

**North East Regional Consultation on
the Land Acquisition (Amendment) Bill, 2007 &
the Rehabilitation and Resettlement Bill, 2007**
(held in Guwahati, Assam on 16-17 February 2008)

**Recommendations on the Rehabilitation and
Resettlement Bill, 2007**

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1. Introduction¹

On 11 February 2008, the Parliamentary Standing Committee on Rural Development issued advertisements inviting comments on the Land Acquisition (Amendment) Bill, 2007 and Rehabilitation and Resettlement Bill, 2007 to be submitted by 22 February 2008.

Both the Bills are intrinsically interlinked and long overdue. However, the short time given for submission of comments and recommendations is a matter of concern.

On 16-17 February 2008, the North East Regional Consultation on the Land Acquisition (Amendment) Bill, 2007 and Rehabilitation and Resettlement Bill, 2007 was held in Guwahati, Assam. The representatives of 24 civil society organisations (herein after referred to as participants) took part in the consultation.

The participants deeply regretted the manner in which the Parliamentary Standing Committee on Rural Development decided to shape the process of consultation. The participants held the view that the process does not allow sufficient space for external input into a law that will have impact on the lives of the most vulnerable groups (tribals and Dalits). The participants were concerned that the Land Acquisition (Amendment) Bill, 2007 is deeply flawed and the measures contained within the text are not in India's best interest; they were deeply concerned that the Bill would act as a catalyst to India's increasing armed conflicts.

There are two booms in India. India's economy is booming with over 9% growth rate in 2007. But India has witnessed a serious rise in conflict, not least the Naxalites who are now active in 13 States.

The State has a responsibility to resolve conflict. The Naxalite conflicts will not be addressed by the further impoverishment of those who are already victims of the arbitrary powers of the State with regard to land acquisition.

A cursory reading of the Rehabilitation and Resettlement Bill, 2007 raises serious concerns over what the Bill is. The Bill appears to favour further impoverishment of already vulnerable groups at the lowest end of the economic indicators. This will require taking of specific measures to provide welfare but the means of distribution has been ineffective. There are eight different authorities (Clause 9 to 19 of the Rehabilitation and Resettlement Bill, 2007) with often similar and overlapping mandate with no clear command structure. It is difficult to see how victims will be able to realize justice.

¹ . Introduction is common for recommendations for both Land Acquisition (Amendment) Bill, 2007 & the Rehabilitation and Resettlement Bill, 2007

India, its parliamentarians and citizenry have two stark choices.

Option 1: The government can remain arbitrary and undemocratic in function. It can adopt laws like the Land Acquisition (Amendment) Bill, 2007 and Rehabilitation and Resettlement Bill, 2007 which fail to provide effective means to realize rights, remove judicial oversight, further impoverish the victims of displacement, and catalyse armed conflicts; conflicts that will incur ever greater security expenditure from the public purse.

Option 2: India can choose to become democratic in function and adopt laws that make the exercise of sovereign powers an exception, make the State and companies accountable for arbitrary exercise of sovereign power, uphold due process and the supremacy of judiciary and accepts judicial oversight on both for land acquisition and compensation, and include those whose lands are taken away in the name of “national interest”, “public purpose” and ultimately address the root causes of armed conflicts which will allow reduced security and increased welfare expenditures.

There is no reason as to why there should be such resentment against the Land Acquisition Act if the quality of lives of those who are forced to give their lands for so-called national interest were to improve. The concerns are valid and deserve recognition from the State: for the last fifty years, a section of people – often the poor and most vulnerable - had to pay for the development of others.

With these stark options in mind the participants of the North East Regional Consultation decided (1) to call upon the Parliamentary Standing Committee on Rural Development to extend time for more comments and hold regional/state level public meetings on both the Bills and (2) provide some preliminary comments and recommendations to ensure that the valid concerns of vulnerable groups are put on record.

2. Comments and recommendations:

A. Specific recommendations

Clause 3: Definitions:

Comments:

The participants expressed that a number of definitions such as “affected family”, “affected area”, “agricultural land”, “holding”, “notification” needs to be amended if the Rehabilitation and Resettlement Bill, 2007 is to have any meaning.

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The derogatory term such as "Occupier" should be replaced with a more acceptable term

Participants regretted that the failure of the Bill to define the terms - "emergency" and "urgency". In its "MEMORANDUM REGARDING DELEGATED LEGISLATION", the government states " Clause 8 of the Bill provides that projects involving emergency acquisition of minimum area of land by the Central Government for the purpose of defence national security may be exempted, subject to such institutional safeguards as may be prescribed by rules. Sub-clause (3) of clause 12 of the Bill seeks to provide by rules the procedure regulating the business of the Rehabilitation and Resettlement Committee, its meetings and other matters connected thereto."

The participants unanimously agreed that all acquisitions for the purposes of defence or national security cannot be classified as "emergency". Even for defence and national security projects which take decades like Indo-Bangladesh Border Fencing, the government/authorities invoke emergency provisions of the Land Acquisition Act. "Emergency" or "urgency" by definition are "temporary" in nature and cannot be considered as "permanent" by any stretch of imagination.

Ideally, any reference to "emergency" and "urgency" should be deleted. The participants, however, made two specific recommendations which are consistent with the constitution and international human rights law.

Recommendations:

The participants recommended inserting the following amendments under clause 3:

Sub-clause (b) of clause 3: "affected family"

"affected family" means a family who is affected by the acquisition of land for a project or involuntary displacement due to any other reason;"

Sub clause (c) of clause 3: "affected area"

"affected area" – means "(1) area of village or locality notified by the appropriate government under sub-clause (1) of Clause 20; (2) the areas of village or locality affected once a project is implemented like catchments area etc; (3) areas that may suffer from environmental degradation because of the implementation of a project like fly-ash of a thermal project and downstream of an irrigation/hydro project, (4) the areas where people are denied and deprived of access to livelihood as a result of a project; and (5) resettlement area".

(Note: The above definition is consistent with Clause 34 of the R&R Bill, 2007 which provides for peripheral development in case of a project involving land acquisition on behalf of a requiring body.)

Sub clause (e) of clause 3: “agricultural land”

“agricultural land” means lands being used for the purpose of any form of cultivation

Sub clause (k) of clause 3: “holding”

“Holding” means the total land held by a person or a community”

Sub clause (o) of Clause 3: “notification”

“Notification” means a notification published in the Gazette of India or as the case may be, the Gazette of a State and affixing of the same at the office of Panchayat or equivalent body at the village level in a language understood by the affected people;

Sub clause (p) of clause 3: “occupier”

"Occupier" should be replaced by “holder” and “holder” should be defined in the following way:

“Holder” means “person or communities in possession of forest land prior to the 13th day of December, 2005;”

Insert New Definitions:

The following new sub-clauses should be inserted to define emergency and urgency.

(w) “Emergency” means “public emergency” which threatens the life of the nation and the existence of which is officially proclaimed.

(x) “Urgency” means disaster and/or calamities which wipe out essential infrastructural facilities and have the potential to cause further loss of human lives and means of survival in the areas affected.

Chapter II: Social Impact Assessment of Projects

Comments:

The participants welcomed the inclusion of Social Impact Assessment (SIA).

However, they made the following observations.

First, the participants unequivocally rejected that the criteria of minimum number of displaced families - 400 families in plain areas or 200 families in hilly areas – required for undertaking Social Impact Assessment (SIA). In the case of the hilly areas or tribal areas where the density of population is thin, the number of displaced families may not be 200 but can potentially affect their livelihood of many others in the affected areas. Most importantly, it has been argued that such a provision violates the right to equality and non-discrimination – the cardinal principles of international human rights law by discriminating against less number of families affected.

Second, the participants also held that under clause 4(2), the elements for considering the social impact assessment are narrow. The elements focus more on economic rather than social issues. It does not touch upon *family ties, culture, social relations, possibility of economic impoverishment and destruction of livelihood means, social relations between host and displaced communities, destruction of bio-diversity, impact on vulnerable groups like women, children etc.*

Third, the participants expressed concern that the R&R Bill remains silent on as to who shall conduct the SIA. The participants made specific recommendation on establishment of a “Social Impact Assessment Committee” which must have representation of affected people.

Fourth, the participants further expressed concerns that composition of the Expert Group [Clause 4(4)] which shall review the SIA report is biased towards the “requiring bodies”. There is no representation of the affected people and civil society group but of the requiring bodies. If the government itself is the requiring body, it shall have additional representation in addition to the “appropriate Government concerned with the welfare of the Scheduled Castes and the Scheduled Tribes or his nominee”.

Fifth, sub-clause(3) does not provide for outright cancellation of the project even if it was later found out that the social impact assessment clearance was obtained by submitting misleading data.

Recommendations:

The participants recommended the followings:

Sub-clause (1) of Clause 4:

- (i) *The SIA must be carried out for all the projects undertaken irrespective of the number of displaced families and therefore reference to the number of families be deleted;*
- (ii) *The SIA clearance must be mandatory before undertaking any project;*

Sub-clause (2) of Clause 4:

Clause 4(2) should also include impact such as *family ties, culture, social relations, possibility of economic impoverishment and destruction of livelihood means, social relations between host and displaced communities, destruction of bio-diversity, impact on vulnerable groups like women, children etc.*

The amended sub-clause 2 of clause 4 should read as under:-

“(2) While undertaking a social impact assessment under sub-clause (1), the appropriate Government shall, *inter alia*, take into consideration the impact that the project will have on public and community properties, assets and infrastructure; particularly, roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities, such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, places of worship, land for traditional tribal institutions, burial, cremation grounds, *family ties, culture, social relations, possibility of economic impoverishment and destruction of livelihood means, social relations between host and displaced communities, destruction of bio-diversity, impact on vulnerable groups like women, children etc.*”

New clause after clause 4: Constitution of “Social Impact Assessment Committee”

The social impact assessment under clause 4 shall be conducted by the Social Impact Assessment Committee which shall include, the following members, namely:—

- (i) One social scientist
- (ii) a representative of women residing in the affected area;
- (iii) one representative each of the Scheduled Castes and the Scheduled Tribes residing in the affected area;
- (iv) a representative of a voluntary organisation having expertise on the issues;
- (v) the Land Acquisition Officer of the project;

Clause 6: Environmental Impact Assessment

Comments and recommendations:

The participants unanimously recommended that the SIA and EIA must be conducted separately.

Clause 8: Emergency acquisition

Comments:

The participants, subject to the acceptance of the definition of “emergency” and “urgency” as recommended further recommended the following for conducting SIA in case of emergency land acquisition:

Recommendations:

“8. In case of projects involving emergency acquisition as defined under sub-clause (w) of Clause 3, the Social Impact Assessment shall be conducted after the end of emergency period and ameliorative measures recommended in the SIA shall be implemented”.

Chapter III: Authority for rehabilitation and resettlement

Comments:

The participants expressed dismay at the number of authorities proposed in the R&R Bill. The Bill proposes to create (1) the post of an Administrator for Rehabilitation and Resettlement with the responsibilities, among others, for formulation, execution and monitoring of resettlement and rehabilitation, (2) a Commissioner for rehabilitation and resettlement with the supervisory role, (3) Rehabilitation and Resettlement Committee at project level, (4) Rehabilitation and Resettlement Committee at district level, (5) an ombudsman for the time bound disposal of the grievances, (6) a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes, (7) an Oversight Committee in the concerned Ministry whose composition, functions and procedures have not been defined, and finally (8) a National Rehabilitation Commission to “supervise and exercise general oversight over rehabilitation and resettlement of the affected families under this Act. In case of projects covering more than one State, the Central government can in consultation with the concerned States and Union territories, appoint the Administrator for Rehabilitation and Resettlement, the Commissioner for Rehabilitation and Resettlement, a common Rehabilitation and Resettlement Committee, and the Ombudsman.

Apart from conflicting mandates, there is no proper chain of command and responsibilities for each of the authorities. These bodies can over-rule each others’ recommendations and further deprive and confuse the victims.

Participants unequivocally stated that the minimum requirement of 400 displaced families in plain areas or 200 displaced families in hilly areas for appointment of an Administrator

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for Rehabilitation and Resettlement is illogical. Irrespective of the number of the families displaced, an officer not below the rank of District Collector or District Commissioner should be appointed as Administrator for Rehabilitation and Resettlement. The aim of the R&R Bill should be inclusion of the displaced families as the beneficiaries of the project activities undertaken. Their life must improve if the State is to resort to involuntarily displacement.

In this context, the participants also rejected the delegation of responsibility to the *Tehsildar*, the lowest ranking officer in the State administration by the District Collector to perform the task of the Administrator for Rehabilitation and Resettlement. This does not show seriousness of the State. The State must appoint an Administrator for Rehabilitation and Resettlement, who is not below the rank of District Collector or District Commissioner to ensure that the rights of the displaced persons are protected.

The participants expressed concerns at the audacity of the drafters of the Bill wherein an Honourable Member of Parliament shall be a mere member of the project level Committee chaired by the District Collector! As if that is not enough, sub-clause (2) of clause 12 provides unspecified number of “officers of appropriate government” to be members of the project level Committee to have majority.

Moreover, there is no representation from the affected persons if the affected persons are not either tribals or dalits.

In addition, by virtue of sub-clause 12(3)(iii), the involvement of voluntary organization has become very limited to only those based in the affected area and excludes other voluntary organizations having expertise on the affected community but based elsewhere.

Recommendations:

The participants recommended that the mechanisms for creating an authority must be simplified. The participants recommended that there shall be one Rehabilitation and Resettlement Committee at project level headed by Chairman of the Zila Parishad with the Collector serving as the Secretary, one Commissioner for Resettlement and Rehabilitation to oversee resettlement and State/National Commissions for Resettlement and Rehabilitation with the powers of a civil court to adjudicate on disputes.

The participants recommended that the Clause 9 to 19 of the Rehabilitation and Resettlement Bill, 2007 should be replaced with the following to provide for simple and effective mechanisms for proper rehabilitation and resettlement :

“I. Rehabilitation and Resettlement Committee at project level headed by Chairman of the Zila Parishad or equivalent bodies

(1) For each project which involves involuntary displacement, the appropriate Government shall constitute a Committee under the chairpersonship of the *Zila*

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Parishad or equivalent bodies, to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of scheme or plan of rehabilitation and resettlement of the affected families, and to carry out post-implementation social audits.

(2) The Rehabilitation and Resettlement Committee constituted under sub-clause (1) shall also include the following members, namely:—

- (i) a representative of women residing in the affected area;
- (ii) a representative each of the Scheduled Castes and the Scheduled Tribes residing in the affected area;
- (iii) a representative of a voluntary organisation working with or having expertise on the affected people or area;
- (iv) a representative of a nationalised bank;
- (v) the Land Acquisition Officer of the project;
- (vi) the Chairpersons of the *panchayats* or municipalities located in the affected area, or their nominees;
- (vii) Member of the Legislative Assembly of the concerned area or his representative; and
- (viii) a representative of the requiring body.

(3) An official not below the rank of the District Collector to the State government shall serve as the Secretary to the Rehabilitation and Resettlement Committee constituted under sub-clause (1); and

(4) The Secretary shall not hold any other office; and

(5) The procedure regulating the business of the Rehabilitation and Resettlement Committee, its meetings and other matters connected thereto shall be such as may be prescribed.

II. A commissioner for rehabilitation

The text provided under Clause 11 can be retained:

“11. (1) The State Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act, to be called the Commissioner for Rehabilitation and Resettlement.

(2) The Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans and proper implementation of such schemes or plans.”

III. State/National Commissions for Rehabilitation and Resettlement

State Commission for Rehabilitation and Resettlement:

A. Constitution of State Commission for Rehabilitation and Resettlement

(1) The State Government shall constitute a body to be known as the (name of the State) Commission for Rehabilitation and Resettlement to adjudicate, suo motu or on reference by the Rehabilitation and Resettlement Committee at project level or Commissioner for Rehabilitation and Resettlement and/or petition filed by requiring bodies, any affected person and interested parties on all issues under this Act and exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of at least five persons:

- (i) a Chairperson who has been a High Court judge;
- (ii) one representative of the Scheduled Castes
- (iii) one representative of Scheduled Tribes
- (iv) one non-official social scientist and rehabilitation expert; and
- (v) one non-official environmental expert;

(3) There shall be a Secretary of the Commission who shall be an officer of the State Government not below the rank of Secretary and who shall exercise such powers and discharge such functions of the Commission as may be delegated to him by the Commission or the Chairperson as the case may be.

B. Appointment of Chairperson and other Members

(1) The Chairperson and other Members shall be appointed by the Governor of that State by warrant under his hand and seal:

Provided that every appointment under this sub-clause shall be made after obtaining the recommendation of a Committee consisting of-

- (a) the Chief Minister — Chairperson
- (b) Speaker of the Legislative Assembly — Member
- (c) Minister in-charge of the Land and Rural Development in that State — Member
- (d) Leader of the Opposition in the Legislative Assembly — Member

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Provided further that where there is a Legislative Council in a State, the Chairman of that Council and the Leader of the Opposition in that Council shall also be members of the Committee.

C. Local Commission/branches

There shall be one State Commission for each State which can also establish its branches and local commissions for dispute resolution. Such a local Commission shall have the powers as assigned by the State Commission.

D. Term of office and conditions of service of Members

(1) The Members of the Commission shall not hold any other office.

(2) The Commission shall ensure transparency while exercising its powers and discharging its functions.

(3) (1) A Member shall hold office for a term of five years from the date he enters upon his office:

Provided that the Member shall not be eligible for re-appointment in the same capacity in that Commission in which he had earlier held the office:

Provided further that no Member shall hold office as such after he has attained the age of sixty-seven years.

(2) A Member of the Commission may, by notice in writing under his hand addressed to the State Government, resign his office:

Provided that the Member shall, unless he is permitted by the State Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

(3) The salary, allowances and other terms and conditions of service of the Members shall be such as may be prescribed by the State Government:

Provided that the salary, allowances and other terms and conditions of service of the Members, shall not be varied to their disadvantage after appointment.

E. Removal of Member.

(1) No Member shall be removed from office except in accordance with the provisions of this clause.

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- (2) The State Government may by order remove from office any Member, if he—
- (a) has been adjudged an insolvent;
 - (b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude;
 - (c) has become physically or mentally incapable of acting as a Member;
 - (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member;
 - (e) has so abused his position as to render his continuance in office prejudicial to the public interest; or
 - (f) has been guilty of proved misbehaviour.

(3) No person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

F. Officers and employees of Commission.

(1) The State Government may specify the numbers, nature and categories of the officers and employees of the Commission.

(2) The salaries and allowances payable to, and other terms and conditions of service of the officers and employees of the Commission shall be such as may be prescribed by the State Government.

G. Proceedings of Commission.

The Commission shall have its sittings at the head office or any other place and at such time as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business in its sittings as it may specify.

H. Filling of a casual vacancy.

A casual vacancy in the office of a Member of the Commission shall be filled by the State Government, by notification in the Official Gazette, as soon as may be, before the occurrence of the vacancy unless a member resigns or removed.

I. Powers of Commission.

(1) The Commission shall, for the purposes of the settlement of disputes relating rehabilitation and resettlement under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;

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- (d) requisitioning of any public record;
 - (e) issuing commission for the examination of witnesses;
 - (f) reviewing its decisions, directions and orders;
 - (g) any other matter which may be prescribed;
- (2) The Commission shall have the powers to pass such interim order in any proceeding, hearing or matter before it as it may consider appropriate.

J. Proceedings before Commission

All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

K. Speedy disposal of disputes by Commission

The applications relating to settlement of disputes on rehabilitation and resettlement under this Act shall be decided by the Commission as expeditiously as possible and endeavour shall be made by it to dispose off the disputes finally within a period of six months from the date of receipt of the reference and or petition.

L. Members and officers of Commission to be public servants.

The Members and officers of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Constitution of National Commission for Rehabilitation and Resettlement:

A. Constitution of National Commission for Rehabilitation and Resettlement

(1) The Central Government shall constitute a body to be known as National Commission for Rehabilitation and Resettlement to adjudicate, *suo motu* or on reference or petition filed by the authorities, requiring bodies, any affected person and interested parties on all the issues under this Act and exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

- (2) The Commission shall consist of at least five persons:
- (i) a Chairperson who has been a judge of Supreme Court;
 - (iv) one representative of the Scheduled Castes
 - (v) one representative of Scheduled Tribes
 - (ii) one non-official social scientist and rehabilitation expert; and
 - (iii) one non-official environmental expert;

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(3) There shall be a Secretary of the Commission who shall be an officer of the Central not below the rank of Secretary to the Government and who shall exercise such powers and discharge such functions of the Commission as may be delegated to him by the Commission or the Chairperson as the case may be.

B. Appointment of Chairperson and other Members

(1) (1) The Chairperson and the Members shall be appointed by the President by warrant under his hand and seal;

Provided that every appointment under this sub-clause shall be made after obtaining the recommendations of a Committee consisting of—

- (a) The Prime Minister — Chairperson
- (b) Speaker of the House of the People — Member
- (c) Minister in-charge of the Ministry of Rural Development in the Government of India — Member
- (d) Leader of the Opposition in the House of the People — Member
- (e) Leader of the Opposition in the Council of States — Member
- (f) Deputy Chairman of the Council of States — Member

C. The provisions of clauses **B to L** (under State Commissions) shall apply to the National Commission and shall have effect, subject to the following modifications, namely:—

- (a) references to “Commission” shall be construed as references to “National Commission”;
- (b) references to “State Government” shall be construed as references to “Central Government”;

Chapter IV: Schemes or Plans for Rehabilitation and Resettlement

The main purpose for schemes or plans for rehabilitation is to identify the “victims” and not the “affected areas”. The effects of the projects are beyond the lands acquired under the Land Acquisition Act. The criteria for identification of the affected families, among others, must be based on the findings of SIA and EIA. This further implies that SIA and EIA will have to be conducted before actual acquisition of land.

Mere publication of the notification in daily newspapers will have no effect as majority villagers do not have access to newspapers. Mere affixing a copy of the notification on the notice board in villages will not help unless it is published in a language understood by the affected people.

Recommendations:

- *Clause 21 should be amended to ensure that baseline survey is made a part of the Social Impact Assessment and that SIA is conducted with representatives of the affected people, the civil society and the National Rehabilitation Commission;*
- *Copies of the findings of the survey must be made publicly available to the affected village panchayats / village councils or equivalent bodies after translating the findings translated into languages understood by affected people;*
- *Establish a complaint office at every affected village wherein the affected people or their representatives or civil society groups can submit their objections and suggestions; and*
- *Clause 23 should be amended to specifically state that the amenities and infrastructural facilities provided shall comply with relevant National Policies like National Educational Policy, National Health Policy etc and that preference for employment of the affected people in the project areas.*

Chapter V: Rehabilitation and Resettlement of Affected Families

The government must not alone choose the resettlement site. The decision should be taken with the consent of the affected people and the host villages/community following the Social Impact Assessment which shall among others decide social relations between the host community and resettled community.

The Bill has taken note of the same and sought to address the concerns the same under Clause 26(3) which states that *“In the case of resettlement of the Scheduled Castes affected families, such families may, wherever possible, be resettled in the areas close to the villages”*. Practically, it may mean that Scheduled Castes will remain segregated from the Upper Castes families.

Moreover, the government or the requiring bodies have the responsibility to provide all basic infrastructures in places of resettlement.

Recommendations:

Clause 26(3) should be deleted

Insert the following in place of clause 31:

“The appropriate Government shall ensure comprehensive infrastructural development of the resettlement area.”

Chapter VI: Rehabilitation and Resettlement Benefits for the Affected Families

Recommendations:

- Delete clause 47 on linear projects
- Take consent of the people prior to their resettlement at a proposed site;
- Develop a Tribal Development Plan for a period of 10 years in all cases of involuntary displacement where the tribals form substantial portion of the displaced population irrespective of the number of displaced persons ;
- Make the provision of land-for-land compensation for the Scheduled Tribe and Scheduled Caste affected families compulsory.
- Provide for compulsory setting up of offices at the affected villages for disbursement of compensation under the leadership of the Administrator for Rehabilitation and Resettlement in cooperation with the village heads.

Chapter VII: Miscellaneous

Clause 54 be deleted and majesty of the judiciary shall be upheld.

B. General recommendations

The participants made the following general recommendations that should be followed throughout the Bill:

- Include reference to “equivalent bodies of the Sixth Scheduled Areas (Village Development Committee)” and Autonomous District Council under Sixth Schedule wherever reference is made to Village Council under Panchayati Raj Extension Act and Tribal Advisory Councils under Fifth Schedule
- “Administrator resettlement and rehabilitation” be replaced by Secretary to the Rehabilitation and Resettlement Committee at project level throughout the Bill given the recommendation about the authorities.