CHAPTER –1

1. Short Title, Application:
   1.1 This Policy may be called as “The J&K Rehabilitation and Resettlement Policy”
   1.2 It shall apply to all Hydro-Electric Power Projects (HEPs), for which acquisition has been notified.
   1.3 This Policy shall also be applicable to all developmental related projects including linear projects and acquisitions for decongestion of congested areas.
   1.4 The Policy shall be applicable to all such acquisitions of land and structures, where voluntary or involuntary displacement of community is affected from vulnerable areas, on account of disaster proofing and mitigation measures, or as a result of consequences of disasters.

CHAPTER–2

2. Definitions: The definition of various expressions used in this Policy are as follows:
   2.2 "Commissioner for Rehabilitation and Resettlement" means such officer not below the rank of Deputy Commissioner, appointed by the State Government for rehabilitation and resettlement of Project Affected Families and Project Displaced Families, under this Policy. The Commissioner shall be
responsible for supervising the formulation of rehabilitation and resettlement schemes or plans and proper implementation of such schemes or plans.

2.3 "Collector for Rehabilitation and Resettlement": Collector shall have the same meaning as defined in the J&K Land Revenue Act 1996, but appointed for the purpose of rehabilitation and resettlement of affected persons.

2.4 "Policy" means the J&K Rehabilitation and Resettlement Policy.

2.5 "Affected area" means area of a village or locality, for which notification is issued by Govt., for purposes of acquisition, or area declared to be affected by disaster.

2.6 "Project Displaced Family" (PDF): a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for a Project or involuntary displacement for any other justified reason; or any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land, including plot in the Abadi-deh or other property, excluding Kahchari land, in the affected area or otherwise, has been involuntarily displaced from such land or other property; or any agricultural or non-agricultural labourer, landless person, not having homestead land, agricultural land, or either homestead or agricultural land, rural artisan, small trader or self-employed person; who has been residing or engaged in any trade, business, occupation or vocation continuously for a period of not less than three years, preceding the date of declaration of the affected area, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntarily displaced for any other reason.

2.7 "ProjectAffected Families": Families within the Project area, affected by the Project, but not required to be displaced from the Project area and therefore involves only compensation measures, whenever their land holdings have been adversely affected by the Project, whether the rights of the said families over such land are ownership rights, community rights, customary rights over forest or agricultural lands or individual rights.
2.8 **“Family”** means the person and his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him or her and dependent on him or her for their livelihoods.

*Note*: Each of the following categories will be treated as a separate family for the purpose of extending rehabilitation benefits under this Policy.

(i) A major son irrespective of his marital status.
(ii) Unmarried daughter or sister more than 25 years of age.
(iii) Any person with disability, irrespective of age and sex (Duly certified by the authorized Medical Board).
(iv) Minor orphan, who has lost both his/her parents.
(v) A widow or a woman divorcee.
(vi) Old aged father.

2.9 **“Person with Disability”** means any person suffering from not less than 40% of any disability, as certified by a medical authority. The disability being (a) blindness (b) low vision (c) leprosy cured (d) hearing impairment (e) locomotor disability (f) mental retardation (g) mental illness (h) autism spectrum disorder, (i) cerebral palsy, (j) muscular dystrophy, (k) chronic neurological conditions or (l) a combination of them.

2.10 **“Person interested”** means all such persons claiming an interest in compensation to be made on account of the acquisition of land under this Policy; it also includes the Scheduled Tribes and other traditional forest dwellers, who have lost any forest rights or a person interested in an easement affecting the land or persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and any person whose primary source of livelihood is likely to be adversely affected.

2.11 **“Agricultural labourer”** means a person primarily resident in the affected area for a period of not less than three years immediately before the declaration of the affected area, who does not hold any land in the affected area, but who earns his livelihood principally by manual labour, on agricultural land therein immediately before such declaration and who has been deprived of his livelihood.

2.12 **“Non-agricultural labourer”** means a person who is not an agricultural labourer but is primarily residing in the affected area for a period of not less than three years immediately before the
declaration of the affected area and who does not hold any land under the affected area but who earns his livelihood principally by manual labour or as a rural artisan and who has been deprived of earning his livelihood principally of manual labour or as such artisan in the affected area;

2.13 "Agricultural land" includes lands being used for the purpose of Agriculture or Horticulture, Dairy farming, Poultry farming, Pisciculture, Breeding of livestock or Nursery growing medicinal herbs etc., raising of crops, grass or garden produce; and land used by an agriculturist for the grazing of cattle, but does not include land used for cutting of wood only;

2.14 "BPL family": means the families living below poverty line (BPL) as defined by the Consumer Affairs and Public Distribution Department from time to time and included in BPL list for the time being in force;

2.15 "Holding" means the total land held by a person as an occupant or tenant or as both.

2.16 "Land acquisition" means acquisition of land under the J&K Land Acquisition Act, 1934, as amended from time to time, or any other law for the time being in force.

2.17 "Marginal farmer" means a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to half hectare.

2.18 "Small farmer" means a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

2.19 "Notification" means a notification published in the Government Gazette;

2.20 "Occupiers" means Nomadic members of the houseless/landless Scheduled Tribes having possession and rights over forest land prior to the issuance of Notification.

2.21 "Prescribed" means, unless otherwise specified, prescribed by guidelines or orders issued by the Government under this policy.

2.22 "Project" means a project for which land is being acquired, irrespective of the number of persons affected.

2.23 "Requiring body" means a Company, a Corporate body, an Institution, or any other Organization for whom the land is to be acquired by the Government, and includes Government, if the acquisition of land is for Government, either for its own use or
for subsequent transfer of such land in public interest to a Company, a Corporate body, an Institution, or any other Organization, as the case may be, under lease, license or through any other system of transfer of land.

2.24 "Market value" means the value of land determined, as defined in Chapter 8.

2.25 "Resettlement area" means any area, so declared by the Government, for rehabilitation and resettlement of the affected families.

2.26 “NGO” or Non-Governmental Organisation means a Society registered under Societies Registration Act.

2.27 “Disaster” means any event, Natural or Human-induced, which has potential to disrupt the functioning of a Community or a Society, and has potential to involve widespread human, material, economic or environmental losses, which exceed the coping capacity of the affected community, with its own resources. Disasters shall include Earthquakes, Floods, Urban floods, Fires, Forest Fire, Landslides, Mudslides, Avalanches, Windstorms, Cyclones, High Winds, Blizzards, Snowstorms, Heat & Cold Waves, Drought, Hailstorms, Nuclear, Chemical, Biological, Conflict, Industrial disasters, Climate change, Cross border Firing/Tensions, Explosions, Accidents, but will not be limited to these only.

2.28 “Disaster Proofing”: means taking proactive and mitigation measures to ensure continuity of services, during times of disasters.

2.29 “Hazard” is a phenomenon or situation that poses a level of risk to life, health, property or environment. Hazards may be dormant or potential in nature.

2.30 “Vulnerability” is the susceptibility to damage due to a Hazard. It is also the capacity of an individual or society to anticipate, cope, resist and recover from the impact of a disaster. Vulnerability is often higher in poverty, but it can also arise when people are staying in a Hazard prone area.

2.31 “Disaster Mitigation Measures” are measures taken before the advent of a disaster in order to eliminate or reduce the impacts and risks of disasters, through proactive measures. The measures may be structural or non-structural in nature.

2.32 “Structural Mitigation Measures” means physical constructions, undertaken to reduce impact of Hazards, by
application of engineering techniques to achieve Hazard-resistance & resilience in structures or systems.

2.33 "Non-structural Mitigation Measures" are measures not involving physical construction. It involves use of appropriate knowledge and skills, in order to reduce impacts of Disasters, through Policies, Land Use Planning, Building Codes and their Enforcement, Research & Assessment, Public Awareness, Information, Education and Communication programmes.

CHAPTER-3

3. Policy Preamble:

3.1 Various initiatives have been taken by the Government to ensure overall development of the State. Though peoples’ participation is primary focus, however, provisions of public facilities or infrastructure often demands the exercise of legal powers by the State for acquisition of private property, leading to involuntary displacement of people, depriving them of their land, livelihood and shelter; restricting their access to traditional resource base, and uprooting them from their socio-cultural environment.

3.2 It is for this reason that Rehabilitation and Resettlement Policy is being put in place. The current intervention of policy formulation has taken note of past experiences. Consultations with various direct and indirect stakeholders, including civil society of the State has been done and views of the academicians and specialists in the field of resettlement and rehabilitation have been considered, as a part of a democratic process in the Policy formulation.

3.3 The State of Jammu and Kashmir is vulnerable to disasters, ranging from destructive floods to catastrophic earthquakes, snow blizzards to avalanches, wind storms to fires, landslides to soil erosion etc. All owing to its peculiar location, topography, rugged terrain, extreme weather conditions, and unique geographical and geo-climatic settings, which render it vulnerable to various disasters. This is besides the share of human-induced disasters the State is vulnerable to. Though majority of these disasters cannot be averted, however loss of life and property due to disasters can be mitigated, which may
also include voluntary or involuntary displacement of the community from the affected or vulnerable areas.

3.4 Displacement of the communities, for any reason, has traumatic, psycho-social, and socio-cultural consequences, on the affected population. It is thus imperative to protect their rights, particularly the weaker sections of the society, including members of the Scheduled Castes, Scheduled Tribes, Marginal Farmers, Women, Children, Old Aged and Persons with Disabilities. Involuntary displacement of people may be caused by other unforeseen factors, as well.

3.5 Rehabilitation and Resettlement Policy has to be intrinsic to the development process and has to be implemented with the active participation of the affected persons; rather than as an externally-imposed requirement.

3.6 Additional benefits beyond monetary compensation may be provided to the families, affected adversely by involuntary displacement. The plight of those who do not have legal or recognized rights over the land, on which they are critically dependent for their subsistence, has also to be considered.

3.7 Thus a broader concerted effort is required on the part of the planners to include in the displacement, rehabilitation and resettlement process framework not only those who directly lose land and other assets but also those who are affected by acquisition of assets.

3.8 The displacement process often poses problems that make it difficult for the affected persons to continue their livelihood activities after resettlement. Assessment of economic disadvantages and social impact of displacement is an essential part of the process.

3.9 The Policy has adopted a humane, participative, informed and transparent process for land acquisition for the purposes of industrialisation, development of essential infrastructural facilities, urbanisation or displacement related to disasters, in order to facilitate the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected, by acquisition. It also has adequate provisions for such affected persons for their rehabilitation, resettlement and recovery, so as to ensure that the cumulative outcome of compulsory acquisition is that the
affected persons become partners in development, leading to an improvement in their post-acquisition socio-economic status

3.10 A holistic effort, aimed at improving the all-round living standards of the affected people, has been the essence of the Policy.

3.11 An effort, aimed at providing multi-disaster resilient construction/infrastructure to the communities.

CHAPTER-4

4. Policy Objectives:

4.1 In order to ensure sustained development through a participatory and transparent process the State Government has framed the Rehabilitation and Resettlement Policy.

4.2 The basic objectives of the Policy are:

4.2.1 To avoid displacement wherever possible and minimise it by acquiring minimum land, commensurate with the purpose of the Project, exercising other available options.

4.2.2 To minimise acquisition of agricultural land for non-agricultural use in the Project; multi-cropped land may be avoided to the extent possible for such purposes, and acquisition of irrigated land, if unavoidable, may be kept to the bare minimum.

4.2.3 To take into consideration alternatives such as wasteland, degraded land or un-irrigated land that will minimize the displacement of people due to the acquisition of land for the Project.

4.2.4 To recognise voices of displaced communities emphasising the needs of the indigenous communities and vulnerable sections of the society.

4.2.5 To ensure environmental sustainability through participatory and transparent process and

4.2.6 To help guide the process of developing institutional mechanism for implementation, monitoring, conflict resolution and grievance redressal.

4.2.7 To ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process, with active participation of the affected families;
4.2.8 To ensure that special care is taken for protecting the rights of the weaker sections of society, and for their treatment with concern and sensitivity.

4.2.9 To provide a better standard of living, making concerted efforts for providing sustainable income to the affected families.

4.2.10 To integrate rehabilitation concerns into the development planning and implementation process.

4.2.11 To facilitate harmonious relationship between the ‘Requiring Body’ and affected families, through mutual cooperation, where displacement is on account of land acquisition.

4.2.12 To provide alternative Project plans, potentially suitable sites, technological choices available, or a combination of these.

4.2.13 To provide safer and disaster-resilient infrastructure, for the displaced communities, on account of land acquisition for Projects, or on account of disaster mitigation measures, or as a result of consequences of disasters.

4.2.14 To provide suitable institutional mechanism, for carrying out the task in a transparent and time-bound manner.

4.2.15 To do a Social Impact Assessments and provide all required infrastructural facilities and amenities in the resettlement area, in case large numbers of families are affected.

4.2.16 To resettle communities to the least vulnerable areas.

4.2.17 To ensure disabled-friendly infrastructure in the resettled areas.

CHAPTER–5

5. Provisions of the Policy

5.1 The provisions of the J&K Rehabilitation and Resettlement Policy provide basic minimum compensation for Projects leading to voluntary or involuntary displacement of people.

5.2 The State Government, Public Sector Undertakings or Agencies, and other Requiring Bodies shall be at liberty to provide greater benefit levels than those prescribed in the Policy.

5.3 The principles of this Policy may also apply to the Rehabilitation and Resettlement of persons, voluntarily or involuntarily displaced, due to any other reason, as may be decided by Govt.
5.4 The policy shall provide benefits to the displaced on account of displacement due to disasters or developmental projects.

CHAPTER- 6

6. Social Impact Assessment (SIA) and Environmental Impact Assessment (EIA) of Projects:

6.1 Whenever Government intends to acquire land for a public purpose, it shall consult the concerned Panchayat. Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such a manner and from such date as may be specified by the Government by notification.

6.2 The notification issued by Government for commencement of consultation and of the Social Impact Assessment study shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the Deputy Commissioner, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website.

6.3 Provided that the Government shall ensure that adequate representation has been given to the representatives of Halqa Panchayat, Municipality or Municipal Corporation, as the case may be, at the stage of carrying out the Social Impact Assessment study.

6.4 Provided further that the Government shall ensure the completion of the Social Impact Assessment study within a period of six months from the date of its commencement.

6.5 The Social Impact Assessment study report shall be made available to the public.

6.6 The Social Impact Assessment study shall, amongst other matters, include all the following:

(i) Assessment as to whether the proposed acquisition serves public purpose.

(ii) Estimation of affected families and the number of families among them likely to be displaced;
(iii) Extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition;
(iv) Whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project;
(v) Whether land acquisition at an alternate place has been considered and found not feasible;
(vi) Study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project vis-à-vis the benefits of the project:

6.7 Provided that Environmental Impacts Assessment (EIA) study, if any, shall be carried out simultaneously and shall not be contingent upon the completion of the Social Impact Assessment study.

6.8 While undertaking SIA, the Government shall, inter alia, take into consideration the impact that the Project will have on public and community properties, assets and infrastructure, particularly roads, bridges, public transport, drainage, sanitation, sources of safe drinking water, sources of drinking water for cattle, community ponds, grazing land, plantations, public utilities, such as post offices, fair price shops, etc.; food storage godowns, electric supply, health care facilities, schools and educational/training facilities, places of worship, heritage structures, land for traditional Tribal institutions, burial and cremation grounds, etc.

6.9 In cases where both EIA and SIA are required, the public hearing done in the Project affected area for EIA shall also cover issues related to SIA. Such public hearing shall be organized by the Government.

6.10 Where there is no requirement for EIA, the SIA report shall be made available to the public through public hearing, in the affected area.

6.11 Where both EIA and SIA are required, a copy of the SIA report shall be made available to the agency prescribed in respect of EIA and a copy shall be shared with the Expert Group nominated for the purpose.

6.12 The SIA clearance shall be accorded as per the procedure and within the time limits, as may be prescribed.
6.13 The SIA report shall be examined by an independent multi-disciplinary expert group constituted for the purpose by the Government, which shall include the following:

(i) Two non-official Social Scientists,
(ii) Two representatives of Panchayat, Municipality or Municipal Corporation, as the case may be,
(iii) Two experts on Rehabilitation,
(iv) A technical expert in the subject, relating to the Project,
(v) One Disaster Management Professional,
(vi) Two Non-Governmental Organisations (NGOs) working for the Welfare of under privileged sections of the society, including Women, Children, Old-aged, Scheduled Castes, Scheduled Tribes and Persons with Disabilities.

6.14 Government may nominate a person from amongst the members of the Expert Group as ‘Chairman’ of the Group.

6.15 If the Expert Group constituted is of the opinion that the Project does not serve any public purpose or the social costs and adverse social impacts of the Project outweigh the potential benefits, it shall make recommendations, within two months from the date of its constitution, to the effect that the Project be abandoned forthwith and no further steps to acquire the land will be initiated in respect of the same.

6.16 Provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision.

6.17 Provided that where Government, inspite of such recommendations, proceeds with the acquisition, then it shall ensure that its reasons for doing so are recorded in writing.

6.18 If the Expert Group constituted for the purpose is of the opinion that the project will serve any public purpose and that the potential benefit outweighs the social costs and adverse social impacts, it shall make specific recommendations within two months from the date of its constitution whether the extent of land proposed to be acquired is absolute bare-minimum extent needed for the Project and whether there are no other less displacing options available. Provided that the grounds for such recommendations shall be recorded in writing by the Expert Group giving details and reasons for such decision.

6.19 The Government shall examine the report of the Collector and the report of the Expert Group on the SIA and after considering
all the reports, recommend such areas for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.

6.20 The decision of the Government shall be made available in the local language to the Panchayat. Municipality or Municipal Corporation, as the case may be and the offices of the District Collectors/Deputy Commissioners, the Sub Divisional Magistrates and the Tehsil and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the Government.

6.21 Provided, where the land is sought to be acquired for the purposes, as specified, the Government shall ascertain as to whether the prior consent of the affected families, has been obtained, in the manner to be prescribed.

6.22 Provided, where land is to be acquired for emergency acquisition of minimum area of land, in connection with National/State emergencies/ disasters, shall be exempted from the provisions of SIA, invoking the urgency provision. However, due Institutional safeguards, shall be taken, as may be prescribed, for protecting the interests of the affected families and achieving the broad objectives of the Policy.

CHAPTER 7

7. Special Provision to Safeguard Food Security

7.1 Save as otherwise provided, no irrigated multi-cropped land shall be acquired under this Policy.

7.2 Such land may be acquired subject to the condition that it is being done under exceptional circumstances, as a demonstrable last resort, where the acquisition of the land shall, in aggregate for all projects in a district, in no case exceed such limits as may be notified by the Government, considering specific factors and circumstances.

7.3 Wherever multi-crop irrigated land is acquired for the Project, an equivalent wasteland shall be developed for agriculture purposes or an amount equivalent to the value of land acquired
shall be deposited with the Government for investment in Agriculture for enhancing food-security.

7.4 In no case shall the aggregate total of agriculture land acquired for any Project within the District exceed the total net sown area of that District.

7.5 Provided that the provisions of this section shall not apply in case of projects that are linear in nature such as those relating to Railways, Highways, Major District Roads, Irrigation Canals, Flood Spill Channels, Power lines and the like.

CHAPTER-8

8. Notifications and Acquisition:

8.1 Whenever, land in any area is required or likely to be required for any public purpose, the laid down procedure under the J&K Land Acquisition Act 1934 shall be followed.

8.2 A notification (hereinafter referred to as preliminary notification) to that effect along with details of the land to be acquired in rural and urban areas shall be published in the following manner, namely:-

(i) In the Official Gazette;

(ii) In two daily newspapers circulating in the locality of such area of which one shall be in the regional language;

(iii) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector the Sub-Divisional Magistrate and the Tehsil;

(iv) Uploaded on the website of the Government;

(v) In the affected areas, in such manner as may be prescribed.

8.3 No person shall make any transaction or cause any transaction of land specified in the preliminary notification or create any encumbrances on such land from the date of publication of such notification till such time as the proceedings are completed:

(i) Provided that the Collector may, on the application made by the owner of the land so notified, exempt in special circumstances to be recorded in writing, such owner from the operation of this sub-section:
Provided further that any loss or injury suffered by any person due to his wilful violation of this provision shall not be made up by the Collector.

8.4 For the purposes of enabling the Government to determine the extent of land to be acquired, it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf, and for his servants and workmen,-

(i) to enter upon and survey and take levels of any land in such locality;

(ii) to dig or bore into the sub-soil;

(iii) to do all other acts necessary to ascertain whether the land is adapted for such purpose;

(iv) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon; and

(v) To mark such levels, boundaries and line by placing marks and cutting trenches and where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no action under clauses (i) to (v) in respect of land shall be conducted in the absence of the owner of the land or in the absence of any person authorised in writing by the owner.

Provided that the actions specified under the first proviso may be undertaken in the absence of the owner, if the owner has been afforded a reasonable opportunity to be present during the survey, by giving a notice of at least sixty days prior to such survey.

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

8.5 The officer so authorised shall at the time of entry pay or tender payment for any damage caused, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector of the district, and such decision shall be final.

8.6 Upon the publication of the preliminary notification, the Collector for Rehabilitation and Resettlement shall conduct a survey and
undertake a census of the affected families, in such manner and within such time as may be prescribed, which shall include-

(a) particulars of lands and immovable properties being acquired of each affected family;
(b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;
(c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;
(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and
(e) Details of any common property resources being acquired.

8.7 The Collector shall, based on the survey and census, prepare a draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved-

(a) a list of Government buildings to be provided in the Resettlement Area;
(b) Details of the public amenities and infrastructural facilities which are to be provided in the Resettlement Area.

8.8 The draft Rehabilitation and Resettlement scheme shall include time limit for implementing Rehabilitation and Resettlement Scheme;

8.9 The draft Rehabilitation and Resettlement scheme shall be made known locally by wide publicity in the affected area and discussed in the concerned Panchayat or Municipalities

8.10 A public hearing shall be conducted in such manner as may be prescribed, after giving adequate publicity about the date' time and venue for the public hearing at the affected area:
Provided that in case where an affected area involves more than one Panchayat or Municipality, public hearings shall be conducted in every Halqa or Municipality where more than twenty-five percent of land belonging to that Halqa or Municipality is being acquired:

8.11 After the completion of public hearing and considering the specific claims and objections raised in the public hearing, the Collector shall.
review the draft Scheme at the project level:
(b) submit the draft Rehabilitation and Resettlement Scheme with his suggestions to the Commissioner Rehabilitation and Resettlement for approval of the Scheme.

8.12 The Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the Government.

8.13 When the Government is satisfied, after considering the report. If any, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the "resettlement area" for the purposes of rehabilitation and resettlement of the affected families, under the hand and seal of the duly authorised officer to certify, its orders and different declarations may be made from time to time in respect of different parcels of any land covered by the same preliminary notification irrespective of whether one report or different reports has or have been made (wherever required).

8.14 The Collector shall publish a summary of the Rehabilitation and Resettlement Scheme along with declaration: Provided that no declaration under this sub-section shall be made unless the summary of the Rehabilitation and Resettlement Scheme is published along with such declaration: Provided further that no declaration under this sub-section shall be made unless the Requiring Body deposits an amount, in full or part, as may be prescribed by the Government toward the cost of acquisition of the land: Provided also that the Requiring Body shall deposit the amount promptly so as to enable the Government to publish the declaration within a period of twelve months from the date of the publication of preliminary notification.

8.15 In projects where land is acquired in stages, the application for acquisition itself can specify different stages for the rehabilitation and resettlement, and all declarations shall be made according to the stages so specified.

8.16 Every declaration shall be published-
(a) in the Official Gazette;
(b) in two daily newspapers being circulated in the locality, of such area of which one shall be in the regional language;
(c) in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil;
(d) uploaded on the website of the Government;
(e) in the affected areas, in such manner as may be prescribed.

8.17 Every declaration shall indicate,-
(a) the district or other territorial division in which the land is situated;
(b) the purpose for which it is needed, its approximate area; and
(c) the place at which the plan may be inspected without any cost.

8.18 The declaration shall be conclusive evidence that the land is required for a public purpose and after making such declaration, the Government may acquire the land in such manner as specified under this Policy.

8.19 Where no declaration is made within twelve months from the date of preliminary notification, then such notification shall be deemed to have been rescinded:
    Provided that in computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded:
    Provided further that the Government shall have the power to extend the period of twelve months, if in its opinion circumstances exist justifying the same:
    Provided also that any such decision to extend the period shall be recorded in writing and the same shall be notified and be uploaded on the website of the authority concerned.

8.20 The Collector shall thereupon cause the land, unless it has been already marked out, to be marked out and measured, and if no plan has been made thereof, a plan to be made of the same.
(i) The Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him.
(ii) The public notice shall state the particulars of the land so needed, and require all persons interested in the land to appear personally or by agent or advocate before the Collector at a time and place mentioned in the public notice not being less than thirty days and not more than six months after the date of publication of the notice, and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, their claims to rehabilitation and resettlement along with their objections, if any, to the measurements made.

(iii) The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(iv) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situated.

(v) In case any person so interested resides elsewhere, and has no such agent, the Collector shall ensure that the notice shall be sent to him by post in letter addressed to him at his last known residence, address of place or business and also publish the same in at least two daily newspapers and also on his website.

8.21 The Collector may also require any such person to make or deliver to him, within thirty days after the date of the requisition:

(i) A statement containing, as far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise and of the nature of such interest and of the rents and profits, if any, received or receivable on account thereof for three years next preceding the date of the statement.

(ii) Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so.

8.22 On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice, to the measurements, and into the value of
the land at the date of the publication of the notification, and into
the respective interests of the persons claiming the compensation and rehabilitation and resettlement, shall make
an award under his hand of
i. the true area of the land;
ii. the compensation as determined along with Rehabilitation
and Resettlement Award and which in his opinion should be
allowed for the land; and
iii. the apportionment of the said compensation among all the
persons known or believed to be interested in the land. or
whom, or of whose claims, he has information, whether or
not they have respectively appeared before him.

8.23 The Collector shall make an award within a period of twelve
months from the date of publication of the declaration and if no
award is made within that period, the entire proceedings for the
acquisition of the land shall lapse. Provided that the Government
shall have the power to extend the period of twelve months if in
its opinion, circumstances exist justifying the same: Provided
further that any such decision to extend the period shall be
recorded in writing and the same shall be notified and be
uploaded on the website of the authority concerned.

8.24 The Collector shall adopt the following criteria in assessing and
determining the market value of the land:-
(a) the market value specified in the Stamp Act, 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 sale price for similar type of land situated in the
nearest village or nearest vicinity area: or
(c) consented amount of compensation as agreed upon in case
of acquisition of lands for private companies or for public
private partnership projects, whichever is higher:
Provided that the date for determination of market value
shall be the date on which the notification has been issued.

Explanation (l).-The average sale price referred to in clause
(b) shall be determined taking into account the sale deeds or
the agreements to sell registered for similar type of area in
the near village or near vicinity area during immediately
preceding three years of the year in which such acquisition
of land is proposed to be made.
Explanation (2).-For determining the average sale price referred to in Explanation I, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation (3).-While determining the market value under this section and the average sale price referred to in Explanation (1) or Explanation (2), any price paid, as compensation for land acquired under the provisions of this Policy on an earlier occasion in the district shall not be taken into consideration.

Explanation (4).-While determining the market value under this section and the average sale price referred to in Explanation (1) or Explanation (2), any price paid which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

8.25 The market value calculated shall be multiplied by a factor to be specified in the Schedule. Where the market value 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 for similar land are not available for the immediately preceding three years; or

(c) the market value has not been specified under the Stamp Act, by the appropriate authority, the State Government shall specify the floor price or minimum price per unit area of the said land based on the Price calculated in respect of similar types of land situated in the immediate adjoining areas:

Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent of the value so calculated:

Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has been acquired) to take its shares, the value of which is deductible in the value of the land calculated:
Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:
Provided also that the Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice.

8.26 The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.

8.27 In determining the amount of compensation to be awarded for land acquired under this Policy, the Collector shall take into consideration:

(a) the market value as determined and the award amount in accordance with the Schedules:
(b) The damage sustained by the person interested, by reason of the taking of any standing crops and trees which may be on the land at the time of the Collector's taking possession thereof;
(c) the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land by reason of severing such land from his other land:
(d) the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously afflicting his other property, movable or immovable, in any other manner, or his earnings;
(e) in consequence of the acquisition of the land by the Collector, the person interested is compelled to change their residence or place of business, the reasonable expenses (if any) incidental to such change;
(f) the damage (if any) *bonafide* resulting from diminution of the profits of the land between the time of the publication of the declaration and the time of the Collector's taking possession of the land; and
(g) any other ground which may be in the interest of equity, justice and beneficial to the affected families.
8.28 The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.

8.29 The Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

8.30 The Collector for the purpose of assessing the value of the standing crops damaged during the process of land acquisition may use the services of experienced persons in the field of agriculture as may be considered necessary by him.

8.31 The Collector having determined the total compensation to be paid, shall, to arrive at the final award, add “Solatium” amount as included in the annexed Schedules, to the compensation amount. Explanation.- For the removal of doubts it is hereby declared that Solatium amount shall be in addition to the compensation payable to any person whose land has been acquired.

8.32 The Collector shall issue individual awards detailing the particulars of compensation payable and the details of payment of the compensation as specified in the Schedule.

8.33 In addition to the market value of the land provided the Collector shall, in every case, award an amount calculated at the rate of twelve per cent, per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study, in respect of such land, till the date of the award of the Corrector or the date of taking possession of the land, whichever is earlier.

CHAPTER 9

9. Procedure and Manner of Rehabilitation and Resettlement

9.1 Where the Government is satisfied that there is likely to be involuntary displacement of persons due to acquisition of land, then, the State Government shall, by notification appoint in respect of that project an officer not below the rank of Collector or equivalent official of Revenue Department to be the Collector for Rehabilitation and Resettlement.
The Collector shall, with a view to enable him to function efficiently and to meet the special time-frame, be provided with such powers, duties and responsibilities as may be prescribed by the Government and provided with office infrastructure and be assisted by such officers and employees who shall be subordinate to him as the Government may decide.

Subject to the superintendence, directions and control of the Government and the Commissioner for Rehabilitation and Resettlement, the formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Collector.

The State Government shall appoint an officer not below the rank of Deputy Commissioner, who will be designated as Commissioner for Rehabilitation and Resettlement of affected families under this Policy.

The Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans and proper implementation of such schemes or plans.

The Commissioner shall be responsible for the post-implementation social audit in consultation with the Panchayat in rural areas and municipality in urban areas.

Where land proposed to be acquired is equal to or more than one hundred acres, the Government shall constitute a Committee under the chairmanship of the Commissioner to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in consultation with the Panchayat in rural areas and municipality in urban areas.

The Rehabilitation and Resettlement Committee shall include, apart from officers of the Government, the following members:-

(i) Members of Parliament and Members of Legislative Assembly of the area included in the affected area;
(ii) Representative of women residing in the affected area;
(iii) Representative each of the Scheduled Castes and Scheduled Tribes residing in the affected area;
(iv) Representative of an NGO/Voluntary organization;
(v) Representative of the lead bank;
(vi) Sarpanch/ Panch of the Panchayats and or Chairman of Municipalities located in the affected area, or their nominee(s);
(vii) Disaster management professional,
(viii) Land Acquisition Officer of the project;
(ix) Representative of the requiring body.
(x) Collector for Rehabilitation and Resettlement as the Member-Convenor

9.9 The procedure regulating the business of the Rehabilitation and Resettlement Committee, its meetings and other matters connected thereto shall be such as may be prescribed by the Government.

9.10 Where any person other than a specified person is purchasing land through private negotiations for an area equal to or more than such limits, as may be notified by the Government, considering the relevant State specific factors and circumstances, for which the payment of Rehabilitation and Resettlement Costs under this Policy is required, he shall file an application with the District Collector notifying him of-
(a) intent to purchase;
(b) purpose for which such purchase is being made;
(c) particulars of lands to be purchased.

9.11 It shall be the duty of the Collector to refer the matter to the Commissioner for the satisfaction of all relevant provisions under this Policy related to rehabilitation and resettlement.

9.12 Based upon the Rehabilitation and Resettlement Scheme approved by the Commissioner as per the provisions of this Policy. The Collector shall pass individual awards covering Rehabilitation and Resettlement entitlements as per the provisions of this Policy.

9.13 No land use change shall be permitted if rehabilitation and resettlement is not complied with in full.

9.14 Any purchase of land by a person other than specified persons without complying with the provisions of Rehabilitation and Resettlement Scheme shall be void ab initio. Provided that the Government may provide for rehabilitation and resettlement provisions on sale or purchase of land in its State and shall also fix the limits or ceiling for the said purpose.

9.15 Where the Collector is of the view that the obligations of the Requiring Body with regard to rehabilitation and resettlement can be quantified into monetary amount, he shall allow the payment of such amount into an account in complete satisfaction of such obligations, which shall be administered by Collector.

9.16 Record of Rights of the land and houses allotted to the displaced persons should be handover to them by the District Administration while resettling them in the resettlement habitat. The District Administration shall take steps for immediate declaration of the new
resettlement habitat as a Revenue village, if it is not a part of an already existing Revenue village.

9.17 Steps will be taken by the Project Authorities for acclimatization of the resettled people in new habitat including development of cordial social relationship between the host and resettled communities and to ensure as far as practicable overall improvement of standard of living of the displaced families.

CHAPTER 10

10. Rehabilitation and Resettlement Award

10.1 The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Schedule.

10.2 The Rehabilitation and Resettlement Award shall include all of the following for each family:

(a) rehabilitation and resettlement amount payable to the family;
(b) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
(c) particulars of house site and house to be allotted, in case of displaced families;
(d) particulars of land allotted to the displaced families;
(e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;
(f) particulars of payment for cattle shed and petty shops;
(g) particulars of one-time amount to artisans and small traders;
(h) details of mandatory employment to be provided to the members of the affected families
(i) particulars of any fishing rights that may be involved;
(j) particulars of annuity and other entitlements to be provided;
(k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided.

Provided that in case any of the matters specified under clauses (a) to (k) are not applicable to any affected family the same shall be indicated as "not applicable".

Provided further that the Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.
10.3 In every resettlement area as defined under this Policy, the Collector shall ensure the provision of all infrastructural facilities and basic minimum amenities specified in the Schedule.

10.4 The Collector may at any time but not later than six months from the date of issuance of awards make a reference to the Authority, before the making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards or errors arising therein either on his own motion or on the application of any person interested or local authority: Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making representation in the matter.

10.5 The Collector shall give immediate notice of any correction made in the award so corrected to all the persons interested.

10.6 Where any excess amount is proved to have been paid to any person as a result of the correction made, the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered, as prescribed by the Government.

10.7 The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

10.8 For the purpose of enquiries under this Policy, the Collector shall have powers to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and in the same manner as is provided in the case of a Civil Court.

10.9 The Government may at any time before the award is made by the Collector call for any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any findings or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit: Provided that the Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.

10.10 The Awards shall be filed in the Collector's office and shall be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and market value of the land and the assets attached thereto, Solatium so determined and the apportionment of the compensation among the persons interested.
10.11 The Collector shall give immediate notice of his awards to such of the persons interested who are not present personally or through their representatives when the awards are made.

10.12 The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Policy on the website created for this purpose.

10.13 The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Schedule commencing from the date of the award.

Provided that the components of the Rehabilitation and Resettlement package as per the Schedule that relate to infrastructural entitlements shall be provided within a period of eighteen months from the date of the award.

Provided further that in case of acquisition of land for irrigation or Hydro Electric Project, being of public purpose, the rehabilitation and resettlement shall be completed, six months prior to submergence of the lands acquired.

10.14 The Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families.

10.15 The Collector shall, as far as possible not displace any family which has already been displaced by the Government for the purpose of acquisition under the provisions of this Policy, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Policy for the second or successive displacements.

10.16 In cases of urgency, whenever the Government so directs, the Collector, though no such award has been made, may, on the expiry of thirty days from the publication of the notice, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances.

10.17 The powers of the Government shall be restricted to the minimum area required for National security or for any emergencies arising out of natural calamities or any other emergency.
Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving at least forty-eight hours’ notice to the occupier of his intention, to do so, or such longer notice, as may be reasonably sufficient, to enable such occupier to remove his movable property from such building, without unnecessary inconvenience.

10.18 Before taking possession of any land the Collector shall tender payment of eighty per cent, of the compensation for such land as estimated by him to the person interested entitled thereto.

10.19 An shall be paid by the Collector in respect of land and property for acquisition of which proceedings have been initiated of this section Provided that no additional compensation will be required to be paid in case the project is one that affects the sovereignty and integrity of State and Country, the security and strategic interests of the State or relations with foreign States.

10.20 As far as possible, no acquisition of land shall be made in the Scheduled Areas.

10.21 Where such acquisition does take place it shall be done only as a demonstrable last resort.

10.22 In case of acquisition or alienation of any land in the Scheduled Areas, the prior consent of the concerned Panchayats or the Municipalities, at the appropriate level, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Policy, or any State Act, or other Central Act applicable to the State, for the time being in force:

10.23 In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or the Scheduled Tribes families, a Development Plan shall be prepared, in such form as may be prescribed, laying down the details of procedure for setting land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition.

10.24 The Development Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.
10.25 In case of land being acquired from members of the Scheduled Castes or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land.

10.26 The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and cultural identity.

10.27 The resettlement areas predominantly inhabited by the Scheduled Castes and the Scheduled Tribes shall get land, to such extent as may be decided by the Government free of cost for community and social gatherings.

10.28 Any alienation of tribal lands or lands belonging to members of the Scheduled Castes in disregard of the laws and regulations for the time being in force shall be treated as null and void and in the case of acquisition of such lands, the rehabilitation and resettlement benefits shall be made available to the original tribal land owners or land owners belonging to the Scheduled Castes.

10.29 The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or Hydro Electric Power Projects.

10.30 Where the affected families belonging to the Scheduled Castes and the Scheduled Tribes are relocated outside of the district, then, they shall be paid an additional twenty-five per cent, rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees.

10.31 All benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected areas shall continue in the resettlement area.

10.32 Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas are relocated outside those areas, than, all the statutory safeguards. Entitlements and benefits being enjoyed by them under this Policy shall be extended to the area to which they are resettled regardless of whether the resettlement area is a scheduled Area or not.

10.33 Where the community has rights over Forests the same shall be quantified in monetary amount and paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.
CHAPTER 11

11. Apportionment of Compensation
   11.1 When there are several persons interested, if such persons agree
       in the apportionment of the compensation, the particulars of such
       apportionment shall be specified in the award, and as between
       such persons the award shall be conclusive evidence of the
       correctness of the apportionment.
   11.2 When the amount of compensation has been settled, if any dispute
       arises as to the apportionment of the same or any part thereof or
       as to the persons to whom the same or any part thereof is
       payable, the Collector may refer such disputes to the Authority.

CHAPTER 12

12. Payment
   12.1 On making an award the Collector shall tender payment of the
       compensation awarded by him/her to the persons interested
       entitled thereto according to the award and shall pay it to them by
       depositing the amount in their bank accounts.
   12.2 The provisions of J&K Land acquisition Act 1934 shall be
       applicable.

CHAPTER 13

13. Temporary Occupation of Land
   13.1 Whenever it appears to the Government that the temporary
       occupation and use of any waste or arable land are needed for
       any public purpose, the provisions of J&K Land acquisition Act
       1934 shall be applicable.

CHAPTER 14

14. Offences and Penalties:
   14.1 If a person, in connection with a requirement or direction under
       this Policy, provides any information that is false or misleading,
       or produces any false document, s/he shall be liable to be
       punished with imprisonment of either description for a term which
may extend to six months, or with fine which may extend to one lakh rupees, or with both.

14.2 Any rehabilitation and resettlement benefit availed of by making a false claim or through fraudulent means shall be liable to be recovered by the Government in the manner as may be prescribed.

14.3 Disciplinary proceedings may be drawn up by the disciplinary authority against a Government servant, who if proved to be guilty of a mala fide action in respect of any provision of this Policy, shall be liable to such punishment including a fine as the disciplinary authority may decide.

14.4 If any person contravenes any of the provisions relating to payment of compensation or rehabilitation and resettlement, every such person shall be liable to a punishment of six months which may extend to three years or with fine or with both. Where an offence under this Policy has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that s/he had exercised all due diligence to prevent the commission of such offence.

14.5 Notwithstanding anything contained in the sub-section, where an offence under this Policy has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section:-
(a) "Company" means a body or corporate and includes a firm or other association of individuals and a Requiring Body; and
(b) "Director", in relation to a firm, means the head or partner in the firm.
14.5.1 Where an offence under this Policy has been committed by any department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Provided that nothing contained in this section shall render any person liable to any punishment if such person proves that the offence was committed without his knowledge or that such person exercised all due diligence to prevent the commission of such offence.

14.5.2 Notwithstanding anything contained in this sub-section, where any offence under this Policy has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER 15

15. Corpus Fund and R&R Cess

15.1 State Government will provide Corpus fund of Rs. 5 Crore, initially, in the first year and increase the amount every year by 50%, which will be deposited in a bank account to be opened and operated by the Administrative Secretary of the Department of Disaster Management, Relief, Rehabilitation and Reconstruction.

15.2 An R&R Cess of 0.5% will be imposed on utilities to be decided by Government.

15.3 An amount of Rs. 100 will be charged as R&R Cess for all residential building permissions issued by Building Operation Controlling Authority (BOCA) of all Municipal Corporation, Municipal Committees and Local bodies for every residential building permission and Rs. 1,000 for every commercial structure in urban areas. Rs. 50 will be charged as R&R Cess per residential building permission, in rural areas, where permission is granted either by Panchayats or Town Area Committees or any other body and Rs. 500 for every commercial structures building permissions in rural areas.

15.4 R&R Cess amount shall be deposited in Corpus fund, bank account maintained by the Department.
15.5 The Corpus Fund and R&R Cess will be utilised for purchase of private land, wherever State/Government land is not available, for purposes of resettlement of displaced families.

15.6 The fund may also be utilised for providing basic facilities for the displaced families where the requiring body is Government, for which detailed rules may be framed.

15.7 This corpus fund and R&R cess amount will not be lapsable.

CHAPTER 16

16. Empowered Committee:

16.1 Government may by notification constitute an Empowered Committee headed by the Chief Secretary for implementation of the Rehabilitation and Resettlement Plan for the Project.

16.2 The Empowered Committee shall consist of the following Members:

16.2.1 Administrative Secretary, Planning Development and Monitoring Department

16.2.2 Administrative Secretary, Housing and Urban Development Department

16.2.3 Administrative Secretary, Power Development Department

16.2.4 Administrative Secretary, Forest, Environment and Ecology Department

16.2.5 Administrative Secretary, Public Works (R&B) Department

16.2.6 Administrative Secretary, PHE, I&FC Department

16.2.7 Administrative Secretary, Revenue

16.2.8 Administrative Secretary, DMRRR

16.2.9 Divisional Commissioner, concerned.

16.2.10 Deputy Commissioner, concerned.

Provided, that Chairman of the Empowered Committee may include any other Member, as may be deemed appropriate.

16.3 The Administrative Secretary of DMRRR shall be the Member Secretary of the Empowered Committee.

CHAPTER 17

17. Rehabilitation and Resettlement Rules:
17.1 Subject to other provisions of this Policy, the State Government may, by notification, make detailed guidelines for carrying out the provisions of this Policy.

17.2 Guidelines may provide the procedure for collection of R&R Cess and detailed guidelines on how the fund can be utilised.

CHAPTER 18

18 Miscellaneous:

18.1 No income tax or stamp duty shall be levied on any award or agreement made under this Policy and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

18.2 In any proceeding under this Policy, a certified copy of a document may be accepted as evidence of the transaction recorded in such document.

18.3 The provision of this Policy shall be in addition to and not in derogation of, any other law for the time being in force.

18.4 Notwithstanding anything contained in this Policy, the Government shall, wherever possible, be free to exercise the option of taking the land on lease, instead of acquisition, for any public purpose.

18.5 Government may, by notification, amend or alter any of the Schedules to this Policy, without in any way reducing the compensation or diluting the provisions of this Policy relating to compensation or rehabilitation and resettlement.

18.6 Nothing in this Policy shall prevent the State Government from enacting any law to enhance or add to the entitlements enumerated under this Policy which confers higher compensation than payable under this Policy or make provisions for rehabilitation and resettlement which is more beneficial than provided under this Policy.

18.7 Wherever any Policy framed by the Government provides for a higher compensation than calculated under this Policy for the acquisition of land, the affected persons or his family or member of his family may at their option opt to avail such higher compensation and rehabilitation and resettlement under such law or such policy of the State.

18.8 For purposes of rehabilitating the displaced families, State land or Government land shall be acquired by the Collector. Wherever
Government or State Land is not available, the Collector shall purchase private land in the rehabilitated area, after negotiations and the compensation to the land owner shall be given in accordance with this Policy, with additional appreciation.

18.9 No construction or resettlement of the displaced families should be allowed in buffer zones of heritage sites and existing heritage houses should be protected.

18.10 The compensation awards shall be reviewed by the Government after every two years
SCHEDULE FIRST
FOR HYDRO ELECTRIC POWER (HEP) PROJECTS

The following components shall constitute the minimum compensation package to be given to the displaced and affected families due to Hydro Electric Power Projects, for those whose land and shops are acquired (and to tenants in a proportion to be decided by the Government) and those whose livelihood is primarily dependent on land and structures acquired.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Elements of Rehabilitation and Resettlement Entitlement for displaced and affected families due to Hydro Electric Power Projects</th>
<th>Entitlement/Provision for displaced and affected families due to Hydro Electric Power Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Market value of land</td>
<td>Value of land shall be determined by District Administration.</td>
</tr>
<tr>
<td>2.</td>
<td>Value of assets attached to land or building</td>
<td>To be determined by the District Administration</td>
</tr>
<tr>
<td>3.</td>
<td>Offer for land for resettlement</td>
<td>In case, the requiring body has acquired land for establishment of resettlement colony for PDFs desirous of availing the offer, the cost of the land shall be deducted from their compensation package</td>
</tr>
<tr>
<td>4.</td>
<td>Cattle Sheds</td>
<td>Each Project Displaced and Project Affected Family having cattle, shall get financial assistance of Twenty Five Thousand Rupees (Rs. 25,000) for construction of cattle sheds.</td>
</tr>
<tr>
<td>5.</td>
<td>Transportation Cost for displaced families</td>
<td>Each Project Displaced Family shall be provided assistance of Thirty Five Thousand Rupees (Rs. 35,000) towards transportation cost for shifting of building materials, belongings, cattle etc. from the affected zone to the resettlement area.</td>
</tr>
<tr>
<td></td>
<td><strong>Construction of petty shop</strong></td>
<td>Each Project Displaced Family losing a petty shop (or water mill) shall be given financial assistance of Forty Thousand Rupees (Rs 40,000) for reconstruction of petty shops in the rehabilitated area.</td>
</tr>
<tr>
<td>---</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>7</td>
<td><strong>One time grant for rural artisans &amp; small traders as relocation.</strong></td>
<td>Each Project Displaced family comprising of rural artisans/small traders and self-employed persons shall be provided assistance of Forty Thousand Rupees (Rs. 40,000) for construction of work shed/shop.</td>
</tr>
<tr>
<td>8</td>
<td><strong>Scholarships</strong></td>
<td>Each Project Affected or Displaced family shall be provided assistance of One thousand Rupees (Rs 1,000) for their children for a period of 24 months. An additional 10% over and above the scholarship provision as top-up shall be provided to physically challenged and female children.</td>
</tr>
</tbody>
</table>
| 9 | **Skill development** | Skill development shall be done as per HIMAYAT project  
1. Cost for skill development training /skill transfer to be given to the institute imparting the training.  
2. Cost of transport (if any) and other expenses shall be given to the trainee/beneficiary.  
3. Honorarium support shall be given to the trainee directly through Direct Benefit Transfer (DBT) mode. |
| 10 | **Minimum Agriculture wages** | Each Project Displaced Family shall be provided Seven Hundred and Fifty (750) days of Minimum Agriculture Wages (MAW) at Two Hundred Rupees (Rs 200) per MAW day. |
| 11 | **Monthly subsistence allowance for displaced families** | Each Project Displaced Family shall get a monthly subsistence allowance equivalent to Twenty Five (25) days of MAW per month for a period of one year. |
| 12 | **Choice of annuity or employment** | The affected and displaced families be provided with jobs that are created through the Project, after providing suitable training and skill development. |
in the required field. Making provisions for employment at a rate, not lower than the minimum wages provided for, or any other law for the time being in force, to at least one member per Affected family in the Project or arrange for a job in such other Project as may be required; **OR**, Annuity policies that shall pay not less than Two Thousand Rupees (Rs. 2000) per month per family for life time, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.

| 13. | Customary rights and forest usage | Each Scheduled Tribe Affected or Displaced family shall get an additional one-time financial assistance equivalent to Five Hundred (500) days for Minimum Agriculture Wages at Two Hundred Rupees (Rs 200) per day, for loss of customary rights and forest usage. |
| 14. | Transit accommodation | The Project Displaced families will be provided transit allowance of Two Thousand Five Hundred (Rs 2,500) per family for a period of 12 months. |
| 15. | Fishing rights | Fishing rights shall be given to the Project Affected and Displaced families, if such rights were enjoyed by them in the affected area. In other cases also, unless there are special reasons, fishing rights shall be given preferentially to the Affected and Displaced families. |
| 16. | Assistance for seeds and fertilizers | The Affected and Displaced families shall be provided one time assistance for seeds and fertilizer per kanal ranging from Rs 3,000 to Rs 10,000 for the actual acquired agricultural or horticultural land, on the recommendations of Agriculture/Horticulture department, |
| 17. | Payment of stamp duty | As per the R&R Policy payment of stamp duty to the PAF’s and PDF’s losing land, on purchase of land by the PAF to the extent of actuals. |
| 18. | Local infrastructure | The requiring body shall provide for |
local infrastructure development of the rehabilitated area which will include Roads, within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families. Each colony should be linked to main road by roads of appropriate standards. Proper drainage as well as sanitation plans should be executed before physical resettlement. Facilities for sanitation, including individual toilet points. One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government, including water wells, over-head tanks for every 500 families. There should be adequate provision of drinking water for cattle. Grazing land as per proportion acceptable in the State and open collection of animals. A reasonable number of Fair Price Shops. One Panchayat Ghar for every 500 families. Village level Post Offices, with facilities for opening saving accounts. Seed-cum-fertilizer storage facility for every 500 families. Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance. All new areas established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities.
Burial or cremation ground depending on the caste communities at the site and their practices. Individual single electric connections (or connection through non-conventional sources of energy like solar energy), for each household and for public lighting. Electric Sub-Station (transformer) with street lighting. Anganwadi/Creche centres for every 25 to 30 households, providing child and mother supplemental nutritional services. Schools as per the provisions of the Right of Children to Free and Compulsory Education Act. One primary school (minimum three rooms) for every hundred families. Playground for school. Playground for children, one children park for every 500 families. Primary Health Centre/Health Centre for every 500 families, as prescribed by the Government. One Psycho-social care centre for every 500 families. One community centre for every hundred families. Places of worship and community space for every fifty families for community assembly, of numbers and dimensions consonant with the affected area. One cultural centre for every 500 hundred families. Separate land must be earmarked for traditional tribal institutions. The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and. in case any such family can continue their access or entry to such forest or
common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood. Appropriate security arrangements must be provided for the settlement, if needed. Veterinary service centre as per norms. Tele-communication facilities should be provided in the area. Preference shall be given to the affected and displaced families for engagement as labourers as per their skills during the rehabilitation process.

| 19. | Free power to Project Displaced Families (PDFs)/ Project Affected Families (PAFs) | Energy corresponding to 100 units of electricity shall be provided free of cost every month to every PAF and PDF, notified by the State Government, in the designated resettled area/project area for a period of ten years, from the date of commissioning of the power project. The Power Development Department will work out a mechanism for providing one time monetary grant in lieu of the free power to be provided to the PAF’s and PDF’s. |
| 21 | Structures to be multi-disaster resilient | All the structures and infrastructure should be multi-disaster resilient. Disabled friendly infrastructure should be provided in the resettled/rehabilitated area. Fire station should be established as per norms. |
| 22 | Risk Insurance Coverage | All the houses, house-hold goods, shops and infrastructure reconstructed for the displaced persons at the resettled area shall be insured for a minimum period of five (5) years, against all risks and the insurance premium shall be paid by the requiring
<table>
<thead>
<tr>
<th>21</th>
<th>Disaster Management Centre/Community Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One community centre for every hundred families should be constructed, which will also act as the Disaster Management Centre, where Disaster Preparedness Trainings will be organized on a regular basis. This Centre will be stockpiled with emergency supplies and basic rescue equipments like boats, life jackets, fire extinguishers, ropes, spades, shovels, torches, radio set, extra batteries, matches, candles, pick axes, gum boots, water-proof jackets, safety gloves, first aid boxes etc.,. The youth of the affected or displaced community will have to undergo compulsory disaster preparedness training, including First Aid, Fire Fighting, Search &amp; Rescue training, Swimming courses etc. at the Centre. The training will be arranged by the Requiring body. The DM Centre will be equipped with telecommunication facilities and early warning systems. The DM Centre will have adequate arrangement to provide ready-to-eat food, clothing and bedding for at least 100 families, in the event of any disaster. The DM Centre shall be constructed by the Requiring body, using State of Art Technology to make it fully disaster resilient. It will act as a knowledge centre for the community. The Health Centre and Psycho-social Trauma Care Centre will be located in the vicinity of the Disaster Management Centre. The Centre shall have back-up power facility and will act as an early warning Centres for the community.</td>
</tr>
</tbody>
</table>
**SCHEDULE SECOND**

**FOR DEVELOPMENTAL PROJECTS**

**(IN RURAL AND URBAN AREAS)**

The following components shall constitute the minimum compensation package where families are affected or displaced for Developmental Purposes, which may also include new Developmental Projects, Decongesting the congested areas, Projects of linear nature, etc. to be given to those whose land is acquired (and to tenants in a proportion to be decided by the Government) and those whose livelihood is primarily dependent on the land and structures acquired.

<table>
<thead>
<tr>
<th>S. No</th>
<th>Component of compensation package in respect of land acquired</th>
<th>Manner of determination of value</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>1.</td>
<td>Market value of land</td>
<td>Value of land shall be determined by district administration.</td>
</tr>
<tr>
<td>2.</td>
<td>Value of assets attached to land or building</td>
<td>To be determined by district administration.</td>
</tr>
<tr>
<td>3.</td>
<td>Offer for Developed Land</td>
<td>In case, land is acquired for urbanisation purposes, twenty per cent, of the developed land will be reserved and offered to land owning project displaced families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development. Provided that in case the land owning project displaced family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.</td>
</tr>
<tr>
<td>4.</td>
<td>Cattle Sheds</td>
<td>Each Project Displaced as well as Project Affected Family having cattle, shall get financial assistance of Rs. 25,000 for Construction of Cattle sheds</td>
</tr>
</tbody>
</table>
5. Transportation Cost for displaced families

Each family which is displaced shall get a one-time financial assistance of 35,000 Rupees (in rural areas) and Rs 50,000 (in urban areas) as transportation cost for shifting of the family, building materials, belongings and cattle.

6. One time grant for rural artisans & small traders as relocation.

Each displaced family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance of Rs. 40,000 for construction of work shed/shop (in rural areas), while as in urban area the owner of the shop will get the cost of the shop as per market value, but not less than Rs 80,000.

In addition to this Solatium equal to one hundred percent and livelihood allowance of Rupees three thousand per month (in rural area) and Rs 5,000 per month (in urban area) for a period of one year till their livelihood is restored.

7. Scholarships

A scholarship of One thousand Rupees per month (in rural areas) and Rupees Two thousand per month (in Urban Areas) for a period of two years shall be granted to children of the Displaced families.

An additional 10% amount of the above scholarship provision as top-up shall be provided to all the physically challenged children, as well as female students.

8. Skill development

Skill development shall be done as per
<table>
<thead>
<tr>
<th></th>
<th>HIMAYAT project.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>Cost for skill development training/skill transfer to be given to the institute imparting the training.</td>
</tr>
<tr>
<td>5.</td>
<td>Cost of transport (if any) and other expenses shall be given to the trainee/beneficiary.</td>
</tr>
<tr>
<td>6.</td>
<td>Honorarium support shall be given to the trainee, directly through Direct Benefit Transfer (DBT) mode.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Minimum Agriculture wages</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.</td>
<td>Each Project Displaced Family shall be provided Seven Hundred and Fifty (750) days of Minimum Agriculture Wages (MAW) at Two Hundred Rupees (Rs 200) per MAW day.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Monthly subsistence allowance for displaced families</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.</td>
<td>Each Project Displaced Family shall get a monthly subsistence allowance equivalent to 25 days of Minimum Agricultural Wages per month for a period of one year.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Choice of annuity or employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.</td>
<td>The Project Displaced families be provided with the following options: (a) where jobs are created through the project, after providing suitable training and skill development in the required field make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per displaced family in the project or arrange for a job in such other project as may be required; OR (b) One-time payment of Five lakhs rupees per displaced family. OR (c) Annuity policies that shall pay not less than Two thousand rupees (for rural areas) and Four thousand rupees (for Urban areas) per month per family for life time, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Customary rights and</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.</td>
<td>Each Scheduled Tribe Displaced family</td>
</tr>
</tbody>
</table>
13. **Transit accommodation**  
Each Displaced family shall be given a one-time Resettlement Allowance/Transit allowance of Rs. 2,500 per month (for rural areas) and Rs 5,000 per month (for urban areas) for a period of 12 months.

14. **Fishing rights**  
In cases of irrigation projects, the displaced families may be allowed fishing rights in such manner as may be prescribed by the Govt.

15. **Assistance for seeds and fertilizers**  
The Displaced families shall be provided one time assistance, for seeds and fertilizer per kanal ranging from Rs 3,000 to Rs 10,000 for the actual acquired agricultural or horticultural land.

16. **Payment of stamp duty**  
As per the R&R Policy payment of stamp duty to the PAF’s losing land, on purchase of land by the PAF to the extent of actuals.

17. **Local infrastructure development**  
The requiring body shall provide for local infrastructure development of the rehabilitated area which will include: Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families. Each colony should be linked to main road by roads of appropriate standards.  
Proper drainage as well as sanitation plans should be executed before physical resettlement. Facilities for sanitation, including individual toilet points.  
One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government, including water wells, over-head tanks for every 500 families.
There should be adequate provision of drinking water for cattle. Grazing land as per proportion acceptable in the State and open collection of animals.

A reasonable number of Fair Price Shops. One Panchayat Ghar for every 500 families. Village level Post Offices, with facilities for opening saving accounts.

Seed-cum-fertilizer storage facility for every 500 families.

Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance.

All new areas established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities.

Burial or cremation ground depending on the caste communities at the site and their practices.

Individual single electric connections (or connection through non-conventional sources of energy like solar energy), for each household and for public lighting. Electric Sub-Station (transformer) with street lighting.

Anganwadi/ Creche centres for every 25 to 30 households, providing child and mother supplemental nutritional services.

Schools as per the provisions of the Right of Children to Free and Compulsory Education Act. One primary school (minimum three rooms) for every hundred families. Playground for school. Playground for children, one
children park for every 500 families. Primary Health Centre/Health Centre for every 500 families, as prescribed by the Government. One Psycho-social care centre for every 500 families. One community centre for every hundred families. Places of worship and community space for every fifty families for community assembly, of numbers and dimensions consonant with the affected area. One cultural centre for every 500 hundred families. Separate land must be earmarked for traditional tribal institutions. The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood. Appropriate security arrangements must be provided for the settlement, if needed. Veterinary service centre as per norms. All the structures and infrastructure should be multi disaster resilient. All new infrastructures in the resettled/rehabilitated area should be barrier free, accessible and differently abled/specially abled friendly. Fire station should be established in the resettled area, as per norms. Telecommunication facilities should be provided in the area. All the houses, house-hold goods, shops and infrastructure constructed for the displaced persons at the
| resettled area shall be insured for a minimum period of five (5) years, against all risks and the insurance premium shall be paid by the requiring body. Preference shall be given to the affected and displaced families for engagement as labourers as per their skills during the rehabilitation process. |
THE THIRD SCHEDULE

FOR DISASTER PROOFING

The following components shall constitute the minimum compensation package to be given to the displaced and affected families due to voluntary or involuntary displacement on account of Disaster Proofing or Mitigation measures in Rural or Urban Areas for those whose land and shops are acquired (and to tenants in a proportion to be decided by the Government) and those whose livelihood is primarily dependent on land acquired.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Component of compensation package in respect of land acquired</th>
<th>Manner of determination of value</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Market value of land</td>
<td>Value of land to be determined by district administration.</td>
</tr>
<tr>
<td>2.</td>
<td>Value of assets attached to land or building</td>
<td>To be determined by district administration.</td>
</tr>
<tr>
<td>3.</td>
<td>Subsistence grant for displaced families</td>
<td>Each Displaced Family shall get a monthly subsistence allowance equivalent to 25 days of Minimum Agricultural Wages per month for a period of one year.</td>
</tr>
<tr>
<td>4.</td>
<td>Transportation cost for displaced families</td>
<td>Each family which is displaced shall get a one-time financial assistance of Thirty Five Thousand Rupees (in rural areas) and Fifty Thousand Rupees (in urban areas) as transportation cost for shifting of the family, building materials, belongings and cattle.</td>
</tr>
<tr>
<td>5.</td>
<td>One-time grant to artisan, small traders.</td>
<td>Each affected and displaced family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to disaster, shall get one-time financial assistance</td>
</tr>
</tbody>
</table>
of Forty Thousand Rupees for construction of work shed/shop (in rural areas), while as in urban area the owner of the shop will get Eighty Thousand Rupees.

In addition to this Solatium equal to one hundred percent and livelihood allowance of Rupees three thousand per month (in rural area) and Rupees Five Thousand per month (in urban area) for a period of one year till their livelihood is restored.

| 6. | Cattle Sheds | Each Displaced Family and Project Affected having cattle, shall get financial assistance of Twenty Five Thousand Rupees for Construction of Cattle sheds (in rural areas) and Forty Thousand Rupees for Construction of cattle shed (in urban areas) |
| 7. | One-time Resettlement Allowance and transit accommodation allowance | Each affected family shall be given a one-time Resettlement Allowance/Transit allowance of Two Thousand Five Hundred Rupees per month (for rural areas) and Five Thousand Rupees per month (for urban areas) for a period of 12 months. |
| 8. | Skill Development Training (Optional) | Skill development shall be done as per HIMAYAT project Cost for skill development training/skill transfer to be given to the institute imparting the training. Cost of transport (if any) and other expenses shall be given to the trainee/beneficiary. Honorarium support shall be given to the trainee, directly through Direct Benefit Transfer(DBT) mode |
| 9. | Stamp duty and registration fee | As per the R&R Policy payment of stamp duty to the PAF’s losing land, on purchase of land by the PAF to the extent of actuals. |
| 10. | Scholarships | A scholarship of One thousand Rupees per month (in Rural Areas) |
and Two Thousand Rupees per month (in Urban Areas) for a period of one year shall be granted to all the children of the affected or displaced families. An additional 10% amount of the above scholarship provision, as top-up, shall be provided to all physically challenged children as well as all the female students.

11. **Assistance for Seeds and fertilizers**

The Displaced families that opt for restarting agricultural or horticultural activities in the rehabilitated area shall be provided, one-time lump sum financial assistance of Five Thousand Rupees per kanal, for arranging seeds, saplings and fertilizer etc. for actual quantity of land sown.

12. **Community Based Disaster Risk Management Activities**

Community-based Disaster Risk Management activities will be undertaken in the resettled areas. Concepts, tools, and mechanisms of disaster Risk Reduction will be introduced in the community in order for them to cope-up with effects of disasters. The affected or displaced families will be provided technical support and designs for building disaster resilient structures in the resettled area.

13. **Local infrastructure development**

The requiring body shall provide for local infrastructure development of the rehabilitated area which will include Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families. Each colony should be linked to main road by roads of appropriate standards. Proper drainage as well as sanitation plans should be executed before physical resettlement. Facilities for sanitation, including individual toilet points. One or more assured sources
| of safe drinking water for each family as per the norms prescribed by the Government, including water wells, over-head tanks for every 500 families. There should be adequate provision of drinking water for cattle. Grazing land as per proportion acceptable in the State and open collection of animals. A reasonable number of Fair Price Shops. One Panchayat Ghar or Municipal Ward for every 500 families. Village level Post Offices, with facilities for opening saving accounts. Seed-cum-fertilizer storage facility for every 500 families. Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance. All new areas established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities. Burial or cremation ground depending on the caste communities at the site and their practices. Individual single electric connections (or connection through non-conventional sources of energy like solar energy), for each household and for public lighting. Electric sub stations (transformer) with street lighting. Anganwadi/ Creche centres for every 25 to 30 households, providing child and mother |
supplemental nutritional services. School as per the provisions of the Right of Children to Free and Compulsory Education Act. One primary school (minimum three rooms) for every hundred families. Playground for school. Playground for children, one children park for every 500 families. Places of worship or community space for every fifty families for community assembly, of numbers and dimensions consonant with the affected area. One cultural centre for every 500 hundred families. Separate land must be earmarked for traditional tribal institutions. The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood. Veterinary service centre as per norms. Telecommunication facilities should be provided in the area.

14. Structures to be multi-disaster resilient

All the structures and infrastructure should be multi-disaster resilient. Differently abled/ specially abled friendly infrastructure should be provided in the resettled/ rehabilitated area. Fire station should be established as per norms.
| 15. | Risk Insurance Coverage | All the houses, house-hold goods, shops and infrastructure reconstructed for the displaced persons at the resettled area shall be insured for a minimum period of five (5) years, against all risks and the insurance premium shall be paid by the requiring body. |
| 16. | Security Arrangements at the resettled areas | Appropriate security arrangements must be provided for the resettled areas to avoid any human trafficking, substance abuse or crime. |
| 17. | Psycho social trauma care centre | Sub-health centre as prescribed by the Government should be available for every 500 families. One Psycho-social trauma care centre for every 500 families should be constructed for the affected or displaced families |
| 18. | Disaster Management Centre/Community Centre | One community centre for every hundred families should be constructed, which will also act as the Disaster Management Centre, where Disaster Preparedness Trainings will be organized on a regular basis. This Centre will be stockpiled with emergency supplies and basic rescue equipments like boats, life jackets, fire extinguishers, ropes, spades, shovels, torches, radio set, extra batteries, matches, candles, pick axes, gum boots, water-proof jackets, safety gloves, first aid boxes etc... The youth of the affected or displaced community will have to undergo compulsory disaster preparedness training, including First Aid, Fire Fighting, Search & Rescue training, Swimming courses etc. at the Centre. The training will be arranged by the |
| Requiring body. The DM Centre will be equipped with telecommunication facilities and early warning systems. The DM Centre will have adequate arrangement to provide ready-to-eat food, clothing and bedding for at least 100 families, in the event of any disaster. The DM Centre shall be constructed by the Requiring body, using State of Art Technology to make it fully disaster resilient. It will act as a knowledge centre for the community. The Health Centre and Psycho-social Trauma Care Centre will be located in the vicinity of the Disaster Management Centre. The Centre shall have back-up power facility and will act as an early warning Centres for the community. |
THE FOURTH SCHEDULE

DISPLACEMENT DUE TO DISASTERS

The following components shall constitute the minimum compensation package to be given to families displaced on account of Disasters.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Component of compensation package in respect of Disasters</th>
<th>Value of Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>1.</td>
<td>Gratutious Relief</td>
<td></td>
</tr>
<tr>
<td>a)</td>
<td>Ex-Gratia payment to families of deceased persons</td>
<td>Rs. 4 lakh per deceased person including those involved in relief operations or associated in preparedness activities subject to certification regarding cause of death from appropriate authority.</td>
</tr>
</tbody>
</table>
| b)     | Ex-Gratia payment for the loss of the limb or eye(s)     | Rs. 59100/- per person, when the disability is between 40% and 60%  
|        |                                                           | Rs. 2.00 lakh per person, when the disability is more than 60%  
|        |                                                           | Subject to certification by a doctor from a hospital or dispensary of Government, regarding extent and cause of disability |
| c)     | Grievous injury requiring hospitalization                | Rs. 12,700/- per person requiring hospitalization for more than a week.  
|        |                                                           | Rs. 4,300/- per person requiring hospitalization for less than a week. |
| d)     | Clothing and utensils/house-hold goods for families whose houses have been washed away/ fully damaged/ severely inundated for more than two days due to a natural calamity | Rs. 1,800/- per family, for loss of clothing.  
|        |                                                           | Rs. 2,000/- per family, for loss of utensils/house-hold goods. |
| e)     | Gratuitous relief for families whose livelihood is seriously affected | Rs.60/- per adult and Rs. 45/- per child, not housed in relief camps. State Govt. Will provide basis and process for arriving at such beneficiaries district-wise |
| 2.     | SEARCH & RESCUE OPERATIONS                               |                       |
| a)     | Cost of search and rescue measures/                     | As per actual cost incurred, assessed by SEC and recommended by Central Team(in case of NDRF) |
### 3. RELIEF MEASURES

**a)** Provision for temporary accommodation, food, clothing, medical care, etc. For people affected/evacuated and sheltered in relief camps

- As per need by SEC and recommendation of the Central Team (in case of NDRF), for a period up to 30 days. The SEC would need to specify the number of camps, their duration and the number of persons in the camps. In case of continuation of calamity like drought, or widespread devastation caused by earthquake or flood etc, this period may be extended to 60 days, and upto 90 days in case of severe drought. Depending on the ground situation, the State Executive Committee can extend the time period beyond the prescribed limit subject to that expenditure on this account should not exceed 25% of SDRF allocation for the year.
- Medical care may be provided from National Rural Health Mission (NRHM).

**b)** Air dropping of essential supplies

- As per actuals, based on assessment of need by SEC and recommendation of Central Team (in case of NDRF). The quantam of assistance will be limited to the actual amount raised in the bills by the Ministry of Defence for airdropping of essential supplies and rescue operations only.

**c)** Provision of emergency supply of drinking water in rural and urban areas

- As per actual cost, based on assessment of need by SEC and recommendation of the Central Team (in case of NDRF), up to 30 days and may be extended upto 90 days in case of severe drought. Depending on the ground situation, the State Executive Committee can extend the time period beyond the prescribed limit subject to that expenditure on this account should not exceed 25% of SDRF allocation for the year.

### 4. CLEARANCE OF AFFECTED AREAS

**a)** Clearance of debris in public areas

- As per actual cost within 30 days from the date of the start of the work based on assessment of need by SEC for the assistance to be provided under SDRF and as per assessment of Central Team for assistance to be provided under NDRF.
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<tbody>
<tr>
<td><strong>b)</strong> Draining of Flood water in affected areas</td>
<td>As per actual cost within 30 days from the date of the start of the work based on assessment of need by SEC for the assistance to be provided under SDRF and as per assessment of Central Team (in case of NDRF).</td>
</tr>
<tr>
<td><strong>c)</strong> Disposal of dead bodies/carcases</td>
<td>As per actuals, based on assessment of need by SEC and recommendation of Central Team (in case of NDRF).</td>
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</table>

5. **AGRICULTURE**

I. **Assistance farmers having landholding upto 2 ha**

A. **Assistance for land and other losses**

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<tbody>
<tr>
<td><strong>a)</strong> De-silting of agricultural land (where thickness of sand/silt deposit is more than 3”, to be certified by competent authority of the State Government)</td>
<td><strong>Rs. 12,200/-</strong> per hectare for each item.</td>
</tr>
<tr>
<td><strong>b)</strong> Removal of debris on agricultural land in hilly areas.</td>
<td><strong>(Subject to the condition that no other assistance/subsidy has been availed by/is eligible to the beneficiary under any other Government Scheme)</strong></td>
</tr>
<tr>
<td><strong>c)</strong> De-silting/ Restoration/ Repair of fish farms</td>
<td></td>
</tr>
<tr>
<td><strong>d)</strong> Loss of substantial portion of land caused by landslide, avalanche, change of course of rivers.</td>
<td><strong>Rs. 37,500/-</strong> per hectare to only those small and marginal farmers whose ownership of the land is legitimate as per the revenue records.</td>
</tr>
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</table>

B. **Input subsidy (where crop loss is 33% and above)**

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<tbody>
<tr>
<td><strong>a)</strong> For agriculture crops, horticulture crops and annual plantation crops</td>
<td><strong>Rs. 6,800/-</strong> per ha. in rainfed areas and restricted to sown areas. <strong>Rs. 13,500/-</strong> per ha. in assured irrigated areas, subject to minimum assistance not less than Rs.1000 and restricted to sown areas.</td>
</tr>
<tr>
<td><strong>b)</strong> Perennial crops</td>
<td><strong>Rs. 18,000/-</strong> ha. for all types of perennial crops subject to minimum assistance not less than Rs.2000/- and restricted to sown areas.</td>
</tr>
<tr>
<td><strong>c)</strong> Sericulture</td>
<td><strong>Rs. 4,800/-</strong> per ha. for Eri, Mulbery, Tussar <strong>Rs. 6,000/-</strong> per ha. for Muga.</td>
</tr>
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</table>

II. **Input subsidy to farmers having more than 2 ha of**

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<tr>
<td></td>
<td><strong>Rs. 6,800/-</strong> per hectare in rainfed areas and restricted to sown areas.</td>
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</table>
| land holding                                                                                       | Rs. 13,500/- per hectare for areas under assured irrigation and restricted to sown areas.  
|                                                                                                 | Rs. 18,000/- per hectare for all types of perennial crops and restricted to sown areas.  
|                                                                                                 | Assistance may be provided where crop loss is 33% and above, subject to ceiling of 2ha. per farmer |

| 6. ANIMAL HUSBANDARY ASSISTANCE TO SMALL AND MARGINAL FARMERS                                      | Milich animals-                                                   |
|                                                                                                 | Rs.30,000/- Buffalo/ Cow/ Camel/ Yak/ Mithun etc.                  |
|                                                                                                 | Rs. 3,000/- Sheep/ Goat/ Pig.                                    |
|                                                                                                 | Draught animals-                                                  |
|                                                                                                 | Rs.25,000/- Camel/ Horse/ Bullock etc                            |
|                                                                                                 | Rs.16,000/- Calf/ Donkey/ Pony/ Mule.                            |
|                                                                                                 | The assistance may be restricted for the actual loss of economically productive animals and will be subject to a ceiling of 3 large milich animals or 30 small milich animals or 3 large draught animals or 6 small draught animals per household irrespective of whether a household has lost a large number of animals.(The loss is to be certified by the Competant authority designated by State Government. |
|                                                                                                 | Poultry:-                                                        |
|                                                                                                 | Poultry @ Rs. 50/- per bird subject to ceiling of assistance of Rs.5,000/- per beneficiary household. The death of the poultry birds should be on account of a natural calamity. |
|                                                                                                 | Note:-Relief under these norms is not eligible if the assistance is available for any other Government Scheme, e.g. loss of birds due to Avian Influenza or any other diseases for which the Department of Animal Husbandry has a separate scheme for compensating the poultry owners. |
II. Provision of fodder / feed concentrates including water supply and medicines in cattle camps.

| Large animals- **Rs. 70/-** per day. |
| Small animals- **Rs. 35/-** per day. |

Period for providing relief will be as per assessment of the State Executive Committee (SEC) and the Central Team (in case of NDRF). The default period of assistance will be upto 30 days, which may be extended upto 60 days in the first instance and in case of severe drought upto 90 days. Depending on the ground situation, the State Executive Committee can extend the time period beyond the prescribed limit, subject to the stipulation that expenditure on this account shall not exceed 25% of SDRF allocation of the year.

Based on the assessment of need by State Executive Committee (SEC) and the Central Team (in case of NDRF) consistent with estimates of cattle as per Livestock Census and subject to the certificate by the competent authority about the requirement of medicine and vaccine being calamity related.

| III. Transport of fodder to cattle outside cattle camps. | As per actual cost of transport, based on assessment of need by State Executive Committee (SEC) and the Central Team (in case of NDRF) consistent with estimates of cattle as per Livestock Census. |

7. **FISHERY**

| I. Assistance to Fisherman for repair/replacement of boats, nets – damaged or lost |
| **Boat** |
| **Dugout-canoe** |
| **Catamaran** |
| **net** |

| Rs. **4,100/-** for repair of partially damaged boats only. |
| Rs. **2,100/-** for repair of partially damaged net. |
| Rs. **9,600/-** for replacement of fully damaged boats. |
| Rs. **2,600/-** for replacement of fully damaged net. |

(This assistance will not be provided if the beneficiary is eligible or has availed of any subsidy/ assistance, for the instant calamity, under any other Government Scheme.)
| II. | Input subsidy for fish seed farm/.
|     | Rs. 8,200/- per hectare

(This assistance will not be provided if the beneficiary is eligible or has availed of any subsidy/ assistance, for the instant calamity, under any other Government Scheme, except the one time subsidy provided under the Scheme of the one-time subsidy provided under the Scheme of the Department of Animal husbandry, Dairying and Fisheries, Ministry of Agriculture ).
<table>
<thead>
<tr>
<th>ASSISTANCE TO ARTISANS</th>
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</table>
| For replacement of damaged tools/equipment | Rs. 4,100 per artisan for equipments  
Subject to certification by the competent authority designated by the Government about damage and its replacement |
| For loss of raw material/ goods in process/ finished goods | Rs 4,100 per artisan for raw material.  
-Subject to certification by the competent authority designated by the Government about loss and its replacement |

9. HOUSING

a) Fully damaged/destroyed houses
   i) Pucca house
   ii) Kutchha House  
   - Rs. 95,100/-per house, in plain areas.  
   - Rs. 95,100/-per house, in hilly areas including integrated Action Plan (IAP) districts.

b) Severely Damaged Houses
   i) Pucca house
   ii) Kutchha House

c) Partially Damaged Houses
   i) Pucca(other than huts) where the damage is atleast 15%  
   - Rs. 5,200/- per house
   ii) Kutchha(other than huts) where the damage is atleast 15%  
   - Rs. 3,200/- per house

da) Damaged/ destroyed huts:
   - Rs. 4,100/- per hut,  
   (Hut mean temporary, make shift unit, inferior to Kutchha house, made of thatch, mud, plastic sheets etc. traditionally recognised as hut by the State/District authorities)

   Note: -The damaged house should be an authorised construction duly certified by the Competent Authority of the State Government.

e) Cattle shed attached with house  
   - Rs. 2,100/- per shed.

10. INFRASTRUCTURE

Repair/restoration (of immediate nature) of damaged infrastructure:  
(1) Roads & Bridges  (2) Drinking Water Supply Works,  (3) Irrigation  (4) Power (only limited to immediate restoration of electricity supply in the affected areas),  
(5) Schools,  (6) primarily Health Centers  
(7) Community assets owned by Panchayat.

Sectors such as Telecommunication and Power (except immediate restoration of power supply), which generate their own revenues, and also undertake immediate repair/ restoration works from their own fund/ resources, are excluded.

Activities of immediate nature:

Illustrative lists of activities which may be considered as works of an immediate nature are given in the enclosed Appendix.

Assessment of requirements:

Based on assessment of need, as per States’ costs/ rates/schedules for repair, by SEC and recommendation of the Central Team (in case of NDRF).

- As regards repair of roads, due consideration shall be given to Norms for Maintenance of Roads in India, 2001, as amended from time to time for repairs of roads affected by the heavy rains/floods, cyclone, landslide, sand dunes, etc. to restore traffic. For reference these
norms are

- Normal and Urban areas: upto 15% of the total of Ordinary Repair (OR) and Periodical Repair (PR)

- Hills: upto 20% of total of OR and PR.

- In case of repair of roads, assistance will be given based on the notified Ordinary Repair and Periodical Renewal (PR) of the State. In case OR & PR rate is not available, then assistance will be provided @ Rs. 1 lakh/km for the State Highway and major District Road and @ Rs. 0.60 lakh/km rural roads. The condition of “State shall first use its provision under the budget for regular maintenance and repair” will no longer be required, in view of the difficulties in monitoring such stipulation, though it is a desirable goal for all the States.

- In case of repair of Bridges and Irrigation works, assistance will be given as per schedule of rates notified by the concerned States. Assistance for micro irrigation scheme will be provided @ Rs. 1.5 lakh per damaged scheme. Assistance for restoration of damaged medium and large irrigation projects will also be given for the embankment portions, on par with the case of similar rural roads, subject to the stipulation that no duplication would be done with any ongoing schemes.

- Regarding repairs of damaged drinking water structures will be eligible for assistance @ Rs. 1.5 lakh/damaged structure.

- Regarding repair of damaged primary and secondary schools, primary health centers, Angwad and community assets owned by the Panchayats, assistance will be given @ Rs. 2 lakh/damaged structure.

- Regarding repair of damaged power sector, assistance will be given to damaged conductors, Poles and transformers upto level of 11 kV. The rate of assistance will be @ Rs. 40000/ poles, Rs. 0.50 lakh per km of damaged conductor and Rs. 1.00 lakh per damaged distribution transformer.

### 11. Procurement of essential search, rescue and evacuation equipments including communication equipments, etc. for response to disaster.

- Expenditure is to be incurred from SDRF only (and not from NDRF), as assessed by the State Executive Committee (SEC).
- The total expenditure on this item should not exceed 10% of the annual allocation of the SDRF.

### 12. Capacity Building

- Expenditure is not be incurred from SDRF only (and not...
from NDRF), as assessed by the State Executive Committee (SEC). The total expenditure on this item should not exceed 5% of the annual allocation of the SDRF.

<table>
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<th>13.</th>
<th>State specific disasters within the local context on the State, which are not included in the notified list of disasters eligible for assistance from SDRF/NDRF, can be met from SDRF within the limit of 10% of the annual funds of the SDRF.</th>
</tr>
</thead>
</table>
|      | - Expenditure is to be incurred from SDRF only (and not from NDRF), as assessed by the State Executive Committee (SEC).  
|      | - The norm for various items will be the same as applicable to other notified natural disasters, as listed above. or | |  
|      | - In these cases, the scale of relief assistance against each item for ‘local disasters’ should not exceed the norms of SDRF.  
|      | - The flexibility is to be applicable only after the State has formally listed the disasters for inclusion and notified transparent norms and guide lines with a clear procedure for identification of the beneficiaries for disaster relief for such local disasters’, with the approval of SEC. |