

Gujarat State Highway Project - II

ENTITLEMENT MATRIX

July 2013

Public Disclosure Authorized



Public Disclosure Authorized

GUJARAT STATE HIGHWAYS PROJECT – II

ENTITLEMENT MATRIX

Code	Category of PAP	Type of Impact	Unit of Entitlement	Entitlement	Remarks
1A	Titleholder – Agriculture Land / Non-agriculture land / Homestead Land and assets	Loss of land and assets	Land owner(s)	<ol style="list-style-type: none"> 1. Cash compensation at “actual market values”. 2. Option for compensation of residual unviable land parcels¹. 3. Registration and stamp duty charges (currently applicable) for the land acquired. 4. All fees, taxes and other charges, as applicable under the relevant laws, shall be borne by the project. 5. Replacement of water-yielding bores shall be done subject to availability of water in the remaining landholding or anywhere near the beneficiary land in consultation with the affected community. If water is not available, replacement cost of the bore-well at rates decided on case-by-case (without depreciation) based on Gujarat Water Supply and Sewerage Board (GWSSB) Schedule of Rates. 6. Financial assistance for replacement of Cattle shed: One-time financial assistance of Rs.15000 for displaced households. 7. In case land owners become landless or marginal, financial assistance equivalent to 12 months of minimum agricultural wages of Gujarat (calculated for 25 days in a month), as subsistence allowance. 8. Ex-gratia assistance of Rs.20000 for land owners losing upto 500 sq.m of land in lieu of all other benefits. 9. In case of severance of agricultural land, an additional grant of 10 percent of the amount paid for land acquisition. 10. Advance notice of 4 months to harvest standing crops. 11. Crop/tree damage compensation as assessed by the concerned Government Departments. 12. Right to salvage materials from affected land or structure. 	<ol style="list-style-type: none"> 1. Compensation shall be determined as per LA Act, 1894. Difference, if any, between the compensation award as per the LA Act, 1894 and the market value, shall be paid by the project in the form of assistance. The updated Guideline / Jantri values will be adopted for determination of actual market value for the specific land parcel to be acquired. 2. Compensation for Timber Trees shall be decided by Forest Department, Gujarat. Compensation for perennial trees and standing crops shall be decided by Agriculture and Cooperation Department, Government of Gujarat. 3. The rates for determination of assistances and compensation shall be revised annually during the project implementation period. The revision shall be effected from the 1st day of April every year. The real value of monetary compensation and assistance shall be assessed as follows: (i) Compensation for land shall be based on updated Jantri value; (ii) Compensation for structures/assets shall be based on updated Schedule of Rates; and (iii) Allowances and assistances shall be based on Consumer Price Index (CPI), updated 1st of April every year. In case, if Jantri Value or Schedule of Rates is not updated by the 1st of April, compensation and assistance shall be provided based on existing rates. Differences if any, between the existing rates and the updated rates will be provided by the project after publication of the updated rates.
1B	Titleholder – Residential Structure	Loss of structure	Land / structure owner(s)	<ol style="list-style-type: none"> 1. Compensation at replacement cost determined on the basis of R&BD Schedule of Rates as on date without depreciation. 2. Affected structures of size less than 20 sq.m., which are fully 	<ol style="list-style-type: none"> 1. Cost equivalent to the area mentioned in Para-2 shall be estimated based on R&BD Schedule of Rates without depreciation.

¹ Less than 0.4ha in case of irrigated land and less than 1ha in case of non-irrigated land

GUJARAT STATE HIGHWAYS PROJECT – II

ENTITLEMENT MATRIX

Code	Category of PAP	Type of Impact	Unit of Entitlement	Entitlement	Remarks
				<p>affected or if rendered unviable, shall have option to compensation equivalent to cost of provision of residential structure of size 20 sq.m.</p> <p>3. Shifting Allowance: One-time financial assistance of Rs. 10,000.</p> <p>4. Transitional allowance of Rs.10,000 towards temporary arrangements and rentals during the transition period.</p> <p>5. Right to salvage materials from affected land or structure.</p>	
1C	Titleholder-Commercial/ industrial Structure	Loss of structure	Land / structure owner(s)	<p>1. Compensation at replacement cost determined on the basis of R&BD Schedule of Rates as on date without depreciation.</p> <p>2. Affected structures of size less than 10 sq.m which are fully affected, or rendered unviable, shall have option to compensation equivalent to cost of provision of commercial structure, of size 10 sq.m.</p> <p>3. Shifting Allowance: One-time financial assistance of Rs. 10,000.</p> <p>4. Transitional allowance of Rs.10,000 towards temporary arrangements and rentals during the transition period.</p> <p>5. Right to salvage materials from affected land or structure.</p>	1. Cost equivalent to the area mentioned in Para-2 shall be estimated based on R&BD Schedule of Rates without depreciation.
1D	Titleholder-Residential-cum-commercial/ industrial structure	Loss of structure	Land / structure owner(s)	<p>1. The entitlement provisions that shall be higher among 1B and 1C shall be provided.</p>	
2A	Tenants-Residential / commercial / industrial Structure	Loss of structure	Individual / Household	<p>1. For tenants (residential category) requiring relocation, rental allowance for 6 months at the rate of Rs.1000/month in rural areas and Rs.1500/month in urban areas, if the structure is fully affected or the unaffected part of the structure is unviable.</p> <p>2. For tenants (commercial/industrial category), requiring relocation, rental allowance for 6 months at the rate of Rs.1500/month in rural areas and Rs.2000/month in urban areas, if the structure is fully affected or the unaffected part of the structure is unviable.</p> <p>3. Shifting Allowance: One-time financial assistance of Rs. 5000.</p> <p>4. For impacts to structures</p>	

GUJARAT STATE HIGHWAYS PROJECT – II

ENTITLEMENT MATRIX

Code	Category of PAP	Type of Impact	Unit of Entitlement	Entitlement	Remarks
				<p>constructed by the EP, compensation at replacement cost determined on the basis of R&BD Schedule of Rates as on date without depreciation.</p> <p>5. Right to salvage materials from affected land or structure.</p>	
3A	Squatter-Residential / Commercial / Residential-cum-commercial	Loss of structure	Individual / Household	<p>1. Compensation for impacted structures at replacement cost determined on the basis of R&BD Schedule of Rates as on date without depreciation (or)</p> <p>2. (i) Costs towards land and house construction (of area as applicable to EWS housing scheme in Gujarat), for residential squatters (ii) Costs towards land and shop construction (of 100 sq ft area) for commercial squatters, whichever is higher among 3A.1 and 3A.2.</p> <p>3. Shifting Allowance: One-time financial assistance of Rs. 5000..</p> <p>4. Training Assistance for Income Generation: Training in opted areas to any one member of the household losing livelihood. Training cost upto a maximum of Rs. 15000 shall be borne by the project implementation authority.</p>	<p>1. Training programmes will be offered in coordination with any of the following agencies;</p> <ul style="list-style-type: none"> o Education Department, Govt. of Gujarat (self employment programmes for women). o Tribal Development Department, Govt. of Gujarat (Vanbandhu Kalyan Yojana). o Department of Social Justice and Empowerment; Scheduled Caste Economic Development Corporation (Economic Upliftment Schemes for Scheduled Castes and women). o Commissionerate of Rural Development, Govt. of Gujarat. <p>2. PIU will carry out periodic review to assess the efficacy of training programmes and suggest corrective measures including need for inter-departmental coordination, as required.</p>
3B	Encroachers	Loss of Assets	Household	<p>1. Ex-gratia for impacted assets at replacement cost.</p> <p>2. Encroachers shall be given advance notice of 4 months in which to remove assets (except trees), and harvest standing crops, if any</p>	
4A	Additional support to vulnerable groups		Individual / Household	<p>1. Training Assistance for Income Generation: Training in opted areas to any one member of the household losing livelihood. Training cost upto a maximum of Rs. 15000 shall be borne by the project implementation authority (or)</p> <p>2. Lump sum amount of Rs.15000 as grant to those who cannot be provided with alternative livelihood sources.</p>	<p>1. Training programmes will be offered in coordination with any of the following agencies;</p> <ul style="list-style-type: none"> o Education Department, Govt. of Gujarat (self employment programmes for women). o Tribal Development Department, Govt. of Gujarat (Vanbandhu Kalyan Yojana). o Department of Social Justice and Empowerment; Scheduled Caste Economic Development Corporation (Economic Upliftment Schemes for Scheduled Castes and women). o Commissionerate of Rural Development, Govt. of Gujarat <p>2. PIU will carry out periodic review to assess the efficacy of training programmes and suggest corrective measures including need for inter-</p>

GUJARAT STATE HIGHWAYS PROJECT – II

ENTITLEMENT MATRIX

Code	Category of PAP	Type of Impact	Unit of Entitlement	Entitlement	Remarks
					departmental coordination, as required.
5A	Employees in shops, agricultural laborers, sharecroppers	Loss of livelihood	Individual	<ol style="list-style-type: none"> 1. Training Assistance for Income Generation: Training in opted areas to any one member of the household losing livelihood. Training cost upto a maximum of Rs. 15000 shall be borne by the project implementation authority. (or) 2. Lump sum Financial assistance equivalent to 6 months of minimum agricultural wages of Gujarat (calculated for 25 days in a month), to those who cannot be provided with training on alternative livelihood opportunities. 	<ol style="list-style-type: none"> 1. Training programmes will be offered in coordination with any of the following agencies; <ul style="list-style-type: none"> o Education Department, Govt. of Gujarat (self employment programmes for women). o Tribal Development Department, Govt. of Gujarat (Vanbandhu Kalyan Yojana). o Department of Social Justice and Empowerment; Scheduled Caste Economic Development Corporation (Economic Upliftment Schemes for Scheduled Castes and women). o Commissionerate of Rural Development, Govt. of Gujarat. 2. PIU will carry out periodic review to assess the efficacy of training programmes and suggest corrective measures including need for inter-departmental coordination, as required.
6A	Community Assets	Loss of community assets	Community	<ol style="list-style-type: none"> 1. Resources such as cultural properties and community assets shall be conserved (by means of special protection, relocation, replacement, etc.) in consultation with the community. 2. Adequate safety measures, particularly for pedestrians and children, landscaping of community common areas, improved drainage, roadside rest areas, etc shall be provided in design of the highways. 	
7A	Scheduled Tribes	Loss of land, structure or both	Household	<ol style="list-style-type: none"> 1. Cash compensation at the actual market value based on the latest Jantri values. In the event of the latest Jantri values not being equivalent to market rates due to lack of evidence of recent land transactions, enhanced cash compensation for land equivalent to 1.5 times of latest Jantri value of affected tribal land parcel. 2. Entitled for assistance applicable for vulnerable groups. 3. Additional one-time financial assistance equivalent to 500 days minimum agricultural wages towards the loss of customary rights/usages of forest produce. 	
8A	Disruption	Temporary Impact	Owner(s)	<ol style="list-style-type: none"> 1. Compensation for temporary use of land or structures outside Right of Way for construction activities shall be made by the 	As laid down in Clause 111 on Precautions for safeguarding the environment, Technical Specifications in the Bid Document.

GUJARAT STATE HIGHWAYS PROJECT – II

ENTITLEMENT MATRIX

Code	Category of PAP	Type of Impact	Unit of Entitlement	Entitlement	Remarks
				<p>Contractor. The use of such land or structure, compensation for the temporary occupation/use of lands and restoration post completion of the occupation shall be through written agreement between land/structure owner and the contractor.</p> <p>2. Temporary access would be provided, where necessary.</p>	
9A	Unforeseen impacts			<p>1. Any unforeseen impacts shall be documented and mitigated in accordance with the principles and objectives of the Policy.</p>	

GUJARAT STATE HIGHWAYS PROJECT – II

ENTITLEMENT MATRIX TERMS AND DEFINITIONS

- a. **Agricultural land** means land being used for the purpose of: (i) agriculture or horticulture; (ii) raising of crops, grass or garden produce; and (iii) land used by an agriculturist for the grazing of cattle, but does not include land used for cutting of wood only;
- b. **Assistance** refers to the support provided to PAPs in the form of ex-gratia payments, loans, asset services, etc. in order to improve the standard of living and reduce the negative impacts of the project.
- c. **Below poverty line or BPL Family** means below poverty line families as defined by the Planning Commission of India, from time to time, and those included in the State BPL list in force.
- d. **Compensation** refers to the amount paid under Consent Award as part of The Land Acquisition Act, 1894. For private property, structures and other assets acquired for the project, it refers to the amount as given in the Entitlement Matrix for the project.
- e. **Cut off Date:** the date of Notification under Section 4(1) of Land Acquisition Act, 1894 shall be the cutoff date where the land acquisition will be required. For non-titleholders the date of census survey shall be considered as the cutoff date.
- f. **Encroachers** are those person/family, who transgresses into the public land (prior to the cut-off date), adjacent to his/her own land or other immovable assets and derives his/her additional source of shelter/livelihood.
- g. **Family** includes a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood; and includes “nuclear family” consisting of a person, his or her spouse and minor children.
- h. **Government** refers to the Government of Gujarat.
- i. **Land acquisition** means acquisition of land under the Land Acquisition Act, 1894, as amended from time to time.
- j. **Marginal farmer** means a cultivator with an unirrigated land holding up to one hectare or irrigated land holding up to half hectare;
- k. **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.
- l. **Notification** means a notification published in the Gazette of India, or as the case may be, the Gazette of State;
- m. **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 by horticultural and yield fruits or timber have been considered as perennial crop in the project. For example, tamarind, coconut, mango, etc. are perennial crops.
- n. **Project Affected Family (PAF)** means- (i) a family whose primary place of residence or other property or source of livelihood is adversely affected or involuntarily displaced by the acquisition of land for the project (ii) any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land in the affected area of otherwise, has been involuntarily displaced from such land or other property; (iii) any agricultural or non-agricultural labourer, landless person (not having homestead land or agricultural land) rural artisan, small trader or self-employed person; who has been residing or engaged in any trade, business, occupation or vocation in the affected area, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntarily displaced for any other reason.
- o. **Project Affected Household (PAH):** A social unit consisting of a family and/or non-family members living together, and is affected by the project adversely and/or positively.
- p. **Project Affected Persons (PAPs)**, any persons who have economic interests or residence within the project impact corridor and who may be adversely affected directly by the project. PAP include those losing commercial or residential structures in whole or part, those losing agricultural land or homestead land in whole or part, and those losing income sources as a result of project action. PAPs would be of two broad categories, ‘PAPs with Major Impact’ and ‘PAPs with Minor Impact’.
- a. **Major Impact:** those properties where the major part of the structure/land is affected and becomes untenable and the affected party is unable to live/do business in the unaffected portion of the property, OR, 25% or more portion of the property is affected.
- b. **Minor Impact:** all other impacts other than major impact will be treated as minor impacts, OR, those properties where a part of the structure/land is acquired and the remaining portion is intact and the affected party can continue to live/do business in the unaffected portion of the property.
- q. **Replacement Cost** of the acquired assets and property is the amount required for the affected household to replace/reconstruct the lost assets through purchase in the open market. Replacement cost will be calculated at R&BD current Schedule of Rates without depreciation. Replacement cost shall be in line with the provisos of the Entitlement Matrix of the project.

GUJARAT STATE HIGHWAYS PROJECT – II

ENTITLEMENT MATRIX

- r. **Small farmer** means a cultivator with an un-irrigated land holding upto two hectares or with an irrigated land holding upto one hectare, but more than the holding of a marginal farmer.
- s. **Squatter** means a person/family that has settled on the public land without permission or has been occupying public building without authority prior to cut-off date and is depending for his or her shelter or livelihood and has no other source of shelter or livelihood.
- t. **Tenants** are those persons having bonafide tenancy agreements, written or unwritten, with a private property owner with clear property titles, to occupy a structure or land for residence, business or other purposes.
- u. **Vulnerable Persons:** persons who are physically challenged, widows, persons above sixty years of age, below-poverty line households and woman-headed household.
- v. **Woman-Headed Household:** A household that is headed by a woman who is the major bread-earner of the household. This woman may be a widow, separated or deserted person.