



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 632]

नई दिल्ली, मंगलवार, दिसम्बर 31, 2013/पौष 10, 1935

No. 632]

NEW DELHI, TUESDAY, DECEMBER 31, 2013/PAUSHA 10, 1935

MINISTRY OF RURAL DEVELOPMENT

NOTIFICATION

New Delhi, the 31st December, 2013

G.S.R. 810(E).—The following draft of certain rules, which the Central Government proposes to make in exercise of the powers conferred by clauses (c), (d) (f)...of sub-section (2) of Section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) is hereby published, as required by Section 112 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of a period of thirty days from the date on which the copies of this notification as published in the Gazette of India are made available to the public;

2. Any objection or suggestion which may be received from any person with respect to the said draft rules within the period so specified shall be considered by the Central Government;

3. Objections or suggestions, if any, may be sent to the Joint Secretary (Land Reforms), Department of Land Resources, Ministry of Rural Development, "G" Wing, NBO Building, Nirman Bhawan, New Delhi- 110 011.

DRAFT RULES

CHAPTER I

GENERAL

1. Short title, extent and commencement.—(1) These rules may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2014.

(2) They extend to the whole of India except the State of Jammu and Kashmir.

(3) They shall come into force on the date of their final publication in the Official Gazette.

2. Definitions.— (1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013);

(b) "Form" means Form to these rules;

(c) "Social Impact Assessment" means an assessment being made under sub-section (1) of Section 4 of the Act;

(d) "Social Impact Management Plan" means the plan prepared as part of Social Impact Assessment Process under sub-section (6) of Section 4 of the Act;

(e) "Section" means section of the Act.

(2) Words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

CHAPTER II

SOCIAL IMPACT ASSESSMENT

3. Social Impact Assessment study. — (1) The appropriate Government shall, for the purpose of the Act, issue a notification for carrying out SIA in accordance with Part-B of FORM-I of these rules regarding the commencement of SIA and the same 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 District Collector, the Sub-Divisional Magistrate and the Tehsil and shall be published in the form of posters and pamphlets circulated in the affected area, and by affixing the posters at conspicuous places in the affected areas and shall be uploaded on the website of the appropriate Government:

Provided that such notification shall be issued within thirty days after the deposit of the processing fee for carrying SIA by the Requiring Body, which shall be determined under sub-rule (1) of rule 5.

(2) The SIA shall be conducted in consultation with concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas, for the purposes of Section 4 of the Act, followed by a public hearing at the affected areas by giving adequate publicity about the date and time and venue for the public hearing to ascertain the views of the affected families which shall be recorded in writing.

(3) The Social Impact Assessment Report shall be submitted in FORM-II to the appropriate Government within a period of six months from the date of its commencement and shall include the views of the affected families recorded in writing.

(4) The Social Impact Management Plan listing the ameliorative measures required to be undertaken for addressing the impact of the project under sub-section (6) of Section 4 of the Act shall also be submitted in FORM-III along with the SIA Report.

(5) The Social Impact Assessment Report and the Social Impact Management Plan shall be made available in the local language of the concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas and in the Offices of the District Collector, the Sub-Divisional Magistrate and shall be uploaded on the website of the appropriate Government.

4. Institutional support and facilitation for Social Impact Assessment.— (1) The State Government shall identify or establish an independent organisation (hereinafter referred to as the State SIA Unit), which shall be responsible for ensuring that SIAs are commissioned and conducted by such person or bodies other than the Requiring Body as per the provisions of the Act for all cases of land acquisition under the Act

(2) The State SIA Unit shall undertake the following tasks namely:—

- (a) build and continuously expand a State Database of Qualified SIA Resource Partners and Practitioners, which will serve as a network of individuals and institutions with the required skills and capacities to conduct SIAs for land acquisition and Rehabilitation and Resettlement;
- (b) respond immediately to the State Government's request for an SIA to be conducted by preparing a project-specific Terms of Reference (hereinafter referred to as ToR);
- (c) conduct training and capacity building programmes for the SIA team and community surveyors and make available manuals, tools, comparative case study reports and other materials required for the analysis;
- (d) provide ongoing support and corrective action, as required during the SIA process;
- (e) ensure that the transaction based web-based workflow for SIAs and MIS for land acquisition and Rehabilitation and Resettlement as specified in rule 13 is maintained and that all relevant documents are disclosed as per the provisions of the Act;
- (f) maintain, catalogue of all SIAs and associated primary material; and
- (g) continuously review, evaluate and strengthen the quality of SIAs and the capacities available to conduct them across the State.

5. Project-specific Terms of Reference (ToR) and Processing Fee for the SIA.— (1) Where the appropriate Government intends to acquire land, the proposal for such land acquisition shall be sent along with all the relevant documents to the State SIA Unit, which shall —

- (a) prepare a detailed project-specific ToR for each proposal of land acquisition, listing all the activities that must be carried out indicating the appropriate team size (and number of field teams) and profile of the team members, and stipulate the schedule and deadlines for key deliverables for the SIA as detailed in Part-A of FORM-I to these rules;

(b) determine an estimated SIA fee based on the ToR with clear break-up of costs for each item or activity. The fee amount shall be based on the parameters defined by the appropriate government including area, type of project and number of affected families.

(2) Ten per cent of the SIA fee shall be allocated to SIA Unit as administrative expenses for preparing the Terms of Reference (ToR) and estimated SIA fee report and to submit the same to the appropriate Government.

(3) The Requiring Body shall deposit the SIA fee in the Scheduled Bank account of the appropriate Government for the purpose.

6. Selection of the SIA team.—(1) The State SIA Unit shall be responsible for selecting the SIA team for each project from the individuals and institutions registered or empanelled in the State Database of Qualified SIA Resource Partners and Practitioners.

(2) The Requiring Body shall not be involved in any way in the appointment of the SIA team being appointed to carry out the SIA.

(3) The size and selection criteria for the SIA team shall be as per the project-specific ToR developed by the State SIA Unit.

(4) The SIA team may be constituted by appointing individuals or an organisation with experience in conducting SIAs or related field-based assessments and the team may include—

(a) a combination of independent practitioners, qualified social activists, academics, technical experts, who are not directly connected with the requiring body; and

(b) at least one woman member;

(5) A team leader shall be appointed from amongst the SIA team to liaison with the State SIA Unit throughout the assessment period.

(6) While selecting the SIA team, it is to be ensured that there is no conflict of interest involving the team members appointed to assess the concerned project.

(7) If at any stage, it is found that any team member or any family member of the team member directly or indirectly receives any benefit from the Requiring Body or any other stakeholder in the project, the said member shall be disqualified.

7. Process of conducting the Social Impact Assessment.—(1) The SIA team shall collect and analyse a range of quantitative and qualitative data, undertake detailed site visits, use participatory methods such as focused group discussions, participatory rural appraisal techniques and informant interviews in preparing the Social Impact Assessment report.

(2) All relevant project reports and feasibility studies shall be made available to the SIA team throughout the SIA process, as required. Any request for information from SIA team shall be met at the earliest but not exceeding seven days. The District Collector shall be responsible for providing the information requisitioned by the SIA team.

(3) A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar projects shall be conducted by the SIA team. The assessment shall determine the following, namely:—

(a) area of impact under the proposed project, including both land to be acquired and areas that will be affected by environmental, social or other impacts of the project;

(b) quantity and location of land proposed to be acquired for the project;

(c) the land proposed for acquisition is the bare minimum required;

(d) possible alternative sites for the project and their feasibility;

(e) whether, the land proposed for acquisition in Scheduled Area is a demonstrable last resort;

(f) land, if any, already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project;

(g) the possibility of use of any public, unutilised land for the project and whether any of such land is under occupation;

(h) nature of the land, present use and classification of land and if it is an agricultural land, the irrigation coverage for the said land and the cropping pattern;

- (i) the special provisions with respect to food security have been adhered to in the proposed land acquisition;
 - (j) size of holdings, ownership patterns, land distribution, number of residential houses, and public and private infrastructure and assets; and
 - (k) land prices and recent changes in ownership, transfer and use of lands over the last three years.
- (4) Based on the land assessment, land records and field verification, the SIA shall provide an accurate estimate of the number of affected families and the number of displaced families among them and ensure that, as far as possible, the SIA team shall enumerate all affected families:

Provided that where enumeration is not possible, a representative sample shall be done by the SIA Unit.

- (5) A socio-economic and cultural profile of the affected area must be prepared, based on available data and statistics, field visits and consultations as per FORM-II:

Provided that in projects where resettlement is required, the identified resettlement sites shall be visited and a brief socio-economic profile of the land and its current resident population shall be indicated.

- (6) Basing on the data collected in processes listed above and in consultation with the affected communities and key stakeholders, the SIA shall identify and assess the nature, extent and intensity of the positive and negative social impacts associated with the proposed project and land acquisition as per FORM-II.
- (7) The SIA process includes the preparation of a Social Impact Management Plan (SIMP), which will present the ameliorative measures to be undertaken to address the social impacts identified in the course of the assessment. The SIA team must assess the viability of impact mitigation and management strategies with clear indication of costs, timelines and capacities. The SIMP shall include the following measures—
- (a) that have been specified in the terms of Rehabilitation and Resettlement and compensation for all the categories of affected families as outlined in the Act;
 - (b) that the Requiring Body has stated that it will undertake in the project proposal and other relevant project documents; and
 - (c) that additional measures being undertaken by the Requiring Body, which has been undertaken by it in response to the findings of the SIA process and public hearings.
- (8) The SIA must provide a conclusive assessment of the balance and distribution of the adverse social impacts and social costs and benefits of the proposed project and land acquisition, including the mitigation measures, and provide an assessment as to whether the benefits from the proposed project exceed the social costs and adverse social impacts that are likely to be experienced by the affected families or even after the proposed mitigation measures, the affected families remained at risk of being economically or socially worse, as a result of the said land acquisition and resettlement.

8. Process for conducting public hearings.—(1) Public hearings shall be held in the affected areas to bring out the main findings of the SIA, seeking feedback on the findings and to seek additional information and views for incorporating the same in the final documents.

- (2) Public hearings shall be conducted in all Gram Sabhas where more than twenty-five per cent of the members are directly or indirectly affected by the acquisition of the land.
- (3) The date and venue of the public hearing must be announced and publicised three weeks in advance through public notifications and posters in all the villages within a radius of five kilometres of the land proposed to be acquired, advertisement in local newspapers, radio, and through direct communication with Gram Panchayat or Municipal Ward representatives and by uploading the information on the website of the appropriate Government.
- (4) The draft SIA report and SIMP shall be published in the local language three weeks prior to the public hearing and distributed to all affected Gram Panchayats and Municipal offices. One copy of the draft report shall be made available in the District Collector's office. The Requiring Body may also be served with a copy of the draft report. Adequate copies of the report and summaries shall be made available on the day of the public hearing. Accessible displays and other visual shall be used to share the findings of the SIA report.
- (5) A member of the SIA team shall facilitate the public hearing which shall be organised through the local administration with the designated government officers of appropriate level. The Gram Panchayat or Municipal Ward representatives shall also be included in all the decisions regarding the arrangements for the public hearings in their respective areas.
- (6) All the proceedings shall be held in the local language with effective and credible translators to ensure that all the participants could understand and express their views.

- (7) Representatives from the Requiring Body and designated land acquisition and Rehabilitation and Resettlement functionaries shall also attend the public hearing and address the questions and concerns raised by the affected parties.
- (8) Public representatives, local voluntary Organisations and media shall also be invited to attend the public hearings.
- (9) The proceedings of the public hearing shall be video recorded and transcribed accordingly. This recording and transcription shall be submitted along with the final SIA report and SIMP.
- (10) After the conclusion of the public hearings, the SIA team shall analyse the entire feedback received and information gathered in the public meetings and incorporate the same along with their analysis, in the revised SIA report accordingly.
- (12) Every objection raised in the public meeting shall be recorded and the SIA team shall ensure that the every objection shall be considered in the SIA report.

9. Submission of SIA Report and SIMP.— The final SIA Report and SIMP shall be prepared in the local language and shall be made available to 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 propagated in the form of posters circulated in the affected areas by affixing the posters in conspicuous places and shall also be uploaded on the website of the appropriate Government.

10. SIA Report and Social Impact Management Plan.—The SIA Report and SIMP shall be formulated keeping in view all the relevant information and analysis in a single document and reduced to writing that is clear, concise and accessible, in particular to the members of the affected communities.

11. Appraisal of Social Impact Assessment report by an Expert Group.— (1) The Expert Group constituted under sub-section (1) of section 7 of the Act shall evaluate the SIA report and shall make its recommendation to that effect within a period of two months from the date of its constitution.

(2) The recommendations of the Expert Group shall be made available in the local language to the concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas and in the Offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil and shall be published in the form of posters circulated in the affected areas and by affixing them in conspicuous places in the affected areas and shall be uploaded on the website of the appropriate Government.

12. Consideration of the Social Impact Assessment report, recommendations of the Expert Group etc..— (1) The appropriate Government shall examine the Social Impact Assessment report, the recommendations of the Expert Group, report of the Collector, if any, and recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.

(2) The recommendation of the appropriate Government under sub-section (1) shall be made available in the local language to the concerned Panchayat, Municipality or Municipal Corporation at village level or ward level in the affected areas and in the Offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil and shall be propagated in the form of posters circulated in the affected areas and by affixing the posters in conspicuous places and shall also be uploaded on the website of the appropriate Government.

13. Web-based Work Flow and Management Information System (MIS) for Land Acquisition and Rehabilitation and Resettlement.—The appropriate Government shall create a dedicated, user-friendly website that may serve as a public platform on which the entire work flow of each acquisition case will be hosted, beginning with the notification of the SIA and tracking each step of decision-making, implementation and audit.

14. Additional Norms with regard to the Social Impact Assessment Process.— Parameters and a table of contents for the Social Impact Assessment Study and the Social Impact Management Plan are given in FORM-II.

15. Inventory of Waste, Barren and Unutilised Land.— To ensure acquisition of minimum amount of land and to facilitate the utilisation of unutilised public lands, the appropriate Government shall prepare a district-level inventory report of waste, barren and unutilised public land, and land available in the Government land bank and shall be made available to the SIA team and Expert group. The inventory report shall be updated from time to time.

CHAPTER III

CONSENT

16. Consent Requirements.— (1) The appropriate Government, through the concerned District Collector, shall obtain prior consent of the affected land owners in PART-A of FORM-IV along with the Social Impact Assessment study.

(2) The exercise of obtaining the consent shall be undertaken by the appropriate Government, through the concerned District Collector, who may appoint officers under his control to assist him in the process of obtaining the prior consent.

(3) The appropriate Government shall take necessary steps for updating the records relating to land rights, title in the land and other revenue records in the affected areas, so that the names of land owners, occupants of the land and individuals be identified for initiating the prior consent process and land acquisition.

17. Consent of the Gram Sabha.—(1) The District Collector shall in consultation with the representatives of the Gram Panchayats or Autonomous District Councils notify the date, timing and venue for holding special Gram Sabhas in the affected areas three weeks in advance and conduct public awareness campaigns to motivate members of the Gram Sabhas to participate in the Gram Sabhas.

(2) The names and signatures of all the members who attended the meeting of the Gram Sabha shall be taken and kept in the records.

(3) The quorum shall be at least fifty per cent of the total members of the Gram Sabha for considering the consent as valid:

Provided that one third of the total women members of the Gram Sabha shall also be present in the Gram Sabha meeting.

(4) Printed copies with the proposed terms and conditions for compensation, rehabilitation and resettlement shall be made available in the local language at least three weeks prior to the Gram Sabha meeting.

(5) For public private partnership projects and projects by private companies, representatives of the Requiring Body, who are competent to take decision and negotiate terms of Rehabilitation and Resettlement and compensation shall be present at all such Gram Sabha meetings and respond to the queries raised by the Gram Sabha members. The terms and conditions, Rehabilitation and Resettlement, compensation and other measures committed by the Requiring Body shall be explained to the Gram Sabha members in the local language and signatures of the members as well as the representative of Requiring Body shall be obtained on such terms and conditions.

(6) After deliberations, the Gram Sabha shall pass a resolution with majority in PART-B of FORM-IV giving or withholding consent for the proposed acquisition and the resolution shall contain the negotiated terms and conditions for Rehabilitation and Resettlement, compensation, impact management and mitigation that the Requiring Body has committed and which have been signed by the District Collector or designated district officer and the representative of the Requiring Body. The Gram Sabha resolution once received shall be counter signed by the District Collector or a designated District Officer and a signed copy shall be handed over to all the panchayat representatives.

(7) Any resolution that does not explicitly contain a statement of consent to the project, a statement of the negotiated terms of compensation and Rehabilitation and Resettlement shall be invalid.

(8) All the proceedings of the Gram Sabha shall be video recorded, documented in writing and shall be made available in the respective panchayat offices and uploaded on the website of the appropriate Government.

(9) Members of the Social Impact Assessment team shall be present to assist the Gram Sabha meetings.

18. Consent of the Affected Land owners.—(1) In Public Private Partnership projects and projects by private companies, a list of all affected land owners from whom consent is required to be obtained shall be drawn up by district officers in consultation with the Social Impact Assessment team. The list shall be made available in the affected area, in the form of posters and handouts and by displaying the list in conspicuous places of the affected areas for at least ten days before obtaining consent.

(2) In case of any objection, the consent of the objector shall also be taken, and the reasons for doing so shall be recorded in writing and conveyed to the concerned person within ten days.

(3) The District Collector shall in consultation with the representatives of Gram Panchayats, Autonomous District Councils, municipality, municipal corporations, as the case may be, notify the date, time and venue at least three weeks in advance, for holding the affected land owners meetings at the village or ward level.

(4) The proposed terms and conditions agreed to by the Requiring Body shall also be made available in local language at least three weeks in advance of the meeting of the affected land owners to each and every affected land owner.

(5) For public private partnership projects and projects by private companies, representatives of the Requiring Body, who are competent to take decision and negotiate terms of Rehabilitation and Resettlement and compensation shall be present at all such affected land owners meetings and respond to the queries raised by the affected land owners. The terms and conditions, Rehabilitation and Resettlement, compensation and other measures committed by the Requiring Body shall be explained to the members in the local language and signatures of the members as well as the representative of Requiring Body shall be obtained on such terms and conditions.

(6) At the conclusion of the meeting, each individual land owner shall be asked to indicate in the signed declaration whether he or she gives or withholds consent for the acquisition of land involved. A copy of this declaration with the attached terms and conditions shall be given to the land holder concerned. The declaration shall be countersigned by the District Collector or district officers on its receipt.

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

(10) Consent procedure shall be determined on the basis of the signed, written declarations of land owners.

(11) All proceedings of taking affected land owners' consent during land owners meetings shall be recorded in video and all the proceedings must be documented in writing. The outcome of the consent process shall be made available in panchayat offices and on the web site of the appropriate Government.

(12) Members of the Social Impact Assessment team shall be present to assist the affected land owners meeting.

19. Roles and responsibilities of the appropriate Government for consent processes.— (1) The appropriate government shall notify and publish the date, time and venue of Gram Sabhas, Panchayats or Autonomous District Council meetings (in cases where Gram Sabha does not exist or has not been constituted) and affected land owners meetings for obtaining the consent and organise public awareness campaigns to encourage participation of the affected land owners in the consent processes.

(2) The appropriate Government shall ensure that the following are provided at least three weeks in advance to every member from whom consent is sought, in the local language, namely:—

- (a) a copy of the draft SIA report (if readily available) in the local language;
- (b) initial package being offered for compensation and Rehabilitation and Resettlement;
- (c) a list of the rights currently enjoyed by the village and its residents under revenue laws, Forest Rights Act and other legislations;
- (d) a written statement signed by the District Collector, certifying that there will be no consequences, if consent is denied for a project and stating that any attempt to coerce or intimidate in order to obtain consent shall be illegal; and
- (e) contact details of the officer or authority along with official telephone number to be contacted in case of any attempt to coerce for signing the declaration of consent process.

(3) The District Collector or any official appointed by the District Collector shall attend the Gram Sabhas, Panchayats or Autonomous District Councils (in cases where Gram Sabha does not exist or has not been constituted) and land owners meetings.

(4) The appropriate Government shall ensure that all the documents relating to Social Impact Assessment are made available to the affected land owners and all requests for information are provided within seven days.

20. Roles and responsibilities of the Requiring Body for consent processes.— The Requiring Body shall appoint representatives competent to take decisions and negotiate terms and condition of compensation and Rehabilitation and Resettlement, who shall be present in the meetings of affected land owners for obtaining the consent and reply to the queries raised by the land owners.

The Requiring Body shall provide all the information on the project, prior to the taking of consent as well as any additional information, if required.

[F.No. 13011/01/2013-LRD]

CHARANJIT SINGH, Director

FORM-I

Part -A. Terms of Reference and Processing Fee for the SIA

[See sub-rule (1) of rule 5]

The State SIA Unit will review the proposal for land acquisition sent by the State Government and produce a project-specific Terms of Reference (ToR) and budget. Based on the ToR and budget, a processing fee will be determined, which must be deposited by the Requiring Body before the notification of the SIA can be issued.

The ToR shall include the following information:

- A brief description of the project, project area and the extent of lands proposed for acquisition
- The objectives of the SIA and all the activities that must be carried out by the SIA team
- Sequencing, schedule and deadlines for deliverables with dates for the SIA process, based on the size and complexity of the project and land acquisition, and whether consent of Gram Sabhas and/or land owners is required to be sought

- The appropriate size and profile of the SIA team required (including field surveyors if needed) to conduct the SIA for the specific project
- A project-specific budget based on the ToR, with a clear break-up of costs for each item/activity
- The schedule for the disbursement of funds to the SIA team tied to clearly-defined deliverables in the SIA process

The processing fee will be determined based on the ToR and budget developed for each specific project and will be based on the type, size, location, and sensitivity of the project and the land proposed for acquisition

- Information regarding the processing fee bands and the cost for separate components/line items must be made consistent and easily accessible, so that the Requiring Body can factor this into its costs in advance. These rates must be reviewed and revised from time to time
- A fixed proportion of the fee will go towards meeting the costs of the State SIA Unit

Part-B. Notification of the SIA

(See sub-rule (1) of rule 3)

The Notification of the SIA must include:

- Name of project developer, a brief description of the proposed project and the extent of the lands proposed for acquisition, the project area and the affected areas to be covered by the SIA
- The main objectives of the SIA and key activities including (a) consultations (b) survey (c) public hearing/s
- If consent of Gram Sabhas and/or land owners is required, the notification must state this
- The timeline for the SIA and the final deliverables (SIA Report and SIMP) along with the manner of their disclosure must be specified
- Statement that any attempt at coercion or threat during this period will render the exercise null and void.
- Contact information of the State SIA Unit

FORM II

(See sub-rule (3) of rule 3, sub-rule (5) & (6) of rule 7 and rule 14)

A. List of socio-economic and cultural parameters to be covered by the SIA

- Demographic details of the population in the project area
 - o Age, sex, caste, religion
 - o Literacy, health and nutritional status
- Poverty levels
- Vulnerable groups
 - o Women, children, the elderly, women-headed households, the differently abled
- Kinship patterns and women's role in the family
- Social and cultural organisation
- Administrative organisation
- Political organisation
- Civil society organisations and social movements
- Land use and livelihood
 - o Agricultural and non-agricultural use
 - o Quality of land – soil, water, trees etc.
 - o Livestock
 - o Formal and informal work and employment
 - o Household division of labour and women's work
 - o Migration
 - o Household income levels
 - o Livelihood preferences
 - o Food security

- Local economic activities
 - o Formal and informal, local industries
 - o Access to credit
 - o Wage rates
 - o Specific livelihood activities women are involved in
- Factors that contribute to local livelihoods
 - o Access to natural resources
 - o Common property resources
 - o Private assets
 - o Roads, transportation
 - o Irrigation facilities
 - o Access to markets
 - o Tourist sites
 - o Livelihood promotion programmes
 - o Co-operatives and other livelihood-related associations
- Quality of the living environment
 - o Perceptions, aesthetic qualities, attachments and aspirations
 - o Settlement patterns
 - o Houses
 - o Community and civic spaces
 - o Sites of religious and cultural meaning
 - o Physical infrastructure (including water supply, sewage systems etc.)
 - o Public service infrastructure (schools, health facilities, anganwadi centres, public distribution system)
 - o Safety, crime, violence
 - o Social gathering points for women

B. Key impact areas

Impacts on land, livelihoods and income

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

Impacts on physical resources

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

Impacts on private assets, public services and utilities

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

Health impacts

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

Impacts on culture and social cohesion

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

Impacts at different stages of the project cycle

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

Pre-construction phase

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

Construction phase

- Displacement and relocation
- Influx of migrant construction workforce
- Health impacts on those who continue to live close to the construction site

Operation phase

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

De-commissioning phase

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

Direct and indirect impacts

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

Differential impacts

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

Cumulative impacts

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

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

Chapter	Contents
Executive Summary	<ul style="list-style-type: none"> — Project and public purpose — Location — Size and attributes of land acquisition — Alternatives considered — Social Impacts — Mitigation measures — Assessment of social costs and benefits
Detailed Project Description	<ul style="list-style-type: none"> — Background of the project, including developers background and governance/management structure — Rationale for project including how the project fits the public purpose criteria listed in the LARR Bill — Details of project size, location, capacity, outputs, production targets, cost, risks — Examination of alternatives — Phases of project construction — Core design features and size and type of facilities — Need for ancillary infrastructural facilities — Work force requirements (temporary and permanent) — Details of SIA/EIA if already conducted and any technical feasibility reports — Applicable legislations and policies
Team composition, approach, methodology and schedule of the SIA	<ul style="list-style-type: none"> — List of all team members with qualifications. Gender experts to be included in team — Description and rationale for the methodology and tools used to collect information for the SIA — Sampling methodology used — Overview of information/data sources used. Detailed reference must be included separately in the forms — Schedule of consultations with key stakeholders and brief description of public hearings conducted. Details of the public hearings and the specific feedback incorporated into the Report must be included in the forms
Land Assessment	<ul style="list-style-type: none"> — Describe with the help of the maps, information from land inventories and primary sources — Entire area of impact under the influence of the project (not limited to land area for acquisition) — Total land requirement for the project — Present use of any public, unutilised land in the vicinity of the project area — Land (if any) already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project — Quantity and location of land proposed to be acquired for the project — Nature, present use and classification of land and if agricultural land, irrigation coverage and cropping patterns — Size of holdings, ownership patterns, land distribution, and number of residential houses — Land prices and recent changes in ownership, transfer and use of lands over the last 3 years
Estimation and enumeration (where required) of affected families and assets	<ul style="list-style-type: none"> — Estimation of the following types of families that are <ul style="list-style-type: none"> (a) Directly affected (own land that is proposed to be acquired): <ul style="list-style-type: none"> — Are tenants/occupy the land proposed to be acquired — The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights — Depend on common property resources which will be affected due to acquisition of land for their livelihood

	<ul style="list-style-type: none"> — Have been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition; — Have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land — Have depended on the land being acquired as a primary source of livelihood for three years prior to the acquisition
	(b) Indirectly impacted by the project (not affected directly by the acquisition of own lands)
	(c) Inventory of productive assets and significant lands
Socio-economic and cultural profile (affected area and resettlement site)	<ul style="list-style-type: none"> — Demographic details of the population in the project area — Income and poverty levels — Vulnerable groups — Land use and livelihood — Local economic activities — Factors that contribute to local livelihoods — Kinship patterns and social and cultural organisation — Administrative organisation — Political organisation — Community-based and civil society organisations — Regional dynamics and historical change processes — Quality of the living environment
Social impacts	<ul style="list-style-type: none"> — Framework and approach to identifying impacts — Description of impacts at various stages of the project cycle such as impacts on health and livelihoods and culture. For each type of impact, separate indication of whether it is a direct/indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts — Indicative list of impacts areas include: impacts on land, livelihoods and income, physical resources, private assets, public services and utilities, health, culture and social cohesion and gender based impacts
Analysis of costs and benefits and recommendation on acquisition	<ul style="list-style-type: none"> — Final conclusions on: assessment of public purpose, less-displacing alternatives, minimum requirements of land, the nature and intensity of social impacts, the viability of the mitigation measures and the extent to which mitigation measures described in the SIMP will address the full range of social impacts and adverse social costs. — The above analysis will use the equity principle described in Rule 9(10) as a criteria of analysis for presenting a final recommendation on whether the acquisition should go through or not
References and Forms	<ul style="list-style-type: none"> — For reference and further information

FORM III

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

Social Impact Management Plan

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

FORM - IV**PART-A. PRIOR WRITTEN CONSENT/DECLARATION FORM***[See sub-rule (1) of rule 16]**S. No. Details of Person Concerned*

1. Name of the person(s) in whose name the land is registered:
2. Name of the spouse:
3. Name of father/ mother:
4. Address:
5. Village/Basti:
6. Gram Panchayat/Municipality/Township:
7. Tehsil/ Taluka:
8. District:
9. Name of other members in the family with age:(including children and adult dependents)
10. Extent of land owned:
11. Disputed lands if any
12. Pattas/leases/grants, if any
13. Any other right, including tenancy, if any:
14. Regarding the acquisition of my land by the government, I wish to state the following (please circle one of the below):

I have read/readout the contents of this consent form and explained to me in _____ language and I do not agree to this acquisition

I agree to this acquisition

Signature/ Thumb impression of the affected family(s) and date:

All information about what will be given to this land owner in exchange for their land and to resettle them must be provided prior to seeking any signature on this form. These terms and conditions must be attached to the form.

Date and Signature of designated district official receiving the signed form

It is a crime under law to threaten any person or to cause them any harm if they refuse to consent or if they choose to state that they do not consent on this form. This includes any threat or act that causes them to lose money, that hurts them physically or that results in harm to their family. If any such threat has been made this form is null and void.

PART-B. FORMAT FOR GRAM SABHA RESOLUTION

[See sub-rule (6) of rule 17]

We, the undersigned members of the gram sabha of _____ within _____ panchayat of _____ tehsil/taluka in _____ district wishes to state that the following certification is based on the information supplied by the administration and officials. If this information is incomplete or incorrect and/or if any consent has been obtained through any use of threats, fraud or misrepresentation, it is null and void. On this basis this gram sabha hereby certifies that it **CONSENTS / REFUSES TO CONSENT** to the proposed _____ project, which will involve:

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

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

Date and signatures/thumb impressions of Gram Sabha members

Date and Signature of designated district officer on receipt of the Resolution