Resettlement and Rehabilitation (R&R) Entitlement Framework

Under MWSIP, no new or on-going schemes are included and the proposed interventions at individual irrigation schemes mainly relate to rehabilitation of existing structures to improve their efficiency in water delivery. Therefore, no land appropriation is envisaged and the project thus does not involve physical resettlement, however, an encroachment in project areas is not totally ruled out. In order to address any adverse impacts during the course of the project, a Resettlement Framework has been prepared to address any resettlement issue as a result of project interventions at sub-project level.

Rationale for R&R Entitlement Framework

As part of project preparation, a social assessment of 18 sample (covering major, medium and minor) rehabilitation schemes was undertaken with a view to identify social issues, particularly those relating to resettlement associated with the proposed project interventions. The social assessment looked into the likely resettlement impacts due to the MWSIP that follows a Programmatic approach wherein various interventions at the sub project level will be identified during project implementation. In the absence of precise sub project intervention measures at the present stage, it is proposed that following the screening process (detailed out in the Social and Environmental Framework developed for the project), the requirement or otherwise of a Resettlement Plan shall be determined based on the type and extent of impacts and the measures required to mitigate them. The Resettlement Framework described below will help in categorizing impacts and mitigation measures. This framework has been developed taking into account the provisions of the Maharashtra Project Affected Persons Rehabilitation (MPAPR) Act, 2001, the National Policy on Resettlement and Rehabilitation for Project Affected Families (NPRRPAF), 2003 and the experience of implementing R&R policy of Mumbai Urban Transport Project and the feedback received during the consultation workshops held as part of Environmental and Social Assessment carried out as part of project preparation.

Definitions used: For the proposed R&R entitlement framework, following definitions have been used.

Project Displaced Person: A person who has been ordinarily living in the area, which is required for proposed project interventions, for at least one year from the date of publication of the notification Under Section 4 of the Land Acquisition Act or the date of social assessment and has been physically displaced due to loss of house/structure

Project Affected Person: A person who has been affected due to loss of land, house, other immovable assets, livelihood or a combination of these due to project activities

NOTE: All displaced persons are affected persons but not otherwise

Project Affected Family: A family in respect of displaced/affected comprises of himself/herself and includes spouse, minor children and other dependents including aged parents and unmarried/widow sister. Every major son/daughter of an affected family (major on the date of notification Under Section 4 of the Land Acquisition Act or the date
of social assessment) will be considered as a separate family for the purpose of economic rehabilitation.

Cut off date: For titleholders, the cut off date is the publication of section 4(1) notification under Land Acquisition (LA) Act amended in 1985. For all others (encroachers/squatters), the cut off date is the date of survey and those identified should have been in occupancy for three years prior to the date of survey in the project activity area. This will be jointly verified by the WUA and field level staff of ID and will be certified by the Project Executive Engineer. However, this list will not include temporary structures constructed in the sub-project area (covered under MWSIP) for cattle, store of farm inputs and resting place for labour.

Landless Agricultural labour: A person who holds no agricultural land himself or a joint land holding with his family member and works as agricultural labourer

Small farmer: A person who owns 1- 2 ha un-irrigated or 0.5-1 ha irrigated land

Marginal farmer: A person who owns up to 1 ha un-irrigated or 0.5 ha irrigated land

Urban affected family: Affected families in urban areas as identified by the Census of India 2001

Rural affected family: Affected families in rural areas as identified by the Census of India 2001

Encroacher: A person who has trespassed into Government/private/community land to which he/she is not entitled to ownership

Squatter: A person who has unauthorizedly settled on the land or building for shelter or livelihood

Below Poverty Line (BPL): The subsistence level of income, fixed by the Government of Maharashtra, is called the Poverty line and families having an income below this sum fall within this vulnerable group

Vulnerable Groups: All those people who are socially distressed or economically backward fall under this group, viz., affected people living BPL, Land less, Schedule Caste/ Tribe, Women headed households (single/ widow/ divorced), Orphans/ destitute, Disabled and aged (above 60 years).

Titleholder: A person who can establish his/her ownership to the land and other assets or usufruct rights of the property. Cut off for a titleholder to be eligible for R&R entitlement is the date of issuing notice under section 4(1) of the Land Acquisition Act.

Non-titleholder: Any person unable to establish right to the property he/she is occupying without a legitimate evidence for being the owner is called a non-titleholder. Cut off Date for Non titleholder to be eligible for R&R entitlement is the date of Census Survey.
Support during transition refers to providing transport facilities or an amount to displaced family/business to shift their belongings.

Objectives of R&R Entitlement Framework:

(i) The objective of this R&R framework is to avoid or minimize the potential adverse impacts of proposed project interventions resulting in displacement (physical or economic or both) of people in the project area.

(ii) Where displacement (physical, economic or both) is inevitable due to technical reasons of the project design, the objective is to minimize the hardship to the affected families, enhance, or at least restore their livelihood opportunities.

Basic Principles: Following basic principles will guide addressing R&R issues related to project activities

i) The project does not envisage acquisition of any private land for the proposed project interventions, however, if any exigencies arise, compensation will be at replacement value.

ii) Encroachers who are not affected by the proposed project activities will not be disturbed. Encroachers who are adversely affected (see entitlement framework) will get support under the project to mitigate the loss.

iii) All efforts will be made to encourage the encroachers to voluntarily surrender encroached lands (required for project interventions) through community persuasion.

iv) The affected community or families will be consulted throughout the design, planning, implementation and monitoring of the R and R activities.

v) All those displaced will be socially and economically integrated with the local or host population.

vi) Adequate resources including physical, financial, and human will be made available to the implementing agency to carry out R and R activities under the project.

vii) Common pool resources, if affected, shall be replaced in consultation with the local community, especially keeping in mind the needs of the poor, and the vulnerable sections of the community.

Guidelines for Implementation

Voluntary surrender of land: Surrender of land, from all types of encroachers, required for project interventions should be properly documented. Such surrendered lands should
be free of any encumbrances. This should be accompanied by the consent letters indicating their willingness to surrender the land required for project interventions. Besides the person surrendering the land, the consent letter will be signed by Water Users Association, concerned staff of the Irrigation Department (ID), and concerned revenue official. The community will, however, ensure that such persons are not adversely affected and that they benefit from the project. Any grievances by the people will be resolved at the WUA level and Gram Sabha and if unresolved will be referred to the higher level of water users organizations.

**Replacement value of land:** Though no acquisition of private land is envisaged, however, if such exigencies occur, norms of compensation will be fixed in consultation with land losers failing which it will be fixed as per the provisions of the Land Acquisition Act, 1894. Compensation so fixed along with rehabilitation assistance will ensure replacement value of land. In case alternate land is provided, occupancy price will be deducted from compensation.

**Compensation for structures:** The value of all structures to be acquired for the project will be assessed as per the basic scheduled rates determined by the public works department of the state government. This along with the value of the salvage material will ensure the replacement value of the affected structures. In addition, such affected people will receive support in the construction of new house.

**Compensation for trees and crops:** These will be compensated based on the productivity as assessed by the departments of agriculture/horticulture/forest.

**Assistance to displaced families:** The project will develop the relocation site and services, as per the provisions of Schedule Part I of MPAPR Act, 2001. Each displaced family, in addition to the compensation as described above, will get assistance (a) Permission to take out the salvage material and (b) Transportation to move the salvage material to the new site (c) a house site and (d) support in house construction.

**Assistance for Economic Rehabilitation:** In addition to the compensation for land and other assets, the following assistance for economic rehabilitation will be provided to the affected families (ref entitlement matrix)

1) Skill training for income generating activity
2) Productive Asset Grant (up to Rs 25,000) for taking up Income Generation (IG) Activity. This will be given only in time as productive asset.
3) Access to institutional credit and government schemes for IG activities
4) Support from district industries center
5) Institutional credit for crop production and allied activities
6) Affected families in the project area will be given preference to carryout the works related wage employment during the process of system rehabilitation.
7) In the absence of any traditional fishing community in the project area, fishing rights will be given on priority basis to the project affected families.
Types of impacts: While the proposed rehabilitation works will not involve any land acquisition, the social assessment concluded that some of the project interventions may affect local people and the probable impacts include:

♦ Loss of land and other immovable assets
♦ Loss of livelihood systems/income opportunity (due to loss of productive land/business/employment)
♦ Loss of Common Properties (religious structures, grazing land, etc)

R&R Entitlement: Based on the type and extent of adverse impacts due to project interventions, an R&R entitlement framework has been developed which provides the base to extend support to the affected families to improve, if not at least, restore their livelihood. This has been presented below.
R&R ENTITLEMENT FRAMEWORK

<table>
<thead>
<tr>
<th>Type of Impact</th>
<th>Beneficiary</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Loss of land</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Homestead land</td>
<td>Titleholders family</td>
<td>Cash compensation as fixed by LA authorities + Allotment of house site (150 sq. mtr in rural areas and 75 sq. mtr in urban areas) free of cost + Registration Charges.</td>
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<tr>
<td></td>
<td>Non-titleholder family</td>
<td>Allotment of house site (150 sq. mtr in rural areas and 75 sq. mtr in urban areas) free of cost + Registration Charges.</td>
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<td></td>
<td></td>
<td>NOTE: In case, there is a major displacement, provisions of Schedule Part IV* of MPAPR Act 2001 will be applied + Registration Charges</td>
</tr>
<tr>
<td>b. Agricultural land</td>
<td>Titleholder family</td>
<td>The affected families will have option to choose any one from the following.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Option 1: Cash compensation as fixed by LA authorities + Alternate land at occupancy price fixed by Govt. The extent of land to be allotted will be as per the Part III* of the Schedule of MPAPR Act 2001 + Registration charges</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Option 2: Cash compensation as fixed by LA authorities + Rehabilitation assistance equal to minimum agricultural wages of (a) 750 days for families losing entire land, (b) 500 days for families losing part land and becoming marginal farmer and (c) 375 days for families losing part land and after loss becoming small farmers.</td>
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<tr>
<td></td>
<td></td>
<td>Option 3: Cash compensation as fixed by LA authorities + Option for IGS of equivalent amount for regular income;</td>
</tr>
<tr>
<td>(ii) tenants including</td>
<td>Family</td>
<td>Reimbursement for unexpired lease</td>
</tr>
<tr>
<td>sharecroppers/leasehold</td>
<td></td>
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<tr>
<td>Type of Impact</td>
<td>Beneficiary</td>
<td>Entitlement</td>
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<tr>
<td>(iii) encroachers</td>
<td>Family</td>
<td>These families are not eligible for any compensation. However, vulnerable among them, who become landless will be eligible for support to take up IGS for regular income</td>
</tr>
<tr>
<td>2. <strong>Loss of structure</strong></td>
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<td></td>
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<tr>
<td>a. House</td>
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</tr>
<tr>
<td>(i) with valid title, or customary/usufruct rights</td>
<td>Family</td>
<td>Cash compensation for structure + permission to take salvaged material + allotment of house site as per Part IV* of Schedule of MPAPR Act 2001 + Rs. 25,000/- assistance for construction of house (for BPL families only) + support during transition</td>
</tr>
<tr>
<td>(ii) tenant/leaseholder</td>
<td>Family</td>
<td>Reimbursement for unexpired lease</td>
</tr>
<tr>
<td>(iii) squatters</td>
<td>Family</td>
<td>House allotment under Indira Awas Yojana if displaced family is vulnerable + support during transition</td>
</tr>
<tr>
<td>b. Shop/ Institutions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) with valid title, or customary or usufruct rights</td>
<td>Individual</td>
<td>Cash compensation for the structure + Rs. 10000/- for construction of work shed/shop + support during transition</td>
</tr>
<tr>
<td>(ii) tenants, leaseholder</td>
<td>Individual</td>
<td>Reimbursement for unexpired lease</td>
</tr>
<tr>
<td>(iii) squatters</td>
<td>Individual</td>
<td></td>
</tr>
<tr>
<td>c. Any other immobile asset</td>
<td>Owner</td>
<td>Allotment of a site for a shop + Rs. 10000/- for construction of work shed/shop (for BPL families only) + support during transition</td>
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<tr>
<td></td>
<td></td>
<td>Cash compensation as fixed by authorities</td>
</tr>
<tr>
<td>Type of Impact</td>
<td>Beneficiary</td>
<td>Entitlement</td>
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<td>---------------------------------------------------</td>
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<tr>
<td>3. Loss of access to Common Property Resources/</td>
<td>Community</td>
<td>Replacement/augmentation of common property resources</td>
</tr>
<tr>
<td>facilities</td>
<td>Community</td>
<td>Replacement/access to equivalent amenities/services</td>
</tr>
<tr>
<td>a. Rural common property resources</td>
<td></td>
<td></td>
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<tr>
<td>b. Civic amenities/services</td>
<td></td>
<td></td>
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<tr>
<td>4. Loss of standing crops/trees</td>
<td>Owner family</td>
<td>For either category, only the cultivator will get compensation at market</td>
</tr>
<tr>
<td>a. With valid title</td>
<td></td>
<td>rate for crops and fruit bearing trees</td>
</tr>
<tr>
<td>b. Tenant/lessee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Losses to Host communities – amenities</td>
<td>Community</td>
<td>Augmentation of resources of host community to sustain pressure of PAPs</td>
</tr>
<tr>
<td>&amp;Services</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* scanned copy attached

To attach scanned copies of Part III and IV of Schedule of MPAPRP
Consultations: Consultations with affected community is a precondition to prepare any mitigation measures. These consultations will continue while implementing the R & R activities in the project area. Such consultations should take place with the following stakeholders (both individually and collectively) as indicated below.

- Project affected people
- Local community
- Gram Sabha
- Elected representatives of Panchayat Raj Institutions
- Land revenue officials
- Project officials
- NGOs

These consultations will be held to explain the project objectives and likely impact on the project area, its people and their benefits. Some of the issues that need to be discussed in these consultations are:

- Eviction of encroachers through mutual consent or voluntary surrender.
- Land acquisition and norms of compensation
- Loss of livelihood and alternate opportunities
- Criteria for eligibility to R&R assistance under the project
- R & R options and assistance to adversely affected families
- Relocating community properties
- Support in relocation

Procedure for Preparing Resettlement Plan

Resettlement Plan Process will follow the project cycle stages. In accordance with the Social and Environmental Management Framework prepared to integrate Environmental and Social Safeguard measures, all sub projects shall be screened for their likely adverse impacts, in the Pre-Planning Stage. If the issues related to resettlement are triggered, a Resettlement Plan will have to be prepared for the concerned sub project. Such a plan shall be prepared at the Planning and Design Stage of the project preparation, wherein physical intervention measures shall be planned and designed.

Project Affected Persons (PAP) will be involved in the Pre-Planning stage through holding regular consultations with them. Voluntary relocation shall be encouraged to the extent possible, as most of the relocation shall pertain to encroachers. Based on the potential impacts, a Resettlement Plan will be prepared for the relevant sub-project.

Resettlement Plan Contents: The contents of the Resettlement Plan to be prepared for individual sub projects consistent to the Resettlement Framework are as follows:

- Baseline census and socio-economic survey information;
- Specific compensation rates and standards;
- Policy entitlements related to any additional impacts identified through the census or survey.
Description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living;
Implementation schedule for resettlement activities; and
Detailed cost estimate.

**Organizational support:**

RAP will form an integral part of the sub-project Plan and its implementation will be synchronized with other project interventions at WUA level. Both at the state level (in the Project Management Unit), and at the Basin level, the Social Development Specialists will be responsible for guiding and supervising the preparation and implementation of resettlement plans. The responsibility of approving RAP as part of sub-project Plan will be with the PMU/Basin level organization. The social development specialist with both PMU and Basin level organization will ensure that RAP conforms to the agreed R&R Entitlement Framework of the project. At the sub-project level involving RAP, an Assistant Engineer will be assigned the responsibility of implementing RAP. Where ever suitable NGOs are available, they will be engaged to facilitate the preparation and implementation of RAP.

**Grievance Redress Mechanism:** Farmers organization at different (outlet, distributary and project) levels will provide the first base to resolve any grievances faced by PAPs. The affected people will also have access to approach the District level Grievance Committee which is headed by the District Collector. In addition, the project/ID staff will also be responsible to address grievances of the affected people.

**Funding for R&R activities under the Project:** All the cost of resettlement activities will be met from the sub-project level cost. Detailed R&R cost estimates will be developed based on the proposed mitigation measures proposed and will be included in the project cost at the scheme level.