

H.P. POWER TRANSMISSION CORPORATION LIMITED



Resettlement, Relief, Rehabilitation and Compensation Policy

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List of Abbreviations used

ESSP	Environment and Social Safeguards Policy
HPPCL	Himachal Pradesh Power Corporation Limited
HPPTCL	H.P. Power Transmission Corporation Limited
ITA	The Indian Telegraphs Act
LAA	Land Acquisition Act
LADA	Local Area Development Authority
LADF	Local Area Development Fund
NRRP	National Rehabilitation & Resettlement Policy
PAF	Project Affected Family
PAP	Project Affected Person
PGCIL	Power Grid Corporation of India Limited
R & R	Relief & Rehabilitation
Sq m	Square Meter

RESETTLEMENT, RELIEF, REHABILITATION AND COMPENSATION POLICY

INTRODUCTION

Power/Electricity is essential part of development, Electricity is transmitted at high voltage (66 KV and above) to reduce the energy loss in long distance transmission. Power is usually transmitted through over head power lines. Underground power transmission has a significantly higher cost and greater operational limitations but is sometimes used in urban areas or sensitive locations.

A key limitation in the distribution of electricity is that , with minor exceptions, electrical energy can not be stored, and therefore must be generated as needed. A sophisticated system of control is therefore required to ensure that electric generation very closely matches the demand. If supply and demand are not in balance, generation plants and transmission equipment can shut down. To reduce the risk of such failures, electric transmission networks are interconnected into regional, national or continental level.

Electric power transmission or “high voltage electric transmission” is the bulk means for transfer of electrical energy, from generation power plants to substations and then to customers, which is typically referred to as electricity transmission and distribution. Transmission lines, when interconnected with each other, become high voltage transmission network. Himachal is a power exploring state and so most of the power from generating projects is transmitted to the National Grid through transmission network where it is distributed to the states of Jammu and Kashmir, Punjab, Haryana, Delhi, Rajasthan, Uttar Pradesh union territory of Chandigarh and Himachal Pradesh.

This ‘Resettlement, Relief, Rehabilitation and Compensation Policy’ document lays down the guiding policy of HPPTCL for preparation of project specific R&R Plans and its implementation. However, till project specific RR Plan is not formulated, this document will be treated and implemented as Standard Plan.

PROJECT DESCRIPTION:

Description of the Concerned Project will be given here for the project specific RR Plan as per format provided as **Annexure-I**.

Information of particulars in respect of R&R plan of a specific project shall be provided here as per format given in **Annexure-II**.

Part-I

PREAMBLE, OBJECTIVES AND STRATEGIES

PREAMBLE

2.1 Whereas for the construction of HPPTCL Projects besides Government land, private land is also required to be acquired from private persons or right of way is required through private land. Due to this, some families may be affected. The construction of the project may also involve impact on land, house or other structures. H.P. Power Transmission Corporation Limited (HPPTCL) would like to avoid causing hardship to any local resident but if inevitable, it would like to mitigate any adverse impacts that may arise due to the construction of its projects.

And to protect the interests of the project affected persons during construction stage of the project, policy for Resettlement, Relief and Rehabilitation of the affected persons and payment of Compensation has been prepared.

Now, therefore, the HP Power Transmission Corporation Limited hereby proposes the following Resettlement, Relief, Rehabilitation and Compensation Policy for the affected persons on account of acquisition, requisition or use of their land for the construction of HPPTCL Projects.

This plan has been prepared keeping in view the provisions contained in the R&R Policy notified by Govt. of HP vide notification No Rev(PD)F(5)-1/1999 dated 27-4-06; National Rehabilitation and Resettlement Policy (NRRP) 2007; Indian Telegraph Act, 1885; Indian Electricity Act, 2003; HP Hydro Power Policy, 2007; Safeguarding policies of multilateral funding agencies; and R&R Plan of Himachal Pradesh Power Corporation Limited (HPPCL) and general safeguarding principles.

2.2 OBJECTIVES:

- 2.2.1** To avoid/minimize the adverse impact on persons affected by the project
- 2.2.2** To sustain the quality of life of the people of the area through suitable infrastructure, sustainable income and better skills generally contribute to and be a part of the development of the area and the people.
- 2.2.3** To create a good will for the organization and have a good long term relationship.
- 2.2.4** To ensure that rights of individual and society particularly those belonging to the weaker section/vulnerable groups of the society are safeguarded
- 2.2.5** To assist the affected persons to regain or improve the standard of living if and where negative impacts are unavoidable

2.2.6 To raise the quality of life and infrastructure in the area

2.2.7 To ensure that people of the area are well informed and involved.

2.3 RELIEF REHABILITATION STRATEGIES:

2.3.1. Each Project Affected Family will be suitably and adequately compensated to ensure replacement of the assets lost or acquired.

2.3.2. The local population of the Project Affected Area will be provided guidance and counseling for better living conditions and better livelihood including training in the area of common occupations like Agriculture, Horticulture etc.

2.3.3. Contribution towards General Development of the project area in-terms of improving local infrastructure through public participation.

2.3.4. Creating opportunities of income generation and/or employment for local people.

2.3.5. Maintaining a friendly contact with the public through regular meetings, Public consultations, sponsoring of events, printed material, Public Disclosure of provisions of this Policy as also HPPTCL's overall programmes, Project Specific RR Plans, PAF identity card, organizing functions etc.

2.3.6. Providing direct help to the people in extreme hardship.

PART-II

DEFINITIONS

3.1 This Policy may be called the Resettlement, Relief, Rehabilitation and Compensation Policy of HP Power Transmission Corporation Limited.

It shall extend to the whole of area affected or likely to be affected as a result of construction of Power Substation and/or laying of transmission line. Panchayat or a Revenue Village, as the case may be, will be taken as a unit and all such units where either land is acquired or common resources are impacted or their use restricted shall be covered.

The Commissioner for Relief & Rehabilitation appointed by the State Government for supervising the relief and welfare works of various Projects in Himachal Pradesh would also be the Commissioner for welfare of the affected population so that the welfare works are carried out under his/her directions and guidance.

The Deputy Commissioner, in whose jurisdiction the Project Affected Area falls, will be the Administrator for Welfare of the area so that the Relief and Welfare works are carried out and controlled under his/ her supervision.

3.2 Definitions:

3.2.1 Family

'Family' means husband/wife of the person who is entered as owner/co-owner of the land in the revenue record, their children including step or adopted children, grand children and includes his/her parents and those brothers and sisters who are living jointly with him/her as per entries of Panchayat Parivar Register as on date of notification under Section-4 of the Land Acquisition Act, 1894 or notification under section 13 of Indian Electricity Act 1910 read with sub-section 2 (b) of Section 185 of the Electricity Act 2003 and/or Indian Telegraph Act.

Explanation:

Only the Panchayat Parivar Register Entry, as it stood on the date of Notification under Section-4 of the Land Acquisition Act, 1894, shall be taken into account for the purpose of separate family for rehabilitation benefits .

3.2.2 Project Affected Family (PAF)

- (i) A family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for construction of power substation or tower or laying of transmission line.

- (ii) Any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land (including plot in the *abadi* or other property) in the affected area.
- (iii) Any agricultural or non-agricultural labourer, landless person (not having homestead land, agricultural land, or either homestead or agricultural land), rural artisan, small trader or self-employed person; who has been residing or engaged in any trade, business, occupation or vocation continuously for a period of not less than three years preceding the date of declaration of the affected area, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the project. Source of livelihood would be determined by the Deputy Commissioner concerned.

3.2.4 Project Affected Area:

Project Affected Area means area as notified by the Project Authority or where land is acquired for construction of Power Substation, Power Transmission Line and dumping site. Unit for declaring Project Affected Area would be Panchayat or revenue village.

3.2.5 "Agricultural Labourer" means a person primarily resident in the affected area for a period of not less than three years immediately before the declaration of the affected area who does not hold any land in the affected area but who earns his livelihood principally by manual labour on agricultural land therein immediately before such declaration and who has been deprived of his livelihood;

3.2.6 "Appropriate Government" means The State Government.

"Project Authority"

H.P. Power Transmission Corporation Limited.

3.2.6 "Administrator for Relief and Rehabilitation" means an officer not below the rank of District Collector in a State appointed for the purpose of relief and rehabilitation of affected persons; normally this will be the Deputy Commissioner of the district concerned where the project is located or where major portion of the project is located.

3.2.7 "Commissioner for Rehabilitation and Resettlement" means the Commissioner for Relief and Rehabilitation appointed by the State Government not below the rank of Commissioner or of equivalent rank of that Government;

3.2.8 "Land acquisition" or "acquisition of land" means acquisition of land under the Land Acquisition Act, 1894 (1 of 1894), as amended from time to time, or any other law of the Union or a State for the time being in force; or on negotiation after issuance of section-4 under LAA.

- 3.2.9 “Notification”** means a notification published in the Gazette of India or a State as the case may be.
- 3.2.10 “Cut Off-date”** In the case of land acquisition affecting legal titleholder, the cut off date would be the date of issuing the notice u/s 4(1) of the LA Act, 1894 or date on which notification under section 13 of Indian Electricity Act 1910 read with sub-section 2 (b) of Section 185 of the Electricity Act 2003 and/ or ITA.
- 3.2.11 “ Project Affected Person”** Affected Person are those who stand to lose all or part of their physical and non physical assets including homes, productive land, commercial properties, livelihood and socio cultural network
- 3.2.12” ‘Encroacher”** A person who has trespassed Govt land, adjacent to his/her own land or asset, to which he/she is not entitled and deriving his/her livelihood prior to the cut off date. If such a person is vulnerable, he /she would be entitled to assistance as per the provisions in the policy.
- 3.2.13 “Squatter”** is a person who is landless and has settled on public owned land without permission or any title thereto and has been occupying public owned building without authority three years prior to the cut-off date
- 3.2.14 “Subtenants”** Persons who not being tenants are allowed to cultivate land on certain terms and conditions.
- 3.2.15 “Sharecroppers”** Persons who cultivate land of a titleholder on terms of sharing income there from with the titleholder
- 3.2.16 “Vulnerable Person** [disabled, destitute, orphans, widows, unmarried girls (with no financial support), abandoned women, or poor persons above fifty years of age (who are unsupported) who are not provided or cannot immediately be provided with alternative livelihood and who are not otherwise covered as part of a family .

PART-III

Impact of the Project

A. Permanent:

1. Loss of agriculture land/orchard (Full or partial)
2. Loss of residential structures or non-residential structures
3. Loss of commercial structures
4. Loss of common property resources
5. Loss of religious structures
6. Loss of government properties such as bank, government offices etc.
7. Lopping or pollarding of trees, interference in crop-setting of horticultural crops.
8. Location of tower on Land belonging to private individual.
9. Location of tower on common land.
10. Loss in land value due to location of tower or laying of transmission line on the land concerned.

B. Temporary:

1. Loss of standing crops, agriculture and/or horticulture etc.
2. Damage to fruit plants/trees.
3. Hindrance in accessibility to property/ house/commercial structure
4. Psychological impact or otherwise due to overhead towers.
5. Loss due to hindrance in agricultural or related activity when lines are being erected.
6. Disturbance to movement of vehicles.

PART-IV

Compensation Policy

GENERAL:

HPPTCL shall acquire vacant land and select sites in such a manner so that no physical displacement or minimum physical displacement of project affected families takes place. HPPTCL will also try to look for Waste land or land which is not of economic or social significance so that the impact on communities residing in that area is minimized. While acquiring land following basic principles would be followed.

1. Land Acquisition will be in accordance with the provision of Land Acquisition Act 1894 or latest Land Acquisition Act applicable. Land can also be acquired through negotiation wherever possible.
2. If there is any displacement, it would be ensured that rehabilitation is done before families are displaced.
3. While acquiring land or other immovable property, replacement value shall be kept in view. In case it is felt that the compensation being paid is less than the replacement value, HPPTCL may consider to pay a special grant to cover the difference between amount paid and the replacement value.
4. Any land which is surplus after setting up of substation & transmission line will be returned to the community.

The welfare grant or facilities to be provided in addition to above are listed in Grants Section of this document.

A. FOR SUBSTATIONS

Land would be acquired under the prevalent land acquisition Act or through negotiation in exceptional cases, land may also be taken on long lease basis.

B. FOR TRANSMISSION LINES

For selection of optimum route a set of precautionary criterion as laid down in ESSP (Environment and Social Safeguards Policy) shall be taken into consideration to the extent possible. After finalization of line route, the spots where towers for supporting the line are to be erected shall be identified and accordingly the land for tower footing shall be finalized.

For erections of these towers the land can be acquired as per the Land Acquisition Act 1894 as is the prevailing practice in the State of HP or under Indian Telegraph Act (ITA) 1885 being followed by PGCIL etc. Hence, following two main procedures are available.

1. **Acquisition under LAA:** According to the LAA, the land shall either be purchased or acquired from the title holders by HPPTCL and the ownership shall be transferred to HPPTCL. The payment of compensation can be made as onetime payment or lease money which can be paid to the owner every year for 30 years.
2. **Laying of Transmission Lines under ITA:** The clause 10 (b) of the Indian Telegraph Act (ITA) 1885 vests the power to place and maintain telegraph lines and posts in any immovable property without 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. This practice is being followed by PGCIL for construction of transmission lines in the country. In this option the title holders are compensated for the damages caused to their property/crops/orchard etc during the execution of Transmission line project as also during maintenance, if required, and the rights of the ownership of the property remains with the title holder.

Considering both the procedures above for acquiring the rights to place the towers, HPPTCL shall give following 3 options to the title holders. The titleholders may opt for any one of these alternatives. Option once exercised shall not be revised.

- A. Land acquisition under LAA by paying onetime compensation: In this option the titleholder will get onetime compensation as decided by the Land Acquisition Authorities or through negotiation.
- B. Land acquired by paying yearly lease money: In this option the titleholder will get yearly compensation as decided by the land acquisition authorities for the life of the project that is 30 years. The compensation once decided shall not be revised during the operation of the lease agreement.
- C. Transmission line laid by invoking The Indian Telegraph Act 1885: In this option the title holder will be compensated for the damages to the property/crop/ orchard during the execution of the transmission project as assessed by the expert from Horticulture/ Agriculture department. In this option the title of the property remains with the title holder.

In addition to the compensation at the replacement cost for the erection of tower of Transmission lines, the additional welfare grants or facilities to be provided to the PAF are elaborated in Grants Section.

PART-V

SANCTION OF GRANTS OR FACILITIES TO THE PAF

1. Relief & Rehabilitation Grants

Grants provided in this section shall be in addition to the Compensation to be paid.

1.A Grant for Sub-Stations:

1.A.1 Grant for persons rendered Houseless: Each PAF rendered houseless due to acquisition by HPPTCL, will be provided an independent house with a built up plinth area of 150 Sqm. Alternatively, PAF can also be offered a plot of size 250 Sqm, which allows construction of built-up house of 150 Sqm plinth area plus construction cost of the house @ Rs. 4000 per Sq m (limited to 150 Sq m plinth area).

A family which does not opt for house/plot but constructs a house at its own cost with a plinth area of 150 Sqm or more shall be paid the construction cost of the house @ of Rs. 5000 per Sqm (up to a plinth area of 150 Sqm maximum). Options from such families will be asked at an appropriate time. In case any of such family constructs house of less than 150 Sqm plinth area on his/her own plot or plot offered by the Project, then amount to be given will be worked out on pro-rata basis.

1.A.2 Grant on acquisition of Shops: Relocation of shop, if possible, shall be arranged by the project. If not possible, then grant up to Rs. 50,000/- to restart business shall be given to the affected shopkeeper. In addition, the affected shopkeeper will be entitled to one time displacement grant/shifting allowance of Rs. 10,000/-.

The dependent assistants of the shop acquired, other than family members of the shopkeeper, who were earning their livelihood from the shop, shall be given onetime livelihood disturbance grant of Rs. 3,000/- each, subject to verification of their having been in the employment of the shop for at least six months prior to the date of notification under Section – 4 of LAA.

1.B. Grant for Transmission Lines.

1.B.1. Loss of Crops: Due to laying of transmission line, sagging or stringing or maintenance following adverse impacts may occur on agriculture or horticulture crops.

- (a) Temporary loss during work execution.
- (b) Temporary loss extending to period beyond execution of work.
- (c) Permanent loss.

Compensation will be paid in each of the 3 cases as follows.

- (a) Value of crop shall be estimated by experts and compensation paid accordingly..
 - (b) Value of loss shall be estimated by experts in terms of monetized quantum of loss and the time/seasons over which loss will continue to occur. Value shall be determined at market rate by experts/Revenue Department and compensation paid accordingly. It can be paid one time for the entire period of loss or yearly till the loss persists.
 - (c) One year loss is to be estimated to arrive at compensation value. The affected person can take 12 times this amount in one go or it can be paid yearly for 30 years. Alternatively he can take the value of the land plus trees plus as may be assessed by following the system of assessment under LAA
- Loss once assessed will not be revised.
 - Option once exercised shall not be revisable.

1.C Grants Common for Sub-Stations and Transmission Lines:

These grants are meant for permanent impacts.

- 1.c.i. **Compensation for any existing/ residential structures:** The HPPTCL shall make all efforts to avoid RoW over any existing residential/ or building structure where people live or work. If it is totally inevitable, then the same will be acquired and demolished and compensation will be paid on the basis of assessment.
- 1.c.ii. **Shifting allowance:** If PAF has to shift house, then 3 months' rent as assessed by the Revenue Department shall be paid. For shifting of goods and belongings from the house onetime grant of Rs. 10,000/- shall be paid. For shifting of shop and its goods onetime grant of Rs. 10,000/- will be paid.
- 1.c.iii. **Provision of annuity policy for vulnerable group:** Annuity Policy will be arranged for most vulnerable PAF living close to the project. As the project may pass through several panchayats, it may not be possible to cover a large number. The BoD will decide upon numbers to be covered in each project as a welfare measure [disabled, destitute, orphans, widows, unmarried girls with no financial support, abandoned women, or poor persons above fifty years of age (who are unsupported)] who are not provided or cannot immediately be provided with alternative livelihood and who are not otherwise covered as part of a family so as to provide a pension of Rs. 1000/-pm to the family at least for a period of 3 years.
- 1.c.iv. **Loss of income from Forest or Govt. Land:** If PAF's have rights over minor forest produce like herbs, chilgoza etc and acquisition of such Govt./Forestland will deprive them of income/benefit which they were deriving in exercise of their rights earlier, they may be suitably compensated.

1.c.v. **Post-acquisition use of land:** If a portion of acquired land is not being used by HPPTCL, then the affected persons also have right to use the land, provided their safety is not compromised.

1.c.vi. **Assistance for Accidents and Mishaps:**

If any accident or mishap occurs during construction or maintenance or operation of HPPTCL projects, then following shall be paid.

- a. **Construction Phase:** If any accident or mishap occurs during the construction phase, then assistance and/or compensation will be provided on the basis of assessment made by District authority.
- b. **Operation Phase:** If any accident or mishap occurs during the operation phase then assistance and/or compensation will be provided on the basis of assessment made by Chief Electrical Inspector.

1.c.vii. **Identity Card:** Head of each Project Affected Family will be given an identity card with distinct identity number.

2. Additional Schemes applicable only to projects with cost of Rs. 50 crores and more.

Following additional R&R Schemes shall be implemented in the projects with Project Cost of Rs. 50 Crores or more.

- i. **Merit & Support Scholarship Scheme:** Merit scholarship scheme for the wards of Project Affected Families (PAFs) who may be pursuing vocational or professional course will be introduced by the Project Authorities as per scheme to be drafted by the Project Authority. This scheme will be applicable from 6th Standard to Degree Course. A number will be fixed for each project by BoD.
- ii. **Medical Fund:** A medical fund will be created for the PAF's. This fund will provide for treatment of the member of PAF's in hardship due to illness or in extreme illness or accident cases. Medicines may also be provided to other residents in the area. The contribution to the fund by HPPTCL in each case will be decided by the BoD. Others contributions will be voluntary.
- iii. **Training cum Awareness Camp:** In order to improve the skills of affected persons in their occupation Agriculture, Horticulture and Animal Husbandry training and awareness camps will be organized by the Project Authorities from time to time. Training camps on other subjects like finance and accounts, how to run small business, alternatives for self employment etc. will also be organized from time to time.
- iv. **Provision of Self Employment:** The Project Affected Families (such as rural artisans/small traders and self employed persons) whose livelihood is substantially

and adversely affected will be assisted to start various suitable self-employment occupations, which include dairy farming, poultry, weaving, bakery, handicraft, cottage industries unit/shops and hiring of vehicle to the corporation. The Project Authority will provide onetime grant of Rs. 25,000/- per such family towards seed capital.

- v. **Award of Petty Contracts & Hiring of Vehicle:** The Project Authorities will also consider award of petty contracts to the affected families (adversely affected). Normally all contracts up to a value of Rs. 5.0 lakh will be given to PAFs. Preferably all vehicles to be hired by the Project will be taken from PAFs. The new vehicles hired from PAF's may be hired for 2+1 years.

3. Decommissioning or Shifting of Transmission Line or other project components post-commissioning:

In case transmission line or other project components are shifted by the HPPTCL on its own accord, then the construction costs including grants etc released shall not be taken back even though land vacated will be returned . However, if these are shifted at the request of PAF, then the R&R grants released while laying such line or constructing such projects shall be recovered from the PAF.

FORMAT FOR SALIENT FEATURES OF THE PROJECT

(The Salient features of the concerned project will be given here)

- 1 Name of the Power Transmission Project
- 2 Capacity of Transmission line
- 3 Length of Transmission Line
- 4 RoW
 - 4.1 Width
 - 4.2 Vertical Clearance
- 5 Starting point
- 6 Ending point
- 7 No of towers
- 8 Location of towers
 - 8.1

Tower No	Location	Distance to next tower
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- 9 Tower Height
- 10 Base Width of Tower
- 11 Tower Type/Design
- 12 Number of conductors
- 13 Circuit
- 14 Name and Capacity of HEPs whose power is to be evacuated
- 15 Land requirement
 - 15.1 Private Land

(a)	Agriculture	Horticulture	Others	Total
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 - 15.2 Govt. Land

(a)	Forestland	Others	Total
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- 16 Power Transmission Capacity and other details
- 17 Cost –Estimate
- 18 Financial Aspects

FORMAT FOR INFORMATION OF PARTICULARS IN RESPECT OF R&R PLAN

- 1. The following information/details of particulars in respect of Rehabilitation & Resettlement plan of the concerned project will be given here.**
 - (a) The extent of land to be acquired for laying of Power Transmission Line or construction of Substation or associated facility and the name (s) of the affected village(s);
 - (b) A village wise list of the affected persons, family-wise, and the extent and nature of land and immovable property owned or held in their possession in the affected area and the extent and nature of such land and immovable property acquired/required or used by HPPTCL.
 - (c) A list of tenants or sharecroppers/agricultural labourers and the names of such persons whose livelihood depends on agriculture activities; of land required for project.
 - (d) List of trees on private land both fruit and non-fruit trees.
 - (e) A list of persons whose employment or livelihood is likely to be adversely impacted due to the construction of power substation and erection of transmission towers or laying of power transmission lines
 - (f) A list of encroachers.
 - (g) A list of squatters.
 - (h) A list of indigenous PAFs.
 - (i) List of vulnerable PAFs.
 - (j) List of Kiosks, Hawkers site, Vendors location etc.
 - (k) A list of public utilities and Govt. buildings (School, Hospital, Archaeological sites, Monuments, Bus-stop etc);
 - (l) Details of public and community properties, assets and infrastructure (Public Park, Cremation ground, Play ground/Stadium, Sacred Grove, Temple etc.
 - (m) A list of benefits and packages which are to be provided to the affected families.
 - (n) A list of dumping sites (name & location).