

**DRAFT COMPARATIVE ANALYSIS OF INDIA LEGAL FRAMEWORK AND ADB SAFEGUARD POLICY STATEMENT
INVOLUNTARY RESETTLEMENT**

The following is based on the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act No. 30 of 2013) (hereafter LARR) which received the assent of the President on 26th September 2013. The Act was amended by The LARR (Amendment) Ordinance, 2014 (Act No. 09 of 2014), and further amended by the LARR (Amendment) Ordinance, 2015 (No. 04 of 2015) which repealed the 2014 Ordinance. Thereafter LARR (Amendment) Second Ordinance, 2015 was promulgated with provision that it is deemed to have come into force on 31.12.2015. The LARR (Amendment) Second Ordinance repeals the LARR (Amendment) Ordinance, 2015 (No. 04 of 2015). However, it appears that these amending ordinance have now lapsed.

The Act provides in several areas for certain requirements to be prescribed. Accordingly, the Department of Land Resources of the Ministry of Rural Development issued LARR Rules relating to Social Impact Assessment and Consent on August 8, 2014. The Rules of 2015 have been formulated in December, 2015.

Section 2 of the Act sets out the scope of application of the said Act. It indicating that the provisions of the Act apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose, for purposes including for infrastructure projects, which includes projects involving agro-processing, supply of inputs to agriculture, warehousing, cold storage facilities, marketing infrastructure for agriculture and allied activities such as dairy fisheries, and meat processing, set up or owned by the appropriate Government or by a farmers' cooperative or by an institution setup under a statute or project for industrial corridors or mining activities, national investment and manufacturing zones, as designated in the National Manufacturing Policy, or project for water harvesting and water conservation structures, sanitation. It should be noted that the LARR and LARR Rules include provision that are not required by the ADB SPS Objectives or Policy Principle for Involuntary Resettlement. Noteworthy among these is the requirement for the government to obtain the "consent" of affected persons and communities prior to taking action to acquire land in certain specified instances, not limited to lands occupied or used by Indigenous Peoples. It should also be noted that the LARR and LARR Rules are recent documents and are subject to further amendment and elaboration with respect to particular issues, such as monitoring and evaluation of resettlement impacts and both affected people and host communities. In addition, the Act provides that States may enact legal instruments that pertain to their particular circumstances but that cannot provide any less protection to project affected people than the standards set forth in national law.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
Involuntary Resettlement Safeguards			
Objectives: To avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.			
Key element (1):	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. (LARR)	Full Equivalence	None required.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
Avoid involuntary resettlement wherever possible	<p>Sect.4. (4) The Social Impact Assessment study referred to in sub-section (1) shall, amongst other matters, include all the following, namely:</p> <p>(a) <u>assessment as to whether the proposed acquisition serves [a] public purpose;</u></p> <p>(d) <u>whether the extent of land proposed for acquisition is the absolute bare minimum extent needed for the project</u></p> <p>(e).whether <u>land acquisition at an alternate place has been considered and found not feasible;</u></p> <p>Sect..7. (4) If the Expert Group constituted under sub-section(1), is of the opinion that-</p> <p>(a) the project does not serve any public purpose; or</p> <p>(b) the <u>social costs and adverse social impacts of the project outweigh the potential benefits.</u></p> <p>it shall make a recommendation within two months from the date of its constitution to the effect that the <u>project shall be abandoned forthwith</u> and no further steps to acquire the land will be initiated in respect of the same:</p> <p>...</p> <p><u>Provided further that where the appropriate Government, in spite of such recommendations, proceeds with the acquisition, then, it shall ensure that its reasons for doing so are recorded in writing.</u></p> <p>Sect.8. (1) The appropriate Government shall ensure that-</p> <p>(a) <u>there is a legitimate and bona fide public purpose for the proposed acquisition which necessitates the acquisition of the land identified:</u></p> <p>(b) <u>the potential benefits and the public purpose referred to in clause (a) shall outweigh the social costs and adverse social impact as determined by the Social Impact Assessment that has been carried out;</u></p> <p>(c) only the <u>minimum area of land</u> required for the project is proposed to be acquired;</p> <p>(d; there is <u>no unutilised land</u> which has been <u>previously acquired</u> in the area;</p> <p>(e) the land, if any, acquired earlier and remained unutilised, is used for such public purpose and make recommendations in respect thereof.</p> <p>(2) The appropriate Government shall examine the report of the Collector, if any, and the report of the</p>		

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	<p>Expert Group on the Social Impact Assessment.../and...recommend such areas for acquisition which would ensure minimum displacement of people [and]...disturbance to the infrastructure, ecology and...adverse impact on the individuals affected.</p> <p>Sect. 41</p> <p>(1) As far as possible, no acquisition of land shall be made in the Scheduled Areas.</p> <p>(2) Where such acquisition does take place it shall be done only as a demonstrable last resort.¹</p> <p>LARR Rules 2014</p> <p>7. Process of conducting the Social Impact Assessment.</p> <p>(3) ...The assessment shall determine „[whether]</p> <p>(c) the land proposed for acquisition is the bare minimum required;..</p> <p>(e) the land proposed for acquisition in Scheduled Area is a demonstrable last resort;</p> <p>LARR Rules 2015</p> <p>4. Action by Collector on receiving request.– (1) (a) The Collector, on receiving the request under sub-rule (1) of rule 3, shall constitute a committee of officers consisting of officers from Revenue Department, Agriculture Department, Forest Department, Water Resources Department, Building Department or any other Department as the Collector deems necessary to make a field visit along with the representatives of the Requiring Body to make a preliminary enquiry regarding –</p> <p>(i) availability of waste or arid land;</p> <p>(ii) correctness of the particulars furnished in the request under sub-rule (1) of rule 3;</p> <p>(iii) <u>bare minimum land required for the project</u>;</p> <p>(iv) whether the request is consistent with the provisions of the Act, and submit a report to the Collector.</p> <p>(b) The report of the committee referred to in clause (a) shall include the following, namely:—</p> <p>(i) that the proposed acquisition of land serves public purpose;</p>		

¹Sect. 41(3) further requires that “[i]n case of acquisition ... of any land in the Scheduled Areas, the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Schedule to the Constitution, as the case may be, shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act or any other Central Act or a State Act for the time being in force” ...

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	<p>(ii) that the extent of land proposed for acquisition is the absolute bare-minimum needed for the project;</p> <p>(iii) that the acquisition of land at an alternate place has been considered and found not feasible;</p> <p>(iv) that there is no unutilised land which has been previously acquired in the area;</p> <p>(v) that the land, if any, acquired earlier and remained unutilised, may be used for such public purpose;</p> <p>(vi) the recommendations of the committee.</p> <p>6. Hearing of objections.-</p> <p>(2) The report of the Collector shall include the following:-</p> <p>(a) assessment as to whether the proposed acquisition serves public purpose;</p> <p>(b) whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project;</p> <p>(c) whether land acquisition at an alternate place has been considered and found not feasible;</p> <p>(d) there is no unutilised land which has been previously acquired in the area;</p> <p>(e) the land, if any, acquired earlier and remained unutilised, is used for such public purpose and recommendations in respect thereof;</p> <p>(f) recommendations on the objections;</p> <p>(g) record of proceedings;</p> <p>(h) approximate cost of land acquisition in cases where Social Impact Assessment has been exempted.</p> <p>Indian Telegraph Act 1885 (ITA)</p> <p>PART III</p> <p>POWER TO PLACE TELEGRAPH LINES AND POSTS</p> <p>10. Power for telegraph authority to place and maintain telegraph lines and posts.—<u>The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:</u></p> <p>Provided that—</p>		

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	<p>(a) the telegraph authority shall not exercise the powers conferred by this section <u>except for the purposes of a telegraph established or maintained by the [Central Government], or to be so established or maintained;</u></p> <p>(b) the [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post; and</p> <p>...</p> <p>(d) in the exercise of the powers conferred by this section, <u>the telegraph authority shall do as little damage as possible,</u> and, ...</p>		
<p>Key element (2): Minimize involuntary resettlement by exploring project and design alternatives</p>	<p><u>LARR</u> Sect.4. (4) The Social Impact Assessment study...shall, amongst other matters, include all the following, namely:</p> <p>(a) assessment as to whether the proposed acquisition serves public purpose;</p> <p>(d) whether the extent of <u>land proposed for acquisition is the absolute bare minimum extent needed</u> for the project</p> <p>(e).whether <u>land acquisition at an alternate place has been considered and found not feasible;</u></p> <p>8. (1) The appropriate Government shall ensure that-</p> <p>...</p> <p>(d) there is <u>no unutilised land</u> which has been <u>previously acquired</u> in the area;</p> <p>(e) the land, if any, acquired earlier and remained unutilised, is used for such public purpose and make recommendations in respect thereof.</p> <p>(2) The appropriate Government shall examine the report of the Collector, if any, and the report of the Expert Group on the Social Impact Assessment study and after considering all the reports, <u>recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.</u></p> <p><u>LARR Rules 2014</u> Sect. 7. Process of conducting the Social Impact Assessment.—</p>	<p>Full Equivalence</p>	<p>None required</p>

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	<p>(3)... The assessment shall determine ... (d) possible alternative sites for the project and their feasibility;</p> <p>ITA</p> <p>PART III</p> <p>POWER TO PLACE TELEGRAPH LINES AND POSTS</p> <p>10. Power for telegraph authority to place and maintain telegraph lines and posts.—<u>The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:</u></p> <p>Provided that—</p> <p>(a) <u>the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the [Central Government], or to be so established or maintained;</u></p> <p>(b) the [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post; and</p> <p>...</p> <p>(d) <u>in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, ...</u></p> <p>LARR Rules 2015</p> <p>6. Hearing of objections.-</p> <p>(2) The report of the Collector shall include the following:-</p> <p>(a) assessment as to whether the proposed acquisition serves public purpose;</p> <p>(b) whether the extent of land proposed for acquisition is the absolute bare-minimum extent needed for the project;</p> <p>(c) whether land acquisition at an alternate place has been considered and found not feasible;</p> <p>(d) there is no unutilised land which has been previously acquired in the area;</p> <p>(e) the land, if any, acquired earlier and remained unutilised, is used for such public purpose and</p>		

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	<p>recommendations in respect thereof;</p> <p>(f) recommendations on the objections;</p> <p>(g) record of proceedings;</p> <p>(h) approximate cost of land acquisition in cases where Social Impact Assessment has been exempted.</p>		
<p>Key element (3):</p> <p>Enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels</p>	<p><u>LARR</u></p> <p>[Preamble]</p> <p>An Act ... for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development <u>leading to an improvement in their post- acquisition social and economic status</u> ...</p> <p>Sect.16. (1) Upon the publication of the preliminary notification under sub-section (1) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include</p> <p>(b) <u>livelihoods</u> lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;</p> <p>Sect. 41 (10) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river... pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.</p> <p>Sect. 42. (1) All benefits, including the reservation benefits available to the Scheduled Tribes and...Scheduled Castes in the affected areas shall continue in the resettlement area.</p> <p>Second Schedule</p> <p>Elements of Rehabilitation and Resettlement Entitlements for All... Affected Families (Both Land Owners and Families Whose Livelihood is Primarily Dependent on Land Acquired)</p> <p>5. Subsistence grant for displace families for a period of one year. ...In case of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the...economic opportunities...of the tribal communities.</p> <p>ITA</p> <p>PART III</p>	<p>Full Equivalence.</p>	<p>None required.</p>

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	<p>POWER TO PLACE TELEGRAPH LINES AND POSTS</p> <p>10. Power for telegraph authority to place and maintain telegraph lines and posts.—<u>The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:</u></p> <p>Provided that—</p> <p>...</p> <p>(c) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and</p> <p>(d) in the exercise of the powers conferred by this section, <u>the telegraph authority shall do as little damage as possible</u>, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), <u>shall pay full compensation to all persons interested for any damage sustained by them</u> by reason of the exercise of those powers.</p> <p>LARR Rules 2015</p> <p>12. Fishing rights of affected families.— The fishing rights referred to in column (3) against serial number 9 of the Second Schedule to the Act, shall be allowed by the Fisheries Department in consultation with the Irrigation Department, Revenue Department or any other concerned Department of the Government.</p>		
<p>Key element (4):</p> <p>Improve the standards of living of the displaced poor and other vulnerable groups.</p>	<p><u>LARR</u></p> <p>Preamble:</p> <p>An Act ... for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development <u>leading to an improvement in their post acquisition social and economic status</u> ...</p>	<p>Partial Equivalence.</p> <p>There is no stated objective to ensure that the standards of living of poor and other vulnerable groups be improved as distinguished from the affected population in</p>	<p>For Full Equivalence the legal framework should require that the standards of living of poor and other vulnerable are improved as distinguished from affected people in</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
		general	general
<p>Scope and Triggers: The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.</p>			
<p>Key Element (1)</p> <p>The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter)...</p>	<p>LARR</p> <p>[Preamble]</p> <p>An Act to ensure that a...process for land acquisition...with the least disturbance to the owners of the land and other affected persons</p> <p>Sect. 2 The provisions of this Act...shall apply when the...Government acquires land</p> <p>Sect. 3. In this Act...</p> <p>(c) "affected family" includes—</p> <p>(i) a family whose land or other immovable property has been acquired</p>	Full Equivalence	None required.
<p>Key Element (2)</p> <p>The involuntary resettlement safeguards cover ...economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods)</p>	<p>LARR</p> <p>Sect. 3. In this Act...</p> <p>(c) "affected family" includes—</p> <p>(ii) a family which does not own any land but...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</p> <p>(iv) family whose primary source of livelihood for three years prior to the acquisition of land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected by acquisition of land.</p>	Full Equivalence	None required

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	<p><u>ITA</u></p> <p>PART III</p> <p>POWER TO PLACE TELEGRAPH LINES AND POSTS</p> <p>10. Power for telegraph authority to place and maintain telegraph lines and posts.—<u>The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:</u></p> <p>Provided that—</p> <p>(a) <u>the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the [Central Government], or to be so established or maintained;</u></p> <p>18. Removal of trees interrupting telegraphic communication.—</p> <p>(1) <u>If any tree standing or lying near a telegraph line interrupts, or is likely to interrupt, telegraphic communication, a Magistrate of the first or second class may, on the application of the telegraph authority, cause the tree to be removed or dealt with in such other way as he deems fit.</u></p> <p>(2) <u>When disposing of an application under sub-section (1), the Magistrate shall, in the case of any tree in existence before the telegraph line was placed, award to the persons interested in the tree such compensation as he thinks reasonable, and the shall be final.</u></p>		
<p>Key Element (3)</p> <p>The involuntary resettlement safeguards cover physical ,,,and economic displacement as a result of ... (ii) involuntary restrictions on land use or on access to legally designated parks and protected</p>	<p><u>LARR</u></p> <p>[Preamble]</p> <p>An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that 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.</p>	<p>Partial Equivalence</p> <p>Although the legal framework addresses the needs of forest dwellers it does not explicitly cover physical and economic displacement as a result of involuntary restrictions on</p>	<p>For Full Equivalence the involuntary resettlement safeguards should cover physical and economic displacement as a result of involuntary restrictions on land use or on</p>

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areas	Sect. 3. In this Act... (c) "affected family" includes— (iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 due to acquisition of land.	land use or on access to legally designated parks and protected areas.	access to legally designated parks and protected areas
Key Element (4) It covers them whether such losses and involuntary restrictions are full or partial,...	<p><u>LARR</u> [Preamble] An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that 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.</p> <p>ITA PART III POWER TO PLACE TELEGRAPH LINES AND POSTS 10. Power for telegraph authority to place and maintain telegraph lines and posts.—<u>The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:</u> Provided that— (a) the telegraph authority shall not exercise the powers conferred by this section <u>except for the purposes of a telegraph established or maintained by the [Central Government], or to be so established or maintained:</u></p>	Full Equivalence	None Required.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>---</p> <p>(d) in the exercise of the powers conferred by this section, <u>the telegraph authority shall do as little damage as possible</u>, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), <u>shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.</u></p> <p>18. Removal of trees interrupting telegraphic communication.—</p> <p>(1) If any <u>tree standing or lying near a telegraph line interrupts, or is likely to interrupt, telegraphic communication</u>, a Magistrate of the first or second class may, on the application of the telegraph authority, cause the tree to be removed or dealt with in such other way as he deems fit.</p> <p>(2) When disposing of an application under sub-section (1), the Magistrate shall, <u>in the case of any tree in existence before the telegraph line was placed, award to the persons interested in the tree such compensation as he thinks reasonable</u>, and the shall be final.</p>		
<p>Key Element (5)</p> <p>It covers them whether such losses and involuntary restrictions are... permanent or temporary</p>	<p>LARR</p> <p>Sect. 81.(1) Whenever...the temporary occupation and use of ...land [is] needed for any public purpose, the appropriate Government may direct the Collector to procure the occupation and use of the [land] for such terms as it shall think fit, not exceeding three years from the commencement of such occupation.</p> <p>(2) The Collector shall thereupon give notice in writing to the person interested in such land...and shall...pay to them such compensation...as shall be agreed upon...</p> <p>ITA</p> <p>PART III</p> <p>POWER TO PLACE TELEGRAPH LINES AND POSTS</p> <p>10. Power for telegraph authority to place and maintain telegraph lines and posts.—<u>The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:</u></p> <p>Provided that—</p> <p>---</p> <p><u>(b) the [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post; and</u></p>	<p>Full Equivalence</p>	<p>None required</p>

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	<p>(d) in the exercise of the powers conferred by this section, <u>the telegraph authority shall do as little damage as possible</u>, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), <u>shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.</u></p> <p>18. Removal of trees interrupting telegraphic communication.—</p> <p>(1) If any <u>tree standing or lying near a telegraph line interrupts, or is likely to interrupt, telegraphic communication</u>, a Magistrate of the first or second class may, on the application of the telegraph authority, cause the tree to be removed or dealt with in such other way as he deems fit.</p> <p>(2) When disposing of an application under sub-section (1), the Magistrate shall, <u>in the case of any tree in existence before the telegraph line was placed, award to the persons interested in the tree such compensation as he thinks reasonable</u>, and the shall be final.</p>		
<p>Policy Principle 1: Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.</p>			
<p>Key element (1): Screen the project early on</p>	<p>LARR</p> <p>4. (1).Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned panchayat. Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and <u>carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.</u></p> <p>7. (1) The appropriate Government shall ensure that the Social Impact Assessment report is evaluated by an independent multi-disciplinary Expert Group, as may be constituted by it.</p> <p>...</p> <p>8. (1) The appropriate Government shall ensure that-</p> <p>(a) there is a legitimate and <i>bona fide</i> public purpose for the proposed acquisition which necessitates the acquisition of the land identified;</p> <p>(b) the potential benefits and the public purpose referred to in clause (a) shall outweigh the social costs and adverse social impact as determined by the Social Impact Assessment that has been</p>	<p>Full Equivalence</p>	<p>None required.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>carried out;</p> <p>(c) only the minimum area of land required for the project is proposed to be acquired;</p> <p>(d) there is no unutilised land which has been previously acquired in the area;</p> <p>(e) the land, if any, acquired earlier and remained unutilised, is used for such public purpose and make recommendations in respect thereof.</p>		
<p>Key element (2):</p> <p>Identify past, present, and future involuntary resettlement impacts and risks</p>	<p><u>LARR</u></p> <p>Sect. 4.</p> <p>(1).Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned panchayat. Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.</p> <p>(4) The Social Impact Assessment study referred to in sub-section (1) shall, amongst other matters, include all the following, namely:—</p> <p>(b) <u>estimation of affected families and the number of families among them likely to be displaced;</u></p> <p>(c) <u>extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition;</u></p> <p>(f) <u>study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project vis-a-vis the benefits of the project:</u></p> <p>Provided that <u>Environmental Impact Assessment</u> study, if any, shall be carried out simultaneously and shall not be contingent upon the completion of the Social Impact Assessment study.</p> <p>(5) While undertaking a Social Impact Assessment study under sub-section (1), the appropriate Government shall, amongst other things, take into consideration the <u>impact that the project is likely to have on various components</u> such as livelihood of affected families, 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, anganwadis, children</p>	<p>Full Equivalence</p>	<p>None required.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>parks, places of worship, land for traditional tribal institutions and burial and cremation grounds.</p> <p><u>LARR Rules 2014</u></p> <p>Form II</p> <p>Social Impact Assessment Report</p> <p>Table of Contents for Social Impact Assessment Report ad Social Impact Management Plan</p> <p>Social impacts</p> <p>(a) Framework and approach to identifying impacts</p> <p>(b) Description of impacts at various stages of the project cycle such as impacts on health and livelihoods and culture. For each type of impact, separate indication of whether it is a direct or indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts</p> <p>(c) Indicative list of impacts areas include: impacts on land, livelihoods and income, physical resources, private assets, public services and utilities, health, culture and social cohesion and gender based impacts</p>		
<p>Key element (3):</p> <p>Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically</p>	<p><u>LARR</u></p> <p>Sect.3. (m) "family" includes a person, his or her spouse, minor children. minor brothers and minor sisters dependent on him:</p> <p>Provided that <u>widows</u>, divorcees and <u>women</u> deserted by families shall be considered separate families:</p> <p>...</p> <p>(4) The Social Impact Assessment study referred to in sub-section (1) shall, amongst other matters, include all the following, namely: _</p> <p>(b) <u>estimation of affected families and the number of families among them likely to be displaced;</u></p> <p>(c) <u>extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition;</u></p>	<p>Partial Equivalence</p> <p>This requirement for use of a survey and/or census of displaced persons – with the partial exception of the gender requirement -is met by the Social</p>	<p>For Full Equivalence the legal framework should require a Social Impact Study for all categories of projects subject to the LARR and also include a gender</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
related to resettlement impacts and risks.	<p>Sect. 16. (1) Upon the publication of the preliminary notification under sub-section (1) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall <u>conduct a survey and undertake a census of the affected families</u>, in such manner and within such time as may be Prescribed, which shall include</p> <ul style="list-style-type: none"> (a) particulars of lands and immovable properties being acquired of each affected family; (b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired; (c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved; (d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and (e) details of any common property resources being acquired. <p><u>LARR Rules 2014</u></p> <p>Sect. 7</p> <p>(4) Based on the land assessment, land records and field verification, the Social Impact Assessment shall provide an accurate estimate of the number of affected families and the number of displaced families among them and ensure that, as far as possible, the Social Impact Assessment team shall enumerate all affected families: Provided that where enumeration is not possible, a representative sample shall be done by the Social Impact Assessment Unit.</p> <p>(5) A socio-economic and cultural profile of the affected area must be prepared, based on available data and statistics, field visits and consultations as per FORM-II: Provided that in projects where resettlement is required, the identified resettlement sites shall be visited and a brief socio-economic profile of the land and its current resident population shall be indicated.</p> <p>(6) Based on the data collected in processes listed above and in consultation with the affected communities and key stakeholders, the Social Impact Assessment shall identify and assess the nature, extent and intensity of the positive and negative social impacts associated with the proposed project and</p>	Impact Assessment (SIA) provisions of the LARR as initially enacted in 2013.	analysis related to resettlement impacts and risks.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>land acquisition as per FORM-II.</p> <p>FORM II Social Impact Assessment Report C. Table of Contents for Social Impact Assessment Report and Social Impact Management Plan Estimation and enumeration (where required) of affected families and assets Estimation of the following types of families that are - (a) Directly affected (own land that is proposed to be acquired): (i) Are tenants or occupy the land proposed to be acquired (ii) The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights (iii) Depend on common property resources which will be affected due to acquisition of land for their livelihood (iv) Have been assigned land by the appropriate Government under any of its schemes and such land is under acquisition; (v) Have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land (vi) Have depended on the land being acquired as a (a) primary source of livelihood for three years prior to the acquisition (b) Indirectly impacted by the project (not affected directly by the acquisition of own lands) (c) Inventory of productive assets and significant lands</p> <p>Socio-economic and cultural profile (affected area and resettlement site) (a) Demographic details of the population in the project area (b) Income and poverty levels (c) Vulnerable groups (d) Land use and livelihood (e) Local economic activities (f) Factors that contribute to local livelihoods (g) Kinship patterns and social and cultural organisation (h) Administrative organisation (i) Political organisation (j) Community-based and civil society organisations (k) Regional dynamics and historical change processes (l) Quality of the living environment</p> <p>LARR Rules 2015</p> <p>7. Preparation of Rehabilitation and Resettlement Scheme and public hearing.– (1) Upon publication of the</p>		

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	<p>preliminary notification under sub-section (1) of section 11, the Administrator shall conduct a survey and undertake a census of the affected families within a period of two months from the date of publication of such preliminary notification.</p> <p>(4) The draft Rehabilitation and Resettlement Scheme prepared by the Administrator shall, in addition to the particulars mentioned in the sub-section (2) of section 16, contain the following, namely:–</p> <p>(a) list of affected families with Aadhaar number of its members, if available;</p> <p>(b) list of displaced families with Aadhaar number of its members, if available;</p> <p>(c) list of infrastructure in the affected area;</p> <p>(d) list of land holdings in the affected area;</p> <p>(e) list of trees, buildings, other immovable property or assets attached to the land or building which are to be acquired;</p> <p>(f) list of trades or businesses in the affected area;</p> <p>(g) list of persons belonging to the Scheduled Castes or the Scheduled Tribes, the handicapped or physically challenged persons in the affected area:</p>		
<p>Policy Principle 2: Carry out meaningful consultations with affected 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 programmes. 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. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.</p>			
<p>Key element (1): Carry out meaningful consultations with affected</p>	<p>LARR</p> <p>[Preamble] An Act to ensure, ... a ... <u>participative</u>, ... process for land acquisition ..., in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a ...informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation ...Sect.4. (1).Whenever the appropriate Government intends to acquire land for a public purpose, it shall <u>consult</u> the concerned panchayat. Municipality or Municipal Corporation, as the</p>	<p>Full Equivalence.</p>	<p>None required.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
persons,	<p>case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.</p> <p>(2) The notification issued by the appropriate Government for <u>commencement of consultation</u> and of the Social Impact Assessment study under sub-section (1) shall be made available in the local language to the panchayat, Municipality or Municipal Corporation, as, the case may be, and in 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 appropriate Government:</p> <p>(3) The Social Impact Assessment...shall be made available to the public...</p> <p>Sect.5. Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a <u>public hearing</u> is held at the affected area, after giving <u>adequate publicity about the date, time and venue</u> for the public hearing, to <u>ascertain the views of the affected families</u> to be recorded and included in the Social Impact Assessment Report.</p> <p>Sect.21.</p> <p>(1) The Collector shall publish [a] public notice on this website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation... rehabilitation and resettlement for all interests in such land may be made to him.</p> <p>(2) The public notice...shall state the particulars of the land so needed and require all persons interested in the land to appear personally or by agent or advocate before the Collector at a time and place mentioned in the public notice... and to state the nature of their respective interest in the land and the amount and particulars of their claims to compensation for such interests, their claim to rehabilitation and resettlement along with their objections, if any to the measurements made under section 20.²</p> <p>(4) The Collector shall...serve notice...on the occupier, in any, of such land and on all such persons known or believe to be interested therein...</p> <p>(5) In case any person so interested resides elsewhere...the Collector shall ensure that the notice...be sent to him by post in letter...at his last known residence [or]...place of business and also publish the same in at least two national daily newspapers and also on his website.</p> <p><u>LARR Rules 2014</u></p>		

²LARR, Sect. 20. The Collector shall...cause the land...to be marked and measured, and if no plan has been made thereof [make] a plan of the same.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>Sect. 3. Social Impact Assessment Study</p> <p>(1) The appropriate Government shall, for the purpose of the Act, issue a notification for carrying out Social Impact Assessment in accordance with Part-B of FORM-I of these rules regarding the commencement of Social Impact Assessment and the same shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil and shall be published in the form of posters and pamphlets circulated in the affected area, and by affixing the posters at conspicuous places in the affected areas and shall be uploaded on the website of the appropriate Government:</p> <p>(2) The Social Impact Assessment shall be conducted in consultation with concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas, for the purposes of section 4 of the Act, followed by a public hearing at the affected areas by giving adequate publicity about the date and time and venue for the public hearing to ascertain the views of the affected families which shall be recorded in writing.</p> <p>Sect.8. Process for conducting public hearings.—</p> <p>(1) Public hearings shall be held in the affected areas to bring out the main findings of the Social Impact Assessment, seeking feedback on the findings and to seek additional information and views for incorporating the same in the final documents.</p> <p>(2) Public hearings shall be conducted in all Gram Sabhas where members are directly or indirectly affected by the acquisition of the land:</p> <p>(3) The date and venue of the public hearing must be announced and publicised three weeks in advance through public notifications and posters in all the villages within a radius of five kilometres of the land proposed to be acquired, advertisement in local newspapers, radio, and through direct communication with Gram Panchayat or Municipal Ward representatives and by uploading the information on the website of the appropriate Government.</p> <p>(4) (i) The draft Social Impact Assessment report and Social Impact Management Plan shall be published in the local language three weeks prior to the public hearing and distributed to all affected Gram Panchayats and Municipal offices. One copy of the draft report shall be made available in the District Collector's office.</p> <p>(ii) The Requiring Body may also be served with a copy of the draft report. Adequate copies of the report</p>		

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	<p>and summaries shall be made available on the day of the public hearing. Accessible displays and other visuals shall be used to share the findings of the Social Impact Assessment report.</p> <p>(5) (i) A member of the Social Impact Assessment team shall facilitate the public hearing which shall be organised through the local administration with the designated government officers of appropriate level.</p> <p>(ii) The Gram Panchayat or Municipal Ward representatives shall also be included in all the decisions regarding the arrangements for the public hearings in their respective areas.</p> <p>(6) All the proceedings shall be held in the local language with effective and credible translators to ensure that all the participants could understand and express their views.</p> <p>(7) Representatives from the Requiring Body and designated land acquisition and Rehabilitation and Resettlement functionaries shall also attend the public hearing and address the questions and concerns raised by the affected parties.</p> <p>(8) Public representatives, local voluntary Organisations and media shall also be invited to attend the public hearings.</p> <p>(9) The proceedings of the public hearing shall be video recorded and transcribed accordingly. This recording and transcription shall be submitted along with the final Social Impact Assessment Report and Social Impact Management Plan.</p> <p>(10) After the conclusion of the public hearings, the Social Impact Assessment team shall analyse the entire feedback received and information gathered in the public meetings and incorporate the same along with their analysis, in the revised Social Impact Assessment Report accordingly</p> <p>LARR Rules 2015</p> <p>5. Publication of preliminary notification.– (1) The preliminary notification referred to in section 11 shall be published in FORM II.</p> <p>(2) A copy of the preliminary notification mentioned in section 11 shall be affixed at conspicuous places in the affected areas and shall also be informed to the public by beat of drum.</p> <p>6. Hearing of objections.- (1) The Collector shall issue a notice for inviting objections in FORM III and after hearing all objections and making enquiry as provided under sub-section (2) of section 15 shall submit a report along with his recommendations on the objections to the appropriate Government for decision.</p>		

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	7. (6) The Administrator or an officer authorised by him shall conduct a public hearing in the affected areas by issuing advance notice of three weeks on the date, time and venue mentioned in the said notice in accordance with the provisions of rule 8 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2014, dated the 8th August, 2014.		
Key element (2): Carry out meaningful consultations with ..., host communities	LARR 5. Whenever a Social Impact Assessment is required to be prepared under section 4, 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 Social Impact Assessment Report. LARR Rules 2014 Sect.8. Process for conducting public hearings.— (1) Public hearings shall be held in the affected areas to bring out the main findings of the Social Impact Assessment, seeking feedback on the findings and to seek additional information and views for incorporating the same in the final documents. (2) Public hearings shall be conducted in all Gram Sabhas where members are directly or indirectly affected by the acquisition of the land: (3) The date and venue of the public hearing must be announced and publicised three weeks in advance through public notifications and posters in all the villages within a radius of five kilometres of the land proposed to be acquired, advertisement in local newspapers, radio, and through direct communication with Gram Panchayat or Municipal Ward representatives and by uploading the information on the website of the appropriate Government.	No Equivalence	For Full Equivalence the legal framework should require meaningful consultation with host communities.
Key element (3): Carry out meaningful consultations with	LARR Sect. 45. (i) Where land proposed to be acquired is equal to or more than one hundred acres, the appropriate Government shall constitute a Committee under the chairmanship of the Collector to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in	Full Equivalence.	None required

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...concerned nongovernment organizations	<p>consultation with the Gram Sabha in rural areas and municipality in urban areas.</p> <p>(2) The Rehabilitation and Resettlement Committee shall include, apart from officers of the appropriate Government, the following members, namely:-</p> <p>(c) a representative of a voluntary organisation working in the area</p> <p><u>LARR Rules 2014</u></p> <p>Sect. 8</p> <p>8. Process for conducting public hearings.—</p> <p>(1) Public hearings shall be held in the affected areas to bring out the main findings of the Social Impact Assessment, seeking feedback on the findings and to seek additional information and views for incorporating the same in the final documents</p> <p>(8) Public representatives, local voluntary Organisations and media shall also be invited to attend the public hearings.</p>		
<p>Key element (2):</p> <p>Inform all displaced persons of their entitlements and resettlement options</p>	<p><u>LARR</u></p> <p>[Preamble]</p> <p>An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, <u>informed</u> and transparent process for land acquisition ...</p> <p>Sect.6. (1) The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan referred to in sub-section (6) of section 4 are prepared and <u>made available in the local language</u> 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 <u>published in the affected areas in such manner as may be prescribed, and uploaded on the website</u> of the appropriate Government.</p> <p>(2) The Administrator shall, based on the survey and census under sub-section (1) prepare a draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved-</p> <p>(i) a list of Government buildings to be provided in the Resettlement Area;</p> <p>(ii) details of the public amenities and infrastructural facilities which are to be provided in the</p>	Full Equivalence.	None required.

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	<p>Resettlement Area.</p> <p>(3) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall include [the] time limit for implementing Rehabilitation and Resettlement Scheme;</p> <p>(4) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall be <u>made known locally by wide publicity in the affected area and discussed</u> in the concerned Gram Sabhas or Municipalities.</p> <p>(5) A public hearing shall be conducted in such manner as may be prescribed, after giving adequate publicity about the date' time and venue for the public hearing at the affected area:</p> <p>Sect.11.</p> <p>(1) Whenever it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a [preliminary] notification to that effect along with the details of the land to be acquired....shall be published in...</p> <p>(a) the Official Gazette;</p> <p>(b) two daily newspapers circulating in the locality of such area of which one shall be in the regional language;</p> <p>(c) the website of the appropriate Government;</p> <p>(d) in the affected area in such manner as may be prescribed.</p> <p>(3) The notification...shall also contain a statement on the nature of the public purpose involved, reasons necessitating the displacement of affected persons, summary of the Social Impact Assessment and particulars of the Administrator appointed for the purposes of rehabilitation and resettlement.</p> <p>Sect.23. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire ... into the value of the land at the date of the publication of the notification, and into the respective interests of the persons claiming the compensation and rehabilitation and resettlement, <u>shall make an award</u> under his hand of-</p> <p>(a) the <u>true area of the land</u>;</p> <p>(b) the <u>compensation</u> as determined under section 27 along with <u>Rehabilitation and Resettlement Award</u> as determined under section 31 and which in his opinion should be allowed for the land; and</p>		

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	<p>(c) the <u>apportionment</u> of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him.</p> <p>Sect. 27. The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.</p> <p>Sect. 30. (1) The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a 'Solatium,' amount equivalent to one hundred per cent of the compensation amount.</p> <p>...</p> <p>(2) The Collector shall <u>issue individual awards</u> detailing the particulars of compensation payable and the details of payment of the compensation as specified in the First Schedule.</p> <p>(3) In addition to the market value of the land provided under section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent. per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.</p> <p>Sect. 37. (1) The Awards shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and market value of the land and the assets attached thereto, solatium so determined and the apportionment of the compensation among the persons interested.</p> <p>(2) The <u>Collector shall give immediate notice of his awards</u> to such of the persons interested who are not present personally or through their representatives when the awards are made.</p> <p>(3) The Collector shall <u>keep open to the public and display a summary of the entire proceedings undertaken</u> in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose.</p> <p>LARR Rules 2015</p>		

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	<p>FORM VII</p> <p>[See rule 11]</p> <p>Award for Rehabilitation and Resettlement</p> <p>6. Rehabilitation and Resettlement entitlements</p> <p>(i) House to be allotted</p> <p>(ii) Land to be allotted</p> <p>(iii) Offer for Developed Land</p> <p>(iv) Annuity/Employment</p> <p>(v) Subsistence grant</p> <p>(vi) Transportation cost, Housing allowances</p> <p>(vii) Cattle shed, Petty shop</p> <p>(viii) One time grant to artisan, small traders and certain others</p> <p>(ix) Fishing rights</p> <p>(x) One time resettlement allowances</p> <p>(xi) Stamp duty and registration fee</p>		
<p>Key element (3):</p> <p>Ensure the participation of displaced persons in planning, implementation, and monitoring and evaluation of resettlement programmes</p>	<p>LARR</p> <p>[Preamble]</p> <p>An Act to ensure, ... a ... <u>participative</u>, ... process for land acquisition ... and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become <u>partners in development</u> ...</p> <p>Sect.3</p> <p>(k) “displaced family” means any family, who on account of acquisition of land has to be relocated and resettled from the</p> <p>Sect. 4. (1).Whenever the appropriate Government intends to acquire land for a public purpose, it shall</p>	<p>Full Equivalence</p>	<p>None required.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>consult the concerned panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification.</p> <p>Sect. 5. Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a <u>public hearing</u> 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 Social Impact Assessment Report.</p> <p>Sect. 6.(1) The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan referred to in sub-section (6) of section 4 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 appropriate Government.</p> <p>Sect. 16.</p> <p>(4) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall be <u>made known locally by wide publicity in the affected area and discussed</u> in the concerned Gram Sabhas or Municipalities.</p> <p>(5) A <u>public hearing</u> shall be conducted in such manner as may be prescribed, after giving adequate publicity about the date, time and venue for the public hearing at the affected area:</p> <p>Sect.11.</p> <p>(1) Whenever it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose ,(preliminary) notification ...shall be published in: ...</p> <p>(a).. the Official Gazette;</p> <p>(b).. two daily newspapers...in the locality of such area of which one shall be in the regional language:</p> <p>(c) in the local language of the Panchayat, Municipality or Municipal Corporation....and in the offices of the District Collector, the Sub-divisional magistrate and the Tehsil;³</p> <p>(d)... on the website of the appropriate Government</p>		

³“Administrative Division” in English

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>(e) in the affected area... as may be prescribed.</p> <p>(2) Immediately after issuance of the notification under sub-section (1), the concerned Gram Sabha or Sabhas at the village level, municipalities in case of municipal areas and the Autonomous Councils in case of the areas referred to in the Sixth Schedule to the Constitution, shall be informed of the contents of the notification issued under the said sub-section in all cases of land acquisition at a meeting called especially for this purpose.</p> <p>(3) The notification issued under sub-section (1) shall also contain a statement on the nature of the public purpose involved, reasons necessitating the displacement of affected persons, summary of the Social Impact Assessment Report and particulars of the Administrator appointed for the purposes of rehabilitation and resettlement under section 43.</p> <p>(4) No person shall make any transaction or cause any transaction of land specified in the preliminary notification or create any encumbrances on such land from the date of publication of such notification till such time as the proceedings under this Chapter are completed:</p> <p>Sect. 21. (1) The Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land and that <u>claims to compensations and rehabilitation and resettlement</u> for all interests in such land may be made to him.</p> <p>Sect. 45. (i) Where land proposed to be acquired is <u>equal to or more than one hundred acres</u>, the appropriate Government shall constitute a Committee under the chairmanship of the Collector to be called the <u>Rehabilitation and Resettlement Committee</u>, to <u>monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme</u> and to carry out post-implementation social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas.</p> <p>(2) The Rehabilitation and Resettlement Committee shall include, apart from officers of the appropriate Government, the following members, namely:-</p> <p>(a) a <u>representative of women</u> residing in the affected area;</p> <p>(r) a <u>representative each of the Scheduled Castes and the Scheduled Tribes</u> residing in the affected area:</p> <p>(c) a <u>representative of a voluntary organisation</u> working in the area;</p> <p>...</p> <p>(f) the Chairpersons of the panchayats or municipalities located in the affected area or their nominees;</p> <p>...</p>		

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
<p>Key element (4): Pay special attention to vulnerable groups, especially those below the poverty line..</p>	<p><u>LARR</u> Sect.2. (1) The provisions of this Act..shall include the following purposes (d) project for housing for such income groups, as may be specified... (e) project for planned development or the improvement of village sites or any site in [an] urban area or provision of land for residential purposes for the weaker section in rural an urban areas</p> <p>Sect.3. In this Act...</p> <p>(c) “affected family” include – (iv) 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</p> <p><u>LARR Rules 2014</u> FORM II Social Impact Assessment Report A. List of socio-economic and cultural parameters to be covered by Social Impact Assessment 2.Poverty levels 3. Vulnerable groups (g) household income levels 11. Factors that contribute to local livelihoods</p> <p>B. Key impact areas 1. Impacts on land, livelihoods and income (i) impoverishment risks 6. Impacts at different stages of the project cycle (f) Differential impacts (ii) Impacts identified through tools such as...Vulnerability and Resilience Mapping</p>	<p>Partial Equivalence. The LARR refers to families whose livelihoods depend on lands or water bodies subject to acquisition. Although such families’ incomes would presumably place them below the “poverty line” there may be other affected families whose livelihoods are not land or water-dependent with incomes below the poverty line.</p>	<p>For Full Equivalence the legal framework would require that special attention be paid to affected persons below the poverty line.</p>
<p>Key Element (5) Pay special attention to vulnerable groups,</p>	<p><u>LARR</u> Sect.3. In this Act (c) “affected family” includes— (ii) a family which does not own any land but a member or members of the family may be agricultural</p>	<p>Full Equivalence</p>	<p>None required.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
especially ...the landless... and those without legal title to land	laborers, tenants ,...sharecroppers or artisans or who may [have been[working in the affected area for three years prior to the acquisition of the land [and] whose primary source of livelihood stand[s] affected by acquisition of the land; (q) "landless" means such persons or class of persons who may be— (i) considered or specified as such under any State law for the time being in force; or lii) ...as may be specified by the appropriate Government.		
Key Element (6) Pay special attention to vulnerable groups, especially, ... the elderly	<u>LARR Rules 2014</u> FORM II Social Impact Assessment Report A .List of socio-economic and cultural parameters to be covered by Social Impact Assessment 1. Demographic details of the population in the project area (a) Age	Full Equivalence	None required.
Key Element (7) Pay special attention to vulnerable groups, especially ... women	<u>LARR</u> Sect.3. (m)..., [widows]. divorcees and <u>women</u> deserted by families shall be considered separate families: Sect.45. (2) The Rehabilitation and Resettlement Committee shall include, apart from officers of the appropriate Government, the following members, namely:- (a) a <u>representative of women</u> residing in the affected area <u>LARR Rules 2014</u> FORM II Social Impact Assessment Report A. List of socio-economic and cultural parameters to be covered by Social Impact Assessment 3. Vulnerable groups (a) Women (d) women-headed households	Full Equivalence	None required

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>4. Kinship patterns and women's role in the family</p> <p>B. Key Impact Areas</p> <p>1. Impacts on land, livelihoods and income j) women's access to livelihood alternatives</p> <p>5. Impacts on culture and social cohesion (h) violence against women</p> <p>6. Impacts at different stages of the project cycle (f) Differential impacts (i) Impact on women, children, the elderly and the differently abled (ii) Impacts identified through tools such as Gender Impact Assessment Checklists ...</p>		
<p>Key Element (8)</p> <p>Pay special attention to vulnerable groups, especially .. children</p>	<p>LARR Rules 2014</p> <p>FORM II Social Impact Assessment Report</p> <p>A. List of socio-economic and cultural parameters to be covered by Social Impact Assessment</p> <p>3. Vulnerable groups (b) children</p>	<p>Full Equivalence</p>	<p>None required.</p>
<p>Key Element (9)</p> <p>Pay special attention to vulnerable groups, especially Indigenous Peoples</p>	<p>LARR</p> <p>Sect.3. In this Act...</p> <p>I "affected family" includes—</p> <p>(iii) 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;</p>	<p>Full Equivalence</p>	<p>None required</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>Sect.45.</p> <p>(2) The Rehabilitation and Resettlement Committee shall include, apart from officers of the appropriate Government, the following members, namely:-</p> <p>I a <u>representative each of the Scheduled Castes and the Scheduled Tribes</u> residing in the affected area:</p> <p>LARR Rules 2015</p> <p>7. (4) The draft Rehabilitation and Resettlement Scheme prepared by the Administrator shall, in addition to the particulars mentioned in the sub-section (2) of section 16, contain the following, namely:–</p> <p>(g) list of persons belonging to the Scheduled Castes or the Scheduled Tribes, ...</p>		
<p>Key element (10):</p> <p>Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns</p>	<p>LARR</p> <p>Sect. 15.</p> <p>(1) Any person interested in any land which has been notified under sub-section (1) of section I I, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to—</p> <p>(a) the area and suitability of land proposed to be acquired;</p> <p>(b) justification offered for public purpose;</p> <p>(c) the findings of the Social Impact Assessment report.</p> <p>(2) Every objection...shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard in person or by any person authorized...in his behalf or by an Advocate and shall. After hearing gall such objections and...making such further inquiry, if any, as he thinks necessary, ...make a report to the appropriate Government, containing his recommendations on the objections....</p> <p>(3) The decision of the...Government on the objections...shall be final.</p> <p>Sect.16. (6) The Administrator shall, on completion of [the] public hearing, submit the draft Scheme for Rehabilitation and Resettlement along with a specific report on the claims and objections raised in the</p>	<p>Full Equivalence</p>	<p>None required</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>public hearing to the Collector.</p> <p>Sect. 23 ... [T]he Collector shall proceed to inquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21⁴ to the measurements made under section 20 and into the value of the land at the date of the publication of the notification and into the respective interests of the persons claiming...compensation...rehabilitation and resettlement.</p> <p>Sect.51.(1) The appropriate Government shall, 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” to exercise jurisdiction, powers and authority conferred on it by or under this Act.</p> <p>Sect. 60.</p> <p>(1) The Authority shall ...have the same powers as are vested in a civil court under the Code of Civil Procedure....(2) The Authority shall have original jurisdiction to adjudicate upon every reference made to it under section 64.</p> <p>Sect.64. (1) Any person interested who has not accepted the award may, by written application to the Collector require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested;</p> <p>Sect.74</p> <p>(ii) The Requiring Body or any person aggrieved by the Award passed by the Authority...may file an appeal to the High Court within sixty days form the date of the Award.</p> <p><u>LARR Rules 2014</u></p> <p>8. Process for conducting public hearings.—</p> <p>(ii) Public hearings shall be held in the affected areas to bring out the main findings of the Social Impact Assessment, seeking feedback on the findings and to seek additional information and views for incorporating the same in the final documents.(2) Public hearings shall be conducted in all Gram Sabhas where members are directly or indirectly affected by the acquisition of the</p>		

⁴Section 21 requires the Collector to publish a notice...stating that the Government intends to take possession of the land solicit claims to compensation, rehabilitation and resettlement relative to the proposed land acquisition.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>land:</p> <p>(11) Every objection raised in the public meeting shall be recorded and the Social Impact Assessment team shall ensure that the every objection shall be considered in the Social Impact Assessment Report.</p> <p>ITA</p> <p>16. Exercise of powers conferred by section 10, and disputes as to compensation, in case of property other than that of a local authority.—(1) If the exercise of the powers mentioned in section 10 in respect of property referred to in clause (d) of that section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.</p> <p>...</p> <p>(3) If any <u>dispute arises concerning the sufficiency of the compensation</u> to be paid under section 10, clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him.</p> <p>(4) If any <u>dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it</u>, the telegraph authority may pay into the Court of the District Judge such amount as he deems sufficient or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under sub-section (3), that amount; and the District Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.</p> <p>(5) Every determination of a dispute by a District Judge under subsection (3) or sub-section (4) shall be final:</p>		
<p>Key element (11):</p> <p>Support the social and cultural institutions of displaced</p>	<p>LARR</p> <p>Sect.3 In this Act,...</p> <p>(xc) “Resettlement Area” means an area where the affected families who have been displaced as a result of land acquisition are resettled...</p> <p>Sect. .4. (5) While undertaking a Social Impact Assessment study under sub-section (1), the appropriate Government shall, amongst other things, <u>take into consideration the impact that the project is likely to have on various components such as public and community properties, ... fair price shops, ... health care</u></p>	<p>Full Equivalence</p>	<p>None required.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
persons	<p>facilities, schools and educational or training facilities, anganwadis, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds.</p> <p>Section. 41 (7) The affected families of the Scheduled Tribes shall be settled preferably in the same Scheduled Area in a compact block so they can retain their ethnic, linguistic and cultural identity.</p> <p>Second Schedule</p> <p>Elements of Rehabilitation and Resettlement Entitlements for All... Affected Families (Both Land Owners and Families Whose Livelihood is Primarily Dependent on Land Acquired)</p> <p>5. Subsistence grant for displaced families for a period of one year. ...In case of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the...language, culture, and community life of the tribal communities.</p> <p><u>LARR Rules 2014</u></p> <p>FORM II Social Impact Assessment Report</p> <p>List of socio-economic and cultural parameters to be covered by Social Impact Assessment</p> <p>B. Key Impact Areas</p> <p>5. Impacts on culture and social cohesion</p> <p>C. Table of Contents for Social Impact Assessment Report</p> <p>Socio-economic and cultural profile (affected area and resettlement site)</p> <p>(a) Demographic details of the population in the project area</p> <p>(b) Income and poverty levels</p> <p>(c) Vulnerable groups</p> <p>(d) Land use and livelihood</p> <p>(e) Local economic activities</p> <p>(f) Factors that contribute to local livelihoods</p> <p>(g) Kinship patterns and social and cultural organisation</p> <p>(h) Administrative organisation</p> <p>(i) Political organisation</p> <p>(j) Community-based and civil society organisations</p>		

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	(k) Regional dynamics and historical change processes (l) Quality of the living environment		
Key element (12): Support the social and cultural institutions of ...[the] host population	<u>LARR Rules 2014</u> FORM II Social Impact Assessment Report C. Table of Contents for Social Impact Assessment Report Socio-economic and cultural profile (affected area and resettlement site) (a) Demographic details of the population in the project area (b) Income and poverty levels (c) Vulnerable groups (f) Factors that contribute to local livelihoods (g) Kinship patterns and social and cultural organisation (i) Political organisation (j) Community-based and civil society organisations (k) Regional dynamics and historical change processes	Partial Equivalence The Social Impact Assessment Report requires the preparation of a social and cultural profile of the host population but does not require any measures to support their social and cultural institutions	For Full Equivalence the legal framework would require support of the social and cultural institutions of the host population
Key element (13): Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation	<u>LARR</u> An Act to ensure, ... a ... <u>participative</u> , ... process for land acquisition ... and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become <u>partners in development</u> ... Sect.4. (1).Whenever the appropriate Government intends to acquire land for a public purpose, it shall consult the concerned panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level, in the affected area and carry out a Social Impact Assessment study in consultation with them, in such manner and from such date as may be specified by such Government by notification. (2)The notification issued by the appropriate Government for commencement of consultation and of the Social Impact Assessment study... shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case maybe, and in the offices of the District Collector, the	Full Equivalence	None required.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
phase.	<p>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 appropriate Government:</p> <ul style="list-style-type: none"> - Provided that the appropriate Government shall ensure that adequate representation has been given to the representatives of Panchayat, Gram Sabha, Municipality or Municipal Corporation, as the case maybe, at the stage of carrying out the Social Impact Assessment study: - Provided further that the appropriate Government shall ensure the completion of the Social Impact Assessment study within a period of six months from the date of its commencement. <p>(3)The Social Impact Assessment study report...shall be made available to the public in the manner prescribed under section 6.</p> <p>(4) The Social Impact Assessment study...shall, amongst other matters. Include all the following, namely:-</p> <ul style="list-style-type: none"> (a) assessment as to whether the proposed acquisition serves [a] public purpose; (b) estimation of affected families and the number of families among them likely to be displaced; (c) extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition; (d) whether the extent of land proposed for acquisition is the absolute bare- minimum extent needed for the project; (e) whether land acquisition at an alternate place has been considered and found not feasible; f) study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project <i>vis-à-vis</i> the benefits of the project: <p>Provided that Environmental Impact Assessment study, if any, shall be carried out simultaneously and shall not be contingent upon the completion of the Social Impact Assessment study.</p> <p>(5) While undertaking a Social Impact Assessment study ... the appropriate Government shall, amongst other things, take into consideration the impact that the project is likely to have on various components such as livelihood of affected families, 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 godowns⁵, electricity supply, health care facilities, schools and educational or training</p>		

⁵ A “godown” is a warehouse.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>facilities, anganwadis⁶, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds.</p> <p>Sect.5. Whenever a Social Impact Assessment is required to be prepared under section 4, 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 Social Impact Assessment Report.</p> <p>Sect.6</p> <p>(1)The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan referred to in sub-section (6) of section 4 are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case maybe, 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 appropriate Government.</p> <p>(2) Wherever Environment Impact Assessment is carried out, a copy of the Social Impact Assessment report shall be made available to the Impact Assessment Agency authorized by the Central Government to carry out environmental impact assessment:</p>		
<p>Policy Principle 3: Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value 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, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</p>			
<p>Key element (1): Improve, or at least restore, the</p>	<p>LARR</p> <p>Sect.3.(c) (iv) In this Act...affected family includes-</p> <p>(iv) family whose primary source of livelihood for three years prior to acquisition of the land is dependent</p>	<p>Full Equivalence</p>	<p>None required.</p>

⁶ “Anganwadis” were started by the Indian government in 1975 as part of the [Integrated Child Development Services](https://en.wikipedia.org/wiki/Integrated_Child_Development_Services) program to combat child hunger and malnutrition. A typical *Anganwadicentre* also provides basic health care in [Indian](https://en.wikipedia.org/wiki/Indian_villages) villages. It is a part of the Indian public health-care system. Basic health-care activities include contraceptive counseling and supply, nutrition education and supplementation, as well as pre-school activities.¹ The centres may also be used as depots for [oral rehydration salts](https://en.wikipedia.org/wiki/oral_rehydration_salts), basic medicines and contraceptives. These centres provide supplementary nutrition, non-formal pre-school education, nutrition and health education, immunization, health check-up and referral services of which later three services are provided in convergence with public health system <https://en.wikipedia.org/wiki/Anganwadi>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
<p>livelihoods of all displaced persons through land-based resettlement strategies when affected livelihoods are land based where possible ...</p>	<p>on forests or water bodies ...and [whose] livelihood is affected due to acquisition of land; Sect. 31. (1) (2) The Rehabilitation and Resettlement Award shall include all of the following, namely:- (d) <u>particulars of land allotted</u> to the displaced families;</p> <p>Second Schedule Elements of Rehabilitation and Resettlement Entitlements for all the Affected Families (Both Land Owners and the Families whose Livelihood is Primarily Dependent on Land Acquired) in Addition to Those Provided in the First Schedule.</p> <p>2. Land for Land In the case [an] of irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has. as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired: Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lower.</p> <p>LARR Rules 2015 FORM VII [See rule 11] Award for Rehabilitation and Resettlement 6. Rehabilitation and Resettlement entitlements (i) House to be allotted (ii) Land to be allotted (iii) Offer for Developed Land</p>		

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	(iv) Annuity/Employment (v) Subsistence grant (vi) Transportation cost, Housing allowances (vii) Cattle shed, Petty shop (viii) One time grant to artisan, small traders and certain others (ix) Fishing rights (x) One time resettlement allowances (xi) Stamp duty and registration fee		
Key element (2): Improve, or at least restore, the livelihoods of all displaced persons through ...cash compensation at replacement value ⁷ for land when the loss of	LARR Sect. 26. (1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely: ⁸ - (a) the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell as the case may be in the area where the land is situated: or (b) the <u>average sale price</u> for similar type of land situated in the nearest village or nearest vicinity area: or (c) <u>consented amount of compensation</u> as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher ⁹ : Provided that the date for determination of market value shall be the <u>date on which the notification has</u>	Full Equivalence	None required.

⁷The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower/client will consult with the displaced persons and host populations to obtain adequate information about recent land transactions, land value by types/land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. The borrower/client will also collect baseline data on housing, house types, and construction materials. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation depreciation of structures and assets should not be taken into account.

⁸ Additional details regarding the formula to be used to calculate Compensation for Land Owners is set forth in the First Schedule of the LARR.

⁹ Per Section 108, (1) Where a State law or policy framed by the Government of State provides for a higher compensation than calculated under this Act for the acquisition of land, the affected persons...may....opt to avail such higher compensation and rehabilitation and resettlement...

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
land does not undermine livelihoods	<p><u>been issued</u> under section 11.</p> <p>Explanation 1.-The average sale price referred to in clause (b) shall be determined taking into account the <u>sale deeds or the agreements to sell registered</u> for similar type of area in the near village or near vicinity area during <u>immediately preceding three years</u> of the year in which such acquisition of land is proposed to be made.</p> <p>Explanation 2.-For determining the average sale price referred to in Explanation 1, <u>one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned</u> shall be taken into account.</p> <p>Explanation 3.-While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price <u>paid</u> as compensation for land acquired <u>under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.</u></p> <p>Explanation 4.-While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid which in the <u>opinion of the Collector is not indicative of actual prevailing market value may be discounted</u> for the purposes of calculating market value.</p> <p>(2) The market value calculated as per subsection (1) shall be multiplied by a factor to be specified in the First Schedule.</p> <p>(3) Where the market value under sub-section (1) or subsection (2) cannot be determined for the reason that-</p> <p>(a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or</p> <p>(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or</p> <p>(c) the market value has not been specified under the Indian Stamp Act, 1899 by the appropriate authority,</p> <p>the State Government concerned shall <u>specify the floor price or minimum price per unit area</u> of the said land based on the Price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:</p> <p><u>Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:</u></p>		

(A) <i>ADB Safeguard Policy</i>	(B) <i>Corresponding Provisions in National Policy and Legal Instruments</i>	(C) <i>Extent of Equivalence Review comments</i>	(D) <i>Recommendations</i>
<p>Key element (3):</p> <p>Improve, or at least restore, the livelihoods of all displaced persons through prompt replacement of assets with access to assets of equal or higher value</p>	<p>LARR</p> <p>[Preamble]</p> <p>An Act to ... <u>provide just and fair compensation</u> to the affected families whose land has been acquired or proposed to be acquired <u>or are affected by such acquisition</u> and make adequate provisions for ... ensuring ... that affected persons become partners in development leading to an <u>improvement in their post-acquisition social and economic status</u> and for matters connected therewith or incidental thereto.</p> <p>Sect.4. (5) While undertaking a Social Impact Assessment study under subsection (1), the appropriate Government shall, amongst other things, take into consideration the impact that the project is likely to have on various components such as <u>livelihood</u> of affected families, public and community properties, <u>assets and infrastructure</u> ...</p> <p>Sect. 16. (1) Upon the publication of the preliminary notification under sub-section (1) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include</p> <p>(a) particulars of lands and immovable properties being acquired of each affected family;</p> <p>(b) <u>livelihoods</u> lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;</p> <p>(d) details of the <u>amenities and infrastructural facilities</u> which are affected or likely to be affected, where resettlement of affected families is involved; and</p> <p>(e) details of any <u>common property resources</u> being acquired.</p> <p>...</p> <p>Sect. 23. The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and. in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid <u>sources of livelihood</u>.</p> <p>Sect. 27. The Collector <u>having determined the market value</u> of the land to be acquired shall <u>calculate the total amount of compensation</u> to be paid to the land owner (whose land has been acquired) by <u>including all assets attached to the land</u></p> <p>Sect.31. (1) The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in</p>	<p>Partial Equivalence.</p> <p>Although the legal framework requires replacement of assets including assets attached to land, it does not require that the assets be replaced in a prompt manner or that such assets be of equal or greater value than the assets relinquished.</p> <p>.</p> <p>.</p>	<p>For Full Equivalence the legal framework should require that assets relinquished as a result of physical or economic displacement are replaced promptly with assets of equal or greater value.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>terms of the entitlements provided in the Second Schedule.</p> <p>(c) particulars of house site and house to be allotted, in case of displaced families; ...</p> <p>(f) particulars of <u>payment for cattle shed and petty shops</u>:</p> <p>(g) particulars of one-time amount to artisans and small traders;</p> <p>(h) details of mandatory employment to be provided to the members of the affected families;</p> <p>(i) particulars of any fishing rights that may be involved;</p> <p>(j) particulars of annuity and other entitlements to be provided;</p> <p>(k) particulars of special provisions for the Scheduled Castes and the Scheduled Tribes to be provided:</p> <p>LARR Rules 2015</p> <p>FORM VII</p> <p>[See rule 11]</p> <p>Award for Rehabilitation and Resettlement</p> <p>6. Rehabilitation and Resettlement entitlements</p> <p>(i) House to be allotted</p> <p>(ii) Land to be allotted</p> <p>(iii) Offer for Developed Land</p> <p>(iv) Annuity/Employment</p> <p>(v) Subsistence grant</p> <p>(vi) Transportation cost, Housing allowances</p> <p>(vii) Cattle shed, Petty shop</p> <p>(viii) One time grant to artisan, small traders and certain others</p> <p>(ix) Fishing rights</p> <p>(x) One time resettlement allowances</p> <p>(xi) Stamp duty and registration fee</p>		

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
<p>Key element (4): Improve, or at least restore, the livelihoods of all displaced persons through ... compensation at full replacement cost for assets that cannot be restored</p>	<p><u>LARR</u></p> <p>27. The Collector <u>having determined the market value</u> of the land to be acquired shall <u>calculate the total amount of compensation</u> to be paid to the land owner (whose land has been acquired) by <u>including all assets attached to the land</u>.</p> <p>28. In determining the amount of compensation to be awarded for land acquired under this Act the Collector shall take into consideration-</p> <p><i>firstly</i>, the market value as determined under section 26 and the award amount in accordance with the First and Second Schedules:</p> <p><i>secondly</i>, the <u>damage</u> sustained by the person interested, by reason of the taking of any standing crops and trees which may be on the land at the time of the Collector's taking possession thereof;</p> <p><i>thirdly</i>, the <u>damage</u> (if any) sustained by the person interested, at the time of the Collector's taking possession of the land by reason of <u>severing</u> such land from his other land:</p> <p><i>fourthly</i>, the <u>damage</u> (if any) sustained by the person interested. at the time of the Collector's taking possession of the land, by reason of the acquisition <u>injuriously affecting</u> his other property, movable or immovable, in any other manner, or his earnings;</p> <p><i>fifthly</i>; in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;</p> <p><i>sixthly</i>, the <u>damage</u> (if any) <u>bona fide resulting from diminution of the profits of the land</u> between the time of the publication of the declaration under section 19 and the time of the Collector's taking possession of the land: and</p> <p><i>seventhly</i>, any <u>other ground</u> which may be in the interest of equity, justice and beneficial to the affected families.</p> <p><u>ITA</u></p> <p>PART III</p> <p>POWER TO PLACE TELEGRAPH LINES AND POSTS</p> <p>10. Power for telegraph authority to place and maintain telegraph lines and posts.—<u>The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:</u></p> <p>Provided that—</p>	<p>Full Equivalence</p>	<p>None required.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>(d) in the exercise of the powers conferred by this section, <u>the telegraph authority shall do as little damage as possible</u>, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), <u>shall pay full compensation to all persons interested for any damage sustained by them</u> by reason of the exercise of those powers.</p> <p>16. Exercise of powers conferred by section 10, and disputes as to compensation, in case of property other than that of a local authority.—(1) If the exercise of the powers mentioned in section 10 in respect of property referred to in clause (d) of that section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.</p> <p>...</p> <p>(3) If any <u>dispute arises concerning the sufficiency of the compensation</u> to be paid under section 10, clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him.</p> <p>(4) If any <u>dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it</u>, the telegraph authority may pay into the Court of the District Judge such amount as he deems sufficient or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under sub-section (3), that amount; and the District Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.</p> <p>(5) Every determination of a dispute by a District Judge under subsection (3) or sub-section (4) shall be final:</p> <p>...</p> <p>18. Removal of trees interrupting telegraphic communication.—</p> <p>(1) If any <u>tree standing or lying near a telegraph line interrupts, or is likely to interrupt, telegraphic communication</u>, a Magistrate of the first or second class may, on the application of the telegraph authority, cause the tree to be removed or dealt with in such other way as he deems fit.</p> <p>(2) When disposing of an application under sub-section (1), the Magistrate shall, <u>in the case of any tree in existence before the telegraph line was placed, award to the persons interested in the tree such compensation as he thinks reasonable</u>, and the shall be final.</p>		
Key element	LARR	Full	None required.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
<p>(3): Improve, or at least restore, the livelihoods of all displaced persons through additional revenues and services through benefit sharing schemes where possible</p>	<p>[Preamble]</p> <p>An Act ... for ensuring that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an <u>improvement in their post- acquisition social and economic status</u> and for matters connected therewith or incidental thereto.</p> <p>Sect. 31.</p> <p>(2) The Rehabilitation and Resettlement Award shall include all of the following, namely:-</p> <p>(h) details of mandatory employment to be provided to the members of the affected families;</p> <p>Second Schedule</p> <p>Elements of Rehabilitation And Resettlement Entitlements for All The Affected Families (Both Land Owners and The Families Whose Livelihood is Primarily Dependent on Land Acquired) in Addition to Those Provided in The First Schedule.</p> <p>3. Offer for developed land</p> <p>In case the land is acquired for urbanisation purposes, twenty per cent of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development:</p> <p>Provided that in case the landowning project affected family wishes to avail of this offer an equivalent amount will be deducted from the land acquisition compensation package payable to it.</p> <p>4. Choice of Annuity or Employment</p> <p>The appropriate Government shall ensure that the affected families are provided with the following options:</p> <p>(a) where jobs are created through the project....make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family or arrange for a job in such other project as may be required; or</p> <p>(b) one-time payment of five lakhs rupees for affected family; or</p> <p>(c) annuity policies that...pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers</p>	<p>Equivalence.</p>	

Policy Principle 4: Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance,

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.			
Key element (1): Provide physically and economically displaced persons, if there is relocation, with secured tenure to relocation land	LARR Section 41 (4) In case of a project involving land acquisition...which requires involuntary displacement of the Scheduled Castes or Scheduled Tribes...a Development Plan shall be prepared...laying down the details of procedure for settling the land rights due....and restoring titles of the Scheduled Tribes [and] Scheduled castes on the alienated land... Second Schedule Elements of Rehabilitation And Resettlement Entitlements for All The Affected Families (Both Land Owners and The Families Whose Livelihood is Primarily Dependent on Land Acquired) in Addition to Those Provided in The First Schedule. 2. Land for Land In the case of [an] irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agricultural land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records of rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired: Provided that in every project those persons losing land and belonging to the Scheduled Castes or the Scheduled Tribes will be provided land equivalent to land acquired or two and a one-half acres, whichever is lower. 3. Offer for developed land In case the land is acquired for urbanisation purposes, twenty per cent of the developed land will be reserved and offered to land owning project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development: Provided that in case the landowning project affected family wishes to avail of this offer an equivalent amount will be deducted from the land acquisition compensation package payable to it.	Full Equivalence	None required.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>LARR Rules 2015</p> <p>9. Development Plan for Scheduled Castes or Scheduled Tribes families.– The Development Plan, in cases of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or Scheduled Tribes families, referred to in section 41 shall be prepared in FORM IV.</p>		
<p>Key element (2): Provide physically and economically displaced persons, if there is relocation, with....better housing at resettlement sites</p>	<p>LARR</p> <p>Sect. 31.(1) The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the Second Schedule.</p> <p>(2) The Rehabilitation and Resettlement Award shall include all of the following, namely:-</p> <p>...</p> <p>(c) particulars of house site and house to be allotted, in case of displaced families;</p> <p>Second Schedule</p> <p>1. Provision of housing units in case of displacement</p> <p>(1): If a house is lost in rural areas, a constructed house shall be provided as per Indira Awas Yojana¹⁰ specifications [and in urban areas, a constructed house ...will not be less than 50 sq. mts in plinth area.¹¹ ...</p> <p>(2)...[I]f any affected family in rural areas so prefers, the equivalent costs of the house may be offered in lieu of the constructed house..</p> <p>LARR Rules 2015</p> <p>FORM VII</p> <p>[See rule 11]</p>	<p>Partial Equivalence</p> <p>Although the legal framework includes housing and house site provisions, these do not specify that replacement housing must be of better quality than housing that was relinquished.</p>	<p>For full equivalence the framework should provide that physically and economically displaced persons, if there is relocation, be provided with better housing at resettlement sites.</p>

¹⁰“Indira AwaasYojana” is a social welfare flagship programme, created by the Indian Government, to provide housing for the rural poor. Sanitary latrine and smokeless chullah are required to be constructed along with each IAY house for which additional financial assistance is provided from Total Sanitation Campaign and Rajiv Gandhi Grameen Vidyutikaran Yojana respectively.] This scheme, operating since 1985, provides [subsidies](#) and [cash-assistance](#) to people in villages to construct their houses, themselves. https://en.wikipedia.org/wiki/Indira_Awaas_Yojana

¹¹“Plinth” refers to the foundation of a house.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	Award for Rehabilitation and Resettlement 6. Rehabilitation and Resettlement entitlements (i) House to be allotted (ii) Land to be allotted (iii) Offer for Developed Land (iv) Annuity/Employment (v) Subsistence grant (vi) Transportation cost, Housing allowances (vii) Cattle shed, Petty shop (viii) One time grant to artisan, small traders and certain others (ix) Fishing rights (x) One time resettlement allowances (xi) Stamp duty and registration fee		
Key element (3): Provide physically and economically displaced persons, if there is relocation, with ..., comparable access to employment and production opportunities	<u>LARR</u> Sect. 31. (2) The Rehabilitation and Resettlement Award shall include all of the following, namely:- (h) details of mandatory employment to be provided to the members of the affected families; Second Schedule 2. Choice of Annuity or Employment. The...Government shall ensure that the affected families are provide with the following options (b) where jobs are created through the project....make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family or ...for a job in such other project as may be required; or (c) one time payment of five lakhs rupees per family; or (d) annuity policies that shall pay not less than two thousand rupees per months per family for twenty	Partial Equivalence The legal framework requires that the rehabilitation and resettlement award include "mandatory" employment for members of affected families, at no less than the official minimum wage or at the option	For Full Equivalence the legal framework should require that economically displaced persons, be provided with access to employment and production opportunities comparable to

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <p>LARR Rules 2015</p> <p>FORM VII</p> <p>[See rule 11]</p> <p>Award for Rehabilitation and Resettlement</p> <p>6. Rehabilitation and Resettlement entitlements</p> <p>(i) House to be allotted</p> <p>(ii) Land to be allotted</p> <p>(iii) Offer for Developed Land</p> <p>(iv) Annuity/Employment</p> <p>(v) Subsistence grant</p> <p>(vi) Transportation cost, Housing allowances</p> <p>(vii) Cattle shed, Petty shop</p> <p>(viii) One time grant to artisan, small traders and certain others</p> <p>(ix) Fishing rights</p> <p>(x) One time resettlement allowances</p> <p>(xi) Stamp duty and registration fee</p>	<p>of the affected persons, a one-time payment or annuity. However it does not require that such employment be “comparable” to employment opportunities lost as a result of land acquisition.</p>	<p>those lost as result of land acquisition</p>
<p>Key element (4):</p> <p>Provide physically and economically displaced persons, if there is relocation, with, ... integration of</p>		<p>No Equivalence.</p>	<p>For Full Equivalence the legal framework should require that resettled persons be economically and socially integrated into</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
resettled persons economically and socially into their host communities, and extension of project benefits to host communities			their host communities, and that project benefits be extended to host communities
Key element (5): Provide physically and economically displaced persons with transitional support	<p>LARR</p> <p>Sect.28. In determining the amount of compensation to be awarded for land acquired under this Act the Collector shall take into consideration-</p> <p><i>fifthly</i>, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the <u>reasonable expenses (if any) incidental to such change</u>;</p> <p><i>sixthly</i>, the <u>damage (if any) bona fide resulting from diminution of the profits of the land</u> between the time of the publication of the declaration under section 19 and the time of the Collector's taking possession of the land: and</p> <p><i>seventhly</i>, any <u>other ground</u> which may be in the interest of equity, justice and beneficial to the affected families.</p> <p>Sect. 31.</p> <p>(2) The Rehabilitation and Resettlement Award shall include all of the following, namely:-</p> <p>(e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;</p> <p>Sect. 32. 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.</p> <p>Second Schedule4. Choice of Annuity or Employment.</p> <p>(a) Where jobs are created through the project, after providing suitable training and skill development in the required field...</p>	Full Equivalence	None required

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>5. Subsistence grant for displaced families for ..one year</p> <p>Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year form the date of award. In addition to this amount the Scheduled Castes and ...Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees.</p> <p>6. Transportation cost for displaced families</p> <p>Each affected family which is displaced shall get a one-time financial assistance of fifty thousand rupees as cist fir shifting of the family, building materials, belongings and cattle.</p> <p>10. One-time resettlement allowance</p> <p>Each affected family shall be given a one-time "Resettlement Allowance: of fifty thousand rupees...</p> <p>LARR Rules 2015</p> <p>FORM VII</p> <p>[See rule 11]</p> <p>Award for Rehabilitation and Resettlement</p> <p>6. Rehabilitation and Resettlement entitlements</p> <p>(i) House to be allotted</p> <p>(ii) Land to be allotted</p> <p>(iii) Offer for Developed Land</p> <p>(iv) Annuity/Employment</p> <p>(v) Subsistence grant</p> <p>(vi) Transportation cost, Housing allowances</p> <p>(vii) Cattle shed, Petty shop</p> <p>(viii) One time grant to artisan, small traders and certain others</p> <p>(ix) Fishing rights</p> <p>(x) One time resettlement allowances</p>		

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	(xi) Stamp duty and registration fee		
Key element (6): Provide physically and economically displaced persons with ...development assistance, such as land development	LARR Third Schedule Provision of Infrastructural Amenities For resettlement of populations, the following infrastructural facilities and basic minimum amenities are to be provided at the cost of the Requisitioning Authority to ensure that the resettled population ...can secure for themselves a reasonable standard of community life.....A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate 2. Proper drainage as well and sanitation plans executed before physical resettlement. 4. Provision of drinking water for cattle. 5. Grazing land as per proportion acceptable in the State 9 Appropriate seed-cum-fertilizer storage facility if needed. 10....[B]asic irrigation facilities... 11. [S]uitable.. public transport facilities 22. Separate land must be earmarked for traditional tribal institutions 23. The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood.	Full Equivalence	None required
Key element (7): Provide physically and economically displaced persons with...developm		No Equivalence	For Full Equivalence the legal framework should provide displaced persons with credit facilities.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
ent assistance, such as... credit facilities...			
Key element (8): Provide physically and economically displaced persons with development assistance, such as, training... ,	LARR Second Schedule 4. Choice of Annuity or Employment. (a) Where jobs are created through the project, after providing suitable training and skill development in the required field...	Full Equivalence	None required.
Key element (9): Provide physically and economically displaced persons with ...development assistance such as... employment opportunities	LARR 4. Choice of Annuity or Employment. Sect. 31. (1) (2) The Rehabilitation and Resettlement Award shall include all of the following, namely:- (h) details of mandatory employment to be provided to the members of the affected families; Second Schedule 3. Choice of Annuity or Employment. The...Government shall ensure that the affected families are provide with the following options (e) where jobs are created through the project ... make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family or ... for a job in such other project as may be required; or LARR Rules 2015 FORM VII	Full Equivalence	None required.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>[See rule 11]</p> <p>Award for Rehabilitation and Resettlement</p> <p>6. Rehabilitation and Resettlement entitlements</p> <p>(iii) Offer for Developed Land</p> <p>(iv) Annuity/Employment</p> <p>(v) Subsistence grant</p> <p>(vi) Transportation cost, Housing allowances</p> <p>(vii) Cattle shed, Petty shop</p> <p>(viii) One time grant to artisan, small traders and certain others</p> <p>(ix) Fishing rights</p>		
<p>Key element (3):</p> <p>Provide physically and economically displaced persons with civic infrastructure and community services</p>	<p>LARR</p> <p>Sect. 4. (5) While undertaking a Social Impact Assessment study under subsection (1), the appropriate Government shall, amongst other things, take into consideration the impact that the project is likely to have on various components such as livelihood of affected families, <u>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, anganwadis, children parks,</u> places of worship, land for traditional tribal institutions and burial and cremation grounds.</p> <p>Sect. 16. (1) Upon the publication of the preliminary notification under sub-section (1) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include</p> <p>(a) particulars of lands and immovable properties being acquired of each affected family; ...</p> <p>(c) <u>a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;</u></p> <p>(d) details of the <u>amenities and infrastructural facilities</u> which are affected or likely to be affected, where resettlement of affected families is involved; and</p>	<p>Full Equivalence.</p>	<p>None required</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>(e) details of any common property resources being acquired.</p> <p>(2) The Administrator shall, based on the survey and census under sub-section (1) <u>prepare a draft Rehabilitation and Resettlement Scheme</u>, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved-</p> <p>Sect. 32. 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.</p> <p>Third Schedule</p> <p>Provision of Infrastructure Amenities</p> <p>For resettlement of populations, the <u>following infrastructural facilities and basic minimum amenities</u> are to be provided at the cost of the Requisitioning Authority to ensure that the resettled population in the new village or colony can secure for themselves a reasonable standard of community life and can attempt to minimise the trauma involved in displacement.</p> <p>These include the following:</p> <ol style="list-style-type: none"> 1. Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families be adequately arranged. 2. Proper drainage as well as sanitation plans executed before physical resettlement. 3. One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India. 4. Provision of drinking water for cattle. 5. Grazing land as per proportion acceptable in the State. 6. A reasonable number of Fair Price Shops. 7. Panchayat Ghars, as appropriate. 8. Village level Post Offices, as appropriate with facilities for opening saving accounts. 9. Appropriate seed-cum-fertilizer storage facility if needed. 10. Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance. 		

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<ol style="list-style-type: none"> 11. All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities. 12. Burial or cremation ground depending on the caste- communities at the site and their practices. 13. Facilities for sanitation, including individual toilet points. 14. Individual single electric connections (or connection through non-conventional sources of energy like solar energy), for each household and for public lighting. 15. Anganwadi's providing child and mother supplemental nutritional services. 16. School as per the provisions of the Right of Children to Free and Compulsory Education Act,2009 (35 of 2009). 17. Sub-health centre within two kilometres range. 18. Primary Health Centre as prescribed by the Government of India. 19. Playground for children. 20. One community centre for every hundred families. 21. Places of worship and chowpal/tree platform for every fifty families for community assembly, of numbers and dimensions consonant with the affected area. 22. Separate land must be earmarked for traditional tribal institutions. 23. The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood. 24. Appropriate security arrangements must be provided for the settlement, if needed. 25. Veterinary service centre as per norms. 		

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
Policy Principle 5: Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.			
Key element (1): Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards		No Equivalence	For Full Equivalence, the legal framework should require that the standards of living of the displaced poor and other vulnerable groups, including women, be improved to at least national minimum standards
Key element (2): In rural areas provide them with legal and affordable access to land and resources	<u>LARR</u> Sect. 41. (1) As far as possible, no acquisition of land shall be made in the Scheduled Areas. ... (4) In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or the Scheduled Tribes families, a Development Plan shall be prepared in such form as may be prescribed laying down the details of procedure for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition. ...	Partial Equivalence Although there are provisions for legal and affordable access to land and resources for Scheduled Castes, Scheduled Tribes and	For Full Equivalence the legal framework should require legal and affordable access to land and resources for displaced poor and other vulnerable groups

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>(10) The affected Scheduled Tribes, other traditional forest dwellers and the Scheduled Castes having fishing rights in a river or pond or dam in the affected area shall be given fishing rights in the reservoir area of the irrigation or hydel projects.</p> <p>Sect. 42. (1) All benefits, including the reservation benefits available to the Scheduled Tribes and the Scheduled Castes in the affected areas shall continue in the resettlement area.</p> <p>(2) Whenever the affected families belonging to the Scheduled Tribes who are residing in the Scheduled Areas referred to in the Fifth Schedule or the tribal areas referred to in the Sixth Schedule to the Constitution are relocated outside those areas, then, all the statutory safeguards, entitlements and benefits being enjoyed by them under this Act shall be extended to the area to which they are resettled regardless of whether the resettlement area is a scheduled Area referred to in the said Fifth Schedule, or a tribal area referred to in the said Sixth Schedule or not.</p> <p>(3) Where the community rights have been settled under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 the same shall be quantified in monetary amount and be paid to the individual concerned who has been displaced due to the acquisition of land in proportion with his share in such community rights.</p> <p>LARR Rules 2015</p> <p>9. Development Plan for Scheduled Castes or Scheduled Tribes families.— The Development Plan, in cases of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or Scheduled Tribes families, referred to in section 41 shall be prepared in FORM IV.</p> <p>FORM IV</p> <p>Format for Development Plan under Rehabilitation and Resettlement scheme for Scheduled Castes/Scheduled Tribes families displaced due to land acquisition</p> <p>Entitlements</p> <ol style="list-style-type: none"> 1. Land up to 0.4 Hectare for agricultural, horticultural, cattle grazing field per family shall be provided. 2. Provision of dwelling housing unit per family, drinking water facility, toilet etc., 3. One time financial assistance of one lakh fifty thousand rupees per family shall be given. 4. For landless laborers employment shall be provided under Mahatma Gandhi National Rural Employment Guarantee Scheme or/and any other job providing Scheme of the Government, 	<p>traditional forest dwellers the legal framework contains no comparable provisions for displaced poor and other vulnerable groups including women.</p>	<p>including women.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>5. Skill development through different training programs for the youth of affected family.</p> <p>6. Subsistence grant for displaced family equivalent to three thousand rupees per month for a year from the date of award.</p> <p>7. For cattle shed and petty shop, minimum twenty five thousand rupees.</p> <p>8. Alternative fuel, fodder and non-timber forest produce resources on no-forest land, for affected members of Scheduled Castes.</p> <p>9. Fishing Rights.</p>		
<p>Key element (3): in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing</p>	<p><u>LARR</u></p> <p>Sect. 2. (1) The provisions of this Act..shall include the following purposes</p> <p>(d) project for housing for such income groups, as may be specified...</p> <p>(e) project for planned development or the improvement of village sites or any site in [an] urban area or provision of land for residential purposes for the weaker section in rural an urban areas</p> <p>Sect. 45. (i) Where land proposed to be acquired is equal to or more than one hundred acres, the appropriate Government shall constitute a Committee under the chairmanship of the Collector to be called the Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas.</p> <p>Second Schedule</p> <p>4. Provision of housing units in case of displacement</p> <p>(1): If a house is lost in rural areas, a constructed house shall be provided as per Indira Awas Yojana¹² specifications [and in urban areas, a constructed house shall be provided which will be not less than 50 sq. mts in plinth area.¹³...</p>	<p>Full Equivalence</p>	<p>None required.</p>

¹² "Indira AwaasYojana ' is a social welfare flagship programme, created by the Indian Government, to provide housing for the rural poor. Sanitary latrine and smokeless chullah are required to be constructed along with each IAY house for which additional financial assistance is provided from Total Sanitation Campaign and Rajiv Gandhi Grameen Vidyutikaran Yojana respectively.] This scheme, operating since 1985, provides [subsidies](#) and [cash-assistance](#) to people in villages to construct their houses, themselves. https://en.wikipedia.org/wiki/Indira_Awaas_Yojana

¹³"Plinth" refers to the foundation of a house.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
Policy Principle 6: Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.			
Key element (1): Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement	<u>LARR</u> 2. (3) The provisions relating to rehabilitation and resettlement under this Act shall apply in the cases where,- (a) a private company purchases land, equal to or more than such limits in rural areas or urban areas, as may be prescribed by the appropriate Government through private negotiations with the owner of the land in accordance with the provisions of section 46;	Full Equivalence	None required.
Key element (2): Ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status	<u>LARR</u> 2. (3) The provisions relating to rehabilitation and resettlement under this Act shall apply in the cases where,- (a) a private company purchases land, equal to or more than such limits in rural areas or urban areas, as may be prescribed by the appropriate Government through private negotiations with the owner of the land in accordance with the provisions of section 46;	Full Equivalence	None required.
Policy Principle 7: 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.			
	<u>LARR</u>	Full Equivalence	None required.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>Sect. 3. In this Act, unless the context otherwise requires,-</p> <p>(c) 'affected family" includes-</p> <p>...</p> <p>(ii) 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;</p> <p>...</p> <p>(v) 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;</p> <p>...</p> <p>(vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land.</p> <p>(q) "landless" means such persons or class of persons who may be,-</p> <p style="padding-left: 40px;">(i) considered or specified as such under any State law for the time being in force; or</p> <p style="padding-left: 40px;">(ii) in a case of landless not being specified under sub-clause (i) as may be specified by the appropriate Government.</p> <p>Sect. 16. (1) Upon the publication of the preliminary notification under sub-section (1) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include-</p> <p>(b) livelihoods lost in respect of land losers and <u>landless</u> whose livelihoods are primarily dependent on the lands being acquired;</p> <p>...</p> <p>(2) The Administrator shall, based on the survey and census under sub-section (1) prepare a draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and <u>landless</u> whose livelihoods are primarily dependent</p>		

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	on the lands being acquired and where resettlement of affected families is involved-		
Policy Principle 8: Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.			
Key Element (1) Prepare a resettlement plan elaborating on displaced persons' entitlements...	<p><u>LARR</u></p> <p>Sect. 4 (6) The appropriate Government shall require the authority conducting the Social Impact Assessment Study to prepare a Social Impact Management Plan,¹⁴ listing the ameliorative measures required to be undertaken for addressing the impact...for a specific component referred to in sub-section (5).¹⁵ [S]uch measures shall not be less than what is provided under a scheme or programme... of the Central Government, or, as the case may be the State Government, in operation in the affected area.</p> <p>Sect. 16. (2) The Administrator shall, based on the survey and census under sub-section (1), prepare a <u>draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved-</u></p> <ul style="list-style-type: none"> (i) a list of Government buildings to be provided in the Resettlement Area; (ii) details of the public amenities and infrastructural facilities which are to be provided in the Resettlement Area. <p><u>LARR Rules 2014</u></p> <p>Sect. 3 (5) The Social Impact Assessment Report and the Social Impact Management Plan shall be made available in the local language of the concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas and in the Offices of the District Collector, the Sub-Divisional Magistrate and shall be uploaded on the website of the appropriate Government.</p> <p>Sect. 7 (7)</p> <ul style="list-style-type: none"> (i) The Social Impact Assessment process includes the preparation of a Social Impact Management Plan, 	Full Equivalence	None required

¹⁴Per Sect. 2(1)(d) of the LARR, as amended "Social Impact Management Plan" refers to the plan prepared as part of the Social Impact Assessment Process.

¹⁵Sub-section (5) of Sect. 4 refers to the following impacts: livelihood of affected families; 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 rice shops, food storage warehouses; electricity supply; health care facilities; schools or other educational and or training facilities; *anganwadis*; playgrounds; places of worship; land for traditional tribal institutions; and burial and cremation grounds.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>which will present the ameliorative measures to be undertaken to address the social impacts identified in the course of the assessment. (ii) The Social Impact Assessment team must assess the viability of impact mitigation and management strategies with clear indication of costs, timelines and capacities.</p> <p>(iii) The Social Impact Management Plan shall include the following measures:-</p> <p>(a) that have been specified in the terms of Rehabilitation and Resettlement and compensation for all the categories of affected families as outlined in the Act;</p> <p>(b) that the Requiring Body has stated that it will undertake in the project proposal and other relevant project documents; and(c) that additional measures being undertaken by the Requiring Body, which has been undertaken by it in response to the findings of the Social Impact Assessment process and public hearings.</p> <p>FORM-III Social Impact Management Plan</p> <ol style="list-style-type: none"> 1. Approach to mitigation 2. Measures to avoid, mitigate and compensate impact 3. Measures that are included in the terms of Rehabilitation & Resettlement and compensation as outlined in the Act 4. Measures that the Requiring Body has stated it will introduce in the Project Proposal 5. Additional measures that the Requiring Body has stated it will undertake in response to the findings of the Social Impact Assessment process and public hearings 6. The Social Impact Management Plan must include a description of institutional structures and key person responsible for each mitigation measure and timelines and costs for each activity <p>LARR Rules 2015</p> <ol style="list-style-type: none"> 5. Publication of preliminary notification.– <p>(3) After publication of the preliminary notification under section 11, the Collector shall ensure completion of the exercise of updating land records as specified here under: –</p> <ol style="list-style-type: none"> (a) delete the names of deceased persons; (b) enter the names of the legal heirs of the deceased persons; (c) enter the registered transactions of the rights in land such as sale, gift, partition, etc.; (d) make all entries of the mortgages in the land records; (e) delete the entries of mortgages in case the lending agency issues letter towards full payment of loans taken through registered reconveyance of mortgaged property deeds; 		

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	(f) make necessary entries in respect of all prevalent forest laws; (g) make necessary entries in case of the Government land; (h) make necessary entries in respect of assets on the land like buildings, trees, wells, etc.; (i) make necessary entries of share-croppers in the land; (j) make necessary entries of crops grown or sown and the area of such crops; and (k) any other relevant entries.		
Key Element (2) Prepare a resettlement plan elaborating on ...the income and livelihood restoration strategy	LARR Sect. 16. (2) The Administrator shall, based on the survey and census under sub-section (1), prepare a <u>draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved-</u>	Partial Equivalence. The legal framework does not require the RRS to elaborate on the income and livelihood restoration strategy.	For Full Equivalence the legal framework would require the RRS to elaborate the income and livelihood restoration strategy with reference to the requirements of the LARR...
Key Element (3) Prepare a resettlement plan elaborating on the institutional arrangements	LARR Sect. 16. (2) The Administrator shall, based on the survey and census under sub-section (1), prepare a <u>draft Rehabilitation and Resettlement Scheme, as prescribed which shall include particulars of the rehabilitation and resettlement entitlements of each land owner and landless whose livelihoods are primarily dependent on the lands being acquired and where resettlement of affected families is involved-</u> LARR Rules 2014 Sect. 7 (7) (ii) The Social Impact Assessment team must assess the viability of impact mitigation and management strategies with clear indication of ...capacities.	Full Equivalence	None required

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	FORM-III Social Impact Management Plan s. The Social Impact Management Plan must include a description of institutional structures and key person responsible for each mitigation measure		
Key Element (4) Prepare a resettlement plan elaborating on...the... monitoring and reporting framework		No Equivalence The legal framework does not require the RRS to elaborate on the monitoring and reporting framework	For Full Equivalence the legal framework should require the RRS to elaborate on the monitoring and reporting framework with reference to the requirements of the LARR...
Key Element (5) Prepare a resettlement plan elaborating on...the budget	LARR, Art. 1(3): i) "cost of acquisition" includes- (i) amount of compensation which includes solatium, any enhanced compensation ordered by the Land Acquisition and Rehabilitation and Resettlement Authority or the Court and interest payable thereon and any other amount determined as payable to the affected families by such Authority or Court; (ii) demurrage to be paid for damages caused to the land and standing crops in the process of acquisition; (iii) cost of acquisition of land and building for settlement of displaced or adversely affected families; (iv) cost of development of infrastructure and amenities at the resettlement areas; (v) cost of rehabilitation and resettlement as determined in accordance with the provisions of this Act; (vi) administrative cost,- (A)for acquisition of land. including both in the project site and out of project area lands, not exceeding such percentage of the cost of compensation as may be specified by the appropriate	Full Equivalence	None required.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>Government;</p> <p>(B) for rehabilitation and resettlement of the owners of the land and other affected families whose land has been acquired or proposed to be acquired or other families affected by such acquisition;</p> <p>(vii) cost of undertaking 'Social Impact Assessment study';</p> <p>LARR Rules 2014</p> <p>Sect. 7 (7) (ii) The Social Impact Assessment team must assess the viability of impact mitigation and management strategies with clear indication of costs,...</p> <p>FORM-III Social Impact Management Plan</p> <p>6. The Social Impact Management Plan must include a description of ... costs for each activity</p>		
<p>Key Element (6)</p> <p>Prepare a resettlement plan elaborating on..., the ...time-bound implementation schedule</p>	<p>Sect.16 (3) The draft Rehabilitation and Resettlement Scheme ... shall include an time limit for implementing [the] ... Scheme</p> <p>LARR Rules 2014</p> <p>Sect. 7 (7) (ii) The Social Impact Assessment team must assess the viability of impact mitigation and management strategies with clear indication of... timelines</p> <p>FORM-III Social Impact Management Plan</p> <p>6. The Social Impact Management Plan must include ... timelines ... for each activity</p>	<p>Full Equivalence.</p>	<p>None required.</p>
<p>Policy Principle 9: Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.</p>			
<p>Key element (1):</p> <p>Disclose a draft resettlement plan, before project appraisal, in an accessible</p>	<p>LARR</p> <p>Sect.16.</p> <p>(2) The Administrator shall, based on the survey and census under sub-section (1), prepare a <u>draft Rehabilitation and Resettlement Scheme</u>, as <u>prescribed</u> ...</p> <p>(4) The draft Rehabilitation and Resettlement scheme referred to in sub-section (2) shall be <u>made known locally by wide publicity in the affected area and discussed</u> in the concerned Gram Sabhas or</p>	<p>Full Equivalence.</p>	<p>None required.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
place and a form and language(s) understandable to affected persons and other stakeholders	<p>Municipalities.</p> <p>(5) A <u>public hearing shall be conducted</u> in such manner as may be prescribed, after giving adequate publicity about the date, time and venue for the public hearing at the affected area:</p> <p>Provided ... that the consultation with the Gram Sabha in Scheduled Areas shall be in accordance with the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.</p> <p>LARR Rules 2014</p> <p>Sect. 8 (4) (i) The draft Social Impact Assessment report and Social Impact Management Plan shall be published in the local language three weeks prior to the public hearing and distributed to all affected Gram Panchayats and Municipal offices. One copy of the draft report shall be made available in the District Collector's office</p>		
<p>Key element (2):</p> <p>Disclose the final resettlement plan and its updates to affected persons and other stakeholders.</p>	<p>LARR</p> <p>Sect. 16. (6) The Administrator shall, <u>on completion of public hearing submit the draft Scheme for Rehabilitation and Resettlement along with a specific report on the claims and objections raised in the public hearing to the Collector.</u></p> <p>Sect. 17.</p> <p>(1) The Collector shall review the draft Scheme submitted under sub-section (6) of section 16 by the Administrator with the Rehabilitation and Resettlement Committee at the project level constituted under section 45:</p> <p>(2) The <u>Collector shall submit the draft Rehabilitation and Resettlement Scheme with his suggestions to the Commissioner Rehabilitation and Resettlement for approval of the Scheme.</u></p> <p>Sect. 18. The <u>Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be 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 appropriate Government.</u></p> <p>Sect. 37.(3) The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in the case acquisition of land including the amount of compensation awarded to each individual...on the website created for this purpose.</p>	<p>Full Equivalence.</p>	<p>None required.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p><u>LARR Rules 2014</u></p> <p>Sect, 9. Submission of Social Impact Assessment Report and Social Impact Management Plan.— The final Social Impact Assessment Report and Social Impact Management Plan shall be prepared in the local language and shall be made available to Panchayat, Municipality or Municipal Corporation, as the case maybe, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil and shall be propagated in the form of posters circulated in the affected areas by affixing the posters in conspicuous places and shall also be uploaded on the website of the appropriate Government.</p>		
<p>Policy Principle 10: Conceive and execute involuntary resettlement as part of a development project or programme. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.</p>			
<p>Key element (1):</p> <p>Conceive and execute involuntary resettlement as part of a development project or programme</p>	<p><u>LARR</u></p> <p>[Preamble]</p> <p>An Act to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution, a humane, participative, informed and transparent process for land acquisition for industrialisation, development of essential infrastructural facilities and urbanisation with the least disturbance to the owners of the land and other affected families and provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make adequate provisions for such affected persons for their rehabilitation and resettlement and for ensuring that 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.</p> <p>Sect.2. (1) The provisions of this Act..shall include the following purposes</p> <p>(d) project for housing for such income groups, as may be specified...</p> <p>(e) project for planned development or the improvement of village sites or any site in [an] urban area or provision of land for residential purposes for the weaker section in rural an urban areas.</p> <p>Sect.41</p> <p>(4) In case of a project involving land acquisition...which requires involuntary displacement of the Scheduled Castes or Scheduled Tribes...a Development Plan shall be prepared...laying down the details of procedure for settling the land rights due....and restoring titles of the Scheduled Tribes [and] Scheduled</p>	<p>Full Equivalence.</p>	<p>None required</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>castes on the alienated land...</p> <p>(5) The Development Plan shall also contain a programme for development of alternative fuel, fodder and non-timber forest produce ...on non-forest lands...sufficient to meet the requirements of tribal communities as well as the Scheduled Castes.</p> <p>(7) The affected families of the Scheduled Tribes shall be settled preferably in the same Scheduled Area in a compact block so they can retain their ethnic, linguistic and cultural identity.</p> <p>LARR Rules 2015</p> <p>9. Development Plan for Scheduled Castes or Scheduled Tribes families.– The Development Plan, in cases of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes or Scheduled Tribes families, referred to in section 41 shall be prepared in FORM IV.</p>		
<p>Key element (2):</p> <p>Include the full costs of resettlement in the presentation of project's costs and benefits</p>	<p>LARR</p> <p>Sect.4 (4)The Social Impact assessment...shall, amongst other matters, include (f) [a] study of social impacts of the project... the cost of addressing them and the impact of these costs...vis-à-vis ...the benefits of the project;</p> <p>Sect.7. (5) If the Expert Group constituted under sub-section (1), is of the opinion that,-</p> <p>...</p> <p>(b) the potential benefits outweigh the social costs and adverse social impacts,</p> <p>it shall make specific recommendations within two months from the date of its constitution ...</p> <p>Sect.8. (1) The appropriate Government shall ensure that-</p> <p>...</p> <p>(b) the potential benefits and the public purpose referred to in clause (a) shall outweigh the social costs and adverse social impact as determined by the Social Impact Assessment that has been carried out</p> <p>LARR Rules 2014,</p> <p>Sect. 7 (8) The Social Impact Assessment must provide a conclusive assessment of the balance and distribution of the adverse social impacts and social costs and benefits of the proposed project and land</p>	<p>Full Equivalence.</p>	<p>None required</p>

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	<p>acquisition, including the mitigation measures, and provide an assessment as to whether the benefits from the proposed project exceed the social costs and adverse social impacts that are likely to be experienced by the affected families or even after the proposed mitigation measures, the affected families remained at risk of being economically or socially worse, as a result of the said land acquisition and resettlement</p> <p>FORM II Social Impact Assessment Report C. Table of Contents for Social Assessment Impact Report and Social Impact Management Plan</p> <p>Analysis of costs and benefits and recommendation on acquisition</p> <p>(a) Final conclusions on: assessment of public purpose, less-displacing alternatives, minimum requirements of land, the nature and intensity of social impacts, the viability of the mitigation measures and the extent to which mitigation measures described in the Social Impact Management Plan will address the full range of social impacts and adverse social costs.</p> <p>(</p> <p>...</p> <p>LARR Rules 2015</p> <p>4. (2) (c) The Collector shall inform the Requiring Body to deposit the estimated cost of acquisition or part thereof as specified by the Collector in the designated account of the office of the Collector before the publication of declaration under sub-section (2) of section 19 within such period as may be specified by him and the Requiring Body shall deposit the same within the said period.</p> <p>(3) The Requiring Body shall deposit the balance cost of acquisition after final estimation is prepared by the Collector and in cases where excess amount is awarded by the Authority or Court, the same shall be deposited as and when so required.</p>		
<p>Key element (3):</p> <p>For a project with significant involuntary resettlement impacts, consider</p>	<p><u>LARR</u></p> <p>Sect. 2. The provisions of this Act ... shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector undertakings and for public purpose, and shall include the following purposes, namely:-</p> <p>c) project for project affected families;</p> <p>(d) project for housing for such income groups ,as may be specified from time to time by the</p>	<p>Full Equivalence</p>	<p>None required.</p>

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implementing the involuntary resettlement component of the project as a stand-alone operation	<p>appropriate Government;</p> <p>(e) project for planned development or the improvement of village sites or any site in the urban areas or provision of land for residential purposes for the weaker sections in rural and urban areas;</p> <p>(j) project for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Government, any local authority or a corporation owned or controlled by the State.</p>		
Policy Principle 11: Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.			
<p>Key element (1):</p> <p>Pay compensation and provide other resettlement entitlements before physical or economic displacement</p>	<p>LARR</p> <p>Sect .38. (1) The Collector shall take possession of land after ensuring that full payment of compensation <u>as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons</u> within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30:</p> <p>Provided that the components of the Rehabilitation and Resettlement package in the Second and Third Schedules that relate to infrastructural entitlements shall be provided within a period of eighteen months from the date of the award:</p> <p>Provided further that in case of acquisition of land for irrigation or hydroelectric project, being a public purpose, the rehabilitation and resettlement shall be completed six months prior to submergence of the lands acquired.</p> <p>(2) The Collector shall be responsible for ensuring that the rehabilitation and resettlement process is <u>completed in all its aspects before displacing the affected families.</u></p> <p>Sect. 40. (1) In cases of <u>urgency</u>, whenever the appropriate Government so directs, the Collector, <u>though no such award has been made</u>, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, <u>take possession</u> of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances.</p> <p>(2) The powers of the appropriate Government under sub-section (1) shall be restricted to the minimum</p>	<p>Partial Equivalence.</p> <p>Under normal circumstances the legal framework provides for prior payment of compensation and other specified resettlement entitlements before physical or economic displacement.</p> <p>There are provisions for payment in instalments after possession subject to</p>	<p>For Full Equivalence the legal framework should not include exceptions from the requirement to pay compensation and provide other resettlement entitlements before physical or economic displacement.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>area required for the defence of India or national security or for any emergencies arising out of natural calamities or any other emergency with the approval of Parliament:</p> <p>(3) <u>Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall tender payment of eighty per cent of the compensation for such land as estimated by him to the person interested entitled thereto.</u></p> <p>(4) In the case of any land to which in the opinion of the appropriate Government, the provisions of sub-section (1), sub-section (2) or sub-section (3) are applicable, the appropriate Government may direct that any or all of the provisions of Chapter II to Chapter VI shall not apply, and, if it does so direct, a declaration may be made under section 19 in respect of the land at any time after the date of the publication of the preliminary notification under sub-section (1) of section II.</p> <p>(i) An additional compensation of seventy-five per cent of the total compensation as determined under section 27 shall be paid by the Collector in respect of land and property for acquisition of which proceedings have been initiated under sub-section (1) of this section:</p> <p>Provided that no additional compensation will be required to be paid in case the project is one that affects the sovereignty and integrity of India, the security and strategic interests of the State or relations with foreign States.</p> <p>Sect. 41. (6) In case of land being acquitted from members of Scheduled Castes or...Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as a first instalment and the rest ..after takingpossession of the land.</p> <p>Sect. 80. When the amount of such <u>compensation is not paid or deposited on or before taking possession of the land</u>, the Collector shall pay the amount awarded with interest thereon at the rate of nine per cent per annum from the time of so taking possession until it shall have been so paid or deposited:</p> <p>Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per cent per annum shall be payable from the date or expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.</p>	<p>payment of interest on the principal owed. This is not fully consistent with ADB' interpretation of this Key Element which allow that while "full implementation of the resettlement plan might take longer compensation is required to be paid before displacement,"¹⁶ (emphasis added)</p>	
<p>Key element (2): Implement the resettlement</p>	<p>LARR</p> <p>38. (2) <u>The Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families.</u></p>	<p>Full Equivalence.</p>	<p>None required.</p>

¹⁶ SPS, Appendix 2, para. 14.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
plan under close supervision throughout project implementation			
Policy Principle 12: Monitor and assess resettlement outcomes, their impacts on the standards 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.			
Key element (1): Monitor and assess resettlement outcomes, their impacts on the standards 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	LARR 43. (3) Subject to the superintendence, directions and control of the appropriate Government and the Commissioner for Rehabilitation and Resettlement, the formulation, execution and <u>monitoring</u> of the Rehabilitation and Resettlement Scheme shall vest in the Administrator. 44. (3) The Commissioner shall be responsible for the post-implementation social audit in consultation with the Gram Sabha in rural areas and municipality in urban areas. 45. (i) Where land proposed to be acquired is <u>equal to or more than one hundred acres</u> , the appropriate Government shall constitute a Committee under the chairmanship of the Collector to be called the <u>Rehabilitation and Resettlement Committee</u> , to <u>monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme</u> and to carry out <u>post-implementation social audits</u> in consultation with the Gram Sabha in rural areas and municipality in urban areas. (2) The Rehabilitation and Resettlement Committee shall include, apart from officers of the appropriate Government, the following members, namely:- (a) a <u>representative of women</u> residing in the affected area; (r) a <u>representative each of the Scheduled Castes and the Scheduled Tribes</u> residing in the affected area: (c) a <u>representative of a voluntary organisation</u> working in the area; ... (f) the Chairpersons of the panchayats or municipalities located in the affected area or their nominees; ...	Partial Equivalence. The legal framework for monitoring does not include an assessment of whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions	For Full Equivalence the legal framework should require an assessment whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments	(C) Extent of Equivalence Review comments	(D) Recommendations
	<p>48. (1) The Central Government may, <u>whenever necessary</u> for national or inter-State projects, constitute a <u>National Monitoring Committee</u> for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.</p> <p>50, (1) The State Government shall constitute a <u>State Monitoring Committee</u> for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.</p>		
<p>Key element (2): Disclose monitoring reports</p>		No Equivalence	For Full Equivalence the legal framework should require disclosure of monitoring reports.