

GOVERNMENT OF TRIPURA
REVENUE DEPARTMENT
CIVIL SECRETARIAT
NEW SECRETARIAT COMPLEX
A G A R T A L A

NO. F.30 (08)-REV/ACQ/10/P-I

January 30th, 2015

NOTIFICATION

In exercise of the powers conferred by section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), the Governor of Tripura is hereby pleased to publish the draft of the rules as required by Section 112 of the said Act, 2013 for information of all persons likely to be affected thereby, and notice is hereby given that the said draft of the rules (hereinafter shortly called the "Rules") shall be considered for finalization and publication after expiry of a period of thirty days from the date on which this notification is published in the Tripura Gazette.

2. Any objections or suggestions which may be received from any person with respect to the said draft rules within a period of thirty days from the date of publication of the rules in the Tripura Gazette shall be taken into consideration while finalizing the draft rules.

3. Objections or suggestions, if any, may be sent to the Secretary, Revenue Department, Government of Tripura, New Secretariat Complex, Kunjaban, Agartala, P.O-Kunjaban, Agartala, West Tripura District, PIN-799006.

By order of the Governor,


(Secretary)

Revenue Department.

I N D E X

RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT RULES, 2014

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By order of the Governor,

(Secretary)
Revenue Department.

FORM – V

PART- I (A)

**For recording particulars of individual families
while conducting their survey and census for preparation of a draft Development Plan**

[See Rule 10 (5) of the Rules]

Location & particulars of the area proposed to be acquired

(i) Name of the Mouja ,..... (ii) Name of Tehsil – (iii) Name of Sub-Division –
(iv) Name of District – (v) Its distance from the Tehsil – (vi) Its distance from the Sub-Divisional
Headquarters – (vii) Total area proposed to be acquired – (viii) Urban or rural area –

SL No.	Name, father's name & address of the head of the family & names of other members of the family	sex	age	Educational qualification	Relation with the head of the family	Community status	Occupation & approx. monthly income
1	2	3	4	5	6	7	8

Total area of land held by the family	Particulars of land proposed to be acquired	In whose name(s) the land proposed to be acquired has been recorded	Whether the family will become landless after acquisition	Particulars of other immovable properties to be lost by the family	Whether livelihood of the family is fully/partly dependent on the land being acquired. If so, indicate loss of monthly income.
9	10	11	12	13	14

Particulars of loss of forest right, if any	Particulars of loss of fishing right, if any	Particulars of loss of any other right/benefit	Any other particulars considered necessary	Type of house to be lost	Remarks, if any
15	16	17	18	19	20

FORM – V
PART- I (B)

For recording particulars of community benefits/infrastructural facilities enjoyed by the individual families while conducting their survey and census for preparation of a Development Plan

[See Rule 10 (5) of the Rules]

1. Name of Mouja, Sub-Division and District :-
2. Total No. of ST families whose lands are being acquired :-
3. Total No. of SC families whose lands are being acquired :-

LIST OF EXISTING COMMON BENEFITS/INFRASTRUCTURAL FACILITIES ENJOYED BY THE FAMILIES

1. Health care facilities:-
2. Means of transport:-
3. Electricity lines :-
4. Drinking water supply:-
5. Irrigation facility:-

6. Educational facilities:-
7. Sanitation and waste managemeny:-
8. Community halls:-
9. Fair price Shops:-
10. Government Offices/institutions:-
11. Banks :-
12. NGOs:-
13. Markets:-
14. Cooperative Societies :-

15. Religious places:-
16. Tourist sites:-
17. Playground:-
18. Forest rights:-
19. Fishing rights:-
- 20; Offices of political organizations:-
21. Any other common benefits/infrastructural facilities:-

FORM – V
PART- II (A)
For preparation of draft Development Plan
(Individual entitlements of the families as per 2nd Schedule to the Act)
[See Rule 11 (1) of the Rules]

Location & particulars of the area proposed to be acquired

(i) Name of the Mouja (ii) Name of Tehsil – (iii) Name of Sub-Division –
(iv) Name of District – (v) Its distance from the Tehsil – (vi) Its distance from the Sub-Divisional
Headquarters – (vii) Total project area for Rehabilitation and Resettlement (viii) Urban or
rural area – (ix) Whether the Resettlement project is within the Scheduled Area or Non-Scheduled Area -

SL No.	Name, father's name & address of the head of the family & names of other members of the family	sex	age	Educational qualification	Relation with the head of the family	Community status	Occupation & approx. monthly income
1	2	3	4	5	6	7	8

List of entitlements :-

1. Specification of the house to be provided (as per item No.1 of the 2nd Schedule. to the Act) -
2. In case of irrigation project particulars of land to be provided (as per item No.2 of the 2nd Sch. to the Act) -

3. In case of urbanization project particulars of land (20% of the acquired area) to be provided to the family (as per item No.3 of the 2nd Sch. to the Act) -
4. Where jobs are created through the project, option of the family for getting job or one time payment of Rs. 5.00 lakhs or an annuity policy (as per item No.4 of the 2nd Sch. to the Act) -
5. Monthly subsistence allowance and an additional amount of Rs.50,000/- to be provided to the family (as per item No.5 of the 2nd Sch. to the Act) -
6. Transportation cost to be provided to the family (as per item No.6 of the 2nd Sch. to the Act) -
7. Grant, if any, for construction of cattle shed or petty shop (as per item No.7 of the 2nd Sch. to the Act) -
8. If an artisan or small trader family amount of grant (as per item No.8 of the 2nd Sch. to the Act) -
9. In case of irrigation or hydel project, nature of fishing right proposed to be provided (as per item No.9 of the 2nd Sch. to the Act) -

10. Whether one time resettlement allowance of Rs.50,000/- is proposed to be provided (as per item No.10 of the 2nd Sch. to the Act) -
11. Whether stamp duty or other fees for registration of land or house will be borne by the Requiring Body (as per item No.11 (1) of the 2nd Sch. to the Act) -
12. Whether the homestead land proposed to be allotted to the family will be encumbrance free (as per item No.11(2) of the 2nd Sch. to the Act) -
13. Whether the house will be allotted in the joint name of the husband and wife (as per item No.11(3) of the 2nd Sch. to the Act) -

FORM – V
PART- II (B)

For preparation of draft Development Plan
(Common benefits/infrastructural facilities to be made available the families as per 3rd Schedule to the Act)
[See Rule 11 (1) of the Rules]

List of common benefits/infrastructural facilities proposed to be provided to the families

1. Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights proposed for all the resettled families -
2. Proper drainage as well as sanitation plans proposed to be executed before physical resettlement –
3. One or more sources of assured safe drinking water proposed for each as per norms prescribed by the Government of India-
4. Provision for drinking water proposed for cattle -
5. Grazing land as per proportion acceptable in the State -
6. Reasonable number of Fair Price Shops proposed to be established -

7. Panchayat Ghars proposed to be constructed –
8. Village level Post Offices proposed to be established -
9. Seed-cum-fertilizer storage proposed to be constructed (if considered necessary) -
10. Basic irrigation facilities proposed to be made for agricultural land, if any, allocated to the resettled families -
11. Suitable transport facilities including public transport facilities through bus services proposed to be created for linking the resettled area with the nearby growth centres/urban localities-
12. Burial and cremation ground (depending on the practices of the caste/communities) proposed to be created -
13. Facilities for sanitation including individual toilet points -
14. Individual single electric connections (or connection through non-conventional sources of energy like solar energy) for each household and public building proposed to be created-

15. Anganwadi Centres proposed to be established for providing supplemental nutritional services to the children and mothers -
16. Schools proposed to be constructed (as per provisions of the Right of Children to Free and Compulsory Education Act, 2009 -
17. Sub-Health Centre within two km range proposed to be established -
18. Primary Health Centre (as prescribed by the Government of India) proposed to be constructed -
19. Playground for children proposed to be constructed -
20. One community centre (for every 100 families) proposed to be constructed -
21. Places of worship and chowpal/tree platform (for every 50 families for community assembly) proposed to be constructed -
22. Particulars of separate land proposed to be earmarked for traditional tribal institutions -

23. Provisions proposed to be made for restoration of forest rights of the forest dweller families on non-timber forest produce and common property resources -
24. Appropriate security arrangements proposed to be made, if needed -
25. Veterinary service centre proposed to be established as per norms.

SPECIAL PROVISIONS TO BE MADE FOR THE DISPLACED ST AND SC FAMILIES

1. Provisions proposed for creation of alternative fuel, fodder and non-timber forest produce resources sufficient for meeting the needs of the families within a period of 5 years -
2. Whether arrangement has been made for payment one third amount of compensation to each ST and SC family as first instalment before taking over possession of their land -
3. Whether affected ST and SC families are proposed to be given resettlement in a Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity -
4. Area of land proposed to be provided to the affected ST and SC families free of cost for community and social gatherings -

5. Where the ST and SC families are proposed to be given Rehabilitation and Resettlement out side the district in which land is being acquired, whether they are proposed to be paid an additional grant of 25% of the Rehabilitation and Resettlement benefits to which they are normally entitled as per provision of section 41(11) of the Act -
6. Where the ST and SC families are proposed to be given Rehabilitation and Resettlement in any Non-Scheduled Area, whether all the statutory safeguards, entitlements and benefits being enjoyed by them so long in the Scheduled Area are proposed to be extended to them in the Non-Scheduled Area of Resettlement -
7. Where community rights have been settled in favour of the ST and SC families in the area proposed to be acquired under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, whether the benefits being enjoyed by each individual family have been quantified in monetary amount and proposed to be paid to each family in proportion to his share in such community right -
8. Any other proposal which the Administrator considers necessary for inclusion in the draft Development Plan -

THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN
LAND ACQUISITION, REHABILITATION AND RESETTLEMENT
RULES, 2014

CHAPTER - I

GENERAL

1. Short title and commencement:

- (1) These rules may be called the ‘Tripura Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014’;
- (2) They shall come into force on and from the date of their final publication in the Tripura gazette.

2. Definitions:

- (1) In these Rules, unless the context otherwise requires,-
 - (a) “Act” means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013(Central Act 30 of 2013);
 - (b) “Administrative cost” for acquisition of land, including both in the project site and out of the project area lands, shall mean such percentage of the cost of compensation as the Government may, by notification in the official Gazette, specify;
 - (c) “District Council” means the Tripura Tribal Areas Autonomous District Council;
 - (d) “Form” means the Form appended to these rules;
 - (e) “Gram Sabha” shall have the same meaning as assigned to it in section 2(18) of the Tripura Panchayats Act, 1993;
 - (f) “Government” means the Government of Tripura;
 - (g) “Governor” means the Governor of Tripura;
 - (h) “Landless” as assigned to it under the TLR & LR (Allotment of land) Rules, 1980.

Explanation: For the purpose of this rule the word ‘family’ in relation a person shall mean a person, the wife or husband, as the

case may be, children (excluding married daughter) and parents of the person.

- (i) “Patta” means a document showing grant of lease of land, settlement of land or allotment of land;
 - (j) “Rural area” means an area which is not within the limits of any urban area;
 - (k) “Section” means section of the Act;
 - (l) “Social Impact Assessment” means an assessment being made under sub-section (1) of Section 4 of the Act;
 - (m) “Social Impact Management Plan” means the plan prepared as a part of Social Impact Assessment Process under sub-section (6) of Section 4 of the Act;
 - (n) “Standard Hectare” shall have the same meaning as assigned to it under the TLR & LR Act, 1960;
 - (o) “State” means the State of Tripura;
 - (p) “Urban area” means any area within the limits of a Municipal Corporation, Municipality, Nagar Panchayet, Cantonment or any other area notified by the Government for the purpose;
 - (q) “Village Committee” shall have the same meaning as assigned to it in the Tripura Tribal Areas Autonomous District Council (Establishment of Village Committee) Act, 1994;
- (2) The limit as required under Clause (a) of Sub-Section 3 of Section 2 of the Act shall be-
- (i) In urban areas-03 (three) acres
 - (ii) In rural areas- 10 (ten) acres
- (3) Words and expressions used but not defined in these rules, but defined in the Act or in any law for the time being in force shall have the same meaning respectively assigned to them in the Act or in any other law for the time being in force.

CHAPTER - II

SOCIAL IMPACT ASSESSMENT

3. Social Impact Assessment study:

- (1) All proposals for acquisition of land either for public purpose defined in sec.2(1) or for other purposes mentioned in sec.2(2) of the Act shall be submitted to the State Government in the Revenue Department by the requiring department, Corporation, Company or person.

- (2) The proposal shall indicate total area of the land required, the purpose and the manner of utilization, the nature of the land and other particulars as may be specified by the State Government.
- (3) If the acquisition is for a public purpose the State Government shall engage a study team to undertake a social impact assessment of the project. The composition of the team may vary depending on the nature of the project and the expertise required. A team may be engaged for one or more project. It will work for and under the supervision, direction and control of the State Government.
- (4) The State Government shall issue a notification in **Form-I** mentioning the date of commencement of the consultation and social impact assessment study and the particulars of the study team. Copy of the notification along with proposal received from requiring department, authority or person shall be sent to the concerned Panchayat or Nagar Panchayet, or the municipality or Municipal Corporation for consultation required under sec. 4(1).
- (5) The concerned Gram-panchayat, Gram-sabha, Nagar Panchayet, Municipality or Municipal Corporation shall be asked to select representatives to associate with the study team during social impact assessment study.
- (6) The notification shall be published in the form of poster, pamphlets affixed in conspicuous places of the affected areas and newspapers having circulation in the area and shall also be uploaded on the website of the Government.
- (7) While conducting the study the team shall take into consideration the matters mentioned in sub- section (4) and (5) of section 4 including environment impact of the project in the affected area and the views of the concerned Panchayet, Nagar Panchayet, Municipality or Municipal Corporation.
- (8) Before preparation of the assessment report there shall be a public hearing to ascertain views of the affected families only. For this purpose adequate publicity only about date, time and venue shall be given in the affected area for information of all the affected families. The hearing shall take place two weeks after publicity.
- (9) The study shall be completed and the report in **Form-II** shall be prepared by the team along with Social Impact Management Plan in **Form-III** and submitted to the State Government for consideration and acceptance within six months from the date of commencement of the study.
- (10) After the report is evaluated by the expert group constituted under section 7(2) the State Government shall take final decision on the proposed acquisition in terms of section- 8 of this Act.

CHAPTER III

PROCESS OF OBTAINING THE PRIOR CONSENT

4. Prior Consent of 80 % of the affected families in case of private companies and 70% in case of public-private partnership project shall be obtained in the following process:-

- (1) The State Government, through the District Collector of the concerned district shall initiate the process for obtaining prior consent of the affected families in **Form-IV** only in cases of private companies or public private partnership projects in terms of Section 2 (2) of the Act.

NOTE:- The provision of taking consent shall not apply to acquisition for public purposes

(2) The District Collector shall take necessary steps to resolve outstanding issues if any, related to right, title and interest in the lands proposed to be acquired in the affected areas, so that the affected families are identified for initiating the process of obtaining their prior consent. The District Collector shall take special drive for this purpose and complete this exercise within a period of 45 days;

(3) The District Collector, after completion of the aforesaid exercise of correcting and updating the land records shall draw out a list of all affected persons having right title or interest in the lands from whom consent is required to be obtained. The list shall be made available in conspicuous places in the affected areas for at least fifteen days before holding a meeting of affected persons.

(4) The District Collector shall notify the date, time and venue at least three weeks in advance, for holding meeting with the affected land owners or occupants of land or individuals as the case may be at the village or ward level;

(5) The representatives of the requiring body, who are competent to take decision and negotiate terms of rehabilitation and resettlement and compensation and the members of the social impact assessment team shall be present in the meeting with all such affected persons and give clarification to the questions raised by such persons. The terms and conditions, rehabilitation and resettlement, compensation and other measures committed by the requiring body shall be explained to the affected persons in the local language. The proceedings of the meeting shall be recorded.

(6) At the conclusion of the meeting, each affected person shall be asked to sign a declaration in **Form-IV** indicating whether he gives or withholds prior consent for the acquisition of land involved. A copy of this signed declaration with the terms and conditions shall be made available to the affected persons.

The signed declaration shall be countersigned by the District Collector on its receipt;

(7) Arrangements shall be made for those affected persons who could not attend the meeting for enabling them to submit their signed declarations to the District Collector within fifteen days from the date of meeting. The signed declaration form shall be counter-signed by the District Collector on its receipt and a copy of the signed and counter-signed declaration, with the terms and conditions shall be handed over to such affected persons;

(8) The prior consent shall be determined on the basis of the signed and counter-signed written declarations of such affected land owners or occupants of land or individuals as the case may be;

5. Roles and responsibilities of the State Government in prior consent processes:

In the case of acquisition in scheduled areas consent of the Gram-sabha, or where there is no Gram-sabha, consent of Panchayat or Autonomous District Council shall be obtained in all cases of acquisition whether for public purpose or for private companies or for public private partnership in the above manner with suitable modifications where necessary by the Collector.

CHAPTER-IV

UPDATION OF LAND RECORDS, SURVEY AND CENSUS OF THE AFFECTED FAMILIS

6. Publication of preliminary notification and updation of the land records:

(1) The Preliminary Notification issued under sub-section (1) of section 11 of the Act, shall also be published by means of public announcement and or through radio, local television channel(s) etc., throughout the affected area(s);

(2) After issuing the notice under sub-section (1) of section 11, the District Collector shall undertake and complete the exercise of updating land records within a period of two months. For the purpose the relevant provisions of the TLR & LR Act, 1960 and the rules framed thereunder may to the extent necessary, be followed.

7. Deposit of money by the requiring body towards cost of acquisition of the land:

Before the Government makes a declaration under sub-section (1) of section 19 of the Act, the Requiring body shall deposit with the Collector

the first of the following installments of money towards the cost of acquisition of the land:-

- (i) *Not less than 50% of the cost of acquisition of the land as first installment within two months from the date of publication of the approved Rehabilitation and Resettlement Scheme in the affected areas under section 18 of the Act;*
- (ii) *25% of the remaining money as second installment within six months from the date of publication of the approved Rehabilitation and Resettlement Scheme; and*
- (iii) *the remaining 25% as third and final installment within 9 months from the date of publication of the approved Rehabilitation and Resettlement Scheme.*

Provided that the State Government may increase or decrease the amount of the first installment of money according to the exigencies of circumstances;

Provided further that the Requiring Body may, if it so likes, deposit with the Collector the entire cost of acquisition of land at a time within the time limit specified for payment of the first installment.

8. Recovery of excess amount paid to any person:

Where after correction of any award made by the Collector under section 33(1) of the Act, it is found that any excess amount has been paid to any person and he refuses or makes default in refunding the amount, the Collector may recover such excess amount paid to the person as an arrear of land revenue in the manner as provided in the TLR & LR Act, 1960.

CHAPTER – V

SPECIAL PROVISIONS FOR ACQUISITION OF LAND IN SCHEDULED AREAS

9. Preparation of Development Plan for settlement of land rights and restoration of titles of the Scheduled Tribe and Scheduled Caste families to land proposed to be acquired:

- (1) Simultaneously with the process of acquisition of land in any Scheduled Area, the District Collector shall prepare a development plan in terms of section 41(4) of the Act. He shall, for the purpose, ascertain if settlement of land rights to the Scheduled Tribe and Scheduled Caste families residing in the affected areas, who will be displaced against their will are due, but not settled and if he finds that such rights are due but not settled, he shall take prompt action for settling their land rights and restoration of their titles to the land in accordance with

procedure laid down in TLR & LR Act, 1960 & the rules framed thereunder to the extent necessary.

(2) Collector can appoint administrator for purposes other than Chapter-VI of this Act.

(3) For the purpose, the Collector may engage officers or a team of persons working under him to complete the work summarily. While doing so it should be ascertained whether ST, SC families

- (i) were allotted any land by the Government in the past for their rehabilitation and if the same has been duly recorded in the last revisional survey,
- (ii) whether any mutation is pending,
- (iii) were granted any usufructuary right,
- (iv) were granted any forest right,
- (v) were enjoying any fishing right in any river, pond or dam in the affected area,
- (vi) were granted any right under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the same has been duly recorded in the last revisional survey,
- (vii) are enjoying any statutory safeguards, entitlements and benefits, and
- (viii) are enjoying any other rights or benefits;

(4) The team will submit its report to the District Collector who will examine the report and pass appropriate orders for updation of the revenue records and for recording the unrecorded land rights of the Scheduled Tribe and Scheduled Caste families in their Khatians;

(5) After updating of the revenue records and settlement of land rights and titles copies of necessary documents relating to the right and title to the land shall be handed over to the concerned families.

10. Survey and Census of the affected families for preparation of a Development Plan for their Rehabilitation and Resettlement:

Together with the task of settlement of the land rights and restoration of titles, the Administrator shall conduct a survey and census of the affected families for preparing a Development Plan for their Rehabilitation and Resettlement in the following manner-

(1) The Administrator shall notify a time bound programme showing the date of commencement and completion of the survey and census of the affected families and widely circulate the programme within a radius of five kilometers of the affected area in the local language by affixing

posters and pamphlets at conspicuous places at least fifteen days in advance,

(2) Individual notice to each affected family showing therein the date and time of conducting its survey and census shall also be given at least seven days in advance,

(3) The maximum time limit for completion of survey and census of one hundred affected families shall be thirty days;

(4) The staff engaged for the purpose shall visit the house of each affected family and record necessary particulars of the family which shall include –

- (i) the name and father's name of the head of the family, the community status of the family, the names of other members of the family, their sex, age, occupation and relation with head of the family etc.,
- (ii) the particulars mentioned in sub-section (1) of section 16,
- (iii) particulars of loss of any forest right,
- (iv) particulars of loss of fishing right,
- (v) particulars of loss of any other right, and
- (vi) any other particulars considered necessary;

(5) The Particulars of survey and census shall be recorded in PART-I(A) and PART-I(B) of FORM NO.-V given in the **SCHEDULE** to these rules;

(6) The Administrator shall issue a Notification to the effect that the survey and census report is available in the offices of the concerned District Collector, Sub-Divisional Magistrate, local Tehsil, Municipal Corporation, Municipality, Nagar Panchayet, Panchayet etc. for a period of thirty days, for inspection of all the affected families and if any mistake or defect in the report is detected, the head of the affected family may file written objection to the Administrator, within the said period of thirty days;

(7) If any objection is received, the Administrator shall acknowledge the receipt of the same in writing and shall get it verified, through field inquiry, if necessary and may make necessary correction(s) in the survey and census report, if required, within a period of fifteen days from the date of receipt of objection and the correction(s) so made, shall be communicated to the affected family.

11. Preparation of Development Plan for Rehabilitation and Resettlement of the affected families:

(1) Based on the Survey and census report the Administrator shall prepare a draft Development Plan for Rehabilitation and Resettlement of the affected families in PART-II(A) and PART-II(B) of FORM NO.-V given in the **SCHEDULE** to these rules;

(2) Every proposal of the nature of construction work or creation of asset included in the draft Development Plan shall be supported by a plan and estimate duly approved by a competent technical expert of the concerned department of the Government;

(3) While preparing the draft Development Plan the Administrator shall ensure that the scheme is strictly in conformity with the entitlements of the families mentioned in sub-sections (5), (6), (7), (8), (10) and (11) of section 41 of the Act and the **SECOND** and **THIRD SCHEDULES** to the Act.

12. Process of public hearing on the draft Development Plan:

(1) Public hearings shall be held in the affected areas, in the same manner as mentioned in sub rule (8) of rule 3, to bring out the main features of the draft Development Plan seeking feedback on its features and claims and objections, if any, for incorporation of the same in the Plan;

(2) All the proceedings of such Public hearings shall be held in the local language with effective and credible translators to ensure that all the participants can understand and express their views;

(3) The Administrator shall submit the draft Rehabilitation and Resettlement Scheme to the District Collector along with a specific report on the claims and objections raised in the public hearing.

CHAPTER-VI

MANNER OF REHABILITATION AND RESETTLEMENT

13. Powers, duties and responsibilities of the Administrator:

(1) Where there is likelihood of involuntary displacement of persons due to acquisition of land, the Government shall, by Notification, appoint for that project an Administrator who shall be an officer not below the rank of Senior Deputy Collector;

(2) The Administrator shall have the power -

- (i) to enter upon the project area proposed to be acquired and the project area where the affected families are proposed to be given Rehabilitation and Resettlement;
- (ii) to authorize his subordinate staff and workers to do such acts and perform such duties as are required to be done for the purpose of -

- (a) Conducting survey and census of the affected families;
 - (b) preparing a draft Rehabilitation and Resettlement Scheme or Development Plan for the displaced persons; and
 - (c) implementation of the approved Rehabilitation and Resettlement Scheme or Development Plan; and
- (iii) to seek assistance of technical experts of other departments of the Government.
- (3) The Government shall provide the Administrator with necessary accommodation for his office, appoint or depute necessary staff and provide necessary logistic support.

14. Procedure of State Monitoring Committee, constituted under Section 50(1) of the Act:

(1) The State Monitoring Committee shall be chaired by Chief Secretary to State Government with representation from heads of departments of all requiring bodies and experts in the field of Rehabilitation and Resettlement;

(2) The State Monitoring Committee shall have its first meeting for reviewing and monitoring the implementation of Rehabilitation and Resettlement Scheme for the Project within a month of the publication of the approved Rehabilitation and Resettlement Scheme by the Commissioner for Rehabilitation and Resettlement under section 18, and thereafter in the subsequent meetings the State Monitoring Committee meeting shall be held after six months. If the Committee desires, then it can have its meeting even before the period of six months;

(3) The allowances payable to the experts shall be as those of the Commissioner for Rehabilitation and Resettlement or Secretary to the Government.

CHAPTER-VII

**APPOINTMENT OF REGISTRAR, OTHER OFFICERS AND
STAFF OF THE LAND ACQUISITION, REHABILITATION AND
RESETTLEMENT AUTHORITY**

15. Term of office of the Presiding Officer of Land Acquisition, Rehabilitation and Resettlement Authority:

(1) The Presiding Officer of Land Acquisition, Rehabilitation and Resettlement Authority shall, unless removed from office under Section 58 of the Act, hold office for a period of three years, or till the age of sixty-five years, whichever is earlier;

(2) Subject to the provision contained in sub-rule (1), a person who has held the office as Presiding Officer for one term, may be re-employed for another subsequent term not exceeding two years;

(3) A vacancy caused by death, resignation, removal or any other reason, shall be filled-up, within ninety days from the date of occurrence of such vacancy, in accordance with the provisions of this Act;

(4) No act or proceeding of the Authority shall be invalid merely by reason of-

(a) *any vacancy in, or any defect in the appointment of the Presiding Officer, or*

(b) *any irregularity in the procedure of the Authority not affecting the merits of the case;*

(5) The Presiding Officer shall be the Head of Department in respect of the establishment of the Authority;

(6) Every appointment under sub rule (1) of rule 17, shall be made on recommendation of the selection committee, consisting of-

(a) the Secretary, Law Department;

(b) the Secretary, Revenue Department;

(c) the Presiding Officer of the Land Acquisition, Rehabilitation and Resettlement Authority;

Provided that the senior most officer among the above three shall be the Chairman of the Selection Committee.

16. Salary, Allowances and other terms & conditions of service of the Presiding Officer:

The salary, allowances and other terms & conditions of service of the Presiding Officer,-

(a) if he is an in-service judicial officer, shall be regulated by the service rules as applicable for a Tripura Judicial Service officer;

(b) if he is a retired judicial officer, shall be given total emoluments and allowances, last drawn minus pension as a consolidated pay;

(c) if he is a qualified legal practitioner, shall be such as may be determined by the State Government from time to time.

17. Appointment of Registrar, other officers and employees of the Land Acquisition, Rehabilitation and Resettlement Authority:

(1) State Government shall appoint a Registrar for the Land Acquisition, Rehabilitation and Resettlement Authority from the officers of Grade-II of Tripura Civil Service, having at least five years experience in service to perform the functions of a Registrar;

(2) The pay and allowances and other terms and conditions of his service including his pension, gratuity and other retirement benefits shall

be regulated by the service rules applicable to the Government servants of his rank and status;

(3) Besides the Registrar, the establishment of the Land Acquisition, Rehabilitation and Resettlement Authority may have the following other officers and staff, which may be increased subsequently, if the State Government thinks fit and proper-

(i) U. D. C.-01 (one), (ii) L. D. C.-03 (three), (iii) Jr. Grade Stenographer-01 (one), (iv) Orderly-01 (one), (v) Sheristadar-01 (one), (vi) Driver-01 (one), (vii) Peon-04 (four), (viii) Day Guard/Night Guard-02 (two), (ix) Sweeping Staff-01 (one);

(4) The salary and allowances payable to such other officers and staff and their conditions of service including pension, gratuity and other retirement benefits shall be regulated by the service rules applicable to the Government servants of the same rank and status;

(5) The Registrar shall be responsible for the proper administration of the affairs of the Authority and its day to day management and shall exercise and discharge such other powers and perform such other duties as may be assigned to him by the Presiding Officer.

18. Leave sanctioning authority:

- (1) The State Government shall be the authority competent to sanction leave to the Presiding Officer;
- (2) The Presiding Officer shall be the authority to sanction leave to the Registrar; and
- (3) The Registrar shall be the authority to sanction leave to the other officers and staff.

CHAPTER-VIII

**INVESTIGATION OF MISBEHAVIOUR OR INCAPACITY
AGAINST A PRESIDING OFFICER**

19. Procedure for investigation of misbehaviour or incapacity of Presiding Officer:

- (1) If a written complaint, alleging any definite charges of misbehaviour or incapacity to perform the functions of the office in respect of a Presiding Officer is received by the State Government, it shall make a preliminary scrutiny of such complaint.
- (2) If, on preliminary scrutiny, the State Government considers it necessary to investigate into the allegations, it shall place the complaint together with other materials, as may be available, before a Committee consisting of the following officers, to investigate the charges of allegations made in the complaint, namely-

- (a) Secretary, GA (AR) Department,
- (b) Secretary, Finance Department,
- (c) Secretary, Law Department.

Provided that the senior most officer among the above three shall be the Chairman of the Committee.

(3) The Committee shall devise its own procedure and method of investigation which may include record of evidence of the complainant and collection of materials relevant to the inquiry;

(4) The Committee shall submit its findings to the State Government, as early as possible within a period that may be specified by the State Government in this behalf;

(5) If the State Government is of opinion that there are reasonable grounds for making an inquiry into the truth of any imputation of misbehavior or incapacity of a Presiding Officer, it shall make a reference to the Chief Justice of the High Court, requesting him to appoint a Judge of the High Court to conduct the inquiry;

(6) (a) The Chief Justice shall, by order appoint a Judge of the High Court to conduct the inquiry and the State Government shall forward the copy of-

- (i) the articles of charges against the Presiding Officer concerned and the statement of imputation,
- (ii) the statement of witnesses, if any, and
- (iii) material documents relevant to the inquiry.

(b) the Judge appointed shall conduct the inquiry in accordance with the procedure and shall complete inquiry within such time, as specified by the Chief Justice;

(c) The State Government may appoint an Officer of the Government or an Advocate to present the case against the Presiding Officer and where the State Government appoints an Advocate to present the case before the Judge, the Presiding Officer concerned shall also be allowed to present his case by an Advocate of his choice;

(d) The Judge shall be guided by the principles of natural justice and shall have power to fix the places and times of his inquiry;

(e) After the conclusion of the investigation, the Judge shall submit his report to the Chief Justice, stating therein his findings and the reasons thereof on each of the articles of charges separately and the Chief Justice shall forward it to the State Government along with his recommendation(s);

(f) On getting the report of investigation, the State Government shall take appropriate decision, according to Section 58 (2) of the Act.

CHAPTER – IX

VESTING OF POWER UPON THE PRESIDING OFFICER

20. Vesting of power upon the Presiding Officer in respect of matters not covered by the Act:

If the Presiding Officer proposes that powers in respect of some matters in addition to what has been conferred by section 60(1) of the Act is required to be vested upon him for efficient discharge of his duties, Government may consider the same and confer upon the Presiding Officer such power(s), not inconsistent with the provisions of the Act, by a notification in the official gazette.

CHAPTER – X

PROCEDURE FOR RECOVERY OF REHABILITATION AND RESETTLEMENT BENEFITS OBTAINED FALSELY OR FRAUDULENTLY

21. Procedure for recovery of any Rehabilitation and Resettlement benefits availed of by any person by making of false claim or through fraudulent means:

Where a court of competent jurisdiction convicts and punishes a person for commission of an offence under section 84(1) of the Act, the Collector shall have the power to recover from that person, as arrear of land revenue, the Rehabilitation and Resettlement benefits availed of by that person by making false claim or through fraudulent means, after giving that person a reasonable opportunity of representing his case.

CHAPTER – XI USE OF UNUTILISED LAND

22. Manner of returning acquired land remaining unutilized for five years to the original owners or to the land bank:

(1) Where any land already acquired remains unutilized for a period of five years from the date of taking over possession of the same, the Government shall, before returning any unutilized land to the original owner or owners or their legal heirs, as the case may be, or to the land bank under section 101 of the Act, follow the procedure given below-

- (i) in calculating the period of five years, the period for non utilization of the acquired land on account of any order issued by a court of competent jurisdiction shall be deducted;
- (ii) first of all, the Collector shall, after causing an enquiry through an officer not below the rank of the Additional Collector, ascertain if the acquired land remained unutilized on account of –
 - (a) *any fundamental change caused by unforeseen circumstance,; or*
 - (b) *any fault of the Requiring Body;*
- (iii) if the Collector is satisfied from the inquiry report that the acquired land remained unutilized on account of any fundamental change caused by unforeseen circumstances as provided in clause (a) of sub-rule (ii) above, the Collector shall send a report to the Government to that effect and thereafter the Government, if it is so satisfied, may issue a notification that such land may be used for any other public purpose as provided in the proviso to section 99 of the Act;
- (iv) if the inquiry report reveals that the land remained unutilized for fault of the Requiring Body, the Collector shall issue to the Requiring Body a notice to show cause within fifteen days from the date of receipt of the notice why the acquired land should not stand forfeited to the Government;
- (v) on receipt of the reply to the show cause notice, if any, the Collector shall hear the Requiring Body and thereafter submit to the Government a report with reasons whether the acquired land should be returned to the original owner or owners or to their legal heirs, as the case may be, or to the land bank;

(2) Government, on receipt of the Collector's report, take necessary decision whether the land should be returned to the owner or owners or their legal heirs, as the case may be, or to the land bank or transferred to any other third party.

23. Return of acquired land to original owners.

(1) Where the original owner or owners or their legal heirs have already availed themselves of the benefits of Rehabilitation and Resettlement, the Collector may obtain from each original owner or owners or their legal heirs an option if they are willing to take back the land acquired from them after refunding to the Government the money which they have received only as value of the acquired land;

(2) If any of the original owners or their legal heirs agree to take back the land after exercising option, the Collector shall issue notice to each individual owner or owners or their legal heirs to refund to the Government

the cost of land within a reasonable period of time and on deposit of the value of land, pass individual award showing the area of land to be returned to each individual owner or owners or their legal heirs;

Provided that in making the award the Collector shall try to ensure that each owner or his legal heir or heirs get the same plot and the same area of land which was acquired from him;

(3) While making the award the collector shall direct the appropriate Revenue Officer to hand over possession of the land to each individual owner or his legal heirs;

(4) At the time of handing over possession of the land to the each individual owner or their legal heirs the Revenue Officer handing over possession of the land shall hand over to each owner or his legal representatives a document showing the handing over and taking over of the land in question and this will complete the process of return of land to the owner or his legal heirs.

CHAPTER – XII

REMOVAL OF DIFFICULTIES

24. Power to remove difficulties:

(1) If any difficulty arises in giving effect to the provisions of these rules, the Government may, by order, make such provisions or give such directions not inconsistent with the provisions of the Act or these rules as may appear to it to be necessary or expedient for the removal of the difficulty;

Provided that no such power shall be exercised after the expiry of a period of two years from the date of commencement of these rules;

(2) Every order made under this rule shall be laid, as soon as may be after it is made before the State Legislature.

THE SCHEDULE

FORM NO. I

NOTIFICATION

(See sub-rule (4) of rule 3)

WHEREAS, acquisition of land area measuring _____ acres in RS Plot No/Nos _____ Class ____ in khatian No. _____ under _____ Mouja _____ Tehsil _____ subdivision for the purpose of _____ (proposed project) to be constructed/developed by _____ (name of the project developer) is/are proposed.

WHEREAS, a social impact assessment team including _____ (name & designation of the members) has been formed to consult, to survey and to take public hearing after publication of this Notification.

WHEREAS, the aforesaid team will conduct hearing on _____ (date) at _____ (time) at _____ (venue), on which all concerned are requested to remain present with their claims/objections/suggestions, if any.

WHEREAS, the land is within the jurisdiction of Gram Panchayat/Village Committee/Nagar Panchayet/Municipality/Municipal Corporation, the members of Gram Sabha/Village Committee/ Nagar Panchayet /Municipality/Municipal Corporation may give consent/approval to the proposed project.

WHEREAS, the concerned land owner Sri/Smt _____ himself/herself or his/her representative may remain present for hearing for consent/approval for the project.

WHEREAS, the process must be completed and submit SIA report must be submitted along with the plan (SIMP) within the time specified in the rule 3.

WHEREAS, any attempt at coercion or threat against the process during the specified period will render the exercise null & void.

Now, therefore, if there is any requirement for information, anyone may contact the State SIA Unit.

By order of the Governor

Secretary/Dy. Secretary/Under Secretary
Revenue Department, Govt. of Tripura.

FORM NO.-II

(See sub rule (9) rule-3)

- 1) Number of families likely to be affected:-
- 2) Number of families likely to be displaced:-
- 3) Area of public lands likely to be affected:-
- 4) Area of private lands likely to be affected:-
- 5) Number of houses likely to be affected:-
- 6) Number of other properties likely to be affected:-
- 7) Is the land absolute minimum for the project:- Yes/No
- 8) Is the any alternate place for the project:- Yes/No
- 9) What is the Social Impact of the project in the area and how to address them with probable cost:-
- 10) Overall cost of the project:-
- 11) What is the lively hood of the affected families:-
- 12) Whether and to what extent the following community properties, assets and infra-structure are likely to be affected:-

<u>Sl. No.</u>	<u>Particulars</u>	<u>Extent</u>	<u>Cost of damages</u>
(i)	Road	:-	
(ii)	Public transport	:-	
(iii)	Drainage	:-	
(iv)	Sanitation	:-	
(v)	Source of drinking water	:-	
(VI)	Source of water for cattle	:-	
(VII)	Community ponds	:-	
(VIII)	Grazing lands	:-	
(IX)	Plantation	:-	
(X)	Post Office	:-	
(XI)	Fair price shop	:-	
(XII)	Food storage godown	:-	
(XIII)	Electricity supply	:-	
(XIV)	Health care facility	:-	
(XV)	Schools	:-	
(XVI)	Traning facilities	:-	
(XVII)	Anganwadi	:-	
(XVIII)	Children park	:-	
(XIX)	Place of worship	:-	
(XX)	Traditional tribal Institution	:-	
(XXI)	Cremation	:-	

(XXII) ground
Burial ground :-

Demographic details of the population in the project area

- Age, sex, caste, religion
- Literacy, health and nutritional status

Poverty levels

Vulnerable groups

- Women, children, the elderly, women-headed households, the differently abled

Kinship patterns and women's role in the family

Social and cultural organization

Administrative organization

Political organization

Civil society organizations and social movements

Land use and livelihood

- Agriculture and non-agricultural use
- Quality of land – soil, water, trees etc
- Livestock
- Formal and informal work and employment
- Household division of labour and women's work
- Migration
- Household income levels
- Livelihood preferences

- Food security

Local economic activities

- Formal and informal, local industries
- Access to credit
- Wage rates
- Specific livelihood activities women are involved in

Factors that contribute to local livelihoods

- Access to natural resources
- Common property resources
- Private assets
- Roads, transportation
- Irrigation facilities
- Access to markets
- Tourist sites
- Livelihood promotion programmes
- Cooperatives and other livelihood related associations

Quality of the living environment

- Perceptions, aesthetic qualities, attachments and aspirations
- Settlement patterns
- Houses
- Community and civic spaces
- Sites of religious and cultural meaning

- Physical infrastructure (including water supply, sewage systems etc)
- Public service infrastructure (schools, health facilities, anganwadi centers, public distribution systems)
- Safety, crime, violence
- Social gathering points for women

Key impact areas

Impacts on land, livelihoods and income

- Level and type of employment
- Intra-household employment patterns
- Income levels
- Food security
- Standard of living
- Access and control over productive resources
- Economic dependency or vulnerability
- Disruption of local economy
- Impoverishment risks
- Women's access to livelihood alternatives

Impacts on physical resources

- Impacts on natural resources, soil, air, water, forests
- Pressure on land and common property natural resources for livelihoods

Impacts on private assets, public services and utilities

- Capacity of existing health and education facilities

- Capacity of housing facilities
- Pressure on supply of local services
- Adequacy of electrical and water supply, roads, sanitation and waste management system
- Impact on private assets such as bore wells, temporary sheds etc.

Health impacts

- Health impacts due to in-migration
- Health impacts due to project activities with a special emphasis on
- Impact on women's health
- Impact on the elderly

Impacts on culture and social cohesion

- Transformation of local political structures
- Demographic changes
- Shifts in the economy-ecology balance
- Impacts on the norms, beliefs, values and cultural life
- Crime and illicit activities
- Stress of dislocation
- Impact of separation of family cohesion
- Violence against women

Impacts at different stages of the project cycle

The type, timing, duration, and intensity of social impacts will depend on and relate closely to the stages of the project cycle. Below is an indicative list of impacts

Pre-construction phase

- Interruption in the delivery of services
- Drop in productive investment
- Land speculation
- Stress of uncertainty

Construction phase

- Displacement and relocation
- Influx of migrant construction workforce

- Health impacts on those who continue to live close to the construction site

Operation phase

- Reduction in employment opportunities compared to the construction phase
- Economic benefits of the project
- Benefits on new infrastructure
- New patterns of social organization

De-commissioning phase

- Loss of economic opportunities
- Environmental degradation and its impact on livelihoods

Direct and indirect impacts

- “Direct impacts” will include all impacts that are likely to be experienced by the affected families
- “Indirect impacts” will include all impacts that may be experienced by those not directly affected by the acquisition of land (i.e. Direct land and livelihood losers), but those living in the project area

Differential impacts

- Impact on women, children, the elderly and the different abled
- Impacts identified through tools such as Gender Impact Assessment Checklists, and Vulnerability Resilience Mapping

Cumulative impacts

- Measureable and potential impacts of other projects in the area along with the identified impacts for the project in question.
- Impact on those not directly in the project area but based locally or even regionally.

C. Table of Contents for SIA Report and Social Impact Management Plan

Chapter	Contents
Executive Summary	<ul style="list-style-type: none"> - Project and public purpose - Location - Size and attributes of land acquisition - Alternatives considered - Mitigation Measures

Detailed project Description

- Background of the project, including developers background and governance management structure
- Rationale for project including how the project fits the public purpose criteria listed in the LARR Bill
- Details of project size, location, capacity, outputs, production targets, cost, risks
- Examination of alternatives
- Phases of project construction
- Core design features and size and type of facilities
- Need for ancillary infrastructural facilities
- Work force requirements(temporary and permanent)
- Details of SIA/EIA if already conducted and any technical feasibility reports
- Applicable legislations and policies

Team composition, approach, methodology and schedule of the SIA

- List of all team members with qualifications, Gender experts to be included in team
- Description and rationale for the methodology and tools used to collect information for the SIA
- Sampling methodology used
- Overview of information/data sources used. Detailed reference must be included separately in the forms
- Schedule of consultations with key stakeholders and brief description of public hearings conducted. Details of the public hearings and the specific feedback incorporated into the Report must be included in the forms

Land Assessment

- Describe with the help of the maps, information from land inventories and primary sources
- Entire area of impact under the influence of the project(not limited to land area for acquisition)
- Total land requirement for the project

- Present use of any public, unutilized land in the vicinity of the project area
 - Land (if any) already purchased, alienated, leased or acquire, and the intended use
 - Quantity and location of land proposed to be acquired for the project
 - Nature, present use and classification of land and if agricultural land, irrigation coverage and cropping patterns
 - Size of holdings, ownership patterns, land distribution, and number of residential houses
 - Land prices and recent changes in ownership, transfer and use of lands over the last 3 years
- Estimation and enumeration (where required) of affected families and assets
- Estimation of the following types of families that are
 - (a) Directly affected (own land that is proposed to be acquired)
 - Are tenants/occupy the land proposed to be acquired
 - The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights
 - Depend on common property resources which will be affected due to acquisition of land for their livelihood
 - Have been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition
 - Have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land
 - Have depended on the land being acquired as a primary source of livelihood for three years prior to the acquisition
 - (b) Indirectly impacted by the project (not affected directly by the acquisition of own lands)
 - © Inventory of productive assets and significant lands
- Socio-economic and cultural profile (affected area and resettlement site)
- Demographic details of the population in the project area
 - Income and poverty levels
 - Vulnerable groups

- Land use and livelihood
- Local economic activities
- Factors that contribute to local livelihoods
- Kinship patterns and social and cultural organization
- Administrative organization
- Political organization
- Community-based and civil society organizations
- Regional dynamics and historical change processes
- Quality of the living environment

Social impacts

- Framework and approach to identifying impacts
- Description of impacts at various stages of the project cycle such as impacts on health and livelihoods and culture. For each type of impact, separate indication of whether it is a direct/indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts
- Indicative list of impacts areas include : impacts on land, livelihoods and income, physical resources, private assets, public services and utilities health, culture and social cohesion and gender based impacts

Analysis of costs and benefits and recommendation on acquisition

- Final conclusions on : assessment of public purpose, less-displacing alternatives, minimum requirements of land, the nature and intensity of social impacts, the viability of the mitigation measures and the extent to which mitigation measures described in the SIMP will address the full range of social impacts and adverse social costs.
- The above analysis will use the equity principle described in Rule 9(10) as a criteria of analysis for presenting a final recommendation on whether the acquisition should go through or not

References and Forms

- For reference and further information

FORM No.- III

[See rule 3]

Social impact Management plan

- Approach to mitigation
- Measures to avoid, mitigate and compensate impact
- Measures that are included in the terms of R & R and compensation as outlined in the Act
- Measures that the Requiring Body has stated it will introduce in the Project Proposal
- Additional measures that the Requiring Body has stated it will undertake in response to the findings of the SIA process and public hearings
- The SIMP must include a description of institutional structures and key person responsible for each mitigation measure and timelines and costs for each activity

FORM-IV
PRIOR WRITTEN CONSENT/DECLARATION FORM

[See sub-rule (1) & (6) of rule 4]

SL. No. Details of Person Concerned

1. Name of the owner of the land proposed to be acquired:-
2. Address :-
3. Gram Panchayat/Municipality/Township:-
4. District:-
5. Particulars of the land proposed for acquisition :-

I have been informed and explained about the proposal to acquire my above mentioned land for the project, I have acquainted myself.

I am giving my consent out of my free will or I do not agree to the proposed acquisition.

Date:-

Signature/Thumb impression of the affected family(s)

Place:-

FORMAT FOR GRAM SABHA RESOLUTION

[See of rule 5]

We, the undersigned members of the gram sabha of _____ within _____ panchayat of _____ tehasil/taluka in _____ district is hereby resolved that the CONSENTS/REFUSES towards the following proposed _____ project:

- ❖ Acquisition of _____ acres of private land
- ❖ Transfer of _____ acres of government land to the project
- ❖ Transfer of _____ acres of forest land to the project
- ❖ The terms and conditions of compensation, rehabilitation and resettlements benefits and social impact mitigation mashers agreed to by Requiring Body (state the name) are attached

{ N. B. The Gram Sabha also states that any consent is subject to all of its residents receiving title to all of their individual and community rights over forests and forest lands, including their titles for forest land that they have been cultivating, ownership titles for all forms of minor forest produce that they use, and titles to protect and manage their community forests}.
[Note: This will have to be certified by this gram sabha separately].

Date:-

Signatures/thumb impressions of Gram Sabha members

Place:-

Date:-

Signature of designated District Officer on receipt of the Resolution

Place:-