



সত্যমেব জয়তে

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 212 দিশপুৰ, শনিবাৰ, 1 আগষ্ট, 2015, 10 শ্ৰাবণ, 1937 শক
 No. 212 Dispur, Saturday, 1st August, 2015, 10th Sravana, 1937 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

REVENUE AND DISASTER MANAGEMENT (LR) DEPARTMENT

NOTIFICATION

The 31st July, 2015

No. RLA.300/2013/Pt.-II/82. - Whereas, draft rules namely the Assam Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Rules, 2015 were published as required by section 112 of the Right to Fair Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), vide notification No. RLA.300/2013/Pt.-II/10 dated the 19th June, 2015, of the Government of Assam in the Revenue & D.M. (LR) Department, in the Assam Gazette Extra-Ordinary No. 163, dated the 20th June, 2015 for inviting objections or suggestions from all persons likely to be affected thereby before the expiry of a period of fifteen days from the date on which copies of the Gazette containing the notification were made available to the public ;

And whereas, the copies of the Gazette containing the said notification were made available to the public on the 27th June, 2015,

And whereas, objections and suggestions received from the public on the said draft rules have been considered by the State Government ;

Now, therefore, in exercise of the powers conferred by clauses (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (n), (o), (p), (q), (r), (s), (t), and (u) of sub-section (2) of section 109 of the Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), the State Government hereby makes the following rules namely :-

CHAPTER - I

PRELIMINARY

1. Short title, extent and commencement :

(1) These rules may be called the **Assam Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015**.

(2) They shall extend to the whole of the State of Assam.

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

2. Definitions :

(1) In these rules, unless the context otherwise requires :-

(a) "Act" means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013);

(b) "Administrative cost" means the cost for acquisition of land as specified by the Government by issue of notification under paragraph (A) of sub-clause (vi) of clause (i) of section 3;

(c) "Administrator" means an officer appointed by State Government under sub-section (1) of section 43;

(d) "Appropriate Government" means the State Government in relation to acquisition of land within the territory of the State of Assam and includes the Collector of the District concerned appointed by the State Government for the area notified under proviso of the clause (e) of section 3;

(e) "Authority" means the Land Acquisition, Rehabilitation and Resettlement Authority established by the State Government under sub-section (1) of section 51 of the Act;

(f) "Commissioner" means the Commissioner for Rehabilitation and Resettlement as appointed by State Government under sub section (1) of section 44 of the Act;

(g) "Collector" means the Deputy Commissioner of the district and includes the Additional Deputy Commissioner and the Sub-Divisional Officer functioning in the district or any other officer designated by the State Government to perform all or any of the functions of Collector under the Act;

(h) "Form" means forms appended to these rules;

(i) "Gaon Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the areas of the "Gaon Panchayat" ;

(j) "Gaon Panchayat" means Gaon Panchayat established under the Assam Panchayat Act, 1994;

(k) "Requiring Body" means a company, a body corporate, an institution or any other organization or person for whom land is to be acquired by the appropriate Government, and includes the appropriate Government, if the acquisition of land is for such Government either for its own use or for subsequent transfer of such land in for public purpose to a company, body corporate, an institution, or any other organization, as the case may be, under lease, license or through any other mode of transfer of land.

(l) "Social Impact Assessment" or SIA means an assessment made under sub-section (1) of section 4 of the Act;

(m) "Social Impact Management Plan" or SIMP means the plan prepared as part of Social Impact Assessment Process under sub-section (6) of Section 4 of the Act; and

(n) "State Government" means the Government of Assam.

(2) The words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

CHAPTER - II

Requisition for land acquisition

3. Requisition for land acquisition :

- (1) The detailed proposal for acquisition of land shall be submitted by the Requiring Body to the Collector and Commissioner, Rehabilitation & Resettlement in **FORM-I**, appended to these rules, together with the documents mentioned therein. In case of acquisition of land for Government, the requisition shall be filed by the Secretary of the Department or an authorized person.
 - (2) The Collector upon receiving requisition for the land, shall constitute a team of revenue and agriculture officers to make field visit along with the representative of the requiring body to make a preliminary enquiry about the correctness of the particulars furnished in the requisition including the enquiry whether the requisition is consistent with the provisions of the Act, and submit a report to the Collector.
 - (3) If the Collector, based on the report of the team, other information available with him and instructions issued by the State Government in this regard, is satisfied that the requisition is consistent with the provisions of the Act, he shall calculate the preliminary cost of acquisition of the land and other charges.
 - (4) The requiring body shall also be required to deposit the amount calculated for Rehabilitation and Resettlement at the appropriate time of the displacement of the affected families in the same manner.
 - (5) Similarly, the Commissioner, upon receiving requisition for the land shall calculate the cost of carrying out Social Impact Assessment study (processing fee) and in due course intimate the requiring body under intimation to the Collector.
- The Requiring body shall deposit the cost of carrying out Social Impact Assessment study with the Collector within the stipulated intimated time.

CHAPTER - III

Social Impact Assessment (SIA)

4. Acquisition under Urgency Provisions and Exemption from Social Impact Assessment Study :

Where any land is proposed to be acquired invoking urgency provisions under section 40 of the Act and if it is considered expedient to do so and if such urgency falls within the purview of sub-section (2) of

section 40, the Collector shall submit a report to the State Government seeking permission to invoke the urgency provisions giving cogent reasons and for exemption from undertaking social impact assessment study in such acquisition. The State Government shall examine the proposal and if satisfied that urgency provisions may be resorted to, communicate its decision to the Collector. The Collector thereafter shall proceed with the acquisition in accordance with provisions of the Act and these rules.

5. Social Impact Assessment study :

- (1) The State Government on receipt of report of the Collector shall for the purpose of the Act issue a **notification for carrying out Social Impact Assessment (SIA)** in accordance with **Part – B of FORM – II** appended to these rules. The same shall be made available in a local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Officer and the Circle Officer. The Notification shall be published by way of public notice by affixing at some conspicuous places in the affected areas and shall be uploaded on the web site of the State Government and the District concerned.

Provided that such notification shall be issued within thirty days after the deposit of the processing fee for carrying Social Impact Assessment by the Requiring Body, which shall be determined under sub-rule (5) of rule 3.

- (2) The SIA shall be conducted in consultation with concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas, for the purpose of Section 4 of the Act, followed by a public hearing in the affected areas by giving adequate publicity about the date and time and venue for the public hearing to ascertain the views of the affected families which shall be recorded in writing.
- (3) The Social Impact Assessment Report shall be submitted in **FORM-III** appended to these rules, to the State Government **within a period of six months** from the date of its commencement and shall include the views of the affected families recorded in writing.
- (4) The Social Impact Assessment Report including summaries shall be prepared and divided into three parts :
 - (i) the Project Feasibility report; and

(ii) the Project Impact Report;

(iii) the Social Impact Management Plan.

(5) 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 be submitted in **FORM-IV** appended to these rules, along with the Social Impact Assessment report to the State Government.

(6) The Social Impact Assessment Report and the Social Impact Management Plan shall be made available in the local language in the concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas and in the Offices of the District Collector, the Sub-Divisional Officer and the Circle Officer and shall be uploaded on the website of the State Government and the District concerned.

6. Institutional support and facilitation for Social Impact Assessment:

(1) The State Government through Commissioner for Rehabilitation and Resettlement, shall identify or establish an independent organization (hereinafter referred to as the State SIA Unit) and other District social impact assessment units in consultation with Deputy Commissioner of concerned District which shall be responsible for ensuring that Social Impact Assessments are commissioned and conducted by such persons or bodies other than the Requiring Body as per the provisions of the Act.

(2) The State Social Impact Assessment Unit, with the assistance of District social impact assessment units, shall undertake the following tasks namely :-

a) build and continuously expand a State and District Database of Qualified SIA Resource Partners and Practitioners, which shall serve as network of individuals and institutions with the required skills and capacities to conduct Social Impact Assessments for land acquisition and Rehabilitation and Resettlement;

b) respond immediately to the State Government's request for an SIA study to be conducted by preparing a project-specific Terms of Reference (hereinafter referred to as ToR);

c) conduct training and capacity building programmers for the SIA 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 as specified in rule 14 is maintained and that all relevant documents are disclosed as per the provisions of the Act;
- f) maintain a catalogue of all SIAs and associated primary material; and
- g) continuously review, evaluate and strengthen the quality of SIAs and the capacities available to conduct them across the State.

7. Project-specific Terms of Reference (ToR) and Processing Fee for the Social Impact Assessment :

- (1) When the State Government or any other authority notified for the purpose intends to acquire land, the proposal for such acquisition shall be sent along with the relevant documents to the State Social Impact Assessment Unit, which shall :-
 - a) prepare a detailed project-specific ToR 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 SIA as detailed in **Part-A of FORM-II** appended to these rules;
 - b) determine an estimated SIA fee based on the ToR with clear break-up of costs for each item or activity. The fee amount shall be based on the parameters defined by the State Government including area, type, location of project and number of affected families.
- (2) Ten percent of the SIA fee shall be allocated to State SIA Unit as administrative expenses for preparing ToR and estimated SIA fee report and to submit the same to the State Government.
- (3) The Requiring Body shall deposit the SIA fee with the Collector.

8. Selection of the SIA team :

- (1) Commissioner, R & R shall select the SIA team for each project from the individuals and institutions registered or empanelled in the State Database of Qualified SIA Resource Partners and Practitioners.
- (2) The Requiring Body shall not be involved in any way in the appointment of the SIA team being appointed to carry out the SIA.
- (3) The size and selection criteria for the SIA team shall be as per the project-specific Terms of Reference developed by the State SIA Unit.
- (4) The SIA team may be constituted by appointing individuals or an organization with experience in conducting SIAs or related field-based assessments and the team may include :-
 - a) a combination of independent practitioners, qualified social activists, academics, technical experts, 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 SIA team to liaise with the State SIA Unit throughout the assessment period.
- (6) While selecting the SIA team, it is to be ensured that there is no conflict of interest involving the team members appointed to assess the concerned 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 disqualified.

9. Process of conducting the Social Impact Assessment :

- (1) The SIA team shall collect and analyse a range of quantitative and qualitative 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 SIA process, as required. Any request for information from SIA team shall be met at the earliest but not exceeding ten days. The District Collector shall be responsible for providing the information requisitioned by the SIA 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 SIA team. The assessment shall include determination of the following, namely:-

- a) area of impact under the proposed project, including both land to be acquired and areas that shall be affected by environmental, social or other impacts of the project;
- b) extent and location of land proposed to be acquired for the project;
- c) the land proposed for acquisition is the bare minimum required;
- d) possible alternative sites for the project and their 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) the 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, and public and private infrastructure and assets;
- k) land prices and recent changes in ownership, transfer and use of lands over the last three years; and
- l) State Government may ask any other items to be included which it considers relevant to the SIA in any specific case.

(4) Based on the land assessment, land records and field verification, the SIA shall provide an accurate estimate of the number of affected families and the number of displaced families among them and ensure that, as far as possible, all the affected families are enumerated;

Provided that where enumeration is not possible, a representative sample shall be done.

(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-III appended to these rules. 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 processes listed above and in consultation with the affected communities and key stakeholders, the SIA team 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 – III appended to these rules.**

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

The SIMP shall include the following measures :-

(a) that have been specified in the terms of Rehabilitation and Resettlement and compensation for all the categories of affected families as outlined in the Act;

(b) that the Requiring Body has stated that it shall undertake in the project proposal and other relevant project documents; and

(c) that additional measures being undertaken by the Requiring Body, which has been undertaken by it in response to the findings of the Social Impact Assessment process as regards project feasibility & project impact and public hearings.

(8) The Social Impact Assessment must provide a conclusive assessment of the balance and distribution of the adverse social impacts and social costs and benefits of the proposed project and land 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.

10. Process for conducting public hearings :

- (1) When a draft of Social Impact Assessment study report is prepared by the SIA team, the State Government through the district administration shall conduct a public hearing in the affected area, seeking feedback on the findings of the SIA and to seek additional information and views which shall be recorded and incorporated in the final report.
- (2) Public hearings shall be conducted in all Gaon Sabhas or Wards where more than twenty five percent of the families are directly or indirectly affected by the acquisition of land.
- (3) The date and venue of the public hearing must be announced and publicized by the State SIA Unit with assistance of Collector three weeks in advance through public notifications affixed at some conspicuous places in all the villages where the land is proposed to be acquired, advertisement in two local newspapers, and through direct communication with Gaon Panchayat or Municipal Ward representatives and by uploading the information on the website of the concerned district.
- (4) The draft SIA 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 Gaon Panchayats and Municipal offices wherever applicable. One copy of the draft report shall be made available in the offices of the District Collector, the Sub-Divisional Officer and the Circle Officer concerned. 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.
- (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 Gaon 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 of the hearing shall be conducted in local language with effective and credible translator to ensure that all 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 the media shall also be invited to attend the public hearing.
- (9) The proceedings of the public hearing should be video recorded and transcribed accordingly. This recording and transcription shall be submitted along with the final SIA report and SIM Plan to the Collector.
- (10) After the conclusion of the public hearing, the SIA team shall analyze the entire feedback received and information gathered in the public meetings and incorporate the same 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 every objection shall be considered in its report.

11. Submission of Social Impact Assessment Report and Social Impact Management Plan :

The final SIA report and SIMP shall be prepared in local language and shall be made available to Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, Sub Divisional Officer and the Circle Officer and shall be uploaded on the website of the State Government and the district concerned.

12. Appraisal of the Social Impact Assessment Report by an Expert Group :

- (1) The Expert Group constituted under sub section(1) of section 7 of the Act shall evaluate the Social Impact Assessment report and shall make its recommendations to that effect within a period of **two months** from the date of its constitution.
- (2) The recommendations of the Expert Group shall be made available in the local language to the concerned Panchayat, Municipality or Municipal Corporation at village or ward level in the affected areas and in the offices of Collector, Sub Divisional Officer and Circle Officer and shall be uploaded on the web site of the State Government and the district concerned.

13. Consideration of the Social Impact Assessment Report and Recommendation of the Expert Group etc. by the appropriate Government :

CHAPTER IV

- (1) The appropriate Govt. shall examine the Social Impact Assessment report, the recommendations of the Expert Group, report of the Collector, if any, and recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.

- (2) The recommendations of the appropriate Government under sub-rule (1) shall be made available in the local language to the concerned Panchayat, Municipality, Municipal Corporation, at Village level or Ward level in the affected areas and in the offices of District Collector, Sub-Divisional Officer and Circle Officer and shall be uploaded on the web site of the appropriate Government and the district concerned.

14. 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 be hosted, beginning with the notification of the SIA and tracking each step of decision making; implementation and audit.

15. Additional Norms with regard to the Social Impact Assessment Process :

Parameters and a table of contents of the Social Impact Assessment Study and the Social Impact Management Plan are given in **FORM - III and FORM - IV** respectively appended to these rules, which should be used by the Social Impact Assessment team while preparing its report.

16. Inventory of Waste, Barren, and unutilized land :

To ensure acquisition of minimum amount of land and to facilitate the utilization of unutilized public lands, the District Collector may prepare a district-level inventory report of waste, barren and un-utilized public land, and land available in the Government land bank and that may be made available to the SIA team and Expert Group. The inventory report shall be updated from time to time.

CHAPTER-IV

Consent

17. Requirements of consent :

- (1) In case land is sought to be acquired for purposes where consent is required as per provisions of the Act, the Collector concerned shall initiate the process of obtaining consent of land owners in **Form – V appended to these rules.**
- (2) The Collector concerned may constitute a team of officers under his control to assist him in the process of obtaining the prior consent.
- (3) The Collector shall take necessary steps for updating the records relating to land rights, title in the land records in the affected areas so that the names of land owners, occupants of the land and individuals are identified for initiating the prior consent process and land acquisition.

18. Consent of the affected land owners :

- (1) The Collector shall prepare a list of all affected land owners from whom consent is required to be obtained. A copy of the draft SIA report along with the proposed terms and conditions, if any, agreed to by the Requiring Body shall also be made available to the affected land owners.
- (2) The Collector shall in consultation with the representatives of Gaon Panchayat, Autonomous District Council, Municipality, Municipal Corporation, as the case may be, notify the date, time and venue of the meeting of the land owners **at least 3 weeks** in advance, where the purpose of obtaining consent shall be explained to the land owners.
- (3) Consent shall be obtained as per holding of land. All persons interested in the same holding of land can give combined consent.
- (4) The land owners shall not be compelled to file their consent and consent once given cannot be withdrawn.
- (5) Those who could not attend the land owners meeting may submit their signed declarations to the Land Acquisition Officer / Collector **within twenty one days** from the date of

land owners meeting. Non receipt of consent within time shall imply that the land owner has no consent to the proposed acquisition.

- (6) Representatives of the Requiring Body, who are competent to take decision and negotiate terms of Rehabilitation and Resettlement and compensation shall be present in the meeting of the affected land owners and respond to the queries raised by them.
- (7) At the end of the meeting, land owners shall file their consent in **FORM-V** appended to these rules and a photo copy of the consent duly countersigned by the Collector shall be handed over to the land owner.
- (8) The outcome of the consent process shall be made available in Panchayat offices and on the web site of the State Government and district concerned.

21. Updating of land records :

- (1) Copy of the preliminary notification issued under sub-section (1) of section 11 shall be sent to the Collector for updating of land records. The types of updating shall be in respect of orders of Courts, substitution of the names of deceased persons, giving effect to the registered transactions of rights in land such as sale, gift, partition, etc. and entering the names of land owners in the records.

CHAPTER - V

Notification and Acquisition

19. Publication of Preliminary Notification :

- (1) After conclusion of the social impact assessment study and consent of the affected persons or Gaon Sabha, as the case may be, when it appears to the appropriate Government that land is required or likely to be required in any area for any public purpose, a preliminary notification shall be issued in **FORM - VI** appended to these rules.
- (2) The preliminary Notification shall be published in the manner provided in sub-section (1) of section 11 of the Act.
- (3) A copy of the notification in local language shall also be affixed at some conspicuous places in the affected areas in presence of at least two witnesses.
- (4) The date of last of such publication of the preliminary Notification shall be treated as the date of publication of the Notification.

22. Procedure for hearing objections :

- (a) An objector may make objection under sub-section (2) of section 12 of the Act to the Collector in writing, stating fully the nature of his interest in the land to be acquired. He shall be required to

20. Intimation to local body :

On publication of notification under section 11(1) in the Gazette, the Collector shall inform the authority of Gaon Sabha or Sabhas at the village level, municipalities in case of municipal areas and the Autonomous Councils in case of the areas referred to in the Sixth Schedule to the Constitution to convene a special meeting and inform the contents of notification to the members. The authority (ies) of the concerned body shall communicate the minutes of the meeting to the Collector **within seven days** after the meeting as a token of compliance of the statutory provisions contained under **sub-section (2) of section 11** of the Act.

21. Updating of land records :

Copy of the preliminary notification issued under sub-section (1) of section 11 shall be sent to the Circle Officer for updating of land records. The types of updating shall be in respect of orders of Courts, substitution of the names of legal heirs against the deceased persons, giving effect to the registered transactions of rights in land such as sale, gift, partition, etc. and entering the name of land owners as per the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The exercise of updating of land records shall be completed within a period of two months.

On publication of preliminary notification, the Circle Officer shall enter the Notification number in the remarks column of the land records against the notified plots to ensure that no transaction of such plots are made violating the provisions of sub-section (4) of Section 11 of the Act.

22. Copy of the preliminary notification to be sent to the Registrar / Sub-Registrar :

A copy of the preliminary notification shall also be sent to the concerned Registrar or Sub-Registrar for complying with the provisions under sub-section (4) of section 11 of the Act.

23. Procedure for hearing objections :

- (a) An objector may make objection under sub-section (2) of section 15 of the Act to the Collector in writing, stating fully the nature of his interest in the land to be acquired. He shall be required to

prove his interest to the satisfaction of the Collector before his objection is admitted and, if he fails, the objection may be summarily dismissed.

- (b) On expiry of the statutory period of sixty days allowed for filing objections under sub-section (1) of section 11, the Collector shall issue notices on the persons, who have filed objections within the time limit and whose objections have been admitted, fixing a date, time and place of hearing of the objections and shall send copy (ies) of the objection(s) to the Requiring Body, on whose behalf the acquisition proceeding have been instituted. The Collector shall allow a representative of the Requiring Body to be present at the hearing and to be heard.
- (c) In the case of objections filed jointly by a number of persons, the notice shall be served on the first or the principal objector.
- (d) The Collector shall examine witnesses tendered on behalf of the objector or the opposite party. The proceedings shall be summary and only the substance of the statements made by the parties and their witnesses, if any, shall be recorded.
- (e) The Collector after hearing all such objections and after making such further inquiry, if any, as he thinks necessary shall make a report to the Government in the Revenue & D.M. Department containing his recommendations on the objections together with the record of his proceedings in original for the decision of the Government.
- (f) When the orders of Government have been passed in the Revenue & D.M. Department on the objections, they shall be communicated to the parties concerned through the Collector, the record of the case being returned at the same time.
- (g) If no objection is received within the statutory period of sixty days, the Collector shall report the fact to Government in the Revenue & D.M. Department and to the Requiring Body.

24. Preliminary cost of Land Acquisition :

The Collector shall prepare an estimate of an approximate cost of Land Acquisition as required under sub-section (2) of section 15 of the Act, on the basis of the components as defined in clause (i) of section 3

of the said Act and shall also take into account inputs received from Administrator, R & R, in **Form-VII appended to these rules.**

25. Administrative Cost :

The Requiring Body shall deposit for acquisition of land such percentage of the cost of compensation towards administrative cost as specified by the State Government by notification, to be revised from time to time.

The administrative cost shall be deposited by the Requiring Body with the Collector.

26. Actual estimation of cost of Land Acquisition :

The Collector shall prepare the actual estimate of cost of land acquisition after taking into consideration all the components as required under the Act for the said acquisition and following the method and manner in which the LA and RR award will be made. The Collector shall then send the cost of land acquisition to concerned Administrative Department / Agency for sanction of the estimate.

27. Publication of Declaration :

- (1) Upon receipt of a report of the Collector, if any, made under sub-section (2) of section 15 and after being satisfied considering the report, a declaration under sub-section (1) of section 19 along with the summary of the Rehabilitation and Resettlement scheme shall be issued by the State Government in **FORM-VIII appended to these rules.** However, no such declaration shall be made unless the Requiring Body has deposited an amount in full towards the cost of acquisition of the land with the Collector.
- (2) Such declaration shall be published in the manner prescribed under sub-section (4) of section 19 of the Act and also in the affected areas by way of affixing a copy of the Declaration in local language at conspicuous places in the Panchayat, Municipality or Municipal Corporation, as the case may be under which the affected area falls.
- (3) The date of last of such publication shall be the date of publication of declaration under sub-section (1) of section 19.

CHAPTER - VI**Rehabilitation and Resettlement Scheme****28. Survey and census of the affected families :**

- (1) Administrator, Rehabilitation and Resettlement under the provisions of sub-section (1) of section 16, shall conduct survey and undertake census of the affected families either by his own staff or by out-sourcing the work to any agency. The survey and census work may be conducted by way of collecting data from the Social Impact Assessment Study report and government records and verification of data by field survey and door to door visit of the affected families and by making site visits in case of infrastructure in the affected area.
- (2) Where the option of choosing specific Rehabilitation & Resettlement entitlement is available, option of the affected families shall be obtained during the survey which shall be in the form of written statement signed by the affected family. Where the affected family comprises of more than one member, the option shall be obtained from the Head of the family.

29. Preparation of draft Rehabilitation and Resettlement Scheme :

- (1) The draft Rehabilitation and Resettlement scheme prepared by the Administrator shall in addition to the particulars mentioned in sub-section (2) of section 16 shall contain the following :-
- list of likely to be displaced families;
 - list of infrastructures in the affected area;
 - list of trades/business in the affected area;
 - list of landless people in the affected area;
 - list of disadvantaged groups like persons belonging to Scheduled Castes or Scheduled Tribes, physically challenged persons in the affected area;
 - list of landless agricultural labourers in the affected area; and
 - list of prospective youth for employment in the affected area.

- (2) Where consent is involved, the draft R&R scheme shall be prepared taking into account the negotiated terms and conditions of R&R reached between the Requiring Body and the affected families.
- (3) The draft R & R scheme shall also include the time plan for completion of all construction works including the infrastructural developments to be provided as per the scheme.
- (4) The Administrator shall prepare a comprehensive and detailed draft R&R scheme as far as possible.
- (5) The Administrator shall publish the draft scheme by way of public notice in two daily newspapers circulated in the affected area for information of the general public. Copy of the draft R & R Scheme shall be sent to all concerned Gaon Sabhas or Municipalities which shall be discussed in their meeting and copy of the minutes of the meeting will be sent by the concerned Local Authorities to the Administrator, R & R within seven days as a token of compliance of the statutory provisions of sub-section (4) of section 16 of the Act.
- (6) The Administrator or an officer authorized by him shall conduct a public hearing in the affected areas on such date, time and venue as decided but not earlier than fifteen days from the date of publication of the draft scheme.

30. Public hearing of draft Rehabilitation and Resettlement Scheme :

- (1) Public hearing of draft R & R Scheme shall be conducted at the affected area where more than twenty five percent of the displaced families are directly or indirectly affected by the acquisition of the land in following manner.
- (2) At least 25 percent of adult members of Gaon Sabha or ward shall constitute the quorum for the meeting. If in the first Gaon Sabha meeting, the quorum is not available then in subsequent meetings quorum is not necessary.
- (3) The date and venue of public hearing must be publicized three weeks in advance through public notification affixed at some conspicuous places in all the villages where the land is proposed to be acquired and a notice of it shall be sent to the Gaon Panchayat or Municipal Ward representatives and by publishing the notice in the offices of the District Collector, Sub-Divisional Officer, Circle Officer, G.P. / Municipality Office and by uploading of the same on the website of the concerned District.

- (4) The draft R & R Scheme in the form of booklets shall be circulated in the affected area in local language and given to all affected Gaon Panchayats, Municipality, Requiring Body and in the offices of the District Collector, Sub-Divisional Officer and Circle Officer. Visual displays may be made preferably by way of presentation of slides during public hearing to share the findings of the draft R & R Scheme.
 - (5) The Administrator shall facilitate the public hearing which shall be organized through local administration with the designated Government officers of appropriate level.
 - (6) All proceedings shall be held in the local language to ensure that the participants understand and express their views.
 - (7) Representatives of the Requiring Body, Land Acquisition Officer, Administrator, R & R, Circle Officer and other officers as decided by the Collector 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 hearing.
 - (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 R & R Scheme.
 - (10) After the conclusion of the public hearing, the Administrator shall analyze the entire feedback received and information gathered in the public meeting and incorporate the same with their analysis, in the revised draft R & R Scheme to be submitted to the Collector.
 - (11) Objections raised during public meeting shall be recorded and the Administrator shall ensure that every such objection is considered in preparing the R & R Scheme.
- 31. Review of the draft R & R Scheme :**
- (1) The Administrator, R & R on completion of the public hearing shall submit to the Collector the draft R & R Scheme along with the survey report and record of proceedings of public hearing together with a specific report on the claims and objections raised in the public hearing.
 - (2) The Collector shall review the draft R & R Scheme with the R & R Committee at Project Level.

- (3) Where the affected area of a project involves more than one district, the Divisional Commissioner shall review the draft Rehabilitation & Resettlement Scheme with the R & R Committee at Project Level.

32. Approval of R & R Scheme :

The Divisional Commissioner or the Collector, as the case may be, shall submit the draft R & R Scheme along with specific recommendations and suggestions to the Commissioner, R & R for approval.

33. Publication of approved Rehabilitation and Resettlement Scheme:

R & R Scheme approved by the Commissioner shall be published by the Administrator, R & R in the affected area by affixing a copy of it in a notice board of the District Collector, Sub-Divisional Officer, Circle Officer, Panchayat, Municipality or Municipal Corporation and shall be uploaded on the web site of the Government and the District Collector. A notice of such publication shall be published in local language in two widely published local daily news papers requesting the public to refer the web site.

34. Elements of Rehabilitation and Resettlement :

- (1) The affected families of the Projects where preliminary notification under sub-section (1) of section 11 of the Act, is issued are only entitled to receive elements of rehabilitation and resettlement as per Second and Third Schedule.
- (2) While offering twenty percent of the developed land when the land is acquired for urbanization purposes, then in that case the land used for components of infrastructure amenities shall not be taken into account for the calculation of twenty per cent of developed land.
- (3) Where jobs are created through the project, the Requiring Body shall arrange for suitable training and skill development in the required field in cases where choice of employment is given and accepted by the project affected family under Second Schedule of the Act.

- (4) The Requiring Body shall arrange for training facilities to the project affected persons for development of entrepreneurship, technical and professional skills for self-employment.
- (5) In case, a project requiring land acquisition on behalf of a Requiring Body involves involuntary displacement of Scheduled Caste and Scheduled Tribe families, a Development Plan shall be prepared in FORM-IX appended to these rules by the Collector in consultation with the affected families.

35. Provisions Relating to Rehabilitation and Resettlement in Case of Land Purchased through Private Negotiation :

The limit of land exceeding which the provisions of Rehabilitation and Resettlement shall apply in cases where any person other than a specified person purchases land through private negotiations with the owners of the land as required under sub-section (1) of section 46 of the Act, shall be notified by the State Government in the Gazette.

CHAPTER-VII

Award and Compensation

36. Land Acquisition Award :

- (1) The Collector after enquiry into and disposal of the objections, if any, raised by the interested persons in pursuance of the public notice published and given under sub-section (1) of section 21 shall make land acquisition Award under section 23 of the Act in FORM-X appended to these rules.
- (2) The Collector while finalizing the claims of these persons interested in the land to be acquired as per section 21 shall give a notice to the Requiring Body. The Requiring Body may express its opinion with the Collector regarding the amount of the compensation including the market value of the land to be acquired.

- (3) The Collector shall ensure that the Award is made within the period prescribed under section 25 of the Act.
- (4) If the total amount of compensation to be paid is upto Rs.1.00 (one) Crore, then the Collector shall be competent to declare the award.
- (5) If the total amount of compensation to be paid is more than Rs.1.00 crore and up to Rs.5.00 (five) Crore, then the Divisional Commissioner shall be competent to declare the award.
- (6) If the total amount of compensation to be paid is more than Rs.5.00 (five) Crore, prior approval of the State Government shall be mandatory before declaration of the award.

37. Rehabilitation and Resettlement Award :

- (1) The Collector shall also make Rehabilitation and Resettlement Award for each affected family in accordance with the Second Schedule of the Act or as per the negotiated agreement reached with the affected families where consent is involved and hand over family wise Awards to each affected family in the **FORM - XI appended to these rules.**
- (2) The Collector shall also issue orders and ensure provision of infrastructure facilities to be provided for every resettlement area in **FORM-XII** appended to these rules.
- (3) The Commissioner, Rehabilitation and Resettlement shall closely monitor the implementation of R & R Scheme.

38. Compensation :

- (1) The compensation shall be calculated as per provisions laid down under section 26 to Section 30 read with the First Schedule of the Act and paid to all parties whose land or other immovable property has been acquired. The multiplication factor under item (2) of the First Schedule for rural area shall be equal to 1.5 if the radial distance of the land is upto 10 Km. from urban area and equal to 2 beyond 10 Km. from urban area, as notified by the State Government.

CHAPTER VIII

- (2) Compensation shall be given to agriculture labourers, tenants, share croppers and artisans referred to in sub-clause (ii) of clause (c) of section 3 of the Act at the following rates :-

(i) In case of an agricultural labourer, a lump sum amount equivalent to the current minimum wages of two hundred days shall be paid.

(ii) The tenants and share croppers shall be paid a lump sum amount of Rupees twenty five thousand per acre of the land they cultivate as tenants or share croppers.

(iii) In case of artisans who may be working in the affected area for three years prior to the acquisition of the land shall be paid a lump sum amount of Rupees twenty five thousand.

(3) The payment of compensation shall be made expeditiously through account payee cheques.

(4) The date of determination of the market value shall be the date on which the preliminary notification was issued under section 11.

39. Recovery of Excess amount :

For the purpose of sub-section (3) of section 33 of the Act, the awardee shall furnish an Indemnity Bond to the Collector for refund of excess amount. In case of default or refusal to refund, the excess amount shall be recovered as arrear of land revenue.

40. Limits of acquisition of Irrigated Multi Cropped Land :

The limits of acquisition of irrigated multi-cropped land as required under sub section (2) and percentage of the limits of net sown area for acquisition of the agricultural land as required under sub section (4) of section 10 of the Act shall be notified by the State Government in the Gazette.

CHAPTER-VIII**Administrator and Rehabilitation and Resettlement Committee and State Monitoring Committee :****41. Power, duties and responsibilities of Administrator :**

The Administrator appointed under provisions of sub-section (1) of section 43 of the Act shall exercise the powers and perform the duties and have responsibilities as follows :-

- (a) To conduct a survey and undertake census of the affected families in the manner and within time as provided under these rules;
- (b) To prepare a draft Rehabilitation and Resettlement scheme;
- (c) To publish the draft R&R scheme by the mode provided under the rules;
- (d) To make draft R&R scheme available to the concerned persons and authorities;
- (e) To organize and conduct public hearings on the draft scheme.
- (f) To provide an opportunity to the Requiring Body to make suggestions and comments on the draft R&R scheme;
- (g) To submit the draft R&R scheme to the Collector;
- (h) To publish the approved R&R scheme in the affected areas;
- (i) To help and assist the Collector in preparing Rehabilitation & Resettlement Award;
- (j) To monitor and supervise the implementation of the Rehabilitation Award;
- (k) To assist in post implementation audit of Rehabilitation and Resettlement; and
- (l) Any other work required to be done for Rehabilitation and Resettlement.

42. Constitution of the Rehabilitation and Resettlement Committee at Project Level :

The State Government shall constitute a Rehabilitation and Resettlement Committee at project level to monitor and review the progress and implementation of the Rehabilitation and Resettlement Scheme and to carry out post-implementation social audits in

consultation with the Gaon Sabha in rural area and Municipality in urban areas.

43. Procedure of the Rehabilitation and Resettlement Committee at Project Level and Allowances to its members :

- (1) The Committee shall have its first meeting when a draft Rehabilitation and Resettlement scheme has been prepared by the Administrator. The Committee shall discuss the scheme and make suggestions and recommendations. Thereafter, the Committee shall meet and review and monitor the progress of the Rehabilitation and Resettlement once in a month till the process of Rehabilitation and Resettlement is completed.
- (2) For the purpose of carrying out the post-implementation social audits, the Committee shall meet once in three months.
- (3) The Committee may visit the affected area and discuss with the affected families if it so desires and also visit the resettlement area to monitor the resettlement process.
- (4) The members of the Committee shall get travelling allowance and daily allowance at the rate admissible to the class I Officers of the State Government.
- (5) The members of the Committee shall get sitting allowances at the rate as may be prescribed by the State Government from time to time.

44. Procedure of State Monitoring Committee for Rehabilitation and Resettlement and Allowances of the experts associated with it :

- (1) The State Government shall constitute a State Monitoring Committee for monitoring and reviewing the progress of implementation of the Rehabilitation and Resettlement Schemes or plans under the Act.
- (2) The State Monitoring Committee shall have its first meeting for reviewing and monitoring the implementation of the Rehabilitation and Resettlement Scheme for the projects within a month of publication of the said approved Schemes under Section 18. Thereafter the meetings of the Committee shall be held once in six months to review and monitor the implementation of the rehabilitation and resettlement schemes. If the Committee desires it can have its meeting even before the period of six months.

(3) The experts of the State Monitoring Committee shall get travelling and daily allowances at the rate admissible to the rank of Secretary of the State Government.

(4) The experts of the Committee shall get sitting allowances at the rate as may be prescribed by the State Government from time to time.

CHAPTER - IX

45. Land Acquisition, Rehabilitation and Resettlement Authority :

(1) The State Government shall establish, by notification in the Official Gazette, the Land Acquisition, Rehabilitation & Resettlement Authority for the purpose of providing speedy disposal of disputes relating to land acquisition in each revenue division in the State having its seat at head quarters of that Division :

Provided that till such an Authority is established, the State Government with the consent of the Gauhati High Court may declare Courts of the District Judges to act as the Land Acquisition, Rehabilitation and Resettlement Authority.

(2) The jurisdiction of every Authority shall be such as may be described in the notification establishing the Authority.

(3) The Presiding Officer of such Authorities shall be appointed by the State Government in consultation with the Chief Justice of Gauhati High Court by issuing notification in the Official Gazette.

(4) There shall be a Registrar of the rank of ACS Junior Grade-I of the State and other staff including one stenographer, two assistants, one driver and two peons to be appointed from the different cadres of the Government servants including from the Revenue Department of the State Government.

(5) The salaries and allowances of the Registrar and other officers and employees of the Authority shall be the same as they are getting in their parent Departments and a deputation allowance at the rate of ten percent of their basic salary (which includes Grade pay) shall be paid to them. The conditions of service of the ACS officers so deputed shall be the same as those applicable to them under the Assam Civil Services Rules, 1998 as amended and in

CHAPTER - X

case of other staff of the Authority, their relevant service rules as in vogue shall apply.

- (6) The Presiding Officer of the said Authority shall get the salary as under :-

- (a) If he is a serving District Judge- his last salary in the Government service plus ten percent deputation allowance of the basic salary (which includes Grade pay).
- (b) In case of a retired District Judge appointed as a Presiding Officer he shall be entitled to a salary equivalent to the remuneration last drawn by him at the time of his retirement minus the pension. In addition, he shall draw his pension and other benefits accrued to him under the concerned rules applicable to him.
- (c) If he is a qualified legal practitioner for not less than seven years, as per salary payable to District Judge's pay scale at entry level.
- (d) The benefits of pension, gratuity and other retirement benefits shall be applicable to the Presiding Officer as per the rules concerned applicable to them.

46. Power of Authority and recovery of Rehabilitation and Resettlement benefits availed through false claim etc.

- (1) The Land Acquisition, Rehabilitation and Resettlement Authority shall have the powers of a civil court in the matters of recovery of any Rehabilitation and Resettlement benefits availed through false claim or fraudulent means.
- (2) If any such case of availing benefits of rehabilitation and resettlement by any person comes to the notice, the Collector shall make a reference to the Authority which shall adjudicate the matter. After adjudication is made by the Authority, the benefits thus availed shall be liable to be recovered by the Collector as an arrear of land revenue in case of the said benefits have been availed in terms of money, and by evicting the wrong doer from the land and houses if the said benefits have been availed in terms of land and houses.
- (3) The land and houses so vacated shall be used for rehabilitation and resettlement of the affected persons by the same project or for the purpose of community, as the case may be.

CHAPTER - X**MISCELLANEOUS****47. Reversion of Land to the Original Land Owner :**

- (1) Where any land acquired under the Act remains unutilized for a period of five years from the date of taking over the possession by the requiring body, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank by issuing a notice to the Requiring Body for whom the land was acquired and by giving an opportunity of being heard and by passing the necessary written order by the District Collector in this behalf.
- (2) After passing the written order as above, the District Collector shall take the possession of the acquired land for the purpose of returning the same to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank.
- (3) If the Requiring Body does not hand over possession of the said land to the Collector, Collector shall be competent to take the help of Executive Magistrate and police force to take the possession by giving prior notice to the Requiring Body.

48. Transfer of land and deposit of cost of reclamation for investment in agriculture :

- (1) Where multi-cropped irrigated land is acquisitioned, the Requiring Body shall provide equal extent of alternative land to the Collector by way of Registered transfer deed and deposit reclamation cost for investment in agriculture. The Collector shall in all such cases, transfer the said land including the reclamation cost to the Agriculture Department for investment to enhance food security.
- (2) Land so transferred shall be brought to the record of Agriculture Department in the land records to be updated by the Circle Officer concerned and in the remarks column of the land records special mention regarding transfer of land for food security be made.
- (3) Where the Requiring Body is unable to provide equal extent of land, it shall deposit the market value of the land with the Collector/Deputy Commissioner who shall deposit the same in appropriate head of account of Agriculture Department.

49. Removal of difficulties :

If any difficulty arises as to the interpretation of any provisions of these rules or in the implementation of such provisions, the Department of Revenue and Disaster Management in the State Govt. shall have powers to issue clarifications / directions in consistent with the Act and the rules for the purpose of removal of the difficulties.

FORM-I*[See sub-rule (1) of rule 3]***Requisition for Land Acquisition**

From : Name :

Designation of the Requiring Body :

To : 1. The District Collector
District.2. The Commissioner, R & R,
AssamIt is requested to acquire acre(s) of land
for project / purpose and the details are furnished in Appendix I, II, III
along with three copies of trace map showing the lands to be
acquired.

Requisite cost of acquisition including cost of social impact
assessment study (SIA) is available and will be deposited in your
office, as provided under provisions of Right to Fair Compensation
and Transparency in Land Acquisition, Rehabilitation and
Resettlement Act, 2013, as and when required by you. It is certified
that the land to be acquired was demarcated on the field and all
further necessary information and assistance will be provided on the
date/time appointed/stipulated by you.

Yours faithfully,

Requiring Body

Requiring Body

Appendix-I**Name of the project :-**

(1) Name of the Village :-

(2) Name of the Mouza :-

(3) Name of the Municipality / Municipal Corporation :-

(4) Name of the Revenue Circle :-

(5) Name of the District :-

(6) Dag Nos. to be acquired :-

(a) Number of full Dags :-

(b) Number of part Dags :-

(7) Total area under requisition (in acres) :-

(8) Boundaries of the area to be acquired :-

East -

West -

North -

South -

(9) Area of the agricultural and irrigated multi-cropped land.

(10) Reasons for inclusion of agricultural and irrigated multi-cropped land.

(11) Details of buildings and other structures, tanks, wells, trees, etc.

(12) Reasons for the inclusion of religious building, graveyard or tomb etc. for acquisition, if any.

Yours faithfully,

Requiring Body

Requiring Body

Appendix-II

Appendix-II

Name of the project:-

(1) Department of Government or Company, Local Authority, Institution :-

(2) Official designation of the requiring body :-

(3) Purpose of Acquisition (in detail) :-

(4) Whether the requisition is filed u/s 2(1) of the Act by the Government or Department for its own use, hold and control :-

(5) Whether the requisition is filed u/s 2(1)(a) to 2(1)(f) of the Act :-

(6) Whether the requisition is filed U/S 2(1) /2(2) (a) / 2(2) (b) of the Act :-

(7) How many families are affected as described u/s 3(c) (i) to (vi) of the Act :-

(8) Whether the requisition is filed U/S 40 of the Act :-

(9) If so, on what ground?

(10) Has the land to be acquired already been taken over from the owners by private negotiation?

(11) If so, on what date and on what terms (please state the terms of negotiation in short and attach the copy of it).

(12) Date of issue of administrative approval for the project (copy to be attached) in case of Government or Department or local authority.

(13) Reasons for delay in filing requisition, if requisition is filed after 6 weeks from the date of administrative approval of the project.

(14) By what time possession of the land is required.

Requiring Body

Appendix-III**Appendix-II****Certificate to be furnished along with the requisition for acquisition****of land by the requiring authorities****Name of the project :**

1) Certified that the project for which the land is sought to be acquired has been administratively approved vide Department letter No.....

Dated

2) The Estimated cost of the project is of Rs. and necessary budget was sanctioned and funds are available towards cost of acquisition.

3) The Department undertakes to pay full amount in case of decree by the Land Acquisition, Rehabilitation and Resettlement Authority / High Court / Supreme Court as and when asked to do so by the Collector / Appropriate Government.

Requiring Body**Requiring Body**

FORM – II**Part-A***[See sub-rule (1) of rule 7]***Terms of Reference and Processing Fee for the SIA**

The State SIA Unit shall review the proposal for land acquisition sent by the Appropriate Government and produce a Project specific Terms of Reference (ToR) and budget. Based on the ToR and budget, a processing fee will be determined, which must be deposited by the Requiring Body before the Notification of the SIA can be issued. The ToR shall include the following information;

- (i) A brief description of the project, project area and the extent of lands proposed for acquisition.
- (ii) The objectives of the SIA and all the activities that must be carried out by the SIA team.
- (iii) Sequencing, schedule and deadlines for deliverables with dates for the SIA process, based on the size and complexity of the project and land acquisition, and whether consent or consultation of the Gaon Sabhas and/or land owners is required to be sought.
- (iv) The appropriate size and profile of the SIA team required (including field surveyors if needed) to conduct the SIA for the specific project.
- (v) A project- specific budget based on the ToR, with a clear break up of costs for each item/activity.
- (vi) The schedule for the disbursement of funds to the SIA team tied to clearly- defined deliverables in the SIA process.
- (vii) The processing fee will be determined based on the ToR 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.
- (viii) 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.
- (ix) A fixed proportion of the fee shall go towards meeting the costs of the State SIA unit.

FORM - II

FORM - II

Part-B

Notification of the SIA

[See sub-rule (1) of rule 5]

The State SIA Unit shall review the proposal for land acquisition sent by the Appropriate Government and prepare a Report on the Terms of Reference (TOR) and budget based on the TOR and budget, a processing fee will be determined which must be deposited by the

The Notification of the SIA must include:

- (i) Name of the 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 SIA.
- (ii) The main objectives of the SIA and key activities including (a) consultations (b) survey (c) public hearing/s.
- (iii) If consent of Gaon Sabhas and / or land owners is required, the notification must state this.
- (iv) The time line for the SIA and the final deliverables (SIA report and SIMP) along with the manner of their disclosure must be specified.
- (v) Statement that any attempt at coercion or threat during this period will render the exercise null and void.
- (vi) Contact information of the state SIA unit.
- (vii) The processing fee will be determined based on the TOR 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.
- (viii) Information regarding the processing fee bands and the cost for separate component/line items must be made consistent and easily accessible, so that the Reducing Body can factor this into its costs in advance. These rates must be reviewed and revised from time to time.
- (ix) A fixed proportion of the fee shall go towards meeting the costs of the State SIA unit.

FORM - III**Social Impact Assessment report***[See sub-rule (3) of rule 5]***Part-A : List of Socio-economic and cultural parameters to be covered by the SIA :**

- **Demographic details of the population in the project area**
 - Age, sex, caste, religion
 - Literacy, health and nutritional status
- **Poverty levels**
- **Vulnerable groups**
 - Women, children, the elderly, women-headed households, the differently abled
- **Kinship patterns and women's role in the family**
- **Social and cultural organization**
- **Administrative organization**
- **Political organization**
- **Civil society organizations and social movements**
- **Land use and livelihood**
 - Agricultural and non-agricultural use
 - Quality of land - soil, water, trees etc.
 - Livestock
 - Formal and informal work and employment
 - Household division of labour and women's work
 - Migration
 - Household income levels
 - Livelihood preferences
 - Food security
- **Local economic activities**
 - Formal and informal, local industries
 - Access to credit
 - Wage rates
 - Specific livelihood activities women are involved in
- **Factors that contribute to local livelihoods**
 - Access to natural resources
 - Common property resources
 - Private assets
 - Roads, transportation
 - Irrigation facilities

- Access to markets
- Tourist sites
- Livelihood promotion programmes
- Co-operatives and other livelihood-related associations
- **Quality of the living environment**
 - Perceptions, aesthetic qualities, attachments and aspirations
 - Settlement patterns
 - Houses
 - Community and civic spaces
 - Sites of religious and cultural meaning
 - Physical infrastructures (including water supply, sewage systems etc.)
 - Public service infrastructure (schools, health facilities, anganwadis centres, public distribution system)
 - Safety, crime, violence
 - Social gathering points for women

Part -B : Key impact areas :

- Impacts on land, livelihoods and income :

- Level and type of employment / Intra-household Employment patterns / income levels
- Food security
- Standard of living
- Access and control over productive resources
- Economic dependency or vulnerability
- Disruption of local economy
- Impoverishment risks
- Women's access to livelihood alternatives

- Impact on physical resources :-

- Impacts on natural resources, soil, air, water, forests
- Pressures on land and common property natural resources for livelihoods

- Impacts on private assets, public services and utilities

- Capacity of existing health and education facilities
- Capacity of housing facilities
- Pressure on supply of local services

- Adequacy of electrical and water supply, roads, sanitation and waste management system
- Impact on private assets such as bore wells, temporary sheds etc.
- **Health impacts**
 - Health impacts due to in-migration
 - Health impact due to project activities with a special emphasis on impact on women's health, impact on the elderly.
- **Impact on cultural & social cohesion**
 - Transformation of local political structures
 - Demographic changes
 - Shifts in the economy-ecology balance
 - Impacts on the norms, beliefs, values and cultural life
 - Crime and illicit activities
 - Stress of dislocation
 - Impact of separation of family cohesion
 - Violence against women

- 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 :

- Interruption in the delivery of services
- Drop in productive investment
- Land speculation
- Stress of uncertainty

(b) Construction phase :

- Displacement and relocation
- Influx of migrant construction workforce
- Health impacts on those who continue to live close to the constructive site

(c) Operation phase :

- Reduction in employment opportunities compared to the construction phase
- Economic benefits of the project
- Benefits on new infrastructure
- New patterns of social organization

Chapter	
1. Executive summary	(a) Project and purpose (b) Location (c) Size and scope of project (d) Alternatives considered (e) Social impacts (f) Mitigation measures (g) Assessment of social impacts
2. Detailed project description	(h) Background of the project including government policy, structure and developers (i) Rationale for project including how the project fits the public purpose criteria listed in the Act (j) Details of project size, location, capacity, outputs, production targets, costs, risks

(d) De-commissioning phase :

- Loss of economic opportunities
- Environmental degradation and its impact on livelihoods

(e) Direct and indirect impacts :

- "Direct Impacts" will include all impacts that are likely to be experienced by the affected families
- "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 :

- Impacts on women, children, the elderly and the differently abled.
- Impacts identified through tools such as Gender Impact Assessment Checklists, and vulnerability and Resilience Mapping

(g) Cumulative impacts :

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

Part - C : Table of Contents for SIA Report and Social Impact Management Plan :

Chapter	Contents
1. Executive summary	(a) Project and public purpose (b) Location (c) Size and attributes of land acquisition (d) Alternatives considered (e) Social impacts (f) Mitigation measures (g) Assessment of social costs and benefits
2. Detailed project description	(h) Background of the project, including developers background and governance/management structure (i) Rationale for project including how the project fits the public purpose criteria listed in the Act (j) Details of project size, location, capacity, outputs, production targets, costs, risks.

	(k) Examination of alternatives (l) Phases of project construction (m) Core design features and size and type of facilities (n) Need for ancillary infrastructural facilities (o) Work force requirements (temporary and permanent) (p) Details of SIA/EIA if already conducted and any technical feasibility reports (q) Applicable legislations and policies
3. Team composition, approach, methodology and Schedule of the SIA	(a) List of all team members with qualifications. Gender experts to be included in the team (b) Description and rationale for the methodology and tools used to collect information for the SIA (c) Sampling methodology used (d) Overview of information/data sources used. Detailed reference must be included separately in the forms (e) Schedule of consultations with the 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
4. Land Assessment	(a) Describe with the help of the maps, information from land inventories and primary sources (b) Entire area of impact under the influence of the project (not limited to land area for acquisition) (c) Total land requirement for the project (d) Present use of any public, unutilized land in the vicinity of the project area. (e) Land (if any) already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project. (f) Quantity and location of land proposed to be acquired for the project. (g) Nature, present use and classification of

	land and if agricultural land, irrigation coverage and cropping patterns.
	(h) Size of holdings, ownership patterns, land distribution and number of residential houses
	(i) Land prices and recent changes in ownership, transfer and use of lands over the last 3 years
5. Estimation and enumeration (where required) of affected families and assets	Estimation of the following types of families that are — (a) Directly affected (own land that is proposed to be acquired) : (i) Are tenants or occupy the land proposed to be acquired (ii) The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights (iii) Depend on common property resources which will be affected due to acquisition of land for their livelihood (iv) Have been assigned land by the appropriate Government under any of its schemes and such land is under acquisition. (v) Have been residing on any land in the urban areas for proceeding three years or more prior to the acquisition of the land (vi) Have depended on the land being acquired as a primary source of livelihood for three years prior to the acquisition (b) Indirectly impacted by the project (not affected directly by the acquisition of own lands) (c) Inventory of productive assets and significant lands
6. Socio-economic and cultural profile (affected area and resettlement site)	(a) Demographic details of the population in the project area (b) Income and poverty levels (c) Vulnerable groups (d) Land use and livelihoods (e) Local economic activities

	(f) Factors that contribute to local livelihoods (g) Kinship patterns and social and cultural organization (h) Administrative organization (i) Political organization (j) Community-based and civil society organizations (k) Regional dynamics and historical change processes (l) Quality of the environment
7. Social impacts	(a) Framework and approach to identifying impacts (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. (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.
8. Analysis of costs and benefits and recommendation on acquisition	(a) Final conclusions on : assessment of public purpose, less-displacing alternatives, minimum requirements of land, the nature and intensity of social impacts, the viability of the mitigation measures and the extent to which mitigation measures described in the Social Impact Management Plan will address the full range of social impacts and adverse social costs. (b) The above analysis will use the equity principle as a criteria of analysis for presenting a final recommendation on whether the acquisition should go through or not.
9. References and forms	For reference and further information

FORM - IV**Social Impact Management Plan (SIMP)***[See sub-rule (5) of rule 5]*

(a) Approach to mitigation. (b) Measures to avoid, mitigate and compensate impact.	
(c) Measures that are included in the terms of R&R and compensation as outlined in the Act. (d) Measures that the Requiring Body has stated it will introduce in the Project Proposal. (e) Additional measures that the Requiring Body has stated it will undertake in response to the findings of the SIA process and public hearings. (f) The SIMP must include description of institutional structures and	
key person responsible for each mitigation measures and timelines and costs for each activity.	
9. References and For reference and further information	

FORM - V**Prior Written Consent/Declaration****[See sub-rule (7) of rule 18]****Details of the affected Land Owners/Persons Concerned**

1. Name of the person(s) in whose name the land is registered
2. Name of spouse
3. Name of father/mother
4. Address
5. Village
6. Gaon Panchayat /Municipality/Township
7. Revenue Circle
8. District
9. Name of other members in the family with age : (including children and adult dependents)
10. Extent of land owned :
11. Area for the acquisition :
12. Dag No.
13. Record of Rights :
14. Disputed lands if any
15. Pattas/leases/grants, if any
16. Any other right, including tenancy, if any :
17. Regarding the acquisition of my land by the Government, I wish to state the following
 - 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(ies) and Date

18. The terms and conditions, Rehabilitation and Resettlement, compensation and other measures committed by the Requiring Body have been explained in the local language. These terms and conditions must be attached to the Form.

Date and signature of the designated district official
receiving the signed form.

* It is a crime under law to threaten any person or to cause them any harm if they refuse to consent or if they choose to state that they do not consent on this form. This includes any threat or act that causes them to lose money, that hurts them physically or that results in harm to their family. If any such threats has been made this form is null and void.

FORM -VI**[See sub-rule (1) of rule 19 and section 11(1) of the Act-30/2013]****Government of Assam****Revenue & Disaster Management (LR) Department****Preliminary Notification**

No.

Dated

Whereas it appears to the Government of Assam that a total of
 Bigha Katha Lessa/Chatak of land is required in
 Village Mouza
 Sub-Division District for
 purpose.

This notification is hereby made under the provisions of Section 11 (1) of the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30/2013), to all whom it may concern. Any person interested in any land which is notified hereunder may within **sixty days** from the date of publication on this notification object to the area and suitability of land proposed to be acquired, justification offered for public purpose and the findings of the Social Impact Assessment report to the Collector in writing.

1. Nature of the public purpose :
2. Name of the Requiring Body :
3. Reasons necessitating the displacement of affected persons :
4. Summary of the Social Impact Assessment Report :
5. Particulars of the Administrator appointed for the purposes of rehabilitation and resettlement :
6. Land Details :

District :

Revenue Circle :

District	Revenue Circle	Village	Rural / Urban	Patta No.	Dag No.	Type of land	Area to be acquired	Name & address of persons interested	Boundaries			
									N	S	E	W

The Government of Assam / Collector -cum- Appropriate Government is pleased to authorize the officers for the time being

Form -VII**[See rule 24]****Estimate of preliminary cost of land acquisition under Act 30 of 2013**

Name of Requiring Body..... requiring the land
 in Village..... P.S..... Mouza.....
 / Pargana..... District.....

Part -I

(1)	Market value of land as provided under sub-section (1) of section 26			
(a)	Description of land	Area of land in B-K-L	Rate per Bigha	Amount
(b)	Deduct Conversion premium of A.P. land, if any.			
	Total			
(2)	Factor by which the market value is to be multiplied as provided under sub-section (2) of section 26, as notified by the State Govt.			
(3)	Total of market value of land determined under sub-section (1) & (2) of section 26 [(1) x (2)]			
(4)	Value of assets attached to land or building as provided under section 29 Houses Trees Wells/tanks Crops			
	Total of (3) + (4) =			
(5)	Solatium as provided under sub-section (1) of section 30 @ 100% of (3) + (4)			
(6)	Addl. Compensation @ 12% per annum on the total market value at Sl. (3) as provided under sub-section (3) of section 30			
(7)	Damages as provided under clause 2 to 6 of section 28 (if any)			
	Total compensation [total of (3) + (4) + (5) + (6) + (7)]			

FORM -VIII**[See sub-rule (1) of rule 27 and section 19(1) of the Act-30/2013]****Government of Assam
Revenue & Disaster Management (LR) Department****Declaration**

No..... Dated

Whereas it appears to the Government of Assam / Collector that a total of Bigha Katha Lessa/Chatak of land is required in Village Mouza Sub-Division District for public purpose, namely, ...

Therefore, this Declaration is made under the provisions of Section 19(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (Act No.30/2013) that a piece of land measuring more or less Bigha Katha Lessa/Chatak of standard measurement is under acquisition for the above said project within the aforesaid Village of whose detailed description is as follows :

District : Revenue Circle :

Name of Village	Rural/ Urban	Patta No.	Dag No.	Type of land	Area under acquisition	Name & address of persons interested	Boundaries			
							N	S	E	W

This Declaration is made after hearing of objections of persons interested and due enquiry as provided u/s 15 of the Act (No.30 of 2013). The number of families likely to be resettled due to the land acquisition is for whom Resettlement area has been indentified, whose brief description is as following :-

Village Mouza..... Revenue Circle..... District

Area : Bigha Katha Lessa/Chatak

Mines of coal, iron -stone, slate or other minerals lying under the said land or any particular portion of the said land, except such part of the mines and minerals, which may be required to be dug or removed or used during the construction phase of the project for the purpose of which the land is being acquired, are not needed.

A plan of the land may be inspected in the office of the Collector on any working day.

A summary of the Rehabilitation and Resettlement scheme is given below:

Secretary to the Govt. of Assam
Revenue & Disaster Management Department /

Authorized Officer

FORM - IX*[see sub-rule (5) of rule 34]***Format of Development Plan for SC/ST families displaced
due to land acquisition**

1. Settling land rights and restoring titles of the ST & SCs as per Govt. Land Policy and provisions of Chapter-X under ALRR, 1886. A
2. Programme for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as Schedule Castes.

Secretary to the Govt. of Assam
Revenue & Disaster Management Department

Authorized Officer

FORM - X*[see sub-rule (1) of rule 36 and section 23 & 30 of the Act 30 of 2013]***Land Acquisition Award****Land Acquisition Case No.**

1.	Name of the project					
2.	Number and date of Declaration under which the land is to be acquired					
3.	Situation and extent of the land in acres, the number of field plots on the survey map, the village in which situated with the number of mile plan if any.					
4.	Description of the land, i.e. whether fallow, cultivated, homestead, etc. If cultivated, how cultivated.					
5.	Names of persons interested in the land and the nature of their respective interests.					
6.	Amount allowed for the land itself, without trees, buildings etc., if any					
7.	Amount allowed out of such sum as compensation for the tenants' interest in the land.					
8.	Basis of calculation					
9.	Amount allowed for trees, houses or any other immovable things					
10.	Amount allowed for crops					
11.	Additional compensation on the market value under section 30(3)					
12.	Solatium u/s 30(1)					
13.	Damages under section 28 of the Act 30 of 2013					
14.	Award under section 23 and 30 of Act 30 of 2013					
15.	Particulars of abatement of Government Revenue, or of the capitalized value paid, the date from which the abatement takes effect.					
16.	Apportionment of the amount of compensation	Serial no.	Name of claimants	Amount payable to each	Bank A/C No.	Remarks
17.	Date on which possession was taken u/s 38(1) & 40(1) of Act of 30/2013.					

If u/s 40(1) the number and date of the order of the Government giving authority to do so.

Date :

Collector

FORM - XI
(See sub-rule (1) of rule 37 & 2nd Schedule of the Act)

Award for Rehabilitation and Resettlement

Land Acquisition Case No.

1.	Name of the project							
2.	Number and date of Declaration under which the land is to be acquired							
3.	Situation and extent of the land in acres, the number of field plots on the survey map, the village in which situated with the number of mile plan if any							
4.	Description of the housing units, transportation cost, housing allowances, annuity, employment, subsistence grant, cattle shed, petty shop, one time resettlement allowances etc.							
5.	Name/Names of persons interested in the land and the nature of their respective claim for rehabilitation and resettlement.							
6.	Apportionment of the amount of compensation	Sl. No.	Name of claimants/ affected family	R & R entitlements	Bank A/C No.	Amount payable to each	Non-monetary entitlements	Remarks
				House to be allotted				
				Land to be allotted				
				Transportation cost				
				Housing allowances				
				Annuity				
				Employment				

FORM - XII

Form for Provision of families displaced and acquisition of land under R & R for		Subsistence grant		Cattle shed		Petty shop		Fishing rights		One time grant		One time resettlement allowance	
No.	Sl. No.	Particulars	Amount	Particulars	Amount	Particulars	Amount	Particulars	Amount	Particulars	Amount	Particulars	Amount
1.	1.	Roads											
2.	2.	Drainage											
3.	3.	Drinking water											
4.	4.	Drinking water for cattle											
5.	5.	Grazing land											
6.	6.	Fair price shop											
7.	7.	Date on which R&R entitlements given to the affected family											
8.	8.	Post office											
9.	9.	Permit storage											
10.	10.	Irrigation facilities											
11.	11.	Transport facilities											
12.	12.	Burial or cremation ground											
13.	13.	Toilet points											
14.	14.	Electric connections											
15.	15.	Nutritional services											
16.	16.	Schools											
17.	17.	Sub-health centre											

If u/s 40(1), the number and date of the order of Government giving authority to do so.

Date :

Administrator Collector Commissioner

FORM - XII

[See sub-rule (2) of rule 37 & Third Schedule of the Act 30/2013]
 Format for Provision of Infrastructural Amenities under R & R for
 families displaced due to land acquisition

Sl. No.	Components	Details of infrastructure amenities
1.	Roads	
2.	Drainage	
3.	Drinking water	
4.	Drinking water for cattle	
5.	Grazing land	
6.	Fair price shop	
7.	Panchayat ghars	
8.	Post offices	
9.	Fertilizer storage	
10.	Irrigation facilities	
11.	Transport facilities	
12.	Burial or cremation ground	
13.	Toilet points	
14.	Electric connections	
15.	Nutritional services	
16.	Schools	
17.	Sub-health centre	

18.	Primary Health centre	
19.	Play Ground	
20.	Community centre	
21.	Places of worship	
22.	Separate land for tribal institutions	
23.	Timber forest produce	
24.	Security arrangements	
25.	Veterinary services	

Administrator

Collector

Commissioner

S.C. DAS,Additional Chief Secretary to the Government of Assam,
Revenue and Disaster Management Department.