

GOVERNMENT OF KERALA Local Self Government Department

**Kerala Urban Solid Waste Management Project (KUSWMP)
VOLUME II PART C**

RESETTLEMENT POLICY FRAMEWORK (RPF)
May 2020

Project Management Unit
Suchitwa Mission
Tiruvananthapuram

Table of Contents

List of Tables.....	4
List of Figures	5
Acronyms.....	6
Executive Summary	8
1 Introduction	11
1.1 Background.....	11
1.2 Project Description.....	17
2 Resettlement Policies and Legal Framework.....	20
2.1 Introduction.....	20
2.2 Objective of RPF	20
2.3 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA 2013)	21
2.4 Legal and Policy Framework of Kerala.....	21
2.4.1 The Kerala Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2015.....	21
2.4.2 Direct Purchase of land (Kerala Government Order 2015)	22
2.4.3 State Resettlement and Rehabilitation Policy, 2017	23
2.5 Definitions and Eligibility Criteria for Various Categories of Displaced Persons	31
2.6 Entitlement Matrix	33
2.6.1 Cut-off Date	40
2.7 Framework for Land Acquisition and Other Immovable Assets (RFCTLARRA 2013 and Direct Purchase)	41
2.7.1 Acquisition of private land through Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013	41
2.7.2 Requisition of Land by LSGD (Suchitwa Mission/ ULBs).....	41
2.7.3 Appointment of “Administrator” for R&R	41
2.7.4 Notification, Declaration and Preparation of Award.....	41
2.7.5 Method of Valuation of Project Affected Areas.....	42
2.7.6 Disbursement process	43
2.8 Direct Purchase of land	43
2.9 Road Map for Social Impact Assessment and preparation of RAP in accordance with the RFCTLARRA 2013 and OP 4.12.....	45
3 Land Requirement	51
3.1 Introduction.....	51
3.2 Land Requirement.....	51
4 Consultation and Stakeholder Engagement.....	53
4.1 Introduction.....	53
4.2 Dissemination of Information of selected Sub-Project	53
4.3 Finalisation of Site Location.....	54
4.4 Consultation with Affected Persons.....	54

4.4.1	Detailed Project Report (DPR).....	55
4.5	Socio-Economic Survey and FGDs.....	55
5	Livelihoods Restoration and Enhancement.....	57
5.1	Introduction.....	57
5.2	Road Map for Livelihood Restoration and Enhancement	57
5.3	Key Roles of SO	58
6	Institutional Mechanism	59
6.1	Introduction.....	59
6.2	Administrator of LARR	59
6.3	Implementation Agencies	59
7	Grievance Management.....	62
7.1	Grievance redressal.....	62
8	Monitoring and Evaluation.....	63
8.1	Introduction.....	63
8.2	Monitoring and Evaluation Arrangements	63
8.2.1	RAP Implementation Supervision.....	Error! Bookmark not defined.
8.2.2	Concurrent Monitoring and Quarterly Reporting	Error! Bookmark not defined.
8.2.3	Safeguards Monitoring Plan.....	Error! Bookmark not defined.
8.2.4	Independent Safeguards Audits	64
9	Budget	65
9.1	Budget Estimate	65
Annexures.....		66
	Annexure 1: Kerala Negotiated Purchase RFCTLARR Act 2013	66
	Annexure 2: Kerala State R&R Policy 2017	72
	Annexure 3: Baseline Profile of 87 Municipalities	79

List of Tables

Table 1: Comparative Analysis of World Bank OP 4.12 and RFCTLARRA 2013	23
Table 2: Definitions and Eligibility Criteria	31
Table 3: Entitlement Matrix	34
Table 4: Chapter Plan for Mitigation Plan	45
Table 5: Details for Census Survey & Inventory of Assets	47
Table 6: Steps to taken for Consultations and Public Hearing	48
Table 7: Records to be maintained for Implementation of R&R	50
Table 8: Indicative Road Map for Consultations	53
Table 9: Implementation Agencies and Key Responsibilities	59
Table 10: Social Indicators for project investments	63
Table 11: Budget Estimate	65

List of Figures

Figure 1: Administrative Boundaries of Kerala	16
--	-----------

Acronyms

74 th CAA	74 th Constitutional Amendment Acts
APL	Above Poverty Line
BDW	Biodegradable Waste
BG	Basic Grant
BPL	Below Poverty Line
C&D	Construction and Demolition
COVID-19	Coronavirus disease 2019
CPIAL	Consumer Price Index for Agricultural Labourer
D-ESDU	District Environment and Social Development Unit
DLFC	District Level Fair compensation, rehabilitation and resettlement committee
DPMU	District Project Management Unit
DPR	Detailed Project Report
ESDU	Environment and Social Development Unit
FGD	Focus Group Discussion
FPIC	Fair Prior Informed Consultation
FY	Financial Year
GCPD	Gram per Capita per Day
GO	Government Order
GoI	Government Of India
GoK	Government of Kerala
GRM	Grievance Redressal Mechanism
GSDP	Gross State Domestic Product
HDI	Human Development Indices
HIV/AIDS	Human immunodeficiency virus infection and acquired immune deficiency syndrome
IAY	Indira Awaas Yojana
IEC	Information Education Communication
IG	Incentive Grant
IGA	Income Generation Asset
IPDP	Indigenous People Development Plan
ISA	Independent Safeguards Audit
KSWMP	Kerala Solid Waste Management Project
LAR&R	Land Acquisition, Resettlement and Rehabilitation
LRE	Livelihood Restoration and Enhancement
LSG	Local Self Government
LSGD	Local Self Government Department
M&E	Monitoring and Evaluation
MCF	Material Collection Facility
NBWD	Non-Biodegradable Waste
NGO	Non-Governmental Organisation
OBC	Other Backward Class
OP/BP	Operational Policies/ Bank Procedures
PAF	Project Affected Families

PAP	Project Affected Person
PD	Project Director
PIU	Project Implementation Unit
PRI	Panchayat Raj Institutions
PWD	Public Works Department
R&R	Resettlement and Rehabilitation
RAP	Resettlement Action Plan
RFCTLARRA 2013	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
RFP	Resettlement Framework Policy
RRF	Resource Recovery Facility
SC	Schedule Caste
S-ESDU	State Environment and Social Development Unit
SIA	Social Impact Assessment
SLEC	State Level Empowered Committee
SMP	Social Management Plan
SO	Support Organisation
SPMU	State Project Management Unit
SR	Schedule of Rates
ST	Schedule Tribe
SWM	Solid Waste Management
TA	Technical Assistance
TDF-SMF	Tribal Development Framework – Social Management Framework
TDP	Tons per day
ULB	Urban Local Bodies
USD	United State Dollar
WB	World Bank
WSA	Waste-shed Area

Executive Summary

Project Purpose: The Government of Kerala (GoK) intends to utilize financial support from the World Bank to strengthen the institutional and service delivery systems for Solid Waste Management (SWM) services in select urban areas (87 Municipalities among the 93 Urban Local Bodies (ULBs)) in Kerala through Kerala Solid Waste Management Project (KSWMP) (P168633). The Project Development Objective is to strengthen the institutional and service delivery systems for municipal solid waste management in selected Urban Local Bodies in Kerala through the following components. The project will support a hybrid approach comprising of decentralized and centralized waste management systems. At the decentralized level, participating ULBs will have a lead role in delivering SWM services including generator level waste segregation and treatment, primary collection and transportation, waste processing and recycling. Owing to the demographic and geographic profile of the state, characterized by closely located medium and small-sized ULBs and peri-urban areas with high population density, the project will also support a regional approach for SWM and disposal. In addition to strengthening ULBs capacities through a comprehensive Technical Assistance (TA) program, collaboration and systems integrations between the state, local governments, and communities will be supported by the project.

Proposed subprojects include a) Preparation of city-level SWM Plans, b) Bioremediation of some of the existing solid waste dumpsites, c) Upgradation of existing Material collection and recycling facilities for non-biodegradable wastes, d) Construction / up-gradation and operation of centralized and decentralized (community/household level) treatment and disposal facilities in towns for biodegradable wastes, e) Construction of regional / cluster level landfill facilities for rejects and inerts, and Construction and Demolition Waste Treatment Facilities, f) improving collection and transportation of both biodegradable and non-biodegradable solid waste to treatment/disposal / recycling facilities.

Land Requirement: While waste minimization (3Rs – Reduce, Reuse, Recycle) must be at the core of any sustainable SWM system, engineered landfill facilities are always necessary for safe disposal of inerts, rejects and other residual waste. While Kerala has taken decisions to treat Bio-Degradable Waste at source and has set up systems for waste minimization and recycling, these alone will not solve existing waste disposal problems. In Kerala, land is the one of the major constraining factors so infrastructure investments will only start when land ownership has been secured and development rights have been secured for waste management facilities. It is estimated that, land will be required for five regional landfills for disposal of residual 20% waste i.e. 1974 tons per day (TPD) with approximately 400 TPD, as per the National Manual on Solid waste management for 20 years, is approximately 100 acres. To address the land availability risks in the project, the risk mitigation plan includes (i) identification of unencumbered government land for new processing

and disposal facilities (ii) identification and rehabilitation of existing dumpsites (iii) identification of private land parcels for acquisition under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA 2013), and (iv) develop incremental disposal cells at the local smaller dumpsites as interim disposal facilities.

Legal Policy Framework: With lessons learnt from implementation of several externally aided projects, the Kerala Government has developed state rules under RFCTLARRA 2013, to facilitate negotiated purchase of assets (2015) with enhanced package provided under the State level Resettlement and Rehabilitation Policy, 2017. This Entitlement Matrix of this RPF is aligned with the RFCTLARRA 2013, State Rules, Direct Purchase 2015 including the State R&R Policy, 2017. The primary objective of this RPF is to provide better standard of living to the Project Affected Families (PAFs)/ Project Affected Persons (PAPs) or at least restore their standard of living as it was before project. If the PAFs/ PAPs were Below Poverty Line (BPL) category before the project, then this RPF aims to bring them Above Poverty Line (APL).

Consultation: During the social assessment, consultations with stakeholders could not be organized due to the lockdown caused by COVID 19. The stakeholders are likely to include those affected by land acquisition and the host community who will be close to the landfill sites. The Social Impact Assessment and consultation will be carried out for each sub-project. The Consultations will be undertaken in each Municipality with community through Ward Sabhas. Household interviews and Focus Group Discussions with affected families, and formal meetings with Municipalities and officials concerned will be carried out in structured manner. As the lockdown is lifted, within 3 months after the approval of the project, consultations will be conducted and the same will be incorporated into the RPF. The revised RPF will be disclosed at public palaces and on project website.

Livelihood Restoration: There is a risk of existing ragpickers and labour involved in Solid Waste Management activities might lose their livelihoods due to the sub-projects. Restoration of pre-project levels of income is an important part of rehabilitating individuals, households, and socio-economic and cultural systems in affected communities. If the project affected persons are Below Poverty Line (BPL) category, then project will bring them into Above Poverty Line (APL) category. Livelihood Restoration and Enhancement schemes will be designed in consultation with affected persons so as to benefit them.

Institutional Mechanism: For land acquisition and resettlement activities, Environment and Social Development Unit (ESDU) has been setup and will report to The PD. The state ESDU (S-ESDU) will have designated Social Development Specialist The District ESDU (D-ESDU) will be strengthened with Social Experts who will be responsible to coordinate the land acquisition activities. The District level Support Organisation will be responsible for carrying out the implementation of RAP.

The Grievance Redress Mechanism: will be based on dedicated Toll Free number to track complaints and ensure accessibility to women and vulnerable. This includes register, resolution, escalation and closing the complaint within a defined time frame. Grievance Redress Mechanism, given in the TDF-SMF will also address grievances related to land acquisition and loss of livelihood.

Monitoring and Evaluation: In order to achieve the objectives of this RPF and to ensure the RAPs are implemented, concurrent monitoring by D-ESDU, thematic evaluation report and annual monitoring reports will be prepared by S-ESDU. The Social audit will be carried out by third party.

Budget: The exact amount of land required for the Sub-projects and the locations of these land parcels will only be known during the preparation of the project. The number of people affected too will be known following the identification of the location of the sub-project. Based on the on-going SW management at the sites, it is estimated that the budget would be required for land acquired or transferred, livelihood restoration, and M&E. The estimated total amount is RS 250 Cr.

1 Introduction

1.1 Background

Kerala, a south western coastal state of India, is flanked by the Arabian Sea on the west and the Western Ghats mountains on the east. The state stretches north-south along a coastline of 580 km with a varying width of 35 to 120 km. The terrain divides the State east through west into three distinct regions- hills and valleys, midland and plains and coastal region. The eastern edge, along the Ghats, comprises steep mountains and valleys, covered with dense forests. There are 44 rivers in the state, all of which originate in the Western Ghats, of which 41 flow towards the west into the Arabian Sea and the 3 east flowing rivers form tributaries of the river Cauvery in the neighbouring States. The backwaters are a peculiar feature of the State. Canals link the lakes and backwaters to facilitate an uninterrupted inland water navigation system from Thiruvananthapuram to Vadakara, distance of 450 km.

Kerala consists of 14 Districts, 21 Revenue divisions, 75 Taluks, 152 Block Panchayats, 941 Gram Panchayats, 87 Municipalities, 6 Corporations, and 1664 Villages. Located between 8°18'N and 12°48'N latitude and 74°52'E & 77°22'E longitude, the State of Kerala encompasses 1.18% of the country, and holds 3.44% of India's population. With a population of 33,406,061 at 860 persons per km², it is nearly three times densely populated compared to the rest of India. Kerala is also experiencing a rapid rise in the percentage of the aged population (above 60 years).¹

¹Kerala Department of Economics and Statistics Website, Basic Statistics, Last updated Jan 23, 2018
<http://www.ecostat.kerala.gov.in/index.php/geography>

Kerala's human development indices (HDIs) – primary education, health care and elimination of poverty – are among the best in India. The state has one of the highest

literacy rates (94.0%) and life expectancy (74.9 years²) among Indian states. Kerala has also made an extensive stride in reducing both rural and urban poverty. From 1973-74 to 2011-12, rural and urban poverty ratio declined from 59.19 per cent to 7.3

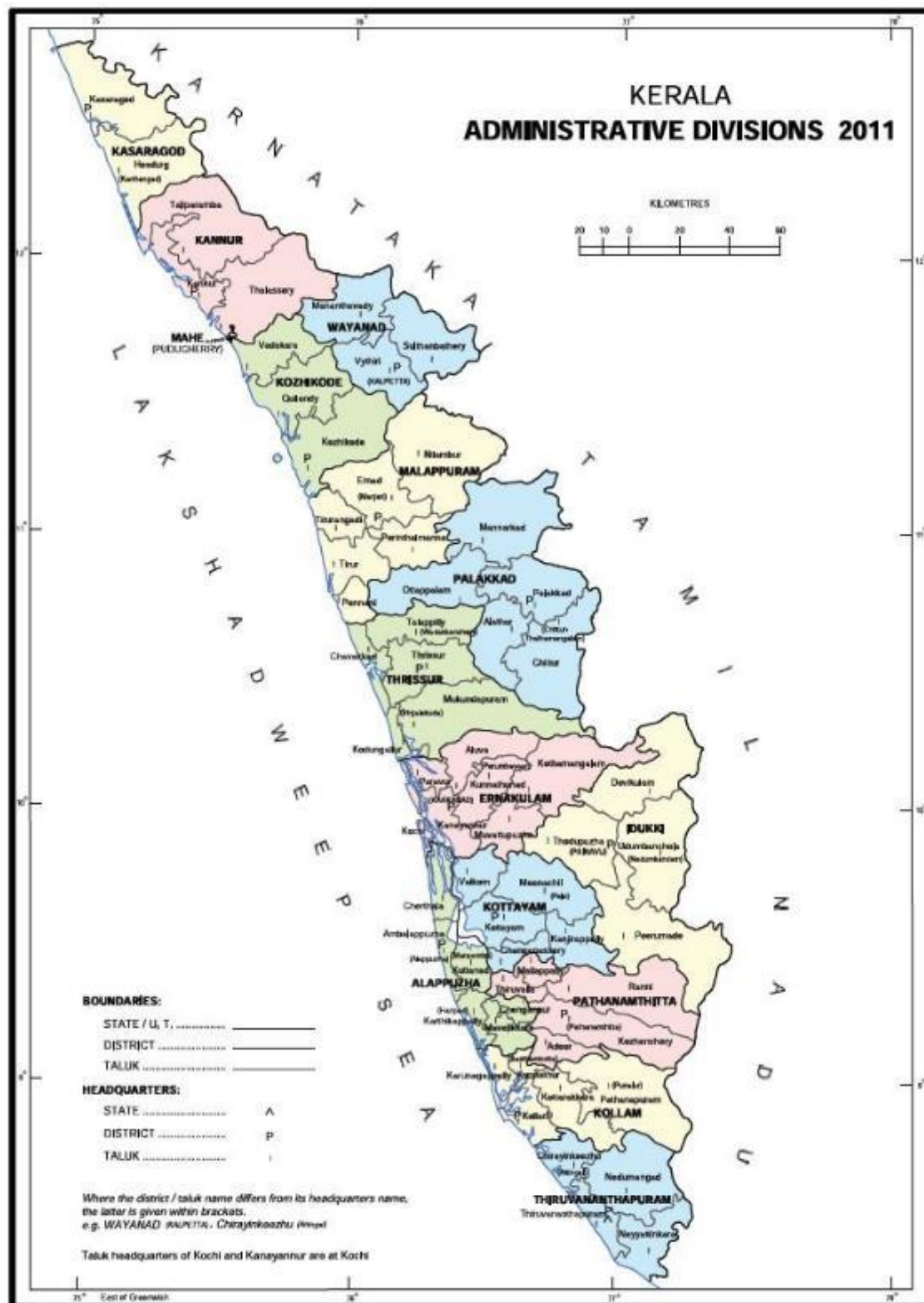
² Abridged Life Tables 2010-2014, Office of the Registrar General & Census Commissioner, India pg. 5
http://www.censusindia.gov.in/Vital_Statistics/SRS_Life_Table/2.Analysis_2010-14.pdf

per cent and from 62.74 per cent to 15.3 percent respectively, whereas in India these figures declined from 56.44 per cent to 30.9 per cent for rural and 49.01 per cent to

26.4 percent for urban³. Per Capita GSDP at Current Prices INR 179,778 (USD 2481.58) is above the Indian average. Kerala's economy largely depends on emigrants working in foreign countries (mainly in the Gulf countries) and the

³ Kerala State Planning Board, Economic Review 2016, Macro Economic Profile
http://spb.kerala.gov.in/EconomicReview2016/web/chapter01_04.php

remittances annually contribute more than a fifth of the GSDP. The service sector (including tourism, public administration, banking and finance, transportation, and



communications), agricultural and fishing industries dominate the economy.
Figure 1: Administrative Boundaries of Kerala

Source: Kerala Administrative Divisions, Kerala State Commission for Minorities
http://www.ksminorities.org/pdf/Kerala_Administrative_Divisions.pdf

Kerala has been urbanizing more rapidly than the national average. According to the last census, from 2001 to 2011 the percentage of urban population nearly doubled, with an Annual Growth Rate of urban population of 6.5 percent and a population density -859 persons/sq. km, thrice the national average - 382 persons/sq.km. About 48 percent of the state's population lives in urban areas (covered under 93 Urban Local Bodies, and other notified urban agglomerations), with 52 percent of population concentrated in mid-small sized ULBs between 20,000-100,000 people, and the remaining 48 percent in bigger ULBs of over 100,000 people.

Kerala is one of the leading states in the implementation of 74th CAA and has decentralized 17 out of 18 urban functions to the ULBs. Fiscally also, Kerala follows a highly decentralized approach by providing a substantial portion of the annual state budget as fiscal transfers to the local governments (in FY19, 24.5 percent of the total annual state budget was devolved to local governments).

SWM services are particularly constrained owing to lack of adequate infrastructure and service delivery systems across the value chain. While several agencies have been created and policies have been put in place to support waste management services, SWM services in Kerala are very limited with almost all the local governments having partial waste collection systems and lack of sustainable treatment and disposal facilities. ULBs in Kerala generate 3,750 tons of waste per day (TPD), out of which 82 percent is biodegradable waste (BDW) and the remaining 18 percent is non-biodegradable waste (NBDW). Out of the 3,000 TPD of BDW, only 20 percent is treated at either household or community levels, and the remaining 80 percent is not properly treated and disposed. Likewise, 60 percent of the NBDW is dumped illegally or burned, while the remaining waste is collected informally by rag-pickers, and just a tiny fraction (3 percent) is recycled at the community level. The State has no engineered landfills and/or centralized waste management facilities for any type of waste. Consequently, a major fraction of municipal waste has been openly dumped in public spaces, low-lying lands and water bodies for many years now, resulting in creation of numerous illegal open dumpsites that pose serious environment and public health hazards through land water source pollution.

1.2 Project Description

The overall project objective is to strengthen the institutional and service delivery systems for SWM in Kerala. To address the key institutional, financial, service delivery and infrastructure constraints in the SWM system in Kerala, the project adopts an integrated service delivery value chain approach. It provides a combination of technical and financial assistance to the participating ULBs and state government to improve their institutional and organizational capacities, and their infrastructure and service delivery systems for SWM. The project will support a hybrid approach of decentralized and centralized waste management systems. At

the decentralized level, participating ULBs will have a lead role in delivering SWM services including generator level waste segregation and treatment, primary collection and transportation, waste processing and recycling. Owing to the demographic and geographic profile of the state, characterized by closely located medium and small-sized ULBs and peri-urban areas with high population density, the project will also support a regional approach for regional SWM processing and disposal. The key investments includes:

Component 1: Institutional development, capacity building and project management

The component will provide technical assistance and capacity building at state and local level for (a) undertaking SWM institutional and policy reforms; (b) planning, designing and implementing investment sub-projects for climate smart and disaster resilient SWM infrastructure and services improvement; (c) organizational development of participating ULBs for inclusive and sustainable SWM service delivery; and (d) awareness generation, gender inclusion and stakeholder engagement. This component will also provide project management, coordination and monitoring support at state, district and local levels. Lastly, this component will also provide technical support to LSGD, SM and participating ULBs for (i) developing guidelines and systems for COVID-19 related waste management, sanitization and public hygiene practices to be rolled out across all urban areas, and (ii) carrying out social awareness generation, sensitization and training programs for all the key stakeholders and citizens.

Component 2: Grant support to ULBs for SWM

The component will provide grants to the participating ULBs for improving their SWM systems and capacities, mainly on (a) primary collection and transportation systems for solid waste (b) source segregation and treatment for BDW at decentralized level, (c) Rehabilitation of the existing MCFs/RRFs and development of new integrated MRFs, (d) development of BDW management facilities, (f) closure/remediation of existing dumpsites and development of disposal cells as interim disposal facility, (g) public space cleaning, sanitization, waste removal activities as well as cleaning & sanitization of government offices, hospitals, community level waste recycling/processing facilities, (h) protective gears, equipment, masks, chemicals, disinfectants etc. for sanitation & waste management workers, (i) operations and maintenance payments for performance-based contracts & tipping fee for regional disposal and (j) implementation of environment and social risk mitigation actions as per ESMF-TDF-RPF. Grants will be provided to the participating ULBs over and above their existing plan fund allocations, through a two-tranche system comprising a basic grant (BG) and an incentive grant (IG).

Development of regional SWM facilities (Total financing: US\$ 110 million).

This component will finance regional processing and recycling facilities; transfer

stations and regional sanitary landfills for municipal solid waste disposal; and closure/remediation of existing waste dumpsites. These down-stream activities aim at completing the value chain and will be managed by SM and implemented in compliance with the National SWM Rules 2016 and the guidelines issued by Central Pollution Control Board. In addition, this component will also finance the biomedical waste management facilities to expand the state's capacity to deal with increased volumes of biomedical waste in the context of COVID-19 pandemic, and construction and demolition (C&D) waste management facilities. A cluster approach will be adopted for the planning, design and development of regional facilities. For each of the regional landfills, a waste-shed areas (WSA) will be established around the land parcels identified by the government. Closure and remediation of existing dumpsites will also be financed under this component contingent upon adhering to screening criteria of technical, environment and social considerations.

2 Resettlement Policies and Legal Framework

2.1 Introduction

The Suchitwa Mission under the Local Self Government Department of Kerala had prepared this project specific Resettlement Policy Framework. With lessons learnt from implementation of several externally aided projects, the Kerala Government has developed state rules under RFCTLARRA 2013, to facilitate negotiated purchase of assets (2015) with enhanced package provided under the State level Resettlement and Rehabilitation Policy, 2017. This Entitlement Matrix of this RPF is aligned with the RFCTLARRA 2013, State Rules, Direct Purchase 2015 including the State R&R Policy, 2017.

2.2 Objective of RPF

The primary objective of this RPF is to provide better standard of living to the Project Affected Families (PAFs)/ Project Affected Persons (PAPs) or at least restore their standard of living as it was before project. If the PAFs/ PAPs were Below Poverty Line (BPL) category before the project, then this RPF aims to bring them Above Poverty Line (APL). The other objectives of this RPF are to:

- Avoid or minimize involuntary resettlement where feasible, exploring all viable alternative scheme designs.
- Assist PAFs/ PAPs in improving their former living standards, income earning capacity, and production levels, or at least in restoring them.
- Encourage community participation in planning and implementing resettlement.
- Provide assistance to PAFs/ PAPs regardless of the legality of land tenure.

This RPF is developed based on principles of the LARAR Act 2013, Kerala State Rules 2015, Direct Purchase 2015 (annex 1) including the State R&R Policy, 2017 (annex 2). Apart from the above-mentioned objectives, the following non-negotiable principles will be followed for all the sub-project implemented under the WB assistance.

- Compensation and Rehabilitation and Resettlement assistance will be paid to the Titleholders and Non-Titleholders, before taking possession of land and displacement, if any.
- All asset compensation will be at replacement cost.
- No sub-project civil works will be initiated unless compensation for land and assets and rehabilitation and resettlement assistance is provided in full to all eligible PAFs and PAPs.
- Livelihood Assistance will be given in the form of Income Generation Assets (IGA) to be chosen by the PAFs/ PAPs. The Project will provide information to the PAFs/ PAPs on alternative income generation activities suitable for the area and help them in making right choices.

- The Project will monitor the provision and performance of the IGA through appointed Consultants/ NGOs.
- Progress related to payment of land acquisition compensation and Rehabilitation and Resettlement entitlements will be thoroughly documented and quarterly reports (in some cases with lesser frequency such as monthly, as required) will be sent to the World Bank.
- When the LA Act 2013, Kerala Rules 2015, Direct Purchase 2015 and State R&R Policy 2017 and provisions of this RPF are not complied with in letter and spirit, the investment on the concerned component will become ineligible for reimbursement by the World Bank.

2.3 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA 2013)

The RFCTLARRA 2013, provides for a transparent process and just and fair compensation to the affected families whose land is acquired or proposed to be acquired or are affected by such acquisition and provides for rehabilitation and resettlement of the affected families.

The RFCTLARRA 2013 applies to acquisition of land for a public purpose, as defined in the Act. The Act provides for consultation with and involvement of local self-government in undertaking a Social Impact Assessment (SIA). The SIA is reviewed by an Expert Group to assess if the potential benefits of the project outweigh the social cost and adverse social impacts.

The Act provides for three methods of valuation and a solatium of 100% is payable on the market value of land multiplied by the factor and all immovable properties or assets, trees and plants.

2.4 Legal and Policy Framework of Kerala

The legislations and policy concerning the land acquisition and resettlement formulated and adopted by State Government of Kerala are discussed in the following section.

2.4.1 The Kerala Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2015

The Rules framed and notified by the Government of Kerala for the RFCTLARRA 2013 details the process of SIA, public hearing and SIA report and social impact management plan. The consent requirement in the format specified is to be obtained during the SIA. The rules also explain the process of preparing and publishing the rehabilitation and resettlement scheme. The State Rules do not deviate from the RFCTLARRA 2013 and only provides the specifics for its implementation.

Impact on lands involving traditional and tenurial rights: As per Forest Rights Act,

2006 the scheduled tribes have rights to use forest land for agricultural purposes, fishing in ponds located within forest areas, non-timber forest produces, grazing of cattle etc. The sub-project will not affect any such rights of the tribal people. SIA and consultations will be carried out at various levels (state, district, taluka and village level) in the tribal settlements to ensure that customary rights of the ST community are not impacted.

2.4.2 Direct Purchase of land (Kerala Government Order 2015)

In order to expedite and simplify the procedures of land acquisition for public purpose, Government of Kerala has passed Government Order Go(Ms) No. 485/2015/RD dated 23/09/2015 for land acquisition for public purpose. The objective states that the Government aims to ensure the following relief to the land losers through this policy.

- a. The land losers are provided with just and reasonable compensation for land acquired, relieving them from the burden of approaching judicial forums for enhancement of compensation.
- b. Rehabilitation & Resettlement policy as provided in the Act along with additional packages including employment/ stake holdings in eligible cases according to the nature of the project.
- c. Disbursement of compensation before taking possession of land and ensuring Rehabilitation and Resettlement packages including infrastructural amenities as provided in the third schedule of the Act within 18 months of the date of publication of Preliminary Notification under 11 (1) of LA Act
- d. Transparency in procedures and less negative impact ensuring the land losers that their socio-economic status does not fall below what it was before the acquisition.

The GO specifies that “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with the objective of ensuring just and fair compensation and rehabilitation for the affected families due to compulsory acquisition of land for public purpose. This Act came into force w.e.f. 01/01 / 2014. The State Government as per G.O. read above has approved Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Kerala) Rules, 2015.

Section 108 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for framing a state law/ policy which provides higher compensation than that calculated under this Act for the acquisition of land so that the affected person or his family or member of his family can opt to avail such a higher compensation under such state policy.

Therefore, in order to speed up and simplify the procedures of land acquisition for public purpose, Government are now pleased to approve a state policy for compensation in land acquisition as appended to this order. The important

objective of this policy is to conduct negotiations with the land owners and reach consensus on compensation and rehabilitation by the District Level Fair compensation, rehabilitation and resettlement committee (DLFC) and approval of the same by the State Level Empowered Committee (SLEC)”

2.4.3 State Resettlement and Rehabilitation Policy, 2017

The GO(Ms) No. 448/2017/RD, dated 29/12/2017 states that the Government of Kerala recognises the need to provide additional assistance to what is provided in the 2nd schedule of RFCTLARRA 2013. It states that the R&R Policy is applicable all land acquisition in the State and by Direct/Negotiated purchase.

Table 1: Comparative Analysis of World Bank OP 4.12 and RFCTLARRA 2013

Topics/Issues/Areas	World Bank OP4.12	RFCTLARRA 2013
Application of Land Acquisition	Applies to all components of the project that result in involuntary resettlement, regardless of the source of financing.	Section 2 Applicable to projects where government acquires land for its own use, hold and control, including PSU and for public purpose; for PPP where ownership of land continues to vest with govt. private companies where 80% of land owners have given consent or 70% in case of PPP. Comment: Aligned with Bank's requirements on initiation of consultation with community at inception stage
Principle of avoidance	Involuntary resettlement displacement should be avoided where feasible, or minimized, exploring all viable alternative project design.	Alternatives to be considered as Act in chapter II, Section # 4 (d) says "extent of land proposed for acquisition is the absolute bare minimum needed for the project; and (e) says land acquisition at an alternate place has been considered and found not feasible. Comment: Aligns with Bank's requirements to minimise impacts
Linkages with other projects		No such provision Act mentions avoidance of multiple displacements due to acquisition under the Act. Some of the R&R Provisions could also be linked to other development projects to integrate for relocation and livelihood options. Comments: In case land is required for associated projects, then the provisions of the Act will be applicable.
Application of R&R	Same as above	In addition to the above, Section 2(3) land purchased by private company as prescribed by Govt. or when part acquired by govt. The Act has detailed processes and provisions for R&R. Under the Act, the process of R&R would

Topics/Issues/Areas	World Bank OP4.12	RFCTLARRA 2013
		<p>start at the time of the R&R Census and ends with the Award of R&R duly overseen by the Commissioner for R&R and the Committees where relevant. All provisions related to R&R are mandatory and have to be formally awarded in the course of the Acquisition procedure. No possession can be taken of land acquired unless R&R provisions are complied with.</p> <p><i>Comment: Irrespective of the acquisition of land under any other law, the R&R will be extended to the affected under the Act.</i></p>
Affected area	Involuntary take of land resulting in loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood	<i>Section 3 (b):</i> Area notified for acquisition
Family		<p><i>Section 3 (m)</i> includes person, his and her spouse, minor children, minor brothers and sisters dependent.</p> <p>Widows, divorcees, abandoned women will be considered as separate family.</p> <p><i>Comment: It aligns with Bank's requirement on the definition of family as the unit for entitlement</i></p>
Affected family for eligibility	All adversely affected people whether have formal legal rights or do not have formal legal rights on land	<p><i>Section 3 (a):</i> whose land and other immovable property acquired.</p> <p><i>(b)&(e):</i> Family residing in affected area such as labourers, tenants, dependent on forest and water bodies, etc. whose primary source of livelihood is affected due to acquisition</p> <p><i>(c)</i>Scheduled tribes and other forest dwellers whose rights recognized under the Forest Dwellers Act 2006.</p> <p><i>(f)</i> Family assigned land by state or central government under any schemes</p> <p><i>(g)</i> Family residing on any land in urban area that will be acquired or primary source of livelihood affected by acquisition.</p> <p><i>Comment: It aligns with Bank's requirement to extent support to all those dependent on the land acquired</i></p>
Cut-Off date	Date established by the borrower and acceptable to the Bank. In practice it is the date of census.	<p><i>Section 3 c (ii), (iv) (vi):</i> Families residing for preceding 3 yrs or more prior to "acquisition of land".</p> <p><i>Comment: Bank recognises the census as the cut-off date for enumerating the</i></p>

Topics/Issues/Areas	World Bank OP4.12	RFCTLARRA 2013
		<i>affected. For the project, the cut-off date is the census.</i>
Non-application of Chapter II	Stand-alone SIA for all Investments	<p><i>Section 6 (2):</i> Irrigation projects where EIA is required under other laws, provisions of SIA not applicable.</p> <p>SIA may be exempted by Government in case of urgency provisions</p> <p><i>Comment: The provision of exemption is only in case of emergency such as for defence purposes.</i></p>
Consultation – Phase I during Preparation	Consultation a continuous process during planning and implementation	<p><i>Section 4(1)</i> date issued for <i>first consultation</i> with PRIs, Urban local bodies, Municipalities, etc. to carry out SIA.</p> <p><i>Section 5:</i> Public hearing of SIA in affected area. Provide adequate publicity of date and time.</p> <p><i>Comment: The consultation is mandatory during the SIA, and after disclosure of draft management plan which aligns with Bank's requirement</i></p>
Time duration to prepare SIA and SIMP	Draft Social Assessment, Resettlement Action Plan and or Social Management Framework	<p><i>Section 4 (2):</i> <i>within six months</i> from the date of its commencement.</p> <p><i>Comment: It aligns with Bank's requirement with the Act stipulating the maximum time limit for the SIA to be completed</i></p>
Disclosure – Stage I	To be disclosed before appraisal and 120 days before board date.	<p><i>Section 6 (1):</i> Translated in local language available in PRI institutions and local urban government bodies; district administrative offices and websites of concerned government agency.</p> <p><i>Comment: It aligns with Bank's requirement to disclose document in local language and culturally appropriate at all public places</i></p>
Formation of Expert Group to appraise SIA and SIMP	Appraised by Bank staff	<p><i>Section 7 (1):</i> Constitute a multi-disciplinary Expert Group include members of decentralized govt. Institutes (PRIs, ULBs).</p> <p><i>Comment: A third party review of the SIA and SMP is carried out</i></p>
Time stipulated for Group to submit its report	Before the decision meeting for appraisal	<i>Section 7(4):</i> Submit its report <i>within two months from the date of its constitution</i>
Scope of work of the Expert group	Social Assessment, resettlement action Plan reviewed and appraised by Bank staff and approved by Regional safeguard advisor	<p><i>Section 7 (4) (a&b):</i> assess whether it serves any public purpose or not; if social costs outweigh potential benefits then should be abandoned;</p> <p><i>Section 7 (5) (a&b):</i> if serves public purpose, then it has considered minimum land acquisition, and alternate options to minimize</p>

Topics/Issues/Areas	World Bank OP4.12	RFCTLARRA 2013
		displacement; potential benefits outweigh social costs. Comment: It aligns with Bank's requirement to minimise impacts, assess alternative and include the cost of SMP in the project cost.
Consultation – Phase II during appraisal	In practice consultation workshops are organized in project affected areas at district and state level.	Section 2 (2): Prior consent of 80% and 70% of land owners in PPP and where private company has approached the govt. to acquire balance land has been obtained Comment: Special provision to hold consultation in case of PPP project is mandatory prior to initiation of SIA.
Disclosure – Stage II	Information dissemination through the planning and implementation	Section 7 (6): recommendations of expert group under 7(4&5) to be made public in local language in district and block administrative office and PRIs Comment: Aligns with Bank's requirement to ensure that the stakeholders provide feedback on the draft report
Minimize impact on multi-crop land	Select feasible design that has minimal adverse impact.	Section 10: In case irrigated multi-crop land is to be acquired under exceptional circumstances, the area to be acquired cannot exceed aggregate of land of all projects in district or state. The area to be acquired cannot exceed the total net sown area of the district or state. Wasteland equivalent to twice the area acquired will be developed. Comment: Aligns with Bank's requirement to ensure that the impact is minimal
Information dissemination of preliminary notice	Continuous part of the preparation and participation	Section 11 (1), (2) & (3): Notice published in local language and meetings called of Grama sabahs, municipalities to provide full information about the purpose of the project, summary of SIA and particulars of administrator appointed for R&R' summary of R&R scheme. Comment: Aligns with Bank's requirement for continuation engagement with the affected people
Updating land records	To be part of RAP	Section 11 (5): Once established that the land is required for public purpose, accordingly notice to be issued under section 19 following which land records to be updated within two months. Comment: Aligns with Bank's requirement to identify the all interested parties which is possible to be established after the land records are updated
Census and preparation of R&R schemes	To be part of RAP	Section 16 (1) (2): carry out census of affected people and their assets to be affected,

Topics/Issues/Areas	World Bank OP4.12	RFCTLARRA 2013
		<p>livelihood loss and common property to be affected; R&R scheme including time line for implementation.</p> <p>Comment: Aligns with Bank's requirement to enumerate all affected and extent of loss for compensation and R&R.</p>
Information dissemination and Public hearing - Stage III	Consultation throughout the process is mandatory	<p>Section 16 (4) & (5): mandatory to disseminate information on R&R scheme including resettlement area and organize public hearing on the Draft R&R scheme in each Grama Sabha, Municipality and consultations in Scheduled area as required under PESA.</p> <p>Comment: Aligns with Bank's requirement to hold specific consultations with the Scheduled Tribe.</p>
Approval of R&R Scheme		<p>Section 17 & 18: Draft R&R Scheme to be finalized after addressing objections raised during public hearing and approved.</p> <p>Comment: Aligns with Bank's requirement on consultation to address any objections that may be raised at different stages of acquisition</p>
Final declaration of R&R Scheme	Approved RAP including budgetary provisions to implement it	<p>Section 19 (2): Only after the requiring body has deposited the money will the govt. issue the notice along with 19(1).</p> <p>Comment: Aligns with Bank's requirement to ensure that resources are allocated for compensation and R&R cost.</p>
Time period stipulated.	Included in RAP – Time line synchronized with Government's procedures or adopts innovative methods to reduce the time which is based operated on the principles of participation and transparency.	<p>Section 19 (2): the entire process to update land records, disseminate information, preliminary survey, census, hearing of objections, preparation of R&R schemes and approval, deposit of money must complete within 12 months from the date on which section 11, the preliminary notice issued.</p> <p>Section 19 (7): If the final declaration not made within 12 months of section 11 (1), the process will lapse, except under special circumstances.</p> <p>Comment: Aligns with Bank's requirement to prepare the SMP, hold consultation and declare the award and within a stipulated timeframe</p>
Preparation of land acquisition plans	Included in RAP.	<p>Section 20: Land marked, measured for preparation of acquisition plans.</p> <p>Comment: Aligns with Bank's requirement to include the acquisition plans in the SMP/RAP</p>
Hearing of claims		<p>Section 21 (1) & (2): Notices issued indicating govt's intension to take possession of land, and claims on compensation and R&R can be</p>

Topics/Issues/Areas	World Bank OP4.12	RFCTLARRA 2013
		<i>made not less than one month and not more than six month</i> from the date of issue of section 21(1). Comment: Aligns with Bank's requirement to extend the compensation and R&R package to all affected
Time period stipulated for declaring the award		Section 25: It is required to announce the award <i>within 12 months of issue of Section 19 (final declaration to acquire land, approved R&R scheme)</i> after completing land acquisition plans, hearing of objection, settling individual claims for declaration of the award. If award not made within the stipulated time, the entire proceedings will lapse. Comment: By stipulating a time frame for declaring awards is critical for completing the entire process of LAR&R prior to handing over encumbrance free stretch for civil works.
LA Act 1984 deem to lapse and RFCTLARRA 2013 is Applicable		Section 24: where award is not declared under section 11, or where made five years ago but land not taken in possession or where award declared but money not deposited in the account of majority of beneficiary. Comment: Aligns with Bank's requirement to avoid acquisition of land which is not required.
Methodology for determining market value for land	Full replacement Cost	Section 26 and First Schedule: Recognizes 3 methods and whichever is higher will be considered which will be multiplied by a factor given in Schedule First; compensation given earlier will not be considered; if rates not available floor price can be set; steps to be taken to update the market value. Comment: Aligns with Bank's requirement to pay full replacement cost
Valuation of structures	Full replacement Cost	Section 29 (1) without deducting the depreciated value. Comment: Aligns with Bank's requirement to pay full replacement cost for structures
Solatium and Interest		Section 30 (1) 100% of the compensation amount Section 30 (3): 12% per annum on the market rate from the date of notification of SIA to the date of award or land taken over. Comment: Aligns with Bank's requirement to provide additional support in case of acquisition
R&R Award	Total cost included in RAP to resettle and rehabilitate the affected persons and assist in their efforts to	Section 31, Second Schedule: A family as a unit will receive R&R grant over and above the compensation and those who are not entitled to compensation.

Topics/Issues/Areas	World Bank OP4.12	RFCTLARRA 2013
	improve their livelihoods and standards of living or at least to restore them, in real terms, to pre displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	Second Schedule: Homeless entitled to constructed house, land for land in irrigation projects in lieu of compensation, in case of acquisition for urbanization 20% of developed land reserved for owners at a prices equal to compensation' jobs or onetime payment or annuity for 20 years' subsistence grant, transportation, land and house registered on joint name husband and wife, etc. Comment: Aligns with Bank's requirement to provide assistance to improve the livelihood of the affected and providing shelter to the homeless.
Transparency		Section 37 (1): Information of each individual family including loss, compensation awarded, etc. will be available on the website. Comment: The mandatory provision of disclosure of draft SIA/SMP for consultation and the final list of affected, their losses meets the requirements of the Bank to ensure transparency
Possession of Land	Taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.	Section 38 (1): Land will be taken over by the government within three months of compensation and 6 months of R&R benefits disbursed; infrastructure facilities at resettlement sites will be completed within 18 months from the date of award made under section 30 for compensation; in case of irrigation and hydel projects R&R completed six months prior to submergence. Comment: Aligns with Bank's requirement to provide all basic facilities at relocation site
Multiple Displacement		Section 39: Additional compensation equivalent to compensation determined will be paid to displaced
Acquisition for emergency purpose	Not permeable in bank funded projects	Section 40 (5): 75% additional compensation will be paid over and above the compensation amount
Prior consent before acquisition and alienation	Mandatory to carry out Free, Prior, Informed Consultation with Indigenous people.	Section 41 (3) Mandatory to get consent from Gram Sabha, Panchayat, Autonomous Councils in Scheduled areas Comment: Aligns with Bank's requirement on FPIC
Development plans for SC and ST	Indigenous Peoples' Development plan required along with RAP. Land for land for is an option across all sectors.	Section 41: Separate development plans to be prepared, settle land rights before acquisition; provision of for alternate fuel fodder, non-timber produce on forest land to be developed within 5 years; 1/3 rd compensation amount to be paid as first instalment and rest at the time of taking possession; ST to be resettled within

Topics/Issues/Areas	World Bank OP4.12	RFCTLARRA 2013
		<p>Scheduled area; land free of cost for community purpose; land alienation will be null and void and ST and SC considered for R&R benefits; fishing rights restored in irrigation and hydel projects; if wish to settle outside the district additional benefits to be provided in monetary terms; all rights enjoyed under other laws will continue.</p> <p>Second Schedule: additional provisions for SC & ST for land for land in irrigation projects, additional sum over and above the subsistence grant</p> <p>Comment: Aligns with Bank's requirement to develop separate plans for the Scheduled Tribe</p>
Institutional Arrangement	Institutional arrangement must be agreed upon and included in RAP, IPDP.	<p>Section 43-45: Appointment of administrator, R&R Commissioner, when more than 100 acres of land is to be acquired, R&R Committee will be formed at project level, social audit to be carried out by Gram Sabha and Municipalities.</p> <p>Comment: Aligns with bank's requirement and stipulates the entire Institutional mechanism for LAR&R.</p>
Change of land use		Section 46 (4): Land will not be transferred to the requisitioning authority till R&R is not complied with in full.
Monitoring and Evaluation	Indicators and monitoring system included in RAP and IPDP	<p>Section 48-50: Set up National and State level Monitoring Committee to review and monitor progress</p> <p>Comment: Aligns with Bank's requirement on concurrent monitoring</p>
Authority to settle claims		Section 51-74: the appropriate Government shall through notification establish one or more authorities as the rehabilitation and resettlement authority. Authority will be set up to settle any legal disputes that arise from acquisition and R&R, the aggrieved party can move to the high court thereafter.
Exempt from tax and fee		<p>Section 96: Compensation and agreements will not be liable to tax and stamp duty.</p> <p>Comment: Aligns with Bank's requirement to provide additional support to improve livelihood of the affected people</p>
No change in status of land acquired		Section 99. Once the land is acquired for a particular purpose, its purpose cannot be changed
Return of unutilized land		Section 101: If the acquired land remains unutilized for 5 years, then it will be returned to original owner, heir or included in land bank
Distribution of increased		Section 102. 40% of appreciated value of

Topics/Issues/Areas	World Bank OP4.12	RFCTLARRA 2013
value of land transferred		acquired land will be distributed to owners provided no development has taken place. <i>Comment: Aligns with bank's requirement to extend project benefits to the affected people</i>

2.5 Definitions and Eligibility Criteria for Various Categories of Displaced Persons

The definitions provided below are as per Chapter 1 Section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA 2013).

Table 2: Definitions and Eligibility Criteria

Administrator	An officer appointed for the purpose of rehabilitation and resettlement of affected families under sub-section 1 of section 43 of the RFCTLARRA 2013
Affected Area	Such area as may be notified by the Appropriate Government for the purposes of land acquisition
Affected Family	Includes: A family whose land or other immovable property has been acquired; A family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land' The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land; Family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land; A member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition; A family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood or three years prior to the acquisition of the land is affected by the acquisition of such land.
Appropriate Government	Means: In relation to acquisition of land situated within the territory of a State, the State Government; In relation to acquisition of land for public purpose in more than one State, the Central Government, in consultation with the concerned State Governments or Union territories; Provided that in respect of a public purpose in a District for an area not exceeding such as may be notified by the Appropriate Government, the Collector of such District shall be deemed to be the Appropriate Government
Collector	Means the Collector of a revenue district, and includes Deputy Commissioner And any officer specially designated by the Appropriate Government to perform the function of a Collector under the RFCTLARRA 2013

Commissioner	Means the Commissioner for Rehabilitation and Resettlement appointed under sub-section (1) of section 44 of the RFCTLARRA 2013
Cost of Acquisition	Includes: Amount of compensation which includes solatium, any enhanced compensation ordered by the Land Acquisition and Rehabilitation and Resettlement Authority or the Court and interest payable thereon and any other amount determined as payable to the affected families by such Authority or Court; Demurrage to be paid for damages caused to the land and standing crops in the process of acquisition Cost of acquisition of land and building for settlement of displaced or adversely affected families; Cost of development of infrastructure and amenities at the resettlement areas; Cost of rehabilitation and resettlement as determined in accordance with the provisions of the RFCTLARRA 2013 Administrative cost for (a) acquisition of land, including both in the project site and out of the project area lands, not exceeding such percentage of the cost of compensation as may be specified by the Appropriate Government; and (b) rehabilitation and resettlement of owners of the land and other affected families whose land has been acquired or proposed to be acquired or other families affected by such acquisition; Cost of undertaking Social Impact Assessment Study
Displaced Family	Means any family, who on account of acquisition of land has to be relocated and resettled from an affected area to the resettlement area
Family	Includes a person, his or her spouse, minor children, minor brothers and minor sisters depended on him: provided that widows, divorces and women deserted by families shall be considered separate families
Holding of Land	Means the total land held by a person as an owner, occupant or tenant or Otherwise
Land	Includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth
Landless	Means such persons or class of persons who may be: Considered or specified as such under any State law for the time being in force; or In a case of landless not being specified as above, as may be specified by the Appropriate Government
Land Owner	Includes any person: Whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or Any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or under any other law for the time being in force; or Who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or Any person who has been declared as such by an order of the court or Authority
Marginal Farmer	means a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare;
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.
Local Authority	Includes a town planning authority (by whatever name called) set up under any law for the time being in force, a Panchayat as defined in article 243 and a Municipality as defined in article 243P of the Constitution
Market Value	Means the value of land determined in accordance with section 26 of the RFCTLARRA 2013

Person Interested	Means: All persons claiming an interest in compensation to be made on account of the acquisition of land under the RFCTLARRA 2013 The Scheduled Tribe and other traditional forest dwellers, who have lost any forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; A person interested in an easement affecting the land; 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;
Resettlement Area	Means an area where the affected families who have been displaced as a result of land acquisition are resettled by the Appropriate Government
Scheduled Areas	Means the Scheduled Areas as defined in section 2 of the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996.
Vulnerable Persons	Persons who are physically challenged, widows, persons above sixty years of age, below-poverty line households and woman-headed household.

2.6 Entitlement Matrix

Based on the above analysis of government provisions and the World Bank safeguards policy, the following resettlement principles are adopted for this Project:

- (i) those who have formal legal rights to land lost in its entirety or in part;
- (ii) those who lost the land they occupy in its entirety or in part and have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national/state laws; and
- (iii) those who lost the land they occupy in its entirety or in part and have neither formal legal rights nor recognized or recognizable claims to such land.

The displaced persons will be entitled to the following six types of compensation and assistance packages:

- (i) Compensation for the loss of land, crops/ trees at their replacement cost;
- (ii) Compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- (iii) Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- (iv) Alternate housing or cash in lieu of house to physically displaces households not having any house site;
- (v) Assistance for shifting and provision for the relocation site (if required), and
- (vi) Rebuilding and/ or restoration of community resources/facilities.

An Entitlement Matrix has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements; and is in compliance with National/State Laws and World Bank safeguards policies. The following entitlement matrix presents the entitlements corresponding to the tenure of the displaced persons and is per the policy of Government of Kerala.

Table 3: Entitlement Matrix

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
PART I. TITLE HOLDERS - Compensation for Loss of Private Property				
1	Loss of Land (agricultural, homestead, commercial or otherwise)	1.1	Compensation for land at Replacement Cost or Land for land, where feasible.	<p>Land will be acquired by the competent authority in accordance with the provisions of RFCTLARRA 2013.</p> <p>Replacement cost for land will be, higher of (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land, situated in the nearest village or nearest vicinity area, ascertained from the highest 50% of sale deeds of the preceding 3 years; or (iii) consented amount paid for PPPs or private companies.</p> <p>Plus 100% solatium and 12% interest from date of notification to award.</p> <p>The multiplier factor adopted by GoK for land in rural area, based on the distance from urban area to the affected area, will be applied.</p> <p>In case of severance of land, house, manufactory or other building, as per Section 94 (1), the whole land and/or structure shall be acquired, if the owner so desires.</p>
2	Loss of Structure (house, shop, building or immovable property or assets attached to the land)	2.1	Compensation at replacement cost	<p>The market value of structures and other immovable properties will be determined by PWD on the basis of relevant PWD Schedule of Rates (SR) as on date without depreciation.</p> <p>Plus 100% solatium and 12% interest from date of notification to award.</p> <p>For partly affected structures, the PAP will have the option of claiming compensation for the entire structure, if the remaining portion is unviable.</p>
PART II. REHABILITATION AND RESETTLEMENT – Both Land Owners and Families Whose livelihoods are Primarily Dependent on Land Acquired				
3	Loss of Land	3.1	Employment to at least one member per affected family in the project or arrange for a job in such	

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
			<p>other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other law for the time being in force.</p> <p>or</p> <p>One-time payment of Rs. 5,00,000/- for each affected household</p> <p>or</p> <p>Annuity policy that shall pay not less than Rs. 3000/- per month for 20 years with appropriate indexation to CPIAL</p>	
		3.2	Subsistence allowance of Rs. 5,000/- per month for a period of one year from the date of award for those who are displaced.	
		3.3	Transportation assistance of Rs. 50,000/- for affected households who require to relocate due to the project	
		3.4	One-time assistance of Rs. 50,000/- to all those who lose a cattle shed	
		3.5	One-time Resettlement Allowance of Rs. 50,000/- for affected household who have to relocate	
		3.6	Additional one-time assistance of Rs. 50,000/- for scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project	
4	Loss of Residence	4.1	An alternative house for those who have to relocate, as per IAY specifications in rural areas and a constructed house/flat of minimum 50 sq. m. in urban areas or cash in lieu of house if	An alternative house for those who have to relocate, as per IAY specifications in rural areas and a constructed house / flat of minimum 50 sq. m. in urban areas or cash in lieu of house if opted (the cash in lieu of house will be Rs. 1,48,000/- in line with GoI IAY standards in rural areas

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
			<p>opted (the cash in lieu of house will be Rs. 300,000/-). for those who do not have any homestead land and who have been residing in the affected area continuously for a minimum period of 3-years.</p>	<p>and Rs. 1,50,000 in case of urban areas). It will be registered on joint title (man and women)</p> <p>The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area.</p>
		4.2	<p>Employment to at least one member per affected family in the project or arrange for a job in such other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other law for the time being in force.</p> <p>or</p> <p>One-time payment of Rs. 5,00,000/- for each affected household</p> <p>or</p> <p>Annuity policy that shall pay Rs. 3000/- per month for 20 years with appropriate indexation to CPIAL</p>	Preference will be given to women
		4.3	Monthly subsistence allowance of Rs. 5,000/- per month for a period of one year to affected households who require to relocate due to the project	
		4.4	Transportation assistance of Rs. 50,000/- for affected households who require to relocate due to the project	
		4.5	One-time assistance of Rs. 50,000/- to all those who lose a cattle shed	
		4.7	One-time Resettlement Allowance of	

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
			Rs. 50,000/- for affected household who have to relocate	
		4.8	Additional one-time assistance of Rs. 50,000/- to scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project	
		4.9	Right to salvage affected materials	
5	Loss of shop / trade / commercial structure	5.1	Employment to at least one member per affected family in the project or arrange for a job in such other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other law for the time being in force. or One-time payment of Rs. 5,00,000/- for each affected household or Annuity policy that shall pay Rs. 3000/- per month for 20 years with appropriate indexation to CPIAL	Preference will be given to women
		5.2	Monthly subsistence allowance of Rs. 5,000/- per month for a period of one year to affected households who require to relocate due to the project	
		5.3	Transportation assistance of Rs. 50,000/- for affected households who require to relocate due to the project	
		5.4	One time assistance of Rs. 50,000/- for each affected family of an artisan or self-employed or small trader and who	

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
			has to relocate	
		5.5	One time Resettlement Allowance of Rs. 50,000/- for affected household who have to relocate	
		5.6	Additional onetime assistance of Rs. 50,000/- to scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project	
		5.7	Right to salvage affected materials	
	Employees in commercial establishment	5.8	One time allowance of Rs 6000 for six months for loss of livelihood	
PART III. IMPACTS ON TENANTS				
	Commercial	6.1	One time assistance for Rs 200,000.	One adult women member of the affected household, whose livelihood is affected, will be entitled for skill development.
	Residential	6.1.1	One time shifting allowance Rs 30,000.	One adult women member of the affected household, whose livelihood is affected, will be entitled for skill development.
PART IV. IMPACTS ON SQUATTERS AND ENCROACHERS – THOSE LIVING/DEPENDANT ON THE LAND TO BE ACQUIRED				
6	Impact to Squatters/encroachers	7.1	Compensation for structure without depreciation	Only those directly affected squatters who live there will be eligible for all assistance. Structure owners in Government lands who do not live there and have rented out the structure will be provided compensation for structure and no other assistance will be provided to them. The occupier (squatter-tenant) will be eligible for other assistances
		7.1.1	An alternative house for those who have to relocate, as per IAY specifications in rural areas and a constructed house/flat of minimum 50 sq. m. in urban areas or cash in lieu of house if opted (the cash in lieu of house will be Rs. 300,000/-). For those who do not have any homestead land and who have been residing in the affected area continuously for a minimum period of 3-years.	
		7.1.2	Right to salvage the affected materials	

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
		7.1.3	Rs. 5,000 per month for six month.	
		7.2 7.2.1	Loss of Shop Compensation at scheduled rates without depreciation for structure with 1-month notice to demolish affected structure	Only those directly affected squatters/encroachers who do business there will be eligible for all assistance. Structure owners in Government land.
		7.2.2	Right to salvage the affected materials	
		7.2.3	Rs. 5,000 per month for six month.	
		7.3 7.3.1	Kiosks / Vendors 1-month advance notice to relocate to nearby place for continuance of economic activity	The S-ESDU and the implementation support NGO/ agency will consult such PAPs and assess the requirement of subsistence allowance and rehabilitation grant
		7.3.2	For temporary loss of livelihood during construction period, a monthly subsistence allowance of Rs. 3,000/- will be paid for the duration of disruption to livelihood, but not exceeding 3-months	
		7.4 7.4.1	Cultivation 2-month notice to harvest standing crops or market value of compensation for standing crops	
7	Impact to Encroachers	7.5 7.5.1	Cultivation 2-month notice to harvest standing crops or market value of compensation for standing crops, if notice is not given	Market value for the loss of standing crops will be decided by the S-ESDU, in consultation with the Agriculture or Horticulture Department
8	Impact on Ragpickers	7.6	Compensation for loss of income of 1 year. Skill upgradation Income generating activities.	Each ragpicker will be identified by SO. The income generating activity will be for each individual affected by project intervention.
PART V. IMPACT ON VULNERABLE HOUSEHOLDS				
8	Vulnerable Households	8.1	One-time assistance of Rs. 25,000/- to DHs who have to relocate	One adult member of the affected household, whose livelihood is affected, will be entitled for skill development. The D-ESDU with support from the SO will identify the number of eligible vulnerable displaced persons during joint verification and

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
				<p>updating of the RAP and will conduct training need assessment in consultations with the PAPs so as to develop appropriate training programs suitable to the PAP's skill and the region.</p> <p>Suitable trainers or local resources will be identified by D-ESDU and SO In consultation with local training institutes</p>
PART VI. IMPACTS DURING CIVIL WORKS				
9	Impact to structure /access to assets/ assets / tree / crops	9.1	The contractor is liable to pay damages to assets / trees / crops in private / public land, caused due to civil works Contractor has to restore access to structures	The D-ESDU will ensure compliance
10	Use of Private Land	10.1	The contractor should obtain prior written consent from the land owner and pay mutually agreed rental for use of private land for storage of material or movement of vehicles and machinery or diversion of traffic during civil works	
PART VII. COMMON PROPERTY RESOURCES				
11	Impact to common property resources such as places of worship, community buildings, schools, etc.	11.1	Relocation or restoration, if feasible, actual cost up to maximum of Rs 100,000 for relocation of place of worship, relocation of all community assets by the contractor	
12	Utilities such as water supply, electricity, etc., if any.	12.1	Will be relocated and services restored prior to commencement of civil works.	The S-ESDU will ensure that utilities, if any, are relocated prior to commencement of civil works.
PART VII. UNFORESEEN IMPACTS				
Unforeseen impacts encountered during implementation will be addressed in accordance with the principles of RFCTLARRA 2013 / World Bank Safeguards Policies.				

2.6.1 Cut-off Date

For titleholders, the date of SIA notification [Sec 4(2)] of intended acquisition as per the provisions of RFCTLARRA 2013 will be treated as the cut-off date, and for non-titleholders the start date of project census survey for the subproject will be the cut-off date. There will be adequate notification of cut-off date and measures will be

taken to prevent encroachments/squatting after the cut-off date is established.

Non-title holders who settle in the affected areas after the cut-off date will not be eligible for compensation. They however will be given sufficient advance notice (60 days) to vacate the premises and dismantle affected structures prior to project implementation. The project will recognize both licensed and non-licensed vendors, and titled and non-titled households.

2.7 Framework for Land Acquisition and Other Immovable Assets (RFCTLARRA 2013 and Direct Purchase)

The rehabilitation and resettlement policy is based on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Government of Kerala has also enacted state-specific rules pursuant to the same i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016.

2.7.1 Acquisition of private land through Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013

All private immovable assets will be acquired as per new RFCTLARRA 2013. All eligible PAPs living within the affected area for the past 3 years will be entitled to R&R assistance over and above the compensation. Those PAPs who are not entitled for compensation (encroachers and squatters) as per the Act will get R&R benefits as per their entitlement given in project specific R&R policy. The entitlement of compensation and assistance will be extended to only those PAPs who are identified on or prior to the cut-off date.

2.7.2 Requisition of Land by LSGD (Suchitwa Mission/ ULBs)

The proposal for acquisition of any private land will be made in the formats prescribed by the enacted rules of the Kerala State Government on the RFCTLARRA 2013. These formats will include *khasra* maps, along with the details of area of land to be acquired.

2.7.3 Appointment of “Administrator” for R&R

As per Section 2 of the RFCTLARRA 2013, the appropriate government (concerned state governments) will acquire land on behalf of other ‘requiring body’. An officer appointed as the administrator will be responsible for the purpose of Rehabilitation and Resettlement as per Section 43 of the RFCTLARRA 2013. An officer not below the rank of Collector, additional Collector or Deputy Collector or any other officer of an equivalent rank is appointed as the ‘Administrator’.

2.7.4 Notification, Declaration and Preparation of Award

Upon receiving the requisition application, the concerned State Government will conduct a Social Impact Assessment as per Chapter 2 of the RFCTLARRA 2013 unless exempted as per procedures established in the state rules for RFCTLARRA 2013. Upon completion of the assessment the 'Administrator' appointed by the concerned government shall issue preliminary notifications (as per Section 11 (1)), declarations (as per Section 19 (1) for the land to be acquired. A demand is prepared by the District Administration as per rules framed by the concerned state government under the Sections 26,27,28,29,30 of the RFCTLARRA 2013. The R&R award list and scheme is prepared on the basis of the census and survey undertaken by the District Administration and after valuation of the assets affected is completed. The R&R scheme and award is forwarded to the R&R commissioner appointed for the state. If the State Government is satisfied with the Scheme, the District Administration may issue declaration as per Section 19 (1). The requiring body deposits the (full or part) amount prior to the declaration to enable the concerned State Government to make the declaration.

2.7.5 Method of Valuation of Project Affected Areas

The valuation method and basis for the compensation for LA will be done as per the norms stipulated in Sections 26, 27, 28, 29, 30 and First Schedule of the RFCTLARRA 2013. The *Valuation method for compensation for land and structures and trees is given below:*

- **Valuation of Land** - Land will be acquired in accordance with provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and while determining the compensation for land, the competent authority will be guided by the provisions of Sec 26, Sec 27, Sec 28, Sec 29 and Sec 30 of RFCTLARRA 2013. The compensation includes the multiplying factor of 1.25-1.75 times on the land value being higher of the guideline value or average of higher 50% of sale deed rates for last 3 years or any rates consented for PPP or private projects. In addition 100% solatium for involuntary acquisition of land will be added. If the residual land, remaining after acquisition, is unviable, the owner of such land/property will have the right to seek acquisition of his entire contiguous holding/property.
- **Valuation of Structure** - The replacement value of houses, buildings and other immovable properties will be determined on the basis of latest PWD Schedule of Rates (SoR) as on date without depreciation and 100% solatium will be added to the structure compensation. While considering the PWD SoR rate, D-ESDU will ensure that it uses the latest SoR for the residential and commercial structures in the urban and rural areas of the region. Wherever the SoR for current financial year is not available, the D-ESDU will update the SoR to current prices based on approved previous year escalations. Compensation for properties belonging to the community or common places of worship will be provided to enable construction of the same at new places through the local self- governing bodies like Village Panchayat/Village council in accordance with the modalities

determined by such bodies to ensure correct use of the amount of compensation. Further, all compensation and assistance will be paid to PAPs at least 1 month prior to displacement or dispossession of assets.

- **Valuation of trees** - Compensation for trees will be based on their market value. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops, fruit bearing trees will be decided by the DPMU in consultation with the Departments of Forest or Agriculture or Horticulture as the case may be. The valuation of fruit bearing trees will take into account the productive age of such trees. In line with the provision of RFCTLARRA 2013, 100% solatium will be added to the assessed value of the trees. Prior to taking possession of the land or properties, the compensation will be fully paid and PAPs will have the opportunity to harvest crops/trees within 1-month from the date of payment of compensation.

Even after payment of compensation, PAPs would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that PAPs can take away the materials so salvaged within 15 days of their demolition; otherwise, the same will be disposed by the project authority without giving any further notice. Trees standing on the land owned by the government will be disposed of through prevailing practice by the concerned Revenue Department/ Forest Department.

2.7.6 Disbursement process

Once, the R&R scheme is approved by the appropriate government, the District Administration issues notices to titleholders losing land, trees and structures through camps in the affected area. The disbursement of assistances and compensation may happen in camps or at the District Administration's office, where in documentation of the PAPs is examined and assistances and compensation is deposited as cheques or deposited in individual accounts. The collector shall take possession of the land once all monetary disbursements are fully completed and the collector will be responsible for ensuring that the rehabilitation and resettlement process is complete before the displacement of the population as per Section 37 of the RFCTLARRA 2013.

2.8 Direct Purchase of land

Under Section 108 of the Act, the Government of Kerala has also issued the Government Order which provides for the option of Direct Purchase. The details are given below:

In order to speed up and simplify the procedures of land acquisition for public purpose, Government of Kerala issued the GO, 2015 to facilitate negotiated settlement. Under this order, to negotiation with the land owners and reach consensus on compensation and rehabilitation by the District Collector.

In case the option of direct purchase is exercised, following steps will be followed:

- Project to identify land parcels to be purchased and owners during SIA in consultation with the local revenue officials.
- A committee (The District Level Fair Compensation, Resettlement and Rehabilitation Committee) will be setup as per the existing Government Order (GO).
- The District Collector will verify the title deeds, non-encumbrance certificate, basic tax receipt, building tax receipt, possession certificate and other relevant records of each parcel of land to be acquired.
- The District Collector will, within 7 days of the preliminary notification under section) 11, send the 'SIA Report and other relevant documents to the District Level Fair Compensation, Resettlement and Rehabilitation Committee.
- The committee shall fix the parameters and shall define criteria for categorization of land as per the local needs to 'fix land value and the same may be approved by the Committee. The Committee should take utmost care in determining the criteria for categorization. There should not be any ambiguity regarding classification. The authority to change the categorization once approved by the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall rest only with the SLEC.
- After categorization of lands, the base price of land will be as per the process mentioned in RFCTLARRA, 2013 and taking into consideration the existing market value of the land make negotiation with the land owners and reach consensus with them on the final land value.
- The Committee will finalize the estimate of a fair and reasonable price of land and compensation along with the Rehabilitation and Resettlement package to be given to the affected person/family.
- SLEC may consider it on case to case basis.
- If the District Level Committee is of the view that higher compensation is inevitable in view of the requirement of the project for speedy development, then the Committee headed by the District Collector may recommend up to 10 per cent enhanced compensation to State Level Empowered Committee headed by the Chief Secretary.
- The SLEC may consider it on case to case basis.
- On the date fixed as above the Collector shall explain the Policy to the affected family or affected person and give them estimate of the compensation and resettlement and rehabilitation package worked out under the policy.
- The affected family or affected persons shall thereupon submit their consent to having their claims settled according to such law or policy of the State instead of setting the same under the Act.
Provided that the affected' families or affected persons who earlier rejected the negotiated settlement may, by a written application to the Collector shall choose the option of the State policy at any time before passing the final award under Section 30 and/or section 31.
- Upon receiving the consent of the affected person or affected family, the Collector shall finalize the conveyance of land in terms of the consent.

- The Collector, upon receiving the consent, shall cause a Sale Deed in terms of the settlement arrived between himself and the affected family or affected person.
- The compensation or package received by the affected family or affected person shall not be income tax or any other levy.
- On completion of the conveyance the Collector shall take possession of the land immediately provided that the Collector may, on a written application by the affected family or affected person, accord sanction for extension of asking of possession of the land by a period not exceeding 30 days.

2.9 Road Map for Social Impact Assessment and preparation of RAP in accordance with the RFCTLARRA 2013 and OP 4.12.

As mentioned in the above sections, the mitigation plan for each sub-project that will require land will be prepared by the Suchitwa Mission in coordination with the revenue department following the approval of the analysis of alternative and issuance of Section 4 of the RFCTLARRA 2013. The Content of the mitigation plan will include the following.

Table 4: Chapter Plan for Mitigation Plan

Chapter	Topics and Description
Chapter 1 - Project Description	<ul style="list-style-type: none"> ❖ Project Description ❖ Benefits of the Project ❖ Public Purpose ❖ Adverse Impacts <ul style="list-style-type: none"> ➤ Overview of Affected persons, displacement, common Properties ➤ Scope and Extent of Land Acquisition – bare minimum ➤ Analysis of Alternatives – to be done in consultation with technical team ➤ Cost Benefit Analysis
Chapter 2 – Methodology	<ul style="list-style-type: none"> ❖ Methodology for Social Impact Assessment and Resettlement Action Plan ❖ Objective of SIA ❖ Methodology for Census and Socio-Economic Survey – include Cut-Off Date, districts covered, number of villages etc. ❖ Methodology for Public Consultation – include information on number of consultations, dates and stakeholders
Chapter 3 - Resettlement Policies and Legal Framework	<ul style="list-style-type: none"> ❖ Relevant Laws and Policies – brief outline of all relevant laws and policies. Ensure that all state-specific rules, regulations, office orders etc. are mentioned ❖ World Bank Safeguard Policies – overview of OP/BP 4.12 ❖ Comparative Analysis of the Right to Fair Compensation in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA 2013), and World Bank OP 4.12 on Involuntary Resettlement. Include comparison of relevant state-specific land acquisition law or regulation, if applicable ❖ Process of Land Acquisition and Other Immovable Assets – Provide a step-by-step outline of acquisition process along with timelines, responsible authority and statutory deadlines
Chapter 4 – Resettlement Policy Framework	<ul style="list-style-type: none"> ❖ Principles of resettlement, compensation and entitlement ❖ Entitlement Matrix - Include provisions for titleholders and non-titleholders, loss of land and other assets, loss of structures (residential/

	commercial/ others) common property resources, tenants, squatters, encroachers and vulnerable groups, assistance in case of displacement
Chapter 5 - Socio-Economic Profile and Impact on People and Assets	<ul style="list-style-type: none"> ❖ Introduction ❖ Socio-economic profile of the Impacted Area ❖ Impact on Assets and Extent of Impact <ul style="list-style-type: none"> ➤ Impact on Land ➤ Impact on Private Structures (residential, commercial, others). Type of construction ➤ Impact on Common Property Resources (public, religious, government) ➤ Loss of Other Assets (Trees, Crops, Livestock) ❖ Impact on People <ul style="list-style-type: none"> ➤ Socio-Economic Profile of Project Affected Persons, including social category ➤ Project Affected Persons and Project Affected Households (as per category of impact / type of loss) including extent of loss ➤ Displaced households ➤ Vulnerable Households
Chapter 6 - Stakeholder Consultations	<ul style="list-style-type: none"> ❖ Stakeholder Consultations - Refer to relevant sections of RFCTLARRA 2013 under which consultations were held and attach copies of all notifications and notices required under the Act as annexure (Section 2(2), Rule 13, Section 4(2) proviso 1, Rule 6(8), Section 5 and Rule 7) ❖ Stakeholders Consultation Analysis Matrix – For each category of consultations, provide details of location and date of consultations, participants, issues discussed and status of resolution (outcome of issues which emerged during consultations) and photographs of each consultation. This can be in tabular form ❖ Consultations for Prior Consent (if applicable in case of PPP projects) – All details as above. Add relevant forms indicating consent as annexure
Chapter 7 – Livelihoods Restoration Plan	<ul style="list-style-type: none"> ❖ Estimation of livelihoods / income affected – Add figures for affected persons / households based on socio-economic census ❖ Livelihoods Restoration Plan – Include institutional mechanism, responsibility, budget and Action Plan with timeframe ❖ Refer to relevant provisions of the Entitlement Matrix dealing with livelihoods and ensure consistency
Chapter 8 – Gender Action Plan	<ul style="list-style-type: none"> ❖ Gender Profile – Include gender profile in project area. Include relevant data from socio-economic survey. Specifically, mention number of women PAPs, women-headed households ❖ Analysis – Based on primary and secondary data provide analysis of key gender issues in the project area ❖ Action – Propose recommendations for actions which can be implemented as part of project interventions ❖ Indicator – Propose measurable indicators to monitor and evaluate ❖ Action Plan – Include institutional mechanism, responsibility, budget and Action Plan with timeframe
Chapter 9 - Institutional and Implementation Arrangements	<ul style="list-style-type: none"> ❖ Roles and Responsibilities of: <ul style="list-style-type: none"> ➤ Social Safeguards specialist at SPMU/ Social Expert DPMU level and Support Organisation (and at field level, as required) ➤ RAP implementation team ➤ Technical Supervision Consultant(s) ➤ Contractor ➤ Labour/ Legal Officer (if required)
Chapter 10 – Citizen	❖ Feedback Mechanisms; Plan for Consultations and Information

feedback and Grievance Redressal Mechanism	<ul style="list-style-type: none"> ❖ Disclosure ❖ Process flow for grievance redressal ❖ Include implementation mechanism, budget, time-bound resolution, reporting, tracking and escalation of grievances
Chapter 11 – Monitoring and Evaluation	<ul style="list-style-type: none"> ❖ Internal Monitoring ❖ External Periodic Evaluation and Concurrent Monitoring ❖ Monitoring Indicators ❖ Reporting Requirements in MPR / QPR
Chapter 12 – Budget Allocation	<ul style="list-style-type: none"> ❖ Cost Estimate for Citizen Engagement, GRM, Training & Capacity Building, Income Restoration Measures, M&E and hiring of NGO for RAP implementation and other Social Staff. ❖ Methods of Calculation of Value of Land ❖ Cost of structures ❖ Cost of R&R Assistance ❖ Ensure that budget correlates the socio-economic survey data on PAPs with the Entitlement Matrix
Annexures	<ul style="list-style-type: none"> ❖ Form 1- Request for Land Acquisition with supporting documents (As per Kerala LARR Rules, 2015) ❖ Document evidencing publicity of public hearing for SIA (Section 5, Rule 7) ❖ List of likely to be displaced families; List of infrastructure in the affected area; List of land holdings in the affected area; List of business or in the affected area; List of landless people in the affected area; List of disadvantage groups like Scheduled Caste or Scheduled Tribes, handicapped people in the affected area; List of landless agricultural labours in the affected area; List of prospective youth for employment in the affected area; and Socio-economic and cultural profile of the affected area and the affected families. (Rule 9) ❖ Notice by Collector [Rule 18 (1)] ❖ Preliminary Enquiry Report of the Committee constituted by the District Collector (Rule 4) ❖ List of Notifications and Declarations <ul style="list-style-type: none"> ➤ Notification issued under Section 4 (2) RFCTLARRA 2013 and Rule 5 ➤ Declaration for Prior Consent under Rule 13/ Grama Sabha Resolution

Table 5: Details for Census Survey & Inventory of Assets

Details for Census Survey & Inventory of Assets		
Project Affected Household (PAH) details		ID.no., Chainage (km), Name, Address (village, tehsil/block, district), Phone no, name of police station
PAH's Families details		Name with relationship, sex, age, marital status, education, physical/mental disabilities, Occupation - Primary, Secondary, skills, beneficiary of any other Govt. schemes.
Social Category		SC, ST (community/ name), Other Backward Community (OBC), General; Religion: Hindu/Muslim/Christian/Sikh/Jain/Buddhist and others, Women Headed Household
Economic category		BPL; APL
Livestock asset		Category of livestock and number

Asset Usage	Residential, Commercial, Mixed (C+R), Industrial, Petrol Pump, Farm House, Government, Agriculture - Irrigated, un-irrigated; Orchard, Under construction, open land/plot, Plantation, Grazing, Religious, Community Assets, Graveyard and others (specify)
Typology of ownership	Private, Govt., Trust, Temple, community and others
Status of ownership of Asset	Title holder (land owner, encroacher) non-title holder (squatter, tenant, leased, sharecropper, kiosk/mobile vendors); Government; Panchayat
Type of Loss	Land and Structures: Residential, Residential + Commercial, Commercial, Agriculture land, Orchard, Plantation homestead land; other structure, other (Trees, dug well, tube well, open well, water tap, water tank, hand pump, motor pump, boundary wall, barbed wire fencing, cattle shed, temporary shed, washing place, shrine, temple seating around tree, country stove, bathroom and others)
Extent of Impact on assets	Less than 10% of the total area; between 10-20%; 20-30%; 30-50% and 50% and above of the total area
Construction type of structure affected	Wall (Brick, Mud, Bamboo, cane, Reed), Roof (Thatch, Tin, Asbestos, Tiles, RCC, Other), Floor (Mud, RCC, Tiles, Marble, Stone and others), others
Type of Business (in case of commercial use)	Refreshments, Service Industry, Retails Activity, Other services, Institutional, Industry, Manufacturing and Small Scale and others
Major and Minor impact	1. After acquisition able to continue farming/ business in the unaffected land or structure 2. Willing to give up the residual land or structure to the project authority against suitable compensation/ assistance 3. Plans to possibility to relocate outside the land acquired 4. Any other suggestions
Relocation options	Employment during project construction or maintenance, alternative shop/residence, training to improve the skill level, private land against land, self-relocation, other (specify)
Agriculture area (only affected crop)	Crop name, cropping pattern in a year (single/double/thrice), yield per acre, farm gate price (Rs/quintal)
House hold expenditure	Category of expenditure (food, education, cloth, local travel, leisure, health, cooking fuel, social functions, vehicle maintenance, out station travel) per month and annually
Debts	Category of debts. (Crop/Agri loan, loan on assets, jewel loan, loan on vehicle, loan on education and personal loan) in rupees per month/annually
House hold items	TV, refrigerator, two-wheeler, four-wheeler, telephone/mobile phone, food processor/mixer/grinder, computer/laptop, air conditioner, air cooler, microwave oven, others
House hold facilities	Electricity connection, water connection, gas pipeline/cylinder and others
Photo of Assets affected	All assets in the affected area

Table 6: Steps to taken for Consultations and Public Hearing

Steps to taken for Consultations and Public Hearing
Consultations with Affected Households for Prior Consent [Section 2(2) RFCTLARRA 2013 and Rule 13]
Duty of Collector

- Necessary steps taken by Collector to resolve standing issues for updating land records, title and other revenue records in affected areas to identify names of landowners for prior consent
- Special drive for updation completed within 45 days
- List of affected landowners whose consent is required made available in affected areas in the form of posters, handouts and displays in conspicuous place in affected areas at least 15 days before meeting

Consent of Grama Sabha

- Meeting of Grama Sabha convened by District Collector
- Notice for call of meeting of Grama Sabha issued as per format in Form No. 6
- Venue date and time of meeting notified three weeks in advance
- Public awareness campaign done to ensure maximum attendance in meeting
- Elected representatives of Grama Panchayat/ Municipality/Municipal Corporation Wards notified of date, time and venue of meeting
- Members of SIA team present at the meeting
- At least one-third of the total women members of the Grama Sabha notified of the meeting at least three weeks prior to the date of the meeting
- Printed copies of proposed terms and conditions for compensation, rehabilitation and resettlement (including initial package) for proposed acquisition made available in Malayalam at least 3 weeks prior to Grama Sabha meeting
- Copy of draft Social Impact Assessment Report (if available) made available to all members in local language at least 3 weeks prior to meeting
- A list of rights enjoyed by the village and its residents under revenue laws, Forest Rights Act and other legislations shared with all members at least three weeks prior to the meeting
- Written statement of District Collector (certifying no consequences for denying consent) and contact details of relevant authority provided to all members at least 3 weeks prior to the meeting
- A quorum of at least 50% of the total members of the Grama Sabha attended the meeting
- Meeting attended by representative of Requiring Body competent to take decisions and negotiate terms of compensation, Rehabilitation and Resettlement
- Presentation on detailed information about land proposed to be acquired done by Sarpanch/ Collector
- Terms and conditions of compensation, Rehabilitation and Resettlement explained in local language
- Collector attended meeting and ensured proper conduct of proceedings
- Names and signatures of members who attended collected in prescribed format
- Signatures of members and Representatives of Requiring Body obtained on the Terms and Conditions of Compensation, Rehabilitation and Resettlement
- After deliberations, Grama Sabha passed resolution with majority as per Form 7 giving consent
- Resolution contains negotiated terms and conditions for compensation, rehabilitation and resettlement, impact management and mitigation as agreed by Requiring Body and signed by District Collector
- Resolution Counter signed by District Collector or designated officer
- Signed copy of Resolution handed over to Panchayat representatives
- Record of proceedings at meeting documented in writing and certified copy annexed to consent
- Record of meeting (in writing and video) made available in respective Panchayat office
- Record of meeting (in writing and video) uploaded on website of State Government

Consent of Affected Landowners

- List of all affected land owners whose consent would be required prepared by Collector in consultation with SIA team
- Such list made available (as per Form No. 8) in affected area through conspicuous display, handouts and posters for at least ten days before obtaining consent
- In case of objections, consent sought with reasons recorded in writing and conveyed to objector within ten days
- Date, time and venue of meeting with affected landowners fixed by Collector in consultation with representatives of Grama Panchayat or Municipality

- Printed copies of proposed Terms and Conditions of Requiring Body for compensation, rehabilitation and resettlement (including initial package) made available in local language at least three weeks prior to the meeting with affected landowners as per format in Form 9
- Copy of draft Social Impact Assessment Report (if available) made available to all members in local language at least 3 weeks prior to meeting
- A list of rights enjoyed by the village and its residents under revenue laws, Forest Rights Act and other legislations shared with all members at least three weeks prior to the meeting
- Written statement of District Collector (certifying no consequences for denying consent) and contact details of relevant authority provided to all members at least 3 weeks prior to the meeting
- Representative of Requiring Body competent to take decision and negotiate terms of Rehabilitation, Resettlement and Compensation present at meeting
- Members of SIA team present at the meeting
- Terms and conditions of compensation, Rehabilitation and Resettlement explained in local language
- Proceedings of meeting documented in writing
- Signatures of members and Representatives of Requiring Body obtained on the Terms and Conditions of Compensation, Rehabilitation and Resettlement
- Declaration signed by each individual land owner giving or withholding consent
- Declaration countersigned by Collector
- Copy of declaration given to concerned landowner
- Signed declarations obtained from affected landowners who could not attend the meeting within fifteen days of the meeting
- Signed declarations from affected landowners who could not attend the meeting countersigned by Collector
- Copy of signed declarations from affected landowners who could not attend the meeting given to concerned landowners
- Record of meeting (in writing and video) made available in respective Panchayat office
- Record of meeting (in writing and video) uploaded on website of concerned department of State Government

Consultations with representatives of local bodies [Section 4(2) proviso 1 and Rule 6(8) RFCTLARRA 2013]

- Adequate representation given to representatives of Grama Sabha / Municipality / Municipal Corporation
- At least two members to be representatives of local bodies, out of which at least one is a woman
- No Sarpanch or Chairperson of Municipality of local body to be represented in the SIA process
- Where affected area lies in the jurisdiction of more than one local body, each local body to have representation as above

Public Hearing [Section 5 RFCTLARRA 2013 & Rule 7]

- Public hearing held in each affected village / Municipality
- Publicity given about date, time and venue three weeks in advance
- Publicity given about date, time and venue through public notification and posters in all villages within a 5 KM radius of affected area
- Publicity given about date, time and venue through advertisement in two daily newspapers
- Publicity given by uploading on website of Government
- Views of affected families recorded in writing for inclusion in SIA Report

Table 7: Records to be maintained for Implementation of R&R

Records to be maintained for Implementation of R&R	
Relocation/ Implementation of R&R as per section	Records to maintained

16 & 31 of Act	
Rehabilitation and resettlement amount paid	Date of disbursement of Cheque, Amount Paid, Cheque no. and date / On-line transfer details
Relocation done at houses which are allotted (in case of displaced families)	Location, photos, geo-tag
Whether the land allotted (in case of displaced families)	Location, photos, geotag
One time subsistence allowance paid	Date of disbursement of Cheque, Amount Paid, Cheque no. and date/ On-line transfer details
Payment of cattle-shed and petty shops	Date of disbursement of Cheque, Amount Paid, Cheque no. and date/ On-line transfer details
One time assistance to artisans and small traders	Date of disbursement of Cheque, Amount Paid, Cheque no. and date/ On-line transfer details
Whether any employment provided to the member of affected family	Type of employment, location
Whether any annuity and other entitlements provided	Attach details of provisions, if any
Particulars of special provisions for SC/ST	Attach details of special provisions

3 Land Requirement

3.1 Introduction

The Development of regional Solid Waste Management facilities will finance regional processing and recycling facilities; transfer stations and regional sanitary landfills for municipal solid waste disposal which will require land. While waste minimization (3Rs – Reduce, Reuse, Recycle) must be at the core of any sustainable SWM system, engineered landfill facilities are always necessary for safe disposal of inerts, rejects and other residual waste. While Kerala has taken decisions to treat Bio-Degradable Waste at source and has set up systems for waste minimization and recycling, these alone will not solve existing waste disposal problems. Often the potential of recycling as a means for waste reduction is overestimated (currently only 3 percent in Kerala). International experience shows that volume reduction is limited unless significant effort in recycling are made. Thus, in all circumstances, although to different degrees, land is essential for final disposal. In Kerala, land is the one of the major constraining factors so infrastructure investments will only start when land ownership has been secured and development rights have been secured for waste management facilities. Investments that will result in increasing the quantities of waste (such as door to door collection) will only start once land for the construction for treatment and disposal facilities has been identified. For this, the project design adopts cluster level approach for treatment where land has been identified by the state/ district authorities or secured for final treatment and disposal.

3.2 Land Requirement

It is estimated that both bio-degradable and non-biodegradable waste was found to be 367 gpcd with households contributing approximately 58% followed by Institutions at 22% and commercial sector at 20%. About 90 acres of land for dump sites is available with 10 ULBs, which is not fully utilized. It is estimated that, land required for five regional landfills for disposal of residual 20% waste i.e. 1974 tons per day (TPD) with approximately 400 TPD, as per the National Manual on Solid waste management for 20 years, is approximately 100 acres. To address the land availability risks in the project, the risk mitigation plan includes the following concurrent alternative tracks that will be pursued by the implementing agency – (i) identification of unencumbered government land for new processing and disposal facilities – however given the onerous government processes for land transfer and environmental clearance, this may be time-consuming and expensive as well, (ii) identification and rehabilitation of existing dumpsites which qualify the land siting criteria and safeguards risk screening process, to reclaim land and use for new processing/disposal facilities, (iii) identification of private land parcels for acquisition under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA 2013), and (iv) develop incremental disposal cells at the local smaller dumpsites as interim disposal facilities to start working on frontline waste management service improvement interventions in parallel to the development of regional landfills that may take some time. It is proposed that the government land transfer process will be facilitated through the State level Project Steering Committee chaired by Chief Secretary to ensure timely transfer of land and all people dependent on the land will be fully compensation and rehabilitated in accordance with this RPF, prior to transfer. For private late acquisition, Suchitwa Mission would need to coordinate with the Revenue Department to complete the SIA within the stipulated timeframe as per the Act and consult/ negotiate the rates for the land following the section 11 of the Act. Other important risks including objections by host community are decrease in neighborhood land prices, stigma associated with waste management sites within close proximity of settlements. Appropriate mitigation measures for citizen engagement, community participation and awareness generation/ IEC during the site selection process will be followed.

4 Consultation and Stakeholder Engagement

4.1 Introduction

During the Social Impact Assessment study following the mobilization of the SIA Consultants, the mapping of key stakeholders of the land acquisition will be carried out. These are likely to include those affected by land acquisition and the host community. This process will be used as an opportunity to collect relevant primary data for strengthening socio-economic baseline of the project study area.

The Consultations will be carried out in each Municipality with community through Ward Sabhas. Household interviews and Focus Group Discussions with affected families, and formal meetings with Municipalities and officials concerned will be carried out in structured manner for which the indicative Road Map for Stakeholder Consultations is given below:

Table 8: Indicative Road Map for Consultations

Stakeholder	Identification, and mapping of the stakeholder following the selection of land for informed consultation. In the case of Tribal, the Free Prior Informed consultation will be carried out.
Land Owners, LSGs/ PRIs, Other influencers	Initial meetings with land owners, ULBs representing political and executive and Local Influencers in the affected ULBs.
Revenue and Land Records Functionaries	Preliminary meetings with Revenue and Land functionaries including ULB Secretary, Tehsildar, SDM, etc. to inform them about the SIA and Land Acquisition process and to identify the relevant plot numbers for acquisition
Land Owners	Meetings will be organized by Affected ULBs residents including land owners to inform them about the SIA and Land Acquisition process.
Project Affected Families – Land Owners, Non-Title Holders, LSGs	Data Collection from the individual Project Affected Families and FGDs with different social groups and LSGs.
Host Community	Preliminary meetings will be organized in settlements close to the identified sites.

4.2 Dissemination of Information of selected Sub-Project

Salient features of the finalized sub-project will be displayed at the notice boards of the Municipalities and Urban wards. This shall include (a) map of the proposed location of the site location for temporary dumping site and the landfill.

Prior to finalization of the site, a brochure providing an overview of the project will be available for distribution in each of the Municipality and the host community.

The dissemination of information shall (i) sensitise the communities on the project related issues, and (ii) demonstrate the expectations of the project from the communities.

4.3 Finalisation of Site Location

Finalisation of the site will be through community planning involving local communities and the Grama Panchayat/ Town/ Ward/ Municipalities. Transect walks along the proposed site will be organised by the DPMU in co-ordination with the municipalities and the revenue officials. The site will be finalised with due consideration to the zero impact on the Tribals and following the acceptance by the host community. The documentation of transect shall be exhibited by the DPMU on the revenue map and all issues and suggestions by the community and responses to them during transect shall be documented and disseminated at the Municipality. The transect shall enable:

- i) Finalisation of the area and the site through community planning that is in consultation with the communities along with sensitising them of design compulsions if any,
- ii) Identification of grievances on ground and redressal of the same;
- iii) Initiation of the process of acquisition of land or transfer of government land
- iv) Identification of vulnerable PAPs

4.4 Consultation with Affected Persons

Within a week of transect, the DPMU with Municipality shall organise a meeting involving the affected persons to communicate how the concerns of the communities have / have not been incorporated into the project design. The concerns that could not be addressed through design modification would be highlighted and the reasons for not doing so would be explained. The people would be given an opportunity to respond. The following information pertaining to the project design will be highlighted and disseminated:

- i) Specifications, project costs and construction schedule,
- ii) Likely issues due to project activities,
- iii) Land required,
- iv) Design modifications incorporating comments and suggestions of communities
- v) Entitlement provisions
- vi) Disbursal Procedures to Entitled Persons,
- vii) Safety and health concerns during construction works, and
- viii) Inputs required by the local community as construction labour, temporary use of land for diversions etc.
- ix) In line with the provisions of the FRA, 2006 for each of the tribal settlements meetings will be carried out to wherein resolutions accorded no-objection for felling of the trees / protected forests after confirmation that (i) there are no

forest dwellers with traditional forest rights and (ii) there are no recognized forest rights of the ST communities.

4.4.1 Detailed Project Report (DPR)

To ensure that the designs of the sub-project includes the output from the consultations, the following information shall be documented as part of the DPR prior to submission to STA for approval:

- i) Output of transect walk
- ii) Proceedings of the formal consultation (meeting) with the communities and the Tribals
- iii) RAP

4.5 Socio-Economic Survey and FGDs

The principal method of assessing social impact of the proposed land acquisition will be through a socio-economic survey and several Focused Group Discussions (FGDs). The following survey instruments will be used to elicit information and ensure transparency in the process of data collection.

- Detailed interview schedule for the household socio-economic survey
- Open-ended and semi-structured interview schedules for Focused Group Discussions with different stakeholder groups and Project Affected Families

4.6 Public Hearing on Draft RAP

According to section 5 of RFCTLARRA 2013 and sub-rule (1) to (11) of rule 8 of RFCTLARRA 2013 rule, 2014, a public hearing will be conducted after three Weeks of submitting the draft SIA report and the draft RAP, to share the main findings of the SIA Study in the study area and seek views on findings, additional information and views of all stakeholders and Project Affected Families. This will be incorporated in the final SIA Report. Video recording and transcript of the public hearing will be submitted along with the analysis in the revised SIA Report.

Since the Social Impact Assessment (SIA) study is a crucial activity of the RFCTLARRA 2013 and the OP 4.12, the Draft RAP will be disclosed as explained in the above Chapter for feedback from the stakeholders prior to its finalization and re-disclosure.

As part of the preparation of RPF, the draft document will be disclosed in Malayalam and in English language at public places and project website on 14 May 2020. Prior information on the scheduled consultation will be provided in advance. Due to Covid-19 and consequent lockdown, the consultations could not take place. As the lockdown is lifted, within 3 months after the approval of the project,

consultations will be conducted and the same will be incorporated into the RPF. The revised RPF will be disclosed at public palaces and on project website.

4.7 Consultations by Contractor during Implementation

The Contractor and his sub-Contractors shall take all reasonable steps to abide with the social safeguards as per RPF for the Project affected persons of nearby habitations/ towns/ tribal settlements. He will take up the execution of work in such a manner to avoid damages or disturbance to persons, properties, farmlands, crops, grazing lands, water sources and other local resources etc.

Before taking up execution, necessary information disclosure and consultation with DPMU/ Elected Members of Municipality/ Gram Panchayat must be made with regard to construction procedures, time schedules, location of labour camp, arrangement of water for construction purpose and temporary impacts to society during construction periods. Land required temporarily for labour camp, storage of material, etc. would be obtained in consultation with the community with written permission of the landowners.

In tribal areas, the Contractor and his workers should get accustomed with the local tribal customs and should take up the execution of the works in such a manner so as to avoid any confrontation with the sentiments of the community.

In labour camps, information should be displayed in the shape of posters and banners for the prevention of HIV/ AIDS and other diseases like Malaria, Diarrhea, TB, etc.

During the course of execution, if any direct or indirect damage to the public properties crops etc. has occurred, the same should be compensated by the Contactor, at the current market value, as agreed with the affected persons.

After the completion of work, the Contractor should remove all their equipment, machinery, surplus building materials, labour camps, debris etc. from the site, and its surrounding agricultural/ non-agricultural lands, side-walks, pathways, water channels, drains, side-drains etc. The final payment will be made only after getting the requisite certificate from the Gram Panchayat/ ULB/ DPMU for clearance of the site.

.

5 Livelihoods Restoration and Enhancement

5.1 Introduction

The basic objective of Livelihood Restoration and Enhancement (LRE) activities is that no project-affected person shall be worse off than before the project. There is a risk of existing ragpickers and labour involved in Solid Waste Management activities might lose their livelihoods due to the sub-projects. Restoration of pre-project levels of income is an important part of rehabilitating individuals, households, and socio-economic and cultural systems in affected communities. If the project affected persons are Below Poverty Line (BPL) category, then project should bring them into Above Poverty Line (APL) category. Livelihood Restoration and Enhancement schemes will be designed in consultation with affected persons so as to benefit them. Based on the information collected on Livelihood Restoration and Enhancement activities through the census socio-economic surveys, the SO will identify suitable Livelihood programs for the project affected persons.

In addition to entitlements for the loss of land, structures and other assets to the project affected families as per the entitlement matrix (refer Chapter 2), they will be assisted in income restoration and provide economic rehabilitation assistance to those who will lose livelihood, they will receive.

A. Economic rehabilitation grant

All vulnerable families including Title holders and Non-titleholders

Displaced wage employees

Displaced squatters

B. Transitional allowance

C. Assistance for loss of wages

D. Training for skill upgrading

5.2 Road Map for Livelihood Restoration and Enhancement

Micro plans will be prepared to support the affected families, based on the R&R policy. The eligibility of a person for support as per the R&R policy will be detailed in the micro plan on the basis of which Resettlement and Rehabilitation measures are suggested. Support Organisation in charge of RAP implementation will prepare these micro plans in consultation with the affected parties. The details of the micro plan need to be submitted to the DPMU along with detailed notes and supporting documents wherever necessary. The Titleholders in general are eligible for compensation for their property. Replacement value for land and property as fixed by the District purchase Committee. The Non-titleholders i.e. the ragpickers are eligible for special assistance as per the R&R policy. Vulnerable categories are protected through economic rehabilitation measures. Ascertaining the eligibility for each affected person, the SO will prepare a detailed micro plan. This will include the following:

- Identification of PAPs requiring livelihood restoration
- Verification of PAPs and issue of Identity Cards
- The SO conducting survey on livelihoods and skills
- The SO to prepare a list of feasible livelihoods Restoration and Enhancement options.
- While identifying Livelihoods Restoration and Enhancement options, the SO will consider the following factors:
 - Existing Skills
 - Literacy levels of Project affected persons,
 - Skill Enhancement Requirements
 - Resources for Skill Enhancements
 - Sustainability of Livelihoods Interventions
 - Economic activities taken up during post-displacement period
 - Suitability of economic activity to supplement the income, and
 - Market potential and marketing facilities.
- Choosing Livelihood Restoration and Enhancement options by project affected persons – Informed Choices
- Identification of Skilling Institutes/ Resource Persons
- Preparation of a Micro Plan for each of the project affected Persons
- Skilling of project affected persons
- Linkages with Government Programs
- Linkages with Banks/ Lending Institutions
- Leverages through community Grouping/ Federating
- Handholding the project affected persons
- Progress monitoring
- Corrective actions
- Reporting to DPMU

5.3 Key Roles of SO

The SO will assist in identifying appropriate alternative economic rehabilitation schemes from the list of government schemes/ market demand. It shall counsel and consult the Project Affected Persons on their preferred options. SO in consultation with the Project Affected Persons, should prepare the Livelihoods Restoration and Enhancement proposals in the form of Micro Plans. The Micro Plan for each Project Affected Person will be submitted to DPMU for approval. Upon approval, the SO will commission the Resource Persons/ Resource Institutes for skilling of the project affected persons. The scope of work of the SO to be engaged for the implementation support includes all the above aspects related Livelihoods Restoration and Enhancement.

6 Institutional Mechanism

6.1 Introduction

This section further details out the information provided above on the institutional arrangement to carry out the SIA and preparation of RAP in accordance with the RFCTLARRA 2013 and its state rules to purchase assets through negotiated settlement and World Bank Operational Policy 4.12.

6.2 Administrator of LARR

The jurisdictional Additional Collector will be the administrator for Land Acquisition, Resettlement and Rehabilitation (LARR). The jurisdictional Additional Collector being the competent authority for land acquisition, s/he will also look into Resettlement and Rehabilitation and s/he will be supported by the Project Director, SPMU in implementation of resettlement plan.

6.3 Implementation Agencies

For resettlement activities, the State Project Management Unit at state level will be supported District Management Units at district level with the support of Consultants will be overall in charge of coordination between the Suchitwa Mission and ULBs.

SPMU is headed by the Project Director and responsible for all activities related to resettlement and rehabilitation. For social safeguards compliance, Environment and Social Development Unit (ESDU) has been setup and will report to The PD. The state ESDU will have designated Social Development Specialist, The District ESDU will be strengthened with Social Experts who will be responsible to coordinate the land acquisition activities. The District level Support Organisation will be responsible for carrying out the implementation of RAP.

Table 9: Implementation Agencies and Key Responsibilities

Key Agency	Responsibilities
SPMU Level	
GoK	Decision of State Govt. on report of Collector Appointment of R&R Administrator. Preparation of Draft R&R Scheme and preparation of final R&R Scheme by collector Approval of R&R Scheme & Publication of approved R&R Scheme

Project Director, SPMU	<p>Responsible for all activities related to LA and R&R.</p> <p>Make final decision on sub-projects to be included under the project</p> <p>Overall responsibility for project design, feasibility, construction and operation and guide DPMU</p> <p>Ensure that all subprojects comply with the provisions of WB safeguards policies and GoI's policies and regulations</p>
Social Development Specialist, S- ESDU	<p>Coordinate preparation and implementation of SIA and RAP</p> <p>Coordinate estimate on impact to land assets and non-land assets for titleholders and non-titleholders.</p> <p>Assess risks and opportunities for affected people. Identify strategies and options to restore livelihoods and quality of life.</p> <p>Review RAP prepared by the SIA consultants and finalizes the same.</p> <p>Coordinate implementation of labour influx management plans and gender action plan.</p> <p>Coordinate with Contractor and Independent Authority to mitigate construction induced impacts</p> <p>Disclosure of project information in public spaces and through relevant media.</p> <p>Coordinate with implementing partners resolution information dissemination of GRM system and reporting on complaints</p> <p>Coordinate the monitoring report prepare monthly monitoring report.</p> <p>Submit semi-annual safeguards monitoring reports to WB</p> <p>Providing training to government personnel and contractors in preparing and managing resettlement activities and function as a resource person for LA and R&R.</p> <p>Overall monitoring of progress of LA and R&R activities at SPMU level</p>
S-ESDU support the District level D-ESDUs	<p>Disseminate project information to the project affected community with assistance from DPR Consultants</p> <p>Ensure information is displayed on the Toll-free Grievance Redress system in coordination with the Contractor</p>
District Level	
District Collector	<p>Preparation of Draft SIA report & Final SIA report & RAP</p> <p>Consent of affected land owners, Publication of Preliminary Notification u/11, Preliminary survey of land disposal of objections & report to Govt.</p> <p>Publication of Declaration of Acquisition</p> <p>Notice of file Claim, Determination of Land Rates u/s 26, award of Land and R&R and payment of award by Collector.</p> <p>Possession & vesting land</p> <p>Preparation of the Award</p> <p>Determination of the value of the affected structures</p> <p>Disbursement of the compensation</p> <p>Identification of land for resettlement and construction of the resettlement colony, if required</p>
D-ESDU	<p>Submission of LA application</p> <p>Review IR impact categorization checklist, subproject appraisal note and undertake field visits and advise the field units about the RAP</p> <p>Ascertain the extent of private land to be acquired and extent of government to be transferred and liaison with the jurisdictional Additional Collector and concerned government departments in getting possession of the same.</p> <p>Ensure payment of compensation and R&R assistance to the PAPs</p> <p>Coordinate with Additional Collector and field units in identifying suitable land</p>

	<p>for resettlement sites and monitor the progress of development of site and relocation of PAPs.</p> <p>Ensuring the publication of notifications and declaration specified under the Sections 11 and 19 of the RFCTLARRA 2013 on behalf of the Additional Collector.</p>
Social Expert at D - ESDU to support the and District Administration	<p>Facilitate the socio-economic impact assessment survey</p> <p>Review and approve micro plans, containing the list of PAPs and their entitlements, prepared by field units.</p> <p>Obtain necessary approval for the micro plans and make necessary funds available for disbursement and for development of resettlement sites. Prepare micro plan; Facilitate the process of disbursement of compensation to the PAPs – coordinating with the D-ESDU and informing the displaced persons of the compensation disbursement process and timeline; Assist PAPs in opening bank accounts explaining the implications, the rules and the obligations in having a bank account, process of disbursement adopted by the Additional Collector and how s/he can access the resources s/he is entitled to; Assist the PAPs in ensuring a smooth transition full relocation of the affected persons), helping them to take salvaged materials and shift; in consultation with the PAPs, inform the D-ESDU about the shifting dates agreed with PAPs in writing and the arrangements they desire with respect to the entitlements; Organize training programs to the vulnerable for income restoration; Conduct meaningful consultations throughout the RAP implementation and ensure disclosure of the summary of RAPs in an accessible manner to the displaced persons; Assist PAPs in grievance redressal process; Assist D-ESDU in keeping detailed records of progress and monitoring and reporting system of RAP implementation; and Act as the information resource center for community interaction with the project and maintain liaison between community, contractors, project implementing units and the administrator, during the execution of the works.</p> <p>Facilitate consultation by the civil works contractor with community throughout implementation</p> <p>Supervise the implementation of mitigation measures and it's progress</p>
SIA Consultants	<p>Minimize IR impact through judicious design</p> <p>Undertake consultations involving community and PAPs</p> <p>Conduct socioeconomic impact assessment survey</p> <p>Prepare RAP document as required</p>
Support Organisation	<p>Complete screening checklist</p> <p>Will be responsible for implementation of RAP.</p> <p>Livelihood restoration plan for the affected including ragpickers.</p> <p>Carry out consultation with the Host community</p>
Project Management Consultant (PMC)	<p>Ensure compliance of WB's OPs during project implementation</p> <p>Preparation of semi-annual monitoring reports based on the monitoring</p> <p>Monitor compliance of RAP</p>
Contractor	<p>Consult community and D-ESDU regarding location of construction camps</p> <p>Sign agreement with titleholder for temporary use and restore land to equal or better condition upon completion</p> <p>Commence construction only when land is free of encumbrance</p> <p>Respond in a timely fashion to recommendations from GRM</p>

7 Grievance Management

7.1 Grievance redressal

The Grievance Redress Mechanism will be based on dedicated Toll Free number to track complaints and ensure accessibility to women and vulnerable. This includes register, resolution and closing the complaint within a stipulated time frame. Community concerns will generally be addressed during the project preparation stage through information dissemination, the transect walk and community consultations. In addition to the project specific Grievance Redress Mechanism, given in the TDF-SMF, the following redress mechanism are also available to the Project Affected Persons and other aggrieved parties.

- ❖ Form committee at LSGD with the following members – Project Director, State level Officials from Revenue, Tribal, Women and Child Welfare, and Labour departments. Ensure presence of designated Social Specialist at SPMU as principal coordinator for GRM to formally sort, review, record, process and report on Grievance Redressal.
- ❖ Put up ‘Public Information Boards’ at key sub-project locations displaying the details of contact persons/agencies for lodging the grievance/complaint.
- ❖ Develop the systems, formats to record and report.
- ❖ Train the officers on the GRM handling
- ❖ Ensure information on GRM to the communities during DPR preparation

8 Monitoring and Evaluation

8.1 Introduction

This RPF requires detailed supervision, monitoring and evaluation of the impact of the project on the social aspects. S-ESDU will have a Social Development Specialist, Gender Specialist and Communication Specialist. Likewise there will be a Social and Communication Expert stationed at the D-ESDU. The Support Organisation (SO) will support the D-ESDU in all the matters related to the monitoring and evaluation of the sub-projects. Implementation of the provisions of RPF will be new to these staff and hence several orientations and trainings are proposed as a part of the Capacity Building program in TDF-SMF.

8.2 Monitoring and Evaluation Arrangements

In order to achieve the objectives of this RPF and to ensure the RAPs are implemented in a proper manner, the following provisions are made in this RPF:

- Supervision and Monitoring and Evaluation is by SO and D-ESDU at the district and ULB level. The SO will support the D-ESDU and PIU of the ULBs.
- The SO will prepare and submit field level social safeguards monitoring and compliance report to D-ESDU. The DPMC will review and consolidated Social Safeguards Monitoring Reports and submit these to the D-ESDU. The D-ESDU will review and approve and submit to S-ESDU.
- The quarterly monitoring reports will be prepared by S-ESDU and submitted to the World Bank.
- Independent Safeguards Audit (ISA): Half-yearly Social Audit, of RPF and RAP implementation by Independent Audit will be carried out by S-ESDU.
- S-ESDU will carry out field visits to all sub-projects, the progress of implementation.

The broad monitoring indicators are given below:

Table 10: Social Indicators for project investments		
Monitoring Indicators	Frequency	Agency

Table 10: Social Indicators for project investments

Monitoring Indicators	Frequency	Agency
Social Indicators (Disaggregated by Gender and Tribals) <ul style="list-style-type: none"> • Adequacy of entitlements (replacement cost, allowances, income generation grant, etc.) • Time taken for payment of entitlements • Time taken for land acquisition • Number of grievances registered and resolved • Number of court cases • Income patterns (of various type of households including women headed households and other vulnerables) • Land holding status • Changes in occupations • Housing status (area, floor, walls, roof, etc.) • Ownership of household assets • Women and other vulnerables doing jobs • Women and other vulnerables in various committees • Livelihood assistance to women and other vulnerables • No. of female owned enterprises/ No. of female contractors • Tribal doing jobs in project • Livelihood assistance to tribals • No. of Tribals owned enterprises/ No. of tribals contractors 	<ul style="list-style-type: none"> • Monthly by DPMUs through SO • Annually by SPMU • Half Yearly by ISA Consultants 	<ul style="list-style-type: none"> • SPMU guiding the collection of information on indicators • Independent Quarterly Monitoring • Implementing Agencies/ Contractors • Independent Safeguards Audit Consultants

8.2.1 Independent Safeguards Audits

The SPMU will appoint Independent Safeguards Audit Consultants to conduct half-yearly Social Audit of selected sub-projects for compliance with the TDF-SMF and RPF. This Social Audit will be conducted from the second year of project implementation. The sample will be representative. All sub-projects will be selected for SIA each half-year. Each half-year a minimum of 10% of ongoing sub-projects and 20% new sub-projects will need to be sampled for this audit.

9 Budget

9.1 Budget Estimate

The exact amount of land required for the Sub-projects and the locations of these land parcels will only be known after the project DPR is prepared. The land rates will vary across districts and villages. The rates are indicative and for estimation purposes only. The budget estimated for implementing this RPF is given below:


Table 11: Budget Estimate

S.No.	Particulars	Quantity	Rate in Rs.	Amount in Rs.
1	Land for sub-projects at several locations	100 acres	1,00,00,000	100,00,00,000
2	Cost of Assets and attachments to land	50% of land cost	Lumpsum	50,00,00,000
3	Fee paid to Revenue Department for Land Acquisition	5% of land cost	Lumpsum	5,00,00,000
4	Documentation, Registration, etc. costs.	10% of land cost	Lumpsum	10,00,00,000
5	R&R Entitlements: At a rate of Rs 5 lakhs PAPs including rap-pickers	500 PAPs	10,00,000 per PAP	50,00,00,000
6	Livelihood Restoration and Enhancement Measures	500 PAPs	5,00,000 per PAP	25,00,00,000
7	M&E		Lumpsum	10,00,00,000
	Total (~US\$ 35M)			250,00,00,000

ANNEXURES

Annexure 1: Kerala Negotiated Purchase RFCTLARR Act 2013

13856
14/10/15



GOVERNMENT OF KERALA
Abstract
Revenue Department - State policy for Compensation and Transparency in Land Acquisition - Approved - Orders issued.

REVENUE (B) DEPARTMENT
G.O.(Ms) No.485/2015/RD. Dated, Thiruvananthapuram, 23/09/2015.
Read :- G.O.(P) No.470/2015/RD dated 19/09/2015.

ORDER

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with the objective of ensuring just and fair compensation and rehabilitation for the affected families due to compulsory acquisition of land for public purpose. This Act came into force w.e.f. 01/01/2014. The State Government as per G.O. read above has approved Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Kerala) Rules, 2015.

2. Section 108 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for framing a state law/policy which provides higher compensation than that calculated under this Act for the acquisition of land so that the affected person or his family or member of his family can opt to avail such a higher compensation under such state policy.

3. Therefore, in order to speed up and simplify the procedures of land acquisition for public purpose, Government are now pleased to approve a state policy for compensation in land acquisition as appended to this order. The important objective of this policy is to conduct negotiations with the land owners and reach consensus on compensation and rehabilitation by the District Level Fair compensation, rehabilitation and resettlement committee (DLFC) and approval of the same by the State Level Empowered Committee (SLEC).


(By Order of the Governor)

Dr. Vishwas Mehta
Principal Secretary to Government

To

The Commissioner, Land Revenue, Thiruvananthapuram
All District Collectors
The Public Works /Water Resources/Industries/Power/Transport/
Local Self Government/IT Departments
The Accountant General (Audit/A&E) Kerala, Thiruvananthapuram
The Finance Department
General Administration (SC) Department
Information & Public Relations (W&NM) Department
Stock File/Office Copy,

Forwarded/By Order


Section Officer,

Appendix

Policy of the State of Kerala for compensation in land acquisition

Introduction

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with the objective of ensuring adequate compensation and Rehabilitation & Resettlement to Land owners whose land are compulsorily acquired by the State for bonafide public purposes. Section 108 of the Act empowers the Government to frame law or policy which provides a higher compensation than calculated under this Act for the acquisition of land and thereby enabling the land owner to exercise option either to avail such higher compensation for Rehabilitation and Resettlement under such policy of the State or to go by the provisions of the Act. Kerala is a State with high population density and whenever Government resorts to acquisition of land for public purpose, families get displaced from their ancestral properties and lose lands which are often their sole livelihood. In order to ensure that immediate relief by providing enhanced compensation and Rehabilitation & Resettlement package to such affected families, Government of Kerala felt the need for framing an adequate policy on the subject.

Objectives

Government aims to ensure the following relief to the land losers through this policy.

1. The land losers are provided with just and reasonable compensation for land acquired, relieving them from the burden of approaching judicial forums for enhancement of compensation.
2. Rehabilitation & Resettlement policy as provided in the Act along with additional packages including employment/stake holdings in eligible cases according to the nature of the project.
3. Disbursement of compensation before taking possession of land and ensuring Rehabilitation and Resettlement packages including infrastructural amenities as provided in the third schedule of the Act within 18 months of the date of publication of DD.
4. Transparency in procedures and less negative impact ensuring the land losers that their socio-economic status does not fall below what it was before the acquisition.

Frame work of the policy

The general provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to all land acquisitions. Social Impact Assessment (SIA) study shall be conducted in projects where it is mandatory and preliminary notification under Section 11 of the Act shall be published after approval of the project by the Expert Committee.

- (1) The Government shall constitute a District Level Fair Compensation, Resettlement and Rehabilitation Committee in every District.
- (2) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall have the following Members:

-3-

- i) District Collector
- ii) Administrator for Resettlement and Rehabilitation
- iii) Land Acquisition Officer
- iv) Finance Officer
- v) Representative of the Requiring Body empowered to take financial decisions on its behalf.
- vi) Representative of the Local Self Government Institution of the area where the land is situated.

Provided that where the affected area covers more than one district, the District Level Fair Compensation, Resettlement and Rehabilitation Committee of the district, where major portion of the land to be acquired belongs to, shall function as District Level Fair Compensation, Resettlement and Rehabilitation Committee to take action in the matter.

- (3) The District Collector will verify the title deeds, non-encumbrance certificate, basic tax receipt, building tax receipt, possession certificate and other relevant records of each parcel of land to be acquired.
- (4) The District Government Pleader or any other advocate specially authorized by the District Collector in this behalf will scrutinize the title deeds, and other documents relating to ownership and possession and give necessary recommendation to the District Collector.
- (5) The District Collector shall, within 7 days of the preliminary notification under Section 11, send the SIA Report and other relevant documents to the District Level Fair Compensation, Resettlement and Rehabilitation Committee.
- (6) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall fix the parameters and shall define criteria for categorization of land as per the local needs to fix land value and the same may be approved by the Committee. The Committee should take utmost care in determining the criteria for categorization. There should not be any ambiguity regarding classification. The authority to change the categorization once approved by the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall rest only with the SLEC.
- (7) After categorization of lands, land value shall be arrived at as per the provisions of the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and keeping this as the basis land value and taking into consideration the existing market value of the land make negotiation with the land owners and reach consensus with them on the final land value
- (8) The Committee will finalise the estimate of a fair and reasonable price of land and compensation along with the Rehabilitation and Resettlement package to be given to the affected person/family. The Committee shall ensure that eligible affected family is given Rehabilitation & Resettlement as envisaged in the second and third schedule of the Act.
- (9) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall send the estimate arrived as above, in Annexures I & II to the State Level Empowered Committee for approval.

-4-

- (10) The Government shall constitute a State Level Empowered Committee which shall have the following members:
- (i) Chief Secretary
 - (ii) Revenue Secretary
 - (iii) Secretary of the Administrative Department
 - (iv) Law Secretary
 - (v) Finance Secretary
- (11) The State Level Empowered Committee shall approve the estimate or return it for reconsideration by the District Level Purchase Committee with suggestions/observations that it thinks fit.
- (12) The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall, within 15 days of the receipt of such approval with or without changes, send individual notices to the affected families and affected persons apprising them of the provisions of the law or policy and giving them a date to appear before it on a specified date for the purpose of considering settlement of compensation and resettlement and rehabilitation claims on the basis of the policy.
- (13) On the date fixed as above, the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall explain the policy to the affected family or affected person and give them an estimate of the compensation and resettlement and rehabilitation package worked out under the policy.
- Provided that the date so fixed may be adjourned for another date for reasons to be recorded. Provided further that the proceedings shall not be adjourned for more than a period of 30 days in all from the first date.
- (14) At the proceedings, the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall present the estimated compensation and resettlement and rehabilitation package to the affected family or affected person and explain the terms and conditions of the same.
- Provided that the District Level Fair Compensation, Resettlement and Rehabilitation Committee may change the compensation and relief and resettlement package for the benefit of the affected family or affected persons to the extent of 10% in order to arrive at a mutually acceptable settlement. If District Level Fair Compensation, Resettlement and Rehabilitation Committee feels that a higher payment exceeding 10% is absolutely necessary, then the proceedings may be recorded and sent to SLEC for approval.
- (15) The affected family or affected persons shall thereupon submit their consent to having their claims settled according to such law or policy of the State instead of settling the same under the Act.
- Provided that the affected families or affected persons who earlier rejected the negotiated settlement may, by a written application to the Collector, shall choose the option of the State policy at any time before passing the final award under Sections 30 and / or 31.
- (16) Upon receiving the consent of the affected person or affected family, the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall submit the consent along with minutes of its proceedings to the Collector for finalizing the conveyance of land in terms of the consent.

-5-

- (17) The Collector, upon receiving the consent, shall cause a Sale Deed in terms of the settlement arrived at in the proceedings before the District Level Fair Compensation, Resettlement and Rehabilitation Committee to be executed and registered between himself and the affected family or affected person.
- (18) The Collector shall ensure that the draft declaration under Section 19 of the Act has been published before proceeding with the execution of the sale deed.
- (19) The designated officer of the concerned project authority will take steps to effect necessary changes in the classification of land through the Taluk Tahsildar on the basis of the copy of the registered deed obtained from the Office of the Sub Registrar.
- (20) The Compensation or package received by the affected family or affected person shall not be subject to income tax or any other levy.
- (21) The compensation and package agreed upon shall be paid into the bank account the details of which shall be submitted by the affected family or affected person along with the consent.
- (22) On completion of the conveyance the Collector shall take possession of the land immediately, provided that the Collector may, on a written application by the affected family or affected person, accord sanction for extension of taking of possession of the land by a period not exceeding 30 days.
- (23) No conveyance made under these rules shall be called in question in any court of law on any ground except that the same was executed by a person other than the one who was competent to do so.

Appendix-I

Check List for District Level Purchase Committee

1. Whether the title of the land is clear :
2. Whether any Government land is involved :
3. Criteria for categorization :
4. Criteria for fixing land value :
5. Decision of the DLPC :

-6-

Appendix-II

FORMAT FOR SUBMITTING PROPOSALS FOR SLEC

I.

Category	Total Extent of land in Area	No. of title holders	No. of title holders who have given consent	Land value as per BVR in Area	Land Value 100%+ solatium + 12% additional land value	Land value decided by the DLPC (per Acre)	% of increase	Existing fair value
A								
B								
C								
D								
Total								

- II** Budget provision under H/A 5054-80-800-65 LA for Government purposes
- III** Amount already released
- IV** Balance available
- V** Approx. amount proposed to be released for compensation in the present case
- VI** Amount recommended for release
- VII** Whether percentage of increase is justified

Annexure 2: Kerala State R&R Policy 2017

File No.REV-B1/264/2017-REV



GOVERNMENT OF KERALA

Abstract

Revenue Department - Rehabilitation and Resettlement Package for acquisition of Land in the State in lieu of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 - Approved - Orders issued.

REVENUE (B) DEPARTMENT

G.O.(Ms)No. 448/2017/RD Dated, Thiruvananthapuram, 29/12/2017

Read: 1 G.O (Ms) No 419/11/RD dated 15.11.2011.

2 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

3 Minutes of the meeting convened by ACS (Revenue) on 29.05.2017

ORDER

Land acquisition for public purpose in the State is done by invoking the provisions contained in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, National Highways Act, 1956 and by Direct/Negotiated purchase. In view of the introduction of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 the necessity for a clear and transparent policy for rehabilitation and resettlement was felt.

The meeting convened by Additional Chief Secretary (Revenue) on 29.05.2017 inviting Finance Secretary, Law Secretary, Secretary PWD, Transport Secretary, Commissioner, Land Revenue & District Collector, Thiruvananthapuram discussed the various issues related to the formulation of State Policy on Rehabilitation & Resettlement in lieu of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The Committee observed that the State of Kerala is facing several problems with regard to Land Acquisition. Still resistance from all corners are being faced by the Land Acquisition Officers (LAO). The Committee viewed that organized resistance from petty traders, shop owners are faced during this entire process. Owing to the experience gained over a past couple of years, the Committee decided to slightly deviate from those

File No.REV-B1/264/2017-REV

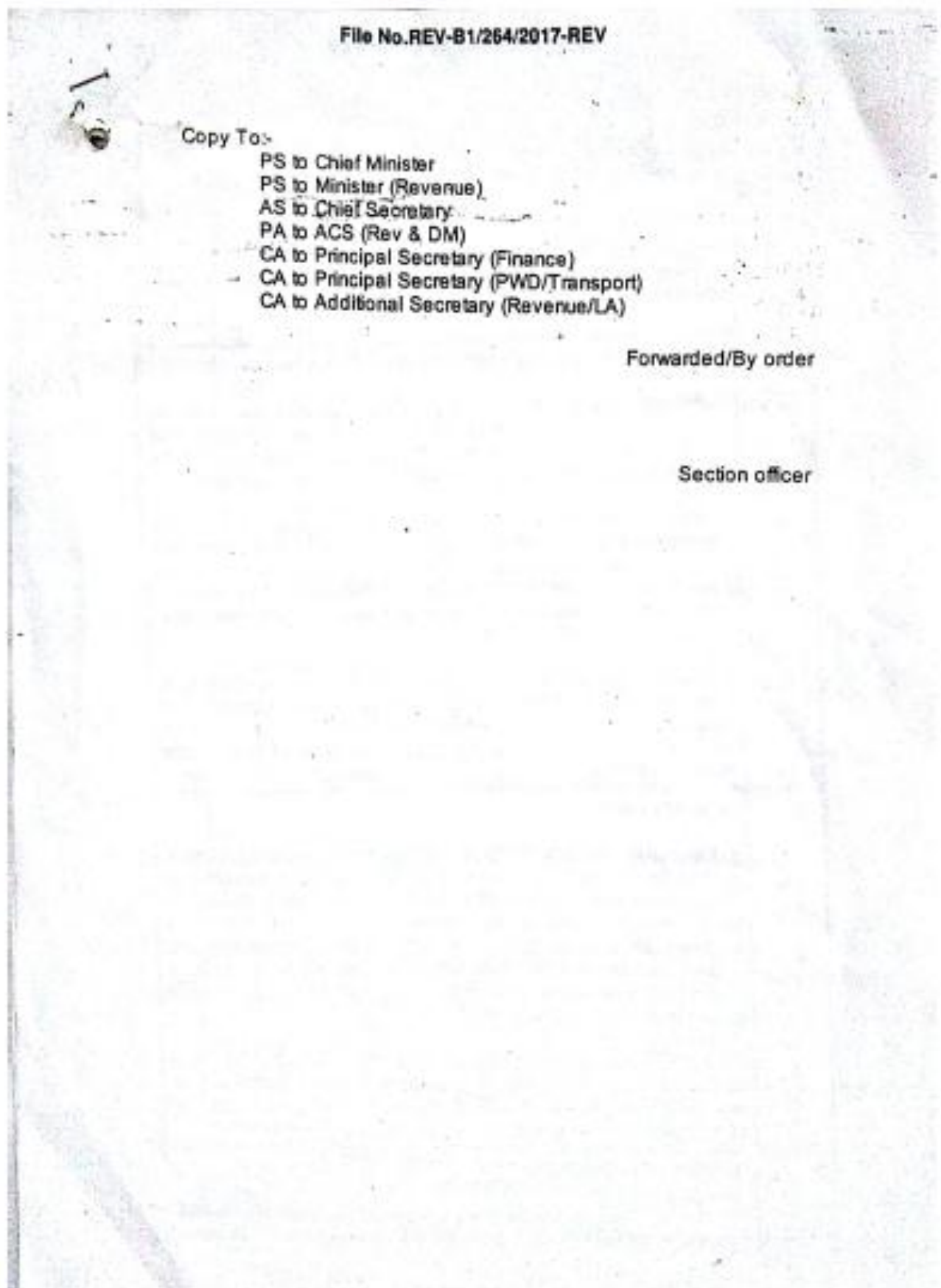
provided under the 2nd schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and give more compensation to the affected parties considering the prevailing conditions existing in the State. On serious and deliberate discussions the Committee unanimously came to the conclusion for providing more assistance rather than included in the 2nd schedule of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Government have examined the matter in detail and are pleased to approve a comprehensive Rehabilitation and Resettlement Policy as appended to this order for land acquisition in the State slightly deviating from those provided under the 2nd schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and give more compensation to the affected parties considering the prevailing conditions existing in the State. This Rehabilitation and Resettlement Policy will be applicable to all land acquisition cases in the State, ie, by invoking the provisions contained in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, National Highways Act, 1956 and by Direct/Negotiated purchase. This Rehabilitation and Resettlement Policy will have effect from the date of this order where the land acquisition award has not been passed.

By order of the Governor
P H KURIAN

ADDITIONAL CHIEF SECRETARY

To:- The Commissioner of Land Revenue, Thiruvananthapuram.
All District Collectors.
The Public Works/Water Resources/Industries/Power/Transport/Local Self Government/IT Departments.
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.
The Accountant General (A&E), Kerala, Thiruvananthapuram.
The Finance Department (Vide UO No 514877/Exp-A1/267/201 dated 20.07.2017)
General Administration (SC) Department (Vide Item No. 1784 dated 26.12.2017).
Information and Public Relations Department
Stock File / Office Copy



APPENDIX

Sl. No.	State Policy on Rehabilitation and Resettlement
1	<p>Provision of housing units in case of displacement:</p> <p>1. If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 Sq mts in plinth area.</p> <p>2. The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area.</p> <p>PROVIDED that any such family in urban /rural areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than Rs 300000(three lakhs rupees only) irrespective of their annual financial income.</p>
2	<p>Land for Land</p> <p>In the case of irrigation project, affected family owing agricultural land in the affected area and whose land has been acquired or lost, or who has, as consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired:</p> <p>PROVIDED that in every project those persons losing land and belonging to the Scheduled Castes or Scheduled Tribes will be provided land equivalent to land acquired or two and a one half acres, whichever is lower.</p>
3	<p>Offer for developed Land:</p> <p>In case the land is acquired for urbanization purposes, twenty percent of the developed land will be reserved and offered to</p>

File No.REV-B1/264/2017-REV

	<p>land owing project affected 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.</p> <p>PROVIDED that in cases the land owing project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.</p>
4	<p>Choice of Annuity or Employment:</p> <p>The appropriate Government shall ensure that the affected families are provided with the following options:</p> <p>(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 affected family in the project or arrange for a job in such other project as may be required; or</p> <p>(b) One time payment of five lakhs rupees per affected family; or</p> <p>(c) Annuity policies that shall pay not less than three thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for agricultural Labourers.</p>
5	<p>Subsistence grant for displaced families for a period of one year</p> <p>Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to five thousand rupees per month for a period of one year from the date of award.</p> <p>In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.</p>
6	<p>Transportation cost for displaced families:</p> <p>Each affected family which is placed shall get a one-time financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building, materials, belongings and cattle.</p>

File No.REV-B1/264/2017-REV

7	<p>Cattle Shed/Petty Shops cost:</p> <p>Each affected family having cattle or having a petty shop shall get one-time financial assistance subject to a minimum of twenty five thousand rupees and maximum of Rs. 50,000/- (Fifty thousand rupees) for construction of cattle shed or petty shop as the case may be.</p>
8	<p>One time grant to artisan, small traders and certain others:</p> <p>Each affected family of an artisan, small trader or self employed person or an affected family which owned non agricultural land or commercial, industrial or institutional 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 fifty thousand rupees.</p>
9	<p>Fishing Rights:</p> <p>In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs.</p>
10	<p>One time Resettlement Allowance:</p> <p>Each affected family shall be given a one-time "Resettlement Allowance" of fifty thousand rupees only.</p>
11	<p>Commercial Tenants</p> <p>One time assistance of Rs. 2,00,000/- (Rupees Two lakhs only) to meet all shifting charges and social costs. Provided, such assistance would not be provided to companies, banks, financial institutions & large shops having a carpet area of more than 2000 sq.ft.</p>
12	<p>Employees working in commercial establishments</p> <p>Rs.6,000/- (Rupees Six thousand only) p.m for 6 months for loss of livelihood for the employees working in the said commercial establishment for 3 years prior to acquisition.</p>
13	<p>Residential family Tenants</p> <p>They will provided a one time shifting allowance of Rs.30,000/- (Rupees thirty thousand only)</p>
14	<p>Encroachers who live or run their business on puramboke</p>

File No. REV-B1/264/2017-REV

	land for a minimum period of 3 years preceding the date of 4(1) notification of Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or date of Preliminary Notification of the concerned Act as the case may be:
	1. Rs. 5,000/- p.m (Rupees Five thousand only) for 6 months.
	2. Value of Structure/Improvements on land valued as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act.
15	Place of worship.
	In addition to land and structural value, shifting charge of actual expenditure subject to a maximum of Rs. 1,00,000/- (Rupees One lakh only) wherever necessary.

Annexure 3: Baseline Profile of 87 Municipalities

S No	District	Municipality	No of HH	HH Size	Sex Ratio	Population			Schedule Caste	Schedule Tribe			Literacy			Work force			Work Participation Rate		
						Total	Male	Female		Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
1	Thiruvananthapuram	Attingal	9768	3.8	1196	37346	17009	20337	4057	48	23	25	32758	14919	17839	11670	8170	3500	31.25	48.03	17.21
2		Neyyattinkara	18176	3.9	1053	70850	34513	36337	7772	131	70	61	60559	29947	30612	24095	18583	5512	34.01	53.84	15.17
3		Nedumangad	15576	3.9	1073	60161	29016	31145	5752	263	132	131	50824	24975	25849	21480	16142	5338	35.70	55.63	17.14
4		Varkala	9498	4.2	1187	40048	18312	21736	5885	134	69	65	33282	15318	17964	13166	9273	3893	32.88	50.64	17.91
5	Kollam	Karunagappally	6310	4.0	1073	25336	12219	13117	2235	82	41	41	21754	10661	11093	7968	6151	1817	31.45	50.34	13.85
6		Paravoor	9074	4.1	1207	37245	16874	20371	4528	52	23	29	30967	14183	16784	10383	7917	2466	27.88	46.92	12.11
7		Punalur	12606	3.7	1119	46702	22039	24663	4054	356	165	191	39976	19150	20826	15025	11544	3481	32.17	52.38	14.11
8		Kottarakkara	7669	3.9	1116	29788	14075	15713	4234	78	45	33	26252	12460	13792	9875	6749	3126	33.15	47.95	19.89
9	Alappuzha	Alappuzha	57415	4.2	1070	240991	116439	124552	5610	669	312	357	209201	101927	107274	85265	62283	22982	35.38	53.49	18.45
10		Chengannur	6278	3.7	1146	23466	10933	12533	2588	75	32	43	21299	9932	11367	7262	5165	2097	30.95	47.24	16.73
11		Cherthala	11416	4.0	1065	45827	22192	23635	1530	112	57	55	40594	19819	20775	19972	12473	7499	43.58	56.20	31.73
12		Kayamkulam	16392	4.2	1094	68634	32784	35850	4477	137	75	62	58519	28269	30250	22088	17125	4963	32.18	52.24	13.84
13		Mavelikkara	7184	3.7	1189	26421	12070	14351	3776	27	15	12	23621	10785	12836	8013	5626	2387	30.33	46.61	16.63
14		Haripad	4137	3.8	1147	15588	7262	8326	1137	42	20	22	13829	6451	7378	5482	3650	1832	35.17	50.26	22.00
15	Pathanamthitta	Adoor	7911	3.7	1123	29171	13741	15430	3621	38	13	25	25772	12212	13560	8323	6305	2018	28.53	45.88	13.08
16		Pathanamthitta	9813	3.8	1116	37538	17744	19794	3292	131	61	70	32910	15605	17305	12253	8922	3331	32.64	50.28	16.83
17		Thiruvalla	13952	3.8	1131	52883	24817	28066	4488	237	115	122	47768	22376	25392	16303	11574	4729	30.83	46.64	16.85
18		Pandalam	5905	3.8	1145	22635	10551	12084	4199	55	28	27	20058	9372	10686	7331	5155	2176	32.39	48.86	18.01
19	Idukki	Thodupuzha	12604	4.1	1036	52045	25563	26482	2146	572	260	312	44799	22239	22560	17739	13447	4292	34.08	52.60	16.21
20		Kattappana	10419	4.1	1016	42646	21159	21487	2585	524	251	273	36418	18221	18197	18330	12196	6134	42.98	57.64	28.55
21	Kottayam	Kottayam	14366	3.9	1075	55374	26687	28687	3726	172	67	105	49592	23970	25622	19739	14282	5457	35.65	53.52	19.02
22		Palai	5280	4.2	1048	22056	10768	11288	626	79	42	37	19897	9698	10199	8213	5813	2400	37.24	53.98	21.26
23		Vaikom	6068	3.8	1055	23234	11304	11930	1820	109	53	56	20750	10205	10545	9158	6212	2946	39.42	54.95	24.69
24		Changanassery	11792	4.0	1087	47685	22854	24831	3718	78	44	34	42222	20277	21945	15699	11435	4264	32.92	50.04	17.17
25		Erattupetta	7686	4.5	983	34814	17555	17259	423	202	103	99	28963	14862	14101	11273	9554	1719	32.38	54.42	9.96

26		Ettumanoor	6638	4.1	1034	26993	13273	13720	1475	126	69	57	23967	11819	12148	9709	7135	2574	35.97	53.76	18.76
27	Ernakulam	Aluva	5641	4.0	1033	22428	11031	11397	835	90	38	52	20208	9975	10233	7798	5541	2257	34.77	50.23	19.80
28		Angamaly	8405	4.0	1022	33465	16547	16918	1419	68	35	33	29498	14737	14761	12606	9000	3606	37.67	54.39	21.31
29		Kalamassery	17844	4.0	1011	71038	35331	35707	5630	384	190	194	60922	30796	30126	26454	19393	7061	37.24	54.89	19.77
30		Kothamangalam	9663	4.0	1041	38837	19029	19808	2340	125	56	69	33986	16843	17143	14675	10535	4140	37.79	55.36	20.90
31		Muvattupuzha	7414	4.1	1025	30397	15010	15387	1588	139	79	60	26385	13108	13277	10756	8080	2676	35.39	53.83	17.39
32		Paravur	8095	3.9	1092	31503	15060	16443	1577	117	49	68	28005	13451	14554	10560	7909	2651	33.52	52.52	16.12
33		Maradu	11065	4.0	1016	44704	22176	22528	3939	261	132	129	39565	19835	19730	16903	12678	4225	37.81	57.17	18.75
34		Perumbavoor	7103	4.0	1041	28110	13775	14335	2365	26	12	14	24292	12065	12227	9816	7297	2519	34.92	52.97	17.57
35		North Thrikkaripur	3771	4.8	1166	18210	8409	9801	990	17	9	8	14970	7089	7881	5556	3967	1589	30.51	47.18	16.21
36		Thrippunithura	18096	3.8	1046	69390	33918	35472	6547	166	88	78	62255	30548	31707	27700	19061	8639	39.92	56.20	24.35
37		Eloor	7901	4.0	1023	31468	15557	15911	3433	290	149	141	27682	13838	13844	11490	8560	2930	36.51	55.02	18.41
38		Pirayiri	8944	4.6	1041	41359	20265	21094	4216	42	21	21	33305	16861	16444	14509	11272	3237	35.08	55.62	15.35
39		Koothattukulam	4470	3.9	1058	17253	8384	8869	1029	130	58	72	15366	7537	7829	7074	4843	2231	41.00	57.76	25.16
40	Thrissur	Chalakudy	12567	3.9	1086	49525	23744	25781	3401	77	40	37	43615	20954	22661	17588	12797	4791	35.51	53.90	18.58
41		Chavakkad	8269	4.7	1201	39098	17762	21336	825	58	27	31	32454	14706	17748	10445	8226	2219	26.71	46.31	10.40
42		Guruvayoor	5273	3.9	1133	20510	9614	10896	438	52	31	21	17953	8384	9569	6205	4615	1590	30.25	48.00	14.59
43		Irinjalakuda	7461	3.9	1141	28741	13425	15316	2834	46	20	26	25861	12060	13801	9034	6459	2575	31.43	48.11	16.81
44		Kodungallur	8508	4.0	1112	33935	16069	17866	3083	40	18	22	29449	14130	15319	12987	9180	3807	38.27	57.13	21.31
45		Kunnamkulam	13156	4.1	1129	54071	25392	28679	6419	77	33	44	47473	22233	25240	18171	13428	4743	33.61	52.88	16.54
46		Wadakkanchery	3818	4.1	1077	15674	7547	8127	1563	8	3	5	13197	6457	6740	5669	4059	1610	36.17	53.78	19.81
47	Palakkad	Ottappalam	12484	4.3	1121	53792	25359	28433	4765	89	45	44	45486	21725	23761	17700	13125	4575	32.90	51.76	16.09
48		Palakkad	31176	4.2	1052	130955	63833	67122	10068	213	131	82	111537	55619	55918	45696	34988	10708	34.89	54.81	15.95
49		Shoranur	10420	4.2	1097	43533	20757	22776	7423	88	45	43	37700	18243	19457	14655	10901	3754	33.66	52.52	16.48
50		Chittur-Thathamangalam	7974	4.1	1062	32298	15665	16633	3837	30	18	12	26406	13354	13052	12918	8865	4053	40.00	56.59	24.37
51		Pattambi	5897	4.9	1038	28632	14049	14583	3471	37	20	17	23888	11855	12033	8561	7220	1341	29.90	51.39	9.20
52		Cherpulacherry	7538	4.6	1103	34899	16591	18308	3907	69	33	36	29204	13948	15256	10954	8543	2411	31.39	51.49	13.17
53		Mannar	4564	3.7	1169	17067	7869	9198	1691	37	20	17	15120	7032	8088	5456	3890	1566	31.97	49.43	17.03

54		Mannarkad-I	7371	4.7	1091	34839	16658	18181	3147	298	142	156	28303	13788	14515	10990	8533	2457	31.55	51.22	13.51
55	Malappuram	Malappuram	13324	5.1	1066	68127	32974	35153	3319	58	33	25	56346	27385	28961	17029	14490	2539	25.00	43.94	7.22
56		Manjeri	19386	5.0	1059	97102	47171	49931	8257	264	130	134	79893	39077	40816	26101	22142	3959	26.88	46.94	7.93
57		Kottakkal	8488	5.2	1122	44382	20911	23471	1171	113	58	55	36023	16962	19061	10745	9188	1557	24.21	43.94	6.63
58		Nilambur	10223	4.5	1083	46366	22262	24104	3470	945	443	502	38742	18873	19869	13566	10706	2860	29.26	48.09	11.87
59		Perinthalmanna	10287	4.8	1112	49723	23542	26181	5175	103	50	53	41252	19618	21634	13978	11313	2665	28.11	48.05	10.18
60		Ponnani	15816	5.7	1123	90491	42627	47864	5202	196	103	93	70714	34140	36574	22813	20270	2543	25.21	47.55	5.31
61		Tirur	10559	5.3	1131	56058	26308	29750	2717	128	71	57	46711	21904	24807	13594	11702	1892	24.25	44.48	6.36
62		Parappanangadi	6027	5.8	1069	35243	17035	18208	818	42	24	18	27921	13761	14160	9214	8326	888	26.14	48.88	4.88
63		Kattipparuthi /Valancherry	7684	5.2	1077	40318	19407	20911	3342	111	53	58	33024	16015	17009	10482	9029	1453	26.00	46.52	6.95
64		Tirurangadi	9829	5.8	1099	56632	26975	29657	1338	68	25	43	45302	22008	23294	13073	11868	1205	23.08	44.00	4.06
65		Tanalur	8844	5.4	1109	47976	22743	25233	1489	97	50	47	38970	18644	20326	11464	10166	1298	23.90	44.70	5.14
66		Kondotty	5436	5.3	1051	28794	14036	14758	3139	37	16	21	23469	11626	11843	7291	6143	1148	25.32	43.77	7.78
67	Kozhikkodu	Quilandy	16197	4.4	1138	71873	33620	38253	4550	80	35	45	61610	29198	32412	21430	17625	3805	29.82	52.42	9.95
68		Vadakara	15787	4.8	1119	75295	35531	39764	1190	196	94	102	64016	30615	33401	21544	18062	3482	28.61	50.83	8.76
69		Payyoli	5324	4.4	1141	23576	11013	12563	1473	32	19	13	19905	9445	10460	6051	5176	875	25.67	47.00	6.96
70		Mukkom	Na			40670															
71		Koduvally	6723	4.6	1081	30787	14792	15995	1446	270	134	136	24999	12229	12770	7771	6784	987	25.24	45.86	6.17
72		Ramanattukara	7755	4.6	1045	35937	17574	18363	3605	38	20	18	30529	15081	15448	10875	8892	1983	30.26	50.60	10.80
73		Feroke	6716	4.8	1060	32122	15596	16526	2710	47	24	23	27014	13259	13755	9281	7898	1383	28.89	50.64	8.37
74	Wayanad	Kalpetta	7519	4.2	1051	31580	15401	16179	2200	3228	1465	1763	25515	12769	12746	12043	8528	3515	38.13	55.37	21.73
74		Mananthavady	8183	4.2	1051	34663	16899	17764	1535	3855	1858	1997	28340	14122	14218	13598	9402	4196	39.23	55.64	23.62
75		Sulthanbathery	5515	4.2	1052	23333	11370	11963	793	1288	597	691	19130	9502	9628	9148	6332	2816	39.21	55.69	23.54
76	Kannur	Koothuparamba	6465	4.6	1202	29619	13454	16165	402	108	48	60	25651	11670	13981	9656	7086	2570	32.60	52.67	15.90
77		Mattannur	9788	4.8	1078	47078	22658	24420	945	132	69	63	39499	19438	20061	17303	12518	4785	36.75	55.25	19.59
78		Payyannur	16996	4.2	1159	72111	33405	38706	4018	153	80	73	61019	28804	32215	25485	17531	7954	35.34	52.48	20.55
79		Thalassery	19577	4.7	1180	92558	42461	50097	2096	267	124	143	81320	37029	44291	26876	21362	5514	29.04	50.31	11.01
80		Taliparamba	15874	4.6	1145	72465	33779	38686	2814	152	69	83	60914	28775	32139	21314	16599	4715	29.41	49.14	12.19

81		Anthoor	NA			36290															
82		Panoor	3590	4.9	1226	17438	7834	9604	139	60	30	30	14493	6497	7996	4491	3584	907	25.75	45.75	9.44
83		Iritty	7881	4.5	1120	35676	16830	18846											0.00	0.00	0.00
84		Sreekandapuram	4122	4.3	1091	17630	8433	9197	952	38	18	20	14679	7230	7449	5835	4502	1333	33.10	53.39	14.49
85	Kasaragod	Kasaragod	10202	5.3	1058	54172	26319	27853	1543	166	82	84	44478	21818	22660	17429	13147	4282	32.17	49.95	15.37
86		Kanhangad	16174	4.5	1125	73342	34518	38824	1707	754	374	380	60314	28959	31355	25238	17751	7487	34.41	51.43	19.28
87		Nileshwar	5376	4.6	1179	24787	11378	13409	950	57	29	28	20362	9606	10756	7589	5433	2156	30.62	47.75	16.08

Source: Census 2011

