



# ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಠ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಬೆಂಧು ರಾಜ್ಯ ಹಾಗೆ

ಭಾಗ- IV-A	ಬೆಂಧು ರಾಜ್ಯ, ಶನಿವಾರ, ಅಕ್ಷಯುಜ ೨೫, ೨೦೧೫ (ಅಕ್ಷಯುಜ ೨೫, ಶಕ ಪಂಚ ೧೯೩೭)	ನಂ. ೧೧೧೬
Part- IV-A	Bengaluru, Wednesday, October 17, 2015 (Aashwayuja 25, Shaka Varsha 1937)	No. 1116

## REVENUE SECRETARIAT

### NOTIFICATION

**No. RD 152 AQB 2013, Bangalore, Dated 17 Oct 2015**

Whereas the draft of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Karnataka) Rules, 2014 was published as required by section 112 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) in Notification No. RD 152 AQB 2013, dated: 21-06-2014, in Part IV-A of the Karnataka Gazette (Extraordinary) dated: 21-06-2014 & 11-07-2014 inviting objections or suggestions from all the persons likely to be affected thereby within fifteen days from the date of its publication in the official Gazette.

Whereas the said Gazette was made available to the public on 21-06-2014 & 11-07-2014.

And Whereas, objections and suggestions received in this behalf within the period specified above have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) the Government of Karnataka hereby makes the following rules, namely:-

### RULES

#### CHAPTER I

#### PRELIMINARY

**1. Title and commencement.** - (1) These rules may be called "**The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Karnataka) Rules, 2015**".

(2) They shall come into force from the date of their publication in the Official Gazette.

**2. Definitions.** - In these rules, unless the context otherwise requires:-

- "Act" means the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013);
- "Appropriate Government" means the State Government and includes the Deputy Commissioner of the District.
- 'Deputy Commissioner' means the Deputy Commissioner of a revenue district and includes Special or Additional Deputy Commissioner or Assistant Commissioner, and any other officer authorized by State Government to perform the duties of a Deputy Commissioner under the Act.
- "Form" means form appended to these rules;
- "Social Impact Assessment" means a social impact assessment study made under sub section (1) of section 4;
- "Social Impact Management Plan" means a plan prepared by the authority conducting the social impact assessment study under sub-section (6) of section 4;
- 'Gram Sabha' - means the Grama Sabha as defined in clause (16) of section 2 of the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993).

h) Ward Committee means Ward Committee as defined in Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977).

(2) Words and expressions used but not defined in these rules, but defined in the Act or in any law for the time being in force shall have the same meaning respectively assigned to them in the Act or in any other law for the time being in force.

## **CHAPTER-II**

### **SOCIAL IMPACT ASSESSMENT**

#### **3. Social Impact Assessment study**

(1) Any requiring body or its duly authorized representative for whom the land is to be acquired shall file the requisition to the Deputy Commissioner and to Commissioner, Rehabilitation and Resettlement with all the required documents.

(2) The Deputy Commissioner upon receiving requisition shall constitute a team of revenue, agriculture and or such other officers to make a field visit along with representative of the requiring body to make a preliminary enquiry about the correctness of the particulars furnished in the requisition including the enquiry as to whether the requisition is consistent with the provisions of the Act, and the team shall submit a report to the Deputy Commissioner within 15 days.

(3) The Deputy Commissioner based on the report of the team, and other information available with him and instructions issued by the State Government in this regard, if is satisfied that the requisition is consistent with the provisions of the Act, shall calculate the estimated cost of acquisition and other charges and arrive at administrative cost. The Deputy Commissioner will then inform the requiring body to deposit such administrative cost in his office.

(4) The Commissioner, Rehabilitation and Resettlement, upon receiving the copy of the requisition shall arrange to calculate the processing fee required for carrying out SIA study through State SIA Unit and intimate the requiring body to deposit such processing fee in the office of Commissioner Rehabilitation and Resettlement within 15 days.

(5) The requiring body shall be required to deposit such administrative cost and processing fees for conducting SIA study within the stipulated time, failing which further process will not be initiated. Further the requiring body shall also be required to deposit the amount calculated for rehabilitation and resettlement at the appropriate time of the displacement of affected families.

(6) The Commissioner, Rehabilitation and Resettlement, shall thereupon direct the Deputy Commissioner to issue a notification for carrying out Social Impact Assessment in Part-A of Form-I regarding the commencement of consultation and study of Social Impact Assessment and such a notification issued by the Deputy Commissioner shall be made available in Kannada in the local authority and in the offices of the Commissioner, Rehabilitation and Resettlement, Deputy Commissioner, Special Land Acquisition Officer, Administrator, concerned Tahsildar and Gram Panchayat concerned 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 District or State Government. Such notification shall be issued within thirty days after the deposit of the processing fee by the requiring body for carrying out Social Impact Assessment as determined by the State SIA Unit.

Provided that, no such notification of the commencement of the Social Impact Assessment study shall be issued if the requiring body has not deposited the processing fee towards Social Impact Assessment study and the administrative cost.

(2) The Social Impact Assessment study shall be conducted in consultation with concerned local authority, Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas, for the purpose of Section 4 followed by a public hearing in the affected areas by giving adequate publicity about the date and time and venue for the public hearing which shall be recorded in writing to ascertain the views of the affected families

(3) The Social Impact Assessment report shall be submitted in Form-II to the Commissioner, Rehabilitation and Resettlement within a period of three months from the date of its commencement and shall include the views of the affected families recorded in writing.

(4) The Social Impact Management Plan listing the ameliorative measures required to be undertaken for addressing the impact of the project under sub-section (6) of Section 4 of the Act shall also be submitted in Form-III along with the Social Impact Assessment report to the Commissioner, Rehabilitation and Resettlement

(5) The Social Impact Assessment report and the Social Impact Management Plan shall be made available in the local language of the concerned local authority, Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas and in the Offices of the Deputy Commissioner, Sub-Divisional Officer, Special Land Acquisition Officer, Administrator,

Tahsildar and Gram Panchayat by displaying on the notice Board of the offices and shall be uploaded on the website of the State Government.

(6) In respect of Irrigation projects, the Head of the Department shall certify that where the environment impact assessment is required under the provisions of any other law for the time being in force, the provisions of the Act related to Social impact assessment shall not apply.

**4. Institutional support and facilitation for Social Impact Assessment.**-(1) The State

Government, through Commissioner for Rehabilitation and Resettlement, shall establish an independent organization hereinafter referred to as the State Social Impact Assessment Unit and other District social impact assessment units with Deputy Commissioner of concerned district, which shall be responsible for ensuring that social impact assessment studies are commissioned and conducted by such person or bodies other than the requiring body as per the provisions of the Act for all cases of land acquisition under the Act.

(2) The State level Social Impact Assessment Unit, with the assistance of District social impact assessment Units, shall perform the following functions namely:-

- (a) build and continuously expand the State and District Database of Social Impact Assessment units shall act as a network of Institutions with the required skills and capacities to conduct Social Impact Assessments for land acquisition and rehabilitation and resettlement;
- (b) on the request of the State Government, conduct immediately Social Impact Assessment by preparing project-specific terms of Reference (hereinafter referred to as TOR);
- (c) conduct training and capacity building programs for the Social Impact Assessment team and community surveyors and make available manuals, tools, comparative case study reports and other materials required for the analysis;
- (d) provide ongoing support and corrective action, as required during the Social Impact Assessment process;
- (e) ensure that the transaction based web-based workflow for social impact assessments and Management Information System for land acquisition and rehabilitation and resettlement is maintained and all relevant documents are disclosed as per the provisions of the Act;
- (f) maintain a catalogue of all Social Impact Assessments and associated primary material; and
- (g) continuously review, evaluate and strengthen the quality of Social Impact assessments and the capacities available to conduct across the State.

**5. Project-specific Terms of Reference (ToR) and Processing Fee for the Social Impact**

**Assessment.**-(1) The Deputy Commissioner after confirmation of deposit of administration cost by the requiring body shall send the proposal for such land acquisition to Commissioner, Rehabilitation and Resettlement who shall assign it to State SIA Unit, which shall

- (a) prepare a detailed project-specific terms of reference for each proposal of land acquisition, listing all the activities that must be carried out indicating the appropriate team size (and number of field teams) and profile of the team members, and stipulate the schedule and deadlines for key deliverables for the Social Impact Assessment as detailed in Part-B of Form-I;
- (b) determine an estimated social impact assessment fee based on the terms of reference with clear break-up of fee for each item or activity. The fee amount shall be based on the defined parameters including area, type of project and the number of affected families.

(2) Ten per cent of the Social Impact Assessment fee shall be allocated to State Social Impact Assessment Unit as administrative expenses for preparing the Terms of Reference (ToR) and estimated Social Impact Assessment fee report.

(3) The requiring body shall deposit the Social Impact Assessment fee along with administrative expenses as determined, in the Scheduled Bank account of the State Government for the purpose.

**6. Selection of the Social Impact Assessment agency.** - (1) The State Social Impact

Assessment Unit shall be responsible for selecting the Social Impact Assessment agency for each project from the individuals and institutions registered or empanelled in the State Database as Social Impact Assessment Resource persons and Practitioners. The services of Universities, non Governmental organizations and research institute can be obtained for the purpose. The selection of Social Impact Assessment Agency shall be done in a transparent manner.

Provided that no person shall be registered or empanelled as resource person or practitioner unless he is a holder of a masters degree either in sociology, anthropology, psychology, engineering or social work or environment science.

(2) The requiring body shall not be involved in any way in the selection of the social impact assessment agency to carry out the Social Impact Assessment.

(3) The size and selection criteria for the Social Impact Assessment agency shall be as per the project-specific terms of reference developed and specified by the State Social Impact Assessment Unit.

(4) The social impact assessment team may be constituted by appointing representatives of Government or Registered Resource persons/practitioner, University or research unit or non-Government organization with experience in conducting Social Impact Assessments or related field-based assessments and the team not exceeding five members which may include social scientists, environmentalists, industry, urban planner or rehabilitation and resettlement experts and revenue survey subjects.

(a) A combination of Registered Resource persons/practitioners, technical experts, registered surveyor who are not directly connected with the requiring body; and

(b) At least one woman member;

(5) A team leader shall be appointed from amongst the Social Impact Assessment team to liaison with the state Social Impact Assessment Unit throughout the assessment period.

(6) While selecting the Social Impact Assessment team, it is to be ensured that there is no conflict of interest involving the team members selected to assess the concerned project. The selected Social Impact Assessment team member shall give an undertaking that he or his family member shall not receive any benefit from the requiring body or Stake holder of the project.

(7) If at any stage, it is found that any team member or any family member of the team member directly or indirectly receives any benefit from the requiring body or any other stakeholder in the project, the said member shall be immediately be removed after giving an opportunity of hearing to such member and shall be disqualified for any other Social Impact Assessment study in the state and also liable for disqualification to any other Social Impact Assessment team. He shall also be liable for prosecution for criminal breach of trust.

**7. Process of conducting the Social Impact Assessment.**-(1) The Social Impact Assessment team shall collect and analyze a range of quantitative and qualitative land data, undertake detailed site visits, use participatory methods such as focused group discussions, participatory rural appraisal techniques and informant interviews in preparing the Social Impact Assessment report.

(2) All relevant project reports and feasibility studies shall be made available to the Social Impact Assessment team throughout the Social Impact Assessment process, as required. Any request for information from Social Impact Assessment team shall be met at the earliest but not exceeding seven days. The Deputy Commissioner or any authorized officer shall as far as possible furnish the information requested by the Social Impact Assessment team.

(3) A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar projects shall be conducted by the Social Impact Assessment team. The assessment shall determine the following, namely:-

- (a) total area of impact under the proposed project, including both land to be acquired and areas that will be affected by environmental, social or other impacts of the project;
- (b) quantity and location of land proposed to be acquired for the project;
- (c) the bare minimum required land proposed for acquisition;
- (d) possible alternative sites or location for the project and feasibility;
- (e) whether, the land proposed for acquisition in Scheduled Area is a demonstrable last resort;
- (f) Land, if any, already purchased, alienated, leased or acquired. and the intended use for each plot of land required for the project;
- (g) the possibility of use of any public, unutilized land for the project and whether any of such land is under occupation;
- (h) nature of the land, present use and classification of land and if it is an agricultural land, the irrigation coverage for the said land and the cropping pattern;
- (i) Whether special provisions with respect to food security have been adhered to in the proposed land acquisition;
- (j) size of holdings, ownership patterns, land distribution, number of residential houses (public and private) infrastructure available or to be provided in the proposed land and assets; and
- (k) Land price and recent changes in ownership, transfer and use of lands over the last three years.

(4) Based on the land assessment, land records and field verification, the Social Impact Assessment shall also include an accurate estimate of the number of affected families and the number of displaced families among them and enumerate all affected families:

Provided that where enumeration is not possible at least a representative sample shall be done by the Social Impact Assessment Unit.

(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.

(6) Based on the data collected in above processes listed 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 land acquisition as per Form-II.

(7) The Social Impact Assessment process shall also include the preparation of a Social Impact Management Plan (SIMP), which will present the ameliorative measures to be undertaken to address the social impacts identified in the course of the assessment. The Social Impact Assessment team must assess the viability of impact mitigation and management strategies with clear indication of costs, timelines and capacities. The Social Impact Management Plan shall include the following measures, namely;

- (a) Measures specified in the terms of Rehabilitation and Resettlement and compensation for all the categories of affected families as outlined in the Act;
- (b) Measures to be undertaken by the requiring body in the project proposal and other relevant project documents; and
- (c) Measures being undertaken by the requiring body, in response to the findings of the Social Impact Assessment process and public hearings.

(8) The Social Impact Assessment shall 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 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.

**8. Manner of publishing Social Impact Assessment Study Report:-** Soon after completion of Social Impact Assessment Study Report and Social Impact Management Plan, 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 more than twenty-five per cent of the 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 widely publicized three weeks in advance through public notifications and posters in all the villages within a radius of five kilo meters of the land proposed to be acquired, and through direct communication with Gram Panchayat or Municipal Ward representatives and by uploading the information on the website of the District.

(4) 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 wherever applicable. One copy of the draft report shall be made available in the Office of Commissioner Rehabilitation and Resettlement, Deputy Commissioner and Administrator. The requiring body may also be served with a copy of the draft report. Adequate copies of the report and summaries shall be made available on the day of the public hearing. Accessible displays and other visual shall be used to share the findings of the Social Impact Assessment report.

(5) A member of the Social Impact Assessment team shall facilitate the public hearing which shall be organized through the local administration with the designated Government officers of appropriate level. 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.

(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.

(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.

(8) Public representatives, local voluntary Organizations and media shall also be invited to attend the public hearings.

(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.

(10) After the conclusion of the public hearings, the Social Impact Assessment team shall analyze the entire feedback received and information gathered in the public meetings and incorporates the same along with their analysis, in the revised Social Impact Assessment report accordingly.

(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.

#### **9. Submission of Social Impact Assessment Report and Social Impact Management Plan.**

**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 may be, and the offices of the Commissioners , Rehabilitation and Resettlement, Deputy Commissioner, Administrator and the Tehsildar 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 State Government.

**10. Social Impact Assessment Report and Social Impact Management Plan.** - The Social Impact Assessment Report and Social Impact Management Plan shall be formulated keeping in view all the relevant information and analysis in a single document and reduced to writing that is clear, concise and accessible, in particular to the members of the affected communities.

#### **11. Appraisal of Social Impact Assessment Report by an Expert Group.** - (1) The State

SIA Unit shall be responsible to select the expert group duly taking the proposals from Deputy Commissioners of the districts into consideration, for making of appraisal of SIA report and SIMP. The expert group shall consist of two social scientists, two representatives of Panchayats or municipality or Corporation as the case may be, two experts on rehabilitation and a technical expert in the subject relating to the project. The experts may be drawn from Government departments, NGOs or private sector but shall not include members belonging to the requiring body. The Expert Group shall evaluate the Social Impact Assessment report and shall make its recommendation to that effect within a period of two months from the date of its receipt by the Expert Group.

(2) The recommendations of the Expert Group shall be made available in Kannada to the concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas and in the Offices of Commissioner Rehabilitation And Resettlement, the Deputy Commissioner, Administrator and the Tahsildar and shall be published in the form of posters circulated in the affected areas and by affixing them in conspicuous places in the affected areas and shall be uploaded on the website of the District.

**12. Consideration of the Social Impact Assessment report, recommendations of the Expert Group etc.** - (1) The Deputy Commissioner shall examine the Social Impact Assessment report, the recommendations of the Expert Group if any, and decide 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.

(2) The decision of the Deputy Commissioner shall be made available in Kannada language to the concerned Gram Panchayat, Municipality or Corporation at village level or ward level in the affected areas and in the Offices of the Commissioner Rehabilitation and Resettlement, Deputy Commissioner, Administrator and the Tahsildar and shall be published in the form of posters circulated in the affected areas and by affixing the posters in conspicuous places and shall also be uploaded on the website of the District concerned.

Provided that where the land is sought to be acquired for the purposes as specified in sub section(2) of Section 2 of the Act, the Deputy Commissioner shall also ascertain as to whether the prior consent of the affected families has been obtained in Form no 4 appended to these rules.

**13. Web-based Work Flow and Management information System (MIS) for land Acquisition and Rehabilitation and Resettlement.**- The State Government shall create a dedicated, user-friendly website that may serve as a public platform on which the entire work flow of

each acquisition case will be hosted, beginning with the notification of the Social Impact Assessment and tracking each step of decision-making, implementation and audit.

**14. Additional Norms with regard to the Social Impact Assessment process.**-Parameters and a table of contents for the Social Impact Assessment Study and the Social Impact Management plan shall be in Form-II and Form-III

**15. Inventory of Waste, Barren and Unutilized Land.** - To ensure minimum involuntary displacement of persons by acquisition of land and to facilitate the utilization of unutilized public lands, the State Government shall prepare a district-level inventory report of waste, barren and unutilized public land, and land available in the Government land bank to the Social Impact Assessment team and Expert group. The inventory report shall be updated from time to time.

### CHAPTER III

#### PROCESS OF OBTAINING THE PRIOR CONSENT

**16. Prior Consent Requirements of affected land owners for acquisition of lands for Public-Private Partnership projects and for Private companies.** (1) The Deputy Commissioner of the concerned district shall initiate the process for obtaining prior consent of the affected land owners in Part-A of form-IV after the completion of the Social Impact Assessment study, who may appoint officers to assist him in the process of obtaining the prior consent.

(2) Upon issue of notification for commencement of Social impact assessment, the Deputy Commissioner shall take necessary steps to resolve outstanding issues related to land rights, title in the land and other revenue records in the affected areas, so that the names of land owners, occupants of the land and individuals be identified for initiating the process of obtaining the prior consent procedures. The Deputy Commissioner shall take special drive for this purpose and complete this exercise within a period of 45 days.

(3) The Deputy Commissioner, after completion of the aforesaid exercise of correcting and updating the land records, shall draw out a list of all affected land owners, occupants of the land and individuals from whom consent is required to be obtained after considering the list prepared by the Social Impact Assessment agency. The list shall be made available in the affected area, in the form of posters and handouts and by displaying the list in conspicuous places in the affected areas for at least fifteen days before holding a meeting of affected land owners or occupants of the land under sub-rule (3).

(4) In case of any objection, such objection shall be taken, and the reasons for rejection or acceptance of such objection shall be recorded in writing and conveyed to the concerned person within ten days of receipt of such objection by the Deputy Commissioner.

(5) The Deputy Commissioner shall in consultation with the Gram Panchayats, notify the date, time and venue at least three weeks in advance, for holding the affected land owners or occupants of land or individuals meetings as the case may be at the village or ward level.

(6) The proposed terms and conditions agreed to by the requiring body shall also be made available in local language at least three weeks in advance of the meeting of the affected land holders or occupants of land or individuals as the case may be.

(7) In respect of public private partnership projects and projects by private companies, the representatives of the requiring body, who are competent to take decision and negotiate terms of rehabilitation and resettlement and compensation and the members of the social impact assessment team shall be present at all such affected land owners or occupants of land or individuals meetings and reply to the clarification to the question raised by such persons. The terms and conditions, rehabilitation and resettlement, compensation and other measures committed by the requiring body shall be explained to the affected land owners or occupants of land or individuals in the local language and signatures of the affected land owners or occupants of the land concerned or individuals as the case may be, as well as the representative of requiring body shall be recorded on such terms and conditions.

(8) At the conclusion of the meeting, each individual land owner occupants of land or individuals shall be asked to indicate a signed declaration in Form-IV-Part-A whether he gives or withholds prior consent for the acquisition of land involved. A copy of this signed declaration with the terms and conditions shall be made available to the land owner or occupants of such land concerned or individuals as the case may be. The signed declaration shall be countersigned by the Deputy Commissioner on its receipt.

(9) Arrangements shall be made for those who could not attend the land owners meeting for enabling them to submit their signed declarations to the Deputy Commissioner within fifteen days from the date of meeting of land owners or occupants of land or individual as the case may be. The signed declaration form shall be counter-signed by the Deputy Commissioner on its receipt and a copy of the signed and counter signed declaration, with the terms and conditions shall be handed over to such affected land owner or occupants of land or individuals as the case may be.

(10) The prior consent shall be determined on the basis of the signed and counter signed written declarations of such affected land owners or occupants of land or individuals as the case may be.

(11) All proceedings of prior consent of affected land owners or occupants of land or individuals during the meetings under sub-rule (7) shall be recorded in video and all such proceedings must be documented in writing. No land holder can withdraw his consent once given in the above manner. The decision of the prior consent shall be made available in Gram Panchayats offices/ ward offices/municipal offices wherever applicable and on the web site of the State Government.

(12) For Public- Private Partnership projects and Private projects, where consent is required, the Social Impact Assessment team shall enumerate all the landowners.

(13) For Public projects, where consent is not required and enumeration is not possible in large irrigation projects, a representative sample to be enumerated as determined by the State Social Impact Assessment Unit.

**17. Consent of the Gram Sabha.**-(1) The Deputy Commissioner shall in consultation with the representatives of the Gram Sabha/Panchayats notify the date, timing and venue for holding special Gram Sabhas in the affected areas three weeks in advance and conduct public awareness campaigns to motivate members of the Gram Sabhas to participate in the Gram Sabhas.

(2) The names and signatures of all the members who attended the meeting of the Gram Sabha shall be taken and kept in the records.

(3) The quorum shall be at least fifty per cent of the total members of the Gram Sabha for considering the consent as valid:

Provided that one third of the total women members of the Gram Sabha shall also be present in the Gram Sabha meeting.

(4) Printed copies with the proposed terms and conditions for compensation, rehabilitation and resettlement shall be made available in the local language at least three weeks prior to the Gram Sabha meeting.

(5) (i) For public private partnership projects and projects by private companies, representatives of the Requiring Body, who are competent to take decision and negotiate terms of Rehabilitation and Resettlement and compensation shall be present at all such Gram Sabha meetings and respond to the queries raised by the Gram Sabha members.

(ii) The terms and conditions, Rehabilitation and Resettlement, compensation committed by the Requiring Body shall be explained to the Gram Sabha members in the local language and signatures of the members as well as the representative of Requiring Body shall be obtained on such terms and conditions.

(6) (i) After deliberations, the Gram Sabha shall pass a resolution with majority in PART-B of FORM-IV giving or withholding consent for the proposed acquisition and the resolution shall contain the negotiated terms and conditions for Rehabilitation and Resettlement, compensation, impact management and mitigation that the Requiring Body has committed and which have been signed by the Deputy Commissioner or an authorized officer and the representative of the Requiring Body.

(ii) The Gram Sabha resolution once received shall be counter signed by the Deputy Commissioner or an authorized officer and a signed copy shall be handed over to all the panchayat representatives.

(7) Any resolution that does not explicitly contain a statement of consent to the project, a statement of the negotiated terms of compensation and Rehabilitation and Resettlement shall be invalid.

(8) All the proceedings of the Gram Sabha shall be video recorded, documented in writing and shall be made available in the respective panchayat offices and uploaded on the website of the State Government.

(9) Members of the Social Impact Assessment team shall be present to assist the Gram Sabha meetings.

**18. Roles and responsibilities of the Deputy Commissioner in prior consent processes:-** (1) The Deputy Commissioner or an officer the authorized by State Government (hereinafter referred to as authorized officer) shall notify and publish the date, time and venue of Special Gram Sabhas, Panchayats meetings (in cases where Gram Sabha does not exist or has not been constituted) affected land owners meetings or occupants of land or individuals, as the case may be, for obtaining the prior consent and organize public awareness campaigns to encourage participation of the affected land owners in the prior consent processes and also invite the authorized representative of the Requiring body to the said meeting.

(2) The Deputy Commissioner or the authorized officer shall ensure that the following are provided at least three weeks in advance to every member from whom prior consent is sought, in the local language, namely:-

- (a) a copy of the draft social impact assessment report (if readily available) in the local language;
- (b) a copy of initial package offered for Compensation and Rehabilitation and Resettlement;
- (c) A list of the rights currently under revenue laws, Forest Rights Act and other legislations enjoyed by the village and its residents;

(3) The Deputy Commissioner or any authorized officer shall attend the special Gram Sabhas, Panchayats (in cases where Gram Sabha does not exist or has not been constituted) land owners or occupants of land or individuals' meetings.

(4) The Deputy Commissioner or the authorized officer shall ensure that Gram Sabha/ Panchayat members or affected land owners or occupants of land or individuals expresses their willingness in writing in his presence without any fear or favour by a resolution.

**19. Roles and responsibilities of the Requiring Body for consent processes of the land owners in respect of Public-Private Partnership projects and Private Companies' projects.**- The requiring body shall authorize representatives competent to take decisions and negotiate terms and conditions of compensation and Rehabilitation and Resettlement, who shall be present in the meetings of Gram Sabha/Panchayat or affected land owners or occupants of land or individuals for obtaining the consent and reply to the queries raised by such members or land owners. The requiring body shall provide all the information as well as any additional information, if required on the project, prior to the taking of prior consent.

Explanation-For the purposes of this Chapter, Consent provisions will not apply in cases of acquisition in respect of Public Projects for Public Purposes.

#### **CHAPTER-IV** **PRELIMINARY NOTIFICATION FOR ACQUISITION**

**20. Notification.**- (1) The Preliminary Notification issued under sub-section (1) of section 11 shall be published in the affected areas by way of affixing written notice to the effect on the Gram panchayat office and office of the village Accountant.

(2) After issuing the notice under sub-section (1) of section 11, the Deputy Commissioner shall undertake and complete the exercise of updating land records within a period of two months as specified hereunder

- (a) Delete the names of dead persons
- (b) Enter the names of legal heirs of the deceased persons
- (c) Take effect of the registered transactions of the rights in lands
- (d) Update all entries of the mortgage in the land records
- (e) Make necessary entries in respect of all prevalent forest laws
- (f) Make necessary entries in respect of assets like well, tree
- (g) Make necessary entries of crops grown and their area
- (h) Make entries in case of Government land
- (i) Any other updating that is required.

(3) The authorized officer shall conduct preliminary survey of the land proposed for acquisition and shall have all powers to carry out such survey in accordance with provisions of the Act.

(4) The Deputy Commissioner or the authorized officer shall after hearing objections and making enquiry as provided under section 15(2) of the Act, shall submit his report along with his recommendations to State Government whose decision will be final.

#### **CHAPTER-V** **REHABILITATION AND RESETTLEMENT SCHEME**

**21. Preparation of Rehabilitation and Resettlement Scheme by the Administrator:-** (1) On publication of the preliminary notification under sub-section (1) of section 11 by the Deputy Commissioner, the Administrator for Rehabilitation and Resettlement shall by himself or authorize any Officer or engage the services of a consultant or agency empanelled by selection through a transparent bidding process, conduct a survey and undertake a census of the affected families in accordance with section 16 within a period of three months from the date of publication of Preliminary Notification under sub-section (1) of section 11.

(2) In the survey conducted and the census of the affected families so undertaken by the Administrator, he shall collect the data based on the Social Impact Assessment Study report as well as collect the data from the Gram panchayat and Government records and verify that data by door visit of the affected families and by paying site visits in case of an infrastructure in the affected area and prepare a draft rehabilitation and resettlement scheme.

(3) The draft Rehabilitation and Resettlement Scheme prepared by the Administrator shall be in addition to the particulars mentioned in sub-section (2) of section 16 of the Act which shall contain the following; namely:-

- (i) List of displaced families and likely to be displaced families.
- (ii) List of infrastructure in the affected area.
- (iii) List of land holdings in the affected area.
- (iv) List of businessmen in the affected area.
- (v) List of landless people in the affected area.
- (vi) List of disadvantages group like persons belonging to Scheduled Castes or Scheduled Tribes, handicapped persons, in the affected area.
- (vii) List of landless agricultural laborers in the affected area.
- (viii) List of prospective youth for employment in the affected area.

(4) The Administrator shall as far as possible try to prepare comprehensive and detailed draft scheme in order to reduce future objections.

(5) The Administrator shall by way of a public notice in two local daily newspapers circulating in the affected areas make known to the people regarding the draft Scheme as prepared by him under sub-section (2) of section 16 of the Act.

**22. Manner of public hearing.**-(1) The Administrator shall conduct a public hearing in the affected areas on such a date as he thinks fit but not earlier than fifteen days of the publication of the Scheme as prepared by him under sub-section (2) of section 16.

(2) The date and venue of the public hearing must be announced and publicized three weeks in advance through public notifications and posters in all the villages within a radius of five kilometers 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 District.

(3) (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 Deputy Commissioners' office.

(ii) The Requiring Body may also be served with a copy of the draft report. Adequate copies of the report and summaries shall be made available on the day of the public hearing. Accessible displays and other visual shall be used to share the findings of the Social Impact Assessment report.

(4) (i) A member of the Social Impact Assessment team shall facilitate the public hearing which shall be organized through the local administration with the designated government officers of appropriate level.

(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.

(5) 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.

(6) 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.

(7) Public representatives, local voluntary Organizations and media shall also be invited to attend the public hearings.

(8) 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.

(9) After the conclusion of the public hearings, the Social Impact Assessment team shall analyze 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.

(10) 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.

**23. Powers, duties and responsibilities of the Administrator:-** (1) The Administrator shall exercise the following powers and perform the following duties, and responsibilities, namely:-

- (a) To collect and prepare base data for the Social Impact Assessment study and made it available to the Agency that carries out the Social Impact Assessment study;
- (b) To co-ordinate the Social Impact Assessment study process in the district;
- (c) to publish the notification issued by the State Government under sub-section (1) of section 4 in the affected area;

- (d) to publish the summary of the Social Impact Assessment study report by the modes as provided in the rules;
- (e) To issue notices for public hearings in the Social Impact Assessment study process;
- (f) To attend public hearings during Social Impact Assessment study;
- (g) To make available the draft Social Impact Assessment study report to the affected families and others concerned;
- (h) To attend the meetings of the Expert Group assessing the Social Impact Assessment study report;
- (i) To publish the recommendations of Expert Group by the modes as provided in the rules, in the affected area;
- (j) To publish the decision of the State Government on the acquisition of land by the modes as provided in the rules, in the affected area;
- (k) To conduct a survey and undertake a census of the affected families in the manner and within the time, as provided in the rules;
- (l) To prepare a draft Rehabilitation and Resettlement Scheme;
- (m) To bring to the knowledge of the people about the draft Rehabilitation and Resettlement Scheme by the mode as provided in the rules;
- (n) To make available the draft Rehabilitation and Resettlement Scheme to the concerned persons and authorities;
- (o) To issue and publish notices for public hearings on the draft Rehabilitation and Resettlement Scheme in the affected areas;
- (p) To conduct public hearings on the draft Rehabilitation and Resettlement Scheme in the affected areas;
- (q) To give an opportunity to the Requiring Body to make suggestions and comments on the draft Rehabilitation and Resettlement Scheme;
- (r) To submit the draft Rehabilitation and Resettlement Scheme to the Deputy Commissioner;
- (s) To publish the approved Rehabilitation and Resettlement Scheme in the affected area;
- (t) To help and assist the authorized officer in preparing the Rehabilitation and Resettlement award;
- (u) To monitor and supervise the progress in Rehabilitation and Resettlement study;
- (v) To assist in post implementation audit of Rehabilitation and Resettlement; and
- (w) To perform any other work required to be done for Rehabilitation and Resettlement or on the directions issued by Commissioner Rehabilitation & Resettlement.

**24. Duties and Responsibilities of the Deputy Commissioner:** - The Deputy Commissioner shall perform such duties and responsibilities as may be assigned by State Government and the Commissioner for Rehabilitation and Resettlement, including,-

- (a) monitoring, coordination and supervision of the progress of work of rehabilitation and resettlement of project affected persons in his district;
- (b) carry out post implementation of social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas; and
- (c) refer the matter to the Commissioner for Rehabilitation and Resettlement, for the satisfactory fulfillment of all the relevant provisions under the Act related to rehabilitation and resettlement.

**25. Duties and Responsibilities of Commissioner for Rehabilitation and Resettlement:** -

- (1) The Commissioner, Rehabilitation and Resettlement shall perform such duties and responsibilities as may be assigned by State Government including,-
  - (a) Monitoring, Co-ordination and Supervision of formulation of rehabilitation and resettlement schemes or plans;
  - (b) Considering and approving the draft Rehabilitation and Resettlement Scheme submitted by the Deputy Commissioner as recommended by the Project Committee;
  - (c) Causing the approved Rehabilitation and Resettlement scheme to be made public;

- (d) Ensuring speedy and timely rehabilitation of affected persons by requiring the Project Administrator and Deputy Commissioner or the Project Authority concerned to undertake the work of the rehabilitation simultaneously with the work of the project and to report to him periodically the progress made;
- (e) Supervision of post implementation social audit of schemes by obtaining periodical reports from Project Administrator and Deputy Commissioner;
- (f) Preparing or causing to be prepared annual budget for carrying out rehabilitation and resettlement of affected persons or families;
- (g) Assisting the State Monitoring Committee for Rehabilitation and Resettlement in monitoring and reviewing the Rehabilitation and Resettlement schemes or plans under the Act.
- (h) Monitoring fund flow and guidance to the Deputy Commissioner in sequence of activities under Rehabilitation and Resettlement, and
- (i) Performing such other duties and functions as the State Government may specifically assign from time to time.

(2) He shall be provided with sufficient budgetary funds to set up Expert Group, State Resource centre and Social Impact Assessment Unit and shall be supported by specialists in the field of rehabilitation and resettlement, livelihood, finance, monitoring and evaluation, documentation, IT staff and other ministerial staff.

**26. Elements of Rehabilitation and Resettlement.**—(1) The State Government shall ensure that the Administrator for Rehabilitation and Resettlement commences the Rehabilitation and Resettlement process with the conduct of survey and census of the affected families as per Section 17(i), taking into consideration the affected families identified by Social Impact Assessment team.

(2) The draft Rehabilitation and Resettlement scheme prepared by the Administrator as per Section 17(2) of the Act, shall be based on the Social Impact Management Plan prepared by the Social Impact Assessment team and shall be developed in consultation with the Gram Sabha or Municipality by holding public hearings as provided under Section 17(5) of the Act.

(3) The Administrator shall maintain a record of objections and claims filed in the public hearing and submit the draft Rehabilitation and Resettlement scheme along with his/her report on the claims and objections to the Deputy Commissioner within 2 weeks after completion of public hearing.

(4) On receipt of the draft Rehabilitation and Resettlement scheme, within 4 weeks, the Deputy Commissioner shall convene a meeting with the Rehabilitation and Resettlement committee at project level, discuss the scheme and submit the scheme to the Commissioner for Rehabilitation and Resettlement along with his suggestions.

(5) The Commissioner for Rehabilitation and Resettlement shall, after scrutinizing the scheme submitted by the Deputy Commissioner accord approval to the scheme and make it available in public domain, as provided in Section 19 of the Act, within 4 weeks.

(6) The summary of the scheme approved by the Commissioner for Rehabilitation and Resettlement shall be notified in declaration for acquisition of land under Section 20 of the Act.

(7) The execution of every facility as mentioned in Third Schedule of the Act, in so far as it relates to public utilities, civic and other amenities and services shall be carried out by the respective project authority or the requiring body either on its own or where the Commissioner for Rehabilitation and Resettlement considers it necessary to do so, it may by order in writing entrust it to an agency as it may deem fit. On completion of the said works in all respects and on issue of a completion certificate by the Deputy Commissioner to that effect, the said works, for all purposes vest in the local authorities having jurisdiction over the area, as if it were a development scheme undertaken by such a local authority.

**27. Publication of Approved Rehabilitation Settlement Scheme by the Commissioner for Rehabilitation & Resettlement:** - (1) The Commissioner for Rehabilitation and Resettlement, shall by way of a public notice publish in two local daily newspapers of the affected area, out of which at least one shall be in the local language in the affected areas to bring to the knowledge of the people about the approved Rehabilitation and Resettlement Scheme as finalized by him under section 18 of the Act.

(2) The copies of approved Scheme shall be made available in the offices of concerned Gram Panchayats, concerned Tahsildar, Deputy Commissioner and Administrator in the concerned area.

**28. Publication of declaration of acquisition by Deputy Commissioner.**—(1) The Deputy Commissioner after the requiring body has deposited in full, the cost of acquisition of land, shall issue a declaration under sub-section (1) of section 19, along with the summary of the Rehabilitation and Resettlement Scheme. Such declaration shall be published in the affected areas by way of affixing a

written copy in Gram panchayat office and the office of the village Accountant and urban local bodies. The date of last of such publications shall be the date of publication of declaration under sub-section (1) of section 19.

Provided that, in case of acquisition of lands for public purpose by the State on its own behalf, the total cost towards land acquisition and Rehabilitation and Resettlement entitlements is to be deposited with the Deputy Commissioner in two installments, viz 50% of the cost is to be deposited within three months of issue of Preliminary Notification issued under Section 11 of the Act and the remaining 50 % of the cost to be deposited before the publication of the declaration issued under section 19(1) of the Act.

(2) The total cost of development of infrastructural facilities to be developed by the requiring authorities either on their own or by an agency, shall be kept separately under the joint account of the Deputy Commissioner and the authorized representative of the requiring authority within 30 days of declaration of the award. Such an amount shall be utilized for executing the works as specified in Third Schedule of the Act and timely payments released on satisfactory completion and a third party verification with regard to quality and time with prior approval of the Commissioner for Rehabilitation and Resettlement.

#### **29. Land Acquisition Award by Deputy Commissioner or the Authorised officer**

(1) The Deputy Commissioner after due enquiry into the claims and objections raised by the interested persons in pursuance of the public notice published under sub section(1) of section 21, shall make land acquisition award as provided under section 23 of the Act.

(2) The valuation of land, trees, structures etc., shall be valued as on the date of issue of preliminary notification.

(3) The compensation shall be calculated in accordance with provisions of Section 26 to Section 30 read with First schedule of the Act. The multiplication factor under item 2 of the First Schedule for rural areas shall be notified by State Government.

**30. Rehabilitation and Resettlement Award by the Deputy Commissioner or an Authorized Officer:-**(1) The Deputy Commissioner shall pass the Awards for each affected family in accordance with the second Schedule to the Act with the affected families and hand over the family wise awards for Rehabilitation and Resettlement to each affected family.

(2) The Deputy Commissioner or an authorized officer shall also issue orders for provision of infrastructure facilities to be provided for every resettlement area.

(3) The Commissioner for Rehabilitation and Resettlement shall closely monitor the implementation of Rehabilitation and Resettlement Scheme by obtaining periodical reports from Project Administrator and the Deputy Commissioner.

(4) The affected families of the Projects where preliminary notification under sub-section (1) of section 11 of the Act is issued, are only entitled for receiving elements of rehabilitation and resettlement as per the Second and Third Schedules to the Act.

(5) While offering twenty per cent of the developed land, when the land is acquired for urbanization purposes, the land used for components of infrastructure amenities shall not be taken into account for the calculation of twenty per cent of developed land.

(6) In case of a Project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Castes and Scheduled Tribes families, a Development Plan shall be prepared by the State Government in consultation with the concerned Social Welfare Department of the State and the Gram Panchayats or urban local bodies in that area. The said Plan shall be read out and discussed in the *Gram Sabha* at the time of obtaining the prior consent of the *Gram Sabha* or the *Panchayats* or the urban local bodies.

(7) The Deputy Commissioner while calling for the claims of the persons interested in the land to be acquired in accordance with section 21 shall also give a notice to the Requiring Body. The Requiring Body can express its opinion with the Deputy Commissioner regarding the amount of compensation of the land to be acquired including the market value of the land to be acquired.

(8) If the amount of award compensation including rehabilitation and resettlement benefits, to be paid is less than rupees five crore, then the Deputy Commissioner shall declare the award.

(9) If the amount of award compensation including rehabilitation and resettlement benefits to be paid is more than Rupees five crore but less than Rupees ten crore, the Deputy Commissioner shall declare the award with the previous approval of the Regional Commissioner of the concerned Revenue Division.

(10) If the amount of award compensation including Rehabilitation and Resettlement benefits to be paid is more than Rupees ten crore, the Deputy Commissioner shall declare the

award after getting the previous approval of the State Government, through Commissioner, Rehabilitation and Resettlement.

(11) The Deputy Commissioner shall recover any excess amount paid to land owners due to correction of award, after giving due notice to all such persons and in case of any default or refusal to pay, the same may be recovered as arrears of land revenue, besides initiating penal action against the defaulter.

**31. Purchases by Person other than Specified Person:-** (1) The provisions of section 46 of the Act, relating to rehabilitation and resettlement shall apply in the rural areas or urban areas, in the cases where any person 'other than specified person' purchase land through private negotiations with the owners of the land;

- (a) to an extent extending more than **500** acres of dry land and/or **50** acres of irrigated land in rural areas and 100 acres of dry land and 10 acres of irrigated land in urban areas for industrial purpose and infrastructural purpose projects
- (b) to an extent extending more than **100** acres of dry land in rural or urban area for purpose of housing, education or any other purposes.

Subject to any further revision as may be notified by the State Government

**32. Limits of Acquisition of Irrigated Multi Cropped Land:-**

(1) Acquisition of irrigated multi cropped land, in aggregate for all projects, shall not exceed **10%** of the total irrigated multi-cropped land of the state and **5%** of the total irrigated multi cropped land for each district. Further this limitation does not apply for acquisition of lands for public purpose namely linear projects and resettlement of any project displaced families. This limit of extent of land is to be revised, based on the recommendations of an expert group consisting of representatives of agriculture, farmers, industry etc, and once in every two years constituted by the State Government.

**33. Rehabilitation and Resettlement Project Committee** (1) The Committee constituted under Section 45 of the Act under the chairmanship of Deputy Commissioner or the authorized officer shall have its first meeting when a draft Rehabilitation and Resettlement Scheme has been prepared by the Administrator. It shall discuss the draft R&R Scheme and make necessary suggestions and recommendations and send to Commissioner, Rehabilitation and Resettlement for approval and publication. Thereafter, in subsequent meetings, the Committee shall meet and review the progress of the Rehabilitation and Resettlement once in three months until the process of resettlement is concluded.

(2) For the purpose of discussing the post-implementation of social audits, the Committee shall meet once in six months.

(3) The non-official members of the Committee shall get a travelling allowance at the rate specified, from time to time, by the State Government for the Government servants of Group-A Category.

(4) The Committee can visit the affected area and discuss with the affected families if it so desires and pay site visits to the resettlement areas to monitor the resettlement process.

**34. Procedure of State Monitoring Committee:-** (1) The State Monitoring Committee shall be chaired by the Chief Secretary to State Government with representation from heads of departments of all requiring bodies and experts in the field of Rehabilitation and Resettlement.

(2) The State Monitoring Committee shall have its first meeting for reviewing and monitoring the implementation of Rehabilitation and Resettlement Scheme for the Project within a month of the publication of the approved Rehabilitation and Resettlement Scheme by the Commissioner for Rehabilitation and Resettlement under section 18, and thereafter in the subsequent meetings the State Monitoring Committee meeting shall be held after six months. If the Committee desires, then it can have its meeting even before the period of six months.

(3) The allowances payable to the experts associated with the Committee shall be as those of the Commissioner for Rehabilitation and Resettlement or Secretary to Government.

**35. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority and their service conditions:-** (1) The State Government shall establish at least one Authority for each Revenue Division for speedy disposal of disputes relating to land acquisition, compensation, Rehabilitation and Resettlement and said Authority shall function as per the notification made by the State Government.

Provided the State Government may by notification designate the Special Courts to function as 'Land Acquisition, Rehabilitation and Resettlement Authority' within the Jurisdiction of that district.

(2) The Presiding Officer of the said Authority shall be appointed by the State Government by issuing notification in the Official Gazette.

(3) There shall be a Registrar of the rank of Tahsildar from the Revenue Department of the State and other staff including two employees of the rank of First Division Assistant, one stenographer, four Second Division Assistants, one driver and three peons to be appointed on Deputation from the different cadres of any of the State Civil Services including from the Revenue Department.

(4) The salaries and allowances of the Registrar and other officers and employees of the said Authority shall be the same as they were getting in their parent Departments. The conditions of service shall be the same as applicable to them under the Karnataka Civil Services Rules.

(5) The Presiding Officer of the said Authority shall be paid salary and other allowances as notified by the State Government.

**36. Manner of recovery of Rehabilitation and Resettlement benefits availed of, by making false claim or through fraudulent means:** - The Deputy Commissioner shall recover such benefits claimed falsely or through fraudulent means as arrears of land revenue.

**37. Manner of returning the unutilized land:** - If in the opinion of the State Government, the land acquired for public purpose under the Act and the majority of such acquired land remains unutilized for a period of more than five years from the date of taking physical possession of such land, it may direct the Deputy Commissioner to issue a notice to the requiring body and by giving reasonable and sufficient opportunity of being heard, pass necessary written orders to revert such 'unutilized land' to;

(i) Original Land Owner or their legal heirs as the case may be, by giving a notice to all the concerned and after collecting the current market value of such land as determined under Section 26 to 30 of the Act, or the amount already paid as compensation along with enhanced compensation if any, at the time of acquisition under this Act, whichever is higher; or to

(ii) Land Bank which is a Governmental equity that focuses on converting such land into productive use.

Provided, that in calculating the period of five years from the date of taking possession, the period covered by any Court Stay, if any, shall be excluded.

Provided further that if the requiring body fails to comply with the orders to revert and hand over the land, the Deputy Commissioner shall, if a Magistrate, enforce the surrender of such land from the requiring body to himself and if not a Magistrate, he shall apply to a Magistrate or to the Commissioner of Police as the case may be, who shall enforce the surrender of the land to the Deputy Commissioner.

**38. Manner and mode of publication:** - Wherever the provision of the Act provides for publication, it shall be in the following manner, namely:-

(i) publication in the official Gazette;

(ii) publication in two widely circulated news papers in the affected area, one of which shall be in Kannada;

(iii) publication in the website of the district concerned;

(iv) publication in Gram Chavadi or Gram Panchayat office or Urban Local Bodies or office of Village Accountant; and

**39. Option of State Government to Lease-** The State Government shall wherever possible is free to exercise the option of taking the lands on lease, instead of acquisition for any public purpose as referred in Sub section (1) of Section 2 of the Act, on such terms and conditions as may be notified.

**40. Removal of Difficulties-** If any difficulty arises as to the interpretation of any provisions of these Rules or in the implementation of such provisions in these Rules, the State Government shall have power to issue necessary clarification or directions for the purpose of removal of such difficulties.

By order and in the name of Governor of Karnataka

**H.S. Udayakumar**  
Deputy Secretary to Govt.,  
Revenue Department(LAQ)

**FORM - I**  
**(See rule 3(1))**

**Part-A Notification of the SOCIAL IMPACT ASSESSMENT**

The Notification of the Social Impact Assessment must include:

- (1) Name of project developer, a brief description of the proposed project and the extent of the lands proposed for acquisition, the project area and the affected areas to be covered by the Social Impact Assessment;
- (2) The main objectives of the Social Impact Assessment and key activities including (a) consultations (b) survey (c) public hearing/s;
- (3) If consultations or consent of Gram Sabhas and/or land owners is required, the notification must state this;
- (4) The timeline for the Social Impact Assessment and the final deliverables (Social Impact Assessment Report and Social Impact Management Plan) along with the manner of their disclosure must be specified;
- (5) Statement that any attempt at coercion or threat during this period will render the exercise null and void;
- (6) Contact information of the State Social Impact Assessment Unit.

**Part -B. Terms of Reference, Budget and Processing Fee for the Social Impact Assessment**

- (1) The State Social Impact Assessment Unit will review the proposal for land acquisition sent by the State Government and produce a project-specific Terms of Reference (ToR) and budget. Based on the Terms of Reference and budget, a processing fee will be determined, which must be deposited by the Requiring Body before the notification of the Social Impact Assessment can be issued.
- (2) The Terms of Reference shall include the following information:
  - (a) A brief description of the project, project area and the extent of lands proposed for acquisition;
  - (b) The objectives of the Social Impact Assessment and all the activities that must be carried out by the Social Impact Assessment team;
  - (c) Sequencing, schedule and deadlines for deliverables with dates for the Social Impact Assessment process, based on the size and complexity of the project and land acquisition, and whether consent or consultation of Gram Sabhas and/or land owners is required to be sought;
  - (d) The appropriate size and profile of the Social Impact Assessment team required (including field surveyors if needed) to conduct the Social Impact Assessment for the specific project;
  - (e) A project –specific budget based on the Terms of Reference, with a clear break-up of costs for each item/activity;
  - (f) The schedule for the disbursement of funds to the Social Impact Assessment team tied to clearly-defined deliverables in the Social Impact Assessment process.
- (3) The processing fee will be determined based on the Terms of Reference and budget developed for each specific project and will be based on the type, size, location and sensitivity of the project and the land proposed for acquisition
  - (a) Information regarding the processing fee bands and the cost for separate components/line items must be made consistent and easily accessible, so that the Requiring Body can factor this into its costs in advance. These rates must be reviewed and revised from time to time;
  - (b) A fixed proportion of the fee will go towards meeting the costs of the State Social Impact Assessment Unit.

By order and in the name of Governor of Karnataka

**H.S. Udayakumar**

Deputy Secretary to Govt.,  
Revenue Department(LAQ)

## FORM -II

**(See rule 3(3), rule (5), and (6) of rule 7 and rule 17)**

**Social Impact Assessment Report (See Section 2(d) of Section 109 of the Act).**

- A. List of socio-economic and cultural parameters to be covered by the Social Impact Assessment
  - (1) Demographic details of the population in the project area
    - (a) Age, sex, caste, religion; and
    - (b) Literacy, health and nutritional status.
  - (2) Poverty levels
  - (3) Vulnerable groups
    - (a) Women;
    - (b) children;
    - (c) the elderly;
    - (d) women-headed households; and
    - (e) the differently abled.
  - (4) Kinship patterns and women's role in the family;
  - (5) Social and cultural organization;
  - (6) Administrative organization;
  - (7) Political organization; and
  - (8) Civil society organizations and social movements.
  - (9) Land use and livelihood
    - (a) Agricultural and non-agricultural use;
    - (b) Quality of land-soil, water, trees etc.;
    - (c) Livestock;
    - (d) Formal and informal work and employment;
    - (e) Household division of labor and women's work;
    - (f) Migration;
    - (g) Household income levels;
    - (h) Livelihood preferences; and
    - (i) Food security.
  - (10) Local economic activities;
    - (a) Formal and informal, local industries;
    - (b) Access to credit;
    - (c) Wage rates; and
    - (d) Specific livelihood activities women are involved in
  - (11) Factors that contribute to local livelihoods
    - (a) Access to natural resources;
    - (b) Common property resources;
    - (c) Private assets;
    - (d) Roads, transportation;
    - (e) Irrigation facilities;
    - (f) Access to markets;
    - (g) Tourist sites;
    - (h) Livelihood promotion programmes; and
    - (i) Co-operatives and other livelihood-related associations.
  - (12) Quality of the living environment
    - (a) Perceptions, aesthetic qualities, attachments and aspirations;
    - (b) Settlement patterns;
    - (c) Houses;
    - (d) Community and civic spaces;
    - (e) Sites of religious and cultural meaning;
    - (f) Physical infrastructure (including water supply, sewage systems etc.);
    - (g) Public service infrastructure (schools, health facilities, anganawadi centers, public distribution system);
    - (h) Safety, crime, violence; and
    - (i) Social gathering points for women

**B. Key impact areas.**

- (1) Impacts on land, livelihoods and income
  - (a) Level and type of employment;
  - (b) Intra-household employment patterns;
  - (c) Income levels;
  - (d) Food security;

- (e) Standard of living;
- (f) Access and control over productive resources;
- (g) Economic dependency or vulnerability;
- (h) Disruption of local economy;
- (i) Impoverishment risks; and
- (j) Women's access to livelihood alternatives.

(2) Impacts on physical resources

- (a) Impacts on natural resources, soil, air, water, forests; and
- (b) Pressures on land and common property natural resources for livelihoods.

(3) Impacts on private assets, public services and utilities

- (a) Capacity of existing health and education facilities;
- (b) Capacity of housing facilities;
- (c) Pressure on supply of local services;
- (d) Adequacy of electrical and water supply, roads, sanitation and waste management system; and
- (e) Impact on private assets such as bore wells, temporary sheds etc.

(4) Health impacts

- (a) Health impacts due to in-migration;
- (b) Health impacts due to project activities with a special emphasis on;
- (c) Impact on women's health; and
- (d) Impact on the elderly.

(5) Impacts on culture and social cohesion

- (a) Transformation of local political structures;
- (b) Demographic changes;
- (c) Shifts in the economy-ecology balance;
- (d) Impacts on the norms, beliefs, values and cultural life;
- (e) Crime and illicit activities;
- (f) Stress of dislocation;
- (g) Impact of separation of family cohesion; and
- (h) Violence against women.

(6) Impacts at different stages of the project cycle

The type, timing, duration, and intensity of social impacts will depend on and relate closely to the stages of the project cycle. Below is an indicative list of impacts

- (a) Pre-construction phase
  - (i) Interruption in the delivery of services;
  - (ii) Drop in productive investment;
  - (iii) Land speculation; and
  - (iv) Stress of uncertainty.
- (b) Construction phase
  - (i) Displacement and relocation;
  - (ii) Influx of migrant construction workforce; and
  - (iii) Health impacts on those who continue to live close to the construction site.
- (c) Operation phase
  - (i) Reduction in employment opportunities compared to the construction phase;
  - (ii) Economic benefits of the project;
  - (iii) Benefits on new infrastructure; and
  - (iv) New patterns of social organization.
- (d) De-commissioning phase
  - (i) Loss of economic opportunities; and
  - (ii) Environmental degradation and its impact on livelihoods.
- (e) Direct and indirect impacts
  - (i) "Direct impacts" will include all impacts that are likely to be experienced by the affected families; and
  - (ii) "Indirect impacts" will include all impacts that may be experienced by those not directly affected by the acquisition of land (i.e. Direct land and livelihood losers), but those living in the project area.
- (f) Differential impacts
  - (i) Impact on women, children, the elderly and the different abled; and
  - (ii) Impacts identified through tools such as Gender Impact Assessment Checklists, and Vulnerability and Resilience Mapping.

(g) Cumulative impacts

- (i) Measureable and potential impacts of other projects in the area along with the identified impacts for the project in question; and
- (ii) Impact on those not directly in the project area but based locally or even regionally.

**C. Table of Contents for Social Impact Assessment Report and Social Impact Management Plan**

Chapter	Contents
(1)	(2)
(1) Executive Summary	<ul style="list-style-type: none"> <li>(a) Project and public purpose</li> <li>(b) Location</li> <li>(c) Size and attributes of land acquisition</li> <li>(d) Alternatives considered</li> <li>(e) Social Impacts</li> <li>(f) Mitigation measures</li> <li>(g) Assessment of social costs and benefits</li> </ul>
(2) Detailed Project Description	<ul style="list-style-type: none"> <li>(a) Background of the project, including developers background and governance/management structure</li> <li>(b) Rationale for project including how the project fits the public purpose criteria listed in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013</li> <li>(c) Details of project size, location, capacity, outputs, production targets, cost, risks</li> <li>(d) Examination of alternatives</li> <li>(e) Phases of project construction</li> <li>(f) Core design features and size and type of facilities</li> <li>(g) Need for ancillary infrastructural facilities</li> <li>(h) Work force requirements (temporary and permanent)</li> <li>(i) Details of Social Impact Assessment/EIA if already conducted and any technical feasibility reports</li> <li>(j) Applicable legislations and policies</li> </ul>
(3) Team composition, approach, methodology and schedule of the Social Impact Assessment	<ul style="list-style-type: none"> <li>(a) List of all team members with qualifications. Gender experts to be included in team</li> <li>(b) Description and rationale for the methodology and tools used to collect information for Social Impact Assessment</li> <li>(c) Sampling methodology used</li> <li>(d) Overview of information/data sources used. Detailed reference must be included separately in the forms</li> <li>(e) Schedule of consultations with key stakeholders and brief description of public hearings conducted. Details of the public hearings and the specific feedback incorporated into the Report must be included in the forms</li> </ul>
(4) Land Assessment	<ul style="list-style-type: none"> <li>(a) Describe with the help of the maps, information from land inventories and primary sources</li> <li>(b) Entire area of impact under the influence of the project (not limited to land area for acquisition)</li> <li>(c) Total land requirement for the project</li> <li>(d) Present use of any public, unutilized land in the vicinity of the project area</li> <li>(e) Land (if any) already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project</li> <li>(f) Quantity and location of land proposed to be acquired for the project</li> </ul>

<b>Chapter</b>	<b>Contents</b>
<b>(1)</b>	<b>(2)</b>
	<ul style="list-style-type: none"> <li>(g) Nature, present use and classification of land and if agricultural land, irrigation coverage and cropping patterns</li> <li>(h) Size of holdings, ownership patterns, land distribution, and number of residential houses</li> <li>(i) Land prices and recent changes in ownership, transfer and use of lands over the last 3 years</li> </ul>
(5) Estimation and enumeration (where required) of affected families and assets	<p>Estimation of the following types of families that are</p> <ul style="list-style-type: none"> <li>(a) Directly affected (own land that is proposed to be acquired): <ul style="list-style-type: none"> <li>(i) Are tenants/occupy the land proposed to be acquired</li> <li>(ii) The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights</li> <li>(iii) Depend on common property resources which will be affected due to acquisition of land for their livelihood</li> <li>(iv) Have been assigned land by the State Government or the Central government under any of its schemes and such land is under acquisition;</li> <li>(v) Have been residing on any land in the urban areas for proceeding three years or more prior to the acquisition of the land</li> <li>(vi) Have depended on the land being acquired as a primary source of livelihood for three years prior to the acquisition</li> </ul> </li> <li>(b) Indirectly impacted by the project (not affected directly by the acquisition of own lands)</li> <li>(c) Inventory of productive assets and significant lands</li> </ul>
(6) Socio-economic and cultural profile (affected area and resettlement site)	<ul style="list-style-type: none"> <li>(a) Demographic details of the population in the project area</li> <li>(b) Income and poverty levels</li> <li>(c) Vulnerable groups</li> <li>(d) Land use and livelihood</li> <li>(e) Local economic activities</li> <li>(f) Factors that contribute to local livelihoods</li> <li>(g) Kinship patterns and social and cultural organization</li> <li>(h) Administrative organization</li> <li>(i) Political organization</li> <li>(j) Community-based and civil society-organizations</li> <li>(k) Regional dynamics and historical change processes</li> <li>(l) Quality of the living environment</li> </ul>
(7) Social impacts	<ul style="list-style-type: none"> <li>(a) Framework and approach to identifying impacts</li> <li>(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/indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts</li> <li>(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</li> </ul>

By order and in the name of Governor of Karnataka

**H.S. Udayakumar**

Deputy Secretary to Govt.,  
Revenue Department(LAQ)

**FORM III**  
**(See rule 3(4))**  
**Social Impact Management Plan**

- I
  - (1) Approach to mitigation
  - (2) Measures to avoid, mitigate and compensate impact
  - (3) Measures that are included in the terms of Rehabilitation and 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 SIMP must include a description of institutional structures and key person responsible for each mitigation measure and timelines and costs for each activity
- II
  - (i) SIMP Institutional Framework, stating the institutional structures and key person responsible for each mitigation measure.
  - (ii) Specify the role of NGOs'/CBOs', if involved
  - (iii) Indicate capacities required and capacity building plan, including technical assistance, if any
  - (iv) Time lines for each activity
- III SIMP Budget and Financing of mitigation plan stating costs of all Resettlement and rehabilitation costs; Annual budget and plan of action and Funding Sources with break-up.
- IV SIMP Monitoring Evaluation-stating key M&E indicators
  - Reporting mechanisms and monitoring roles.
  - Plan for independent evaluation.
- V Analysis of Costs and Benefits and Recommendation on Acquisition.
  - Stating Final conclusions on assessment of public purpose, less displacing alternative, minimum requirements of land, the nature and intensity of social impacts and viable mitigation measures and the extent to which mitigation measures will address costs.
  - The above analysis will use the equity principle as a frame work of analysis for presenting a final recommendation on whether the acquisition should go through or not.
- VI References and Annexure: - For reference and for the information.

By order and in the name of Governor of Karnataka

**H.S. Udayakumar**

Deputy Secretary to Govt.,  
Revenue Department(LAQ)

**FORM -IV**  
**PART-A. PRIOR WRITTEN CONSENT/DECLARATION FORM**  
**(For Public-Private Partnership and Private Company Projects)**

**S.No.**

**Details of Affected Land Owners/Persons Concerned**

- 1 Name of the person(s) in whose name the land is registered
- 2 Name of the spouse:
- 3 Name of father/mother:
- 4 Address:
- 5 Village/Basti:
- 6 Gram Panchayat/Municipality/Township:
- 7 Tehsil/Taluka:
- 8 District:
- 9 Name of other members in the family with age: (including children and adult dependents)
- 10 Extent of land owned:
- 11 Disputed lands if any
- 12 Pattas/leases/grants, if any
- 13 Any other right, including tenancy, if any:
- 14 Regarding the acquisition of my land by the Government for Public-Private

Partnership projects/Private companies Projects . I wish to state the following (please circle one of the below):

I have read/readout the contents of this consent form and explained to me in \_\_\_\_\_ language and

I agree to this acquisition

OR

I do not agree to this acquisition

Signature/Thumb impression of the affected family(s) and date:

Date and Signature of designated district official receiving the signed form

By order and in the name of Governor of Karnataka

**H.S. Udayakumar**

Deputy Secretary to Govt.,  
Revenue Department(LAQ)

**PART-B FORMAT FOR GRAM SABHA RESOLUTION**

(See rule (17))

**(For Public-Private Partnership projects and Private Company Projects)**

(See Section 46(5) of the Act)

We, the undersigned members of the Gram sabha of \_\_\_\_\_ within \_\_\_\_\_ Panchayats or Council of \_\_\_\_\_ tehsil/Taluka in \_\_\_\_\_ district wish to state that the following certification is based on the information supplied by the administration and officials. On this basis, this Gram Sabha hereby certifies that

(i) In respect of **Non-Scheduled Areas** it has been **consulted** for the proposed \_\_\_\_\_ projects as per Section 4(1) of the Act. And/or

ii) In respect of **Scheduled Areas** as per Section 41(3) of the Act, it **CONSENTS / REFUSES TO CONSENT** to the proposed \_\_\_\_\_ project, which will involve:

- Acquisition of \_\_\_\_\_ acres of private land
- Transfer of \_\_\_\_\_ acres of Government land to the project
- Transfer of \_\_\_\_\_ acres of Forest land to the project
- The terms and conditions of compensation, rehabilitation and resettlements benefits and social impact mitigation measures agreed to by the Requiring Body (state the name) are attached

Date and signatures/thumb impressions of Gram Sabha members

Date and signature of designated District  
Or Designated Officer on receipt of the Resolution

By order and in the name of Governor of Karnataka

**H.S. Udayakumar**

Deputy Secretary to Govt.,  
Revenue Department(LAQ)