

**Government of Punjab
Department of Public Works (B&R)**

**Resettlement and Rehabilitation (R&R) Policy Framework for the
PUNJAB STATE ROAD SECTOR PROJECT**

PREAMBLE

1. The Punjab Roads & Bridges Development Board (PRBDB), Government of Punjab, has taken up the Punjab State Road Sector Project (PSRSP) with World Bank assistance. The main objective of the PSRSP is to rehabilitate and upgrade about 1100 km of State Highways (SHs) and Major District Roads (MDRs), which are to be selected from some 1700 km of roads spread across the entire State of Punjab. Rehabilitation of roads as such may not cause significant adverse impacts but their upgrading (which involves widening of existing roads, construction of new roads/bypasses, realignments and junction improvement etc.) would entail acquisition of land and structures as well as adverse impacts on other assets, causing disruption of livelihood. Besides, it is likely that some Common Property Resources (CPRs) such as religious structures, passenger shelters at bus stops, hand pumps etc. may also be adversely affected.
2. The Government of Punjab recognizes the need to address involuntary displacement of people and their properties that would result during the implementation stage of this project. Thus the resettlement and rehabilitation of affected persons under PSRSP would be necessary. The State Government has framed this Resettlement and Rehabilitation Policy in accordance with existing Kandi Watershed R&R Policy, National Policy on R&R for Project Affected Families 2003 (NPR&R) and the World Bank guideline on involuntary resettlement.
3. The different Acts that are relevant in the context of PSRSP are:
 - (a) The Land Acquisition Act, 1894 (as amended in 1984)
 - (b) The Punjab Tenancy Act, 1887
 - (c) The Punjab Village Common Lands (Regulation) Act, 1961
 - (d) The Punjab Land Revenue Act, 1967
 - (e) The Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973
 - (f) The Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997
 - (g) Environmental guidelines for rail, road and Highway projects, MoEF, 1989
4. Brief descriptions of these Acts are given in **Annexure 1**. For proper appreciation of these Acts and Laws, the actual documents should be referred to.

R&R POLICY OBJECTIVES

5. The principal objectives of this R&R Policy are as follows:
 - (a) To minimize displacement and to identify the non-displacing or least-displacing alternatives;
 - (b) To plan the Resettlement and Rehabilitation of Project Affected Families (PAFs), including special needs of vulnerable sections;
 - (c) To assist affected persons in maintaining/restoring their former living standards, income earning capacity, and production levels.
 - (d) To facilitate harmonious relationship between the Implementing Authority (Acquiring Body) and PAFs through mutual cooperation and regular interaction;
 - (e) To ensure that the affected persons are meaningfully consulted and provided opportunities to participate in the planning and implementation stages of the resettlement program in order to suitably accommodate their inputs and make this policy more participatory in nature and broad based in its scope.

TERMS AND DEFINITIONS

6. Terms.

- (a) *Contract farming (Theka)*: In contract farming, land is usually leased out for the purpose of cultivation by the owner to a contract farmer for a period of one year. The contract farmer bears the cost of all inputs and takes away the crop while the owner gets a fixed fee or rental (Theka), which is commonly payable in cash or else in kind.
- (b) *Notification*: Refers to the Government Notification that is required to be published in the Official Gazette to acquire private land for the purpose of the project.
- (c) *Gram Panchayat*: A constitutionally elected local self-government body at the village-level.
- (d) *Sarpanch*: Refers to the elected Head of a Gram Panchayat
- (e) *Project Authority*: Refers to the Competent Authority in which the overall control and superintendence of the execution of the project vests (PRBDB in the context of this project).
- (f) *Pucca structure*: Refers to buildings and structures whose walls and roofs are made of durable materials. The materials of walls can be from among burnt bricks, stones or concrete. Roofs can be made of Reinforced Cement Concrete or reinforced brick concrete.
- (g) *Kutcha structure*: Refers to those buildings and structures whose walls and roofs are made of materials that have to be replaced frequently. The walls may be made of materials such as grass, thatch, bamboo, plastic, polythene, mud, un-burnt bricks or wood. The roofs may be made of materials such as grass, thatch, bamboo, wood, mud, plastic or polythene.
- (h) *Right of Way (RoW)*: Refers to land acquired by or belonging to the Government or to a local body or Statutory Authority for the purpose of maintaining public utilities along roads.
- (i) *Sharecropping (Batai)*: Land is usually leased out for one year in sharecropping by the owner to another farmer on Batai for the purpose of joint cultivation. The sharecropper usually takes away half the crop produced during the contract period.

7. Definitions

- a. *Affected zone*: Refers to the area of a village or locality under a project for which land will be acquired under the Land Acquisition Act 1894 (as amended in 1984) or any other Act in force through declaration by Notification in the Official Gazette by the appropriate Government or for which land belonging to the Government will be cleared from obstructions.
- b. *Agricultural land*: Denotes land used or capable of being used for the purpose of
- c. agriculture or horticulture, including cultivation of medicinal herbs and plants;
- d. dairy farming, poultry farming, pisciculture, breeding of livestock;
- e. raising of crops, grass or garden produce and
- f. land used for the grazing of cattle.
- g. *BPL Family*: Below Poverty Line Families shall be identified by using the definition of Planning Commission as adopted by Government of Punjab and keeping the threshold income levels 20% higher than those specified therein. For clarity BPL income limit shall be Rs. 24,000 for this project (i.e. Rs. 20,000 as BPL for 2005-06 + 20% thereof).
- h. *Corridor of Impact*: Refers to the minimum width of land required for the construction/improvement of roads, including road embankments, roadside facilities and features such as service roads, drains, footpaths, utility ducts and lines, fences, green belts, safety zones, working spaces etc. .
- i. *Cut-off date*: Refers to the date prior to which the affected family/person was in possession of the immovable or movable property or a source of livelihood within the affected zone. For non-titleholders, the cut-off date is the date on which the census of affected zone begins or the date on which Notification is issued under section 4 of the Land Acquisition Act, 1894, which ever is earlier. The cut-off date for land acquisition purpose is the date on which Notification is issued under section 4 of the Land Acquisition Act, 1894 to the titleholder.
- j. *Displaced family (DF)*: Any tenure holder, tenant, Government lessee or or non-titleholder who on account of the project has been displaced from such land including plot in the abadi or other property.
- k. *Entitled Person (EP)*: A person, who is adversely impacted by the project and is thus entitled to some kind of assistance as per the project entitlement framework.
- l. *Family*: A family consists of a person, his or her spouse, unmarried sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other members residing with him/her

- and dependent on him/her for their livelihood
- m. *Landowner*: A person who is an allottee or a grantee of any land under any scheme of the Government under which such allotment or grant is to mature into ownership, or who has permanent rights and interest in land.
 - n. *Marginal farmer*: Refers to a cultivator with an unirrigated land holding not more than one hectare or irrigated land holding not more than half hectare.
 - o. *Non-titleholder*: Affected persons/families with no legal title to the land, structures and other assets adversely affected by the project. Non-titleholders include tenants, encroachers, squatters, kiosk operators etc.
 - p. *Project*: Refers to the Punjab State Road Sector Project.
 - q. *Project Affected Family/Person (PAF/PAP)*: PAF/PAP means a family/person whose place of residence or other properties or sources of livelihood are substantially affected by the process of acquisition of land or by clearing the ROW from obstructions for purpose of the project and who has been residing or practising any trade, occupation or vocation in the affected zone preceding the cut-off date. PAP is either Title holder or Non - Title holder.
 - r. *Residual Plot*: Refers to part(s) of land plots left with the Project Affected Family, which have not been acquired for the project and which measure less than 1000 sq.m for industrial plot, 1 acre for agriculture plot, 35 sqm for homestead and 15 sq.m. for commercial plot .
 - s. *Small farmer*: Refers to a cultivator with an unirrigated land holding up to two hectares but more than one hectare or with an irrigated land holding up to one hectare but more than half a hectare.
 - t. *Tenant*: Indicates a Non - Titleholder who holds land of another person and is, or but for a special contract would be liable to pay rent for that land to that other person and includes the predecessor and successor-in-interest of such person but does not include a mortgagee of the rights of a landowner, or a person to whom holding has been transferred or an estate or holding has been let infarm (under the Punjab Land Revenue Act, 1967) for the recovery of an arrear of land revenue or of a sum recoverable as such an arrear or a person who takes from Government a lease of unoccupied land for the purpose of subletting it.
 - u. *Titleholder*: A PAP who has legal title to land, structures and other assets in the affected zone.
 - v. *Vulnerable Group*: Includes Affected Persons who are Scheduled Caste families, small and marginal farmers; families headed by women, disabled or handicapped persons, orphans, destitute and BPL families. Vulnerable groups would also include those farmers who (after acquisition of land) become small/marginal farmers. For such cases, total land holding of the landowner in the r State will be considered.
 - w. *Wage Earner*: Wage earner are those livelihood is affected due to the displacement of the employer.
 - x. *Replacement Cost* : Replacement cost is the cost of purchasing comparable assets elsewhere by the affected person in lieu of the acquired land and other amenities, buildings etc. The compensation awarded for the acquired land and other amenities, buildings, etc. should be adequate to enable purchase of comparable assets elsewhere by the affected person. Wherever compensation is not adequate enough to buy replacement lands/ buildings, the project authority shall provide other assistance to overcome the shortfall.

RESETTLEMENT AND REHABILITATION PRINCIPLES

8. The Resettlement & Rehabilitation policy is based on the principle that the affected persons are not worse-off on account of the project than they were before. This approach to frame the R&R Policy ensures greater acceptability of the project to the people and is expected to facilitate its effective implementation.

9. General Principles

- a. Project Affected persons/families will be categorized as (i) Titleholders; and (ii) Non-titleholders. The vulnerable sections among each of the above categories will receive additional support.
- b. The negative impact on persons affected by the project would be avoided or minimized.
- c. Where the negative impacts are unavoidable, the project-affected persons will be

assisted in regaining their standard of living. Vulnerable Groups will be identified and assisted to improve their standard of living.

- d. All information related to resettlement preparation and implementation will be disclosed to all concerned, and people's participation will be ensured in planning and implementing the project.
- e. The PAPs will receive compensation for lost assets at replacement cost and the compensation will be available prior to the taking over of assets.
- f. Broad entitlement framework of different categories of project-affected people has been assessed and is given in the entitlement matrix. PAFs will be surveyed / enumerated as of the cut – off date. Provisions will be kept in the budget for those who were not present at the time of enumeration. However, anyone moving into the project area after the cut-off date will not be entitled to assistance.
- g. Appropriate grievance redressal mechanism will be established at the district level to ensure speedy resolution of disputes.
- h. All consultations with PAPs shall be documented. Consultations will continue during the implementation of resettlement and rehabilitation works.

10. Minimization of adverse impacts

- (a) The COI approach will be adopted for both rehabilitation and upgradation of project roads. This means structures/assets falling outside the COI may be left undisturbed/unaffected. This will minimise impact particularly in the case of upgrading within the existing ROW. All social impacts outside COI and within the revised RoW will be mitigated in accordance with this policy, if necessary, during the lifetime of the project.
- (b) All possible alternatives are to be explored in order to minimize adverse impact and displacement.
- (c) The following measures that will be taken to prevent encroachments after cut-off date are:
 - Video recording of all impacts within ROW as of cut-off date in the project roads;
 - The Executive Engineer in the PWD shall be responsible for identification, reporting and initiation of action for eviction of squatters and encroachers that occur after the cut-off date under prevailing and existing law in road under his jurisdiction. He shall monitor it on monthly basis and report to SE and PD. A simple monitoring format shall be adopted which would broadly contain location of new encroachment/squatters, date of identification, type of structure erected, name of encroacher/squatter, local person/migrant, action taken, further action required, change in status of already existing encroachment/ squatters.
 - The Forest Department is responsible for social forestry in PWD land, which under section 29 of the Indian Forest Act of 1929 is protected forest. The Forest guard of concerned road stretch shall be responsible for identification, reporting and taking eviction action under prevailing law of encroachment/squatters in the Government land under forest plantation. This monitoring shall be done on monthly basis in a similar format as mentioned above shall be submitted by District Forest Officer to conservator of Forest and PD.
 - The monitoring reports from the concerned PWD and Forest Department shall be sent to PRBDB. The XEN / DFO shall take action under law and ensure that cases are concluded expeditiously to remove encroachments within a week with assistance of DM and District Police as per law.

11. Entitlements

- (a) The cut-off date for entitlement is the date (i) (for Titleholders) which notification is issued U/s 4 of LA Act modified in 1984 (ii) (For Non – Titleholders) the date on which census and socio-economic surveys of PAPs begin.
- (b) Eligibility of different categories of PAFs will be as per the Entitlement Matrix.
- (c) If a notice for eviction has been served on a person/family before the cut-off date and the case is pending in a court of law, then the eligibility of PAPs will be considered in accordance with the legal status determined by the court and the affected persons will be eligible for compensation/assistance in accordance with this policy's provisions.

- (d) A PAP who could not be enumerated during census and socio-economic surveys but has reliable evidence to prove his/her presence before the cut-off date shall be included in the list of PAPs after proper verification by the competent authority with grievance redressal mechanism.
- (e) Titleholders would be eligible for compensation as well as assistance.
- (f) Non-Titleholders will not be eligible for compensation of the land occupied by them. However, they will receive compensation for the investment made by them on the land such as structures, wells etc. in addition to assistance.
- (g) PAFs belonging to vulnerable groups will be entitled for additional assistance;
- (h) Project Affected Persons will be permitted to dismantle their structure at their own cost and in, the first instance to take away the dismantled materials free of cost. This will be in addition to compensation for structures paid to them.

12. **Land Acquisition**

- (a) Land needed for the project shall be acquired by direct negotiation as per Government procedure as outlined in this policy framework. However, record of all those cases where negotiations have failed and reasons for failure of negotiations shall be maintained for future reference.
- (b) The Emergency Clause of the Land Acquisition Act, 1894 contained in Section 17 thereof, shall not be invoked for land acquired for this project.
- (c) A time period of 45 days would be available for carrying out negotiations with the landowners.
- (d) The negotiations shall begin by offering a minimum of 1.5 times of the registered value or stamp duty value/circle rate (whichever is higher) in order to make the propositions financially attractive to the landowners (sellers). If the registered value/stamp duty or circle rates are more than a year old at time of negotiations, 10% per annum will be added to bring the rates to current levels. Such PAFs shall be entitled to 30% solatium. Those PAFs losing land shall be eligible for additional assistance equivalent to registration cost of land lost and expenditure incurred on paper work during the purchase of the land. The current cost is 9% (stamp duty - 6% + development charge -3% up to a distance of 5 km in municipal limits) plus 1% registration charge for males and 8% (stamp duty - 5% + development charge -3% up to a distance of 5 km in municipal limits) plus 1% registration charge for females.
- (e) A maximum of 4 rounds of negotiations may be conducted with the landowners. Normally, no more than 3 rounds of negotiation should be required.
- (f) After every round of negotiation, record would be sent to the Head Office for information.
- (g) The negotiations shall be conducted village-wise, involving groups in order to maintain transparency.
- (h) If land acquisition by negotiation is finalized, the entire negotiated amount will be paid in a single instalment within three months of negotiations Interest @ 9% will be paid for any delays in the payment of compensation beyond three months.
- (i) Entitled person has an option to surrender residual plot to project authority and be compensated as per provisions of the policy.
- (j) All land measurements shall be based on the latest revenue map of the concerned village.

13. **Compensation and Assistance**

- (a) If land is acquired through negotiation, then the negotiated amount will be the replacement cost.
- (b) If land is acquired under the other provisions of the Land Acquisition Act, 1894 replacement value of land will be the rate fixed by Divisional Commissioner (DC) based on the recommendation of DLPFC subject to it not being lower than price recommended by DLPFC or the minimum price for negotiations.
- (c) Replacement cost for structures acquired will be paid as per the latest Common Schedule of Rate (CSR) of Punjab without depreciation. In case the structure is partly acquired, then cost to maintain the viability and safety of the remaining part of structure shall be taken into consideration while estimating the replacement cost.
- (d) Titleholders will be eligible for both compensation and assistance.
- (e) Absentee property owners (titleholders) will be eligible for compensation only.
- (f) Non-titleholders will also be eligible for resettlement assistance and compensation for loss of

- assets such as structures, wells etc. They will not be eligible for land compensation.
- (g) Additional support shall be provided to vulnerable groups in restoring their livelihood.
- (h) A minimum of 4 months or normal harvest time notice shall be given for harvesting of standing crops, failing which damages for standing crops shall be paid.
- (i) PAFs losing their sources of livelihood shall be eligible for training to upgrade their skills (one person per affected family).
- (j) PAFs losing their place of residence/business or both shall be eligible for shifting allowance.
- (k) PAFs shall be eligible for transitional allowance.
- (l) Compensation and assistance will be paid before taking possession of the acquired/purchased land and properties.
- (m) Civil works will start only after the compensation and/or assistance has been paid to the PAFs.

14. **Consultations**

Affected persons will be consulted and will have opportunities to participate in planning and implementing resettlement programs during the course of the project cycle. The affected persons would be consulted at least twice: once while planning and then to explain the contents of plans when these are finalised. In addition, consultation would take place throughout the implementation of the Resettlement Action Plan. The methods of consultation would include group consultations with male as well female affected persons, individual consultations with PAFs, community leaders, elected representatives of Panchayats/Local Bodies and other stakeholders who may be deemed suitable for consultation. Details will also be published in the press and electronic media.

15. **Resettlement and Rehabilitation**

- (a) Choice of resettlement (self-resettlement or assisted resettlement) will lay with the project displaced families.
- (b) Resettlement sites will be developed as part of the project if a minimum of 20 project displaced families in a continuous stretch of 5 Kms opt for assisted resettlement. Development of resettlement sites would include drinking water facility, sewerage & drainage, internal and link roads, health and education facility, electricity etc. The acquisition of land for resettlement sites shall be as per this policy. Budget for the development of resettlement sites will be included in the overall project cost. After the complete development of a resettlement site, it shall be handed over to local civic authorities for routine maintenance.
- (c) If at least 20 displaced families request for assisted resettlement, they would be eligible for a plot size of a maximum of 250 sq. mt. Vulnerable displaced families will get the land plot at one-fourth of the cost of land as decided by the acquiring body. Non-vulnerable displaced families will be liable to pay 75 % of the cost of land plot as decided by the Project Authority subject to a maximum amount equivalent to the compensation for the loss of structure received by the affected persons.
- (d) Similarly, if at least 20 displaced commercial establishments (small business enterprises) with in a continuous stretch of 5 kms opt for assisted resettlement for a vendor market, the Project Authority will develop the vendor market on cost basis payable in monthly instalments spread over two years subject to a maximum amount equivalent to the compensation for the loss of structure received by the EPs.
- (e) In case of self-relocation, EPs will be eligible for additional support for the construction of structure @ 25 % of the replacement value or Rs. 30000/-, whichever is more.
- (f) Participation of Women will be ensured in activities related to resettlement planning and implementation.
- (g) Affected community properties will be replaced or relocated as part of the project. Budget provision for replacement or relocation shall be included in the project cost.
- (h) As value addition to the project, some additional community properties, such as tube wells, hand pumps, bus passenger shelters and public toilets and enhancement of roadside features will be provided at project cost.
- (i) PAFs losing their sources of livelihood shall be eligible for training to upgrade their skills
- (j) Economic rehabilitation assistance would be given to affected families for restoration of livelihood.
- (k) Large commercial establishments affected shall be assisted as per this policy's provision on a case-to-case basis keeping in view the spirit of the policy.

16. **Employment Opportunities**

Local people in general and PAFs in particular will be given preference for unskilled jobs created during the construction phase of the project.

17. **Budget Provisions**

The Resettlement Action Plan will include an itemized budget and an implementation schedule. Suitable provisions shall be made in the Project budget for these purposes.

18. **Disclosure of Resettlement Policy and other Project Documents**

- (a) The Resettlement and Rehabilitation Policy, Resettlement Action Plan and other project related document / relevant information shall be translated in Punjabi and notified through the State Government. The list of eligible people for benefit and disbursement of benefits shall be separately disclosed at concerned village *Panchayat* Office / Urban Local Body to ensure transparency. A copy of the same shall also be put up at notice boards of the Legislative Assembly, District Collector Offices, Block Development Offices, District Public Relations Offices, (at the state and district-levels), Urban Local Bodies, *Panchayat* Offices etc. In addition a Public Information Centre will be established at PRBDB Head Office as part of the project.
- (b) English and Punjabi versions of all such documents and list of eligible families for benefits under the project shall also be made available on the PRBDB website.

19. **Scope for Making Amendments.**

The Project Authority with the prior approval of the Government of Punjab, may from time to time make amendments in this R&R Policy as and when considered necessary. Any amendment made in the policy shall be done in consultation with the World Bank and duly publicised.

RESETTLEMENT PLANNING, IMPLEMENTATION AND MONITORING

20. **Census and Socio-Economic Survey.**

In order to carry out resettlement planning, implementation and monitoring it is important to collect baseline socio-economic data of PAPs. For this purpose, census and socio-economic surveys shall be conducted using questionnaire by the Detail Project Report consultant. As far as possible, these surveys shall be completed prior to the issuance of Notification under section 4 of the Land Acquisition Act, 1894 to ensure better quality & authenticity of data. Broad information that would be collected during these surveys relate to details of family members, religion, caste, sources of income, occupation, land holdings, ownership and type of structures, other property and assets owned, livestock size, details of losses of assets to the project, etc. These surveys shall be designed to ensure that only genuine persons are classified as project affected and the scope for frauds /misrepresentations and opportunistic attempts to seek assistance is negated. The extent of impact on Common Property Resources shall also be covered during these surveys. In addition, individuals and group consultations would be carried out to understand the needs and concerns of PAPs with regard to various issues such as compensation, assistance, resettlement options, alternative options, value addition to the project etc

21. Based on the data collected from primary surveys, Project Affected Families would be suitably identified as titleholders and non-titleholders. The socio-economic conditions of PAP and type and extent of impact would be worked out in order to prepare the Resettlement Action Plan. The RAP would broadly include project description, methodology adopted, minimization of adverse impacts, impact assessment, socio-economic profile of the area, R&R Policy provisions, legal framework and land required for various purposes of the project, consultations during the implementation, institutional arrangements, implementation schedule, estimated budget for RAP as well as monitoring and evaluation arrangements, disclosure etc.

Institutional Arrangements

22. For speedy and smooth implementation of the project, suitable institutional arrangements will be made by PSRSP to manage and implement the Resettlement Action Plan (RAP). The Joint Secretary cum Project Director is competent to take all administrative and financial decisions with regard to implementation of the project. He will have all delegated administrative and financial powers for the implementation of land acquisition and resettlement impacts of the project. The following institutional arrangements will be made in order to implement RAP.

23. Creation of Contract Management Unit (CMUs)

For carrying out the civil works, suitable number of CMUs will be created in the State. Each CMU will be headed by an officer in the rank of Executive Engineer and assisted by technical personnel, one Assistant R&R Officer, and additional secretarial staff. Assistant R&R Officer will assist the Head of CMU in matters related to R&R and land acquisition.

24. Creation of Social Development Cell at PRBDB Head Office and CMUs

Institutional arrangement at Head Office will include augmenting the capacity of the Project Authority. R&R Officer equivalent to rank of Sub-Divisional Executive Engineer will be added to look after the Resettlement and Rehabilitation component of the project. For all matters related to R&R, s/he would report to Project Director. He will be assisted by an Assistant R&R Officer with experience in social development aspects, Data base Management Specialist, community development Officer and Special land acquisition officer.

25. All necessary services with regard to land acquisition would be taken from the already existing Land Acquisition Officer of PWD based at Jalandhar and Land Acquisition Officers declared by Government from time to time. The roles and responsibility of the R&R Officer would broadly include the following:

- (a) Assist the Dy. Project Director and Project Director at Head Office in finalizing the RAP and Land Acquisition Plan,
- (b) Assist and advise in matters related to R&R,
- (c) Overseeing the implementation of RAP carried out by the contracted NGO (means Organization registered under the Society Act, Educational Institution and Consulting Firm),
- (d) Compile data related to R&R activities obtained from various contract packages and update reporting officer and suggest suitable measures to be taken,
- (e) Interact with NGO and Construction and Supervision Consultant (CSC) on a regular basis,
- (f) Attend meetings and participate in Grievance Redress Committee meetings for redressal of grievances of PAFs,
- (g) Assist Contract Management Unit (CMU) in matters related to R&R,
- (h) Ensure budgetary provision for relocation, rehabilitation and reconstruction of CPRs in BOQ,
- (i) Timely release of budget for implementation of RAP,
- (j) Any other work that may be assigned from time to time by the Project Director.

26. As several contract packages will be working simultaneously, the Project Authority will appoint on contract basis one Assistant R&R Officer (ARRO), one Assistant community development Officer and land acquisition officer for each contract package. The ARRO will report to head of the CMU and also take guidance and directions from R&R Officer at the Head Office. Broad role and responsibility of ARRO would be as under:

- (a) Responsible for successful implementation of RAP,
- (b) Co-ordinate with District Administration with regard to land acquisition, NGO for RAP implementation and CSC for RAP monitoring,
- (c) Ensure distribution of pamphlets of R&R Policy to PAFs,
- (d) Ensure preparation of identity cards and distribution of the same to PAFs,
- (e) Ensuring inclusion of those PAFs who could not be enumerated but have documentary proof to be included in the list of PAFs ,
- (f) Ensure timely preparation of micro-plan from NGO and endorsement from District Roads Committee,
- (g) Ensure disbursement of R&R assistance in a transparent manner,

- (h) Participate in respective committee involving R&R matters,
- (i) Facilitate in opening of joint account of PAF,
- (j) Maintain record of physical and financial progress of RAP,
- (k) Ensure relocation, rehabilitation and reconstruction of CPRs before dismantling through proper mechanism.
- (l) Ensuring development of resettlement site, if required.
- (m) Liaison with various Govt. Departments for inclusion of PAFs in Govt. sponsored programmes. /schemes for employment and income generation,
- (n) Any other work related to R&R that may be entrusted from Head Office, etc.

Implementation Arrangements

27. To implement RAP, the Project Authority will hire the services of Non-Government Organisation through standard bidding process. Detailed ToR for hiring the services of the NGO will be prepared by the DPR consultants. The NGO will directly interact with Assistant R&R Officer and report to the Head of CMU as well as District Road Committee of the area. The PRBDB Head Office will deal with financial matters related to services of the NGO. Broad roles and responsibilities of NGO would be as :

- (a) The NGO will be the main link between the Project Authority and affected person/family,
- (b) Undertake public information campaign along with ARRO at the commencement of the RAP,
- (c) Responsible for verification of PAFs as prepared by the DPR consultant,
- (d) Develop rapport with PAFs,
- (e) Distribute pamphlets of R&R Policy to PAFs, *Panchayat Raj* Institutions, and concerned Govt. Offices etc.
- (f) Inclusion of PAFs who could not be enumerated during census cum socio-economic survey and certification from Assistant R&R Officer,
- (g) Prepare format for making identity cards for PAFs and approval from the Head Office,
- (h) Preparation and distribution of photo identity cards to the PAFs,
- (i) Preparation of micro-plan for each PAF,
- (j) Submission of micro-plan to CMU for endorsement from DRC,
- (k) Pursue approval of micro-plan from Project Authority at the Head Office,
- (l) Organize consultations at regular interval with PAFs with regard to resettlement and rehabilitation,
- (m) Organize training program for skill up gradation for the PAFs
- (n) Assist PAFs and Implementing Authority in all matters related to compensation and R&R,
- (o) Assist and facilitate aggrieved PAFs (for compensation and assistance) to bring in their cases to respective committees such as GRC and DRC,
- (p) Facilitate in opening of joint account of PAFs,
- (q) Co-ordinate with ARRO to implement R&R activities.
- (r) Responsible for valuation/estimation of replacement value of affected properties and assets through certified engineer/planner.
- (s) Generate awareness about the alternative economic livelihood and enable PAFs to make informed choice,
- (t) Consultations with PAFs regarding the choice of resettlement (i.e. self or assisted), development of resettlement site, participation of women, etc.
- (u) Identify training needs of PAFs for income generation and institutions for imparting training,
- (v) Consultations with local people and Panchayat Raj Institutions with regard to relocation, rehabilitation, reconstruction of affected CPRs as well as availability of new facilities under the project,
- (w) Participate in various meetings, and
- (x) Submit monthly progress report to CMU, etc

Grievance Redress Committee (GRC)

28. With the aim to settle as many disputes as possible through consultations, GRCs will be constituted under the PSRSP. There will be one GRC for each CMU. The GRC shall constitute a maximum of four members and shall be headed by a retired Judge not below the rank of Additional District & Session Judge. Other members of GRC shall include a retired revenue officer not below the rank of Sub Divisional Magistrate, a retired PWD engineer not below the rank of Executive Engineer

and a representative of NGO. The NGO contracted by the project will help PAF in bringing out their cases before the GRC for redressal. In the event of a grievance being filed against the NGO contracted by the project, the representative of NGO shall dissociate himself from the GRC proceedings relating to that case. The GRC will normally meet once in a month but it may meet more frequently if the situation so demands. A time period of 60 days will be available for redressing the grievance of PAP. However, the decision of the GRC will not be binding for PAP to take recourse to the civil court if he/she so desires. Broad functions of GRC are as under:

- (a) Record the grievances of PAPs, categorize and prioritize them and provide solution to their grievances related to land and property acquisition.
- (b) If required, the GRC would undertake site visit, ask for relevant information from Project Authority, other govt. and non-government agencies, etc.
- (c) Fix a time frame within the stipulated time period of 60 days to resolve the grievance.
- (d) Inform aggrieved parties through the NGO or any other suitable mean about the development of their case and their decision to Project Authority and aggrieved party as well.

District Roads Committees (DRC)

29. The DRC is already in existence in Punjab vide Department Memo No. 22/101/82-B&RII (1)/4152 dated 18.12.1986 and Memo No. 22/101/82-B&RII (1)/87/1505 dated 1st. April 1987 and their functions were indicated with Dy. Commissioners as Chairman, District Development and Panchayat Officer, Member Secretary. It was restructured vide Memo No. 31/42/95-B&R1 (7)/2273 dated 16 May 1995 keeping in view the proper monitoring of the progress of repair works of link roads, constructed through the funds of Marketing Committees/Marketing Boards. The present DRC comprises the following:

(i)	Minister –in-charge of the District	Chairman
(ii)	2 nd Minister-in-charge of the District	Vice-Chairman
(iii)	Deputy Commissioner	Member
(iv)	Executive Engineer, P.W.D (B&R) in-charge of the Rural Works of the District	Member
(v)	Executive Engineer, in-charge of the District in Punjab Mandi Board	Member
(vi)	Additional Dy. Commissioner (Development)	Member Secretary
(vii)	Chairman of <i>Zila Parishad</i>	Member
(viii)	All M.L.A's/M.P's/Ministers belonging to the District (who may either attend personally or through their previously nominated representatives)	Members

The members at Sl. No. (i) to (VI) constitute 'Core Group' of the Committee.

30. The Project Authority (PRBDB) will take the services of the DRC for effective implementation of the Resettlement Action Plan. NGO contracted by PRBDB shall report to DRC of the area for this purpose. The Committee would perform its original responsibilities as stated in the Memo and some additional broad responsibilities include: (i) Land acquisition process and (ii) Resettlement and rehabilitation measures. The DRC will normally meet once in a month and may meet more frequently, if the situation so demands.

Construction Supervision Consultant (CSC)

31. CSC for up gradation contract package will be hired by the Project Authority. In addition to construction supervision, the CSC will monitor the implementation of Resettlement Action Plan. This will be done for each activity and against the corresponding time frame. In the event of delay of implementation of any activity the CSC would bring it to the notice of the Project Authority and suggest corrective measures. The CSC shall submit monthly monitoring report for one year and subsequently quarterly monitoring reports for the remaining period of the project to the Head Office. The CSC will have one Resettlement and Rehabilitation expert in its team for monitoring the implementation of RAP.

The key role of CSC is certifying that a particular stretch of road is ready for handing over from the land acquisition and resettlement point of view to the contractors.

32. In case of rehabilitation contract package, monitoring of implementation of RAP will be performed by the CMU itself. The Assistant R&R Officer in the CMU will be responsible for monitoring and submission of monthly and quarterly reports to the Head Office.

External Evaluation Agency

33. For evaluation of the project, an independent external agency will be hired through standard bidding process by the Project Implementing Authority to carry out the evaluation CMU-wise. The evaluation would be carried out twice during the project period i.e., mid-term and end term.

Land Acquisition

34. Land acquisition will be the responsibility of the Project Authority. The Land Acquisition Plan (LAP) as per the detailed design giving details of each plot such as Plot No., total area of affected land, area of land to be acquired, percentage of total land area affected, names of interested persons, type of land, present use of land, etc along with revenue map (Shajra map) shall be prepared by the Project Authority.

- a. In case of land being acquired through negotiation, the Project Authority will pay the entire negotiated amount to the land losers as bullet payment.
- b. After approval of micro-plan, the Project Authority will pay all kinds of assistance to affected persons in a transparent manner.
- c. In case of land being acquired through LA Act, the compensation amount will be paid to the land losers as per provisions of the Act. The Project Authority will deposit the entire amount of compensation with the concern Land Acquisition Collector. The completion of land acquisition is considered only when the landowner receives the notice for collection of compensation amount.
- d. In case when some claimants are pending even after several reminders and notifications, the compensation money will be kept with the Project Authority in a separate account till the currency of the project. Interested parties either directly or through their legal heirs, as the case may be, may claim their compensation before the Land Acquisition Collector after satisfactory documentary verification. After project completion however, the money may be kept in the Govt. treasury as "unclaimed money".

ENTITLEMENT MATRIX

35. The detailed entitlement matrix for the project is presented in the table below:

Code	Category of PAP	Type of Impact	Unit of Entitlement	Entitlement as per Project
1 A	Titleholder	Loss of Land (Agriculture, Non – Agriculture, Homestead, etc)	Titleholder / Owner	<ol style="list-style-type: none"> 1. Compensation will be paid at “replacement cost” <ul style="list-style-type: none"> • Negotiated amount in case of land acquired through negotiation. • Rate decided by the appropriate authority in case land is acquired through the LA Act, 1894, plus assistance as per Para 13 (b). 2. EP shall have the option of surrendering the Residual Plot to the Project Authority at replacement cost. (for threshold values please see 14 of Para 3.2) 3. Transitional allowance¹ for 3 months @ Average Wage Rate (AWR) of Punjab will be given to the EPs. 4. EPs shall be eligible for training. 5. Severance allowance of 25% of award value shall be paid to EP. 6. Registration and stamp duty charges equivalent to the area acquired for the project. 7. Entitled Persons belonging to vulnerable groups will be eligible for Economic Rehabilitation Grant² (ERG) equivalent to 9 months for re-establishing their livelihood @ Average Wage Rate (AWR) of Punjab (calculated for 30 days in a month).
1B	Titleholder	Loss of Structure (Residential, Commercial, Residential cum commercial, etc)	Titleholder / Owner	<ol style="list-style-type: none"> 1. Compensation will be paid at replacement cost (calculated as per the latest CSR of Punjab without any depreciation). 2. EPs whose structures are partially affected shall be eligible for assistance for repairing/strengthening cost of remaining structure. The repairing cost for the partially affected portion will be 25% of the replacement value of affected area as estimated per latest CSR of PWD. 3. In case of Kutcha structure EPs will be eligible for actual amount of the structure subject to a minimum of Rs. 6000/-. 4. Self-relocating displaced persons shall be eligible for additional support for the construction of structure @ 25 % of the replacement value or Rs. 30000/- whichever is more. 5. PAPs who opt for self-relocation shall be given six months notice for removal of the structure. 6. In case of assisted resettlement, alternative house or shops will be offered as defined in Para 15(b, c and d). 7. Transitional allowance for 3 months @ Average Wage Rate (AWR) of Punjab (calculated for 30 days in a month) will be given to EPs. 8. EPs will be eligible for shifting allowance @ Rs. 1000/- for Kutcha and Rs. 2500/- for Pucca structures

¹ Transitional Allowance is the assistance paid to Entitled Persons based on a reasonable estimate of the time likely to be taken for adjusting to the new situation and additional cost involved during the transition period. .g.

² Economic Rehabilitation Grant (ERG) is the support provided to the affected families so that they are able to restore their livelihood above the Poverty Line.

Code	Category of PAP	Type of Impact	Unit of Entitlement	Entitlement as per Project
				<p>respectively.</p> <p>9. Entitled Persons losing livelihood belonging to vulnerable group will be eligible for ERG equivalent to 9 months towards re-establishing livelihood @ AWR of Punjab (calculated for 30 days in a month).</p> <p>10. EPs shall be eligible for training.</p> <p>11. EPs shall be eligible to salvage structural materials from their demolished structures.</p>
2 A	Non-titleholder	Loss of structure and loss of livelihood etc	Family	<p>1. 2 months notice for removal of structure shall be given.</p> <p>2. 4 months notice for harvesting crops shall be given.</p> <p>3. Entitled Persons shall be compensated for loss of structures. The compensation shall be calculated as per the latest CSR of Punjab without depreciation. For all other assets, EP shall be compensated as per prevalent market rates.</p> <p>4. Entitled Persons will be eligible for transitional allowance for 3 months @ Average Wage Rate (AWR) of Punjab (calculated for 30 days in a month).</p> <p>5. Shifting allowance @ Rs. 1000/- per family to Displaced persons.</p> <p>6. Entitled Persons losing livelihood belonging to vulnerable groups will be eligible for ERG equivalent to 9 months towards re-establishing livelihood @ AWR of Punjab (calculated for 30 days in a month).</p> <p>7. EP who are losing livelihood will be eligible for training (one person per project affected family).</p> <p>8. Compensation on account of damage to standing crop in case stipulated time period of notice is not given.</p> <p>9. EPs shall be eligible to salvage structural materials from their demolished structures.</p> <p>10. Self-relocating displaced persons shall be eligible for additional support for the construction of structure @ 25 % of the replacement value or Rs. 30000/- whichever is more.</p> <p>11. In case of assisted resettlement, alternative house or shops will be offered as defined in Para 15(b, c and d).</p>
3 A	Tenant	Dislocation, loss of livelihood etc	Family	<p>1. 4 months notice for harvesting crops shall be given.</p> <p>2. 2 months notice for vacating the property shall be given.</p> <p>3. Transitional allowance for 3 months @ Average Wage Rate (AWR) of Punjab will be given to EP.</p> <p>4. Tenants will be eligible for shifting allowance of Rs. 1000.</p> <p>5. Tenant is eligible to salvage structural material from the structures constructed by him/her.</p> <p>6. Entitled Persons losing livelihood belonging to vulnerable groups will be eligible for ERG equivalent to 9 months towards re-establishing livelihood @ AWR of Punjab (calculated for 30 days in a month).</p> <p>7. Tenants losing source of livelihood shall be eligible for training (one person per family).</p> <p>8. One person from sharecropper/contract cultivator/wage earner family shall be eligible for training.</p> <p>9. Contract cultivator/farmer shall be eligible for entire assistance amount against crop loss.</p> <p>10. Assistance for crop loss shall be paid in the ratio of 1/3:2/3 between the landowner and tenant in case of</p>

Code	Category of PAP	Type of Impact	Unit of Entitlement	Entitlement as per Project
				Share Cropping. 11. Perennial crops/fruit, trees, wells etc. shall be compensated in case adequate notice is not given.
4 A	Community	Loss of religious places, hand pump, ponds etc	Community	1. Common resources such as religious structures, cremation grounds, graveyards, hand pumps, passenger shelters at bus stops, village gates and other such assets to be replaced or reconstructed or rehabilitated at project cost in consultation with local community and village Panchayats. 2. Enhancement of village ponds, wells, footpaths, religious structures/places, cremation place, graveyard to be covered at project cost in consultation with Panchayat Raj Institutions (PRIs) and local people.
4 B	Unforeseen Impact			Any unforeseen impacts will be documented and mitigated in accordance with the principle and objectives of the policy.

- The unit costs will be revised annually based on inflation. The current unit costs will be valid till March 2008.
- The assistance to the affected employees/agricultural workers will be extended, if substantial numbers of are affected in line with policy principles and objectives.

1. LAND ACQUISITION ACT, 1894

The project entails acquisition of land along the project routes. Land will be acquired through Land Acquisition Act, 1894 modified in 1984. The salient features of the Act have been presented below:

Land Acquisition Act, 1894

Sections	Description
3	Definition
4	Publication of preliminary notification and powers of officers to enter for survey
5	Payment for damage
5A	Hearing of Objections
6	Declaration that land is required for a public purpose
7	After declaration, Collector to take order for acquisition
8	Land to be marked out, measured and planned
9	Notice to persons interested
10	Powers to require and enforce the making of statements as to names and interests
11	Enquiry into measurements, value and claims and award by Collector
12	Award of Collector when to be final
13A	Correction of Clerical Errors, etc.
16	Power to take possession
17	Special powers in cases of urgency (Not applied in this project)
18	Reference to court
23	Matters to be considered in determining compensation
24	Matters to be neglected in determining compensation

Under land acquisition of private lands through LA act by the state the landowner's consent and willingness is not necessary. However, he will be provided an opportunity to hear his objections and accordingly necessary clarification will be provided through hearings. The person will lose land even if he/she does not want to part with it. Secondly, while fixing the compensation amount the land owners' objections and opinions are heard (under section 9 and 11 of the LAA), but it is not necessary that the amount quoted by him/her must be agreed to. The landowner thus has no control over his/her right of ownership or on the level of compensation. It may be said therefore that compensation is not a price.

2. THE PUNJAB PUBLIC PREMISES AND LAND (EVICTION AND RENT RECOVERY) ACT, 1973

The Punjab Public Premises And Land (Eviction and Rent Recovery), Act 1973 was enacted to provide for the eviction of the unauthorized occupants from public premises, and for certain incidental matters.

Provisions of the act override the provisions of the rent control act-premises act being subsequent to rent act would prevail over and override the provisions of rent act. The object of the rent act is to afford special protection to all tenant or private landlords or landlords who are neither a corporation or

govt. or corporate body. The rent control act is intended to deal with the general relationship of landlords and tenants in respect of premises other than govt. premises. The public premises act is intended to deal with speedy recovery of possession of premises of public nature i.e. property belonging to the Govt.

The Punjab Public Premises And Land (Eviction And Rent Recovery) Act, 1973

Sections	Description
3.	Unauthorized occupation of public premises
4.	Issue of notice to show cause against order of eviction
5.	Eviction of unauthorized persons
6.	Disposal of property left on public premises by unauthorized occupants
7.	Power to recover damages in respect of public premises a arrears of land revenue:
8.	Power of collector
9.	Appeals
10.	Finality of orders
11.	Offences and penalty
12.	Power to obtain information
13.	Liability of heirs and legal representatives

3. THE PUNJAB RELIGIOUS PREMISES AND LAND (EVICTION AND RENT RECOVERY) ACT, 1997

The Punjab Religious Premises and Land (Eviction and Rent Recovery), Act 1997 was enacted to provide for the eviction of unauthorized occupants from religious premises and for certain incidental matters.

The Punjab Religious Premises And Land (Eviction And Rent Recovery) Act, 1997

Section	Description
3.	Unauthorized occupation of public premises
4.	Issue of notice to show cause against order of eviction
5.	Eviction of unauthorized persons
6.	Disposal of property left on public premises by unauthorized occupants
7.	Power to recover damages in respect of public premises a arrears of land revenue
8.	Power of collector
9.	Appeals
10.	Finality of orders
11.	<i>Offences and penalty</i>
12.	Power to obtain information
13.	Liability of heirs and legal representatives

4. THE PUNJAB VILLAGE COMMON LANDS REGULATION ACT, 1961

The Punjab Village Common Lands Regulation Act 1961 was enacted to consolidate and amend the law regulating the rights in *shamilat deh and abadi deh*. Shamilat Deh includes the land described in the revenue records as *Shamilat deh* excluding *abadi deh*.

Shamilat Law means: -

'in relation to land situated in the territory which immediately before the 1st November, 1956, was comprised in State of Punjab under the Act'.

The Punjab Village Common Lands Regulation Act, 1961

Section	Description
4.	Vesting of rights in Panchayat and non-proprietors
5.	Regulation for use and occupation, etc of lands vested or deemed to have been vested in Panchayats
6.	Appeal
7.	Power to put panchayat in possession of shamilat deh
8.	Saving of existing Possession
9.	Utilisation of Income
10	Bar of Compensation
10A.	Power of the Collector to cancel or vary leases etc. of lands vested in Panchayats
13.	Bar of Jurisdiction in civil Courts
13.A.	Penalties and Procedure

5. THE PUNJAB LAND REVENUE ACT, 1967

The Punjab land Revenue Act, 1967 was enacted to consolidate and amend the law relating to the making and maintenance of records-of-rights, the assessment and collection of land-revenue, the appointment and functions of Revenue Officers and other matters connected with the Land Revenue Administration in the Province of the Punjab

There shall be the following classes of Revenue Officers such as the Board of Revenue, Executive District Officer (Revenue), the Collector, the Assistant Collector of the first grade, the Assistant Collector of the second grade and the District Officer (Revenue) of the District. There shall be a Collector who shall be appointed by Government and an Additional Collector, who shall exercise throughout the District concerned all or any of the powers and discharge all or any of the duties conferred or imposed on a Collector by or under this Act.

If a person required by summons, notice, order or proclamation proceeding from a Revenue Officer to attend at a certain time and place within the limits of the estate in which he ordinarily resides or in which he holds or cultivates land, fails to comply with the requisition, he shall be liable at the discretion

of the Revenue Officer to a fine which may extend to five hundred rupees.

The Board of Revenue may, with the previous approval of Government, make rules to regulate the appointment, duties, emoluments, punishment, suspension and removal of Village Officers.

6. THE PUNJAB TENANCY ACT, 1887

The Punjab Tenancy Act, 1887 was enacted to amend the law relating to the tenancy of land in the province of Punjab.

The Punjab Tenancy Act, 1887

Sections	Description
5.	Tenants having right of occupancy
6.	Right of occupancy of other tenants recorded as having the right before passing of Punjab Tenancy Act, 1868
7.	Right of occupancy in land taken in exchange
9.	Right of occupancy not to be acquired by mere lapse of time
10.	Right of occupancy not to be acquired by joint owner in land held in joint ownership
11.	Continuance of existing occupancy rights
12.	Respective rights of land-lord and tenant to produce
14.	Payments for land occupied without consent of land-lord
25.	Under the Discretion as to extent of enhancement or reduction
35.	Relinquishment by tenant for a fixed term
36.	Relinquishment by any other tenant
38.	Abandonment of tenancy by occupancy tenant
39.	Grounds of ejection of occupancy tenant
40.	Grounds of ejection of tenant for a fixed term
53.	Private transfer of right of occupancy under section 5 by tenant
54.	Procedure on foreclosure of mortgage of right of occupancy under section 5
56.	Transfer of right of occupancy under any other section than section 5
60.	Irregular transfer of right of occupancy
69.	Compensation for disturbance of clearing tenants
70.	Determination of compensation by Revenue Court
72.	Matters to be regarded in assessment of compensation for improvements
73.	Form of compensation
74.	Relief in case of ejection before determination of compensation
87.	Costs
115.	Limits of holding for personal cultivation
116.	Offences

7. ENVIRONMENTAL GUIDELINES FOR RAIL, ROAD AND HIGHWAY PROJECT, MoEF, 1989

These guidelines were formulated to assist the project authorities in planning and carrying out EIA and evolving EMP for Rail/Road/Highway projects. The guidelines are applicable to all new projects as well as projects involving significant changes in existing facilities.