

CHAPTER – V

R&R Plan

5.0 SCHEMES/ PLANS FOR RESETTLEMENT AND REHABILITATION;

The procedure mentioned in this Chapter shall be followed for declaration of Affected Zone, carrying out survey & census of Project Affected Families, Assessment of Government Land available and land to be acquired for the purpose of Resettlement and Rehabilitation, preparation of draft scheme/plan for R&R and its final publication.

Declaration of Affected Zone

Procedure to be followed for survey and census of PAFs and PDFs etc.

- 5.1 The appropriate Government may, if it is of the opinion that acquisition of land for a project is likely to displace families from their lands and or houses, declare, by notification in the Official Gazette, area of villages or localities as an affected zone of the project and thereupon the contents of this Policy shall apply to the project involved.
- 5.2 Every declaration made under Para 5.1 of the Policy shall be published in at least two daily newspapers one of them should be in the local vernacular having circulation in villages or areas which are likely to be affected and also by affixing a copy of the notification on the Notice Board of the concerned Gram Panchayats and other prominent place or places in the affected zone.
- 5.3 Once the declaration is made under Para 5.1 of the Policy, the Administrator for Resettlement and Rehabilitation shall undertake a socio- Economic Survey for identification of the persons and their families likely to be affected by the project.
- 5.4 Every survey shall contain the following village-wise information of the project Affected Families:-
 - (a) members of families who are permanently residing, practicing any trade, occupation or vocation in the Project Affected Area;
 - (b) Project Affected Families who are likely to lose their house, agricultural land, employment or are alienated wholly or substantially from the main source of their trade/occupation or vocation
 - (c) Agricultural labourers and non-agriculture labourers
 - (d) Project Affected Families who are or were having Possession of forest lands in the affected area prior to the 13th day of December, 2005. ¹
 - (e) vulnerable persons such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or persons above fifty years of age; who are not provided or cannot immediately be provided with alternative livelihood, and who are not otherwise covered as part of a family. ¹
 - (f) families that are landless (not having homestead land, agricultural land, or either homestead or agricultural land) and below poverty line, but residing continuously for a period of not less than three years in the affected area preceding the date of declaration of the affected area ¹

1. Substituted in place of Para 5.4(d) and added (e) & (f) vide G.O.Ms.No.134, I & CAD (PW: LA- IV-R&R) Dept., DT: 13-11-2009

Assessment of land available for Resettlement

- 5.5 Every survey undertaken under Para 5.4 shall be completed within a maximum period of ninety days from the date of declaration made under Para 5.1.
- 5.6 On the expiry of the period of ninety days as aforesaid or as earlier as possible, the Administrator for Resettlement and Rehabilitation shall publish a draft in the Gram Panchayat concerned the details of the findings of the survey conducted by him for inviting objections and suggestions from all persons likely to be affected thereby.
- 5.7 On the expiry of thirty days from the date of publication of the draft of the details of survey and after considering the objections and suggestions received by him in this behalf, the Administrator for Resettlement & Rehabilitation shall submit the final details of survey with his recommendations to the District Collector for approval. After approval by the District Collector necessary funds may be obtained from the relevant Head of Accounts from the Commissioner, Resettlement & Rehabilitation, AP.¹
- 5.8 Within forty-five days from the date of receipt of recommendations of the Administrator for Resettlement & Rehabilitation, the District Administration shall publish the final details of survey in the District Gazette.² A copy of such publication shall also be published in the Gram Panchayat concerned.
- 5.9 The Administrator for Resettlement & Rehabilitation shall ensure that the Project Displaced Families may be settled preferably in group or groups and such sites should form a part of existing Gram Panchayat as far as possible. However it has to be ensured that the PDFs may be Resettled with the host community on the basis of equality and mutual understanding, consistent with the desire of each group to preserve its own identity and culture.
- 5.10 For the purposes of Para 5.9 above, the Administrator for Resettlement & Rehabilitation shall draw up a list of lands, which may be available in any existing Gram Panchayat or neighbouring Gram Panchayat for Resettlement of Project Displaced Families.

1. Substituted for para 5.7 vide G.O.Ms.No.24, I & CAD (PW-LA-IV,R&R-)Dept., dt:18-3-2010.
2. Substituted for para 5.8 vide G.O.Ms.No.120, I & CAD (PW-LA.IV, R&R-II) Dept., DT: 26.6.2006.

**Declaration Of
Resettlement Zone**

**Power to acquire
land for R&R**

**Draft Scheme/Plan
For R&R**

- 5.11 The Lands drawn up under para 5.10 shall consist of:-
- Government wastelands or any other land vesting in the Government available for Resettlement of Project Displaced Families.
 - If sufficient Government land is not available there, then land to be acquired for the purposes of Resettlement (R&R centre) Scheme/Plan. However, the Administrator for R&R should ensure that such acquisition of land should not lead to another list of affected families.
- 5.12 The words "appropriate Government" occurring in the first line of Para 5.12 may be read as "District Collector".¹
- 5.13 The Administrator for R&R or any other officer empowered by Government, on behalf of the appropriate Government, may compulsorily acquire lands required for re-settlement and rehabilitation of PAFs under the Provisions of Land Acquisition Act, 1894.
- 5.14 After completion of base line survey and census of Project Affected Families and Project Displaced Families and assessment of requirement of land for resettlement of land for resettlement and rehabilitation, the Administrator for R&R shall prepare a draft scheme/ plan for the Resettlement & Rehabilitation of the Project Affected Families and Project Displaced Families in consultation with representatives of Project Affected Families and Project Displaced Families including women, Chairpersons of elected Panchayati Raj Institutions within which the project area is situated.
- The draft rehabilitation and resettlement scheme or plan shall also be discussed in gram sabhas in rural areas and in public hearings in urban and rural areas where gram sabhas do not exist.²
 - The consultation with the gram sabha or the panchayats at the appropriate level in the Scheduled Areas under Schedule V of the Constitution shall be in accordance with the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996)²
 - In cases of involuntary displacement of two hundred or more Scheduled Tribes families from their lands & houses in Scheduled Areas, the concerned Tribes Advisory Councils may also be consulted .²
- 5.15 While preparing a draft scheme/ Plan, the Administrator for R&R shall ensure that the cost of R&R scheme/ plan should be an integral part of the cost of the Project for which the land is being acquired and the entire expenditure for resettlement and rehabilitation of PAFs are to be borne by the requiring body for which the area is being acquired
- 5.16 It shall be the responsibility of the requiring body to provide sufficient funds to the Administrator for R&R for proper implementation of Resettlement & Rehabilitation scheme/ plan of Project Affected Families.
- 5.17 The Administrator for R&R shall keep proper books of accounts and records of the funds placed at his disposal and submit periodical returns to the Appropriate Government in this behalf.

1. Amended vide G.O.Ms.No.88, I & CAD (PW-LA.IV, R&R-II) Dept., DT: 26.8.2010.

2. Added after Para 5.14 vide G.O.Ms.No.134, I & CAD (PW-LA.IV, R&R-II) Dept., DT: 13.11.2009.

- 5.18 Every draft Scheme/ Plan of resettlement and rehabilitation prepared shall contain the following particulars, namely:-
- a) the extent of area to be acquired for the project and the name(S) of the corresponding village(S)
 - b) a Village - wise list of Project Affected Families and likely number of displaced persons, family- wise and the extent and nature of land and immovable property in their possession indicating the survey numbers thereof held by such person in the affected Zone prior to acquisition of lands for the project and after acquisition of lands for the project;
 - c) a list of agricultural labourers in such area and the names of such persons whose livelihood depend on agricultural activities;
 - d) a list of persons who have lost or are likely to lose their employment or livelihood or who have been alienated wholly and substantially from their main sources of occupation or vocation consequent to the acquisition of land for the project;
 - e) a list of occupiers, if any,
 - f) a list of public utilities and Government buildings which are likely to be affected;
 - g) a comprehensive list of benefits and packages which are to be provided to project affected families;
 - h) details of the extent of land available which may be acquired in settlement area for resettling of the project displaced families;
 - i) Details of the extent of Government land available which may be allotted to PAFs in lieu of land acquired for the project.
 - j) Details of the extent of patta land available in project benefited area that can be acquired for allotment to PAFs in lieu of land acquired for the project.
 - k) detailed of the basic amenities and infrastructure facilities which are to be provided for resettlement;

**Final Publication
of Scheme/
Plan of R&R**

- l) the time schedule for shifting and resettling the displaced families in resettlement zones;
 - m) such other particulars as the Administrator for Resettlement & Rehabilitation may think fit to include.
 - n) a list of vulnerable affected persons, as defined at para 3 (ii) vide G.O.Ms.No.46, Irrigation & C.A.D.(PW:LA.IV-R&R) Department, dated 28-02-2009 read with G.O.Ms.No.77, Irrigation & C.A.D.(PW:LA.IV-R&R) Department, dated:10-07-2009.1
 - o) In case of a project involving land acquisition on behalf of a requiring body which involves involuntary displacement of two hundred or more Scheduled Tribes families, a Tribal Development Plan shall be prepared, in such form as may be prescribed, laying down the detailed procedure for settling land rights due but not settled and restoring titles of tribals on alienated land by undertaking a special drive together with land acquisition. The Plan shall also contain a programme for development of alternate fuel, fodder and non-timber forest produce (NTFP) resources on non-forest lands within period of five years sufficient to meet requirements of tribal communities who are denied access to forests. 1
 - p) Details of proposed training Programme for development of entrepreneurship, technical & professional skills for self employment. 1
- 5.19 The Administrator for Resettlement & Rehabilitation shall submit the draft scheme/ plan for R&R to the District Administration for its approval. The draft scheme/ plan shall be published in the village/locality concerned. The draft scheme/plan may also be published in the District Gazette to give wide publicity to the same in the affected zone. 2
- 5.20 Upon notification of such scheme/ plan, the same shall come into force.

1. Added after Para 5.18(m) vide G.O.Ms.No.134 I & CAD (PW-LA.IV, R&R-II) Dept., DT: 13.11.2009.
2. Substituted for Para 5.19 vide G.O.Ms.No.120 I & CAD (PW-LA.IV, R&R-II) Dept., DT: 26.6.2006.