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for

discussion in the NAC and do not, in all cases,

reflect settled conclusions of the NAC

Presentation in the NAC on
Draft National
Rehabilitation Policy - 2006

by the Ministry of Rural
Development
(8th November 2006)

Background

- National Policy for Resettlement and Rehabilitation of Project Affected Families – 2003 (NPRR-2003) in force since February, 2004
- NPRR-2003 provides *minimum provisions* for resettlement and rehabilitation of PAFs; States/ PSUs/ RBs can offer better benefit levels
- Several States/ PSUs have their own R&R policies, e.g., Orissa, M.P., Maharashtra, NTPC, NHPC, NHAI, Coal India, etc.

The Need to Review NPRR-2003

- Statutory backing to make the provisions legally enforceable
- Social and demographic impact of projects to be taken into account in R&R
- More effective system of R&R to be in place for tribal and other vulnerable groups
- Scope to be enlarged to include involuntary displacement caused by factors other than projects involving land acquisition

NPRR-2003 Review...contd.

- Ongoing debates on R&R in the Standing Committee of the Planning Commission on Inter-sectoral Issues relating to Tribal Development
- Similar concerns in the Cabinet Committee on Tribal Affairs (CCTA)
- NCMP resolution for more effective system of R&R for tribal and other groups displaced by development projects
- NAC draft "National Development, Displacement & Rehabilitation Policy" for consideration of GoI

Formulation of NRP-2006

- In a meeting taken by Principal Secretary to PM, in April, 2006 it was decided to prepare a revised draft policy, considering *inter alia*, NAC inputs
- A Group of Secretaries (GoS) constituted – met twice, in May and June, 2006
- A brainstorming session arranged by DoLR with Revenue Secretaries of selected States, in May, 2006
- A note on revision of NPRR-2003 prepared by GoS, discussed by a Committee of Secretaries (CoS) chaired by Cabinet Secretary, in meetings held on 3.7.2006 and 14.8.2006

Formulation of NRP... contd.

- Draft NRP-2006 circulated to States/ UTs for comments
- Also, MRD wrote to all the State CMs/ UT Administrators
- Draft Cabinet Note circulated to concerned Ministries/ Departments of GoI for comments
- Draft NRP-2006 placed in public domain on the websites of DoLR and MoRD
- Draft policy also made available free of charge to public at Facilitation Counter of MoRD
- Public Notices published in leading National/ Regional Newspapers seeking comments on draft NRP-2006

Salient Features of Revised Policy

- Applicability enlarged to **all** cases of involuntary displacement
- Title changed to “**rehabilitation**” alone, instead of “rehabilitation and resettlement of project affected families”
- A new chapter on “**Social Impact Assessment**” (SIA) added
- **Objectives enlarged** to ensure adequate rehabilitation package, expeditious implementation of the rehabilitation process, active participation of displaced persons, & special care for weaker sections.

Salient Features... contd.

- NPRR-2003 was applicable to displacement of 500/250 families. Proposed policy applicable to all cases; but *certain provisions* applicable where displacement is 400 or more families *en masse* in plain areas or 200 or more families *en masse* in tribal or hilly areas, DDP blocks or areas mentioned in Schedule V or Schedule VI of the Constitution of India.
- These provisions are:
 - SIA
 - Appointment of Administrator for R&R
 - Declaration of affected zone
 - Tribal development plan
 - Comprehensive infrastructural facilities and amenities in the resettlement zone

Social Impact Assessment

- Mandatory for all projects involving physical displacement of 400/200 families *en masse* as mentioned earlier
- To be carried out simultaneously with the Environmental Impact Assessment (EIA), if required
- Public hearing in the affected zone necessary
- Two non-official social science and rehabilitation experts to be on the multi-disciplinary expert group examining the SIA/EIA report.

Administrator/Commissioner

- The State Govt. to appoint an officer not below the rank of Distt. Collector as Administrator for R&R for eligible projects;
- The Administrator will take all measures for R&R of all PAFs;
- The State Govt. to also appoint a Commissioner for R&R for such projects for supervision of R&R activities and redressal of grievances

R & R Plan

- Administrator to prepare Baseline Survey & Census of PAFs
- Thereafter to prepare draft scheme/plan for R&R of PAFs in consultation with reps of PAFs
- Plan to be discussed in Gram Sabhas & in public hearings
- Entire cost of R&R benefits to be communicated to RB for inclusion in Project Cost
- State Govt. to approve plan after obtaining consent of the RB. Also to ensure that RB has obtained all clearances and agreed to bear all costs
- Plan to be published in gazettes and given wide publicity

Land-for-Land

- Land-for-land policy made subject to availability of Government land
- Entitlement to be calculated with reference to the nature of ownership of land lost - each *khatedar* would have separate entitlement
- The benefit also available to those who become reduced to the status of marginal farmers due to land acquisition
- Preference to STs, followed by SCs in allotment of land-for-land

House Sites

- Each nuclear family of adult husband/ wife and minor children **within** the definition of a family entitled to an additional 10 sq. mt. floor area beyond the norm of 150/75 sq. mt. in rural/urban areas
- One-time financial assistance to BPL families for house construction made flexible, so that they get an amount **not less** than what is given under any programme of house construction by GoI
- Transportation cost for shifting belongings to be paid on **actual cost basis**
- In land development projects, in lieu of land-for-land or employment, affected families would be given a site or apartment **within the project**

Employment

- **A new feature** in draft NRP-2006
- **One job** for each project affected nuclear family, subject to availability of vacancies and suitability of PAPs for the employment
- **Preference** to willing landless labourers and unemployed PAPs while engaging labour in the construction phase of project
- **Preference** to groups and cooperatives of PAPs in outsourced contracts

Rehabilitation Grant

- **Uniform level** of one-time rehabilitation grant equivalent to 750 days minimum agricultural wages (MAW) for all PAFs who have not been allotted land-for-land or given employment, instead of graded benefits of 750/625/500/375 days MAW for different categories of PAFs
- **Monthly subsistence allowance** equivalent to 20 days MAW per month for 1 year remains unchanged

Share in Profits

- Available to those PAFs who have not received land-for-land or employment
- An **additional benefit** equivalent to 20% of rehabilitation grant to be given in the form of shares in the RB at book value, if the RB is a corporate organization/ company
- Guidelines to be developed by DoLR in consultation with Dept. of Company Affairs, etc.

Fishing Rights

- In **irrigation projects**, fishing rights in reservoirs to be given to PAFs, if such rights were enjoyed by them in the affected zone
- In other cases also, unless there are special reasons, fishing rights would be given to displaced persons only
- Fishing rights of **tribals and SCs especially protected**

Infrastructural Facilities

- **Comprehensive** infrastructural facilities and amenities to be provided at resettlement zone in cases involving displacement of 400/200 families as per the criteria described earlier
- If relocation takes place in an existing settlement, the same infrastructure shall also be extended to the **host community**
- **Basic facilities** and amenities for health, education, drinking water, electricity and access to the resettlement sites to be provided in all cases

Special Provisions for Tribals

- **Tribal Development Plan (TDP)** mandatory for projects displacing 200 or more tribal families.
- TDP to cover development of alternate fuel, fodder and non-timber forest produce on non-forest land within 5 years, as well as restoration of titles of tribals on alienated land.
- Tribal AFs would be resettled in the same Schedule Area; exceptions allowed only in rare cases
- Concerned **Gram Sabhas** to be consulted in all cases of acquisition, including emergency cases, before issue of section 4(1) notification under the LA Act

Special Provisions for SCs

- A **new feature** of NRP-2006
- SCs specifically mentioned alongside STs for R&R benefits
- SC families to be given preference in allotment of land for land, after ST families
- **Fishing rights** in river/ pond/ dam in reservoir areas of irrigation projects also made available to SC families
- **Reservation benefits** to SCs enjoyed in affected zone also available in resettlement zone

Time-bound Implementation

- Unlike NPPRR-2003, concept of **timeframe** introduced in NRP-2006 for implementation of rehab package
- Compensation awards to be declared well in time, and full payment of compensation and adequate resettlement to be done **in advance** of ouster of AFs
- Emergency provision for land acquisition to be used rarely and after recording full justification
- **Fast-track exercise** for updating of land records to be undertaken **concurrently** with the land acquisition proceedings

Resumption of Unused Land

- A **new provision** in NRP-2006
- Land compulsorily acquired for public purpose cannot be transferred for any other purpose without consent of PAFs
- Land **remaining unutilized** for the project after 10 years from taking over possession, shall be offered back to displaced families at nominal cost

People's Participation

- Grievance Redressal Cells at the State level shall also have an expert technical member
- Extensive **public involvement**
 - Gram Sabhas to be consulted in all cases of acquisition in Schedule V areas, including emergency acquisition
 - draft RR plans to be discussed in Gram Sabhas in rural areas and in public hearings in urban and rural areas not having Gram Sabhas
 - **wide publicity** in the affected zone to survey results for preparation of R&R plan

Statutory Basis to NRP-2006

- Law Ministry consulted for giving a **statutory basis** to NRP-2006
- Modalities to be decided with Cabinet approval
- Some changes in the **LA Act, 1894** also to be considered

Dispute Redressal

- State Govt to constitute Resettlement & Rehabilitation Committee for every project under chairmanship of Administrator
- This Committee will review and monitor progress of implementation
- Committee will include:
 - women's representative
 - representative each of SC/ST
 - representative of voluntary orgn.
 - representative of lead bank
 - Chairperson of PRI (or nominee)
 - MP/MLA of the affected zone

Inter-State Projects

- For inter-state projects, Min of RD in consultation with the State Govts concerned, to appoint the Administrator for R&R;
- Method of implementation shall be mutually discussed by State/UT Govts. and a common plan shall be notified by the Administrator

National Monitoring Committee

- Min of RD to constitute National Monitoring Committee to be chaired by Secy (LR) for reviewing and monitoring progress of implementation of projects;
- Members will be the following or their nominees:
 - o Secy, Planning Commission
 - o Secy, Soc Justice & Environment
 - o Secy, Water Resources
 - o Secy, Tribal Affairs
 - o Secy, Railways
 - o Secy, Power
 - o Secy, Coal
 - o Secy of the Deptt. for which land is being acquired

National Monitoring Cell

- To be constituted under the Policy
- To be headed by an officer not below the rank of Joint Secretary
- To be suitably staffed for efficient functioning

THANK YOU