ministry of Railways. This RPF incorporates relevant provisions relating to compensation and Resettlement and rehabilitation (R&R) benefits payable as per the Right to Fair Compensation and transparency in Land acquisition, Resettlement and Rehabilitation Act, 2013 (RFCT-LARR) along with RFCT-LARR ordinance of December 2014. The RPF objectives include:

- To provide guidelines for preparing RAP for the project affected people for improving or at least retaining the living standards in the post resettlement period.
- To outline the entitlements for the affected persons for payment of compensation and assistance for establishing the livelihoods

- To provide in detail implementation arrangements including SIA, preparation of RAP, consultation, grievance redress, disbursement of compensation and resettlement and rehabilitation benefits, and monitoring and implementation,
- To set out communication mechanism to establish harmonious relationship between DFCCIL and Project Affected Persons(PAPs)
- To provide guidelines for expeditious implementation of R&R with adequate budget

## R&R POLICY AND ENTITLEMENT FRAMEWORK

**E.3** The Resettlement and Rehabilitation Policy is based on the basic principle that the project affected persons should improve their living standards in the post resettlement period and share the benefits of the project. The RAP has been prepared as per the provisions laid down in RAA 2008 and the Entitlement Matrix as approved by Railway Board. The Draft Entitlement Matrix (at Table 3.2A) has been prepared in line with the RFCT-LARR, 2013 effective from January 1, 2015. Due care has been taken to avoid or minimize land acquisition and involuntary resettlement impacts by exploring all viable alternatives and to ensure adequate rehabilitation package and expeditious implementation of rehabilitation process with the active participation of affected families. RAP aims at providing additional assistance to take special care for weaker sections like SC/ST/Vulnerable groups. **The RPF has provisions to support resettlement and rehabilitation of the affected tenants and sharecroppers, squatters and other PAFs.**

**E.4 Land acquisition requirements:** The LA requirements for EDFC-3 is a total of 1127 hectares of which land required for Khurja-Pilakhni stretch is 401 A total of 301 villages are affected of which 143 villages are affected by Khurja-Pilakhni stretch for which detail SIA will be undertaken and RAP prepared.

## MEASURES TO MINIMISE RESETTLEMENT IMPACTS

**E.5** Minimum land acquisition and disturbance to existing features will be a prime objective of the design. Socially sensitive stretches will be avoided through selection of alternative links, with providing bypass around settlements and realignments. Along the existing tracks, changes will be made in the designs as far as feasible thereby resulting in reduction, if not elimination of impacts. Minimization of impacts within the limitations of technical requirements and cost effectiveness will be emphasized during entire course.

## CONSULTATIONS FRAMEWORK

**E.6** Consultations with PAFs and PAPs will be carried out during Base Line Socio Economic Survey (BSES) to understand the perception, concern and response from them during the census survey. The outputs obtained from these meetings will be used for minimizing impacts. The RAP will document all consultations and will prepare a framework for follow up con

## IMPLEMENTATION ARRANGEMENTS

**E.7 Institutional Arrangement:** DFCCIL has set up Chief Project Manager's Offices (CPM office) to act as Project Management Unit (PMU) at field levels. The Chief Project Manager

(CPM) will be the **Chief Resettlement Officer** for implementing the RAP. CPM will be assisted by NGOs and APMs office. Besides, regular staffs of the office, the CPM will be assisted by APM (Social) – one in each package along with their staff. While SEMU at HQ will be providing technical and logistics support to CPM offices, implementation of RAP including disbursement of compensation and R&R assistance has been done by CPM through its Competent Authority/Administrator. The CPM is responsible for coordinating completion of LA and R&R. There is a Deputy CPM (Social) to assist the CPM in overall planning, implementation and monitoring of the LA and R&R activities. The handing over of site will be considered as complete only when compensation at replacement value and R&R assistance as per provision of EM has been given to eligible PAFs. The CPM will certify the site readiness for handing over the stretch to the contractor, which includes date and time of compensation and R&R assistance are given, grievance(if any) are resolved, and Transfer certificate (in the prescribed format) from Competent Authority awarding the land for construction.

**E.8 Grievance Redress:** There shall be grievance redress/R&R committees to hear and redress the grievances, if any, of the PAFs & PAPs at field and Head Quarter levels. The Field level grievance committee (FLC) shall be convened by CPM where the District Collector shall be the Chairperson, and other members will be the President, Zilla Parishad (District Council) and a representative from a reputed local NGO. The HQ level grievance committee (HLC) is convened by GM/SEMU where the Director, Project and Planning is the member. Arbitrators to hear grievance cases relating to payment of compensation for land to be acquired under RAA, 2008 have already been appointed. An Ombudsman has been appointed for hearing cases not resolved to the satisfaction of the aggrieved PAP/PAF at the levels mentioned above, including cases directly referred by the DFCCIL.

**E.9 Monitoring and Evaluation:** The performance monitoring of the RAP implementation will be done by internal oversight mechanisms of the DFCCIL SEMU and CPM office with the help of the PMC and the facilitating NGOs. Quality and impact monitoring will be done by independent Social & Environment Safeguard Monitoring and Review Consultant (SESPMC) consultants.

**E.10 Relocation of CPRs:** Common Properties Resources (CPRs) will be identified and shall be replaced in consultation with the local community.

**E.11 R&R Costs and Budget:** The RAP shall provide a budget for the implementation of the R&R provisions and other associated costs of implementing the RAP.

## CHAPTER – 1: INTRODUCTION

### BACKGROUND

Dedicated Freight Corridor Corporation of India Ltd. (DFCCIL), a Special Purpose Vehicle (SPV) of the Ministry of Railways, Government of India has planned Implementation of Dedicated Freight Corridors connecting Delhi with Mumbai on the Western side and Ludhiana with Kolkata on the Eastern side. DFCCIL has sought World Bank Loan assistance for Implementation of part of Eastern Dedicated Freight Corridor (EDFC). The whole section is divided in three phases. EDFC-1 is 343 kilometer long from Khurja to Bhaupur section, EDFC-2 is 393 kilometer long from Bhaupur to Mughalsarai section and EDFC-3 is 394 from Sahnewal (Ludhiana) to Pilakhni to Khurja –Section. As part of the project preparation for EDFC-1, a Resettlement Policy Framework (RPF) was prepared and has been updated. The RAPs for the Khurja-Bhaupur, and Tundla Detour for EDFC-1, and RAP for EDFC-2 (Bhaupur-Mughalsarai) have been approved with the World Bank and disclosed. These RAPs are in advance stages of implementation.

In case of EDFC-3, the Project corridor is divided into two stretches: (i) Pilakhni-Sahnewal (175 kilometers with two detours of total 13 kilometers) and Khurja-Pilakhni (226 kilometers with three detours of total 111 kilometers). The RAP for the Khurja-Pilakhni stretch, where land survey is underway, will be prepared as per the RPF approved with the World Bank.

The Land Acquisition details for the three EDFC projects including EDFC-3 are given below.

EDFC- Sections	Length in km	No. of Villages affected	LA required (in ha)	No. of Affected land owners	No. of Affected Structures	Community Prosperities Affected	Land Compensation Awarded as on Dec 31, 2014 (in ha)
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<b>EDFC-3 Total</b>	<b>401</b>	<b>281</b>	<b>1157</b>	<b>3051+</b>	<b>324+</b>	<b>8+</b>	<b>426 (36%)</b>

**1.2** This Resettlement Policy Framework was prepared to mitigate social impact in alignment. This policy framework will be the basis for undertaking SIA and RAP for any new sections of EDFC including the Khurja-Pilakhni Section of EDFC-3. The following sections of the RPF discuss about preliminary evaluation of impacts of proposed alignment, methodologies for conducting SIA and RAP, broad R&R principles adopted for the project, institutional arrangement for implementation of RAP. Social Impact Assessment and Resettlement Action Plan report for Bhaupur-Khurja section has already been prepared.

**1.3** *This Resettlement Policy Framework is an UPDATED VERSION of the RPF earlier approved by the DFCCIL and the World Bank.* The updated RPF incorporates provisions relating to compensation and Resettlement and rehabilitation (R&R) applicable as per the Right to Fair Compensation and transparency in Land acquisition, Resettlement and Rehabilitation Act, 2013 (RFCT-LARR) along with RFCT-LARR ordinance of December 2014. This version has been disclosed on the DFCCIL website: [www.dfccil.gov.in](http://www.dfccil.gov.in).

### KEY PRINCIPLES AND OF RPF:

**1.4** The Key Principles guiding this RPF are



- To avoid and to minimize adverse social impacts/risks due to projects
- To ensure that adverse social impacts/risks are well-mitigated to achieve applicable social objectives
- To ensure that project-affected persons benefit from the proposed projects to the extent possible, and that they are consulted about the project throughout the life of a project.
- To comply with applicable GOI state laws and regulations, compensation, relocation, and resettlement
- To provide guidance to its own staff in preparing projects for appraisal at DFCCIL and in conducting subsequent monitoring, reporting, and in undertaking corrective actions and
- To develop and exercise mechanisms for effective supervision during implementation.
- This RPF has been prepared as part of DFCCIL's commitment to comply with the GOI's policies, law and regulations, as well as to follow the safeguard policies of World Bank.
- The RPF provides guidelines for the Social and Environment Management Unit (SEMU)

To uphold these principles, the RPF focuses on 4 key functions, listed below, that define operations procedures for social due diligence on projects, allocate responsibilities among DFCCIL, provide a system of checks and balances towards continual improvement, define institutional structure to operate the RPF.

## **OBJECTIVES OF THE RPF**

**1.5** The Resettlement Policy Framework (RPF) defines and outlines policies, procedures, roles, and responsibilities for managing involuntary resettlement impacts and risks, and effects on indigenous (schedule tribal) peoples. The specific objectives are:

- To provide guidelines for preparing RAP for the project affected people for improving or at least retaining the living standards in the post resettlement period.
- To outline the entitlements for the affected persons for payment of compensation and assistance for establishing the livelihoods
- To provide in detail implementation arrangements including SIA, preparation of RAP, consultation, grievance redress, disbursement of compensation and resettlement and rehabilitation benefits, and monitoring and implementation,
- To set out communication mechanism to establish harmonious relationship between DFCCIL and Project Affected Persons(PAPs)
- To provide guidelines for expeditious implementation of R&R with adequate budget

## **PREPARATION OF SIA AND RAP**

**1.6** Detailed Social Impact Assessment and preparation of Resettlement Action Plan of selected section shall be done after finalization of alignment. The indicative ToR providing methodology for preparation of SIA and RAP is given as annexure 1.1. Following activities have been conducted for preparation of SIA and RAP.

- Study of Land Acquisition Plan to identify the plots.
- Public Consultation Meetings finalization of alignment
- Census and Base-line survey
- Stakeholder's Consultations

- Assessment of social impacts and its mitigation measures
- Preparation of RAP

## R&R ENTITLEMENT FRAMEWORK

**1.7** The DFCCIL has followed similar entitlement framework for APL-2 as for Bhaupur-Khurja in this project. This EM has been prepared based on provisions of NRRP 2007 and RAA 2008. This Entitlement Matrix incorporates relevant provisions relating to compensation and Resettlement and rehabilitation (R&R) benefits payable as per the Right to Fair Compensation and transparency in Land acquisition, Resettlement and Rehabilitation Act, 2013 (RFCT-LARR) along with RFCT-LARR ordinance of December 2014. The broad principles of EM are:

- ❖ Avoid or minimize land acquisition and involuntary resettlement impacts by exploring all viable alternative designs;
- ❖ Where displacement is unavoidable, prepare time-bound RAP 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 restore their income earning capacity and 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 including non-title holders for lost assets at replacement value;
- ❖ 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, SESMRC etc.

**1.8** Based on the above mentioned principle, an Entitlement Framework was prepared. The EM has provisions of payment of compensation at replacement value, R&R assistance to PAFs including non-titleholder's, for income restoration. Brief feature of EM is presented in below:

- Compensation will be given at replacement value of lost land and structures. The replacement value will be computed either through the provisions of RAA 2008 with incorporating relevant provisions relating to compensation and Resettlement and rehabilitation (R&R) benefits payable as per the Right to Fair Compensation and transparency in Land acquisition, Resettlement and Rehabilitation Act, 2013 (RFCT-LARR) along with RFCT-LARR ordinance of December 2014, or through any other award declared by the Competent Authority in the District, duly approved by State Government.
- **The EM has provisions to support resettlement and rehabilitation of the affected tenants and sharecroppers, squatters and other PAFs.**
- Community Properties Resources will be replaced in consultation with the community.

This Entitlement Framework is applicable to other sections of the project. Unidentified/unforeseen impacts will be evaluated and suitably compensated as per Entitlement Matrix which is given in chapter 2.

## CHAPTER - 2: LEGAL FRAMEWORK

### APPLICABLE LAWS

**2.1** For the DFC project, The Railways (Amendment) Act, 2008 is applicable. Based on this act and the National Rehabilitation and Resettlement Policy, 2007 an entitlement matrix has been approved by the Railway Board. A New Entitlement Matrix (at Table 2.2 A) has been prepared (pending Railway Board approval) in line with the RFCT-LARR, 2013 for cases where 20A is done after January 1, 2015 as per the RFCT-LARR Ordinance of December 2014. Any other relevant laws if applicable shall be considered.

### RAILWAYS (AMENDMENT) ACT, 2008

**2.2** The Railways Act, 1989, which consolidates and amends the law relating to Railways, was further amended in 2008. This Act is called The Railways (Amendment) Act, 2008 (RAA 2008). The RAA 2008 has been prepared for execution of a special railway project, notified as such by the Central Government from time to time, to provide national infrastructure for a public purpose in a specified time-frame, covering one or more states or Union territories.

**2.3** The main elements of Chapter IVA are shown in the following table:

Sections		Description
20 A	Power to acquire land, etc	Declaration of intention to acquire land required for execution of a special railway project. This is the first notification and empowers the competent authority to cause the substance of the notification.
20 D	Hearing of objections, etc	Objections must be made by interested persons within 30 days from the date of publication of the notification under sub-section (1) of section 20A.
20 E	Declaration of acquisition	On publication of the declaration under sub-section (1), the land shall vest absolutely in the Central Government free from all encumbrances.
20 F	Determination of amount payable as compensation	Amount to be paid as compensation shall be determined by an order of the competent authority. The competent authority shall make an award under this section within a period of one year from the date of publication of the declaration.
20F(6)	Arbitration	If the amount determined is not acceptable to either of the parties they can ask for arbitration and an arbitrator shall be appointed for this purpose.
20 G	Criterion for determination of market value of land	(i) 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  (ii) 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.
20 I	Power to take possession	To surrender or deliver possession thereof to the competent authority or any person duly authorized by it in this behalf within a period of 60 days of the service of the notice.
20 N	Land Acquisition Act 1 of 1894 not to apply	Nothing in the LA Act, 1894 shall apply to an acquisition under this Act.
20 O	Application of the National Rehabilitation and resettlement Policy (NRRP), 2007 to persons affected due to land acquisition	The Provisions Of The NRRP, 2007 for the project affected families, notified by the Government Of India in the Ministry Of Rural Development vide number F.26011/4/2007-LRD, dated the 31 <sup>st</sup> October, 2007, shall apply with regard to land acquisition by the Central Government under this Act.

## NATIONAL REHABILITATION AND RESETTLEMENT POLICY, 2007

**2.4** As per Section 20(O) of the Railways (Amendment) Act, 2008, the National Rehabilitation and Resettlement Policy, 2007 (NRRP 2007) is adopted for the DFC Project.

**2.5** The National Rehabilitation & Resettlement Policy, 2007 for Project Affected Families (PAFs) have been prepared by the Department of Land Resources, Ministry of Rural Development, and Government of India. The policy stipulates the minimum benefits to be ensured for persons displaced due to acquisition of land for public purposes. The objectives of the Policy are:

- (a) to minimize displacement and to identify the non-displacing or least-displacing alternatives;*
- (b) to plan the Resettlement and Rehabilitation of project affected families (PAFs), or project affected households (PAHs), including tribal and vulnerable households;*
- (c) to provide improved standard of living to PAFs or PAHs; and*
- (d) To facilitate a harmonious relationship between DFCCIL/CA and PAFs.*

**2.6** The Policy is applicable to projects displacing 400 or more families en masse in plain areas, or 200 or more families en masse in tribal or hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India. However, the basic principles of policy can be applied to rehabilitation and resettlement of PAFs regardless of the number of PAFs. The policy provides specific measures for vulnerable and poor groups. As of now there is no law on rehabilitation and resettlement in the country.

**2.7** The salient feature and the statements of the NRRP policy are as followings:

- (i) SIA shall be mandatory for all projects involving displacement of four hundred or more families' en masses in plain areas, or two hundred or more families' en masses in tribal or hilly areas etc. Co-ordination with EIA in the context of the public hearing done in the project affected area for EIA shall also cover issues related to SIA.
- (ii) Consultations with project affected people and disclosure of relevant information to them at various stages of resettlement planning;
- (iii) Affected people without legal rights also need to be assisted (affected people categorized landless agricultural workers, forest dwellers, tenants and artisans who are critically dependent on the acquired assets for their subsistence/ livelihoods);
- (iv) Prepare resettlement plans that are disclosed to the project affected people in draft form, and reviewed and approved by competent authorities;
- (v) Collection of socio economic base line data for project affected households;
- (vi) Vulnerable project affected people will get extra cash/kind assistance;
- (vii) A monitoring cell should be constituted under the project.
- (viii) Each project affected family comprising of rural artisan/small trader and self employed person shall get one-time financial assistance for construction of working shed/shop for livelihood support.

## WORLD BANK GUIDELINES FOR INVOLUNTARY RESETTLEMENT

**2.8** OP/BP 4.12 - Involuntary Resettlement: The key objective of the Bank's safeguard Policy 4.12 is to "ensure that displaced persons are assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher". The important clauses of the World Bank Policy in preparation of resettlement plan and policy framework includes the following:

- (a) Ensure that the displaced persons are informed about their options and rights pertaining to resettlement;
- (b) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives;
- (c) Prompt and effective compensation at full replacement cost for losses of assets;
- (d) Provide assistance and allowances;
- (e) Provide equivalent productive assets for the loss of residential house, agricultural land etc.;
- (f) Provide support for the transition period (between displacement and livelihood restoration);
- (g) Provide land related development assistance (credit facilities, training and job opportunities);
- (h) Preference should be given to land based resettlement strategies for displaced persons whose livelihoods are land-based;
- (i) Cash compensation level should be sufficient to replace the lost land and assets at full replacement cost in local markets;
- (j) Depreciation and salvage value will not be deducted from the compensation value.
- (k) Eligibility of Benefits should include the PAPs who have formal legal rights to land (including customary and traditional land rights recognised under law), the PAPs who do not have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognisable legal right to the land they are occupying;
- (l) Particular attention will be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc;
- (m) The displaced persons and their communities will be provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms will be established for these groups;
- (n) A Grievance Redressal Mechanism will be made functional to resolve all complaints and grievances of PAPs.

In addition to the above core measures, the bank's policy also emphasizes the need for a detailed resettlement policy inclusive of all the above points; a project specific resettlement plan, an institutional framework for implementation, well developed monitoring and evaluation mechanisms, a time schedule for implementation, and a detailed financial plan.

## **DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995**

**2.9** The Act is guided by the philosophy of empowering persons with disabilities. The Act endeavours to introduce an instrument for promoting equality and participation of persons with disability on the one hand, and eliminating discriminations of all kinds, on the other.

**2.10 OTHER ACTS** The following acts will be applicable for the RPF:

- Minimum Wages Act, 1948
- Contract Labour Act, 1970
- The Bonded Labour System (Abolition) Act, 1976
- Child Labour (Prohibition and Regulation) Act 1996 along with Rules, 1988
- Children (Pledging of Labour) Act, 1933 (as amended in 2002)
- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996
- Untouchability Offences Act, 1955
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995



## **2.11 RIGHT TO TRANSPARENCY AND FAIR COMPENSATION IN LAND ACQUISITION AND RESETTLEMENT AND REHABILITATION ACT, 2013 AND RIGHT TO FAIR COMPENSATION AND REHABILITATION ACT, 2014**

This RFACT in LARR, 2013 repeals the Land Acquisition Act, 1984 and is applicable to all states in India (Except the state of Jammu and Kashmir). RFACT in LARR, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement

This new Act provides an enhanced framework for providing compensation and resettlement and rehabilitation assistances through a participative and transparent process for land acquisition in the public interest. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to land acquisition, rehabilitation and resettlement. Some of the key features include the following: (i) Preliminary Investigations/Preparation of Social Impact Assessment (SIA) and prepare Social Impact Management Plan (SIMP). (ii) Preliminary Notification stating: project/ public purpose; reasons necessitating land acquisition; summary of SIA; and particulars of the Administrator appointed for the purpose of rehabilitation and resettlement; receipt of Objections and Hearing after the approval of SIA and within 12 months from the date of SIA approval; (iii) Preparation of Rehabilitation and Resettlement Scheme and its Declaration by the District Collector after the same is approved by the Commissioner-Rehabilitation and Resettlement. (iv) Public Notice and Award of compensation and R&R assistances by DC within a period of twelve months from the date of the Award publication.

The objectives of Act are as follows:

- (i) to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives;
- (ii) to ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
- (iii) to ensure that special care is taken especially for protecting the rights of the members of the Scheduled Castes and Scheduled Tribes, and to create obligations on the State for their treatment with concern and sensitivity;
- (iv) to provide a better standard of living, making concerted efforts for providing sustainable income to the affected families;
- (v) to integrate rehabilitation concerns into the development planning and implementation process; and
- (vi) Where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and affected families through mutual cooperation.

Salient features of the LARR Act, 2013 are listed below:

- (i) The Act provides for land acquisition as well as rehabilitation and resettlement. It replaces the Land Acquisition Act, 1894 and National Rehabilitation and Resettlement Policy, 2007.
- (ii) The act provides for the baseline for compensation and has devised a sliding scale which allows States to fix the multiplier (which will determine the final award) depending on distance from urban centers;
- (iii) Under the new Act, Social Impact Assessment is a key requirement; the Social Impact Assessment report shall be examined by an independent multi-disciplinary expert group, which will also include social science and rehabilitation experts;

- (iv) The affected communities shall be duly informed and consulted at each stage, including public hearings in the affected areas for social impact assessment, wide dissemination of the details of the survey to be conducted for R&R plan or scheme.
- (v) Compensation in rural areas would be calculated by multiplying market value by up to two and adding assets attached to the land or building and adding a solatium. In urban areas it would be market value plus assets attached to the land and solatium;
- (vi) The Collector shall take possession of land only after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons; families will not be displaced from land till their alternative R&R sites are ready for occupation;
- (vii) The benefits to be offered to the affected families include; land-for-land, to the extent Government land would be available in the resettlement areas; preference for employment in the project to at least one person from each nuclear family subject to the availability of vacancies and suitability of the affected person; training and capacity building for taking up suitable jobs and for self-employment;; preference to groups of cooperatives of the affected persons in the allotment of other economic opportunities in or around the project site; wage employment to the willing affected persons in the construction work in the project; housing benefits including houses to the landless affected families in both rural and urban areas; and other benefits;
- (viii) Financial support to the affected families for construction of cattle sheds, shops, and working sheds; transportation costs, temporary and transitional accommodation, and comprehensive infrastructural facilities and amenities in the resettlement area including education, health care, drinking water, roads, electricity, sanitation, religious activities, cattle grazing, and community resources, etc.;
- (ix) Special provision for the STs and SCs include preference in land-for-land; a Tribal Development Plan (TDP) for settling land rights due, restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land; community consultations; upfront payment of one-third of the compensation amount the affected families initially as first installment; payment of additional twenty-five percent id relocated outside district. Rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees;
- (x) For ensuring transparency, provision has been made for mandatory dissemination of information on displacement, rehabilitation and resettlement, with names of the affected persons and details of the rehabilitation packages. Such information shall be placed in the public domain on the Internet as well as shared with the concerned Gram Sabhas and Panchayats, etc. by the project authorities;
- (xi) No income tax shall be levied and no stamp duty shall be charged on any amount that accrues to an individual as a result of the provisions of the new law;
- (xii) The final award has to include damage to any standing crops and trees which might have been harmed due to the process of acquisition (including the preliminary inspection).

**The RAA, 2008 land acquisition procedure is exempt from the impact of RFCT LARR, 2013. However, the RFCT LARR Ordinance issued by the Government of India on December 31, 2014 says that: provisions relating to the determination and payment of compensation and R&R assistances under RFCT-LARR, 2013 shall apply to the Indian railways Act, under which the RAA, 2008 has been passed.**

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## RESETTLEMENT POLICY FOR DFC PROJECT AND ENTITLEMENT MATRIX

**2.12** The National Rehabilitation and Resettlement Policy of 2007 (NRRP-2007), represents a significant milestone in the development of a systematic approach to address resettlement issues in India and closes significantly the gap between Indian national policies and operational policy of the World Bank. The Railway Amendment Act, 2008 gives directives for the acquisition of land in the public interest and provides benefits only to titleholders. The RAA also does not provide replacement cost for the loss of land and assets but it gives 60 percent solatium above the present market price of land calculated as per provision of Sec 20G, RAA, 2008.

**2.13** To minimize the gap between National and International Policy, DFCCIL /MOR have formulated the Resettlement and Rehabilitation Policy including entitlements.

**2.14** Based on these, the following core involuntary resettlement principles are applicable:

- ❖ Avoid or minimize land acquisition and involuntary resettlement impacts by exploring all viable alternative designs;
- ❖ Where displacement is unavoidable, prepare time-bound RAP 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 including non-title holders for lost assets at replacement value;
- ❖ 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 & SESMRC.

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

**Table 2.1: Eligibility for Compensation, Assistance, and Rehabilitation**

Sl. No.	Eligibility
1	The cut-off date for listing eligible affected persons for receiving entitlements under this RAP shall be the date on which notification is issued as under the Section 20A of the RAA-2008 for legal owners and non-titleholders in affected zone. The wage linked R&R benefits and house building allowances shall be at current rates in order to meet the NRRP requirements.(Para 7.23 of NRRP)
2	Eligibility of different categories of PAFs will be as per the Entitlement Matrix shown in the section below.
3	The unit of entitlement will be the family.
4	Titleholder PAFs will be eligible for compensation as well as assistance. The traditional occupiers of village lands residing on such lands prior to 1961 shall be conferred title as per the guidelines issued by U.P Government vide their latest guidelines.



<b>5</b>	Non-titleholder PAPs will not be eligible for compensation of the land occupied by them however; they will receive compensation for the investment made by them on the land such as replacement value of structures and other assets. They will also be eligible for R&R assistance as per Resettlement Policy and Entitlement Matrix.
<b>6</b>	In case a PAFs 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.
<b>7</b>	PAFs from vulnerable group will be entitled for additional assistance as specified in the Entitlement Matrix.
<b>8</b>	PAFs belonging to BPL category will be identified at the time of disbursement of Compensation/R&R benefits. They will get benefits as detailed in Entitlement Matrix.
<b>9</b>	PAFs will be entitled to take away or salvage the dismantled materials free of cost without delaying the project activities. In case of non-fruit bearing trees, if the losers of tree wants to take down the tree on his own to use the timber for own purposes and is not interested in receiving compensation, s/he shall have a right to cut his/her trees.
<b>10</b>	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 RAP provisions.
<b>11</b>	Identification of vulnerable individuals will be done during implementation of RAP by NGOs through community consultation in the open meeting of respective Gram Sabha. NGO will verify the details of vulnerable persons such as disabled, destitute, orphans, widows, unmarried girls, abandoned women and persons above 50 years of age; who are not provided or cannot immediately be provided with alternate livelihood, and who are not otherwise covered as a part of family. In determining vulnerability, their poverty and social vulnerability shall be a key consideration. Further people below poverty line will also be supported as per provision of entitlement matrix (E1).
<b>12</b>	As per note B of Entitlement Matrix, DFCCIL would also hire an independent Evaluator registered with the Government, who can assist the replacement cost of land and provide inputs to the competent authority.
<b>13</b>	The land losers shall be reimbursed stamp duty towards purchase of alternate land/assets with the compensation received within one year of the disbursement as per the EM. Compensation award letter addressed to land losers shall contain an advice that refund of stamp duty and registration charges shall be done only for replacement land bought within a year from the date of payment of compensation in the name of land owner or in the joint name of land owner and spouse.
<b>14</b>	In providing Livelihood allowance under Para 8 of the Entitlement Matrix, the following shall be taken into consideration:- a) Landless and marginal farmers irrespective of change of status.  b) Those losing income due to shop/business.
<b>15</b>	Inclusive consultations will be held at different stages of the project cycle; ii) all PAPs are eligible to receive compensation for lost assets and for income restoration irrespective of ownership to a title to land. However, compensation for loss of land will require a title or proof of ownership

## ENTITLEMENT MATRIX

**2.16** Entitlement Matrix is presented in Table 2.2. 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 their socio-economic status.

**Table 2.2 : Entitlement Matrix as per RFCT-LARR-2013**

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
<b>A. Loss of Private Agricultural, Homestead &amp; Commercial Land</b>					
1	Land on the Project Right of Way	Legal Title holders and Affected Parties with traditional land rights	i.	i. Compensation at market value ii. Resettlement and Rehabilitation	(i) (a) Cash compensation for the land at market value, which will be determined as mentioned in Note A u/s 26 of RFCT-LARR, 2013. (b) Multiplied by a factor of 1 (One) in urban areas and by a factor of 1 (One) to 2 (Two) in rural areas as may be notified by the appropriate Government as per the same Act, and (c) Compensation for value of buildings and other immovable property or assets attached to the land or building u/s 29 of RFCT-LARR, 2013) as determined in Part B and C below. (ii) 100% solatium on the total final compensation determined as above in (i). (iii) Amount calculated

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
					<p>at the rate of 12% per annum on the market value from the date of 20A notification to the date of award or date of taking possession of land whichever is earlier.</p> <p>(iv) 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 and resettlement and rehabilitation (R&amp;R) benefits for land and assets provided this works out to be higher than compensation and R&amp;R package payable u/s RFCT-LARR, 2013.</p> <p>(v) In case only a part of any land plot is affected and its owner desires that the whole plot be acquired, the competent authority may make additional award for the remaining part of plot without</p>

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
					<p>initiating the land acquisition process afresh (Sec 94 RFCT-LARR 2013); or 25% compensation of actual value of remaining land holding which has been rendered uneconomic or has been severed due to land acquisition.</p> <p>(vi) In case of land occupiers eligible to claim title under applicable state land laws (such as occupiers of abadi or assigned lands or tribal occupiers on forest lands), compensation shall be paid at par with titleholders</p> <p>(vii) In case of multiple displacements additional compensation equivalent to that under the Act shall be paid for the second or successive displacements. (u/s 39 RFCT-LARR 2013).</p> <p>(viii) Refund of stamp duty and registration charges incurred for replacement land to be paid by the project; provided the replacement land is bought within a year from the date of receipt of compensation by the</p>

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
					affected party (Item 11 of Second Schedule, RFCT-LARR, 2013).
2		Registered/ Verified Tenants, Contract Cultivators & leaseholders		Compensation for standing crops at market rate	Registered/Verified tenants, contract cultivators & leaseholders will receive: (i) Compensation for standing crops at market rate, if 3 months advance notice has not been served. (ii) An apportionment of land compensation for the unexpired period of lease and compensation any assets erected with knowledge of the landlord as per relevant state laws. (iii) Applicable resettlement and rehabilitation assistance as discussed in E.
<b>B. Loss of Private Structures (Residential/Commercial)</b>					
4	Structure on the Project Right of Way	Title Holder/ Owner		Compensation at market rate Resettlement & Rehabilitation Assistance	(a) Cash compensation for the building and assets at market value determined u/s 29 of RFCT-LARR, 2013 and Note D. Provided that if more than 25% of the structure is affected, full compensation shall be paid u/s 94 of RFCT-LARR, 2013. (b) 100% solatium on Compensation as

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
					<p>calculated in (i) above.</p> <p>(c) 25% additional compensation to partially affected structure to enable damage repair</p> <p>(d) Right to salvage material from the affected structures.</p> <p>(e) Three months' advance notice to vacate structures.</p> <p>(f) Reimbursement of stamp duty and fees for purchase and registration of alternative property in the name of self, or/and spouse within one year from receipt of compensation.</p> <p>(g) Resettlement and Rehabilitation Assistance as applicable as under:</p> <p>(h) Each displaced family shall get a onetime transportation assistance of Rs 50,000/- for shifting of the family, building materials, belonging and cattle. (Item 6 of Second Schedule)</p> <p>(i) Each affected family that is displaced and has cattle/petty shop, shall get one time financial assistance as notified by the appropriate Government but not</p>

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
					<p>less than Rs25,000/- for construction of cattle shed or petty shop (Item 7 of Second Schedule).</p> <p>(j) Each affected family of an artisan, small trader or self-employed person OR an affected family which owned non-agricultural land or commercial, industrial or institutional structures who has been displaced shall get a one-time financial assistance of amounts, notified by the appropriate Government but not less than Rs 25,000/- . (Item 8 of Second Schedule).</p> <p>(k) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specification or cash assistance of minimum Rs. 1,00,000 for house construction. If a house is lost in urban areas, a constructed house of minimum 50 sq mts in plinth area or cash assistance of minimum Rs. 150,000 shall be provided. (Item 1 of Second Schedule)</p>

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
					<p>(l) One time resettlement allowance of Rs 50,000/-to each affected family (Item 10 of Second Schedule).</p> <p>(m) Displaced owner occupants of structures shall get monthly subsistence allowance of Rs. 3000/- per month for one year from the date of award. (Item 5 of Second Schedule)</p> <p>(n) Onetime income restoration/construction assistance of Rs. 500,000 as per Schedule II of RFCT-LARR 2013 to those losing their entire commercial or mixed use (shop cum residence) structure of more than 500 sft area. In case of structures with less than 500 sqft area, one time income restoration / construction assistance of Rs 1,00,000 in rural areas and Rs. 150,000 in urban areas shall be provided.</p>
5	Structure on the Project Right of Way	Tenants/Lease Holders		Resettlement & Rehabilitation Assistance	a. Registered lessees will be entitled to an apportionment of the compensation payable to structure owner as



Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
					<p>per applicable state/local laws, resettlement allowance of Rs. 50,000, and Rs 3,000 per month for one year or Rs 30,000 lump sum as subsistence allowance.</p> <p>b. In case of tenants, three months written notice will be provided along with Rs 50,000 towards transportation allowance.</p> <p>c. Subsistence allowance of Rs. 3000 per month for one year to commercial tenants.</p> <p>d. Three months' advance notice to vacate structures. In case notice is not provided, then three months' rental allowance will be provided in lieu of notice.</p> <p>e. In case of long term tenants staying for over three years, construction allowance of minimum Rs. 100,000 or cash equivalent of Indira Awas Yojana house, and Minimum of Rs 150,000 in urban areas shall be provided to the displaced long term tenant who is without homestead land. (Item 1 of Second Schedule).</p>

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
<b>C. Loss of Trees &amp; Crops</b>					
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: <ul style="list-style-type: none"> <li>(a) the Forest Department for timber trees</li> <li>(b) State Agriculture Extension Department for crops</li> <li>(c) Horticulture Department for horticulture, perennial trees</li> <li>(d) Cash assistance to title holders and non-title holders including informal settlers/ squatters for loss of trees, crops and perennials at market value</li> </ul> (iii) 100% solatium on Compensation as calculated in (ii) above.
<b>D. Loss of Residential/Commercial Structures to Non-Title Holders</b>					
7	Structures on the Project ROW	Owners of structures identified as on date of notification (20A)		Compensation at market cost Resettlement & Rehabilitation Assistance	(i) Encroachers (as defined in Note E) shall be given three months' advance notice to vacate occupied land or compensation for the loss of crops or structures. (ii) Squatters (as defined in

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
					<p>Note E): Compensation for their structures at market value with 100% solatium determined as per Note D.</p> <p>(iii) Resettlement &amp; Rehabilitation assistance as under:</p> <p>(a) Each displaced squatter family shall get a onetime Transportation assistance of Rs 50,000/- For shifting of the family, belonging and cattle. (Item 6 of Second Schedule).</p> <p>(b) Each affected family that is displaced and has cattle/petty shop, shall get one time financial assistance amounts, notified by the appropriate Government but not less than Rs 25,000/- for construction of cattle shed or petty shop( (Item 7 of Second Schedule).</p> <p>(c) Each affected family of an artisan, small trader or self-employed person who has been displaced shall get a one-time financial assistance of amounts, notified by the appropriate Government but not less than Rs 25,000/- . (Item 8 of Second</p>

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
					Schedule). (d) In case of displaced squatters without homestead land, construction allowance of minimum Rs. 100,000 or IAY housing cash equivalent in rural areas and minimum cash allowance of Rs 150,000 in urban areas shall be provided. (Item 1 of Second Schedule)
		<b>E. Resettlement and Rehabilitation Assistance to Project Affected Families</b>			
8	All affected families as defined in RFCT-LARR 2013	All affected families (Note E)		Resettlement & Rehabilitation Assistance	<p>a) One time resettlement allowance of Rs 50,000/-to each affected family (Item 10 of Second Schedule). This will also be extended to physically disabled persons.</p> <p>b) One time financial assistance in lieu of employment or annuity of Rs. 5,00,000 will be provided to the affected families in the following categories: (Item 4 of Second Schedule)</p> <ul style="list-style-type: none"> <li>All affected farmers losing more than half hectare of irrigated land or more than one hectare of unirrigated</li> </ul>

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
					<p>land.</p> <ul style="list-style-type: none"> <li>All small and marginal farmers losing land.</li> <li>All affected families headed by widow or divorced women.</li> <li>All Scheduled Caste and Scheduled tribe families.</li> </ul> <p>c) Each affected family getting displaced shall get given a monthly subsistence allowance of Rs. 3000/- per month for a period of one year from the date of award. (Item 5 of Second Schedule).</p>
<b>F. Additional assistance to Scheduled castes &amp; Scheduled Tribe affected families in Scheduled Areas</b>					
9	Affected Scheduled Castes & Scheduled Tribes in Scheduled Areas	Family displaced from the land acquired		Rehabilitation Assistance	<p>a) Land equivalent to the land acquired or two and a half acres, which ever is lower.</p> <p>b) Each SC &amp; ST displaced from Scheduled Areas shall receive Rs. 50,000/- in addition to monthly subsistence allowance. (Item 5 of Second Schedule of LARR2013)</p>
<b>F. Loss of Community Infrastructure/Common Property Resources</b>					
10	Structures & other resources (eg land,	Affected communities and groups		Reconstruction of community structure and common	Reconstruction of community structures and replacement of common property resources in

Sl. No.	Application	Definition of Affected Persons		Entitlement	Details
	water, access to social services etc) on ROW			property resources	consultation with the community as appropriate
<b>G. Temporary impact during Construction</b>					
11	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

### Notes to Entitlement Matrix

#### Note A

1. Compensation would be determined by Competent Authority as per provisions in LARR 2013, Section 26, which specifies the following criterion for assessing and determining market value of the land:

- (a) 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
- (b) the average of the sale price for similar type of land situated in the nearest village or nearest vicinity, ascertained from not less than 50% of the sale deeds registered during three years.

Whichever is higher.

The date for determination of market value shall be the date on which 20A notification has been issued.

(2) The market value calculated as per (1) above shall be multiplied by a factor of one or two based on the distance from urban area as may be notified by the appropriate Government.

(3) Where the market value as per (1) or (2) above cannot be determined for the reason that-

- (a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or
- (b) the registered sale deeds or agreements to sell as mentioned in clause.(a) of sub-section (1) for similar land are not available for the immediately preceding three years; or
- (c) the market value has not been specified under the Indian Stamp Act, 1899 by the appropriate authority,

The State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the Price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:

4. In determining the amount of compensation to be awarded for land acquired under LARR Act 2013, the provision under Section 28 of the Act shall be taken into consideration..

5. Those occupying village common lands/abadi lands prior to 1961 shall be eligible to be treated as “regularized land holders” as permitted by law and shall be provided with alternative land or site allowance equivalent to land compensation

#### **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**

In case only a part of any land plot is affected and its owner desires that the whole plot be acquired, the competent authority may make additional award as per Section 94 of LARR 2-13 for the remaining part of land without initiating the land acquisition process afresh.

#### **Note D**

The compensation for houses, buildings and other immovable properties will be determined on the basis of current market value by referring to relevant Basic Schedule of Rates (B.S.R) as on date without depreciation. While evaluating structure value, services of competent engineer, or any other specialist shall be hired. While considering the B.S.R, an independent evaluator registered with the Government) hired for the purpose 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**

Definitions:

**Family**:- it includes a person, his or her spouse, minor children , minor brother and sisters dependent on him.

**Affected family** includes-

- (i) a family whose land or other immovable property has been acquired;
- (ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;
- (iii) the Scheduled Tribes and other traditional forest dweller who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Righ6) Act, 2006 due to acquisition of land
- (iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;
- (v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;
- (vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land.

**Displaced family**: A family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area.

**Land**:- it includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

**Land owner**:- includes any person-

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

**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.

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### Further guidelines for applying Entitlement Matrix

**3.17** At the time of compensation evaluation before declaration of award u/s 20 F of RAA' 2008, CA will also consider the compensation by 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. Each PAPs shall be advised individually about the details of compensation and the how the rates are calculated. The details of compensation methods are available in the copy of award which available in CPM office. This EM shall be applicable for all awards declared after 18th January 2011.

**3.18** In case where award is already declared by CA and there is difference in compensation, in such cases PAPs can approach to Arbitrator through Grievance Redressal Mechanism provided in the RAP in Chapter-6. In case the land compensation has been made as per the RAA, 2008 after January 1, 2015 without taking into consideration applicable provisions of RFCT-LARR Ordinance of December 31, 2014, the difference in award shall be paid as per the RFCT-LARR, 2013.

**3.19** With regard to enlisting the physically disabled people under Para \_\_\_\_ of Entitlement Matrix, the following shall be considered:

a) In case of Disabled people, the level of disability shall be decided as per the medical certificate issued by the CMO of the concerned district. The vulnerability of the disabled person shall be declared in the open meeting of Gram Sabha and a person having more than 50% disability certificate may be considered for this benefit.

**3.20** The losers of tree shall have a right to cut their trees in case they are not interested in taking compensation for the trees.

**3.21** In case of Common Property Resources, if the land and structure is privately owned the compensation for land shall be paid to the Title holder as per the RAA-2008. The reconstruction/replacement of the CPR shall be implemented in consultation with the community as appropriate.

**3.22** No Income tax shall be levied on any award of compensation and R&R.

**3.23** In case of Abadi Deh land, compensation shall be paid to the abadi land holders at par with the land owners; in case of occupiers of village common lands, alternative sites or site allowance will be provided to the displaced families in coordination with the concerned Panchayats that receive compensation towards acquisition of the village common lands.



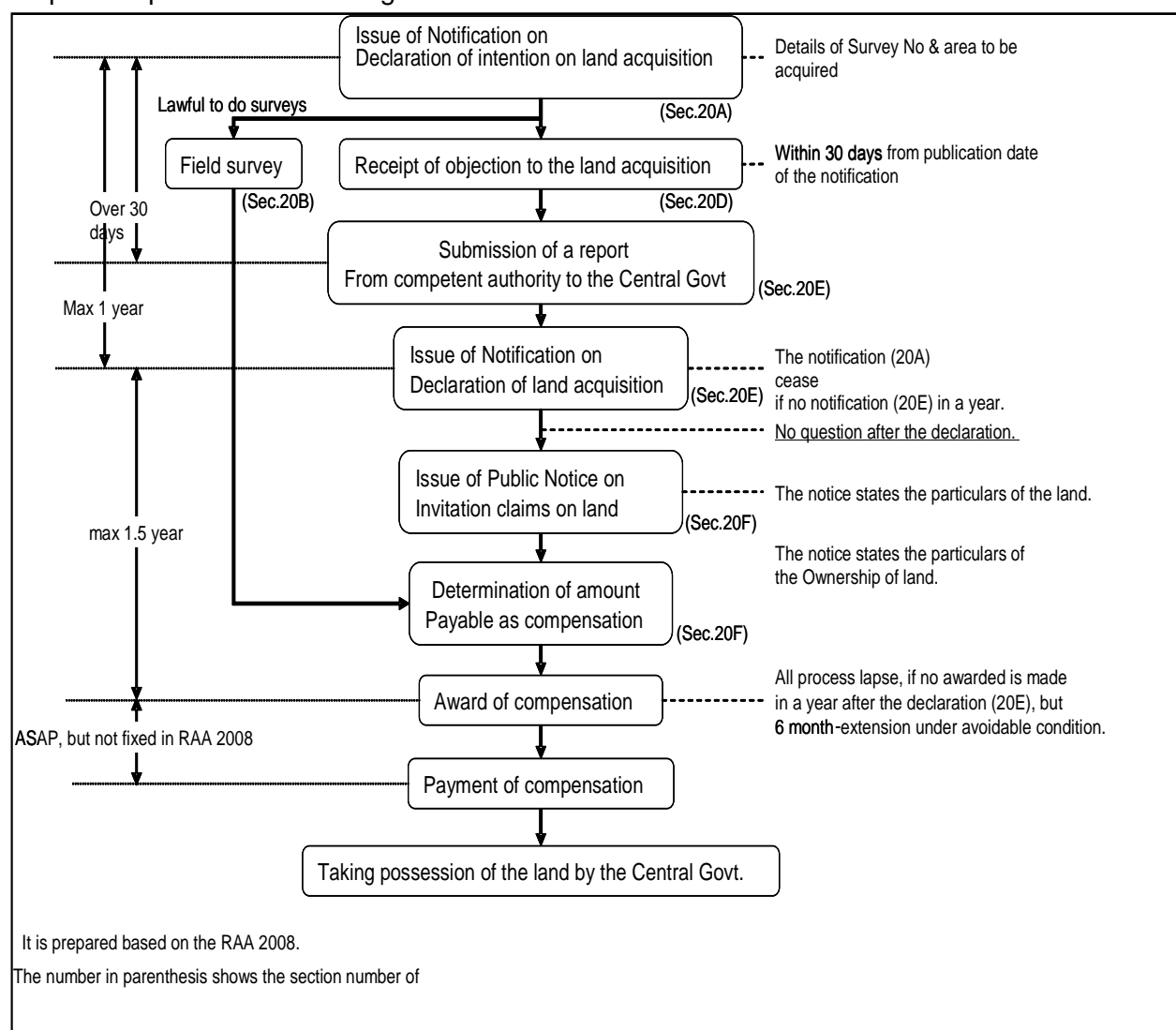
## CHAPTER – 3: LAND ACQUISITION REQUIREMENTS AND COMPENSATION PAYMENT PROCESS

### LAND ACQUISITION PROCESS IN EDFC PROJECT

**3.1** The proposed DFC track shall run parallel to the existing railway tracks. Average land width available for laying the DFC tracks will range from 12 -16 meters. The proposed cross sections indicate that about 40 meter land is required to accommodate various features of proposed tracks. At detours the land width required may be a maximum of 60 meters. The proposed EDFC project has been declared as 'Special Railways Project' as per The Railways Amendment Act, (RAA) 2008 (section 2 of the Railways Act 1989). **The new Entitlement Matrix shall be applicable to the following categories (subject to approval of Railway Board) :**

- Where 20A done after 01.01.2015
- Where 20A issued before 01.01.2015 but Award under 20F not declared, land compensation as per new EM.
- Where 20A issued before 01.01.2015, Award under 20F declared but compensation in respect of majority of land holdings have not been paid, land compensation as per new EM to all beneficiaries in the village.

In EDFC Project, land acquisition process is going as per RAA, 2008. A flowchart of the land acquisition process is shown fig. 3.1:



**Fig. 3.1: Flowchart of the Land Acquisition Process under Railways (Amendment) Act, 2008**

### **Appointment of Competent Authority**

**3.2** As per Section 7A of RAA 2008, Ministry of Railways has already nominated Competent Authority to act as land Acquisition Officer all along the corridor. Competent Authority has been empowered to declare the award along with other benefits as per Entitlement Matrix approved by Railway Board.

**3.3** The Competent Authority in addition to discharging his duty for land acquisition as under RAA, 2008 shall also be designated as the Administrator for R&R as under NRRP, 2007, and shall be responsible for payment of all applicable R&R assistance as per the Entitlement Matrix.

### **APPOINTMENT OF ARBITRATOR**

**3.4** As per Clause 20F(6) of RAA 2008, the Commissioners of Revenue Divisions have been appointed as Arbitrators for the various districts vide respective Gazette notifications.

### **Preparation of Land Plans**

**3.5** After issue of 20 A notifications, land surveys along the DFC's intended ROW are conducted to produce a "Land Plan" for respective sections at scale of 1:3,000 ~ 4,000. It identifies village names/Sub district (Block) names together with their boundaries traversed /bisected by ROW on both sides.

**3.6** A Land Acquisition Plan is also produced at the same scale to indicate respective land plot (Khasra) revenue survey map boundaries and numbers referring to the land registration maps maintained by Village level administration, together with detail acreage measured in hectares. It also includes collecting details such as owner of property, type of structure, number of floors and land use patterns, such as agriculture, commercial, barren, forest etc.

**3.7** Land acquisition proposal is prepared in the format prescribed by the revenue department of respective states including collection of property records, Khasra and Khatauni including superimposition of revenue record on proposed alignment & calculation of area to be acquired, preparation of statement of area to be acquired along with Land Owners details etc. This proposal is then submitted to the Competent Authority and after his approval, published under section 20A & 20E of Railway Amendment Act, 2008.

### **Acquisition Process for government land**

**3.8** After the publication of mandatory notification i.e. 20A as per RAA, 2008 the proposal for resumption of land is submitted to the Collector of concerned district. The Collector then decides the amount which will have to be deposited in the Revenue head of Government treasury by the DFCCIL. This amount is worked out at the Tahsil level and the report submitted to the collector who compiles it and gives the demand. After deposit of money by the acquiring agency, land is transferred by an order of collector.

### **Inputs from Independent Evaluator for Determination of Land Price**

**3.9** DFCCIL will hire an Independent Evaluator registered with Government, to assist the CA in assessing the replacement cost of land as follows and provide inputs to the Competent Authority as given in Entitlement Matrix;

- (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.

**3.10** The Competent Authority may take inputs from the independent evaluator before deciding the compensation for the land. This is likely in cases especially where (a) more than “One Acre” of land is to be acquired; (b) where a wide variance between the local market rate and the circle rate, or (c) higher unit rates for similar land parcels offered by other projects in the impacted locality is reported. This power rests with the Competent Authority as per EM.

### **Valuation for Residual Plots**

**3.11** If the residual plot (s) is (are) not economically viable, the Executing Agency (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 being less than average land holding of the district after EA purchase, the Executing Agency in agreement with the Affected Party, will follow one of the following:

The DFCCIL will buy the residual land for the project following the entitlements listed in the entitlement matrix; or it will pay the affected party 25% of the land compensation payable for that portion of land without its purchase as hardship allowance. Land hardship is determined based on severity of impact on land. DFCCIL has proposed to assist such PAFs in case left out land is not viable. This is clearly elaborated in EM (chapter -2).

### **Replacement Cost of Land**

**3.12** Cash compensation for the land at market value which will be determined as per 20G of RAA-2008 which envisage as “the competent authority shall adopt the following criteria in assessing and determining the market value of land (a) the minimum land value if any, specified in the stamp act 1899 for the registration of sale deeds in the area where the land is situated or (b) the average of sale price for similar type of land situated in the village of vicinity ascertained from not less than 50% of the sale deed registered during the proceedings three years where higher price has been paid whichever is higher. To make the compensation near the market value based on the feedback of the PAPs a new clause A(iii) has been added in the entitlement matrix according to which any rate approved by the State Government may be adopted by the Competent Authority. In addition to above following provisions had been made in the Entitlement Matrix to bring the compensation rate equivalent to replacement value.

- (i) 60% solatium on the compensation determined in (i) above (section 20F (9) of RAA 2008). Or alternative compensation package as per para A3 of the EM.
- (ii) Ex-gratia amount of Rs 20,000/- for those losing land up to 1,500 Sqm; Plus additional ex-gratia @ Rs.15 per Sqm for area acquired above 1,500 Sqm.
- (iii) In order to ensure payment of compensation at replacement cost, 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.
- (iv) Policy for acquisition/ compensation for residual land, if required.
- (v) Compensation award letter addressed to land losers shall contain an advice that refund of stamp duty and registration charges shall be done only for replacement land bought within a year from the date of payment of compensation in the name of land owner or in the joint name of land owner and spouse.
- (vi) In dealing with compensation related issues, DFCCIL has provided guidelines for the District Grievance Committee to hear and resolve complaints relating to the type of land and assets, area/extent of impact and valuation, ownership and eligibility.

In addition to above following R&R assistance is also being provided:-

- (i) Transition allowance of Rs.4000/- per household.

- (ii) Shifting allowance of Rs.10,000/- to each affected family
  - (iii) Cattle shed assistance of 15000 rupees
  - (iv) House construction assistance at current rates declared by the government
  - (v) Assistance for construction of working shed / shop.
- (i) 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 to the affected family.

### **Valuation of Fixed Assets**

**3.14** 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.

### **Compensation Payment Process**

#### **3.15 The process shall be as follows:**

- Since the project will be implemented through respective CPM offices. DFCCIL will adopt following fund flow mechanism for the timely implementation of RAP.
- DFCCIL will get approval of required funds for both LA and implementation of RAP from Ministry of Railways and will maintain a separate account for LA including R&R under the project.
- As per section 20F (I) of RAA 2008, where any land is acquired under this act, there shall be paid an amount which shall be determined by an order of competent authority.
- The money shall be deposited in a separate joint saving bank account in a nationalized bank preferably in a State Bank of India in the name of competent authority, who are all State Government officers and the officials nominated by DFCCIL preferably Assistant Manager (Finance). All the payments released towards compensation will be released into the Joint Accounts.
- Any amount, if likely undisturbed for more than a year from the date of last transaction in the Joint Bank Account of Competent Authority (Land Acquisition) and Assistant Manager/Manager (Finance), DFCCIL along with any amount of interest lying in the said account, shall be remitted back to account of DFCC after closing the joint account. The claims of compensation and arbitration award if any, after closing of joint account shall be recommended by competent authority to concerned CPMs who shall in turn refer it to the head quarter for release of payment.
- Disbursement of compensation will be done by cheques jointly signed by the account holders, DFCC will prepare all the documents required for taking possession of the land will be taken by Railway official immediately and handed over to DFCCIL officials and land handing over documents will be signed by Railways as well as DFCCIL official. Subsequently, lease agreement would be signed based on these documents.
- The payment of R&R assistances will also be done in a similar fashion as per Entitlement Matrix by the Administrator-R&R/ Competent Authority.

### **Facilitating the Computation and Disbursement of compensation for Land Acquisition**

**3.16** Assistance will be provided to CA for preparation and distribution of compensation, for opening of bank accounts for affected families in the nearby or schedule /regional rural bank and subsequent deposition of cheques in the said account while also keeping the acknowledgement of receipt of compensation cheques for record. The disbursement of

compensation will be organized by making a suitable camp including arrangement of tents etc where required and with video /photography of the event. This information will be made to the concerned PAFs at least a week in advance.

### **Providing Legal assistance for Land Acquisition**

**3.17** All necessary arrangements for transferring the land title to IR/DFCCIL with all legal formalities like purchase of stamp papers, typing work involved, handing/taking over land, attending the Revenue Department, all charges payable to Govt. such as stamp duty etc shall be paid by DFCCIL. The facilitating NGOs under the guidance of APM (Social) shall provide facilitative support to PAFs enabling them to receive the LA compensation and other rehabilitation assistance as per their eligibility.

### **Possession of Land**

**3.18** Section 20J of RAA 2008 empowers Central Government to enter and do other act on the land after publication of 20E. However, in compliance of the social safeguard requirements of the World Bank policy, the process of payment for compensation of the award of the land owners, and disbursement of applicable rehabilitation assistance to the concerned PAFs (especially for all the structure losers) shall be completed before taking the land into possession for carrying out any activity on the land. For Government land, physical activity on the land shall be started after depositing the required amount as per the resumption order by the State Government or on getting a no objection certificate from the State Govt. Adequate notice will be given to PAFs prior to start civil work. No structures shall be disturbed till PAFs receives their Entitlements. MOR shall take possession of land with the DFCCIL acting as the facilitator. In both the cases the Competent Authority/Administrator-R&R and the Chief Project manager shall jointly certify that the land acquisition and R&R process have been completed.



## CHAPTER – 4: INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENT

**4.1** DFCCIL is responsible for the technical aspects and overall execution of the Project. Chief Project Manager's Offices (CPM office) have already been established at Field Level. CPM Office are headed by an officer of the rank of General Manager. At the Head Office, Social & Environmental Management Unit (SEMU) has been created headed by an officer of the rank of General Manager to look after Land Acquisition and Rehabilitation and Resettlement process. DFCCIL as project implementation agency is responsible for monitoring the use of loan funds and overall implementation process. DFCCIL, headed by Managing Director, will have overall responsibility for policy guidance, coordination and planning, internal monitoring and overall reporting of the Project. SEMU facilitates land acquisition and compensation, relocation and resettlement, and the distribution of assistance for the PAPs. The main responsibility of SEMU is monitoring and implementing all resettlement and rehabilitation activities, including land acquisition. The responsibilities of this unit include:

- (a) Responsible for all land acquisition activities;
- (b) Liaison with respective CPM offices to facilitate PAP access and take advantage of services and programs already in place;
- (c) Evolve mechanisms for coordinating the delivery of the compensation and assistance to entitled persons;
- (d) Review and provide social development perspectives and inputs to on-going project design and implementation by working closely with project planners, contractors, and construction supervision consultants;
- (e) Oversee a grievance redress process, actively monitor RAP implementation, and cooperate with planned project evaluations.

### R&R INSTITUTIONAL LEVEL AT THE HEADQUARTER LEVEL

**4.2** Presently, DFCCIL has following institutional structures:-

- a) **Managing Director**, DFCCIL, is responsible for the successful implementation of the project.
- b) **Director, (Project and Planning)**, DFCCIL, is the Chief Executive of the project and is responsible for successful implementation of the various project components including RAP. In respect of RAP, specific responsibilities include the following
  - Coordination with the Railway Board and relevant state government authorities on land acquisition, R&R entitlements and other social components.
  - Report the progress in RAP implementation to MD, DFCCIL
  - Report to Railway Board (ED,LA) about progress in LA and R&R,
  - Interact regularly with SEMU staff,
  - Monitor progress of R&R with SEMU Staff and field CPMs.
  - Ensure timely release of money to CA offices required for RAP implementation and
  - Take up issues with MD for issues to be resolved at the Railway Board (MOR).
  - Framing corporate policy including Entitlement Matrix, etc.
- c) **Social and Environmental Management Unit (SEMU)** Presently, the SEMU has a General Manager who is overall incharge of Land acquisition and SEMU, General Manager incharge of Environment, Additional General Manager, SEMU & Additional General Manager (LA). SEMU has also hired an Environmental Expert and Social Expert. The SEMU unit has been strengthen with DGM (Grievances).The entire SEMU unit is responsible for the smooth



implementation of RAP. During the course of the project implementation, SEMU will be responsible for the following. The Unit is not responsible for direct implementation of LA and R&R, but for documenting and monitoring the process and ensures overall coordination.

- Report to Dir. /PP about the progress in LA and R&R,
- Coordinate with the CPM offices, on the implementation of RAP,
- Prepare formats and agree on criteria for the verification of PAFs,
- Review individual micro plan (including R&R entitlements) prepared by the CPM offices,
- Develop training modules for project staff and other functionaries on managing social aspects of the project.
- Guide CPM offices in matters related to resettlement and rehabilitation.
- Ensure budgetary provision for resettlement and rehabilitation
- Ensure timely release of budget for implementation of RAP.

### **Capacity Augmentation of DFCCIL (SEMU) unit at Corporate Office**

**4.3** Institutional arrangement at DFCCIL Head Office will include augmenting the capacity of the Social and Environmental Management Unit (SEMU). The Environment Expert & Social Experts have already been appointed. DGM (Public Grievances) has also been appointed at Corporate Office.

**4.4** One Consultant (Social) will look after the resettlement and rehabilitation components of the Project and ensure that all rehabilitation and resettlement issues are complied as per the policy. He will be assisted by Asst Project Manager (Social) in the CPM office.

### **Role and Responsibility of Head Quarter Officials for RAP Implementation**

**4.5** The administrative roles and responsibilities are given below in Table 4.1.

**Table 4.1: Administrative and Financial Responsibilities of SEMU Unit for RAP Implementation**

<b>Personnel</b>	<b>Administrative Roles and Responsibility</b>
<b>General Manager (SEMU)</b>	<ul style="list-style-type: none"> <li>• Responsible for all work related to Environmental and Social Considerations of the project.</li> <li>• Responsible for coordinating with World Bank for all environmental and social consideration of the Project.</li> <li>• Responsible for monitoring the Process of Land acquisition and RAP implementation. Assistance given by AGM/Land acquisition.</li> <li>• Grievance redress related to Land Acquisition / social and environmental considerations. The GM is assisted by DGM/E for disposal of all grievances related to LA and implementation of RAP for the project.</li> <li>• Ensure budgetary provision for resettlement and rehabilitation of PAPs and relocation, rehabilitation and reconstruction of common property resources (CPR).</li> <li>• Ensure timely release of budget for implementation of RAP.</li> </ul>
<b>AGM/SEMU</b>	<ul style="list-style-type: none"> <li>• Assisting GM SEMU in all social and environmental issues and reports to GM (SEMU),</li> <li>• Assisting in finalisation of Environmental and Social reports prepared by the consultants,</li> <li>• Public disclosure of EIA, EMP, SIA, SMF, RAP etc.</li> <li>• To provide assistance for devising suitable institutional mechanism to monitor</li> </ul>

Personnel	Administrative Roles and Responsibility
	<p>and supervise effective implementation of EMP and RAP,</p> <ul style="list-style-type: none"> <li>• To provide information for any parliament questions / RTI query on environmental aspects of the project,</li> <li>• To furnish information to PR/Adm department of DFCCIL for any environment impact related News item appearing in the print or electronic media.</li> </ul>
<b>AGM/LA</b>	<ul style="list-style-type: none"> <li>• Processing of proposals for land acquisition for notification of 20 A and 20E at Corporate Office,</li> <li>• Coordinating the land acquisition cases in Ministry of Railways, Ministry of law, Official language section and publication department for notification of 20A and 20E.</li> </ul>
<b>DGM/Grievance</b>	<ul style="list-style-type: none"> <li>• In charge of complaint receipt section,</li> <li>• To process for redressing any complaint or grievance received directly in DFCCIL corporate office,</li> <li>• To assist GM SEMU in getting remarks on complaints/grievances on R&amp;R issues from concerned officers. To give replies to the complaints based on decision taken in corporate office,</li> <li>• To maintain data base of complaint received and replies given to the complainants,</li> <li>• To assist GM SEMU in monitoring the grievance redress process pertaining to R&amp;R issues,</li> <li>• To process any RTI case / query related to land acquisition.</li> </ul>
<b>Social Safeguard Specialist</b>	<ul style="list-style-type: none"> <li>• Assist CPM office in the implementation RAP,</li> <li>• Provide on an on-going basis technical assistance to facilitating NGOs, build their capacities and ensure R&amp;R program is implemented,</li> <li>• To prepare, manage and retrieve the database of LA and R&amp;R of EDFC,</li> <li>• Prepare reporting formats for NGOs,</li> <li>• Coordinate with NGOs towards implementation of RAP,</li> <li>• Review and prepare progress report on LA and R&amp;R,</li> <li>• Report to GM (SEMU) about the progress,</li> <li>• Develop innovative implementation strategies within the framework of RAP. This essentially involves close collaboration and working with the CPM office, Project Beneficiary Groups (PBGs), and facilitating NGOs,</li> <li>• Monitor the implementation of RAP and to prepare required monitoring reports,</li> <li>• Interact with Monitoring and Evaluation (M&amp;E) agencies in developing monitoring formats,</li> <li>• Organize training and capacity building modules for officials of DFCCIL, LAFC and RRFC.</li> </ul>

Organizational Structures for Head Office is given Fig 4.1

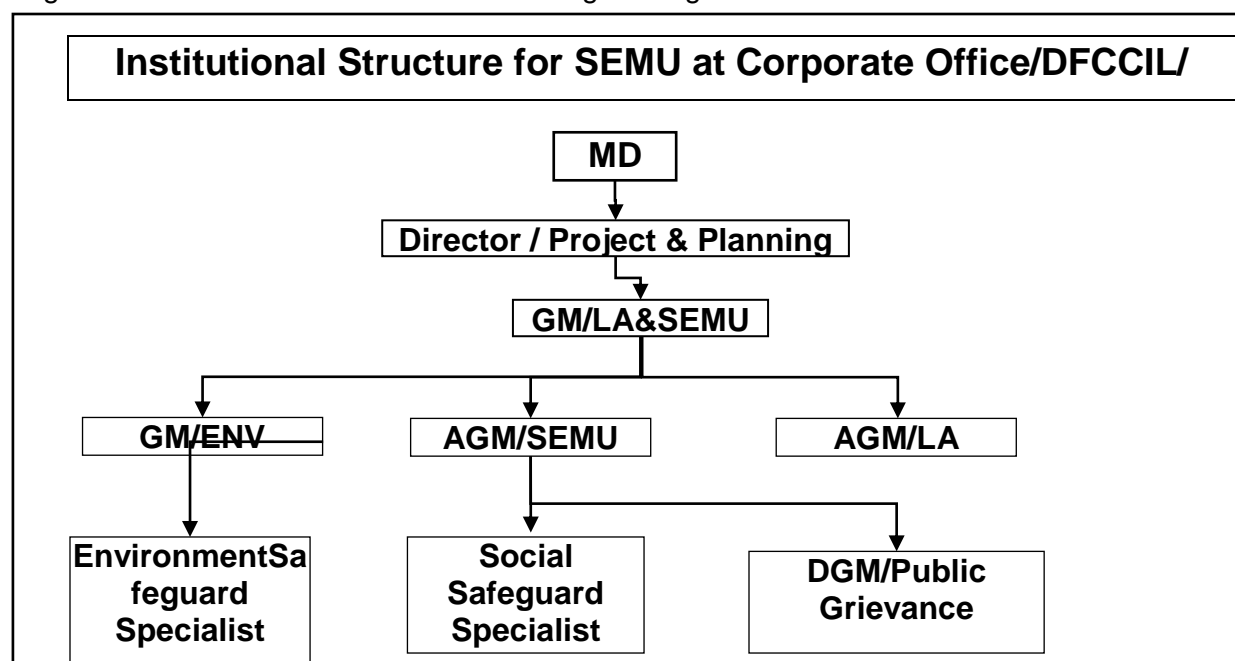


Fig. 4.1: Organizational Structures for Corporate Office

## R&R INSTITUTIONS AT THE FIELD LEVEL

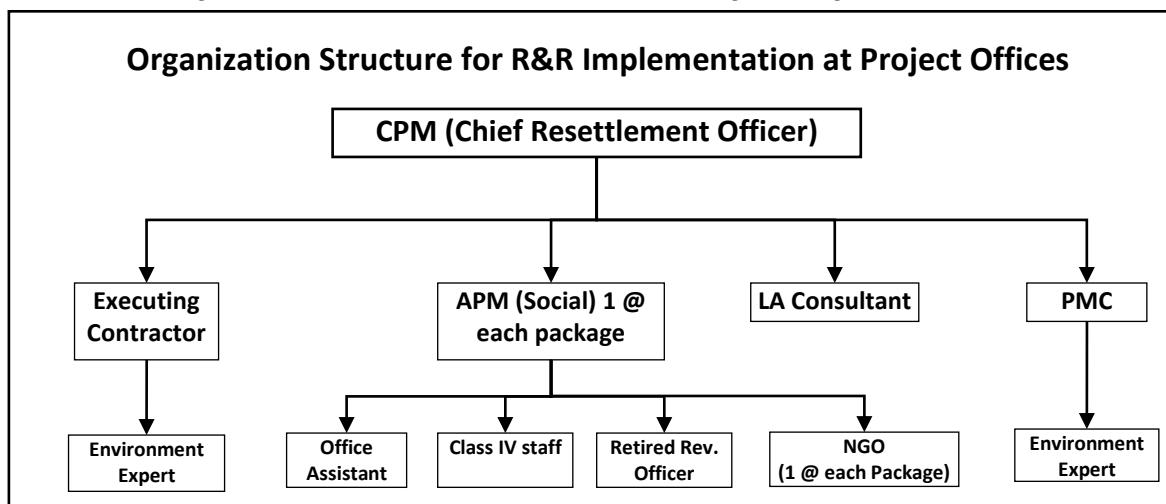
**4.6** Presently, in the field, the Chief Project Manager (CPM) is looking after the overall land acquisition work. He is assisted by a Deputy Chief Project Manager (Dy.CPM), and Assistant Project Managers (APMs). The CPM is assisted by Land Acquisition Facilitation Consultant (LAFC). Roles and responsibilities are presented in Table 6.2. Furthermore, one retired revenue officer and one data operator has been provided to each Competent Authority to help in Land Acquisition. Training on R&R issues is envisaged to be given to the APMs so that they have a better understanding of the R&R situation under the project. This system is expected to continue till the work starts.

**4.7** Chief Project Manager has been assigned as Chief Resettlement Officer (CRO), whose role is to cater to the affected people's need for rehabilitation and resettlement. The CRO will be assisted Assistant Project Manager (APM/Social) one for each package and Assistant Project Manager (APM/Environment) to look after the implementation of RAP. The benefits under NRRP-2007 as approved in EM shall be implemented by CRO/CPM. The recommendations of GRCs shall be implemented directly by the CRO. In case the CRO has difference of opinion, the appeal shall lie with the HQ level GRC. CRO shall be responsible for implementing resolved grievances.

Under APM/Social, one social management/cell will be established. One retired revenue officer and one office assistant cum computer Operator will be under this cell to look after of RAP implementation and social issues. For every contract (100 km). APM (Social) post will be filled up on deputation from eligible Railway Staff or a suitable person taken on contract basis. This team will be detailed to look after all the pending R&R issues including compensation, R&R disbursement and re-imbursement of stamp duty etc.

Similarly, Project Management Consultant and Executing Contractor will be available once construction work starts to oversee R&R work.

#### 4.8 The Organizational Structures for Field Office is given Fig 4.2



**Fig. 4.2: Organizational Structures for Field Office**

#### 4.9 Broad roles and responsibilities of field unit would be as follows:

- Co-ordinate with the District Administration, on Land Acquisition and R&R activities,
- Close liaison with PAPs like Titleholder and as well as non-titleholders,
- To have a regular interaction with the Local Communities to develop good working relationship,
- Disclosure of information in field offices,
- Facilitating NGOs will assist in implementation of RAP (ToR is attached as annexure 6.1,)
- Ensure meetings on resettlement and rehabilitation policy and RAP and intensive information dissemination,
- Ensure inclusion PAPs who could not be enumerated during census but have documentary evidence to be included in the list of PAPs,
- Develop and maintain a PAP level database including aspects related to losses, compensation, R&R entitlement, release of funds and utilization,
- Ensure that the R&R assistance is used for the purpose it is meant for,
- Ensure preparation of identity cards and distribution of the same to PAPs,
- Ensure disbursement of resettlement and rehabilitation assistance in a transparent manner.
- Participate in meetings related to resettlement and rehabilitation issues,
- Facilitate in opening of joint account of PAPs,
- Monitor physical and financial progress on LA, R&R,
- Prepare monthly progress report related to physical and financial progress of implementation of RAP,
- Ensure release of compensation and assistance before taking over the possession of land prior to start of construction work,
- Ensure relocation, rehabilitation and reconstruction of CPRs before dismantling through proper mechanism.

### ADMINISTRATIVE ROLES, RESPONSIBILITIES & FINANCIAL POWERS

**4.10** The administrative roles and responsibilities are given below in Table 4.2 and financial powers are as mentioned in Schedule of Powers (SOP) of DFCCIL.

**Table 4.2: Main Administrative and Financial Responsibilities of Field Unit for RAP Implementation**

Personnel	Administrative Roles and Responsibility
<b>CPM</b>	<ul style="list-style-type: none"> <li>➤ Overall in charge of LA and R&amp;R.</li> <li>➤ Participate in State and District level meetings to facilitate LA and R&amp;R activities.</li> <li>➤ Responsible for executing the work from NGOs and M&amp;E consultants.</li> <li>➤ Periodic appraisal of progress and reporting to the World Bank and the DFCCIL HQ on monthly basis</li> <li>➤ Action related to resolution of grievances as advised by the GRC/ombudsman.</li> </ul>
<b>Administration for R&amp;R /Competent Authority</b>	<ul style="list-style-type: none"> <li>➤ Award for compensation of land and structures as per RAA 2008 and EM.</li> <li>➤ Award for R&amp;R benefits as per Entitlement Matrix.</li> </ul>
<b>APM (Social)</b>	<ul style="list-style-type: none"> <li>➤ Responsible for R&amp;R Implementation and Land Acquisition in the field and in charge of day to day activities,</li> <li>➤ Prepare progress report on physical and financial monitoring of R&amp;R and submit to CPM,</li> <li>➤ Oversee the process of land acquisition, shifting of CPRs and other assets in the field,</li> <li>➤ Scrutinise and certify the structures valuation report submitted by the Evaluators,</li> <li>➤ Conduct periodic review with staff,</li> <li>➤ Submit monthly progress reports to CPM on R&amp;R activities.</li> <li>➤ Directly interact with PAFs and record their views and grievances and transmit the same to the CPM/RR Committees</li> <li>➤ Monitor the community level activities of the NGOs</li> </ul>
<b>NGO</b>	<ul style="list-style-type: none"> <li>➤ Develop rapport with PAPs,</li> <li>➤ Constitute Project beneficiary Groups (PBGs)/SHGs</li> <li>➤ Develop communication strategies (on regular basis through formal information centres)) to address grievances of PAPs,</li> <li>➤ Assist PAPs in updating land record.</li> <li>➤ Assists PAPs in addressing their grievances though established procedures as per RAP.</li> <li>➤ Liaison with Revenue Department,</li> <li>➤ Coordinate with LAFC to facilitate DFCCIL in the implementation and management of LA&amp;R&amp;R.</li> <li>➤ Put into practice the innovative implementation strategies developed by the SEMU (HQ).</li> <li>➤ Liaise with the District Administration and other development agencies to dovetail their development programs for the socio-economic improvement of affected communities and vulnerable groups.</li> <li>➤ Develop innovative mechanism/methodologies to ensure active</li> </ul>

Personnel	Administrative Roles and Responsibility
	<p>involvement of various project stakeholders in the implementation of RAP like Formation of project beneficiary group (PBG)/SHGs for rehabilitation of PAPs,</p> <ul style="list-style-type: none"> <li>➤ Shall submit final R&amp;R eligibility lists and assist in the monitoring and evaluation of RAP,</li> <li>➤ Assisting PAPs with income restoration and livelihood strengthening measures</li> <li>➤ Attend to any other relevant responsibilities assigned by the CPM,</li> </ul>
<b>LAFC</b>	<ul style="list-style-type: none"> <li>➤ Distribution of Notice to Khatedar after notifications</li> <li>➤ Collection of Sale deeds (Registry Rate) of each Villages</li> <li>➤ Preparation of entitlement matrix &amp; compensation package</li> <li>➤ Survey &amp; Valuation of structure tube wells &amp; other properties.</li> <li>➤ Preparation of reply of objection against notification for compensation claims and coordinating with C.A.</li> <li>➤ Preparation approval &amp; agreement for distribution of compensation</li> <li>➤ Joint measurement with revenue staff &amp; and DFCCIL</li> <li>➤ Making proposal for acquisition of Govt. land &amp; other follow up with revenue official.</li> </ul>
<b>PMC</b>	<ul style="list-style-type: none"> <li>➤ Assist in internal monitoring and supervision of the LA/R&amp;R</li> <li>➤ Assist in coordinating the LA R&amp;R and the civil work process</li> </ul>
<b>Social and Environment Safeguard Monitoring and Review Consultant (SESMRC)</b>	<p>Carry out quarterly monitoring and annual quality audit of the LA and R&amp;R implementation focussing on timeframe, PAP communication and consultation, distribution of entitlements, grievance redress, coordination with civil work, PAP satisfaction especially with regard to rehabilitation of the displaced and livelihood restoration of the poor land losers, intermediate outcomes of the LA and R&amp;R; and recommend improvements in policy and implementation, if any.</p>

## CORPORATE SOCIAL RESPONSIBILITY

**4.11** DFCCIL will take social responsibility for reconstruction of community structures and replacement of common property resources like Temple, Schools, Colleges, Roads, and Hospitals in consultation with the community. The facilitating NGOs will organize PCM with concern stakeholder's to decide the CSR work to be done by DFCCIL. However, the DFCCIL will follow Gol guidelines to plan and carry out CSR.

## Environmental Protection

**4.12** Environmental Assessment is also required to be conducted and environmental impacts are observed and subsequently EMP shall be formulated. This project falls under 'A' category as per World Bank classification. All possible mitigation measures shall have to be adopted by DFCC, such as detours proposed at busy and dense locations and utilizing existing Railway Land. Environmental issues will be mitigated with the implementation of EMP. Based on feedback from consultation and as per the Environmental Management Plan (EMP), health and safety issues will be addressed including with regard to minimizing sound impacts, accident risks, and management of work camps. The contract documents will include a clause which will prevent any involvement of child labor and ensure equal wages for both men and women as per and health and safety measures as per the applicable laws of the country. The details of such contract clauses are included in EMP which is part of bid document also.

## MONITORING AND EVALUATION

### Need for Monitoring

**4.13** Monitoring & Evaluation will focus on effectiveness of RAP implementation, including the physical progress of land acquisition and R&R activities, the disbursement of compensation, the effectiveness of public consultation and participation activities, and the sustainability of income restoration and development efforts among affected communities. The objective of monitoring is to provide the project authorities with feedback on RAP implementation and to identify problems and successes as early as possible to allow timely adjustment of implementation arrangements. For these reasons, monitoring and evaluation of LA and R&R activities have been delineated in the RAP and will be integrated into the overall project management process. This section provides a coherent monitoring plan, which identifies organizational responsibilities, methodology, and schedule for monitoring and reporting. The three components of this monitoring plan include: (a) performance monitoring, impact monitoring; and end term evaluation or completion audit.

### Performance Monitoring

**4.14 Performance Monitoring**—Performance monitoring will be an internal management function allowing the DFCCIL-SEMU to measure physical progress in LA and R&R activities against milestones set out in the RAP implementation plan. Progress will be reported by field unit to corporate office (SEMU Unit) against the time schedule with dated list of targeted actions (Performance for performance monitoring is given as annexure 4.2). Performance milestones will include:

Public consultations held: Confirmation of the census survey of PAPs in various categories for disbursing R&R benefits including especially for cattle shed owners; vulnerable families requiring subsistence allowance; families requiring livelihood assistance; land tenants and share croppers;

- Completion of additional assessments in case of design changes
- functioning of the grievance redress mechanisms in place;
- Compensation payments;
- Relocation of displaced families with R&R benefits disbursed;
- Provision of facilities to replace damaged/affected CPR;
- Rehabilitation of small/marginal and landless farmers losing land/livelihoods
- Income restoration and development activities initiated;
- Periodic progress reports submitted

**4.15** The SEMU will be responsible for performance monitoring at the project level and the CPM office will be responsible for performance monitoring at the field level; Performance Monitoring will involve periodic field visits by SEMU and continuous implementation monitoring by the CPM and his staff including APM-Social and the facilitating NGOs. This process of performance monitoring will be supported by the Social and Environmental Safeguards Monitoring and Review Consultants (SESMRC), appointed by DFCCIL, who will prepare monitoring reports and suggest operational remedies in the LA&RR implementation process as required.

**4.16 Process and Impact Monitoring:** The Social and Environment Safeguards Monitoring and Review Consultant (SESMRC) consultant/agency will quarterly provide independent quality audit of the RAP implementation and assist in monitoring impacts in order to verify the effectiveness of internal monitoring, and to suggest adjustment in policies, delivery mechanisms and procedures as required. The external monitor will submit quarterly report to determine the quality and effectiveness of RAP implementation. Quality and Impact Monitoring will help gauge the



effectiveness of the RAP and its implementation in meeting the needs of the affected population. The effects of RAP implementation will be tracked against the baseline conditions of the population prior to project implementation. This baseline has already been established through the census and baseline socio-economic survey during SIA. Some key objectively verifiable indicators for measuring the impact of land acquisition and physical relocation include: health and welfare of affected population and the effectiveness of impact mitigation measures, including livelihood restoration and development initiatives. Some key impact indicators will include: size of land holding, economic wellbeing including annual income, employment/livelihoods, and indebtedness; educational status of the school going population; living conditions including type and size of housing, fixed and movable assets; problems arising among the affected population (declining crop yields, high incidence of disease, and decline in family income) requiring remedial action. In addition to the above quantitative indicators, impact monitoring will also involve the use of qualitative indicators to assess the satisfaction of PAFs with LA and RR process and, the adequacy of these initiatives, especially with functioning of the grievance redress mechanism; consultation and people's participation; transparency and accountability in the LA and R&R process; information dissemination and communication with the affected population. The quality monitoring method will involve direct consultation with the PAFs through meetings, focus group discussions, or similar forums established by the project management for participation as part of the consultation framework. The scope of work of Social and Environment Safeguards Monitoring and Review Consultant (SESMRC) is provided in Annexure 4.3.

**4.17 Completion Audit/End Evaluation:** DFCCIL will undertake an end-term evaluation by an independent third party to assess whether the outcome of the RAP complies with the involuntary resettlement policy. The key objective of this external evaluation, or completion audit, will be to determine whether the efforts made to restore the living standards of the affected population have been properly conceived and executed. The audit will verify how far the physical inputs committed in the RAP have been delivered and the services have been provided. In addition, the audit will evaluate whether the mitigation actions prescribed in the RAP have had the desired effect. The socioeconomic status of the affected population will be measured against the baseline conditions of the population before displacement, established through the census and socioeconomic studies. This evaluation will be undertaken after all RAP inputs—including payment of compensation and R&R assistances have been paid and other supplementary development initiatives have been completed prior to Project closure. This evaluation will enable DFCCIL to undertake corrective actions, if any, as recommended by the evaluation before the project is complete. The third party impact assessment will be carried out at least twice during the project cycle including the end term evaluation.

## **GRIEVANCE REDRESS MECHANISM**

**4.18** It cannot be ruled out that during the implementation of LA and R&R, some PAFs may not be satisfied with the compensation/benefits offered and may have some grievances. There is a provision for redress of grievances of PAFs relating to the application of the Entitlement Matrix in respect of Land Acquisition and Rehabilitation. There shall be R&R Committees at the field and headquarter levels to hear and redress grievances made by PAP/PAFs and any other local residents having a stake in the DFC project implementation process, as per Section 8.1 of the NRRP, 2007.

**4.19 Grievance Redress at the Field Level:** There are Field level Resettlement and Rehabilitation Committee established at the District level convened by the Chief Project Manager, which comprise the following:

- a. Zilla Parishad Chairperson/his or her nominee



- b. Chief Project Manager, Convenor
- c. Additional District Collector of the concerned District, or his nominee;
- d. Concerned competent Authority
- e. Concerned Assistant Project Manager-Social (only to provide for secretarial service);
- f. Representative from civil society/ a reputed local NGO.

The jurisdiction of District Grievance Committee will include in its scope hearing and resolving complaints relating to the following:

- a) Affected area of land being acquired.
- b) Valuation and Payment of compensation for assets attached to the land.
- c) Classification and area of acquired land
- d) Valuation of land being acquired in the light of its geographical location
- e) Complaints regarding payment of compensation in case of disputed land in courts, absconding, absentee and mentally ill and jailed landowners

**4.20 Grievance Redress at Project Level:** There shall be a Resettlement and Rehabilitation Committee convened by the General Manager (SEMU), which will comprise the following:

- a. Director (Project Planning)
- b. Deputy General Manager-Grievance
- c. Social Specialist
- d. Representative of the MOR

**4.21 Role of Arbitrator:** The Arbitrator, who in this case is the Commissioner of the concerned revenue division have been duly appointed to hear and redress grievances related to compensation payable under the RAA, 2008 to the PAFs.

**4.22 An Ombudsman has been** appointed by the MOR to hear and resolve grievances not addressed by the R&R Committees established by DFCCIL to the satisfaction of the concerned project affected person/ family upon receipt of request from him/her. Ombudsman will have the power to consider and dispose of all unresolved complaints relating to Rehabilitation and Resettlement. . Any affected person if aggrieved for not been offered the admissible rehabilitation and resettlement benefit as provided under this policy may approach to ombudsman. The form and manner in which and the time within which complaints may be made to the ombudsman and disposed off has also been prepared.

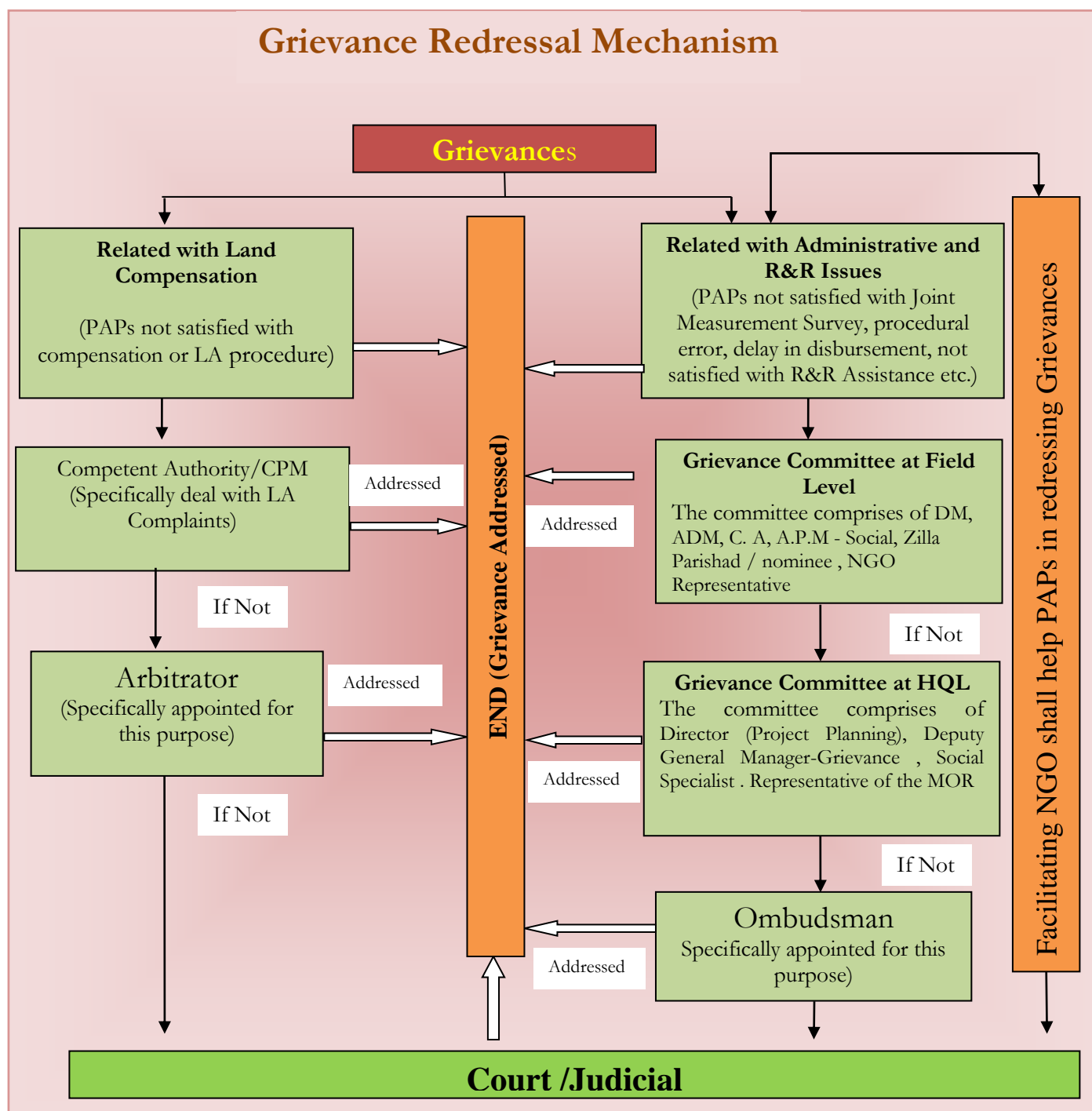


Fig. 4.3: Grievance Redressal Mechanism

### Meeting and Decision Making Process of the Committee

**4.23** Representations shall be received either by CPM who is the Convenor of Field Level Committee (FLC) or directly by CA or SEMU unit as well who is the convenor of Head Quarter Level Committee (HLC). Grievance may be either regarding land or R&R benefits. For the grievance pertains to compensation for land and homestead land property, the Arbitrator shall be the apex authority and for the grievance pertains to R&R benefits, the Ombudsman shall be the apex authority. If the representation is found to be genuine, then the FLC level will try to resolve the case with support by Competent Authority. If the representation is incorrect or found to be lacking in documentary evidence, the case would be rejected and the decision would be conveyed to the

HLC. If it will not be solved by FLC level, then it would be conveyed to the HLC for resolution. The PAPs not satisfied with the grievance redress process can seek legal remedy in the court of law.

The Grievance redress process does not indicate that any application or administrative fees shall be levied from the aggrieved parties. I will like to clarify that this grievance redress process is different from the formal litigation process.

**4.24** It is suggested that R&R/Grievance Committee at Field Level Cell and Competent Authority from State Government shall meet regularly (at least once in a month) on a prefixed date (preferably on first 7th day of the month). The committee will fix responsibilities to implement the decisions of the committee. This will not only help proper assessment of the situation but also in suggestive corrective measures at the field level itself. The committee shall deliver its decision within 30 days of the case registration.

**4.25** At the Head Quarter Level, Land acquisition and R& R related complaint will handled by DGM Public grievances under GMSEMU and AGM Land. If any grievances are not solved, the case will be submitted to higher authority

## **COMPLAINT HANDLING SYSTEM IN DFC FIELD LEVEL AND CORPORATE LEVEL**

### **Field Level Complaint Handling System**

**4.26** The complaints/grievances regarding compensation for agricultural, residential & commercial and others properties, will be handled by the CPM offices initially. After verification of documents if it is found genuine it will be solved CPM level only. If it is not solved at the field level, it will be referred to HQ.

### **Corporate Level Complaint Handling System**

**4.27** A centralized complaint handling system, which includes maintaining a project log and filing to monitor status of follow up of each received complaints, will be established by the DFCCIL.

**4.28** Complaint handling system has been established in terms of MOR & CVC guidelines. Complaint registers have been opened at each regional office and with each GGM/GM at Corporate office. All complaints received by the concerned office shall be entered into this register. Complaints having vigilance angle shall be marked to CVO by the concerned officer. GM/IT has been nominated as the Chief Complaint Handling officer to monitor the disposal of complaints received and put up the status to the Board of Directors on monthly basis.

**4.29** Recording and appropriate referral of all incoming grievances or complaints will be undertaken by the DFCCIL with each case generating an automatic, standard format report. DFC will respond to all complaints, received from any source, normally within fifteen days of receipt.

**4.30** Comments, Suggestions and Grievances Handling component will be included on the web site (<http://www.dfccil.org>). This will be updated on a monthly basis. The site will also enable online tracking of complaints by the complainants.

**4.31** Tracking of the status of investigations and measures taken will be reported in monthly reports to management.

**4.32** For the complaint mechanism to function efficiently, the information concerning the alternative conduits for complaint shall be widely publicized on the website and on information

boards at work sites and regional offices.

## INCOME RESTORATION

**4.33** One of the objectives of the RAP is to restore livelihood conditions of the PAPs at pre-project level; if not enhanced. In other words; under the project; the main focus of restoration and enhancement of livelihood will be to ensure that the PAPs are able to "regain their previous living standards". The EM has adequate provisions to address the issues relating to loss of economic livelihood of the people due to project. The broad entitlement which will assist PAPs in income restoration includes:

- (i) Additional ex-gratia @ Rs 15/Sqm for LA more than 1500 Sqm,
- (ii) Rehabilitation assistance to landless, marginal and small farmers,
- (iii) Transitional allowance to PAFs,
- (iv) One time financial assistance to rural artisans, traders and self employed,
- (v) Subsistence allowance to the affected BPL households,
- (vi) Rehabilitation assistance (750 days of wage) to those losing livelihood,
- (vii) Training assistance for income generation through NGOs and
- (viii) Temporary employment in construction (if available for civil work and opted by the PAPs).

Other than provisions in EM, support available for Income Generation Scheme (IGS) includes initiatives to promote financial literacy for enabling gainful utilization of R&R benefits, skill training to the poor eligible and interested youth from the affected families to enhance their employability and technical support to those ready to undertake entrepreneurial activities utilizing their LA & R&R benefits. One of the key challenges of implementation to facilitating NGOs is to motivate PAPs in capitalizing these Income Restoration activities. For this purpose, the CPM office along with facilitating NGOs will help PAPs on opting and making feasible income generation activities for rehabilitation. This will require undertaking detailed market feasibility study to choose the most viable and promising income restoration programs for PAFs.

In addition to the project-sponsored programs, the facilitating NGO will play a proactive role to mobilize various government schemes and ensure their accessibility and benefits to PAPs, particularly BPL, WHH and other vulnerable groups by making self help groups/project beneficiary groups (PBGs).

These governmental program aims at creating sustained employment by strengthening rural infrastructure through employment guarantee to rural poor for at least 100 days in a year. This also includes provisions of Indira Awas Yojana Scheme for Rural Areas and JNURM for Urban Areas. NGOs are assigned key roles for assisting and supporting PAPs for restoration of Income and Livelihood. The NGO will work with the PAPs and line department of the concern Districts to dovetail these programs to benefit PAPs. (Detailed livelihood program/training for skill upgradation is attached in ToR of NGOs).

**Livelihood Skill Building Program: The Project will fund implementation of a livelihood skill building program for the eligible and interested youth from land loser and displaced families with hiring a specialized agency with special funds assigned for the purpose.**

**4.34** To achieve this goal, the Entitlement Matrix offers adequate resettlement and rehabilitation assistance to the displaced families as well land and structure losers which will enable them to restore their livelihoods and incomes... During this implementation, the NGOs will assist the PAFs in their efforts to prepare and implement income restoration activities with handholding and facilitation support. IR scheme should be designed in consultation with affected persons and they should explicitly approve the programme.

## Data base Management

**4.35** A census Database will be created by the SIA consultants by using user-friendly software for database management. This database will be transferred to the DFCCIL, for upgrade and further use.

**4.36** The main purpose of the data base and use will be

- (i) Monitoring the progress of R&R implementation
- (ii) Determining the entitlements to be paid
- (iii) Tracking pending entitlements and amounts
- (iv) Organizing outputs for periodical reports and other project requirements, and
- (v) Establishing input formats.

As a part of database management key social economic profile of PAPs relating to income, occupation, housing, access to basic amenities, ownership of livestock, household and commercial assets; indebtedness, etc will be collected and updated, which will become the basis for measuring the impact of resettlement and rehabilitation.

**4.37** The MIS so developed would help NGOs and DFCCIL to manage, transmit, exchange, and network the data. In this connection software will be prepared by the MIS experts of the consultant.

The software data base management will be having three parts.

1. Census Survey Data including data of baseline socioeconomic survey
2. Data of all PCMs
3. Reports (SIA, SMFs, RAP)
4. Implementation progress of LA and RR assistance and grievance redress status, and relevant implementation data.

**4.38** The database for R&R is being prepared by SIA Consultants. All data collected during baseline socioeconomic survey and land acquisition process will be fed in the database software by Sept, 2010 and the database will be maintained by APM/Social in CPM's office in the field. In the HQ office, Consultant/ Social will be responsible for maintaining R&R data. Data will be updated based on the information sent by the CPM office continuously for requirements of R&R implementation and monitoring payments. APM (social) will independently report the progress to corporate office working directly under the control of GM (SEMU) to avoid fraudulent practice. SESMRC will also submit independent quarterly report to SEMU.

## Public Disclosure

**4.39** In order to make the RAP implementation process transparent, a series of PCMs with all stakeholders will be carried out in the field for dissemination of information regarding rehabilitation process and entitlement framework. The salient features of RAP and the R&R policy shall be translated in Vernacular languages (Hindi) and disclosed. It will also be disclosed through the DFCCIL Website. The documents available in public domain will include (i) RAP and entitlements; (ii) Monitoring report. All documents will be kept in: (i) CPM offices (ii) - District Administration offices of the project; and major stations. The RAP document will also be available at the World Bank Info Shop at Washington DC and New Delhi as per the Disclosure Requirements of BP 17.50 of the WB. The facilitating NGOs will assist in community level disclosure and information dissemination work, which will include community display, meetings and consultations. The items

for mandatory disclosure include: Entitlement Matrix and RAP (summary in local language) and the list of eligible PAFs for various R&R benefits, performance monitoring (progress reports on LA and R&R), quality audit, and impact evaluation reports. These will be disclosed on the DFCCIL website, PCM office and eligibility lists will be disclosed at the Panchayat offices.

### **Special Issues in Implementation OF RAP**

**4.40** Implementation of RAP mainly consists of compensation to be paid for affected structures; Rehabilitation and Resettlement activities. It is likely that the overall project will be implemented over a 5 years period and civil works are likely to commence in 2016. The civil works contract will only be awarded when compensations and R&R disbursed to entitled persons as per EM and minimum 80% of the land taken over by DFCCIL.

#### **4.41 Key steps taken in the R&R process will include the following:**

- A minimum of 3 metres wide passage shall be provided between the end line of ROW and the building line in habitation areas when DFCC passes through habitation and village areas. Where such land is not available, additional land acquisition shall be done for this purpose. If alternate passage to the house is not available
- ROBs/RUBs/FOBs: Provision for constructing ROBs/RUBs/FOBs shall be provided where EDFC Corridor will pass through habitations, obstructing smooth mobility of people, animals and vehicles. Where it crosses through roads and ROBs are not provided level crossing shall be there to ensure safe movement of vehicles and humans.
- Wherever the Corridor passes through habitations, adequate safety measures such as barricading etc shall be constructed along the ROW.
- Relevant provisions of the EMPs with regard to health, hygiene and safety shall be complied with while implementing the RAP.

**4.42 Capacity Building:** The implementation of the RAP will require capacity building and orientation of the officers in charge of LA and R&R at the CPM office level. Training and orientation of concerned officials on social safeguards and various aspects of LA and R&R will be undertaken for effectively implementing the RAP. This training and orientation will be conducted with the help of consultants and experts. The following components will be covered in the training:

- Understanding of the RAA Act, NRR policy and WB guidelines and requirements;
- Understanding of the policy and procedure adopted under the Project;
- Understanding of the Implementation Schedule activities step-by-step;
- Understanding of the Monitoring and reporting mechanism; and
- Understanding of the economic rehabilitation schemes

**4.42A Gender and Social Inclusion:** the key gender and social inclusion elements incorporated in the RAP are the following:

- a) The RAP provides for collection of vulnerability data in a gender segregated manner so as to provide special R&R benefits to the affected women.
- b) Widows, single women, and women headed families are entitled to 300 days of minimum wages at current market prices as vulnerable persons.\
- c) The RAP allows no discrimination in enumeration of PAPs for R&R benefits amongst men and women.



- d) the RAP provides for income generation activities and livelihood skill training in which youth from the affected families specially women and girls are targeted as beneficiaries.
- e) the new Entitlement Matrix as per RFCT-LARR-2013 provides special attention to women.
- f) The entitlement Matrix (original) provides special benefits to vulnerable sections of the society including subsistence allowance to the displaced Below Poverty Line families, house building assistance to the poor displaced families, livelihood assistance to the affected small and marginal farmers and shop keepers.
- g) The Entitlement matrix provide additional rehabilitation benefits to the affected Scheduled caste and scheduled Tribe families.
- h)

**This RAP also provides for reimbursement for stamp duties towards purchase of land in the joint name of self and spouse .**

## **Implementation Procedure**

**4.43** The proposed R&R activities are divided in to three broad categories based on the stages of work and process of implementation. The details of activities involved in these three phases, i.e. Project Preparation Phase, RAP Implementation phase and Monitoring and Evaluation period are discussed in the following paragraphs.

### **Project Preparation Phase**

**4.44** The major activities to be performed in this period include establishment of PMU and CPM office at subproject and project level respectively; submission of RAP for WB approval; appointment of consultants and establishment of GRC etc. The information campaign & community consultation will be a process initiated from this stage and will go on till the end of the project.

### **RAP Implementation Phase**

- 4.45** After the project preparation phase the next stage is implementation of RAP which includes
- Identification of Cut-off date and notification for land acquisition as per Railway amendment act, 2008 regarding land acquisition;
  - Verification of Properties of affected persons and estimation of their type and level of losses;
  - Issues regarding payment of compensation/award by DFCCIL; payment of all eligible assistance as per EM;
  - Preparations of affected persons for relocation and rehabilitation of affected persons,
  - Initiation of economic rehabilitation measures and Relocation and rehabilitation of the affected persons;
  - Site preparation for delivering the site to contractors for construction and finally starting civil work
  - Identity Card shall be issued to all non-title PAPs within one month of declaration of eligibility list.

### **Monitoring and Evaluation Phase**

**4.46** The internal monitoring will be the responsibility of PMU, CPM office and implementing NGO which is mandatory. When implementation of RAP starts the independent monitoring and evaluation will be the responsibility of SESMRC to be hired for the project (Annexure 4.2). This is in addition to report sent by APM (social) to SEMU regarding the progress of R&R implementation. SESMRC consultants and NGOs working for this project will document the good practice and lessons learnt which shall be used in subsequent phases of the project.

### **R&R Implementation Schedule**

**4.47** Implementation of RAP consists of land Acquisition, payment of compensation by Competent Authority for Land Acquisition, relocation of displaced families and rehabilitation of all PAFs. Consultation will continue throughout the implementation. As per the conditions in the civil works contracts, land free from all encumbrances will be made available to the contractors for the contract package as annexure 4.3. Time frame for implementation of RAP is synchronized with the proposed project implementation (construction schedule) in a way that commencement and progress of civil works is not jeopardized. A composite implementation schedule for R&R activities in the subproject including various sub tasks and time line matching with civil work schedule shall be further prepared in the design stage of the project. However, the sequence may change or delays may occur due to circumstances beyond the control of the Project and accordingly the time can be adjusted for the implementation.

### **Implementation process**

**4.48** The RAP will be implemented by CPM office after its approval from DFCCIL (HQ) and Railway Board (MOR). LA & R&R activities as per the approved Entitlement Matrix such as disbursement of compensation for acquisition of land and assets, resettlement and rehabilitation of project affected persons will be done through the CA and CPM.

### **Stakeholder Consultations and Social Audit:**

**4.49** DFCCIL **would engage consultants to assist them in preparing the RAP through consultations. In the ToR for these SIA consultants, there is an explicit requirement for the consultants to carry out public/ stakeholder consultations. This is a mechanism to ensure the upfront public/ stakeholder inputs in the preparation of the sub-projects.**

**Stakeholder' consultations will be carried out during Base-line and socio-economic survey stage. These consultations were held at village level. Major focus of these consultations will be information dissemination about the project and entitlement matrix of the project. Besides these consultations during survey, there will be continuous dialogues with the villagers during finalization of alignment and land acquisition process. The information disseminations and consultations will be done during 20 A notifications, hearing of objections under section 20 E notifications and declaration of award stage.**

The consultation mechanism will ensure active participation of PAPs in understanding entitlement of each categories of PAPs, grievance and complain handling mechanism, persons to be contacted in case of any ambiguity in disbursement procedure. Basic feature of entitlement will be discussed and a hand out will be also distributed to PAPs.

**During RAP implementation, the Chief Project Manager with the help of NGOs will be responsible for carrying out follow up consultations. These consultations will focus on the following:**



**4.50** Annual Social Audit will be done by SESMRC Consultant. Audit team will verify implementation of R&R. The Social Audit team will verify implementation of R&R as per RAP and will submit the report to the SEMU who will plan and implement corrective action, if required within defined time frame. The RAP activities will be scheduled and summarized with the project implementation. Micro planning, verification of census survey data, assessing losses, institution identification, affected person participation, relocation and income restoration are typical RAP implementation related activities, which will be considered during implementation. However, sometimes sequence may change or delays witnessed due to circumstances beyond the control of the Project.

## **COORDINATION WITH CIVIL WORK AND CERTIFICATION**

**4.51** The resettlement program will be co-coordinated with the timing of civil works. The required co-ordination has contractual implications, and will be considered in procurement and bidding schedules, award of contracts, and release of cleared COI sections to project contractors. The project will provide adequate notification, counselling and assistance to affected people so that they are able to move or give up their assets without undue hardship before commencement of civil works and after receiving the compensation. The RAP implementation schedule will be provided as in fig. 4.4 (sample). This will provides the key benchmarks of implementing the RAP. All other activities related to implementation and land acquisition will be undertaken simultaneously.

### **ACTIONS TO BE COMPLETED PRIOR TO AWARD OF CONTRACT INCLUDE:**

#### **4.52**

- (i) Initially possession of site for work will be handed over to the contractor in continuous stretches of at least 10 Kms. Thereafter efforts shall be made to handover access in chunks of at least 5 Kms length in isolated locations or minimum 1.0 kms stretches in continuation to the previously possessed stretches. Schedule of handing over of land to the contractor shall be as under:-

<b>S.NO.</b>	<b>Period after commencement Date in Days</b>	<b>Cumulative percentage of land to be handover for work with respect to total length</b>
1.	28	80%
2.	91	90%
3.	182	100%

- (ii) All compensation shall be provided prior to taking over the land. Additional facilities like income restoration, rehabilitation, training etc. will continue during implementation period.  
(iii) Relocation/ Re-establishment of community assets shall be planned.

The completion of the above actions will be duly certified by the CPM prior to the award of contract and the timeline for handing over of the remaining stretch of the land for civil work.

Sl. No.	Activity	Implementation Framework											
		Year-2011-12											
		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
		1	2	3	4	5	6	7	8	9	10	11	12
1	Training to DFCCIL and implementing agencies												
2	Preparation and Finalization of of list of EPs												
3	Preparation of entitlement including R&R exgratia												
4	Stakeholders Consultation												
5	Marking of zone of impact on structures												
6	Disbursement of R&R Assistance												
7	Redressing Grievance (GR)												
8	Assistance in Relocation and Rehabilitation												
9	Monitoring and evaluation												
10	Social Audit												
11	Streches free from encumbrances												

Fig. 4.4: Implementation Framework (Sample)

**4.53** It will be the responsibility of the CPM to ensure that the RAP is successfully implemented in a timely manner. The implementation schedule needs to be updated periodically and monitored judiciously.

Resettlement and Rehabilitation is complete only when the following criteria are met:

- i. Compensation have been disbursed,
- ii. R&R disbursement is done and utilization of R&R assistance is done in upgradation of skills,
- iii. Income restoration activities like training for skill upgradation is completed
- iv. A follow-up survey of PAPs document income improvements, or at least income restoration, for all PAPs, or that for those not restored, PAPs have all agreed to enhanced mechanisms for restoring their livelihoods

## **COST ESTIMATE**

### **4.54 Statement of Financial Responsibility and Authority and Source of Funds and the Flow of Funds**

- The money for the compensation will be kept in joint account in the name of the Competent Authority and Assistant Manager Project /Finance to take the personal approval of CPM in each case. All the payments of the compensation will be released out of such account.
- Any amount, if likely undisbursed for more than a year from the date of last transaction in the Joint Bank Account of Competent Authority (Land Acquisition) and Assistant Manager/Manager(Finance), DFCCIL along with any amount of interest lying in the said account, shall be remitted back to account of DFCC after closing the joint account. The claims of compensation and arbitration award if any, after closing of joint account shall be recommended by Competent Authority to concerned CPMs who shall in turn refer it to the Head Quarter for release of payment.
- CPMs however, will ensure that payment, in all cases released to the genuine claimant, proper records are maintained and records including books of accounts are proper reconciled on a periodical basis. Assistant Manager/Manager (Finance) will advise and assist CPMs in discharging these functions.
- Disbursement of compensation will be done by cheques jointly signed by the account holders, DFCC will prepare all the documents required for taking possession of the land. The possession of the land will be taken by Railway official immediately and handed over to DFCCIL official and land handing over documents will be signed by Railways as well as DFCCIL officials. Subsequently lease agreement would be signed based on these documents.
- Once the compensation money has been disbursed DFCC will start submitting monthly account of the money released by the Railways as compensation with the various joint account and those actually disbursed as compensation.
- The land rate fixed by the Competent Authority will be approved in house by DFCCIL. Whenever the award for Competent Authority is not found to be reasonable / acceptable, DFCCIL may while depositing the amount in the joint account, refer the matter for arbitration.

### **Estimated budget, by cost and by item, for all resettlement cost**

**4.55** Item wise provision of budget by cost, for all Land, including resettlement costs planning and implementation, management and administration, monitoring and evaluation and contingencies shall be kept. The budget will be indicative of outlays for the different expenditure

categories.

## Sources of Funding

**4.56** As agreed upon, during the project financing proposal and provision made in the RAP, all R&R cost will be borne by the MOR. MOR will ensure allocation of funds and availability of resources for smooth implementation of the project R&R activities.

## IMPLEMENTATION BUDGET

**4.57** A consolidated overview of the budget and cost estimates shall be as per table 4.3. The budget will cater for the different expenditure categories and will be calculated at the 2011-2012 price indexes. These costs will be updated and adjusted to the inflation rate. Changes are likely to occur due to changes in the project design/alignments, more specific information on the number of PAPs after LA award, etc.

**Table 4.3: Cost of Land and R&R Assistance in Crores (INR)**

Sl. No.	Item	Total Amount	
1	Cost of Land (Agricultural)		
2	Cost of Land (Residential)		
3	Cost of Land (Commercial)		
4	Cost of Structure (Titleholder)		
5	Cost of Structure (Non-Titleholder)		
6	R&R Assistance		
7	Relocation cost of CPR		
	<b>Total</b>		
8	Implementation Charges i/c Administration, Management, Monitoring, NGOs etc. @10%		
9	Contingency @8%		
	<b>G. Total</b>		
	<b>Say Rs.</b>		

## Annexure 1.1

INDICATIVE TERMS OF REFERENCE FOR PREPARING SIA AND RAP**Background**

1. The Government of India, Ministry of Railways has set up a public sector company named Dedicated Freight Corridor Corporation of India Limited (DFCCIL) under the Indian Companies Act 1956 to implement the Dedicated Freight Corridor (DFC) Project. The DFC project will be funded by the Government of India partly through equity contribution, and partly through loans obtained by Government of India from external funding agencies. DFCCIL proposes to construct a Dedicated Freight Corridor covering about 2,762 route kms on two corridors: Eastern Corridor from Ludhiana to Sonenagar/ Dankuni and Western Corridor from Jawaharlal Nehru Port, Mumbai to Tughlakabad/ Dadri near Delhi along with inter-linking of the two corridors at Khurja. The objective of project is to ease pressure on high density eastern and western railway networks by developing dedicated freight corridors in east and west. These DFCs are expected to facilitate movement of much higher level of freight traffic to support the nation's growing economy.

2. Eastern DFC: The eastern DFC project covers total route length of 1279 Kms (Sonenagar-Mugalsarai-Allahabad-Kanpur-Tondla-Aligarh-Khurja-Meerut-Saharanpur. The IR is seeking support from the World Bank for the 710 kms stretch from Khurja to Mugalsarai, out of which work will be undertaken for the 343 km stretch in the first phase and 393 kms in the second phase.

3. The eastern corridor alignments have been finalized for both the phases with detailed land survey, SIA and RAP for which has also been prepared.

4. **Preparatory Social Management Activities:** In fulfillment of the above, DFCCIL needs to realistically assess, plan and implement measures to mitigate adverse social impacts associated the eastern corridor. In the preparatory stage, this will involve the following steps:

**Task-1**

Social impact assessment (SIA) as part of Environment Impact Assessment (EIA);

Census survey of all affected families recording their assets (land, structures, and facilities), incomes, and social category (Scheduled Castes/Scheduled Tribes);

Base line socio-economic survey of the affected families suffering major impacts and needing rehabilitation assistance in addition to compensation for their losses;

**Task-II**

Resettlement Action Plan (RAP) to mitigate adverse impacts and Tribal Action Plans (if tribal people are affected) to positively benefit ST populations, if affected.

5. These activities will be undertaken to identify social safeguard risks upfront and appropriately integrate social management aspects in the implementation process. A professional agency will be hired to carry out the above preparatory activities for social management for the initial 300 kms stretch of the Eastern Corridor and subsequently for the other stretches.

**Task 1: Social Impact Assessment (SIA)**

6. Social impact assessment is a critical step taken to incorporate social analyses and participatory processes into project design and implementation for optimizing development outcomes. SIA helps to enhance benefits to the poor and the vulnerable while minimizing and mitigating adverse impacts on the local communities. This involves analyzing social issues and impacts on the affected populations in order for designing social management plans to mitigate adverse impacts and improve people's lives through participatory implementation. SIA for the eastern corridor will be undertaken as part of the Environmental Impact Assessment (EIA).

7. The initial Environmental and Social Consideration Studies (ESCS) for the Eastern and Western Corridors were carried out by the Japan International Cooperation Agency (JICA) on behalf of Japan Bank for International Cooperation, (JBIC) that the DFCCIL is in discussion with for resource support. This ESCS involved survey of affected structures, assessment of

land requirements, preliminary stakeholder consultations and analysis, and socio-economic survey of 10% sample of the affected families. DFCCIL subsequently altered the alignment for the Eastern Corridor in order to further minimize adverse impacts on human settlements. DFCCIL has prepared surveyed the structures and land parcels affected the final alignment. As per DFCCIL's land survey, about 220 structures will be affected in 16 habitations located alongside the existing Railway lines. These habitations have been listed with kilometer points for reference. The SIA will involve a review of information provided in the JICA study (ESCS) and land surveys made by DFCCIL along with field assessments in a selective and strategic manner in order to reconfirm key social issues and risks involved, and identify drivers for optimizing development outcomes through risk mitigation and social value added measures. The focus of this exercise will also include adverse construction phase impacts of the project on communities and necessary mitigation measure.

**8. SIA (EIA) will specifically involve:** (i) reconfirming zone of impact through review of available data in land surveys, alignment maps/ satellite maps, JICA study (ESCS); (ii) identifying zones of major economic and social impacts; (iii) understanding socio-economic profile of people; (iv) analyzing differential impacts on different categories of people (land owners, residential households, small/landless/marginal farmers, labourers, businesses, SCs/STs, and women), and impacts on communities (common facilities such as roads, schools, community centres, cultural properties, etc.); (v) socio-political analysis of local power relations and institutions available for participation, grievance redress, and conflict resolution; (vi) studying people's perceptions of project impacts and minimum acceptable mitigation measures that will enable them to cope with economic losses and displacement; (vii) assessment of construction phase impacts on communities; and (viii) suggesting broad strategies for adverse impact mitigation and social value addition in order to optimize development outcomes.

**9. Census and Baseline Socio-Economic Surveys of the Affected Families:** The objective of census survey is to broadly enumerate all the project affected families (PAF) recording lands and assets possessed and likely to be lost as a result of LA; income streams affected, their and demographic characteristics and social categories they belong to. This will help to categorize families requiring compensation and those in need of additional rehabilitation assistance as per the NPRR, 2007. Census survey will also include listing of community assets and common facilities affected by the project, which need to be replaced. These may include cultural properties, roads, community forests/plantations, schools, community centres, etc. The census survey will be supplemented by a baseline socio-economic survey (BSES) of the PAFs identified in the census survey that may suffer major impacts and are eligible for rehabilitation assistance as per the NPRR (2007). They may include groups such as small/marginal farmers, landless agricultural labourers, structure owners/occupiers, and others losing livelihoods. Census Survey and BSES will entail the following steps including those listed in the Chapter-II of NPRR (2007).

**10 Census Survey will specifically provide** data about affected land parcels and structures with names of owners/occupiers, land use, structure/land area and type; structure usage (residential/ commercial), occupations and affected income streams and demographic characteristics of the project affected families (PAF). The census survey is aimed at collecting identification data, likely losses and other information that is sufficient in order to distinguish between minor and major impacts and to categorize PAFs for administering R&R entitlements. The census survey will include photography and Video recording of the affected structures.

**11 Baseline Socio-Economic Survey is aimed at** collecting baseline socio-economic data about PAFs identified in the census survey suffering major impacts and requiring rehabilitation assistance as per the NPRR (2007) in order for monitoring R&R outcomes and impacts. The PAF categories to be covered by BSES will include families rendered marginal/landless farmers as a result of land acquisition; landless agricultural labourers; businesses; owner/ occupant of the affected residential/ commercial structures, squatters and others below poverty line whose livelihoods are adversely affected. The strategy for socio-economic survey will be drawn up based on the findings of the census survey and SIA. (an indicative list of information that needs to be gathered is provided in **attachment 1**)



## Task II: Resettlement Action Plan

**12** The RAP will be prepared by consolidating Census and BSES findings, with the SMF providing the basis for R&R measures for different PAF categories. The RAP will be prepared as prescribed in the NPRR (2007) and will be finalized after review and endorsement by the DFCCIL in accord with the World Bank. The RAP will include:

- Project impacts and affected populations;
- Legal framework for LA;
- Compensation package for permanent/temporary loss of land, assets, incomes;
- Description of R&R assistance; livelihood restoration measures,
- Relocation and post-relocation support strategy,
- Implementation mechanisms;
- Framework for participation, consultation, information disclosure; grievance redress;
- Time schedule and budget,
- Framework for monitoring, evaluation and reporting.

A stand alone **Tribal Action Plan** will be prepared based on a review of SIA and Census findings in case the eastern corridor project impacts the tribal communities, in line with the Operational Policy 4.10 of the World Bank.

**13. Outputs:** The following are the key outputs expected from the consultants

- (a) **Inception Report** outlining the approach, methodology, timeframe for surveys, consultations and different outputs should be submitted within one month of the assignment;
- (b) **SIA, Ground-truthing of Census Survey and Baseline Socio-Economic Survey** of the affected families focussing on people's private/ public assets and livelihoods. The report is expected at the end of 3 months;
- (c) **The Social Safeguard Framework** outlining procedures, legal framework, operational guidelines, institutional arrangements, entitlement framework for different impacts types, disclosure principles should be submitted. This is expected at the end of 4 months; the deliverable at this stage will also include necessary inputs for preparing the bid document for Design and Build Contract;
- (d) **The Resettlement Action Plan** for the first 347 Km outlining R&R measures to be taken along the corridor of impact is expected at the end of 6 months. At this stage, deliverables will also include specific inputs for the Design and Build Contract and Sub-Contracts.
- (e) **Tribal Action Plan**, if applicable, will also be prepared by end of 8 months.
- (f) **Database Management System for LA and R&R:** Deliverable at the end of 11 months.
- (g) All the draft reports will be reviewed by DFCC and the World Bank and wherever appropriate consultation workshops will be held.

## **14. Consultant Qualifications:**

i. The proposals should be invited from the professional agencies having combined experience in Social Assessment, Resettlement and land acquisition, GIS and computerization. The consultant team should have specialists leading the team with appropriate local support staff for socio-economic survey and community consultations.

- (i) Team Leader
- (ii) Resettlement expert with experience in large infrastructure projects.
- (iii) Sociologist / anthropologist.
- (iv) IT/ Database/ MIS Expert
- (v) Field Staff with required number of surveyors

## 15. Indicative Data Requirements for Census and Baseline Socio-Economic Surveys

Baseline Socio-economic survey is meant to convert information gathered during initial consultative SIA exercises into measurable data, required for providing R&R assistance for different categories of PAPs, and for monitoring changes in people's conditions beyond the project period. The BSES should provide information including but not limited to the following. The information gathered during the census and socio-economic surveys will form the basis for designing the Social Management Plan.

- Socio-Economic Profile: SC/ST / gender category of families; occupation and monthly income levels, structures and assets owned or occupied;
- Residential families: nature and quantity of likely loss-homestead area, residential structure, agricultural land, cattle shed; types of RR assistance preferred
- Commercial Units: nature of land and structure affected, title, business type, legal status of business, monthly incomes; number of employees;
- List of landless wage labourers, workers, education and skills; age, incomes.
- Common properties affected (village roads, grazing/community lands, cultural structures, etc)
- List of vulnerable persons/families: (poor, SC/ST, women headed, aged/infirm, physically or mentally challenged) with socio-economic profile;
- Other information: access to basic services; health status; participation in development schemes of the government; level of mainstream linkage;
- Any other information considered important in the local context.
- The outcome of the census and baseline survey should be in the form of a report and a computerized database, which should include but not be limited to:
  - i. lists of affected PAPs according to their socio-economic and impact category (residential-legal and squatters; commercial-legal and squatter category; and encroachers-residential and commercial);
  - ii. Data on occupations, income streams, household demographic and income data;
  - iii. Data on access to basic services, ST/SCs/vulnerable families; common properties;
  - iv. R&R impact cadastral maps showing impacted lands and structures (type, quantity) across specific sections in line with the finalized alignment maps.

## 16. Key Social Safeguard Policy Issues

**Cut-off Date and Entitlement of Squatters to R&R Benefits:** DFCCIL will adopt the Railway Amendment Act (RAA), 2008 for acquiring land and follow the National Policy on Resettlement and Rehabilitation (NPRR), 2007 for providing R&R benefits to the project affected families (PAFs). According to the NPRR, 2007 non-title holder PAFs (squatters) residing in the project area for over three years prior to the cut-off date are entitled to specific rehabilitation assistance. DFCCIL has decided to treat the date of public notification for land acquisition (in local and national print media) coinciding with the date of baseline socio-economic survey as the cut-off date. Which means, DFCCIL will offer R&R assistance to non-titleholder PAFs (squatters) residing for three years prior to the cut-off date in the project area, as per the NPRR, 2007. This will deprive non-titleholder PAFs settled in the project area during three years preceding the cut-off date from any R&R assistance. It has been agreed that DFCCIL will establish principles and procedure to enable these category of non-titleholders to re-establish their shelter and livelihoods affected by the Eastern DFC project in the social management framework and the Resettlement Action Plan.

**Institutional Capacity for Managing Social Safeguards:** DFCCIL has appointed a general manager to handle tasks relating to preparatory activities including feasibility studies, alignment finalization minimizing social and environmental risks, field surveys for land acquisition, and R&R activities. It has also hired an experienced revenue officer from the Uttar Pradesh administrative services as the Competent Authority for carrying out land acquisition under the



Railway Amendment Act (RAA), 2008. DFCCIL has hired local consultants for carrying out land surveys. The initial environment and social consideration studies for DFC Eastern and Western corridors were carried out by JICA. These steps have so far enabled DFCCIL to manage the preliminary social management activities. DFCCIL plans to hire an owner's engineer who will assist in monitoring R&R activities carried out at different stages through external consultants. However, in order to coordinate various R&R measures for the DFC project in the short term, and grow in the long term with capacity to identify and manage social safeguard risks, DFCCIL should establish a special unit with adequate managerial and technical skills to address social and environment issues.

#### **Payment Schedule**

Payments shall be made according to the following schedule on submission and acceptance of reports:

<b>Sl. No</b>	<b>Payment milestone</b>	<b>Payment %</b>
<b>1</b>	Inception report	15%
<b>2</b>	Social Impact Assessment, Ground - truthing of Census survey and Baseline Socio-Economic Survey	50%
<b>4</b>	Resettlement Action Plan	25%
<b>5.</b>	Database Management System for LA & R & R at the end of <b>11 Months</b>	10%

Draft Terms of Reference for the NGOs  
For the Implementation of Resettlement Action Plan under  
Dedicated Freight Corridor Corporation of India Ltd (DFCCIL)

Need of NGOs

Resettlement Action Plan (RAP) envisages compensating and assisting the project-affected persons (PAPs) and the project-displaced persons (PDPs) at the replacement cost of the lost properties and assets as well as to restore their livelihood before the award of civil works. Therefore, implementation of the RAP in time bound manner has become an important component of the overall project implementation. The overall responsibility of implementing and managing RAP lies with DFCCIL and its CPM office. In order to facilitate DFCCIL in the implementation of RAP, the DFCCIL intended to seek assistance from experience NGOs. The NGOs will be working at the CPM office under the supervision and guidance of SEMU at HQ office. While SEMU will provide only policy and training input to NGOs actual execution will be done at the CPM office in close coordination with the Administrator (Competent Authority) of R&R under the project. Since quantum of work related to LA is complete, the NGO will be engaged primarily to develop good communication, provide R&R support (other than compensation as per provision of RAA 2008), assistance in relocation and rehabilitation. Therefore, the present Terms of Reference (ToR) is designed for the facilitating NGO, which highlights the roles and responsibilities, specific tasks and scope of services; the selected NGOs are expected to perform.

Role and Responsibilities

Roles and Responsibilities of the NGO are as follows:

1. To work closely with the community/local particularly the project affected community, and vulnerable groups, and to have regular interaction with the people to develop good linkages with the community
2. To coordinate with different District level agencies and other development organization for the successful implementation of SMP.
3. To facilitate implementation of innovative implementation strategies developed by SEMU unit and other CPM offices in achieving the overall objectives of different components of RAP. This essentially involves close collaboration and working with CPM, District Revenue Department, line agencies, District Health Department and other relevant agencies and ensures SMP is successfully implemented.
4. Liaise with the District Administration and other development agencies to dovetail their development program for the socio-economic development of affected communities, displaced families and vulnerable groups.
5. To develop innovative mechanism/methodologies to ensure active involvement of various project stakeholders in the implementation of RAP.

Specific role of NGOs (but not limited to):

- To educate PAPs on their rights as per R&R entitlements matrix of DFCCIL.
- To ensure that PAPs are compensated at replacement value, their livelihood is restored and displaced families are resettled. In other words, the PAPs are given their full R&R entitlements before they are dispossessed of their assets or are displaced (physically/economically).
- To counsel and assist the PAPs in their livelihood restoration and accordingly coordinate with the local authorities.
- Assist the PAPs in Redressal of their grievances (through the grievance Redressal cells set up by the project)

- To assist the CPM office in ensuring social responsibilities of the Project, such as, compliance with the labor laws, prohibition of child labour, gender issues, wage parity, employment to local communities etc.
- To submit progress reports on a monthly basis as well as quarterly basis for SEMU unit to monitor the progress of the RAP implementation.
- To reduce the risk of the spread of HIV/AIDS in the project area especially at the construction camps through facilitating the contractors to implement workplace intervention programs.
- To educate local communities construction camp workers about safety measures during construction and maintenance of DFC Corridors. In this regard, NGO will impart awareness and training to the construction workers.
- Ensure that the gender issues are duly and addressed in the implementation process, including strengthening's women's participation in livelihood activities and in implementation fo the RAP.
- Strengthen transparency and accountability of the LA and RR process by institutionalizing social accountability mechanisms during implementation

### Scope of Work

As mentioned above, the facilitating NGOs will play an important role in implementation of the RAP and in mitigating the adverse effects of the project. The NGOs will remain responsible for the development and implementation of comprehensive implementation strategies such as educate stakeholders to access opportunities available under the project and to facilitate the PAPs to take advantages of the options available in the projects. In this context, the scope of work designed for NGO is as follow

### Communication with the PAPs

- (i) Information Dissemination: The facilitating NGO will organise information dissemination session at strategic location within the project area. SMU/nodal NGOs will provide the modules of information dissemination campaign about the project. The NGO can also use other tested methodologies from their experiences. The NGO will establish close rapport with PAPs; provide them information about the respective entitlements as proposed under the RAP.
- (ii) Educating PAPs: The facilitating NGO will discuss about the project its benefits and potential impacts of proposed improvement. In this connection the NGO will explain to the PAPs the need for land acquisition, need for the eviction of informal dwellers the provisions of the R&R policy and the entitlements under the RAP. The NGO will detail out the livelihood opportunities available within the project Districts and also under the project.
- (iii) Communication strategies with PAPs: The NGO will facilitate in developing good working relationship between the PAPs, their representative and the staffs of CPM, particularly with the APMs and representatives of PRIs. This will be achieved through regular meetings (formal and informal) including meeting related to grievance with the APM, representatives of PRIs and the PAPs. Formal meetings (fixed at prior location and date) with the APM, PRIs representatives will be held at least fortnightly in each affected Tahsil, and meetings with the PAPs will be held as and when required basis but at least once in a month in the project village during the entire duration of the assignment. All decisions taken during these meetings will be documented by the NGO and will be submitted to APM as part of submission of Monthly Progress Report.
- (iv) Performance indicators of Consultation: Consultation conducted, its reporting mechanism and successful operationalisation of outcome of consultation will be an indicator of performance of package level NGOs. In all of these consultations, the NGO will consider women and other vulnerable groups for attention and deal with them with care and sympathy.

Furthermore, after first round of consultation, the facilitating NGO will identify and educate groups of PAPs in each Tahsil/Village who are being benefitted by the project. These groups will be groomed further as Project Beneficiary Groups (PBGs) to combat negative information/misinformation about the project.

#### Identification and Verification (I&V)

- (i) Preparation of list of eligible PAFs: As mentioned earlier also, LAFC in consultation with Competent Authority has identified all land losers including those losing structures. Based on the records Competent Authority has issued Land acquisition notifications (20 A and 20 E notifications). These notifications have become basis for Declaration of awards (20 F), compensation sheet and disbursement. Furthermore, other than these PAFs, Resettlement Action Plan has also identified some informal dwellers like squatters/kiosks/Tenants. These informal dwellers are not included in the detailed compensation sheet prepared by LAFC. In this context, the NGO in close coordination with LAFC will (i) undertake a Census survey within the proposed Corridor of Impact (Col) of establish actual PAFs as per EM, (ii) Prepare a detailed compensation sheet(based on EM prepared by DFCCI Land data available with CPM office(iii) compare the data of CPM office and data collected during census survey(iv) verify the information already contained in the RAP, provided by LAFC(including actual detailed measurement exercise to determine extent of loss/damage, and valuation of the loss/damage/affected and(v)based on census survey and verification the facilitating NGO will update the list of the eligible PAPs and project-affected families (PAFs) as per EM.

Furthermore, NGO will prepare a list of the project-affected persons/families (PAPs/PAFs) which will include list of PAPs for relocation, list of families who are adversely affected by land acquisition such as those losing entire land or shops and have no other source of livelihood. The NGO will also compute the losses of other assets of PDFs.

- (ii) Basis of Verification: Before initiating verification exercise, the facilitating NGOs in consultation CPM office and SEMU will formulate basis of verification such as (a)proof of caste (SC,ST),(b)income level, (c)other vulnerability criteria in conformity with the guidelines of District Administration/Administrator of the project.
- (iii) Disclosure of the list: The NGO in consultation with Competent Authority and CPM office will display the list of verified PAPs in District offices, Tahsil office, Panchayat Offices, Bill board and prominent public places.(iv) Performance indicator of I&V: After publishing list of eligible PAPs, the facilitating NGO will conduct a formal consultation with the PAPs and their representatives, PRIs representatives, Village Revenue Officials. These consultations will focus on grievances of PAPs (including left out cases, proposed entitlement of each PAPs etc). The facilitating NGOs will record such grievances of the PAPs and put before the APM for amicable solutions. After receiving such grievances the NGO will inform the concern aggrieved PAPs about status of grievances. Proportion of such grievances resolved at the NGO level will be an indicator of good performance of NGO's implementation.
- (v) Finalization and issuance of ID card: The NGO will prepare final list of PAPs by adding left out cases and will prepare identity cards of eligible PAPs. An identity card would include a photograph of the PAP, the extent of loss suffered due to the project, and the choice of the PAP for relocation. The NGOs will distribute identity cards to the eligible PAPs.

#### Disbursement of R&R Assistance and Compensation

As stated before. The LAFC has prepared compensation sheet and already engaged in disbursement of compensation. The facilitating NGOs in consultation with LAFC prepare list of PAFs and their compensation in proper format, which will include:

- (i) PAFs who has received compensation as per RAA 2008

- (ii) PAFs who has received R&R assistance as per entitlement matrix
- (iii) List of PAFs who has neither received compensation nor R&R assistance and are form the part of final I&V list.

Thus, the facilitating NGO will prepare a final compensation sheet including those PAFs who has received compensation and R&R assistance or both and other eligible PAFs as per final I&V eligible for benefits.

These final compensation sheet (duly approved by CPM and concern Competent Authority) will be sent to DFCCIL for formal approval of the GM (SEMU) and concern LA Department at HQ level. However, those award/compensation sheets is already approved by HQ need not required further approval. The approved amount will be deposited to CPM in the manner as decided by DFCCIL.

The facilitating NGOs will prepare individual entitlement from the detailed compensation sheet. The NGO will produce relevant document (proofs of eligibility) of individual beneficiary and recommend for issuance of cheque (in writing) to CPM.

(Number of recommended cases rejected by CPM or has not been endorsed within time frame will be the basis to assess performance of NGOs and CPM office)

The individual cheques (in the joint name of husband and wife) will be distributed to eligible PAFs in the manner as decided by DFCCIL. However, the facilitating NGO will ensure that adequate evidences are available (video or photo) of disbursement of compensation.

#### Relocation

Though developing Resettlement site is not obligatory to DFCCIL. However the facilitating NGO will assist the project displaced families in ensuring a smooth transition (during the part or full relocation of the PAPs/PAFs), helping the PAPs to take salvaged materials and shift with proper notices. In close consultation with the PAPs, the NGO will inform the APM about the shifting dates agreed with the PAPs in writing and the arrangements desired by the PAPs with respect to their entitlements.

#### Utilization of Resources Available with PAPs and and Rehabilitation

The NGO will assist the PAPs in opening bank accounts explaining the implications, the rules and the obligations of a joint account, and how s/he can access the resources available with District administration, under the project s/he is entitled to. The NGO will ensure proper utilisation of the R&R budget available to each PAPs. The NGOs will ensure that the PAPs have become aware about/found economic investment options and are able to restore their previous economic status against the loss of land and other productive assets. For this purpose, the NGO will identify means and advise the APM to disburse the entitlements to the eligible persons/families in a manner that is economic gainful and is the best of timing of giving the R&R assistance (for example peak cropping seasons, some kind of employment opportunities). The facilitating NGOs will also ensure that the process adopted has adequate level of transparency achieved. In this connection NGO may involve local SHG groups or any other voluntary organization these group will impart training, help PAPs in skill up gradation and training for self employment.

Other than the facts mentioned above, the facilitating NGOs can adopt innovative strategies for gainful employment which may include (but not limited)

- Co-ordinate (and impart wherever required) the training and capacity building of the PAPs, for upgrading their skills for income restoration. This will include the training to be given by the NGO to women self-help-group members in accounting, record maintenance, skill acquisition in the chosen enterprise, and marketing, etc.
- Help the PAPs (especially women) in realizing and optimizing the indigenous technology knowledge (ITK) through use of local resources.
- Define, evolve and explore alternative methods of livelihood using the local skill and resources.



- Contact financial institutions like NABARD, SIDBI, and the Lead Bank of the area in accessing the credit required by the individual as well as groups of PAPs and the women's groups from the PAFs. The NGO will maintain a detailed record of such facilitation, and plan for each PAF to repay the loan.
- Establish linkages with the district administration for ensuring that the PAPs are benefited from the schemes (especially NAREGA and IAY) available and those they are entitled to. The focus for this component of the NGO's work will be the vulnerable PAPs for their income restoration. The NGO will maintain a detailed record of such facilitation.

#### Facilitating PAPs Access to the Grievance Committee Meetings

In relation to redressing grievances NGO will perform following activities.

- (i). The NGO will make the PAPs aware of the functioning of District level Resettlement and Rehabilitation Committee (DRRC), Grievance Redressal mechanism and steps to follow resolve it.
- (ii). The NGO will train the PAPs on the procedure to file a grievance application and to confirm that a statement of claim from the concerned PAP accompanies each grievance application.
- (iii). The NGO will help the PAPs in filling up the grievance application and also in clearing their doubts about the procedure as well as the context of the GRC.
- (iv). The NGO will record the grievance and bring the same to the notice of the GRCs within 7 (seven) days of receipt of the grievance from the PAPs. It will submit a draft resolution with respect to the particular grievance of the PAP, suggesting multiple solutions, if possible, and deliberate on the same in the GRC meeting through the NGO representative in the GRC.
- (v). To accompany the PAPs to the GRC meeting on the decided date, help the PAP to express his/her grievance in a formal manner if requested by the GRC and again inform the PAPs of the decisions taken by the GRC within 3 days of receiving a decision from the GRC. (The time frame for the GRC to take a decision is 15 days). In this connection facilitating NGO will ensure that maximum grievances have been resolved at the village/Tahsil level. Number of grievance placed in DRRC and resolved will be an indicator of performance of NGO.
- (vi). The responsibilities of NGOs towards grievance Redressal will be deemed to complete if the case is forwarded to HQ/Ombudsman

#### Assisting the CPM office in ensuring the Social Responsibilities

The facilitating NGO will assist the CPM to monitor regulations under different acts towards the fulfillment of social responsibility of the project and disseminate the information written in manual at the construction camps, work place and other concern places along the project road. The NGO will provide the information about the concern clauses in their monthly progress report. The NGOs assist package manager to ensure that the contractors are abiding by the various provisions of the applicable laws, concerning the worker's safety, health and hygiene; women's issues and the child labor issues.

The regulation will include (but not limited to)

- i. The Maternity Benefit Act, 1951;
- ii. The Contract Labor (Regulation and Abolition) Act 1948;
- iii. The Minimum Wages Act, 1948.
- iv. The Equal Remuneration Act, 1979.
- v. The industrial Employment (Standing Order) Act, 1946;
- vi. The Child Labour (Prohibition and Regulation) Act, 1986;
- vii. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996;
- viii. The Cess Act of 1996 and

## ix. The Factories Act, 1948.

All documents created, generated or collected during the period of contract, in carrying out the services under this assignment will be the property of the DFCCIL. No information gathered or generated during and in carrying out this assignment will be disclosed by the NGO without explicit permission of the CPM (DFCCIL).

Time frame for Services

The NGOs will be contracted for a period of 36 months from the date of commencement, with a withdrawal methodology in built into the proposals of the NGO.

Key Persons Required

The NGO will depute a team of professional to the site. The consultation of the team and the qualification for the team members for each package is given below:

Sl. No.	Position	No. of positions	Man Months	Qualification
1.	Project Coordinator			<p>The Project Coordinator should be a Post Graduate preferably in Management or social sciences. S/he should have at least 10 years of experience in communication or exclusively land acquisition project. Having experience of working in civil engineering/linear projects is an added advantage. Should have experience in managing large scale project on similar position and supervision of a team.</p> <p>S/he should have held responsible position in the previous assignments should possess participatory management skills and should have good knowledge of the region and the local languages.</p>
2.	Program Officer-R&R			<p>The Program officer should be a Graduate preferably in social sciences. S/he should have at least 5 years of experience in land acquisition and implementation of R&amp;R and community development works. Having experience of working in civil engineering/linear projects is an added advantage. Should have experience in managing project and supervision of a team. Additional qualification on computer based data management is an added qualification.</p> <p>S/he should have held responsible position in the previous assignments should possess participatory management skills and should have good knowledge of the region and the local languages.</p>

2.	Program Officer Communication			<p>Should be at least a graduate in social sciences preferably in social work, medical anthropology or sociology. S/he should have at least 15 years of working experience of which at least 10 years in people participation, information and education projects. S/he should have experience of developing and implementing programs and experience in participatory management.</p> <p><i>Working in funded projects is an added advantage. Knowledge of local language is a necessary qualification.</i></p>
3	Field Coordinator/ Community mobilizer			<p>The Field Coordinator/ Community mobilizer should be a graduate, and should have experience of working in civil engineering/linear projects. S/he should have at least 5 years experience in implementation of R&amp;R and community development works.</p> <p>S/he should have held responsible position in the previous assignments should possess participatory management skills and should have good knowledge of the region and the local languages.</p>
4.	Outreach Workers - Community Educators			<p>Matriculates preferably with experience of working in NGOs or other civil society organization as outreach workers. Ability to communicate well work at grass roots and to reach out to the different audiences with messages, to conduct in field 1-1, group sessions and to identify and refer people for services.</p>



**DRAFT TERMS OF REFERENCE FOR**  
**SOCIAL AND ENVIRONMENT SAFEGUARDS MONITORING AND REVIEW CONSULTANT**  
**(SESMRC)**

**1.0 SCOPE OF WORK**

The objective of the assignment is to carry out a quarterly review of social and environmental safeguard activities being implemented in the project and provide specific recommendations to mitigate the issues identified during the review period.

The Consultants will visit the project sites, make use of available documents, reports, and its interactions with DFCCIL officials and other implementing agencies and PAPs /PAFs during the monitoring process; check compliance w.r.t. the RAP & EMP document; and flag any outstanding issues which may affect the quality or pace of the implementation process from social & / or regulatory requirements. During the site visit, the Consultants will also have to ascertain satisfaction and concern regarding the implementation process. One of the important tasks of the consultants shall be to verify whether the pre-determined tasks are completed prior to the handing over of the encumbrance free stretches to the contractors for initiating construction work. The consultants shall provide options and advice in accordance to the policy provisions on any additional land acquisition or resettlement impacts encountered during the implementation.

**2.0 DETAILS OF TASK****a. Resettlement Action Plan and Land Acquisition**

- (i) Randomly verify the process followed in determining the compensation in line with the provisions of RAA including the inputs from the independent valuer;
- (ii) Verify timely payment of compensation to the landowners once the compensation awards are made. Participate in some of the compensation distribution meetings to ascertain the process followed for distribution of compensation cheques;
- (iii) Verify the process followed in the dissemination and administration of reimbursement of stamp duty or taxes in case those who buy alternative lands and houses out of compensation money;
- (iv) Verify the process followed for dealing with those cases where severance of lands are involved ;
- (v) Ascertain how the various provisions including payment of additional compensation in case of delay in completing the land acquisition process are administered under RAA 2008;
- (vi) Follow up on the status for dealing with grievances related to compensation rates;
- (vii) Follow-up on the progress in land acquisition in relation to civil work time table and report any likely delays which will affect the timely handing over of the lands to the contractors in accordance with the contract provisions;
- (viii) Report on any additional land acquisition requirements due to changes in route alignment or implementation of any associated facilities that are listed in this TOR;
- (ix) Any others tasks that are appropriate for dealing with land acquisition and compensation payment;

- (x) Identify gap and critical areas in implementation process and develop appropriate corrective actions in consultation with APM social, and refer them to General Manager/LA& SEMU/EC;
- (xi) Carry out Random sample check at field level to assess whether land acquisition and/or resettlement and/or social program objectives have generally been met. The sampling size will be prepared in consultation with CPM with the approval from GM/LA& SEMU/EC.
- (xii) Monitor effectiveness of the grievance system;
- (xiii) Liaison with CPM, construction contractor, NGO (engaged for implementation of RAP), and project affected communities to review and report progress against RAP;
- (xiv) Verify and ascertain that the Entitlements as available in the Entitlement Matrix are administered to the various category of PAPs;
- (xv) Ascertain that the various proposals made in RAP to mitigate the impacts are implemented in the manner it was described in the RAP;
- (xvi) Ascertain how various suggestion and concerns raised by the local people during consultations are incorporated or addressed during the project implementation;
- (xvii) Report on the Status of completion of reconstruction of affected community assets prior to handing over of the land to the contractor;
- (xviii) Report on the functioning of grievance redress mechanism to deal with the complainants grievances related to RAP implementation;
- (xix) Review the functioning of Data Base Management to track the implementation progress;
- (xx) Review the periodical internal monitoring reports and identify any gaps in reporting or delay in implementation progress;
- (xxi) Verify the coordination between civil work contracts and RAP implementation to ensure that encumbrance free stretches are handed over to the contractors;
- (xxii) Monitor the role of consultants and NGOs in RAP implementation and identify any improvements required and suggestion for their services;
- (xxiii) Monitor the progress in providing unskilled jobs to the PAPs and local people;
- (xxiv) Participate in the meetings and consultations carried out by the implementing agency or carry out independent consultations to get first hand feedback from the affected and local people on the project implementation in general and RAP Implementation in particular;
- (xxv) Report on any additional R&R impacts due to changes in route alignment or implementation of any associated facilities that are listed in this TOR;
- (xxvi) Any others tasks that are appropriate to deal with resettlement impacts and PAPs/local villagers concerns;
- (xxvii) Report other social safeguard issues such as incidence of child labor, unequal wages, unhealthy work camps posing health or security hazards to the workers, etc.

b. Environmental Management

- (i) Review the EMP and recommend the implementation plan for ensuring its implementation
- (ii) Formulate necessary reporting formats for the contractors, environmental engineers of DFC and SEMU to monitor the implementation of environmental management activities in the DFC

- (iii) Plan and impart regular orientation / training programs for the DFC / Consultants Contractor staff on the effective implementation of Environmental Management measures in the project
- (iv) Ensure that utility shifting plan exists and / or the activity has been completed before start of construction of particular section of the project.
- (v) Ascertain that borrow area management plan duly agreed by DFCCIL is in place and borrow areas are opened, operated and closed as per EMP and in consultation with Engineer
- (vi) Review if Labour camp is set up as per EMP and monitor its satisfactory operation
- (vii) Verify proper Health & Safety measures are in place for labours, employees working at site
- (viii) Monitor whether Contractor(s) follows silicosis exposure reduction strategy formulated for the project.
- (ix) Check trees are removed from RoW prior to start of construction following all procedures and with clearance from Forest Dept. Verify compensation paid to the owners of trees which are felled to clear RoW as per the provisions and green belt development work is undertaken
- (x) Review if Contractor(s) avoid soil pollution, remove top soil & keep safely stacked for re-use after construction work is over
- (xi) Monitor pollutants not making its way to water bodies and advise Engineer & / or Contractor(s) accordingly, temporary drainage is provided at construction sites and proper cross drainage is arranged by the Contractor at the crossing of canal etc. In consultation with state irrigation authority.
- (xii) Verify if crossing passage is provided for wildlife near forest, cattle folks, as applicable.
- (xiii) Check construction work is not carried during the night and during rainy season, without necessary safety and precautionary measures.
- (xiv) Ensure that the contractor carries out regular environmental monitoring as per the EMP and recommend necessary mitigation measures, where the parameters exceed the permissible standards
- (xv) Verify adequate dust suppression measures are undertaken and these follow CPCB emission norms; periodical AAQ monitoring data to be checked w.r.t. standards
- (xvi) Check construction equipment, vehicles & machineries have noise control measures, vehicles are fitted with exhaust silencer, vehicles' tyres are washed before it move outside construction sites
- (xvii) Check workers/ labours working on machineries generating noise are provided with ear muff / plug
- (xviii) Check if construction is carried out close to any sensitive receptor without any , temporary noise barrier
- (xix) Monitor that the construction activities are carried without causing any unwanted land subsidence
- (xx) Check if silt fencing is provided by the contractor to avoid run-off to river/ canal / water body
- (xxi) Check solid waste and other types of wastes including hazardous waste are managed as per EMP and regulatory provision
- (xxii) Verify whether permission from the authority is obtained for withdrawal of water from ground water & / or natural water body
- (xxiii) Verify if forest clearance has been obtained for working on erstwhile forest land now taken over for DFC project

- (xxiv) Ensure all personnel working at sites are aware of statutory provisions related to Wildlife
- (xxv) Participate in the meetings and consultations held by the implementing agencies/contractor(s), Engineer
- (xxvi) Report any lapse by Contractor(s) on environmental aspects to the SEMU with specific recommendations for remedial actions.
- (xxvii) Preparation of quarterly progress report on all environmental issues and submission to the World Bank through GM/LA&SEMU/EC.

### 3.0 CONSULTANT QUALIFICATIONS AND STUDY TEAM

The consultants should have adequate experience in monitoring the implementation of Social and Environmental Management activities in highway / linear projects.

The consultant's team should comprise the following specialists in their team.

Expert	Minimum Qualification	Desirable Qualification	Experience
Team Leader (Quantity -1)	Ist class Masters Degree in Sociology/ Political Science /Economics / / Anthropology /Rural Management/ development studies, any other social sciences/ Environmental Science /Environmental Engineering / Management from any recognized Indian University/ Autonomous Institutions	Ph.D./ M.Tech/M.Phil in relevant field	Minimum 15 years of relevant experience in implementation, monitoring and evaluation, and Reporting of the project/sector level application of the Social and Environmental Safeguards Policies of Multi-lateral funding agencies like World Bank/ JICA/ ADB/ USAID etc. Out of this 5 years experience of working as Team Leader for monitoring of SIA & EIA.
Sr. Environmental Safeguards Specialist /Dy. Team Leader (Quantity -1)	Ist class Masters Degree in Environmental Science /Environmental Engineering /Environmental Engineering Management from any recognized Indian University/Autonomous Institutions/ Engineering Collage	Ph.D./M.Tech/M.Phil in relevant field	Minimum 12 years of relevant experience in implementation and Reporting of Environmental Safeguards Policies of Multi-lateral funding agencies like World Bank/ JICA/ ADB/ USAID etc.
Sr. Social Safeguards Specialist / Dy.Team Leader (Quantity -1)	Ist class Masters Degree in Sociology/ Political Science /Economics / Social Work / Anthropology /Rural Management/ Development Studies/ Urban and Regional	M.Phil/ Ph.D. in relevant field	Minimum 12 years of relevant experience in the resettlement/ community development and implementation, monitoring and evaluation and Reporting of the project level application of Social Safeguards Policies of Multi-lateral funding agencies like World Bank/

	Planning, any other social sciences		JICA/ ADB/ USAID etc.
Social Safeguards Specialist (Quantity -1)	Ist class Masters Degree in Sociology/ Political Science /Economics / Social Work / Anthropology /Rural Management/Urban and Regional Planning	M.Phil/ Ph.D. in relevant field	Minimum 5 years of relevant experience in the field of social/community development and the implementation and Reporting the project level application of Social Safeguards Policies of Multi-lateral funding agencies like World Bank/ JICA/ ADB/ USAID etc.
Environment Safeguards Specialist (Quantity -1)	Ist class Masters Degree in relevant field.	M.Tech/ Ph.D. in relevant field	Minimum 5 years of relevant experience in implementation and Reporting of Environment Safeguards Policies of Multi-lateral funding agencies like World Bank/ JICA/ ADB/ USAID etc.

Depending on the study requirements, the consultant should deploy necessary additional staff for carrying out the assignment.

#### 4.0 OUT PUT AND TIME LINES

The assignment shall be carried out for the entire construction period of the project (4 years). Hence for the contract a period of 4 years is kept. Following are the deliverable.

- **Inception Report** to be submitted within two weeks of commencement of the project, outlining the detailed approach and methodology, schedule of monitoring surveys and field activities
- **Quarterly Review Report** to be submitted within two weeks of the previous quarter presenting the details of review and recommendations for the addressing various issues identified.
- **Completion Report** to be submitted within four weeks of completion of social and environmental management activities, clearly summarizing the status, every year upto 4 consecutive years.

Report		Output	Target Date
Inception Report		Inception report complete with detailed plan, approach and methodology, schedule of sample monitoring check and field activities	Within 15 days of commencement of assignment
Quarterly Review Report	1 <sup>st</sup> quarter	Quarterly report complete with Environmental & Social Safeguards Monitoring data in presentable form	Within 15 days after expiry of the quarter
	2 <sup>nd</sup> quarter	Quarterly report complete with Environmental & Social Safeguards Monitoring data in presentable form	Within 15 days after expiry of the quarter
	3 <sup>rd</sup> quarter	Quarterly report complete with Environmental & Social Safeguards Monitoring data in presentable form	Within 15 days after expiry of the quarter
	4 <sup>th</sup> quarter	Quarterly report complete with Environmental & Social Safeguards Monitoring data in presentable form	Within 15 days after expiry of the quarter
Completion Report		Completion Report complete with	Within four weeks of

Report	Output	Target Date
	summarizing social and environmental activities during the assignment	completion of assignment

The consultant is also expected to conduct training and orientation workshops with an objective to guide DFCCIL, Contractors and other agencies on the implementation of RPF/RAP/EMP/ EMF and its compliance.

The details of training and orientation workshop are as follows:

- 1) Workshop duration: Two Workshops in a year consisting of 2 days duration each. One at DFCCIL Corporate Office and one at Project site office.
- 2) Max. No of participants per workshop: 20 Nos.
- 3) Training arrangements will be done by the consultant. Lodging and boarding arrangement for training participants will be done by DFCCIL.

### Chainage-Wise Encumbrances

[illegible]