

# SECOND TAMILNADU ROAD SECTOR PROJECT AND ADDITIONAL FINANCING

This Draft Resettlement Policy Framework, 2019 is an updated version of the Resettlement Policy Framework, 2014, which incorporates clarification and government orders issued related to Land Acquisition, Rehabilitation and Resettlement under Second Tamil Nadu Road Sector Project-II. This Draft Resettlement Policy Framework, 2019 is now being put in the public domain. This is only a working draft, we are giving 30 days' time for receiving suggestions. Please send your comments, suggestions on or before 30.03.2020 to [tnrsp1@gmail.com](mailto:tnrsp1@gmail.com) or to Project Director, Tamil Nadu Road Sector Project, Tamil Nadu Maritime Board Building, 171, South Kesava Perumalpuram, Greenways Road, Chennai – 600 028. For effective handling of email and letters received by us, please include the following in the Subject: 'Suggestions for the Draft RPF, 2019'

## Resettlement Policy Framework 2019 Updated Version

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Highways Department, Government of Tamil Nadu

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### Abbreviations

ADE	Assistant Divisional Engineer
AIDS	Acquired Immuno Deficiency Syndrome
BPL	Below Poverty Line
CPIAL	Consumer Price Index for Agricultural Labourers
CPIRL	Consumer Price Index for Rural Labourers
CPR	Common Property Resources
CW	Compound Wall
DF	Displaced Family
DPR	Detailed Project Report
DPR	Detailed Project Report
EMP	Environmental Management Plan
EPC	Engineering Procurement Contract
FGD	Focused Group Discussion
FMB	Field Measurement Book
GoTN	Government of Tamil Nadu
HF	Head of Family
HIV	Human Immunodeficiency Virus Infection
HR&CE	Hindu Religious & Charitable Endowments Department
HSC	House Service Connection
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Planning Framework
IRC	Indian Roads Congress
ISA	Implementing Support Agency
LA	Land Acquisition
RFCTLARR	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
LARRU	Land Acquisition Rehabilitation and Resettlement Unit
LPG	Liquefied Petroleum Gas
LPS	Land Plan Schedule
NFHS	National Family Health Survey
NGO	Non Governmental Organisation
NH	National Highway
NLC	Neyveli Lignite Corporation
OP	Operational Policy (World Bank)
OPRC	Output and Performance Based Road Contract
PIU	Project Implementation Unit
PMU	Project Management Unit
PPP	Public Private Partnership
PT	Public Tap
PWD	Public Works Department
RO	Resettlement Officer
RP	Resettlement Plan
RPF	Resettlement Policy Framework
SC	Scheduled Caste
SH	State Highway

SIA	Social Impact Assessment
Spl DRO	Special District Revenue officer
SR	Schedule of Rates (PWD)
ST	Scheduled Tribe
TN	Tamil Nadu
TNHA	Tamil Nadu Highways Act, 2001
TNRSP-II	Second Tamil Nadu Road Sector Project
WB	World Bank

## Executive Summary

1. Government of Tamil Nadu (GoTN) has taken up the improvement of about 600km of State Highways to two-lane/four-lane carriageway and is carrying out the maintenance of about another 600km of roads under Second Tamil Nadu Road Sector Project (TNRSP-II). The aim of the project is to improve the performance of the State's Road Transport Network by improving road conditions and capacity, and improve the State's capacity to plan, develop and maintain the Tamil Nadu Road Networks. GoTN has availed the World Bank for the project and prepared separate resettlement plans for 11 road-projects implemented under Engineering Procurement Contract (EPC) mode totaling about 428km of State Highways and 3-road projects under Public Private Partnership (PPP) mode totaling about 146km confirming to the policy principles of the approved<sup>1</sup> Resettlement Policy Framework, 2014. GoTN has now proposed to seek additional loan from the World Bank for improving 7-road projects totalling about 109km, necessitating the updating of the Resettlement Policy Framework, 2014, in line with applicable World Bank safeguard policies, existing National and State's laws and policies and the interpretation, clarifications and government orders issued related to land acquisition, rehabilitation and resettlement, including the lessons learnt from the findings of the midterm evaluation, to guide in carrying out Social Impact Assessment (SIA) and the preparation of Resettlement Plan (RP) for these proposed 7-road projects.

2. All proposed road-projects and road projects under implementation under TNRSP-II will be screened for social impacts and will comply with this policy framework irrespective of the source of finance or modality of finance including road-projects under Public Private Partnership (PPP).

3. The project involves land acquisition and will impact encroachments and squatters (nontitle holders). The project under implementation involves about 169ha of private land, will cause major impact to about 1566 families and the extent of land requirement and impacts arising out of additional loan is being assessed. On completion of the detailed engineering designs, a social impact assessment report and resettlement plan shall be prepared based on a census and socio-economic survey of the affected persons. Social Impact Assessment (SIA) of the displaced persons will be undertaken in each road-project so as to determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a resettlement and rehabilitation program for implementation.

4. This resettlement policy framework is based on the National/State laws: Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR); Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017; The Tamil Nadu Highways Act, 2001; The Tamil Nadu Highways Rule, 2003; and World Bank Operational Policy for Involuntary Resettlement (OP-4.12). Land will be acquired in accordance with provisions of Tamil Nadu Highway Act, 2001 and while determining the compensation for land, the competent authority will be guided by the provisions of RFCTLARR Act, 2013. Compensation for land will include land and all assets attached to the land. There shall be no income tax deductions in line with the RFCTLARR Act.

5. An Entitlement Matrix (EM) has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements. Compensation and rehabilitation assistance to various categories of losses based on the tenure and magnitude of impact has been provided. Additional assistance to vulnerable, reimbursement of stamp duty and registration charges to those who buy land/property with the compensation and assistance in

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<sup>1</sup> The Resettlement Policy Framework, 2014 was approved vide GoTN government order G O (2D) No 12 of Highways and Minor Ports (HN2) Department dated 31.12.2014

the name of women, cash assistance for housing to physically displaced squatters are some of the provisions contained in the EM.

6. The replacement value of houses, buildings and other immovable properties will be determined on the basis of latest PWD plinth area rate for valuation purpose as on date without depreciation. Compensation for trees will be based on their market value and compensation for the loss of crops, fruit bearing trees will be decided by the LARRU in consultation with the Departments of Forest, Agriculture and Horticulture. Prior to taking possession of the land or properties, the compensation will be fully paid and DPs will have the opportunity to harvest crops/trees within 15 days from the date of payment of compensation.

7. The Spl DRO, LARRU will pass a separate Rehabilitation and Resettlement Award listing the names of displaced persons and their entitlements in accordance with this RPF. The same will be displayed in prominent places such as the office of the local body concerned, office of the DE, Highways, TNRSP and LAARU.

8. To expedite land acquisition and implement the provisions of the road-project RPs, three regional levels Land Acquisition Rehabilitation and Resettlement Units (LARRU) have been constituted. These units are headed by a Special District Revenue Officers (Spl DRO) and is supported by a Resettlement Officer (RO) for RP implementation support. The Project Director, TNRSP is overall in charge of land acquisition and R&R implementation and coordinates with the three Spl DROs in RP implementation and LA. The Chief Engineer, working under the Project Director, is supported by domain expert in the areas of land acquisition and Social Development/R&R.

9. Grievance Redressal Committee (GRC) is established at two-levels, one at regional level and another at State level, to receive, evaluate and facilitate the resolution of displaced persons concerns, complaints and grievances. Three regional level GRCs is functioning out of Salem, Trichy and Chennai respectively. The 3-member GRC is chaired by a retired District Revenue Officer (DRO) or equivalent rank officer and comprising of the Divisional Engineer, Highways, TNRSP acting as its member secretary and a local person of repute and standing in the society, nominated by the Project Director. In the second-level, the Project Director will act as the appellate authority. The LARRU will be supported in the implementation of the R&R provisions by NGOs/agencies. An independent agency having experience in land acquisition, R&R, consultation, community development will be engaged to supervise the implementing of LA and R&R and oversee the NGOs/agency's performance and provide guidance.

10. The land acquisition and resettlement implementation will be co-coordinated with the timing of procurement and commencement of civil works. The handing over of land to the contractor will be organised in two or three sections. About 60 percent of the land in the first-milestone will be handing over immediately after signing of the contract, the second-section in 12-months and the third-section of bypasses and major realignments, if any, within 18 months of contract signing. The land acquisition and corresponding payment of compensation and R&R assistance with encumbrance free certification will be available prior to award of contract and in case of second milestone stretches all land acquisition notifications should have been completed and construction of resettlement sites is commenced so as to complete within 6 months.

11. Further to the web disclosure and stakeholder consultations of the Draft RPF in 2014 by PIU, TNRSP, this revised and updated version of the RPF, 2019 was disclosed in TNRSP website on xxxxx, 2020, seeking views and suggestions, consultations were held amongst stakeholders in xxxx, during xxxxxx, 2020. Prior to the consultations, TNRSP held series of detailed discussions with official of Land Administration Department, Revenue Department and Highways Department. Gist of the RPF translated in Tamil was distributed to the

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stakeholders and their views and suggestions were discussed and incorporated in finalisation of the RPF.

12. This Resettlement Policy Framework will be updated as and when changes or amendments to the applicable laws and policies are made and based on implementation experience and lessons learnt.

## 1. Introduction

### Background

1.1 This updated Resettlement Policy Framework is applicable for both Second Tamil Nadu Road Sector Project-TNRSP (parent project) and Additional Financing (AF). The proposed AF for TNRSP will support the Government of Tamil Nadu (GoTN) in scaling up road widening and strengthening efforts of the road network in the state. The proposed works under AF will cover seven additional roads in different parts of the state.

1.2 This updated version of the Resettlement Policy Framework (RPF) takes into account of the experience and lessons learnt in the ongoing parent project and is in conformity with the National laws, the State laws and the World Bank involuntary resettlement policy. The policy framework describes the principles and approach in avoiding, minimizing and mitigating adverse social impacts that may arise in improving the proposed road network under Second Tamil Nadu Road Sector Project (TNRSP-II) and Additional Financing. The framework also provides process for consultations, impact assessment, census and socio-economic surveys and preparation and implementation of mitigation plans.

1.3 Government of Tamil Nadu (GoTN) has taken up the improvement of about 600km of State Highways to two-lane/four-lane carriageway and is carrying out the maintenance of about another 600km of roads under Second Tamil Nadu Road Sector Project (TNRSP-II). The aim of the project is to improve the performance of the State's Road Transport Network by improving road conditions and capacity, and improve the State's capacity to plan, develop and maintain the Tamil Nadu Road Networks. GoTN has availed the World Bank financing for the project and prepared separate resettlement plans for 11-road projects implemented under Engineering Procurement Contract (EPC) mode totaling about 428km of State Highways and 3-road projects under Public Private Partnership (PPP) mode totaling about 146km, confirming to the policy principles of the approved<sup>2</sup> Resettlement Policy Framework, 2014. GoTN has now proposed to seek additional loan from the World Bank for improving 7-road projects totalling about 109km, necessitating the updating of the Resettlement Policy Framework, 2014, in line with applicable World Bank safeguard policies, existing National and State's laws and policies and the interpretation, clarifications and government orders issued related to land acquisition, rehabilitation and resettlement, including the lessons learnt from the findings of the midterm evaluation, to guide in carrying out Social Impact Assessment (SIA) and the preparation of Resettlement Plan (RP) for these proposed 7-road projects.

1.4 All proposed road-projects and road projects under implementation under TNRSP-II as well as additional roads under Additional Financing will be screened for social impacts and will comply with this policy framework irrespective of the source of finance or modality of finance including road-projects under Public Private Partnership (PPP). Further, missing bypasses and realignments that were executed or under consideration by the State, irrespective of the source of financing, and not part of the road-projects proposed under TNRSP-II, but are required for the realization of the objective of the project will also comply with this policy framework, with the exception of: (i) those road-projects where administrative sanction had been accorded, prior to the issue of Government Order (GO) approving the Final updated Resettlement Policy Framework, 2019 (RPF) for TNRSP-II; and (ii) stretches maintained by NH, NHAI and local bodies. The RPF will be reviewed and updated from time to time to ensure relevance and consistency with applicable National laws, State laws and the World Bank Operational Policy for Involuntary Resettlement (OP 4.12). In case the State

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<sup>2</sup> The Resettlement Policy Framework, 2014 was approved vide GoTN government order G O (2D) No 12 of Highways and Minor Ports (HN2) Department dated 31.12.2014

Government provides any higher standards elsewhere or adopts in future, those will be made applicable under this framework in terms of compensation determination or otherwise.

### Project Description

1.5 The project involves up gradation, maintenance and improvement of the identified core road network of about 574km. In the first-phase, improvements works of about 392km has been completed, 70km is in progress and 112km is to be taken up shortly. The project, under Additional Financing, has now proposed to improve 109km with additional finance from the World Bank. The improvement works include widening and strengthening of existing two-lane roads to two-lane with paved shoulder, widening and strengthening of some existing two-lane roads to four-lane with pavement strengthening, drainage facility, road furniture and accessories. In some roads, bypasses are being proposed where improvements along the existing alignment is not possible due to heavy built-up sections and re-alignments are being proposed to improve the geometrics. A brief summary of the extent of land acquisition involved and the major impacts in road-projects being implemented and proposed under TNRSP-II is presented below.

**Table 1: Road wise Summary of Magnitude of Impact**

S.No	Road-project	Length (in km)	LA (in Ha)	No of Major Impacted AFs
<b>Engineering, Procurement and Construction (EPC) Roads</b>				
1	Kancheepuram – Vandavasi Road (Section of SH-116) km 14/300 to km36/700	22.342	1.4376	24
2	Sadras – Chengalpattu - Kancheepuram - Arakkonam - Thiruthani Road (Section of SH-58) km 0/000 to km 26/811	26.140	3.5455	20
3	Arcot – Villuppuram Road (SH-4) km 29/800 to 110/165 & km 113/325 to 114/600	83.075	7.7686	260
4	Vriddhachalam - Parangipettai Road (section of SH-70) km 0/000 to 35/800	35.800	5.0386	335
5	Cuddalore - Chittoor Road (section of SH-09) km 41/700 to km 44/000 & km 45/000 to 66/190 including Thirukkivilur link Road km 66/190 to 71/147	28.450	15.0735	57
6	Omalur-Sankari-Thiruchengode- Paramathy Road (SH-86) km 54/800 to 81/000	26.200	3.7679	26
7	Malliyakarai-Rasipuram- Thiruchengode-Erode Road (SH-79) km 0/000 to km 30/600 & 51/400 to 71/300	50.525	8.2148	135
8	Mohanur-Namakkal- Senthamangalam-Rasipuram Road (SH-95) km 0/000 to 13/100	13.385	0.1870	15
9	Rajapalayam - Sankarankoil - Tirunelveli Road (SH-41) km 1/800 to 28/000 & km 33/800 to 82/800	75.200	4.5529	67

S.No	Road-project	Length (in km)	LA (in Ha)	No of Major Impacted AFs
10	Paravakudi - Kovilpatti - Ettayapuram Road (SH-44) km 22/500 to km 38/750 & km 41/300 to 56/700	31.650	2.6070	38
11	Nanguneri - Bharathavaram - Ovari Road (SH 89) km 0/000 to km 35/200	35.200	16.2312	11
<b>Public Private Partnership (PPP) Roads</b>				
12	Mettupalayam - Sathy - Gobi - Erode Road (section of SH-15)	30.600	10.0895	150
13	Oddanchatram - Dharapuram - Tiruppur Road (section of SH-37)	70.000	71.0054	288
14	Tirunelveli – Sengottai – Kollam Road (SH-39)	45.600	19.1368	140
<b>Subtotal</b>		<b>574.167</b>	<b>168.6605</b>	<b>1566</b>
<b>Proposed New Roads under Additional Finance (Estimates)</b>				
15	Four laning and strengthening of Kanchipuram – Vandavasi road (SH-116) (km 2.915 – km 14.115 upto Cheyyar SEZ) including Vandavasi Bypass Connecting SH-116 with SH-5 & 4-Laning of Kanchipuram-Thiruvattipuram road SH-5A Km.0.000 to Km.2.600	17.169	Being assessed. To be updated.	
16	Four laning and strengthening of Omalur- Mecheri (SH-222) (km 0.000 – km 14.600)	14.600		
17	Strengthening and widening of Attur - Malliyakarai road (SH-30) (km 81.054 – km 89.250)	8.196		
18	Ooty – Kothagiri – Mettupalayam – Sathy – Gobi – Erode road (SH-15) (km 153.600 – km 161.620)	8.020		
19	Erode – Chennimalai (MDR-108) (km 0.000 – km 24.000)	24.000		
21	Ariyalur – Reddipalayam (SH-139) (km 1.400 – km 11.600)	12.300		
22	Arcot – Arni road (SH-4) (km 0.000 – km 24.600)	24.600		
<b>Subtotal (additional loan)</b>		<b>108.885</b>		
<b>Total</b>		<b>683.052</b>	<b>150.49.69</b>	<b>1383</b>

### Need for Land Acquisition and Resettlement

1.6 Most of the improvements are being proposed within the right-of-way except for stretches where additional private land is required for curve improvement, realignments, bypasses, raising of the embankment, widening in sections where adequate right-of-way is not available and widening from 2-lane to 4-lane. Further, the right-of-way has been encroached upon in many places entailing impact to commercial and residential structures

as well as small places of worship and other common facilities. The project will involve land acquisition and will impact encroachments and squatting. The project under implementation involves about 169ha of private land, will cause major impact to about 1566 families and the extent of land requirement and impacts arising out of additional loan is being assessed.

### **Preparation and Approval SIA and RP**

1.7. On completion of the detailed engineering designs, a social impact assessment report and resettlement plan shall be prepared based on a census and socio-economic survey of the affected persons. Social Impact Assessment (SIA) of the affected persons will be undertaken in each road-project so as to determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a resettlement and rehabilitation program for implementation. The process and provisions of this RPF will be applied for preparation of any study undertaken with World Bank financing. The census and socio economic surveys will comprise of the following tasks.

1.8. Screening of Road-Projects: The road-project shall be screened for social impacts based on the typical cross section for the proposed improvements envisaged for the road-project. Built-up sections will be identified during screening requiring different treatment and accordingly suitable cross section/bypass should be proposed to minimise social impacts.

1.9. Census Survey: The census survey shall be carried out using a structured questionnaire to record the details of the present occupants within the Corridor-of-Impact (CoI), the area required for the proposed improvements, and within the Right of Way (RoW), wherever RoW is greater than CoI, in order to: (i) prevent further influx of persons within the CoI/RoW; (ii) to assess the magnitude of impact to private assets; and (iii) to assess the extent of physical and/or economic displacement. In case of affected landowners, the census will be carried out immediately after section 15(1) is published and a supplementary report will be prepared which will be a part of the RAP

1.10. The purpose of carrying out a census of inventory of assets beyond CoI and within RoW, wherever RoW is greater than CoI, is to facilitate TNRSP to update the SIA and RP, if design changes are made in the available RoW during civil works.

1.11. Socio Economic Survey: The purpose of the baseline socioeconomic survey of affected persons is to establish monitoring and evaluation parameters. It will be used as a benchmark for monitoring the socio-economic status of affected persons. The survey shall cover all affected persons and the survey shall also collect gender-disaggregated data to address gender issues in resettlement. In case of affected landowners, the socio-economic survey will be carried out immediately after section 15(1) is published and a supplementary report will be prepared which will be a part of the RAP.

1.12. The socio economic survey shall be carried out amongst all affected families using a structured questionnaire, that would capture details of standard of living, inventory of assets, sources of income, level of indebtedness, profile of family members, health and sanitation, access to services and facilities, perceived benefits and impacts of the project and resettlement preferences of all affected families likely to be displaced. This information along with the census survey data would facilitate the preparation of a resettlement plan to mitigate adverse impact.

1.13. As part of socio-economic survey, wide range of consultations with different impacted groups as well as other stakeholders will be conducted to ascertain their views and preferences. Based on the outcome of these consultations the designs changes, if required,

and mitigation measures will be incorporated. Consultations will include women and their concerns and reactions to the project will be addressed through appropriate mitigation plan.

1.14 Land Plan Schedule: The right-of-way (RoW) shall be established based on village maps and field measurement books (FMB), which will be the basis for detailed design and wherever possible the improvements shall be carried out within the available RoW to minimise land acquisition.

1.15 Wherever additional land is required, land plan schedule (LPS) shall be prepared using FMB, *chitta* (ownership details with total land holding information), *adangal* (cultivation details) and *A-register* (extent with owner details) extracts. This would provide the details of land owners and the extent of land being acquired as a percentage total land holding. The census and socio economic surveys shall also cover affected agricultural landowners.

1.16 Resettlement Plan: The resettlement plan will be prepared based on the findings of the census and socio economic survey and consultations. It will include the findings of the census of affected persons, and the entitlements to restore losses, socio economic characteristics of the displaced persons, institutional mechanisms and implementation schedules, budgets, assessment of feasible income restoration mechanisms, development of resettlement sites and relocation, grievance redress mechanism, coordination of implementation in conjunction with civil works procurement and construction schedules and internal and external monitoring mechanisms. The resettlement plan should be structured as per the outline in Appendix-V and will be detailed as needed depending upon the magnitude and nature of impacts. The impacts and mitigation measures will be presented road wise to align it with the procurement and construction schedules.

1.17. The resettlement plans will comply with the principles outlined in this RPF adopted for the project. The SIA and RP for road-projects under TNRSP-II will be reviewed and endorsed by the World Bank and approved by competent authority in the Government prior to invitation of bids for civil works. Disbursement of compensation payments and entitlements will be made prior to displacement and prior to handing over of the land parcels to contractors.

1.18 Output and Performance Based Road Contract (OPRC): TNRSP has taken up performance based improvements to about 600km of State Highways and the proposed improvements does not involve any land acquisition, as there will be no widening of the roads under OPRC. The strengthening of the roads does not involve any impact to encroachers or squatters; however, if there are any impacts identified during the course of the improvements, the same will be addressed in accordance with the principles and policy of this RPF. In case of any impacts to those who had moved into the Col for shelter or livelihood and presence of any common facilities, those will be screened by respective DE, Highways, TNRSP, prior to initiating improvement works. A certification by DE, Highways, TNRSP will be issued confirming whether any adverse impacts are required to be mitigated in the RoW.

## 2. Legal Framework

### Applicable Laws and Policies

2.1 This resettlement policy framework is based on the National/State laws: Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR); Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017, The Tamil Nadu Highways Act, 2001; The Tamil Nadu Highways Rule, 2003; and World Bank Operational Policy for Involuntary Resettlement (OP-4.12).

### **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) (RFCTLARR)**

2.2. The act provides for a transparent process and fair compensation in land acquisition for public purpose and provides for rehabilitation and resettlement of landowners and those affected by land acquisition. This act came into effect on January 01, 2014 and the Land Acquisition Act, 1894 stands repealed.

2.3 The Central Government has notified January 01, 2014 as the effective date of the Act, in accordance with Sec 1(3) of RFCTLARR Act. The existing National Highways Act (NHA) and other Acts specified in the Fourth Schedule of RFCTLARR Act will have 1 year to adopt the; (i) compensation for landowners (First Schedule); (ii) rehabilitation and resettlement entitlements (Second Schedule); and (iii) provision of infrastructure amenities (Third Schedule).

2.4 With effect from January 01, 2015, the provisions of the RFCTLARR Act relating to the determination of compensation in accordance with the First Schedule, rehabilitation and resettlement in accordance with the Second Schedule and infrastructure amenities in accordance with the Third Schedule became applicable to all cases of land acquisition under the enactments specified in the Fourth Schedule to the said Act, through the RFCTLARR (Amendment) Ordinance, 2014, followed by RFCTLARR (Amendment) Second Ordinance, 2015 and later effectiveness was given from September 01, 2015 through the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015

2.5 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014 received Presidents assent on January 01, 2015 that amended the RFCTLARR Act to include 3-State acts including the Tamil Nadu Highways Act, 2001 (TNHA) in 'The Fifth Schedule' of the RFCTLARR Act, with retrospective effect from January 01, 2014, through an amendment section (Sec 105A) to the RFCTLARR Act, which enables continuance of the procedure set forth in the three State acts while confirming to the provisions of RFCTLARR Act relating to the determination of compensation and provision of rehabilitation and resettlement.

**Relevance:** In this project, land will be acquired by adopting the procedures laid down in the Tamil Nadu Highways Act, 2001 and compensation, rehabilitation and resettlement will be determined in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR). The amendment to RFCTLARR Act, by introducing Sec 105A through the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014, ratified the use of procedure laid down in TNHA for land acquisition.

## Tamil Nadu Highways Act, 2001 (TNHA)

2.6 The Act provides for the most expeditious method of acquisition of land for highway projects in the State. On publication of notice under Section 15(1), the land ownership vests absolutely with the Government free from all encumbrance. If the land owner fails to handover possession within 30 days of notification vide Section 16(2), the act provides for the government to take possession of land using such force as may be necessary. However, this provision will not be applied to this project. The land will be taken over only when the compensation and R&R assistance is paid to the land owners and a certification is provided confirming the payment of compensation and R&R assistance. The relevant provisions of the TN Highways Act is summarised in Appendix-I.

2.7 The Highways Act, 2001 was revived vide Government of Tamil Nadu Gazette notification<sup>3</sup> and all the provisions of the Tamil Nadu Highways Act, 2001, except the provisions relating to the determination of compensation, was revived with effect on and from the 26 September 2013.

**Relevance:** As per the provisions of Sec 19(6) of TNHA, the compensation is to be determined by the competent authority in accordance with Sec 23 and Sec 24 of LA Act, 1894. With the introduction of Sec 105A in RFCTLARR Act, the competent authority will be guided by the provisions of RFCTLARR Act 2013, viz. Sec 26, Sec 27, Sec 28, Sec 29 and Sec 30 pertaining to compensation and Sec 31 and Sec 32 pertaining to rehabilitation and resettlement, in determining compensation and rehabilitation and resettlement assistance..

**Reference to Court:** Sec 20 of TNHA deals with reference to court and procedure thereon and is as elucidated in Part III of LA Act 1894. With the introduction of Sec 105A in RFCTLARR Act, Sec 51(1) of the RTFCTLARR Act, 2013 will be applicable. All disputes related to land acquisition; compensation, rehabilitation and resettlement will be dealt by 'the Land Acquisition, Rehabilitation and Resettlement Authority'.

## World Bank Operational Policy OP 4.12 on Involuntary Resettlement (July 2013)

2.8 The objectives of the World Bank's policy with regard to involuntary resettlement are: (i) involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs; (ii) where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits and displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs; (iii) displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. If there are any differences between the provisions of this RPF and World Bank's OP 4.12, the provisions of OP 4.12 will prevail.

<sup>3</sup> Tamil Nadu Government Gazette Extraordinary Number 451 dated 05.12.2019

## Indigenous Peoples<sup>4</sup> Planning Framework

2.9 There are no schedule areas in Tamil Nadu and the State only has Tribal Advisory Councils. TNRSP does not require an Indigenous Peoples Planning Framework (IPPF) as the road-projects under TNRSP do not cause impact to any PTGs or Particularly Vulnerable Tribal Groups. There are 10 Integrated Tribal Development Areas (ITDA) wherein one or more blocks in which the Scheduled tribe population is 50 percent or more, they are in the 7 districts viz. Salem (Yercaud, Pachamalai, Aranuthumalai and Kalrayan Hills); Namakkal (Kolli Hills); Villupuram (Kalrayan Hills); Thiruvannamalai (Jawadha Hills); Trichirapalli (Pachamalai Hills); Dharmapuri (Sittheri hills); and Vellore (Jawadhu Hills and Yelagiri Hills). The road stretches proposed under TNRSP-II and additional finance do not pass through any tribal blocks and does not impact any tribal.

## HR&CE and Temple Land

2.10 Land under the direct control of HR&CE and land belonging to temple trusts that are under the supervision of HR&CE will be acquired in accordance with the provisions of TN Highways Act, 2001 and compensation will be determined as per RFCTLARR Act, 2013. The project will require to obtain a no-objection certificate for such land from HR&CE until land acquisition process is completed and the land vests absolutely with Highways Department. Affected families, if any, in these lands will be entitled for appropriate compensation and resettlement assistances in line with the eligibility and entitlement prescribed in the entitlement matrix.

## Principles of Resettlement Policy Framework for TNRSP-II and Additional Financing

2.11 Based on the above analysis of Government statutes and the World Bank policy, the following resettlement principles will be adopted to this project:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a census and socio-economic survey of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks. Measures to avoid and minimize involuntary resettlement impacts include the following: (i) explore alternative alignments which are less impacting, (ii) ensure the appropriate technology is used to reduce land requirements, (iii) modify the designs, cross sections, and geometrics of components to maximize the RoW and ensure involuntary resettlement is avoided or minimized.
- (ii) Where displacement is unavoidable, improve, or at least restore, the livelihoods of all displaced persons through; (i) land-based resettlement strategies, where possible, when affected livelihoods are land based, and when loss of land is significant, or cash compensation at replacement cost for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, and (iii) prompt compensation at full replacement cost for assets that cannot be restored.
- (iii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets at replacement value.

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<sup>4</sup> Indigenous peoples refers to distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) an indigenous language, often different from the official language of the country or region.

- (iv) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to national minimum standards or standard before displacement whichever is higher.
- (v) Carry out meaningful consultations with displaced persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous peoples, and those without legal title to land, and ensure their participation in consultations.
- (vi) Prepare a Social Impact Assessment (SIA) and Resettlement Plan (RP) elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (vii) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.
- (viii) Pay compensation and provide all resettlement entitlements before physical or economic displacement and before commencement of civil works in that stretch of the road-project. Implement the resettlement plan under close supervision throughout project implementation.
- (ix) Establish a grievance redress mechanism to receive and facilitate resolution of the concerns of displaced persons.
- (x) Monitor and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

### **Comparison of Government Statutes and World Bank Policy**

2.12 A comparison between Government Statutes and World Bank policy that provides gap-filling measures reflected in the entitlement matrix is presented as Appendix-III. The acquisition of private property invoking TNHA and compensating private land and assets in accordance with RFCTLARR Act need not necessarily reflect the replacement cost for the loss of land and assets. The TNHA does not recognise non-titleholders. However, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', which has integrated provisions of NRRP with that of LA Act 1894, recognises titleholders and non-titleholders affected by land acquisition. Whereby, squatters, encroachers and those present in RoW and other public lands are excluded from the purview of the Act.

2.13 The key difference between the Government and World Bank policies is with regard to the cut-off date for determining the compensation and entitlements and assistance to all those who are affected by the project irrespective of the ownership of titles. According to the RFCTLARR Act, the cut-off-date for non-titleholders to be eligible for assistance is three years preceding the acquisition and for the titleholders it is the date of notification under the said Act. To bring this RPF in line with World Bank requirements, this RPF mandates that in the case of land acquisition, the date of issue of public notice of intended acquisition under Section 15(2) of the TNHA, will be treated as the cut-off date for title holders, and for non-titleholders such as squatters and encroachers, the cut-off date will be the start date of the road-project census survey. In case of all affected non-title holders, suitable compensation (ex-gratia payments) for loss of assets and R&R assistance is proposed in the entitlement matrix.

2.14 A significant development in Government statute is the notification of 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', which has repealed the Land Acquisition Act of 1894 (as amended in 1984). This Act would both complement the revision of the NRRP (2007) and decrease significantly the gaps between the LA Act 1894 and World Bank OP. 4.12. In particular, the Act would require social impact assessments for projects involving land acquisition. The Act also expands compensation coverage of the principal act by requiring that the value of structure, trees, plants, or standing crops damaged must also be included and the solatium being 100 percent of all amounts inclusive. The Act furthermore would match World Bank requirement of all compensation to be paid prior to project taking possession of any land and provide R&R support including transitional support and moving allowances.

### Eligibility Criteria

2.15 The displaced persons falling in any of the following three categories will be eligible for compensation and resettlement assistance in accordance with the principles of this RPF:

- (i) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country) (*such as pattadhars*);
- (ii) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets; provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (*such as those in occupation, for over 30 years, of the land for which there is no claim of ownership or whatsoever and there is no dispute to the occupier's claim for the said land*); and
- (iii) those who have no recognizable legal right or claim to the land they are occupying (*squatters and encroachers occupying the RoW or government land*).

2.16 Cut-off Date: For title holders, the date of notification of intended acquisition under Section 15(2) of the TNHA, 2001 will be treated as the cut-off date, and for non-titleholders the start date of project census survey for that particular road-project will be the cut-off date. The cut-off date for OPRC roads will be the date of verification of the roads by Spl DRO for screening purpose. There will be adequate notification of cut-off date and measures will be taken to prevent encroachments/squatting after the cut-off date is established. Definitions are presented as Appendix-II.

### Entitlement Matrix

2.17 In accordance with the principles of this resettlement policy framework, all displaced families and persons will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets and scope of the impacts including socio-economic vulnerability of the displaced persons and measures to support livelihood restoration if livelihood impacts are envisaged. The displaced persons will be entitled to the following five types of compensation and assistance packages:

- (i) Compensation for the loss of land, crops/ trees at their replacement cost;
- (ii) Compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- (iii) Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- (iv) Assistance for shifting and provision for the relocation site (if required), and
- (v) Rebuilding and/ or restoration of community resources/facilities.

2.18 Affected persons meeting the cut-off date requirements, will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and

economic vulnerability of the affected persons. Unforeseen impacts will be mitigated in accordance with the principles of this RPF.

2.19 An Entitlement Matrix has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements; and is in compliance with National/ State Laws and World Bank OP. If the GoTN adopts any higher provisions for compensation and assistances then such higher provisions will apply. The experience and lesson learned from the implementation of parent project are incorporated while updating the entitlement matrix. The entitlement matrix presents the entitlements corresponding to the tenure of the DPs in the following order.

- a) Impact to private property (title holders) consisting of: (i) loss of private land; (ii) loss of private residential structure; (iii) loss of private commercial structure; (iv) impact to tenants (residential / commercial / agricultural) of title holders; and (v) impact to trees, standing crops, etc;
- b) Impact to Non-title holders consisting of: (i) impact to squatters; and (ii) impact to encroachers;
- c) Loss of employment to agricultural and non-agricultural workers/employees;
- d) Additional assistance to vulnerable DPs; and
- e) Unforeseen impacts.

**Table 2: Entitlement Matrix**

SNo	Impact Category	Entitlements	Implementation Guidelines
<b>Section I. TITLE HOLDERS - Loss of Private Property</b>			
1	Loss of Land (agricultural, homestead, commercial or otherwise)	<p>a</p> <p>Land will be acquired on payment of compensation as per RFCTLARR Act 2013.</p> <p>or</p> <p>Land will be acquired with the consent of the landowner, while ensuring that such consented sale value is 25% more than the compensation amount which would otherwise have been awarded, if the said land was acquired invoking the provisions of the TNHA (where compensation is determined in accordance with RFCTLARR Act, 2013).</p>	<p>Higher of (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land, situated in the nearest village or nearest vicinity area, ascertained from the highest 50% of sale deeds of the preceding 3 years;</p> <p>The market value calculated as above in Rural areas shall be multiplied by a factor as notified by GoTN<sup>5</sup>.</p> <p>Plus 100% solatium and 12% additional market value<sup>6</sup> from date of 15(2) notification to award.</p> <p>Title holders whose land is severed, will have the option of surrendering the severed portion of the remaining unviable land</p>

<sup>5</sup> Vide Gazette Notification of The Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017 read with G.O.(Ms) No.300, Revenue & Disaster Management (LA-I(1)), dated 20.09.2017 - Multiplying factor of 1.25 for land in rural area which lies within 30km from urban area, factor of 1.5 for land in rural area which lies beyond 30km and within 50km from urban area and factor of 2.0 for land in rural area which lies beyond 50km from urban area.

<sup>6</sup> The 12% additional market value will be computed on the basic market value of land and will not include the multiplication factor in line with G.O. Ms. No. 29 of Revenue and Disaster Management Department, Land Administration Wing [LA-I(1)] Section dated 24.01.2019

SNo	Impact Category	Entitlements		Implementation Guidelines
		b	Agricultural landowners whose livelihood is lost due to the land acquired will be entitled for Rs. 5,25,200 as onetime payment in lieu of annuity policy.	Any affected family whose livelihood is primarily dependant (loses one third of the annual family income due to the acquisition of the said agricultural land) on the agricultural land acquired alone will be treated as livelihood loss.
2	Loss of residential structure	<b>In addition to Compensation for land and Assurances listed above under S.No.1</b>		
		a	Cash compensation at PWD plinth area rates for structure without depreciation and with 100% solatium	When the project activities affect part of a structure belonging to titleholder, then the structure-owner will be entitled for compensation for the entire structure <sup>7</sup> ,
		b	Right to salvage affected materials	
		c	One time assistance of Rs.30,050 to all families who lose a cattle shed	
		d	One time assistance of Rs.30,050 for each affected family of an artisan or self-employed and who has to relocate.	
		e	An alternative house as per IAY specifications in rural areas and a constructed house/flat of minimum 50 sq.m. in urban areas or cash in lieu of house if opted (the cash in lieu of house will be Rs.1,70,000 in line with Gol IAY standards in rural areas and Rs.1,80,290 in case of urban areas), for those who do not have any homestead land and who have to relocate.	Stamp duty and registration charges will be borne in case of new houses or sites.  Patta will be issued in the name of the wife/women of the family  The site will be provided with all infrastructural amenities in line with RFCTLARR Act.
		f	One time subsistence allowance of Rs.43,270 for affected families who require to relocate due to the project	
		g	Shifting assistance of Rs.60,100 for those who have to relocate	

<sup>7</sup> Provided that the un-affected portion of the structure is either (i) unsafe or (ii) not usable/liveable or (iii) adequate set-back is not available. In such cases, the compensation for the entire structure will be paid after obtaining an undertaking (sworn affidavit) from the structure owner, that s/he would demolish the entire/full structure within 30-days from the receipt of structure compensation; and if the un-affected portion of the structure is found to be safe and usable/liveable, and if structure-owner's demand of compensation for the full structure is considered to be unreasonable by DE(H), then in such cases the DE(H) shall reject such demand of the structure owner giving due reason and justification.

SNo	Impact Category	Entitlements		Implementation Guidelines
		h	One time Resettlement Allowance of Rs.60,100 for those who have to relocate	
		i	Residential structure owners , who are deriving rental income from the affected structure in the land acquired and whose livelihood is lost due to acquisition of land will be entitled for Rs.5,25,200 as onetime payment in lieu of annuity policy	Any affected family whose livelihood is primarily dependant (loses one-third of the annual family income due to the acquisition of the said residential structure) on the rental income from the acquired residential building will be treated as livelihood loss.
3	Loss of Commercial structure	<b>In addition to Compensation for land and Assistances listed above under S.No.1</b>		
		a	Cash Compensation at PWD plinth area rates for structure without depreciation with 100% solatium	When the project activities affect part of a structure belonging to titleholder, then the structure-owner will be entitled for compensation for the entire structure <sup>8</sup> ,
		b	Right to salvage affected materials	
		c	One time grant of Rs.30,050 for loss of trade/self-employment for the business owner	If the business owner is different from the structure owner, the onetime grant for loss of trade/self-employment, will be paid to the business owner.
		d	One time subsistence allowance of Rs.43,270 for affected families who require to relocate due to the project	
		e	Shifting assistance of Rs.60,100 for those who have to relocate	
		f	One time Resettlement Allowance of Rs.60,100 for those who have to relocate	
		g	Commercial structure owners, who are deriving business income and/or rental income from the affected structure in the land acquired and whose livelihood is lost due to the acquisition, will be entitled for Rs.5,25,200 as onetime payment in lieu of annuity policy.	Any affected family, whose livelihood is primarily dependant (loses one-third of the annual family income due to the loss of the business operation carried out from the acquired commercial structure) business derived on the income from the acquired commercial structure will be treated as livelihood loss; and any affected family whose livelihood is primarily dependant (loses one-

<sup>8</sup> Provided the un-affected portion of the structure is either (i) unsafe or (ii) not usable/liveable or (iii) adequate set-back is not available. In such cases, the compensation for the entire structure will be paid after obtaining an undertaking (sworn affidavit) from the structure owner, that s/he would demolish the entire/full structure within 30-days from the receipt of structure compensation; and if the un-affected portion of the structure is found to be safe and usable/commercially viable, and if structure-owner's demand of compensation for the full structure is considered to be unreasonable by DE(H), then in such cases the DE(H) shall reject such demand of the structure owner giving due reason and justification.

SNo	Impact Category	Entitlements		Implementation Guidelines
				third of the annual family income due to the loss of the acquired commercial structure) on the rental income derived from the acquired commercial structure will be treated as livelihood loss.
4	Impact to tenants (residential / commercial /agricultural)	<b>4.1</b>	<b>Residential</b>	
		a	1-month notice to vacate the rental premises	
		b	Rental allowance at Rs. 3,610 per month in rural areas and Rs.4,810 per month in urban areas, for six months	
		c	Shifting assistance of Rs.12,020	
		<b>4.2</b>	<b>Commercial</b>	
		a	1-month notice to vacate the rental premises	
		b	Rental allowance at Rs.4,810 per month in rural areas and Rs.7,210 per month in urban areas, for six months	
		c	Shifting assistance of Rs.12,020	
		d	Commercial tenants will receive the one time grant of Rs.30,050 for loss of trade/self-employment provided under 3(c) above in lieu to the owner	
		<b>4.3</b>	<b>Agricultural Tenants</b>	
		a	In case of agricultural tenants advance notice to harvest crops or compensation for lost crop at market value of the yield determined by the Agricultural Department	
5	Impact to trees, standing crops, other properties, perennial and non-perennial crops:	a	Three months (90 days) advance notification for the harvesting of standing crops (or) lump sum equal to the market value of the yield of the standing crop lost determined by the Agricultural Department	
		b	Compensation for trees based on timber value at market price to be determined by the Forest Department for timber trees and for other trees (perennial trees) by the Horticultural Department with 100% solatium.	
		c	Loss of other properties such as irrigation wells will be compensated at scheduled rates of Public Works Department (PWD) with 100% solatium.	

**Section II. Additional Assistance for Women (Title and Non-title holders)**

SNo	Impact Category	Entitlements		Implementation Guidelines
6	Loss of Land / house / shop	a	Reimbursement of stamp duty and registration charges, for purchase of property out of the compensation/R&R assistance in the name of women in the family either solely or jointly within 3-years from LA award/R&R award.	
<b>Section III. NON TITLE HOLDERS - Impact to squatters / Encroachers</b>				
7	Impact to Squatters	<b>7.1</b>	<b>Loss of House</b>	
		a	Compensation at PWD plinth area rates without depreciation for structure	
		b	Right to salvage the affected materials	
		c	House construction grant of Rs.84,130 for all those who have to relocate.  Additional house site grant of Rs.60,100 to those who do not have a house site,	Where there is self-relocation of a group of affected families or project assisted relocation, then in such resettlement sites, the project will provide all infrastructural amenities as required.
		d	One time subsistence allowance of Rs.21,630	
		e	Shifting assistance of Rs.12,020	
		<b>7.2</b>	<b>Loss of shop</b>	
		a	Compensation at PWD plinth area rates without depreciation for structure	
		b	Right to salvage the affected materials	
		c	One time rehabilitation grant of Rs.24,040 for reconstruction of affected shop	
		d	One time subsistence allowance of Rs.21,630	
		e	Shifting assistance of Rs.12,020	
		f	<b>Impact to Kiosks</b> One time rehabilitation grant of Rs.18,000/- for major affected kiosks	
		<b>7.3</b>	<b>Cultivation</b>	
a	2-month notice to harvest standing crops or market value of compensation for standing crops			
8	Impact to Encroachers	<b>8.1</b>	<b>Cultivation</b>	Market value for the loss of standing crops will be decided by the Spl. DRO in consultation with the Agriculture or Horticulture Department.
		a	2-month notice to harvest standing crops or market value of compensation for standing crops, if notice is not given.	
		<b>8.2</b>	<b>Structure</b>	
a	1-month notice to demolish the encroached structure			
b	Compensation at PWD plinth area rates without depreciation			

SNo	Impact Category	Entitlements		Implementation Guidelines
			for the affected portion of the structure	
<b>Section IV. Loss of Livelihood Opportunities</b>				
9	Loss of employment in non-agricultural activities or daily agricultural wages or other wage workers	a	Subsistence allowance equivalent to minimum agricultural wages for 3 months	Only agricultural labourers who are in fulltime / permanent employment of the landowner, or those affected full time employees of the business, will be eligible for this assistance. Seasonal agricultural labourers will not be entitled for this assistance.
<b>Section V. Impact to Vulnerable DPs</b>				
10	Vulnerable families	a	Training for skill development. This assistance includes cost of training and financial assistance for travel/conveyance and food.	One adult member of the displaced family, whose livelihood is affected, will be entitled for skill development.  The LARRU with support from the NGO will identify the number of eligible vulnerable displaced persons based on the 100% census of the displaced persons and will conduct training need assessment in consultations with the displaced persons so as to develop appropriate training programmes suitable to the skill and the region.  Suitable trainers or local resources will be identified by LARRU and NGO in consultation with local training institutes.
		b	One time assistance of Rs.6,010 for all those major impacted families	
		c	Displaced vulnerable families will be linked to the government welfare schemes, if found eligible and not having availed the scheme benefit till date.	
<b>Section VI. Additional Provision for consistency due to change in applicable policy</b>				
11	Landowners	The difference in amount due to 12% Additional Market Value on the adoption of multiplication factor is allowed as a Special ex-gratia grant under R&R assistance to the Project Affected Persons (PAPs) for LA awards passed after 24.01.2019.		
<b>Section VII. Unforeseen Impacts</b>				
Unforeseen impacts encountered during implementation will be addressed in accordance with the principles of this policy				

### Change in applicable law / policy / scheme

2.19 Whenever there is a change in applicable law, scheme or policy, the same shall become applicable to eligible PAPs from the date of such change and shall be ratified through necessary orders / proceedings by GoTN or PIU, TNRSP, as the case may be with prior consent from the World Bank.

## Rehabilitation and Resettlement Assurances

### Livelihood Loss - Agriculture<sup>9</sup> - Titleholder - Cash in lieu of Annuity

2.20 Any affected family whose livelihood is primarily dependant (loses one third of the annual family income due to the acquisition of the said agricultural land) on the agricultural land acquired alone will be treated as livelihood loss.

2.21 Registered tenants in private land, registered tenant cultivators in HR&CE land, registered occupiers in Bhoodan Land, that is tenancy registered either through registration department or under Tamil Nadu Agricultural Lands Record of Tenancy Rights Act 1965 by Tahsildars concerned, whose primary source of livelihood is lost due to the land acquired will also be eligible to receive this entitlement. Assignees of assigned land whose primary source of livelihood is lost due to the land acquired will also be eligible to receive this entitlement.

2.22 Towards this, the competent authority will be guided by a sworn statement made before her/him to the effect by the landowner / tenants / occupiers after due enquiry.

2.23 Agricultural landowners who were paid Rs. 50,000/- as interim payment in lieu of annuity policy, until the rules were notified satisfying the criteria of those agricultural landowners: (i) who are marginal farmers; and (ii) who become marginal farmers or landless due to the land acquisition for this project, will be assessed for their eligibility as per the State rules and the government order providing guidance on eligibility and (i) if found eligible, would be paid the balance amount and (ii) if found not eligible, will not be entitlement for any additional payment and the interim payment already made will be written off by the project

### Livelihood Loss - Residential Structure - Titleholder - Cash in lieu of Annuity

2.24 Any affected family whose livelihood is primarily dependant (loses one-third of the annual family income due to the acquisition of the said residential structure) on the rental income from the acquired residential building will be treated as livelihood loss

2.25 Towards this, the competent authority will be guided by a sworn statement made before her/him to the effect by the landowner / tenants / occupiers after due enquiry.

### Livelihood Loss - Commercial Structure - Titleholder - Cash in lieu of Annuity

2.26 Any affected family, whose livelihood is primarily dependant (loses one-third of the annual family income due to the loss of the business operation carried out from the acquired commercial structure) business derived on the income from the acquired commercial structure will be treated as livelihood loss; and any affected family whose livelihood is primarily dependant (loses one-third of the annual family income due to the loss of the acquired commercial structure) on the rental income derived from the acquired commercial structure will be treated as livelihood loss.

2.27 Towards this, the competent authority will be guided by a sworn statement made before her/him to the effect by the landowner / tenants / occupiers after due enquiry

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<sup>9</sup> GO (D) No.292 of Highways and Minor Ports (HN.2) Department dated 04.12.2018

## Valuation of Lost and Affected Assets

### Compensation for Land and Assets Attached to the Land

2.28 Compensation for land will include land and all assets attached to the land. Land will be acquired in accordance with provisions of Tamil Nadu Highway Act, 2001 and while determining the compensation for land, the competent authority will be guided by the provisions of Sec 26, Sec 27, Sec 28, Sec 29 and Sec 30 of RFCTLARR Act, 2013. There shall be no income tax deductions in line with Sec 96 of the RFCTLARR Act.

2.29 If the residual land, remaining after acquisition, is unviable, the owner of such land/property will have the right to seek acquisition of his entire contiguous holding/property provided the residual land is less than the minimal land holding of the district/State.

2.30 Where land owners refuse to accept the compensation, the Spl DRO will remit such amount with the LARR authority and in all other cases, where compensation cannot be paid, the compensation amount will be kept in an interest bearing separate savings account with the project, operated and maintained by Spl DRO, and paid to land owners as and when they come forward to accept the compensation along with the interest accrued. Such amount will be maintained in a separate account until the project closure and agreed with WB on its mechanism to close at the time of project closure.

### Compensation for Structures

2.31 The replacement value of houses, buildings and other immovable properties will be determined on the basis of latest PWD plinth area rate for valuation purpose as on date without depreciation. While considering the PWD rate, LARRU will ensure that it uses the latest rates for the structures. Wherever the SR for current financial year is not available, the LARRU will update the SR to current prices based on approved previous year escalations. Compensation for properties belonging to the community or common places of worship will be provided to enable construction of the same at new places through the local self-governing bodies like Village Panchayat/Village council in accordance with the modalities determined by such bodies to ensure correct use of the amount of compensation.

2.32 Further, all compensation and assistance will be paid to DPs at least 1 month prior to displacement or dispossession of assets. Affected families who are physically displaced, on receipt of payment, will be given 3-month notice to vacate. There shall be no income tax deductions in line with Sec 96 of the RFCTLARR Act.

### Compensation for Trees

2.33 Compensation for trees will be based on their market value. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops, fruit bearing trees will be decided by the LARRU in consultation with the Departments of Forest, Agriculture and Horticulture. In line with the provision of RFCTLARR Act 2013, 100% solatium will be added to the assessed value of the trees. Prior to taking possession of the land or properties, the compensation will be fully paid and DPs will have the opportunity to harvest crops/trees within 15 days from the date of payment of compensation.

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

### Consent award<sup>10</sup>

2.35 The affected landowners will be intimated about the option of acquisition through consent, as an alternate to acquisition adopting the procedures laid down in the Tamil Nadu Highways Act, 2001, wherein the compensation and resettlement assistances will be determined in accordance with the provisions of RFCTLARR Act, 2013. At the time of issue notification under Sec 15(2), a proviso will be added at the end of the Sec 15(2) notification that any landowner who wishes to go for consent award may contact the concerned Special District Revenue Officer. Following the notification, the Special Tahsildars will conduct meetings in each affected villages involving the affected landowners or the interested persons, to explain the provisions of consent award. The Special Tahsildars will assist the landowners in compiling the documents required for the consent award and obtain a consent from such landowners.

2.36 The jurisdictional LARR unit will complete the valuation of the land parcels immediately after Sec 15(2) notification, within a month from the date of notification, by adopting the provisions of RFCTLARR Act in determining the market price<sup>11</sup> of the land. The project will offer an additional 25 percent on the compensation determined in accordance with the provisions of RFCTLARR Act. In addition, the landowner will be eligible for resettlement and rehabilitation assistances, as per the eligibility and entitlement contained in the Entitlement Matrix of this Resettlement Policy Framework. If negotiations fail, land will be acquired as per the provisions of Tamil Nadu Highways Act, 2001.

### Updating Units of Entitlement

2.37 All units of entitlement and assistances will be revised by TNRSP, based on Consumer Price Index for Agricultural Labourers (CPIAL) and communicated to all LARRU for making payment as per the revised rates. The values/rates contained in this RPF will be applicable until March 31, 2020. The updating will be done annually by adopting the February CPIAL of that year and will become effective from the 1<sup>st</sup> day of April of that year. The updating will be completed and notified by March 31 of each year from 2020.

### **Rehabilitation and Resettlement Award**

2.38 The Spl DRO, LARRU will pass a separate Rehabilitation and Resettlement Award listing the names of displaced persons and their entitlements in accordance with this RPF. The same will be displayed in prominent places such as the office of the local body concerned, office of the DE, Highways, TNRSP and LAARU.

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<sup>10</sup> GO (D) No. 291 of Highways and Minor Ports (HN.2) Department dated 04.12.2018

<sup>11</sup> Higher of (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land, situated in the nearest village or nearest vicinity area, ascertained from the highest 50% of sale deeds of the preceding 3 years. The market value calculated as above in Rural areas shall be multiplied by a factor as notified by GoTN

### 3. Institutional and Implementation Arrangements

#### Institutional Arrangement

3.1 LARR Implementation Units (LARRU): To expedite land acquisition and implement the provisions of the road-project RPs, three regional levels Land Acquisition Rehabilitation and Resettlement Units (LARRU) have been constituted. These units are headed by a Special District Revenue Officers (Spl DRO) and is supported by a Resettlement Officer (RO) for RP implementation support. A separate Government Order<sup>12</sup> has been issued nominating Spl DRO as competent authority under TNH Act for land acquisition and R&R award pronouncements. The Project Director, TNRSP is overall in charge of land acquisition and R&R implementation and coordinates with the three Spl DROs in RP implementation and LA. The Chief Engineer, working under the Project Director, is supported by domain expert in the areas of land acquisition and Social Development/R&R. The Chief Engineer reports to the Project Director. These units are entrusted with responsibilities of implementation of the RP involving: (i) acquisition of land and assets; (ii) payment of compensation for land and assets; (iii) disbursement of resettlement assistances including development of resettlement sites. The LARRU in each region is supported with clerical staff. The members of these committees, their roles, responsibilities and functions are outlined below.

**Table 3: Administrative Roles and Financial Powers of LARRU**

Officers	Roles and Powers
Project Director	<ul style="list-style-type: none"> <li>▪ Overall in charge of LA and R&amp;R</li> <li>▪ Reporting to World Bank on progress and submission of quarterly progress report</li> <li>▪ Approve payment to NGO / external monitoring agency</li> <li>▪ According financial approval for all payments pertaining to LA and R&amp;R</li> <li>▪ Obtaining necessary budgetary allocation from GoTN</li> <li>▪ Decision on the report of Spl DRO of claims for inclusion as DPs</li> </ul>
Chief Engineer, TNRSP	<ul style="list-style-type: none"> <li>▪ Overall responsible for LA and R&amp;R implementation.</li> <li>▪ Monitoring the progress of LA and R&amp;R activities and reporting to Project Director</li> </ul>
Special District Revenue Officer(s)	<ul style="list-style-type: none"> <li>▪ Competent authority for LA under TNHA 2001</li> <li>▪ Approve valuation of land and structure as per RFCTLARR 2013</li> <li>▪ Hear objections vide Sec 15(2), determine compensation amount in agreement with DP vide Sec 19(2) or in case of disagreement vide Sec 19(3), hear DPs on the compensation amount vide Sec 19(5), refer disagreement on compensation to LARR Authority for adjudication vide Sec 20 and apportionment issues vide Sec 21(2)</li> <li>▪ Updation of land records after 15(2) and before 15(1) notification</li> <li>▪ Pronounce award for compensation of land and structures as per TNHA 2001 <ul style="list-style-type: none"> <li>- Financial powers of up to Rs.2 crores (excluding Rehabilitation and Resettlement assistances)</li> <li>- Above Rs.2 crores, will obtain CLA permission and pass award</li> <li>- Above Rs.8 crores, will obtain GoTN permission and pass award</li> </ul> </li> <li>▪ Liaison with District Administration to update the land records and notify the guideline values. .</li> <li>▪ Monitor the progress of LA carried out by Special Tahsildar</li> <li>▪ Co-ordinate the implementation of R&amp;R activities through resettlement officer, field staff, highway, forest, agricultural department, horticulture department and revenue officials</li> </ul>

<sup>12</sup> GO (MS) No.99 Highways and Minor Port (HF1) Department dated 01.09.2014

Officers	Roles and Powers
	<ul style="list-style-type: none"> <li>▪ Approval of Individual Entitlement Plan (micro plan) prepared for implementing RP.</li> <li>▪ Monitor the progress of resettlement activities carried out by the NGO.</li> <li>▪ Certify work of NGO for payment</li> <li>▪ Hold fortnightly meetings on RP implementation and report to the PD, TNRSP through CE, TNRSP</li> <li>▪ Liaison with district administration and line departments to dovetail DPs with government schemes.</li> <li>▪ Monitor the progress of Resettlement Site development and liaison with district administration and line departments for providing necessary amenities and facilities</li> <li>▪ Participate in meetings to facilitate LA and R&amp;R activities</li> <li>▪ Review of Monthly and Quarterly reports</li> <li>▪ Issue milestone wise encumbrance free certificate to concerned field DE(H), TNRSP for commencement of civil works</li> <li>▪ Authorise bank for disbursement of compensation and resettlement assistances to DPs through ECS</li> <li>▪ Review report submitted by RSO on claims for inclusion as DPs and forward to CE, TNRSP with recommendations.</li> </ul>
Resettlement Officer (RO)	<ul style="list-style-type: none"> <li>▪ Responsible for the implementation of R&amp;R activities through field staff, highway, forest, agricultural department, horticulture department and revenue officials</li> <li>▪ Review of individual entitlement plans prepared for implementing RP and submit to DRO for approval.</li> <li>▪ Identify suitable land for Resettlement in coordination with District administration and initiate alienation/acquisition process</li> <li>▪ Supervise the NGO involved in RP implementation</li> <li>▪ Assist DRO in disbursement of compensation and resettlement assistances</li> <li>▪ Holding periodical consultations with the affected people on implementation of LA and R&amp;R activities.</li> <li>▪ Prepare monthly physical and financial progress reports</li> <li>▪ Update payment of compensation, disbursement of resettlement assistances, DPs socio-economic data in the database</li> <li>▪ Verify claims for inclusion as DPs and submit report to Spl DRO for onward transmission to CE, TNRSP</li> </ul>
Superintending Engineer	<ul style="list-style-type: none"> <li>▪ Undertake internal monitoring of RP implementation based on monthly progress report submitted by LARRU and submit report to PD, TNRSP</li> </ul>
Divisional Engineer	<ul style="list-style-type: none"> <li>▪ Coordinate with line department and ensure relocation of utilities, in particular water supply, prior to civil works</li> <li>▪ Coordinate with forest department and revenue officials for tree cutting in RoW</li> <li>▪ Valuation of Structures</li> <li>▪ Conduct GRC meetings</li> <li>▪ Undertaken the reconstruction of affected common facilities including temples.</li> <li>▪ Issue clearance to contractor to commence civil works after obtaining milestone wise clearance from LARRU</li> </ul>
Tahsildar(s)	<ul style="list-style-type: none"> <li>▪ Approve sub-division sketch, award statement and valuation statement</li> <li>▪ Coordinate with revenue department and update land records after 15(2) and before 15(1) notification</li> <li>▪ Approve valuation of assets, trees and crops submitted by concerned department officials</li> <li>▪ Assist RO in identifying suitable land for Resettlement in coordination with District administration and initiate alienation/acquisition process</li> <li>▪ Coordinate with district administration and line departments and provide necessary amenities and facilities in the resettlement site</li> </ul>

Officers	Roles and Powers
	<ul style="list-style-type: none"> <li>▪ Coordinate the relocation of DPs to resettlement site</li> <li>▪ Oversee the relocation / shifting of CPRs</li> <li>▪ Submit milestone wise encumbrance free certification to DRO</li> <li>▪ Issue of identity cards to the DPs</li> </ul>
Surveyor(s)	<ul style="list-style-type: none"> <li>▪ Verify LPS prepared by PPCs and carryout necessary corrections after survey and measurement</li> <li>▪ Prepare sub-division sketch, statement for award and valuation statement for LA</li> <li>▪ After LA award, coordinate with concerned Revenue officials and carryout changes in revenue record</li> <li>▪ After LA, provide corrected FMB sketch and updated RoW details to concerned Highway Divisional office</li> <li>▪ Issuance of LA notifications to DPs and other stakeholders</li> </ul>
MIS Specialist	<ul style="list-style-type: none"> <li>▪ Maintain and update DP data</li> <li>▪ Update periodically disbursement of compensation and assistances</li> <li>▪ Generate information and data for monthly and quarterly progress reporting</li> </ul>
Gender Officer	<ul style="list-style-type: none"> <li>▪ A Woman officer not less than the rank of Assistant Engineer from the jurisdictional Highway Divisional office will be responsible in ensuring compliance to gender related issues in the project activities</li> <li>▪ Carry out field visit fortnightly to project site, labour camps, settlements abetting/near labour camps and submit monthly report to PIU, TNRSP-II through the jurisdictional DE(H)</li> </ul>

### Competent Authorities

3.2 The implementation of land acquisition and resettlement impacts will require approvals and clearance at various stages. The following officers will act as competent authorities for certain key activities.

**Table 5.2: Competent Authority for Approvals**

Approvals Required	Competent Authority
Resettlement Policy Framework (RPF)	Empowered Committee, TNRSP
Approval for LA awards up to Rs.2 crores	Special DRO, TNRSP
Approval for LA awards exceeding Rs.2 crores	Commissioner of Land Administration, GoTN
Approval for LA awards exceeding Rs.8 crores	GoTN
Approval of RAPs including Budget provisions	Project Director, TNRSP
Changes in Policy provisions and Entitlements	Empowered Committee, TNRSP
Staff requirements, Consultants/NGOs Appointments	Project Director, TNRSP
Approval for issue of ID cards	Special DRO, TNRSP
Approval of disbursement of R&R Assistance	Project Director, TNRSP
Disbursement of R&R Assistance	Special DRO, TNRSP
Approval for structure valuation	Divisional Engineer (H), TNRSP
Approval for shifting and relocation of community assets	Special DRO, TNRSP
Approval of Resettlement sites, House site, Issue of titles etc.	Special DRO, TNRSP
Resolution of disputes	GRC / LARR Authority

3.3 Agency for RP Implementation Support: The LARRU will be supported in the implementation of the R&R provisions by NGOs/agencies with experience in similar development projects. The NGOs/agencies to be engaged should have proven experience in carrying out resettlement and rehabilitation activities and community development and consultations in Tamil Nadu of similar projects. This agency will assist GoTN in implementation of RAP and their services will be retained until all actions proposed in RAP are implemented.

3.4 The NGO/agency will play a key role in the implementation of the RP. Their tasks will include the final verification of DPs, consultations, establishment of support mechanisms and deliver the rehabilitation assistances as per the RP provisions and to ensure that the DPs receive all the entitlements as per the R&R policy of the project.

### **Grievance Redressal Committee**

3.5 Grievance Redressal Committee (GRC) will be established at two-levels, one at regional level and another at State level, to receive, evaluate and facilitate the resolution of displaced persons concerns, complaints and grievances. The GRC will provide an opportunity to the DPs to have their grievances redressed prior to approaching the State level LARR Authority. The GRC is aimed to provide a trusted way to voice and resolve concerns linked to the project, and to be an effective way to address displaced person's concerns without allowing it to escalate resulting in delays in project implementation.

3.6 The GRC will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The GRC is not intended to bypass the government's inbuilt redressal process, nor the provisions of the statute, but rather it is intended to address displaced persons concerns and complaints promptly, making it readily accessible to all segments of the displaced persons and is scaled to the risks and impacts of the project.

3.7 The RP will have a mechanism to ensure that the benefits are effectively transferred to the beneficiaries and will ensure proper disclosure and public consultation with the affected population. The GRCs are expected to resolve the grievances of the eligible persons within a stipulated time. The decision of the GRCs will be final unless vacated by the LARR Authority (constituted in accordance with Section 51(1) of the RFCTLARR Act, 2013).

3.8 The GRC will continue to function, for the benefit of the DPs, during the entire life of the project including the defects liability periods. The response time prescribed for the GRCs would be three weeks. Since the entire resettlement component of the project has to be completed before the construction starts, the GRC, at regional and State level, will meet at least once in three weeks to resolve the pending grievances. Other than disputes relating to ownership rights and apportionment issues on which the LARR Authority has jurisdiction, GRC will review grievances involving all resettlement benefits, relocation and payment of assistances.

3.9 Three regional level GRCs will function out of Salem, Trichy and Chennai respectively. The 3-member GRC will be chaired by a retired District Revenue Officer (DRO) or equivalent rank officer and comprising of the Divisional Engineer, Highways, TNRS acting as its member secretary and a local person of repute and standing in the society, nominated by the Project Director. Grievances/concerns can be lodged directly to the DE, Highways, TNRS or submitted to the NGO/agency appointed for implementation support, either in person or through post or through email.

3.10 The NGO/agency will assist displaced persons in registering their grievances and being heard. The complaint / grievance will be redressed in 3 weeks time and written communication will be sent to the complainant. A complaint register will be maintained at regional/State level with details of complaint lodged, date of personal hearing, action taken and date of communication sent to complainant. If the complainant is still not satisfied s/he can approach the jurisdictional LARR Authority. The complainant can access the appropriate LARR Authority at any time and not necessarily go through the GRC. The grievance redressal procedure is shown in the following figure.

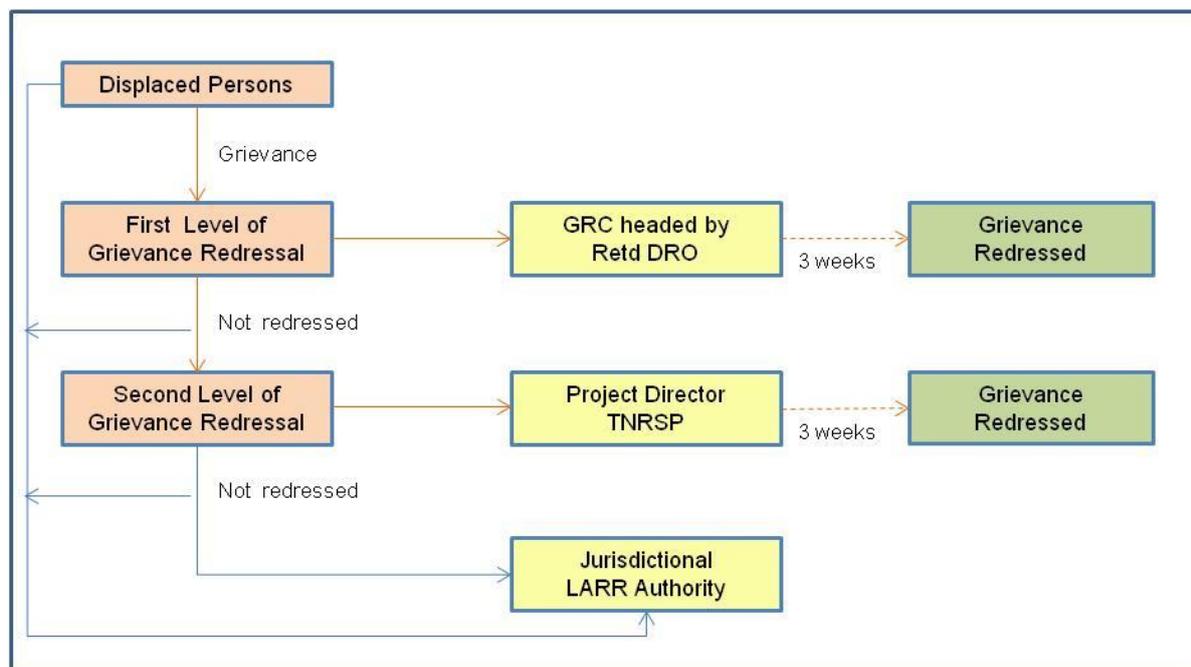


Fig : Grievance Redressal Procedure

### Consultations

3.11 In order to engage with the community and enhance public understanding on the Project and address the issues pertaining to resettlement, various sections of DPs and other stakeholders were consulted through focus group discussions (FGD), meetings and individual interviews during the DPR and RP preparation of road-projects. The opinions of the stakeholders and their perceptions were obtained during these consultations and incorporated in the design wherever feasible. This approach adopted towards the formulation of the framework would be continued during the preparation of DPR and RP for all road-projects and throughout project implementation.

3.12 Consultations will be undertaken with the DPs, their host communities and civil society for every road-project identified as having involuntary resettlement impacts. Consultation will be carried out throughout the resettlement plan implementation. The consultation process established for the project will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders are proposed during project preparation, such as in-depth interviews, public meetings, and group discussions.

3.13 Particular attention will be paid to the need of the disadvantaged or vulnerable groups, especially those below poverty line, the landless, the elderly, female headed families, women and children, Indigenous People/ Scheduled Tribes (if any), and those without legal title to land. The key informants to be consulted, during the project preparation phase and during the RP implementation, shall include the following stakeholders:

- Heads and members of families likely to be displaced
- Displaced families belonging to the vulnerable groups
- Host communities
- Women in the displaced as well as host communities
- Local self-government leaders, and,

3.14 Each road-project resettlement plan will be prepared and implemented in close consultation with the key stakeholders. Women's participation will be ensured by involving them in public consultation at various level and stages of project preparation, which would enhance their ability to attend such meetings.

3.15 TNRSP will ensure that views of the DPs, particularly those vulnerable and women, related to the resettlement process are looked into and addressed. The LARRU will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated.

3.16 Consultations will be held at the time of carrying Social Impact Assessment and Census and Socio-economic surveys, consultations will be held with various groups both impacted and those having interest in the project their feedback and suggestions will be incorporated in the RP and designs, etc.

### **Disclosure**

3.17 Information will be disseminated to DPs at various stages. In the road-project initiation phase, the LARRU will be responsible for issue of public notice to acquire particular land/property for road-project component along with program information/details. The notice will be published once in local newspapers. The LARRU along with local self-government leaders/revenue officials/officials from DE's office will also conduct meetings with DPs in addition to the public notification to ensure that the information is given to all of them.

3.18 For the benefit of the community in general and DPs in particular, a summary of this RF will be made available in local language during public meetings at the community level, and be disclosed in public places both as draft and final version after it is approved by Government. The disclosure of draft will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contract.

3.19 Each road-project resettlement plan will be disclosed to the displaced community detailing information including measurement of losses, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments and displacement schedule by the LARRU with assistance from the NGO/agency hired for assisting in RP implementation. This will be done through public consultation and made available as brochures, leaflets, or booklets, using local languages.

3.20 Gist of each RP will be translated and made available to the DPs. Hard copies of the resettlement plan will also be made available at: (i) Offices of the LARRU; (ii) Office of the District Collectors; (iii) Taluk Office; and (iv) Office of the Panchayat / Union / Municipality / Corporation, as soon as the plans are available and certainly before land is acquired for the project. For non-literate people, other communication methods will be used. A report of

disclosure, giving detail of date and location, will be shared with World Bank along with the Quarterly Progress Report (QPR)

3.21 The basic information in the resettlement plan including road-project locations, magnitude of impact, entitlements, implementation schedule etc. will be presented in the form of a brochure that will be circulated among the DPs.

3.22 Electronic version of the framework as well as the RPs will be placed on the official website of the Highways Department and TNRSP, after approval and endorsement by GoTN and World Bank. In addition, all safeguard documents including the quarterly progress reports and concurrent monitoring reports, impact evaluation reports, list of eligible PAPs will be disclosed. The RPF and RPs will be maintained throughout the life of the project.

### **Management Information System (MIS)**

3.23 Keeping in line with the provisions of RFCTLARR Act, 2013, a well-designed MIS will be created and maintained at Chennai and Regional offices. This MIS will be supported with approved software and will be used for maintaining the DPs baseline socio-economic characteristics, designing and developing pre-defined reports, algorithms and calculations based on the available data and updating tables/fields for finding compensation and assistances, tracking the land acquisition and resettlement progress. The MIS developed in 2015 was used for limited purpose and measures have been taken to develop it into a fully functional MIS to manage LA and RR and it will be used for all land acquisition and resettlement activities including generating the periodical progress reports.

### **Monitoring and Evaluation**

3.24 To monitor the effectiveness of the RP implementation by the NGO/agency, internal monitoring and external monitoring and evaluation mechanisms have been suggested. Internal monitoring will be taken up by the respective Regional units and PIU at the headquarters concerned. The monitoring and progress reports will be generated through MIS system. The external evaluation activities will be carried out through an independent Impact Evaluation Agency.

#### Concurrent Monitoring of LA and R&R Implementation

3.25 An independent agency having experience in land acquisition, R&R, consultation, community development will be engaged to supervise the implementing of LA and R&R and oversee the NGOs/agency's performance and provide guidance. This agency will provide quarterly reports based on the outcome of consultations and feedback with affected people who have received assistance and compensation and other implementation activities. This agency will also carry out concurrent impact evaluation in order to make mid-stream alterations as needed. The Supervision consultants for civil works will have some limited monitoring responsibilities related to certification of encumbrance free stretches to be handed over to the contractors.

#### Impact Evaluation

3.26 An independent agency will be engaged to undertake impact evaluation of the implementation of land acquisition and resettlement to assess the changes in the living standards and impact of compensation and R&R assistance provided to them separately for both parent project and AF.

### Updating of Land Records

3.27 Once the section 15(2) is issued, the updating of land records in the affected area will be undertaken to ensure that the landowner records are up-to-date prior to issue of section 15 (1) notification. This is to ensure that the bonafide landowner names are figured in the LA process and the bonafide landowner receives the compensation in time. The TNRSP regional LARR units will coordinate with the concerned revenue departments to complete the land records updating in time.

3.28 The experience with parent project shows that only about 50% landowners received compensation immediately after award and the compensation for rest of the proposed were deposited in SDRO's special account and people claimed later due to insufficient ownership documents. In order to ensure that the landowners receive the compensation immediately after award, the land records of all affected landowners will be updated prior to issue of notification under section 15(1). The key details to be updated include but not limited to ensuring service of 15(2) notification to all interested persons and updating the landowner name(s).

3.29 In order to ensure that the landowners receive the compensation immediately after award, the land records of all affected land parcels / landowners will be updated prior to issue of notification under section 15(1). The key details to be updated include but not limited to: (i) ensuring service of 15(2) notification to all interested persons; (ii) obtaining the encumbrance certificate from the Registration Department and issuing notice to all persons contained in the encumbrance certificate; (iii) village level meetings by Spl Tahsildars; and (iv) assisting the landowners in obtaining legal heir certificate / patta, etc to enable establishment of ownership

### Budget sources

3.30 Government will provide adequate budget for all land acquisition compensation and R&R assistance from the counterpart funding. The budget estimates and its sources will be reflected in RPs. The World Bank loan will not be available for land acquisition compensation and R&R assistance paid in cash. The World Bank's loan will be available for costs such as works, purchase of goods and services, if required.

### Census Survey Updating

3.31 In order to keep the baseline data for measuring the living standards of the affected people, the key census socio-economic surveys will be updated once in two years, if the people are not displaced and affected within two years from the census surveys. .

### Development of Resettlement Sites

3.32 While selecting the resettlement site the suitability for housing purpose, land ownership and use will be verified. Only those sites which are amenable for issue of titles will be selected. If Government lands are not available, then private land will be acquired or procured through consent. The suitability of sites for housing will be confirmed from the District Administration and title will be issued to the DPs prior to the commencement of construction of houses. In case of resettlement sites, the minimum facilities described in Schedule 2 of RFCTLARR Act, 2013 will be provided. Consolations with the displaced families will be held to ascertain their acceptance. The resettlement sites will be developed if more than 20 displaced families are displaced in a continuous stretch of 5 Kms. In other cases individual sites may be offered.

### Coordination with Civil Works

3.33 The land acquisition and resettlement implementation will be co-coordinated with the timing of procurement and commencement of civil works. The required co-ordination has contractual implications, and will be linked to procurement and bidding schedules, award of contracts, and release of cleared COI sections to the contractors. The project will provide adequate notification, counselling and assistance to affected people so that they are able to move or give up their assets without undue hardship before commencement of civil works and after receiving the compensation.

3.34 The handing over of land to the contractor will be organised in two or three sections. About 60 percent of the land in the first-milestone will be handing over immediately after signing of the contract, the second-section in 12-months and the third-section of bypasses and major realignments, if any, within 18 months of contract signing. The land acquisition and corresponding payment of compensation and R&R assistance with encumbrance free certification will be available prior to award of contract and in case of second milestone stretches all land acquisition notifications should have been completed and construction of resettlement sites is commenced so as to complete within 12-months. The community assets replacement will be linked to handing over of respective milestone stretches.

3.35 In case of PPP contracts, the timely handing over of land assumes paramount importance. In view of this, a robust process of coordination of land acquisition and resettlement actions is linked to procurement process in securing PPP concession. The details of action to be completed before key milestones in PPP concession process is provide in Appendix-IV.

### Implementation Guidelines

3.36 In order to elaborate and provide clarification to various provisions of RPF, implementation guidelines will be prepared which will provide reference to those involved with application and the implementation. Appropriate procedures will be put in place to deal with delays and non-compliances with the provisions of this RPF.

### Draft Resettlement Policy Framework - Disclosure and Consultation

3.37 The Draft Resettlement Policy Framework prepared in December 2014 was disclosed in TNRSP website and stakeholder consultation meetings were held before being finalised and notified. The updated Draft Resettlement Policy Framework, 2019 was disclosed in TNRSP website on XXXXX, 2020 seeking views and suggestions, consultations were held amongst stakeholders in xxxxx during xxxxxx, 2020 respectively. Prior to the consultations, TNRSP held series of detailed discussions with official of Land Administration Department, Revenue Department and Highways Department. Gist of the RPF translated in Tamil were distributed to the stakeholders and their views and suggestions were discussed and incorporated in finalisation of the RPF. There were no suggestions received to the web discloser. The summary of the discussions and views and suggestions incorporated in the RPF is presented in Appendix-VI

### Updating of Resettlement Policy Framework

3.38 This Resettlement Policy Framework will be updated as and when changes or amendments to the applicable laws and policies are made and based on implementation experience and lessons learnt.

Appendix - I

**Tamil Nadu Highways Act, 2001 (TNHA)**

The relevant provisions of the TN Highways Act is summarised below.

- (i) Section 15 describes the process to be adopted in notifying the intended acquisition to those having interest in the land.
- (ii) Sec 15(2) - Notification to landowners: Issue of notification to landowners and to issue public notice prior to making notification in *Gazette* under Section 15(1) that details the purpose of acquisition and describes the land proposed to be acquired.
- (iii) Sec 16(1) – Ownership vests with Government: The Government becomes the legal owner of the land, free from all encumbrances, on publication of notice in *Gazette* under Section 15(1). However, land will be take-over only when full compensation is paid to the land owner.
- (iv) Sec 16(3) – Possession of Land: The government can take forcible possession of land, if the land owner fails to handover possession within 30 days of notification vide Section 16(2). This will do only when the full compensation is paid to the land owner.
- (v) Sec 19 – Determining Compensation: Deals with the process to be adopted in determining the compensation to be paid to the landowner. Sec 19(6) – Applicability of LA ct 1894 - In determining the compensation payable to the landowners, the Collector will be guided by the provisions contained in Section 23, Section 24 and other relevant provisions of Land acquisition Act, 1894.

As per the provisions of Sec 19(6), the compensation is to be determined by the competent authority in accordance with Sec 23 and Sec 24 of LA Act, 1894. With the introduction of Sec 105A in RFCTLARR Act, the competent authority will be guided by the provisions of RFCTLARR Act 2013, viz. Sec 26, Sec 27, Sec 28, Sec 29 and Sec 30 pertaining to compensation and Sec 31 and Sec 32 pertaining to rehabilitation and resettlement, in determining compensation and rehabilitation and resettlement assistance

- (vi) Sec 20 – Reference to court: Any aggrieved person can seek reference to the Court the decision of the Collector in determining the compensation vide Section 20 and it should be made in writing to the Collector within 60 days from the date of such decision.

Reference to court and procedure thereon is as elucidated in Part III of LA Act 1894 and With the introduction of Sec 105A in RFCTLARR Act, Sec 51(1) of the RFCTLARR Act, 2013 will be applicable. All disputes related to land acquisition; compensation, rehabilitation and resettlement will be dealt by 'the Land Acquisition, Rehabilitation and Resettlement Authority'.

- (vii) The following provisions of the Tamil Nadu Highways Act, 2001 empower the highway authority to take up measures to prevent any further encroachments onto the RoW:
- (viii) Sec 26 - of the Highway Act of Tamil Nadu provides for the prevention of unauthorized occupation of, and encroachment onto the highway and removal of encroachments.
- (ix) Sec 28(1) - of the Act empowers the highways authority to conduct checks and periodical inspection of highway boundaries with a view to ensure the prevention of unauthorized encroachments and the removal of such encroachments.
- (x) Section 28 (2) of the Act empowers the highway authority to remove without any notice, any structure encroaching the highway or in any area where the construction or development of a highway is undertaken or proposed to be undertaken.
- (xi) Sections 48 of the Highway Act authorize the Highways Department to penalize the encroachments or illegal occupation of the highway land.

Notwithstanding the above provisions, all those non-title holders identified in the census surveys will be provided assistance and are not subjected to eviction. All those identified will be issued identity cards as soon as census survey is completed. The cut-off date for eligibility of R&R assistance for non-title holders will be widely disclosed to inform that those who move after cut-off-date will not be eligible for assistance and suitable measures will be put in place to prevent further encroachments.

## Appendix-II

### Definitions

In this Resettlement Policy Framework, unless the context otherwise requires,

- (i) Agricultural Land: land used for the purpose of: (i) agriculture or horticulture; (ii) dairy farming, poultry farming, pisciculture, sericulture, seed farming; (iii) breeding of livestock or nursery growing medicinal herbs; (iv) raising of crops, trees, grass or garden produce; and (v) land used for the grazing of cattle.
- (ii) Assistance: All support mechanisms such as monetary help, services or assets given to DPs constitute assistance in this project.
- (iii) Compensation: Compensation refers to restitution made to property under the 'Tamil Nadu Highways Act, 2001' read with Sec 26, Sec 27, Sec 28, Sec 29 and Sec 30 pertaining to compensation and Sec 31 and Sec 32 pertaining to rehabilitation and resettlement contained in 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', in determining compensation and rehabilitation and resettlement assistance.
- (iv) Corridor of Impact (Col): The Corridor of Impact (Col) is the width required for the actual construction of the road including the carriageway, shoulder, embankment, longitudinal drainage, wayside amenities like bus stops, bus shelters, etc. and necessary safety zones.
- (v) Cut-off Date: For title holders, the date of notification of intended acquisition under Section 15(2) of the TNHA, 2001 will be treated as the cut-off date, and for non-titleholders the start date of project census survey for that particular road-project will be the cut-off date.
- (vi) Encroacher: Any person illegally occupying public property by extending their land boundary or a portion of their building onto the RoW is an encroacher.
- (vii) Entitled Person (EP): Entitled Person includes all DPs who qualify for, or are entitled to, compensation / assistance since being impacted by the project. The basis for identification of Entitled Persons (EP) in the project will be the cut-off date.
- (viii) Temporary Building: Temporary building means a temporary type of structure, which includes buildings with roofs constructed of thatch, galvanized iron or asbestos.
- (ix) Major Impact: The DPs suffering the following impacts and requiring to relocate are categorized as Major Impacted DPs: (i) loss of place of dwelling, (ii) loss of place of business; (iii) loss of livelihood; (iv) loss of agricultural productive land of marginal farmers; those who become marginal farmers or landless after acquisition; those who lose land equivalent or more of marginal landholding size (1.0ha of un-irrigated and 0.5ha of irrigated).
- (x) Marginal Farmer: A cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare;
- (xi) Minor Impact: A DP suffering minor impact is one who is affected to a lesser degree than the major impacts defined above. Compensation for minor impacts will be limited to one-time payment of cash or giving advance notice.
- (xii) Minimum Wages: The wages paid under MGNREGA in Tamil Nadu which is Rs.132/- for 2013-14.
- (xiii) Non-Perennial Crop: Any plant species, either grown naturally or through cultivation that lives for a season and perishes with harvesting of its yields has been considered as a non-perennial crop in the project. For example, paddy, sugarcane, groundnut, etc.
- (xiv) Perennial Crop: Any plant species that live for years and yields its products after a certain age of maturity is a perennial crop. Generally trees, either grown naturally or horticulturally and yield fruits or timber have been considered as perennial crop in the project. For example, tamarind, coconut, mango, teak, neem etc. are perennial crops.
- (xv) Persons Losing their Livelihood: Persons losing their livelihood are individual members of the DHs, who are at least 18 years of age and are impacted by loss of primary occupation or source of income.

- (xvi) Private Property Owners: Private property owners are persons who have legal title to structures, land or other assets. These property owners are entitled to compensation under the Tamil Nadu Highways Act, 2001.
- (xvii) Affected Families (AF): Any family living, cultivating land or carrying on business, trade or any other occupation within the Corridor of Impact (CoI) who are impacted by the project is a Affected Family. All the members of a DH in the project will be treated as DPs.
- (xviii) Affected Person (AP): Any individual or part of the DHs living, cultivating land or carrying on business, trade or any other occupation within the Corridor of Impact (CoI) who are impacted by the project is a Affected Person (AP).
- (xix) Displaced Families (DF): Any family living, cultivating land or carrying on business, trade or any other occupation within the Corridor of Impact (CoI) who are impacted by the project and is either physically or economically displaced, such affected families are Displaced Families. All the members of a DF in the project will be treated as Displaced Persons (DPs).
- (xx) Permanent Buildings: Buildings of a permanent construction type with reinforced concrete or Madras terrace roofs.
- (xxi) Replacement Cost: The amount required for an affected person to replace the lost asset through purchase in the open market.
- (xxii) Residual Land: Residual land can be defined as the remaining portion of land left with the owner of the holding after acquisition of land by the project.
- (xxiii) Small Farmer: A cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.
- (xxiv) Semi-Permanent Building: Buildings of a semi-permanent type with tiled roof and walls not of concrete or permanent brickwork.
- (xxv) Severance of Land: Severance of land can be defined as division of a land holding caused due to acquisition of land mainly for laying new project alignment, such as a bypass or a re-alignment.
- (xxvi) Squatter: Any person occupying structures entirely within the RoW (with no legal rights to occupy that parcel of land) for residential and/or business purposes, is a squatter.
- (xxvii) Tenant: Any person by whom or on whose account rent is payable for any property.
- (xxviii) Women Headed Family (WHF): A family that is headed by a woman and does not have an adult male earning member is a Woman Headed Family. This woman may be a widowed, separated or deserted person.
- (xxix) Vulnerable Group (VG): Vulnerable Group includes but is not limited to the following categories: (i) DPs falling under 'Below Poverty Line' (BPL) category, as identified by the Planning Commission of India's State specific rural poverty line and updated to current period using CPIRL; (ii) landless people; (iii) persons who belong to Scheduled Castes (SC) and Scheduled Tribes (ST); (iv) Women Headed Families; (v) Children and elderly people<sup>2</sup>, including orphans and destitute; and (vi) Physically and mentally challenged / disabled people.

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<sup>2</sup> PAPs up to 14 years have been considered as children, while those over 60 years of age have been considered as elderly people in the project.

**Comparison between World Bank Policy Requirements and RFCTLARR Act 2013 with Gap filling measures in TNRSP's RPF**

SNo	World Bank Involuntary Resettlement Requirement	Tamil Nadu Highways Act 2001	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RPF of TNRSP
<b>Policy Objectives</b>					
1	Avoid involuntary resettlement (IR) wherever feasible	x	✓	Social Impact assessment (SIA) should include: (i) whether the extent of land proposed for acquisition is the absolute bare minimum extent needed for the project; (ii) whether land acquisition at an alternate place has been considered and found not feasible [Ref: Section 4 sub-section 4(d) and 4(e)]	
2	If IR is unavoidable, minimise involuntary resettlement by exploring viable alternate project design	x	x		In Para 2.11, the principles of TNRSP RPF addresses this requirement.
3	Where resettlement cannot be avoided, resettlement activities should be conceived and executed as a development programme by providing sufficient resources to enable DPs to share in project benefits.	x	✓	The cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading [Ref: Preamble of the RFCTLARR ACT]	
4	DPs should be meaningfully consulted and provided opportunities to participate in planning and implementing resettlement programs.	x	✓	Whenever a SIA is required, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the SIA Report.	

SNo	World Bank Involuntary Resettlement Requirement	Tamil Nadu Highways Act 2001	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RPF of TNRSP
				[Ref: Section 5]	
5	DPs should be assisted in their efforts to improve their livelihoods and standards of living, or at least restore them, to pre-displacement levels or to pre-project levels	x	✓	The cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post acquisition social and economic status and for matters connected therewith or incidental thereto [Ref: Preamble of the RFCTLARR ACT]	-
<b>Impacts Covered</b>					
6	Involuntary taking of land resulting in relocation or loss of shelter	x	✓		
7	Involuntary taking of land resulting in loss of assets or access to assets	x	✓	In the definition of affected family, it includes 'a family whose land or other immovable property has been acquired' [Ref: Section 3 sub-section c (i)]	
8	Involuntary taking of land resulting in loss of income sources or means of livelihood, whether or not the affected persons must move to another place	x	✓	In the definition of affected family in includes 'a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land; and further, a distinction is made between affected	

SNo	World Bank Involuntary Resettlement Requirement	Tamil Nadu Highways Act 2001	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RPF of TNRSP
				family and displaced family in the definition (i.e) a displaced family means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area [Ref: Section 3 sub-section c (ii) and k]	
9	Involuntary restriction of access to of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.	x	✓	In the definition of affected family in includes 'family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land' [Ref: Section 3 sub-section c (vi)]	
<b>Policy Applicability</b>					
10	The policy applies to all components of the project that result in IR, regardless of the source of financing.	x	✓	The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose (defined)  However, for PPP projects and private companies requiring land for public purpose (defined), then prior consent of affected families is required.	

SNo	World Bank Involuntary Resettlement Requirement	Tamil Nadu Highways Act 2001	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RPF of TNRSP
				[Ref: Section 2 sub-section 1 and 2]	
11	It also applies to other activities resulting in IR that are: (i) directly and significantly related to the Bank-assisted project; (ii) necessary to achieve its objectives as set forth in the project documents; and (iii) carried out, or planned to be carried out, contemporaneously with the project.	x	✓	Same as above	
<b>Eligibility Criteria</b>					
12	Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country)	x	✓	In the definition of affected family, it includes 'a family whose land or other immovable property has been acquired' [Ref: Section 3 sub-section c (i)]	
13	Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan	X	✓	In the definition of affected family, it includes 'the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land'; and also includes 'a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition'. [Ref: Section 3 sub-section c(iii) and (v)]	
14	Those who have no recognizable	x	x		In para 2.15 of the RPF, under

SNo	World Bank Involuntary Resettlement Requirement	Tamil Nadu Highways Act 2001	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RPF of TNRSP
	legal right or claim to the land they are occupying.				eligibility criteria, this is addressed.
15	Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.	x	x		In para 2.16 of the RPF, the cut-off date has been defined.
<b>Require Measures</b>					
16	Ensure DPs are informed about their options and rights pertaining to resettlement	x	✓	Whenever a SIA is required, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the SIA Report. [Ref: Section 5]	
17	Ensure DPs are consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives	x	✓	Same as above	
18	Ensure DPs are provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.	x	x	Not explicitly stated	In Para 2.11, the principles of TNRSP RPF addresses this requirement.
19	If there is physical relocation, provide DPs with (i) assistance (such as moving allowances) during relocation; and (ii) residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive	x	✓	The Rehabilitation and Resettlement Award shall include all of the following:..... (c) particulars of house site and house to be allotted, in case of displaced families; (d) particulars of land allotted to the displaced families; (e) particulars of	

SNo	World Bank Involuntary Resettlement Requirement	Tamil Nadu Highways Act 2001	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RPF of TNRSP
	potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.			one time subsistence allowance and transportation allowance in case of displaced families;..... [Ref: Section 31 sub-section 2(c), (d) and (e)]	
20	Particular attention to be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation	x	✓ (partly)	The act provides for special provisions and assistance for scheduled caste and scheduled tribe in scheduled area. [Ref: Section 41]  Further the act recognizes widows, divorcees and women deserted by families as separate families [Ref: Section sub-section (m)]  The act does not recognize other vulnerable category and also SC/ST from non-scheduled areas.	Special provision for vulnerable have been provided in Entitlement matrix.
21	Provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.	x	x		Para 2.32 of RPF stipulated that all compensation and assistance will be paid to DPs at least 1 month prior to displacement or dispossession of assets. And affected families who are physically displaced, on receipt of payment, will be given 3-months notice to vacate
22	Preference should be given to land-	x	✓	Land for land is recommended in	Land for land has not been

SNo	World Bank Involuntary Resettlement Requirement	Tamil Nadu Highways Act 2001	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RPF of TNRSP
	based resettlement strategies for displaced persons whose livelihoods are land-based.			irrigation projects and in projects where SC/ST is involved equivalent land. [Ref: Second Schedule S.No.2]	offered in this project as acquisition is linear and strips of land except in bypasses where acquisition is significant. Even in bypasses, considering the limitation is providing suitable land for land, the option has not been considered.
	Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.	x	✓ (partly)	Not explicitly stated, but the method of valuation of land and considering the higher among the 2-methods, the multiplying factor and the 100 solatium with 12% interest will be near equivalent to replacement cost for land. For structure, tree and crops, valuation by appropriate authority will be near equivalent to replacement value, but is silent about depreciating. [Ref: Section 26 sub-section 1 and 2, Section 29 and Section 30]	Entitlement Matrix provides for the replacement cost for land and assets
23	Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement	x	✓	The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan, are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the	

SNo	World Bank Involuntary Resettlement Requirement	Tamil Nadu Highways Act 2001	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RPF of TNRSP
				appropriate Government. [Ref: Section 6 sub-section 1]	
24	Appropriate and accessible grievance mechanisms are established for these groups.	x	✓	For the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as "the Land Acquisition, Rehabilitation and Resettlement Authority" [Ref: Section 51 sub-section 1]	The RPF of TNRSP provides for a project level GRC to resolve grievances as one step internal dispute resolution mechanism prior to referring/approaching the LARR authority.
25	In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities.	x	✓	In every resettlement area as defined under this Act, the Collector shall ensure the provision of all infrastructural facilities and basic minimum amenities specified in the Third Schedule of the RFCTLARR Act. [Ref: Section 32]	

**Appendix-IV**

**PPP Concessions: Coordination between LA and R&R implementation  
and civil works bidding process and handing over site**

**Prior to issue of RFQ**

- Land plans schedules are completed and submitted to TNRSP by DPR consultants;

**Prior to issue of RFP**

- Endorsement of Resettlement Action Plan (RAP) for respective contracts by the Bank and Competent authority in TNRSP and are disclosed locally;
- First Notification (Section 15 ( 2) for private land acquisition is completed.
- Identity cards are issued to all eligible PAPs

**Prior to award of concessions**

- All Private land acquisition notifications are completed and land records are updated ;
- Contract is awarded for development of resettlement sites, if required. or alternative house plots identified
- Alternative sites for reconstruction of affected CPRs are identified

**Prior to Signing Concession agreement**

- LA award and R&R awards are completed;;

**Prior to appointed Date (financial closure)**

- Compensation is paid to all landowners Including transfer of Government land for 80% of road length (first mile stone);
- R&R assistance is paid to all eligible PAPs and reconstruction of Common Property resources (CPRs) is completed for 80% of road length (first milestone).

**Prior to handing over of Second milestone stretches (within 4-6 month of appointed date)**

- Compensation and R&R assistance is paid to all affected landowners for the entire stretch including transfer of Government land;
- Development of Resettlement sites is completed and people are shifted, if required
- All CPRs are reconstructed

**Appendix-V**

**EPC Contracts: Coordination between LA and R&R implementation  
and civil works bidding process and handing over site**

**Prior to issue of RFQ**

- Land plans schedules are completed and submitted to TNRSP by DPR consultants;

**Prior to issue of RFP**

- Endorsement of Resettlement Action Plan (RAP) for respective contracts by the Bank and Competent authority in TNRSP and are disclosed locally;
- First Notification [Section 15 (2)] for private land acquisition is completed.

**Prior to award of contract**

- All Private land acquisition notifications are completed and land records are updated ;
- Contract is awarded for development of resettlement sites, if required. or alternative house plots identified
- Alternative sites for reconstruction of affected CPRs are identified
- 50% of the Land Acquisition are Completed
- Compensation is awarded to landowners in 60% of road length (first milestone);
- R&R assistance is paid to all eligible PAPs and Common Property resources (CPRs) is completed for 60% of road length (first milestone).
- Identity cards are issued to all eligible non-titled PAPs

**Prior to handing over of Second milestone stretches (within 12 month of award of contract)**

- Compensation and R&R assistance is paid to all affected landowners for the entire stretch;
- Development of Resettlement sites is completed and people are shifted, if required
- All CPRs are reconstructed
- Transfer of Government land

**Prior to handing over of Third milestone stretches, if any (Bypasses and Major Realignment) (within 18 month of award of contract)**

- Compensation and R&R assistance is paid to all affected landowners in the bypass and major realignment section

### Outline of a Resettlement Plan (RP)

The Resettlement Plan document for the project must include the following components.

- 1) Description of the project
- 2) Potential impacts
- 3) Socioeconomic studies
- 4) Legal framework
- 5) Consultation and community participation
- 6) Institutional Framework
- 7) Eligibility and entitlement
- 8) Valuation of and compensation for losses
- 9) Resettlement measures
- 10) Site selection, site preparation, and relocation
- 11) Housing, infrastructure, and social services
- 12) Environmental protection and management
- 13) Community participation
- 14) Integration with host populations
- 15) Grievance procedures
- 16) Organizational responsibilities
- 17) Implementation schedule
- 18) Costs and budget
- 19) Monitoring and evaluation

**Note:** For detail documentation requirement, refer World Bank OP 4.12 – Annex A

**Summary of Stakeholder Consultations [to be updated]**

1. Further to the web disclosure of the Draft RPF in TNRSP website on September 16, 2014 and wide publicity given through newspaper advertisements (*Dinamani* for Tamil and *The New Indian Express* for English) about the disclosure and seeking views and suggestions, consultations were held amongst stakeholders in Tirunelveli, Namakkal and Chennai during December 9, 11 and 13, 2014 respectively. Prior to the consultations, TNRSP held series of detailed discussions with official of Land Administration Department, Revenue Department and Highways Department. Gist of the RPF translated in Tamil was distributed to the stakeholders and their views and suggestions were discussed and incorporated in finalisation of the RPF.

2. Invitation to the meetings was sent to officials from other government departments, local body representatives, non-governmental organisations, industrial/manufacturers associations, transport operators/owners association and press/media. About 251 participants attended the workshops held in the three places and all participants were given the gist of the Draft RPF in Tamil and their suggestion and views were recorded.

3. The views and suggestions made are summarised and presented below with the response given and the corresponding changes carried out in the RPF.

S.No	Views / Suggestions	Response / Changes incorporated in the Draft RPF
1	Market value of land based on guideline value will not reflect the true value as documents are registered at lower value and hence compensation for land should be determine accordingly.	The RFCTLARR Act provides for the process to be adopted for valuation of land and land owners will be paid along with the multiplying factor, as determined by the GoTN, and 100% solatium
2	The PWD rate will not reflect the true value of the building due to high input cost	The valuation of building will be done as per PWD rates without depreciation and 100% solatium in line with the RFCTLARR Act will be paid.
3	There are many houses built in grama natham land and compensation should be paid for land and structure	As per act those in grama natham with patta will be entitled for compensation for land and structure.  However, those without patta will be treated as squatters.  <b>Changes made in Draft RPF</b> The policy has been amended to include housing grant and house site grant to address the concerns of residential squatters.
4	Employment opportunity should be provided to affected people.	The contract documents have a clause to provide employment on preferential basis to affected people as unskilled employees.  Further, one person from amongst the vulnerable households are being provided with training for skill development and cash assistance of Rs.5,000

S.No	Views / Suggestions	Response / Changes incorporated in the Draft RPF
5	Local level compliant cell and the contact numbers should be made available to public through newspaper advertisement.	The Draft RPF has provision for Grievance Cells and names of officers designated, their contact numbers and the process of lodging a complaint will be disclosed through handouts to all affected people and local body representatives as a first step in RP implementation.
6	The entitlement matrix should have provisions for assistance to artisans	<b>Changes made in Draft RPF</b> The EM amended to include this provision (ref S.No.2.4)
7	Assistances such as subsistence allowance and shifting assistance may be shifted under loss of residence and commercial, as those losing only land will not entail relocation in linear projects such as this	<b>Changes made in Draft RPF</b> The EM amended to include this provision (ref 2.6, 2.7, 3.4 and 3.5)
8	Restrict assistance to squatters only among the vulnerable	No change is being made in the policy regarding this as TNRSP in consultation with GoTN has taken this decision after series of discussion.
9	The compensation for structure should be as per PWD rates and there are no separate rates for rural/urban and residential/commercial	<b>Changes made in Draft RPF</b> Suitable edited para 2.18
10	The rental allowance for tenants may be revised considering the high rental in urban areas. It was suggested to reduce the allocation for rural and increase the same for urban areas.	No change is being made in the policy regarding this as TNRSP in consultation with GoTN has taken this decision after series of discussion.
11	BSNL requested that they also be paid for utility shifting like other line departments such as electricity and water lines	Since there is a policy decision at government level, that BSNL and other private telecom operators will have to shift the utility lines at their cost The same may be taken up by BSNL with GoTN
12	Structure owners in RoW should be eligible for structure compensation	Such cases will be dealt by GRC on a case to case basis.