




REHABILITATION & RESETTLEMENT SCHEME

OF

JHIRIA WEST OC PROJECT (1.50 MTY) SECL, HASDEO AREA


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1. Overview

Coal India's basic philosophy for compensating land-losers and other project-affected people emphasizes the need to cultivate and maintain good relationships with the people affected by Coal India's projects starting as early as possible; it also underscores that the subsidiaries have a responsibility towards the land oustees whose livelihood is often taken away. On the other hand, projects need to protect themselves more effectively against unjustified claims, redundant manpower and swelling Wage Bills. To this end, the statement proposes that subsidiaries prepare detailed resettlement and rehabilitation action plans (RAPs) that clearly identify, at an early stage, the entitlements of the people affected by coal projects and enables them to exercise a choice between various options.

The revised Resettlement & Rehabilitation Policy, 2012 is based on the deliberations of the inter Ministerial Committee set up vide O.M. 490191/2011-PRIVV-1 dated 01-07-2011 of Ministry of Coal, deliberations of the CMOs meet held on 05/03/2012 at New Delhi and has been approved by the CIL Board in its 279th meeting held on 12th and 13th March, 2012

The Jhiria West Opencast Project is situated in Sohagpur coalfields and is under administrative control of Hasdeo area of SECL. The area is included in the Survey of India Toposheet No. 64 I/4. The block is located in the close proximity of existing Rajnagar RO UG mine. The existing Rajnagar RO UG mine which is adjacent to proposed Jhiria West OCP is likely to be exhausted within few years. It was also noted that the infrastructure of Rajnagar RO may be utilized for mining in Jhiria West Opencast Project since it is adjacent to Rajnagar RO. Accordingly, Project Report for Jhiria West Opencast Project has been prepared to finalise the modalities to extract coal from West Jhiria geological block.

There are 05 villages viz. Bhalmuri, Fulkona, Dumarkachhar, Padritola and Bangawan located in the Project area. The population of the study area predominantly comprises of agriculture labor and marginal workers. The no. of PAFs is 250. Rehabilitation & Resettlement of the PAFs will be done following the State R&R Provisions and CIL R&R policies.

2. Objectives of Resettlement and Rehabilitation scheme

- A. To evolve a PAP friendly scheme by incorporating all provisions of the National Policy and the Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- B. To accord the highest priority for avoiding or minimizing disturbance of the local population while taking decisions to open Jhiria West OC Project.
- C. To ensure a humane, participatory, informed consultative and transparent process for land acquisition for coal mining and allied activities with the least disturbance to the owners of the land and other affected families.
- D. To provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for loss of livelihood of such affected persons including their rehabilitation and resettlement.
- E. To ensure that the cumulative outcome of compulsory acquisition should be that the affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and matters connected therewith or incidental thereto.
- F. The preparation of resettlement and rehabilitation scheme will safeguard that project-affected people improve or at least regain their former standard of living and earning capacity after a reasonable transition period. The transition period is to be kept to a minimum. However, the

involvement of Project authorities in resettlement and rehabilitation activities may continue until all the actions specified in the rehabilitation plan have been completed.

- G. Rehabilitation and Resettlement scheme shall be conceived and executed as a development programme with project-affected people being provided sufficient resources and opportunities to share in a project's benefits. The efforts of Project Authorities shall be complementary to the Government's schemes in rural development and the concurrence, approvals and support from concerned Government authorities will be sought.
- H. Corporate Social Responsibility (CSR) activities shall be intensified in and around the villages where land is being acquired in accordance with the CSR Policy of Coal India.
- I. Implementation of R&R package shall follow a detailed survey of the project-affected villages to formulate the list of persons/ families affected by the project, nature of the affect, the likely loss of income, etc.

3. Scope

This scheme shall be applicable to the people affected by the Jhiria West OC Project. While implementing the scheme it shall be ensured that the provisions of the concerned Acts applicable and Rules mentioned there under shall not be violated.

4. Preparation of RAP

A ground survey has been carried out to identify the PAPs who are enlisted to receive benefits in line with Coal India's Resettlement and Rehabilitation Policy. This survey was conducted within two months of notification under the Coal Bearing Areas (Acquisition & Development) Act, 1957.

The basic objective of this survey was to generate status of the population who are likely to lose their means of livelihood or homestead due to the acquisition of the land for the project. The data base will be used to formulate a viable and practical Rehabilitation Action Plan (RAP) for the affected persons in line with their entitlements. Location plan would also be prepared of the project Area freezing the dwelling units and habitations existing at the time of negotiation for Land Acquisition wherever feasible The RAP will also address the following-

(A) Implementation, Monitoring & Evaluation, Dispute Mechanism

The rehabilitation action plan will address the following:

- i. The project design, including an analysis of alternative designs aimed at avoiding or minimizing resettlement;
- ii. Ensure restoration of incomes of PAPs in line with Coal India's Resettlement and Rehabilitation Policy;
- iii. Description of the institutional and other mechanisms for provision of entitlements;
- iv. Time table for the acquisition and preparation of the resettlement site(s);
- v. The cost and budgets for the resettlement and rehabilitation of PAFs;
- vi. Project-specific arrangements to deal with grievances of PAFs; and
- vii. Time tables, benchmarks and arrangements for monitoring the resettlement and rehabilitation effort.

The RAP will be formulated in consultation with PAPs and State government.

(B). Environment Impact Assessment (EIA) will be conducted as per any law, rule and regulation of the locality in which the land has been acquired.

5. Eligibility Criteria

(A) Eligibility Criteria for Economic Rehabilitation Benefits

This benefit shall accrue only to Entitled Project Affected Person. Entitled Project Affected Person shall be one from the following categories.

- i. Persons from whom land is acquired including tribals cultivating and under traditional rights
- ii. Persons whose homestead is acquired.
- iii. Sharecroppers, land lessees, tenants & day labourers.
- iv. Tribal dependent on forest produce as certified by the District Forest Officer/ Revenue Authorities.

(B) Eligibility Criteria for Resettlement Benefits

- i. Only a Displaced' family person shall be eligible for resettlement benefits.
- ii. A family/ person shall be termed 'displaced' and hence eligible for resettlement benefits if such family/person has been a permanent resident and ordinarily residing in the project area on the date of publication of notification U/S 9 of CBA (A&D) 1957 / LES 11 of LA Act, 1894/ Or both/ on the date of the land vested with the State/ Central government as the case may be.

And

- a. on account of acquisition of his/her homestead land/ structure is displaced from such areas **Or**
- b. He/she is a homesteadless or landless family/ person who have been/ is required to be displaced.

6. Census & Identification of displaced families

1. Within two months of publication of notice LES 4(1) of the Land Acquisition Act or WS 7(1) of CBA (A&D) Act, 1957 for acquisition of land for the project a census has already been undertaken in the manner decided by the Collector/ project authority for identification of displaced families and for preparing their socio-economic profile and list of eligible persons for the purpose of receiving Rehabilitation & Resettlement Benefits.
2. A photo identity card to each Entitled Project Affected Person shall be issued under the signature of the Collector / project authority concerned indicating the following particulars:
 - a. Name of the village/GP/PS :
 - b. Name, Father's name and address of the head of the family :
 - c. Category of entitlement :
 - d. Whether S.C./S.T./O.B.C./General:
 - e. Age, Sex, Educational qualification of the members of the family:

7. Resettlement & Rehabilitation Committee

A Committee has been constituted at project Level under the chairmanship of the Collector to be called the Rehabilitation and Resettlement Committee with the following objectives to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in consultation with the village Panchayat in rural areas and municipality in urban areas in the manner as decided by the concerned State Govt.

- i. To approve the list of land losers and other PAPs;
- ii. To approve the list of persons eligible to be offered employment as per R&R Policy;
- iii. To approve the detailed Rehabilitation Plan for the project in consultation with the displaced persons and Gram Sabha
- iv. To expedite issue of domicile certificates and other necessary documentation required for State Authorities.
- v. To monitor and review the progress of the Rehabilitation Scheme, grant of benefits and handing over of possession of land in a smooth manner:
- vi. To facilitate the land acquisition process in any other manner as may be required including resolution of disputes;
- vii. To carry out post implementation social audit in consultation with the authorities.

8. Option to the land losers regarding Rehabilitation & Resettlement Benefit

The land losers shall have the option for Rehabilitation and Resettlement benefits in accordance with the awards for each affected family in terms of the entitlements passed by the Concerned Collector of the State or as per this CIL R&R Policy with the consent of the concerned Collector.

As per the decision taken by District Rehabilitation and Resettlement Committee (DRRC) headed by District Collector, Anuppur (M.P.); compensation of the land will be paid as per LARR(Right to fair compensation and transparency in land acquisition, Rehabilitation and resettlement Act) 2013, whereas other R&R benefits will be provided as per CIL R&R Policy 2012.

The provision of CIL R & R Policy 2012 clause 8.1 (ii), compensation and resettlement entitlement options for persons whose land and homesteads are acquired is as follows:

1A. One time lump sum payment of Rs.3,00,000/(three lakh), shall be paid in lieu of alternate House site, Assistance in designing Shifting Allowance compensation for construction of cattle shed, Monetary compensation for construction of work shed etc. The compensation shall be paid to displaced persons only after vacation and demolition of the homestead/ work shed etc.

OR

1B. One plot measuring 15 meters x 16 meters for each PAF in the resettlement colony having facilities such as:- Roads (WBM/Asphalt), Drains, Culverts, Infrastructure for electricity, Hand pump, deep bore wells with submersible pumps for water supply, Pond, School building, Anganwadi Centre, Play ground, Weekly market, Community Centre, Graveyard/ Cremation Ground, etc.

PAFs will be able to choose between above two options. Accordingly, plots and necessary community facilities will be provided to the PAFs.

Also, Management has conducted a survey amongst the PAFs regarding selection of option of R&R site in terms of land @ 0.06 Acre /PAF or Rs. 3 Lakhs in lieu of house plot. All PAFs of Bhalmuri & Fulkona Villages, Tehsil- Kotma, District- Anuppur (M.P.) have opted for option of amount of Rs. 3 Lakhs in lieu of house plot.

However, if PAF demands for plot at R&R site, the management would provide the same at existing R&R site in close proximity to proposed project in village Naktitola, Nandgaon.

2. Employment provision: The maximum total number of employments that may be provided to the Land losers would be limited to the total no. of acres of land acquired divided by two. However employments will be released in proportion to the land possessed. For every two acres of land one employment can be considered. Subsidiaries of CIL may give an option to the Land Losers having less than two acres of land to club together their land to an extent of two acres and nominate one of the land losers among the groups or their dependent for employment under package deal.

There is another provision i.e. descending order for providing employment as per CIL policy, 2012 which will be decided in the DRRC to be held before providing employment to the project affected land oustees. In descending order a village-wise list of land oustees will be prepared considering the maximum acquired area at SL.no.1 and minimum acquired area of land at the last. For providing employment in accordance to descending order, the total nos. of employment determined by the total acquired area (in Acres) in particular village is divided by 2. One employment shall be provided in multiple of 02 acres of land of land oustees above the cut-off point.

3. Lump sum Monetary Compensation: All the land losers who are not eligible for employment as above shall be entitled to receive monetary compensation at the rate of Rs. 5,00,000/0 for each acre of land on pro-rata basis.

Land losers who are offered employment will have the option either to opt for employment or to forego employment and opt for monetary compensation at the rate of Rs. 5,00,000/- for each acre of land on pro-rata basis.

4. Annuity: An affected family whose land or other immovable property has been acquired & possessed by the company and become eligible for employment as per respective State Policy and opt for annuity in lieu of employment or one time monetary compensation will get Rs 30000/- per month for the period of Thirty years or life of project whichever is higher with 1 % incremental growth on every year on total annuity or Annual indexation to the Consumer Price Index for Agricultural Labourers over Rs.2000.00/- whichever is higher.

Annuity at the rate of Rs 150/- per decimal of land lost in lieu of Employment subject to minimum Rs. 2000/- per month and maximum of Rs 30000/- per month for the period of Thirty years or life of project whichever is higher with 1 % incremental growth on every year on total annuity or Annual indexation to the Consumer Price Index for Agricultural Labourers over Rs.2000.00/- whichever is higher.

9. Community Facilities

The Project Authorities will provide at the resettlement site a school, road with street light, pucca drain, pond, dugwell and/ or tubewell for drinking water supply, community center, place of worship, dispensary, grazing land for cattle and play ground. Similar infrastructural facility, if necessary, will be extended to the host locality. The community facilities and services would be available to all residents of the area, including PAPs and the host population.

The approach for operation of community facilities would be flexible and all efforts will be made to involve the State and local self Government / Panchayat for operating the facilities. To achieve this, subsidiaries will pursue with these agencies to ensure the same. The planning of the community facilities and their construction should be undertaken in consultation with the affected community.

10. Corporate Social Responsibilities

This should be as per Company's Corporate Social Responsibility (CSR) Policy.

11. Monitoring and Evaluation Mechanism

The RAP will be monitored and evaluated periodically after the completion of the land acquisition process.

- I. The resettlement and rehabilitation activities are the responsibility of a separate group, both at the projects and corporate level, which will be constituted for planning, implementation, monitoring and evaluation of the Rehabilitation Action Plan. At the corporate level the group will be headed by a senior manager, whereas at the project, an executive of the rank of manager will head the group. The project group should have at least one member with social science qualification / experience and skills.
- II. The project group will closely interact with the state authorities during the implementation of the RAP. Although the subsidiaries will develop the plots and infrastructural facilities in the resettlement colony and actively implement the RAP, assistance of State authorities will be taken for administrative services such as allotment of land. Implementation will be planned; monitored and corrective measures will be incorporated in the RAP, if needed. In addition to the State Government, the PAPs and the village leaders including the Pradhans and NGOs will be consulted and associated with the implementation of the RAP.
- III. The Resettlement and Rehabilitation Cell at the corporate level will evaluate the implementation of the RAP after its completion.