

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. 2009/INFRA/3/1/10 Pt 2

Dated: 23.5.2015

Managing Director,
DFCCIL,
5th Floor, Pragati Maidan
Station Building Complex
New Delhi-110001
Fax-23454605, 23454701

Sub: Approval of Entitlement Matrix for DFC project in accordance with new Land Acquisition Act, 2013.

Ref: (i) DFCCIL letter No. HQ/SEMU/Entitlement Matrix/2015 dated 13.4.15
(ii) This office letter of even No. dated 27.3.15

Reference above, please find enclosed Entitlement Matrix for DFC in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act - 2013, duly approved by Railway Board. It is requested to take suitable action to disclose the Entitlement Matrix as part of Resettlement Policy Framework.

Encl: As above


(Sandeep Srivastava)
Director Planning (Special)
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Copy to:

Mr Atul Agarwal, Senior Transport Specialist, International bank for Reconstruction and Development, Country Office, 70, Lodi Estate, New Delhi-110003: For issue of no objection and with a request to take necessary action for up gradation of the Technical Discussions (13.5.15) for EDFC-3 project to "Negotiations for EDFC-3 Project".

ENTITLEMENT MATRIX

(Effective from January 1, 2015)

THE FIRST SCHEDULE:

Compensation for Land and Value of Assets Attached to Land or Building

S.N.	Component of Compensation Package in respect of land acquired under RFCT-LARR, 2013	Determination Procedure	Eligible Category	Explanatory Remarks
(1)	(2)	(3)	(4)	(5)
1.	Market value of land	To be determined as provided u/s 26 of RFCT-LARR, 2013 and spelled out in Note A and B.	a. Land Owners whose names are recorded in the revenue records, or who have verifiable claims to ownership, compensation u/s 3 c (i) of RFCT-LARR, 2013	A. Compensation for Structure (a) Cash compensation for the building and assets at market value determined u/s 29 of RFCT-LARR, 2013 and Note D. In case of partial impact making unimpaired use of the structure difficult, such as where more than 25% of the structure area is affected, full compensation shall be paid u/s 94 of RFCT-LARR, 2013.
2.	Factor by which the market value is to be multiplied in the case of rural areas	1.00 (One) to 2.00 (Two) based on the distance of project from urban area, as may be notified by the appropriate Government.	b. Registered "lessees", "tenants" or "share croppers" will get an apportionment of the compensation as determined by the Appropriate Government payable under law.	(b) In case of partial impact, 25% additional amount to be paid on compensation award for the affected part of the structure to enable damage repair where the owner/occupier is of his/her own will interested to retain the remaining part of the structure, provided that unimpaired continuous use of such structure is possible without hazards.
3.	Factor by which the market value is to be multiplied in the case of urban areas	1 (One)	c. In case of land occupiers (such as occupiers of abadi lands, assigned lands, or tribes occupying forest lands) with claims/ rights recognized under state/ Central laws covered u/s 3 c (iii), (v) of RFCT-LARR, 2013 will get compensation	(c) Right to salvage material from the affected structures. (d) Three months' advance notice to vacate structures.
4.	Value of assets attached to land or building	To be determined as provided u/s 29 of RFCT-LARR, 2013		
5.	Solatium	Equivalent to one hundred per cent of the market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 for rural areas or serial number 3 for urban areas plus value of assets attached to land or building against serial number 4 under column (2).		

6.	Final award in rural areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 2 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).	with solatium at par with titleholders.	B. Partial impact on Land: In case only a part of any land plot is affected and its owner desires that the whole plot be acquired on the grounds that the plot has been rendered uneconomic or has been severed due to LA (u/s94 RFCT-LARR 2013 and Note C), the competent authority can award compensation for the remaining part of the plot; or award 25% of actual value of remaining land holding as additional compensation allowing the owner to retain the remaining land plot, if agreeable to the land loser. C. Compensation for trees/crops etc. a. Cash compensation as estimated u/s 29(3), RFCT-LARR, 2013 by: - Forest Department for timber trees - State Agriculture Extension Department for crops - Horticulture Department for horticulture, perennial trees - Cash assistance to title holders and non-title holders including informal settlers/squatters for loss of trees, crops and perennials at market value b. Three months' advance notice to affected parties to harvest fruits, crops In case of standing crops, the affected parties shall receive three months' advance notice to salvage crops, or compensation in lieu thereof as determined above. D. Alternative Compensation packages. In case where a State Government through any act or Gazette Notification or as
7.	Final award in urban areas	Market value of land mentioned against serial number 1 multiplied by the factor specified against serial number 3 plus value of assets attached to land or building mentioned against serial number 4 under column (2) plus solatium mentioned against serial number 5 under column (2).		

Annex -

				approved by any authority of State Government(duly authorized for the purpose) as per their approved procedure has fixed a rate for compensation of land, the same may be adopted by the Competent Authority in determining the compensation for land in lieu of package available under the First Schedule.
8.	Other component if any to be included	Interest on compensation payable to the affected families as notified by the concerned State Government or at the rate of 12% per annum from the date of LA notification u/s 20A of RAA, 2008 applicable as per Section 30 (3) of RCT-LARR, 2013 and explained in Note A (6).		

6/11/2018

**THE SECOND SCHEDULE:
Resettlement and Rehabilitation Assurances for Project Affected People**

S.N.	Elements of Rehabilitation and Resettlement Entitlements	Eligible Category	Entitlement	Explanatory Remarks
(1)	(2)	(3)	(4)	(5)
1.	Provision of housing units in case of displacement	a. All affected families defined u/s 3 C of RFCT-LARR 2013 required to relocate due to the Project for which land is being acquired including land owners, customary dwellers and occupiers whose livelihood is primarily dependent on the affected land b. This benefits 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 u/s 1 (2) of Second Schedule of RFCT-LARR, 2013	a. Rural Areas: A constructed house as per Indira Awas Yojana specifications, or Cash assistance in lieu thereof as determined by the concerned State Government under its own resettlement policy or rules, provided that such cash assistance shall not be less than Rs. 60,000. b. Urban Areas: A constructed house of minimum 50 sqmts in plinth area or cash assistance in lieu thereof as determined by the concerned State Government under its own resettlement policy or rules, provided that such cash assistance shall not be less than Rs. 1,50,000.	a) This cash assistance in lieu of the provision of alternative house shall be provided to all displaced families without discrimination, including resident owners, occupant land assignees, long-term lessees. b) This assistance shall be extendable to mixed-use structures fulfilling residential and commercial purposes in owner as well as un-titled categories c) Displaced squatters losing their structure will be entitled to an alternative house or cash assistance as per Column-5, or compensation for structure as per Column 4, Para-D in the First Schedule, whichever is higher.
2.	Land for Land	In the case of irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to		This provision is not applicable to DFCCIL rail corridor projects which are linear in nature.

		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: Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lower (item 2, Sch. 2, RFCT-LARR, 2013).			This provision is not applicable to the DFCCIL rail corridor projects. However, this provision may apply in case if projects involving land development are undertaken by DFCCIL in future.
3.	Offer for Developed Land	In case the land is acquired for urbanisation purposes, twenty percent of the developed land will be reserved and offered to land owning 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: Provided that in case the land owning project affected family wishes to avail of this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it. (item 2, Sch. 2, RFCT-LARR, 2013).			a) Suitable provisions will be made and disclosed in line with the extant Law/Rules as obtaining in the concerned State at the time of acquisition. b) The affected family will have the option to opt for annuity or onetime financial assistance in lieu of the above.
4.	Choice of Annuity or Employment	Affected families defined u/s 3(c) of RFCT-LARR, 2013		DFCCIL shall provide Affected families with: (a) Employment opportunity where jobs are created through the project, after providing them suitable training and skill development in the required field, 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	

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			(b) Onetime payment of 500,000 rupees per affected family; or (c) Annuity policies that shall pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for agricultural Labourers.	
5.	Subsistence grant for displaced families for a period of one year	Each affected family (losing residential, or/ and commercial structures) defined u/s 3 of RFCT-LARR, 2013, displaced by the Project	a. Subsistence allowance of Rs. 3000 per month for one year b. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount Rs. 50,000/-	a. The affected family will have the option to opt for onetime payment of subsistence allowance payable over a year. b. The additional subsistence allowance of 50,000 rupees payable to the Scheduled Castes and the Scheduled Tribes shall be on onetime basis. c. The subsistence allowance will be provided to the displaced squatters, provided they are below poverty line or without an assured source of income, or if their livelihood is lost due to displacement.
6.	Transportation cost for displaced families	Each displaced family in owner and non-title holder categories defined u/s 3 of RFCT-LARR, 2013	One-time financial assistance of Rs 50,000/- as transportation cost for shifting of the family, building materials, belongings and cattle.	a. Transportation allowance will be provided to resident owners, lessees, protected/long term tenants, squatters b. All displaced families will receive three months advance notice to vacate
7.	Cattle shed/small shops cost	Each affected family having cattle or having a smallshop	One-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of Rs. 25,000/- for construction of cattle shed or small shop as the case may be	a. Small shops will include commercial kiosks and shanties where business is carried out b. Cattle shed shall mean any permanent, semi permanent structure or makeshift shed erected on long term basis for keeping cattle

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				c. Kiosks and vendors receiving this cash assistance under the 'small shop' category shall not be entitled to any other rehabilitation assistance under Second Schedule.
8.	One-time grant artisan, small traders and certain others	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 project affected area due to land acquisition	One-time financial assistance of amounts, notified by the appropriate Government but not less than Rs 25,000/-	a. The affected families eligible for this assistance may be from title holder or non-titleholder categories as defined u/s 3 (c) of RFCT-LARR, 2013. b. The actual person losing income in this category shall be eligible for this financial assistance without discrimination on the basis of gender This provision is not applicable in case of DFCCIL projects.
9.	Fishing rights	In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.		
10.	One-time Resettlement Allowance	Each affected family	One time resettlement allowance of Rs 50,000/-	a. The affected families eligible for this assistance may be from title holder or non-titleholder categories as defined u/s 3 (c) of RFCT-LARR, 2013. b. This will be extended to also to the physically challenged persons and women headed households.
11.	Stamp duty and registration fee	Each affected family	Reimbursement of stamp duty and fees for purchase and registration of alternative property	Purchase of alternative property including land, residence, or shop to replace the lost land and assets in the name of self, or/and in the name of the spouse within one year from receipt of compensation.
12.	Provision of Resettlement Sites	Groups of affected families relocated by the Project in block in resettlement sites established for the purpose	Appropriate permanent housing with minimum specified floor area at resettlement sites with providing basic services and other provisions as spelt out in the Third Schedule	a) This may not be applicable in most cases; however, wherever, such an option is planned, DFCCIL shall include these in the Resettlement

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			of RPT-LARR, 2013 where resettlement sites are established for the displaced families	Action Plan (RAP) and implement the same
13.	Loss of Community Infrastructure and Common Property Resources	Affected communities and groups	Reconstruction of community structure and common property resources	b) The RAP shall spell out services to be provided, key conditions for allowing occupancy, and indicators for withdrawal of post-resettlement support once the people are adequately settled.
14.	Mitigation of Temporary Impacts on Lands and Assets	Affected owners of land & assets	Compensation for temporary impact during Construction like disruption of normal traffic, damage to adjacent parcel of land/assets due to the movement of heavy machinery and plant site.	The reconstruction of community structures and replacement of common property resources shall be done in consultation with the community. The contractor shall bear the compensation cost of any impact on structure or land due to movement of machinery during construction or establishment of construction plant. All temporary use of lands outside proposed ROW to be through written approval of the landowner and contractor. Location of construction camps by contractors in consultation with DFCCIL.

Notes to Entitlement Matrix

Note A

1. Compensation would be determined by Competent Authority as per provisions in LARR 2013, Section 26, which specifies the following criterion for assessing and determining market value of the land:

- the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area where the land is situated: or
- the average of the sale price for similar type of land situated in the nearest village or nearest vicinity, ascertained from not less than 50% of the sale deeds registered during three years.

Whichever is higher.

The date for determination of market value shall be the date on which 20A notification has been issued.

Explanation 1. - The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2. - For determining the average sale price referred to in Explanation 1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

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

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

(2) The market value calculated as per (1) above shall be multiplied by a factor of one or two based on the distance from urban area as may be notified by the appropriate Government.

(3) Where the market value as per (1) or (2) above cannot be determined for the reason that-

- (a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or
- (b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or
- (c) the market value has not been specified under the Indian Stamp Act, 1899 by the appropriate authority.

The State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the Price calculated in the manner specified in sub-section (1) irrespective of similar types of land situated in the immediate adjoining areas:

- 4. In determining the amount of compensation to be awarded for land acquired under LARR Act 2013, the provision under Section 28 of the Act shall be taken into consideration..
- 5. Those occupying village common lands/abadi lands prior to 1961 shall be eligible to be treated as "regularized land holders" as permitted by law and shall be provided with alternative land or site allowance equivalent to land compensation
- 6. In addition to the market value of the land awarded, in every case the competent authority will award an amount at the rate of 12% per annum on such market value for the period commencing on and from the publication of the notification u/s 20A till the date of award or the date of taking possession, whichever is earlier.

Note B

DFCCIL would also hire an Independent Evaluator registered with Government, who can assist to assess the replacement cost of land as follows and provide inputs to the competent authority:

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(i) Appraise recent sales and transfer of title deeds and registration certificates for similar type of land in the village or urban area and vicinity

(ii) Appraise circle rate in urban and rural areas of the district

(iii) Appraise agricultural productivity rate for land - 20 years yield.

The Competent Authority may take inputs from the independent evaluator before deciding the compensation for the land.

Note C

In case only a part of any land plot is affected and its owner desires that the whole plot be acquired, the competent authority may make additional award as per Section 94 of LARR 2-13 for the remaining part of land without initiating the land acquisition process afresh.

Note D

The compensation for houses, buildings and other immovable properties will be determined on the basis of current market value by referring to relevant Basic Schedule of Rates (B.S.R.) as on date without depreciation. While evaluating structure value, services of competent engineer, or any other specialist shall be hired. While considering the B.S.R., an independent evaluator registered with the Government hired for the purpose will use the latest B.S.R. for the residential and commercial structures in the urban and rural areas of the region, and in consultation with the owners.

Note E

Definitions:

Family:- it includes a person, his or her spouse, minor children, minor brother and sisters dependent on him.

Provided that widows, divorcees and women deserted by families shall be considered separate families;

Explanation - An adult of either gender with or without spouse or children or dependents shall be considered as a separate family for the purposes of this Act.

Affected family includes-

(i) a family whose land or other immovable property has been acquired;

(ii) 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 or 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;

(iii) the Scheduled Tribes and other traditional forest dweller who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 due to acquisition of land

(iv) 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;

(v) 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;

(vi) 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 for three years prior to the acquisition of the land is affected by the acquisition of such land.

Displaced family: A family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area.

Land:- it includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth.

Land owner:- includes any person-

- i. whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or
- ii. any person who is granted forest right 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
- iii. who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or
- iv. any person who has been declared as such by an order of the court or Authority.

Encroacher: A person/family, who transgresses into the public land (prior to the cut of date), adjacent to his/her own land or other immovable assets and derives his/her additional source of shelter/livelihood.

Squatter: A person/family that has settled on the public land without permission or has been occupying public building without authority prior to the cut-off date and is depending for his or her shelter or livelihood and has no other source of shelter or livelihood.

Cut-off Date: The Cut-off date for identifying the affected families including land owners, those having tile claims recognized under other state and central laws, and squatters shall be the date of first land acquisition (LA) notification issued under 20A of Railway Amendment Act of 2008 for the Project for which Resettlement Action Plan is proposed to be prepared.

Annex -