

Chhattisgarh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment, Consent and Public Hearing) Rules, 2016

CHHATTISGARH

India

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Rule

CHHATTISGARH-RIGHT-TO-FAIR-COMPENSATION-AND-TRANSPARENCY RULES, 2016

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Chhattisgarh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment, Consent and Public Hearing) Rules, 2016 Published vide Notification No. F-4-28/Seven-1/2014, dated 5.2.2016 Last Updated 20th September, 2019 Notification No. F-4-28/Seven-1/2014. - In exercise of the powers conferred by Section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013), the State Government, hereby, makes the Chhattisgarh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment, Consent and Public Hearing) Rules, 2016, the same having been previously published as required by Section 112 of the said Act, namely :-Chapter-I General

1. Short title and commencement.

(1) These rules may be called the Chhattisgarh Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment, Consent and Public Hearing) Rules, 2016. (2) It shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires, - (a) "Act" means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013); (b) "Form" means the Form appended to these rules; (c) "Project Area" means a village or group of villages where Land Acquisition is proposed for any project; (d) "Section" means section of the Act. (2) Words and expressions used and not defined in these rules but defined in the Act shall have the same meaning respectively assigned to them in the Act. Chapter-II Proposal of Requiring Body

3. Submission of Proposal.

- Requiring Body shall submit its proposal for acquisition of land for public purpose along with copies of land record of concerning land. (B-l, Khasra and Map) in Four copies.

4. Cost of Acquisition.

- Requiring Body shall deposit cost of acquisition as per sub-clause (vi) and (vii) of clause (i) of Section 3 of the said Act to Collector.

5. Information to be submitted with the proposal.

- After complying with provisions of rule 4 and 5, Requiring Body shall submit following information along with the proposal: - (i) Public purpose which will be fulfilled by such acquisition; (ii) Estimated numbers of families which will be affected by the acquisition; (iii) Government land, buildings and other assets affected by acquisition; (iv) Private land, buildings and other assets affected by land acquisition; (v) The area to be acquired is the minimum area for the proposed project; (vi) Certificate regarding that no alternative site is available for the project; (vii) Social impact of the project, remedies thereof and the estimated cost of the same; and (viii) A comparative study of the cost of project and benefits thereof.

6. Requiring Body to be responsible under rule 5.

- Requiring Body shall be responsible for the correctness of information given under rule 5.

7. One copy of the proposal shall be given to Social Impact Assessment Team.

- A copy of proposal shall be given to Social Impact Assessment Team. The team appointed under rule 15 shall submit social Impact assessment report to District Collector within six months from the date of notification issued under sub-section (1) of Section 4 of the Act. Chapter-III Land Acquisition in Schedule area

8. Implementation of PESA in Schedule Area.

- In schedule area Gram sabha shall be consulted before initiating the process of Land acquisition.

9. Disposal of objection raised by Gram Sabha.

- If gram sabha raise any objection on proposed Land Acquisition, then the Collector shall after appropriate hearing dispose the same.
- Chapter-IV Social impact assessment

10. Updation of Land Records.

- After receiving proposal from Requiring body, if appropriate Government thinks it is necessary to acquire land for public purpose, all the cases relating to title of land in affected area shall be resolved and concerning land records shall be updated.

11. Issuance of Notification.

- Collector shall issue a notification in Form-1 within thirty days from the date of receiving money under rule 4.

12. Notification to be made available in concerned local bodies.

- Notification issued under rule 7 shall be made available in the concerned local bodies (i.e. Gram Panchayat, Nagar Panchayat, Municipality and Municipal Corporation) and in the offices of District Collector, Sub-Divisional Officer and Janpad Panchayat. The same shall also be published in the affected area by affixing posters at conspicuous places and by announcement (munadi).

13. Public hearing.

- Public hearing shall be conducted in the affected area by giving adequate publicity in two daily news papers circulating in the locality of such area after social impact assessment, of which one shall be in local language of affected area :Provided that the consent of the concerned gram sabha shall be obtained in scheduled areas.

14. Notification under Section 4 of the Act to be uploaded in the official website of the concerned District.

- Notification issued under Section 4 of the Act shall also be uploaded in the official website of concerned District. It shall be the duty of the Collector to ensure that the uploaded notification is correct and authentic.

15. Constitution of Social Impact Assessment Team.

- Collector shall be responsible for appointing the Social Impact Assessment team for each project inclusive of the following persons, namely :-

- | | |
|---|------------------------|
| (a) Non-governmental social scientist | - One Member |
| (b) Representatives of local bodies | - Two Members |
| (c) Rehabilitation expert | - One Member |
| (d) Technical expert in the subject relating to the project | - One Member |
| (e) Tahsildar of the affected area Collector shall nominate Chairman from (a), (b) and (c). | - One
(Coordinator) |

16. Submission of Social Impact Assessment Report.

- The team appointed under rule 11 shall submit Social Impact Assessment Report to the Appropriate Government within six months from the date of notification issued under sub-section (1) of Section 4 of the Act. Chapter-V Submission of consent of affected persons

17. Submission of consent of affected persons.

- The team appointed under rule 11 shall also submit consent of the affected persons as per first proviso to sub-section (2) of Section 2 of the Act.

18. Consent to be obtained in Form-II.

- Consent of the affected person shall be obtained in Form-II.

19. Provisions of Schedule I and II of the Act to be explained to affected persons.

- Before obtaining consent of affected persons under rule 18, provisions of Schedule I and II of the Act shall be explained to affected persons.

20. Institutional support and facilitation for Social Impact Assessment.

(1) The Appropriate Government shall identify or establish an independent unit which shall be responsible for ensuring that Social Impact Assessments are commissioned and conducted by person or bodies other than the Requiring Body as per the provisions of the Act. (2) The Social Impact Assessment Unit shall undertake the following tasks, namely:- (a) Build a database of expert Social Impact Assessment Resource Partners and Practitioners which will serve as a network of individuals and institutions. (b) Respond immediately to Social Impact Assessment proposal of Appropriate Government. (c) Conduct training and capacity building programmes for Social Impact Assessment teams and make available manuals, tools, comparative case study reports and other

materials as required.(d)Provide necessary help and support as required by the Social Impact Assessment team.(e)Continuously take measures for improving the quality of Social Impact Assessment.

21. Project-specific Terms of Reference and Processing Fee for the Social Impact Assessment.

- Where the Appropriate Government intends to acquire the land for public purpose, the proposal for such land acquisition shall be sent along with all the relevant documents to the unit appointed under rule 20(1), which shall:-(a)prepare a detailed project specific term of reference for each proposal of land acquisition, listing the activities that must be carried out indicating the appropriate team size (number of team members) and profile of the team members and also attach the particulars of Form-V and last date for report submission.(b)Determine an estimated Social Impact Assessment fee with clear breakup of cost for each particular activity :Provided that the fee amount estimated shall not be less than the minimum amount fixed by Appropriate Government. If amount deposited by Requiring Body under rule 4 is less than the cost of conducting Social Impact Assessment, Requiring Body shall deposit the difference amount.

22. Selection, of the Social Impact Assessment tea.

(1)The Social Impact Assessment Unit shall determine the qualified individuals/institutions from among the registered individuals/institutions for the purpose, to be included in the Social Impact Assessment team for each project:Provided that no person belonging to the Requiring Body shall be included in this team.(2)All the members of Social Impact Assessment team shall give an undertaking that he/she or his/her family members are directly or indirectly not concerned with the activities of Requiring Body.(3)If at any stage, it is found that any member or any family member of the team directly or indirectly receives any benefit from the Requiring Body, that member shall be disqualified.(4)Independent practitioners, qualified social activists, academicians, technical experts shall be included in the team.(5)There shall be at least one female member in the team.(6)One team leader shall be appointed from the Social Impact Assessment team.

23. Process of conducting the Social Impact Assessment.

(1)The Social Impact Assessment team shall collect and analyse quantitative and statistical data of affected area, undertake site visits, use participatory methods such as focused group discussions and personal interviews in preparing Social Impact Assessment Report.(2)All relevant reports and feasibility studies shall be made available to Social Impact Assessment team, as required. It shall be the duty of the Collector to ensure that any request for information from Social Impact Assessment team is met at the earliest, not exceeding ten days.(3)A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar project shall be conducted by the Social Impact Assessment team. The assessment shall determine the following, namely :-(a)area of impact under the proposed project, including both land to be acquired and areas that will be affected, the environmental, social or other impacts of the

project;(b)details of the land proposed to be acquired for project;(c)the land proposed for acquisition is the bare minimum required area for the project;(d)possible alternative sites for the project and their feasibility;(e)whether, the land proposed for acquisition in Schedule Area is a demonstrable last resort;(f)land, if any, already acquired by any means, and the intended use for each plot of land required for project;(g)the possibility of use of any public, unutilised land for the project and whether any of such land is under occupation;(h)nature of the land, present use and classification of land and if it is an agricultural land, the irrigation coverage for the said land;(i)the special provisions with respect to food security have been adhered to in the proposed land acquisition;(j)size of holdings (marginal and small farmers), number of residential houses, and public and private infrastructure and assets; and(k)land price, transfer and use of land over the last three years.(4)Social Impact Assessment team shall, after physical verification of land records, enumerate the actual number of displaced persons and families.(5)A socio-economic and cultural profile of the affected area must be prepared, based on available data and held visits and consultations in Form-III:Provided that in projects where resettlement is required, the identified resettlement sites shall be visited and their current resident population shall be indicated.(6)Based on the data collected and the extent and intensity of the positive and negative social impacts associated with the proposed project, the manner of land acquisition shall be as prescribed in Form-III.(7)(a)The Social Impact Assessment process includes the preparation of a Social Impact Management Plan, which will present the ameliorative measures to be undertaken to address the social impacts identified.(b)The Social Impact Assessment team must assess the viability of impact mitigation and management strategies with clear indication of costs, timelines and capacities.(c)The Social Impact Management Plan shall include the following measures :-(i)particulars specified in terms of rehabilitation, resettlement and compensation of all the categories of affected families as outlined in the Act;(ii)that the Requiring Body has stated that it will undertake in the project proposal and other relevant project documents; and(iii)additional measures undertaken by requiring body during the Social Impact Assessment process and public hearing.(8)The Social Impact Assessment must provide a conclusive assessment of the balance and distribution of the adverse social impacts and social costs and benefits of the proposed project and land acquisition, including the mitigation measures, and provide an assessment as to whether the benefits from the proposed project exceed the social costs and adverse social impacts that are likely to be experienced by the affected families or even after the proposed mitigation measures, the affected families remained at risk of being economically or socially worse, as a result of the said land acquisition and resettlement.(9)The subject-matter contained in Form-IV shall be there in Social Impact Assessment Report and Social Impact Management Plan.

24. Publication of Social Impact Assessment Report and Social Impact Management Plan.

- The Social Impact Assessment and Social Impact Management plan shall be published by way of affixture at conspicuous places in the village/ward and announcement (munadi). A copy of notice shall also be published in the office of the District Collector, Sub-Divisional Magistrate, Tehsildar and shall also be uploaded on the website of the State Government.

25. Appraisal of Social Impact Assessment by an expert group.

- The expert group constituted under sub-section (1) of Section 7 of the Act shall evaluate the Social Impact Assessment Report and shall make its recommendation to the effect within a period of two months.

26. Consideration of recommendations of the expert group.

- The Appropriate Government may consider the recommendations of the expert group to ensure :- (a) Minimum displacement; (b) Minimum disturbance to the infrastructure; (c) Minimum effect on environment.

27. Publication of notification and declaration.

- After considering the recommendation of the expert group, the Appropriate Government shall publish its decision in prescribed format, in the Official Gazette under Section 19 of the Act, such publication shall only be done after the deposit of cost of acquisition by Requiring Body. Form-I [See rule 11] Office of the Collector and ex-officio Dy. Secretary, Department of Revenue and Disaster Management. Notification Under Section 4 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 read with rule 7. The State Government intends to acquire the land mentioned in Schedule below for public purpose, namely :-

District Tahsil Village/Town Area Details of public purpose

To carry out Social Impact Assessment for the acquisition of above mentioned land a public hearing is being held on.....(date).....at (Time).....(Place). Other details of proposed land acquisition are given below :- (i) Brief description of public purpose. (ii) Number of Families affected directly. (iii) Number of Families affected indirectly. (iv) Estimated number of private buildings and other assets in affected area. (v) Estimated number of Government buildings and other assets in affected area. (vi) Whether proposed acquisition is bare minimum? (vii) Whether possible alternative site and its feasibility has been considered? (viii) Total cost of the project. (ix) Benefits from the project. (x) Remedy for compensation of proposed social impact and approximate expenditure. (xi) Other factors affected by project. Any other information/suggestion by any individual/institution or any other person regarding above land acquisition may be given at prescribed date/time and place. District Collector. FORM-II [See rule 18] Part-A-Prior Written Consent/Declaration Form

S. No.	Details of person Concerned
1.	Name of the persons(s) as per section 3(c) (i) & (v) of the Act.
2.	Name of the spouse :
3.	Name of Father/Mother:
4.	Address :

5. Village/Basti:
6. Gram Panchayat/Municipality/Township:
7. Tahsil/Taluka:
8. District:
9. Name of other members in the family with age(including children and adult dependants) :
10. Extent of land owned :
11. Area for the acquisition :
12. Plot No.:
13. Record of Rights :
14. Disputed lands, if any :
15. Pattas/leases/grants, if any :
16. Any other right, including tenancy, if any :
17. Regarding the acquisition of my land by the Government, I wish to state the following (please circle)

(i) I have read/readout the contents of this consent form and explained to me in language and

Yes

No

(ii) I do not agree to this acquisition

Yes

No

(iii) I agree to this acquisition

Yes

No

Signature or Thumb impression of the affected family(s) and date.

18. The terms and conditions of Rehabilitation and Resettlement, Compensation and other terms and conditions must be attached to the Form

Date and Signature of designated district official receiving the signed form.

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

_____ any such threat has been made this form is null and void. Part-B-Format for Gram

Sabha Resolution We, the undersigned members of the Gram Sabha

of.....within.....panchayat of.....tehsil/taluka in.....district wishes to state that the following certification is based on the information supplied by the administration and officials. If this information is incomplete or incorrect or if any consent has been obtained through

any use of threats, fraud or misrepresentation, it is null and void. On this basis, this Gram Sabha hereby certifies that it CONSENTS/REFUSES TO CONSENT to the proposed.....project,

which will involve;.....acquisition of.....acres of private land.....transfer of.....acres of government land to the project.....transfer of.....acres of forest land to the project. The terms

and conditions of compensation, rehabilitation and resettlements benefits and social impact mitigation measures agreed to by the Requiring Body (state the name) are attached. The Gram Sabha

also states that any consent is subject to all of its residents receiving title to all of their individual and community rights over forests and forest lands, including their titles for forest land that they

use, and titles to protect and manage their community forests. (Note : This will have to be certified by this Gram Sabha separately.)

.....Date and signatures/thumb impressions of Gram Sabha members

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

Form-III Social Impact Assessment Report [See rule 23]

1. Demographic details of Project Area-

- | | | |
|------------------------------|--------------|----------------|
| (a) Total population | (i) Male | (ii) Female |
| (b) Number of child | (i) Male | (ii) Female |
| (c) Castewise population | (i) ST | (ii) SC |
| | (iii) OBC | (iv) Other |
| (d) Religion wise population | (i) Hindu | (ii) Muslims |
| | (iii) Sikh | (iv) Christian |
| | (v) Buddhist | (vi) Other |

2. Number of Families below poverty line

3. Number of old age pensioners

4. Number of Nirashrit pensioners

5. Number of Illiterate Males and Females

6. Social and cultural organisation

7. Administrative organisation

8. Political organisation

9. Civil society organisation and social member

10. Land use-

(i) Agricultural land (ii) Fallow Land (iii) Irrigated single crop land (iv) Irrigated double crop land (v) Unirrigated land

11. Size of holdings-

(i) Number of small farmers (ii) Number of marginal farmers (iii) Number of total holdings (iv) Number of landless persons (v) Number of persons holding right of Forest Rights Act (The separate number of

persons shall be given who are residing since three years or more)

12. Live stock-

(i)Number of cattles.(ii)Number of Milking cattles

13. Direct and Indirect work and employment

14. Migration

15. Participation of women in employment.

16. Food security.

17. Other local employment

18. Wage rates

19. Access to credit

20. Roads and Transport

21. Irrigation

22. Access to market

23. Tourist sites

24. Co-operative associations

25. Living style-

(i)Perceptions, aesthetic qualities attachments and aspirations(ii)Houses(iii)Community and Civic spaces(iv)Sites of religious and cultural measuring(v)Physical infrastructures (i.e. water supply, sewage system etc.)(vi)Public service infrastructures (i.e. Schools, health facilities, angan badi, public distribution system, etc.)(vii)Security, crime and violence.Key Impact Area

1. Impact on land, livelihoods and income-

(a)Level and type of employment(b)Intra household employment patterns(c)Income levels(d)Food security(e)Standard of living(f)Access and control to productive resources(g)Women's access to

livelihood alternatives

2. Impact on physical resources-

(a) Impact on natural resources (i.e., soil, air, water, forest) (b) Pressures on land and common property natural resources for livelihood

3. Impact on private assets, public services and utilities-

(a) Capacity of existing health and educational facilities (b) Capacity of housing facilities (c) Pressure on supply of local services (d) Adequacy of electricity and water supply, roads, sanitation and waste management system (e) Impact on private assets such as bore wells etc.

4. Health impact-

(a) Impact on women's health (b) Impact on elderly's health

5. Impact on cultural and social cohesion-

(a) Transformation of local political structure (b) Demographic changes (c) Shifts in the economy, ecology balance (d) Impacts on the norms, beliefs, values and cultural life (e) Crime and illicit activities (f) Stress of dislocation (g) Impact of separation on family cohesion

6. Impact on different stages of project cycle :

(a) Pre-construction phase (b) Construction phase (c) Operation phase (d) De-commissioning phase (e) Direct and indirect impacts (f) Cumulative impacts (impacts of other project in area along with the identified impacts of the project in question) Form-IV [See rule 23 (9)] Table of Contents for Social Impact Assessment Report and Social Impact Management Plan

Chapter	Contents
Executive summary	(a) Project and public purpose (b) Location (c) Size and attributes of land acquisition (d) Alternatives considered (e) Social Impacts (f) Mitigation measures (g) Assessment of social costs and benefits
Detailed project Description	(a) Background of the project, including developers background and governance or management structure (b) Rationale for project including how the project fits the public purpose criteria listed in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (c) Details of project size, location, capacity, outputs, production targets, cost, risks (d) Examination of alternatives (e) Phases of project construction (f) Core design features and size and type of facilities (g) Need for ancillary infrastructural facilities (h) Work force requirements (Temporary and permanent) (i) Details of Social Impact Assessment or

	Environment Impact Assessment if already conducted and any technical feasibility reports(j) Applicable legislation's and policies
Team composition, approach, methodology and Schedule of the Social Impact Assessment	(a) List of all team members with qualifications, along with Gender experts included in the team(b) Description and rationale for the methodology and tools used to collect information for the Social Impact Assessment(c) Sampling methodology to be used(d) Overview of used information or data sources (Detailed reference must be included separately in the forms.)(e) Schedule of consultations with key stakeholders and brief description of public hearings conducted(Details of the public hearings and the specific feedback incorporated into the report must be included in the forms)
Land Assessment	(a) Information from land inventories and primary sources-Describe with the help of the maps(b) Entire area of impact under the influence of the project (not limited to land area for acquisition)(c) Total land requirement for the project(d) Present use of any public, unutilised land in the vicinity of the project area(e) Land (if any) already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project(f) Quantity and location of land proposed to be acquired for the project(g) Nature, present use and classification of land and if land is agricultural, area of irrigation and cropping patterns(h) Size of holdings, ownership patterns, and distribution, and number of residential houses(i) Land prices and recent changes in ownership, transfer and use of lands over the last 3 years.
Estimation and enumeration (where required) of affected families and assets	Estimation of the following types of families that are-(a) Directly affected (own land that is proposed to be acquired)(i) Tenants or occupying the land proposed to be acquired(ii) The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights(iii) Dependent on common property resources which will be affected due to acquisition of land for their livelihood(iv) Have been assigned land by the appropriate Government under any of its schemes and such land is under acquisition(v) Have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land(vi) Have depended on the land being acquired as a primary source of livelihood for three years prior to the acquisition(b) Indirectly impacted by the project (non-affected directly by the acquisition of own lands)(c) Inventory of productive assets and significant lands
Socio-economic and cultural profile (affected area and resettlement site)	(a) Demographic details of the population in the project area(b) Income and poverty levels(c) Vulnerable groups(d) Land use and livelihood(e) Local economic activities(f) Factors that contribute to local livelihoods(g) Kinship patterns and social and cultural organisation(h) Administrative organisation(i) Political organisation(j) Community-based and civil society organisations(k) Regional dynamics and historical change processes(1) Quality of the living environment
Social impacts	(a) Framework and approach to identifying impacts.(b) Description of impacts at various stages of the project cycle such as impacts on health and livelihoods and culture. For each type of impact, separate indication of whether it is a

	direct or indirect impact, differential impacts on different categories of affected families and where applicable - cumulative impacts. (c) Indicative list of impacts areas includes impacts on land, livelihoods and income, physical resources, private assets, public services and utilities, health, culture and social cohesion and gender based impacts.
Analysis of costs and benefits and recommendation on acquisition	(a) Final conclusion on assessment of public purpose, less-displacing alternative, and minimum requirements of land, the nature and intensity of social impacts, the viability of the mitigation measures and the extent to which mitigation measures described in the Social Impact Management Plan will address the full range of social impacts and adverse social costs. (b) The above analysis will use the equity principle described in Rule as a criteria of analysis for presenting a final recommendation on whether the acquisition should go through or not.
References and Forms	For reference and further information
Form - V	[See rule 21 (a)]

1. The Social Impact Assessment Unit shall prepare a Term of Reference as soon as the proposal for land acquisition is received from Government showing budget of Social Impact Assessment.

2. The Terms of Reference shall include the following information-

(a) A brief description of the project (b) Extent of land proposed for acquisition for the project (c) The objectives of the Social Impact Assessment and all activities that must be carried out by the Social Impact Assessment team. (d) Sequencing, schedule and deadlines for deliverables with dates for the Social Impact Assessment process. (e) Whether the consent of Gram Sabha and/or land owners is required to be sought. (f) The appropriate size and profile of Social Impact Assessment team. (g) A project specific budget based on Terms of Reference, with a clear break-up of costs for each item or activity. (h) The schedule for the disbursement of funds to the Social Impact Assessment team.

3. The fee for Social Impact Assessment shall be revisable and reviewable from time to time.