

DRAFT SOCIAL IMPACT ASSESSMENT REPORT



Submitted to:

The District Collector, District Daman

CONSTRUCTION OF GOVERNMENT COLLEGE OF NURSING (GCON), NURSING HOSTEL AND STAFF QUARTERS, NURSING HOSTEL & STAFF QUARTERS AT DAMAN

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ACKNOWLEDGEMENT

This draft social impact assessment (SIA) report for the land acquisition and construction of government college of Nursing (GCON), Nursing hostel and staff quarters is a result of the work executed by SR Asia as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The field investigator team members had extensive consultation with the officials of Department of Revenue and Land Reforms, public representatives and project affected families (PAFs) of the Kathiria, Daman area Daman district for collecting valuable inputs, data on local ecology, culture and socio-economic profiles.

We extend our sincere thanks to all the officials of District Collector, Daman for their continuous support and cooperation.

We are also grateful to all the respondents of SIA study including project affected families (PAFs) and local representatives for their time and feedbacks. We appreciate the efforts made by all the participants of this study and thanks them for their support.

Birendra Raturi

International Director, SR Asia

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ABBREVIATIONS AND ACRONYMS

CPR	Common Property Resources
D&D	Daman and Diu
DNH	Dadra and Nagar Haveli
DPR	Detailed Project Report
FGD	Focused Group Discussion
LA	Land Acquisition
LAP	Land Acquisition Plan
NA	Not Applicable
PAFs	Project Affected Families
PAPs	Project Affected Population
R&R	Rehabilitation and Resettlement
RFCTLARR 2013	Right to Fair Compensation and Transparency in Land Acquisition Resettlement and Rehabilitation Act, 2013
SIA	Social Impact Assessment
SIMP	Social Impact Management Plan
U.T.	Union Territory

EXECUTIVE SUMMARY

The Directorate of Medical & Health Services is carrying out the project for the construction of government college of Nursing (GCON), Nursing hostel and staff quarters. U.T. of administration of Daman and Diu had decided to acquire 1.7008 H.a. of land from Kathiria village. As the Daman share boundaries with the state of Gujarat can also utilize the facilities. The identified location is situated at the nearest to the hospital. This helps people all over the state to easily reach the location once the Nursing College is constructed. The proposed land is located at the Devka road of the Kathiria village. The proposed land is an agriculture land consisting of more than 300 fruit bearing trees such as coconut, mango and chickoo tress.

The total land required is 1.7008 H.a. as per notification No. 3/119/LND/-ACQ/2023-24/2913 dated 02/08/2023 under section 4 Rule 3 and is owned by three PAPs. The ownership of land is through heredity. Project Affected Family (PAF) use the land majorly for agricultural purposes. More details are as below:

Table 1: Details of land and attributes

Number of PAFs for surveys		3
Size of the land to be acquired		1.7008 H.a.
Assets and Structures to be acquired	i) Open land ii) Agricultural land iii) Trees (Coconut, mango and chickoo trees)	
Ownership of land		Privately owned
Classification of land		Agricultural land
Use of land		Cropping, cultivation, or plantation

The objective of the study was to identify the social and economic impacts of the land acquisition for the proposed project on project affected family besides designing a social impact management plan SIMP as mitigation measures.

An inclusive approach was followed by SIA team conducted discussions and public consultation meeting to gather the information on the issues and concerns of the project affected family (PAF). Data collection involved multiple step process of site visits and field surveys. Afterwards, SIMP was developed to mitigate the social, economic and environment impacts.

The potential negative impacts of the projects can be minimized by adopting mitigation measures. To mitigate economic impacts, the PAFs should be compensated as mandated under Section 26-31 of the RFCTLARR 2013 act. During the construction phase, preference should be given to the PAF for income generation opportunities depending on the impact on their source of livelihood. This would compensate the livelihood options which are likely to be affected due to the acquisition of the land. Concerning environmental impacts, the project should be designed in a way that minimizes the impact on the flora and fauna of the village. More tree plantation shall be undertaken on the project site to compensate for the loss of trees.

A detailed assessment suggested that the construction of government college of Nursing (GCON), Nursing hostel and staff quarters will have more positive than negative impacts on the PAF, local population, and future generations. The social costs incurred by PAFs in terms of loss of land/property, loss of livelihood can be compensated mostly by taking proactive measures. The project will benefit the entire population in the affected area of Daman District.

The discussions and interactions with stakeholders including the project affected families, public representatives, officials of government departments, and local people indicate that the project will prove to be a milestone for the development of Kachigam.

The SIA team is unanimous to state that PAF is not ready to offer the land acquisition and it should be done as per the provisions of the RFCTLARR Act 2013. The government is suggested to balance environmental and social considerations, and benefits through the implementation of the proposed mitigation measures. It is recommended that preventive measures be given first consideration to reduce the cost of mitigation measures and at the same time minimize the negative impact of the project.

CHAPTER-1

DETAILED PROJECT DESCRIPTION

Fig 1: Project site

ABOUT THE PROJECT



The proposed land acquisition project is for construction of government college of Nursing (GCON), Nursing hostel and staff quarters, nursing hostel and staff quarters at Kathiria village.

The project aims to acquire 1.7008 hectare in Kathiria village. The purpose of the acquisition of land is to convert the proposed land in Nursing college so that tertiary care facilities are affordable to people. Establishment of such institutions will enhance the health care facilities in the area of Daman.

PROJECT BACKGROUND

The project of construction of government college of Nursing (GCON), Nursing hostel and staff quarters, nursing hostel and staff quarters daman in the kathiria village. The total area required is 12917 square meters and plus additional land of 4091 square meters. It is an agriculture land which consists of more than 300 fruit bearing trees such as coconut, mango and chickoo trees. The proposed land is located close to the civil hospital. There is no structure on the proposed location.

NECESSITY AND PURPOSE OF THE PROJECT

The Directorate of Medical & Health Services is carrying out the project for the construction of government college of Nursing (GCON), Nursing hostel and staff quarters. U.T. of administration of Daman and Diu had decided to acquire 1.7008 H.a. of land from Kathiria village. The development is being take place for providing higher education to the local peoples which will improve the health care facilities of the District.

Some of the opportunities and facilities which may results are

- Creation of at least 2, 500 – 3, 500 direct and indirect jobs
- Hostel facilities for the students
- Provide quarters to the staff members
- Provide health facilities
- Allied facilities

PROJECT LOCATION

The land to be acquired for the construction of government college of Nursing (GCON), Nursing hostel and staff quarters is located in Kathiria village. The location of the project is shown in fig 2.

The boundaries of the area to be acquired as given below:

- **East-** Main road
- **West-** Sr No 11/3
- **North-** Part of S no 10/1, Part 9/1 and 10/1

- South- Part of S no 8

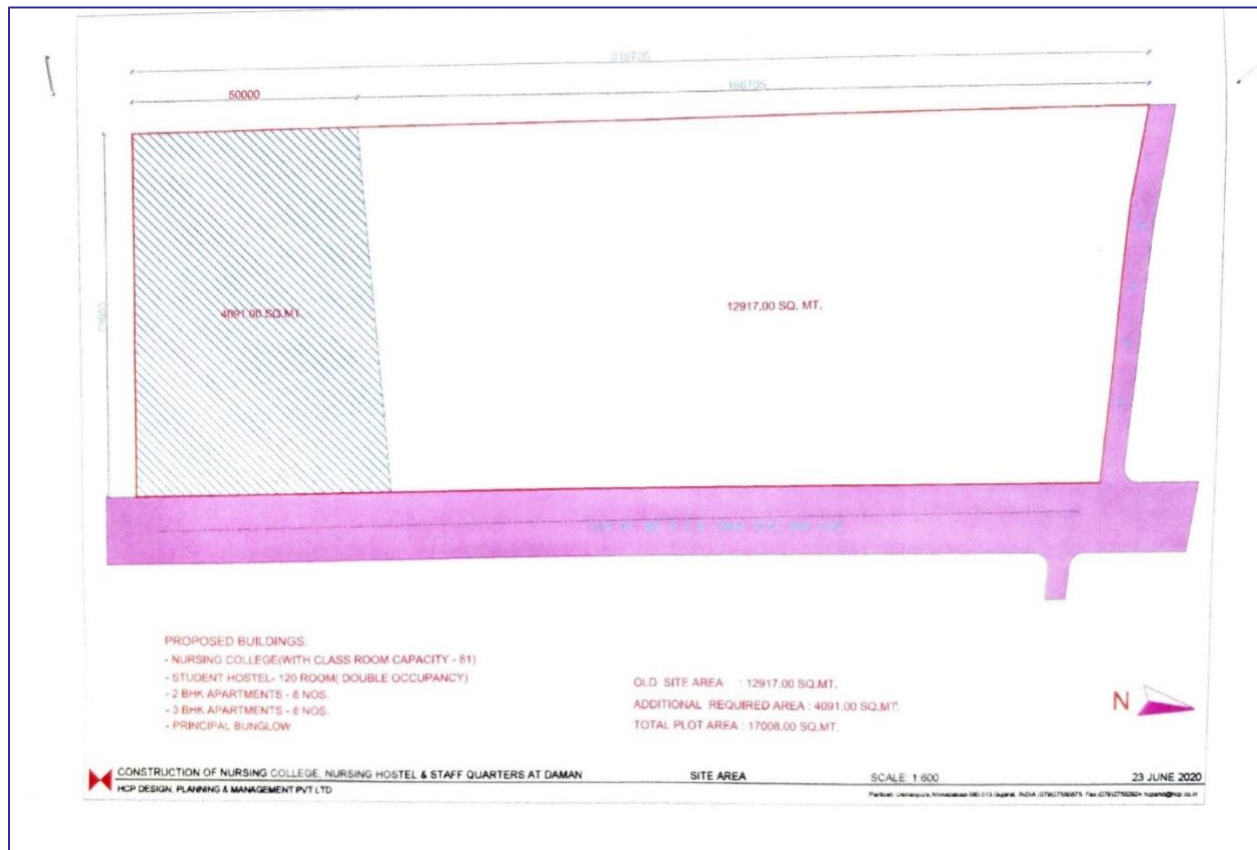


Fig: 2 Project location

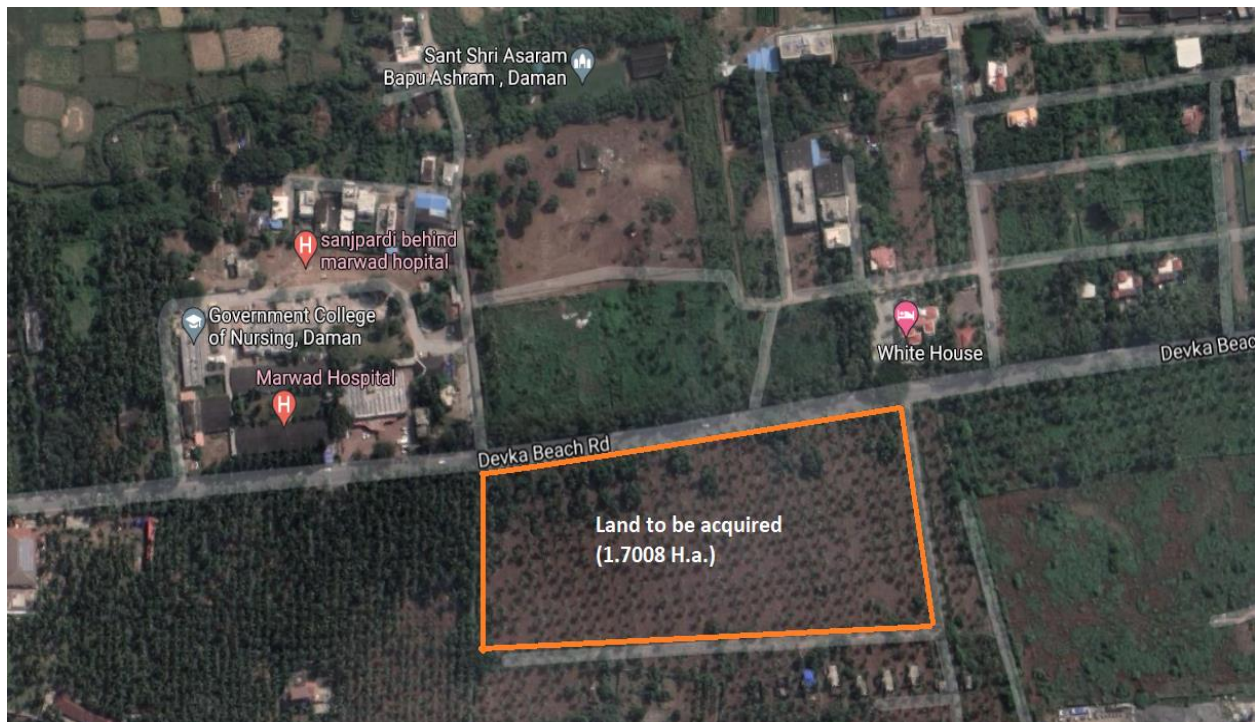


Fig 3: Map of project location

PROJECT COST

The estimated cost of the project is of Rs. 82.77 Cr.

PROJECT ALTERNATIVE

The land alternatives were discussed with PAF during site visit. The PAF suggested that there is a land available adjacent to the hospital which will more suitable for the proposed project. The SIA team has concluded that constructing new infrastructure on the current location itself is the most appropriate and acceptable option to all stakeholders.

CHAPTER 2

TEAM COMPOSITION, APPROACH AND METHODOLOGY

SR Asia is an ISO 9001:2015 certified International Organization, registered under Section 8 of the Companies Act-2013 headquartered in India and has a presence in over 12 countries in the Asian region. SR Asia works in the sustainability domain and work with the government, public and private sector, and multilateral agencies. The organization has professionals who are qualified and have expertise in diverse disciplines functioning at all levels. The team consists of Management professionals, Economists, Social Scientists/anthropologists, etc. The organization has experience in conducting Social Impact Assessments in various states of the country. SR Asia is empaneled with various state governments such as Daman and Diu, Dadra and Nagar Haveli, Himachal Pradesh, Jharkhand, etc. for conducting SIA studies as per RFCTLARR-2013.

Section 4 of the RFCTLARR Act 2013 requires that all SIA studies undertake surveys /public consultations as part of the study. SIA aims to ensure that all stakeholders interested in a proposed project including project beneficiaries and the general public in the vicinity of the proposed project be identified and their opinion considered during the project planning, design, construction, operation, and decommissioning phase. In compliance with the requirements of the regulations, the SIA team conducted the assessment during May 2021 and interacted with PAFs, local self-government leaders, and other stakeholders of the current project. This chapter illustrates the approach and methodology adopted for undertaking the SIA and gives an overview of the SIA unit and the activity schedule of the study.

OBJECTIVES AND SCOPE OF STUDY

The SIA study was conducted with the following objectives:

- To assess whether the proposed land acquisition for the project would serve public purpose;
- To estimate the number of affected families, magnitude of land assets based on the actual holdings of the families and the number of families among them likely to be displaced physically or economically due to land acquisition;
- To identify the extent of lands, houses settlements and other common properties likely to be affected;
- To examine whether the extent of land proposed for acquisition is the bare minimum necessary;
- To find out whether an alternative site has been considered for the purpose;

- To study the social impacts of the project by covering both direct land loser households as well as the indirectly affected households due to loss of common property resources (CPRs), socio-economic infrastructure etc. and the impact of these costs on the overall costs of the project vis-a-vis the benefits of the project;
- To suggest remedial intervention measures by designing appropriate policies and programmes through a social impact management plan or mitigation plan (SIMP).

TEAM COMPOSITION

SR Asia constituted a team led by Ms. Sakshi Sharma (Project Head) and local field investigators, etc was guided by Mr. Birendra Raturi. The team members are postgraduates in social work/sciences and well-versed in investigating social phenomena, undertaking interviews and questionnaire surveys, conducting group discussions, and PRA techniques to elicit information on the subject of inquiry. All the team members have prior experience in conducting SIA.



Mr. Birendra Raturi
(Project Lead)



Mr. Rakesh Kumar
Field Investigator

APPROACH AND METHODOLOGY

In view of the RFCTLARR Act 2013 all initiatives have been taken to fairly identify the rights of PAFs, PAPs and indirectly affected families and people to discuss the project in detail. The advantage the project will bring for directly and indirectly families and the opportunities the RFCTLARR Act 2013 brings to compensate PAPs fairly for their rights to compensate in fair and transparent manner of land acquisition.

The team has looked for the notification released in the newspaper to see that the impacted population is well informed prior to social impact assessment study. The project team has further utilized the opportunity for bringing the people views, opinions, feedbacks, various means and mechanisms such as meeting public representatives, PAPs, one to one discussion, verification of PAPs complete details.

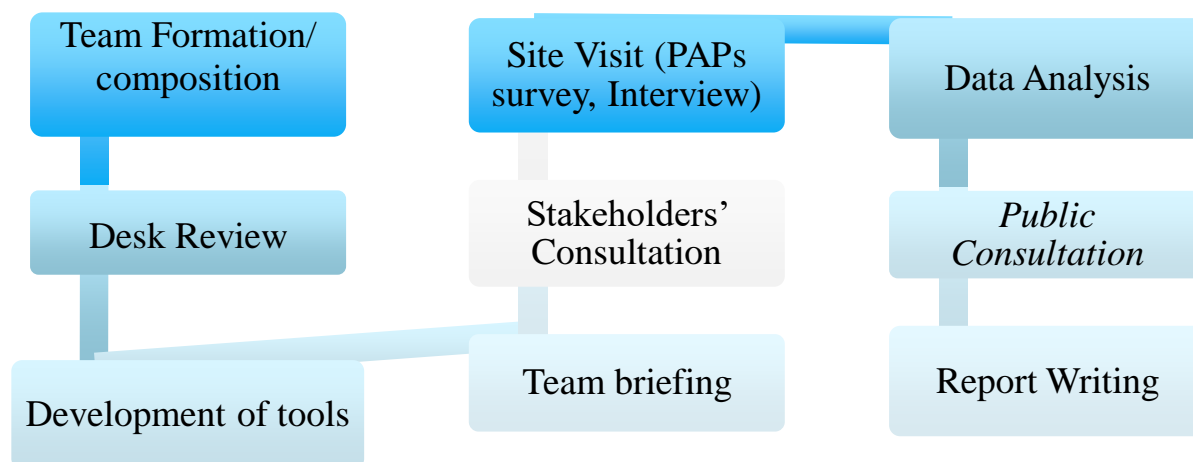
Further for minimizing the communication gaps a team of locally and trained by SR Asia experts were used to collect data, brief communities and bring maximum participation by organizing public meetings, personal interviews, focused group discussions, etc. The views, feedbacks and concerns of the PAPs has been highlighted as is to reflect the fundamentals of the act for maximum transparency and minimal modulation of the impact.

The approach to study the social impact of construction of government college of Nursing (GCON), Nursing hostel and staff quarters was planned in a manner to cover the requirements. It involved a combination of qualitative and quantitative research methods such as desk research, public consultations with project affected population and public representatives, focus group discussions and Questionnaire survey.

Methods and tools used

A mix of qualitative and quantitative methods was used for the SIA study. These methods helped in understanding the profile of the village, the socio-economic profile of PAFs, the potential impact of this project, and mitigation measures that can be adopted to minimize the negative impacts of the project. The following methods and tools were adopted for the SIA study:

- Desk review
- Site visits
- A questionnaire using ZOHO survey App
- Stakeholders' Consultation
- Public Consultation/ focus group discussion
- Photography/videography using Time-Stamp Camera App.



Desk Review

The RFCTLARR Act 2013, available reports, project-related documents and records from the Department of Revenue and Land Reforms, and literature including maps, details of landowners, etc. were reviewed during the study. This was done to understand the socio-cultural and economic status of PAFs, the magnitude of the impact of the project, and measures that can be taken to mitigate the negative impacts of the project. Desk review also helped in developing tools for primary data collection.

Site Visit

The project team physically visited the land that was to be acquired to make an independent assessment of the resources on the project land and the land use pattern. Site visits also helped in assessing the potential impact on the land.

Questionnaire Survey and FGDs

To understand the socio-economic profile of affected families and all categories of impacts of the project, a questionnaire was prepared. The online questionnaire (prepared from the Zoho survey) consists of both open and close-ended questions eliciting information required as per the provision of the act. A sample of the questionnaire is attached as **Annexure 1** in the report.

Also, Focused Group Discussions were conducted with the PAFs during site visits. These were further analyzed to give a holistic approach to the SIMP (Social Impact Management Plan).

Stakeholders' Consultation

To gain an in-depth understanding of the situation, stakeholders' consultation was conducted with the project affected families, panchayat members, officials of Collectorate, etc. Maps of the project

site and other related documents were made available by the office of the Collectorate. These documents were used to understand the necessity of acquiring that land, and the benefits that this project will bring to the village, and its impact on the stakeholders. Details of discussions held are mentioned in the following chapter of the report.

Public Consultation

A discussion was held with the PAFs on the background of the land and the potential impact of the project. The discussion helped in understanding the opinion of the PAFs regarding their land to be acquired for the construction of government college of Nursing (GCON), Nursing hostel and staff quarters. During the consultation, PAFs shared their concerns and conditions regarding land acquisition.

The data obtained from questionnaire surveys and consultations were analyzed to provide a summary of relevant baseline information on affected populations; all categories of project impact which include the direct and indirect impact of physical and/or economic nature on the people and the general environment. The responses received through the public consultation and socio-economic survey are represented in the subsequent chapters of this report.

Public Hearing

Section 5 of the RFCTLARR Act 2013 envisages that whenever an SIA study is required to be conducted, the government shall ensure that the public hearing should be held at the affected area to ascertain the views of affected families which are recorded and included in the SIA Report. RFCTLARR Act 2013 have prescribed detailed procedure for the conduct of the public hearing. Following the above, SR Asia will organize the public hearing whenever planned by the authorities concerned.

Schedule of SIA study

On receipt of confirmation of SIA work from the Land Acquisition Department (Dy. Collector officer- Daman), detailed planning of the project activities was worked out. As proposed in terms of reference (ToR), a work schedule was developed.

S. No	Activity	WEEKS							
		WK 1	WK 2	WK 3	WK 4	WK 5	WK 5	WK 7	WK 8
1	Team formation								
2	Desk Research								
3	Project Planning								

4	Training of field team								
5	Meeting with stakeholders								
6	Execution: Site visit								
7	Questionnaire survey								
8	Data Analysis								
9	Report Writing								
10	Submission of the draft report								
11	Public Hearing								
12	Submission of Final Report								

Monitoring & Quality Assurance

- The project was monitored by the project team leader. The roles and responsibilities of different members of the project team were defined by the project leader before the start of the project.
- To finish the project in time, the work break-down structure was prepared identifying various activities and milestones.
- Scheduling of activities was done to define the start and end date of each activity and the milestones. This document was reviewed at regular intervals to check the status against the planned target date.

CHAPTER- 3

LAND ASSESSMENT

LAND REQUIRED FOR PROJECT

A total of 1.7008 H.a. of land is to be acquired for the construction of government college for nursing, Nusrhsinh Hostel , and staff quarters in the village of Kathiria. The development of the college is the major aspect of societal development.

TYPE OF LAND AND SOIL

The land to be acquired is an open land consisting of more than 300 fruit bearing trees. The soil of this area is brown.

LAND USE PATTERN

During a discussion with the PAF, it was found that the land to be acquired is used for agricultural purposes. In the affected area, there is no Common Property Resource (CPR). The PAF have owned the land through heredity and have been engaged in agricultural purposes for a very long time. No significant changes in the land use pattern and ownership were found during the site visit by the SIA team and interaction with PAFs.

LAND ASSESSMENT DETAILS

The project team visited the site location and verified the details provided by the Land Acquisition office. Details are mentioned in the table below:

Table 2: Land assessment details

Description	Land assessment and assets verification
<i>Land Ownership (proposed land to be acquired)</i>	As per LA notification, the said land belong to the PAFs.

<i>Land use details of the area of operation of the proposed land</i>	.As per PFA the project is already approved by the government on the said land which is sought under land acquisition by the DC Daman.
<i>Determining the necessity for land acquisition</i>	As there is no nursing college available in the nearby location. This project is required to improve the healthcare facilities in the area of Daman.
<i>Common property resource (CPR) that may be disturbed due to proposed land acquisition</i>	Nil

OWNERSHIP OF LAND

The land to be acquired is privately owned by one family. Regarding the ownership of land, the PAF has lease property. During the field survey, the extent of impact was also analyzed. As data obtained from the survey, PAF is partially affected by acquisition.

LAND AND AREA HOLDER

SIA team gathered the information on projects and other details such as land etc. from Collectorate Office. Further details are given below:

Table 3: Details of land and area holder- Kathiria

Sr. no.	Survey no.	Class of Land	Total area H.a.	Proposed area H.a	Ownership
1	8 10/1 (part) 10/2(part) 10/3(part) 10/4(part)	Jarayath	4.43	1.6670	Smt Manek Rama Tandel Mr.Dharmesh Sukar Tandel
2	8 (11/4) Part	Jaray	-	0.0338	Lallu Jogi
Total			1.7008		

As per Mr.Dharmesh Sukar Tandel. Smt Manek Rama Tandel is no more. Mr. Lallu Jogi is not traceable and no one has any idea about his whereabouts.

CHAPTER-4

ESTIMATION AND ENUMERATION OF AFFECTED FAMILY

This chapter describes in detail the directly affected landowner and the impact of the construction of government college of Nursing (GCON), Nursing hostel and staff quarters on their families, properties, resources, etc. The proposed land is an open plot and there is no structure at the proposed land since the project will not have impact on their family and resources. As mentioned above, 1.7008 H.a. of land to be acquired is spread over one survey numbers, which will be impacted by the development of the project.

NUMBER OF RESIDENCE/AFFECTED STRUCTURES

The land to be acquired is used for agriculture purpose. The table below briefly describes the estimation of the affected property.

Table 4: Number of residence/affected structure

S. No	Category of loss	Description
1	Total Land Area	1.7008Ha
2	Structures	No structure found
3	Livelihood	Loss of income (in form of income derived from the agriculture land)
4	Common Property Resource	Nil
5	Any Others (cultural heritage)	Nil

LOSS OF COMMON PROPERTY

The common property will not be affected by the construction of government college of Nursing (GCON), Nursing hostel and staff quarters.

Table 5: Loss of common property

S No	Particulars	Total Number
1	Temple	Nil

2	Masjid / Gurudwara/Church	Nil
3	Hand Pump	Nil
4	Transformer	Nil
5	Electric poles	Nil
6	Water Bodies	Nil
7	Government Structures	Nil
8	Educational Institution	Nil
9	Drainage and sewer line	Nil

LOSS OF INDIVIDUAL ASSETS

Individual assets in the form of loss of land and trees will be affected by the project. Details are mentioned in the table below:

Table 6: Loss of individual assets

S. No	Particulars	Total numbers
1	Residential Houses	Nil
2	Bore wells	Nil
3	Farm Ponds	Nil
4	Sheds	Nil
5	Compound walls	Nil
6	Water Tanks or hand pumps	Nil
7	Pipeline	Nil
8	Commercial establishments (Shops etc.)	Nil
9	Any other activity	Nil
10	Trees / Garden / Jarayat	Coconut trees . The exact numbers not verified.
co11	Commercial Plots for renting purpose	Nil

CHAPTER 5

SOCIO-ECONOMIC AND CULTURAL PROFILE

This chapter describes the socio-economic profile of the project area and the project-affected persons. This chapter specifically analyzes the impacts on land and other immovable assets based on a detailed survey done. Based on the impact on land, a sample survey was carried out at Kathiria village and the results of the survey established the socio-economic status of PAF. PAF however has not agreed to share the social and economic information as was necessary to analyses the family social and economic status.

DEMOGRAPHIC PROFILE

Demographically, the U.T. of Daman and Diu comes higher middle-income group, which is also reflected in the socio-economic profile of the PAFs. As per 2011 census, total population of Daman district of Union Territory of Daman and Diu and Dadra and Nagar Haveli is given as follows;

Category/ Tehsils	Details	Percentage (%)
Total population	1,91,173	100%
Males	1,24,659	61.78%
Females	66,514	38.22%
Total literacy	150, 348	88.07 %
Male	104, 316	91.61 %
Female	46, 032	80.98 %
Density/ Km2	2, 655 persons	
Distance from nearest railway station	30 kms (Vapi)	
Distance from nearest airport	About 130 Kms (Surat, Gujarat)	
Common fruits and vegetables grown	Coconut, Wheat, Rice, Groundnut, tamarind etc.	
Mode of irrigation	Hand pump engine, cannal and tubewell etc.	

Total area	1,909.00 Square Meters
Average monthly income of the PAFs in the village	Rs. 24, 500

SOCIO-ECONOMIC PROFILE

Detailed socio-economic profiles of the PAFs including family details, demographic information on social classification, education, and occupation, family income, etc. are as follows

a) Age group

The household of the PAF lie between the age group of 41-50.

b) Gender

The households of the PAF is male. As the main landowner was male, it was hard to get women's perspectives for this study

c) Social Group

PAF belong to the general category.

d) Marital status

The households of the PAF is married and have kids.

e) Religious group

Household was adhering to the Hindu faith.

f) Family type and size

PAF has joint families (having more than 7 members). Although this is not any scientific law but the number of persons in the household and the factor of the size of the households gain importance when compared to the family income of the PAF that impinge on the living conditions of the family members.

g) Educational status

The PAF is graduate and well educated. It depicts that they have more knowledge about the laws.

h) Main family occupation

The PAF is involved in small business.

i) Monthly family income

The PAFs have monthly family income ranging between 50,000 to 1,00,00. This shows that the most of the PAF falls into high income group.

j) No. of earning members

The PAF has two earning members in their family.

k) Type of house structure

The PAF has pucca house. This is also an indicator towards a good socio-economic status and area.

STAKEHOLDER CONSULTATION

The project team identified and consulted stakeholders of the project during the field visit. The consultation was carried out to understand the project in a better way and to gather different perspectives. The summary of feedback and responses of various stakeholders are mentioned below:

CHAPTER 6

PUBLIC CONSULTATION

The Public consultation meeting held at the project site on 28/08/2023. The meeting was organized by the SIA field investigators and SIA Team lead joined meeting by Zoom App.

Project: Construction of government college of Nursing (GCON), Nursing hostel and staff quarters, nursing hostel and staff quarters, Daman.

Location: Project Site, Moti Daman

Date: 28/08/2023

Stakeholders:

- 1) PAFs/PAPs. (Name---)
- 2) SR Asia Team (Mr. Rakesh Kumar).

Sr.no	Survey no.	Name	Issue raised	Stakeholder remarks
1	8	Manekben rama tandel Dharmesh sukhar tandel	<p>Mr. said that that the land earmarked for acquisition is quite away from the project site while land is available with the project side which is adjacent to the hospital.</p> <p>The land adjacent to the hospital was also acquired but the acquisition was cancelled due to unknown reasons. After that Govt. released the notification for acquiring the land of Dharmesh Rama Tendel.</p> <p>Also, we have already proposed a bigger project for the construction of hotels and have invested a lot in it. The govt. has approved the location for the same. (Attached in Annexure 5)</p> <p>We have filed a case against the acquisition of land which is currently active in high court. As per the rules and regulations, the acquisition of land</p>	The authority will verify and resolve the issue and concerns against the proposed land.

			<p>cannot be happened if the case is already active in court. (Attached in Annexure 5)</p> <p>As per Dharmesh sukkar tandel he had filed a case in Mumbai high court again the land acquisition and according to him he has won the case in his favour. He has however not shared the Hon High court order copy with us.</p> <p>He also said the collector office had razed the part of boundary wall and wants the same to be repaired as now he has won the case in his favour.</p> <p>All the above concerns were raised by the PAFs.</p>	
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CHAPTER 7

SOCIAL IMPACT AND SOCIAL IMPACT MANAGEMENT PLAN

This Social Impact Management Plan (SIMP) has been prepared to mitigate negative social impacts of this project according to RFCTLARR. The SIMP consists of a set of mitigation, monitoring and institutional measures to be taken during the design, construction and operational phases of the project to eliminate adverse social impacts or to reduce them to acceptable levels. The main aim of the SIMP is to ensure that the various adverse impacts are mitigated and the positive impacts are enhanced. The SIMP shall be implemented during the various stages of the project viz. pre-construction stage, construction stage and operational stage.

In compliance with section 4 of the Right to Fair Compensation and Transparency in Land Acquisition, resettlement and rehabilitation Act of 2013, the present social impact assessment was carried out with the prime objective to identify the potential socio-economic positive and negative impacts of land acquisition and to develop attainable mitigation measures to enhance positive impacts and reduce or avoid negative impacts and thereby ensure a participative, informed and transparent process of land acquisition for the construction of government college of Nursing (GCON), Nursing hostel and staff quarters.

APPROACH TO MITIGATION

The SIA team made use of a combination of research approaches i.e., quantitative and qualitative, for the identification of various social impact and the mitigation measures. Adoption of a combination of both qualitative and quantitative methodology was intended to obtain a more comprehensive data and more holistic result without excluding any important area of assessment. The mitigation measures proposed were arrived at through a series of interactions and discussions with different categories of stakeholders, viz., the project affected population, panchayat member, government officials of Department of Revenue and Land Reforms. The collected information on social impact was studied and discussed internally and externally with experts in order to frame the mitigation plan. The process of such interactions culminated at framing various measures to mitigate and avoid or reduce the impact.

SOCIAL IMPACT

The area of the SIA study which was limited to an extent of 1.7008 H.a. was possessed by one PAF. Information elicited through a multipronged strategy highlighted that most landholder was not happy with the construction of government college of Nursing (GCON), Nursing hostel and staff quarters in the area identified. At the same time, they expressed certain concerns that could

affect/impact their social and economic life in the society due to the acquisition of their land. The following provides the major anticipated impacts (both positive and negative) of the proposed project which was discussed by the PAFs with the project team:

Positive Impacts

Responses highlighted that the construction of government college of Nursing (GCON), Nursing hostel and staff quarters will have positive impacts on the people and the area considering future requirements in mind. A few of the major ones cited are:

a) Increase in land price

With the construction, the value of the landholdings in the area of Kathiria, Daman is likely to increase.

b) Development of infrastructure

The construction of government college of Nursing (GCON), Nursing hostel and staff quarters will lead to the overall development of the area in terms of provide health and nursing education platform in the Kathiria village that will help them to access the facilities and also provide them such career opportunities.

c) Integrated facility for staff and students

The project will provide the accommodation facility to the students and staff members of the college i.e. hostels and staff quarters and thereby will attract talent and round the clock support to the hospital as may be required..

d) Ease to access/decrease in migration

Currently nursing college is run and attached to a hospital. without any further facilities to the students and staff. The integrated facility will be very supportive safe to the needy and economically weak who join such courses.

e) Employment opportunities

This is expected that during construction and afterward there will be employment opportunities for skilled and unskilled people.

Negative Impacts

The construction activity will create many environmental hazards and even post construction proper facilities are need to be built in to minimize any health and hygiene impacts.

a) Impact on Land

The land to be acquired is fully cultivated. It will become infertile and barren permanently due to the construction.

b) Impact on livelihood (Loss of source of income)

The land to be acquired is used for agricultural purposes by one PAF. Acquisition of this land will affect the source of income and any future project as planned by PAFs. It can also be permanently taken away as a source of their income. Indirectly employed people will also lose their job as a result of non-agricultural conversion of the land.

c) Impact on Physical resources (Loss of assets)

The acquisition will impact individual assets such as coconut trees, etc.

d) Impact on environment

The loss of trees in this area can also impact ecological diversity.

Table 7: Summary of positive and negative impact

Impact	Negative/ positive	Direct/ Indirect	Temporary / permanent	Major/ Minor
Loss of a source of income and project planned on this site by the PAFs	Negative	Direct	Permanent	Major
Increase in land price	Positive/negative	Direct	Permanent/ temporary	Major
Loss of livelihood	Negative	Direct	Permanent	Major
Development of infrastructure	Positive	Direct	Permanent	Major
Integrated facility for staff and students	Positive	Direct	Permanent	Major
Employment opportunities	Positive	Direct	Permanent	Major
Ease to access/decrease in migration	Positive	Direct	Permanent	Major
Loss of trees present in the project site	Negative	Direct	Permanent/ temporary	Minor

Employment opportunities during and post construction	Positive	Direct	Permanent	Major
Brand value to the village, state, and district	Positive	Direct	Permanent	Minor
Impact on land	Negative	Direct	Permanent	Minor

SOCIAL IMPACT MITIGATION PLAN

Based on the desk review, field investigations, and consultations undertaken during the social impact assessment study for the construction of government college of Nursing (GCON), Nursing hostel and staff quarters, the following Social Impact Mitigation Plan (SIMP) has been developed to mitigate negative social impacts. Social impacts, and economic loss were found to be the major negative impacts of the project. However, all can be implicitly managed with possible benevolent intentions. In this regards, the following mitigation measures can be adopted:

Economic measure

- a) The most significant social impact through the construction of the project is the loss of agriculture income . Loss of property and the assets due to acquisition of land should be compensated as mandated by the Act under sections 26-31 and which are listed in the First Schedule of the Act for the one household.

Rehabilitation Measures

- a) There are no residential house and construction establishment at the project site so no R&R is recommended.

Other measures

- a) A public redressal mechanism should be designed at the project site to address the concerns of the directly affected population (if any) during the construction stage of the project.
- b) The landowners shall be suitably compensated
- c) Construction materials & waste should be properly covered/ disposed of during transportation to avoid spillage & dispersion in and anywhere else.
- d) Due instructions and signage shall be provided for the site workers/truck/vehicle drivers and other staff to limit noise in general such as the use of horns, noise-making equipment, and processes.

- e) All precautions shall be taken during the construction phase not to hamper and disturb locals.

MEASURES TO AVOID, MITIGATE AND COMPENSATE

The proponent should ensure that preventive measures are taken to address the issues. A redressal system may be set up with representatives from the revenue department, Panchayat, and the proponent for the speedy settlement of the unanticipated issues that may cope up during various stages of the project. Comparing/weighing the positive against the negative impacts, it can be easily concluded that the former outweighs the latter reaffirming the identified site as the most suitable and apt one for the construction of government college of Nursing (GCON), Nursing hostel and staff quarters. It is observed that although the landholders for sure lose partial land, their quality of life is likely to get affected. It is also observed by the SIA team that many of the negative impacts highlighted above can be minimized or reduced further with appropriate and effective mitigation measures/strategies mentioned above.

CHAPTER 8

COST AND BENEFIT ANALYSIS

After careful analysis of the positive and negative impacts of the construction of government college of Nursing (GCON), Nursing hostel and staff quarters, the SIA team compared the cost with its benefits. In the following section, a detailed analysis of benefits and respective costs is presented. The specific cost of the project was made available but as the provisions are estimated and are not exact, hence the exact cost-benefit analysis is not being carried out.

ASSESSMENT OF PUBLIC PURPOSE

The construction of a nursing college is inevitable and serves a public purpose to improve the health care facility in the area of Daman. This project will help in provide better education in their place of living and creating employment opportunities directly and indirectly in the coming years. The project will prove fruitful for the entire community spread over a large area in Kathiria. It can further be established that the public purpose will be certainly served by acquiring the private land and thereby, completing the construction of the project. If the project is completed, it will provide better career opportunity to the students. If the project is stopped, it will not only lead to a loss in funds but also waste of the entire manpower and resources spent on the project till now. Hence, the social costs and benefits of the proposed land acquisition have been assessed assuming that there will be no change in the location of the project or the quantum of land that will be acquired.

IMPACTS ON STRUTURES AND ITS MAGNITUDE

There are no structures on the land to be acquired.

DETERMINANTS OF COMPENSATION

As per sections 26 and 27 of RFCTLARR-2013, the collector shall adopt the following criteria to assess and determine the market value of land and the amount of compensation. Market value specified in the Indian Stamp Act, 1899, for the registration of sale deeds or agreement to sell where land is situated, the average sale price of similar type of land situated in the nearest village or nearest vicinity.

As per them, such rates have already been paid by other builders/buyers in the same area. The compensation should be made keeping in mind the provisions of the RFCTLARR-2013 act.

ENTITLEMENT MATRIX

The PAFs will be entitled to the following types of compensation and assistance packages:

- Compensation for the loss of land, crops/ trees at their replacement cost;
- Compensation for structures if any and other immovable assets at their replacement cost;
- Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- Assistance for shifting and provision for the relocation site (if required), and
- Rebuilding and/ or restoration of community resources/facilities

As per sections 26 and 27 of RFCTLARR-2016, the collector shall adopt the following criteria to assess and determine the market value of land and the amount of compensation. Market value specified in the Indian Stamp Act, 1899, for the registration of sale deeds or agreement to sell where land is situated.

- The average sale price of a similar type of land situated in the nearest village or nearest vicinity,
- Consented amount of compensation as agreed upon under subsection (2) of section 2 in case of acquisition of lands for private companies
- R & R package as per RFCTLARR-2013

The below table shows the Entitlement Matrix according to the category of the impact and the eligibility of R&R as per RFCTLARR. The basic principles governing compensation structure are shown below:

Table 8 Basic Principles Governing Compensation Structure

S. No	Category of Impact	Eligibility for Entitlement	Relevant RTFCTLARR Act 2013	
1	Loss of Land	Titleholder	The market value of the land. This will be determined as per Sections of RFCTLARR Act 2013 by DC. An amount equivalent to current stamp duty and registration charges on Compensation amount for replacement of lost assets	Applicable as per RTFCTLARR Act 2013.
		Affected family/person Land	Land for Land	Applicable as per RTFCTLARR Act 2013.

2	Loss of other immovable Assets	Title Holder	Value of Assets attached to land or building	This will be provided to affected families as per the RTFCTLARR Act 2013 (provision under First Schedule Sl.No.2 (ref. Section 29 of the said Act). This will be provided along with the loss of land and/or the structure which will be finalized by the Collector
3	Loss of Land and other assets	Title Holder	Additional 12% on the market value of land	Value of land, additional 12% per annum to be paid on such market value commencing on and from the date of publication of notification of SIA u/s (2) of section 4 in respect of land, till award or date of taking Possession of land Whichever is earlier.

CRITERIA FOR COMPENSATION BASED ON QUALITY OF SOIL/LAND

PAF should get compensation as per the current market rate and loss of assets compensate amount should be given if the same is being acquired. The Land and Revenue Department, Govt. of Daman will decide the appropriate compensation as per the RFTLARR 2013.

COST ESTIMATION OF LAND

The district administration Daman has classified different circle rates for each category in Daman. The final compensation should be decided in consent with the PAF and as per the RFCTLARR 2013.

Land Cost Estimation

The land to be acquired is fully open and cultivated land. Therefore, the land cost will be decided accordingly.

CONDITIONS AND RECOMMENDATIONS FOR THE ACQUISITION OF LAND

Comparing the impact of the social costs of the project vis-a-vis the benefits that will accrue to the community once the project is completed; the SIA Team submits the following -

- The project fulfills the criteria set by sub-section (4) of section 4 of RFCTLARR Act, 2013, which requires that the project serves the public purpose and the bare minimum amount of land is being acquired for it.
- The costs that will be incurred by the potential PAHs and environment can be mitigated are not completely irreplaceable.
- Therefore, land can be acquired as requested by the Requiring Body so that the project can be completed.

However, the acquisition of land should be subject to the conditions and recommendations laid down below and given in the Social Impact Management Plan and other relevant chapters of this report, which in turn, are based on the above cost-benefit analysis.

COMPENSATION AMOUNT AWARDED TO THE LANDOWNERS BASED ON GOVERNMENT APPROVED RATE OF LAND

The compensation amount should be proper and as per the law. Besides, it should be beneficial for the land and structure owners who will lose their land and structures. The District Collectors should obtain this price information from the local land revenue department and should actively consider it while determining the existing value of land as per Section 26(1) of the RFCTLARR Act, 2013.

Valuation and Compensation for Immovable Assets

Immovable assets belonging to the landowners such as trees will be affected if the land is acquired. It is recommended that the valuation and compensation of these immovable should be based on sections 28 and 29 of RFCTLARR Act, 2013.

Restoration of Livelihood of Affected Persons / Households

The affected households are likely to lose a part or whole of their land or their existing livelihood. It is recommended that adequate financial and material support should be provided by the requiring body to restore their livelihoods if the land is acquired. The restoration of livelihoods should be based on existing livelihood assets, skills and education, and the current occupation and income of each potential PAF. The support should be provided at least to the level that incomes are restored to the pre-project levels and their overall wellbeing is improved after the acquisition.

CHAPTER 9

PUBLIC HEARING

This section of the report will be prepared after public hearing.

CHAPTER 10

RECOMMENDATIONS

After careful analysis of the data collected through a questionnaire, interview with the PAF, and meetings with officials and site visit, the project team has developed the following recommendations.

- PAF do not agree to sale his land for construction of government college of Nursing (GCON), Nursing hostel and staff quarters.
- PAF suggested to acquire the land which is adjacent to the hospital.
- Grievances further can be received during the public hearing and amicable solutions can be offered.
- The land acquisition serves the public purpose and hence the land can be acquired however compensation shall be made considering the market value of the land so that PAP/ PAFs are minimally affected.
- All the provisions of schedule 2 of the RTFCLARR-2013 should be considered.



REFERENCES

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5. <https://www.hindustantimes.com/cities/others/gujarat-govt-hikes-obc-reservation-in-local-bodies-from-10-to-27-101693323295355.html>
- 6.

ANNEXURES

Annexure 1: Survey questionnaire

सामाजिक/आर्थिक सर्वेक्षण प्रश्नावलीप्रश्नावली सं० **1. सामान्य पहचान (General Identification)**

उप परियोजना का नाम :			
सर्वेक्षण/सत्यापन दिनांक		स्थिति (दाहिने/बाएं हाथ की ओर)	
गांव/कस्बा		ग्राम पंचायत/नगरपालिका	
तहसील		जिला	
पहचान सं०		चैनेज सं०	

2. प्रभावित परिवार की पहचान (Identification of AF)

भू-स्वामी/संरचना मालिक का नाम	
पिता/पति का नाम	
संपर्क नं०	

3. भू-स्वामी/संरचना मालिक के बैंक खाते का विवरण (Bank details of Land Owner/Structure Owner)

बैंक खाता नं०	
बैंक/शाखा का नाम IFSC कोड सहित	

4. भूमि का स्वामित्व (Ownership of the Land)

(1) निजी (2) सरकारी (3) धार्मिक (4) अन्य

5. भूमि का प्रयोग (Use of Land)

(1) खेती (2) बगीचा (3) आवासीय (4) व्यवसायिक (5) अन्य

6. कृषि भूमि का वर्गीकरण (Classification of Agricultural Land)

(1) सिंचित (2) असिंचित (3) बंजर (4) अन्य

7. प्रभावित परिवार की श्रेणी (Category of AF)

(1) भू-स्वामी (2) अतिक्रमणकारी (3) उपवेशी (4) किरायेदार

(5) दिहाड़ी मजदूर (6) क्योस्क (7) बटाईदार (8) अन्य

8. परिवार प्रश्नावली (Household Schedule)

(क) उत्तरदाता का नाम

(ख) उत्तरदाता का भू-स्वामी/संरचना मालिक के साथ सम्बन्ध

(ग) परिवार का प्रकार:-

(1) एकल

(2) संयुक्त

(3) अन्य

(घ) धार्मिक समूह:-

(1) हिन्दू

(2) मुस्लिम

(3) सिक्ख

(4) इसाई

(5) जैन

(6) बौद्ध

(7) अन्य

(ङ) सामाजिक स्तर:-

(1) अनु०

(2) अनु० जनजाति

(3) अन्य पिछड़ी जाति

(4) सामान्य जाति

(च) परिवार का विवरण (Household Particulars of Family)

क्र० सं०	परिवार के सदस्यों के नाम (पहला नाम भू-स्वामी/संरचना मालिक)	भू-स्वामी / संरचना मालिक से सम्बन्ध	लिंग (पु०/म०)	उम्र	शिक्षा	वैवाहिक स्थिति	मुख्य आय गतिविधि	आय प्रतिमाह	विकलांगता (शारीरिक या मानसिक)
1	2	3	4	5	6	7	8	9	10
1.									
2.									
3.									
4.									
5.									
6.									

7.									
8.									
9.									
10.									
11.									

9. केवल भू-स्वामियों के लिए (Only for the Title Holders)

प्रभावित भूमि का विवरण (Details of affected Land)

- (1) खाता सं० :
- (2) खसरा सं० :
- (3) प्रभावित भूखण्ड का कुल क्षेत्रफल (हे० में) :
- (4) प्रभावित भूखण्ड का प्रभावित क्षेत्रफल (हे० में) :

10. संरचना का विवरण (Details of affected Structure)

(क) सड़क के प्रस्तावित मध्य से संरचना की दूरी (मी० में)

(ख) प्रभावित संरचना का प्रयोग (Use of affected Structure)

(1) आवासीय (2) व्यवसायिक (3) आवासीय एवं व्यवसायिक (4) अन्य (लिखिये)

(ग) संरचना/ढांचे का मालिकाना हक

(1) निजी (2) सरकारी (3) धार्मिक (4) सामुदायिक (5) अन्य

11. (क) यदि आप विस्थापित होते हैं तो आप कहाँ बसना चाहेंगे ? (स्थल का विवरण दें)

(ख) संरचना की अनुमानित लागत (रु० में)

12. संरचना की माप (मी० में)

संरचना की माप	लम्बाई	चौड़ाई	ऊँचाई
संपूर्ण क्षेत्रफल			
प्रभावित क्षेत्रफल			

13. संरचना का प्रकार

- (1) पक्का (2) कच्चा (3) अर्धपक्का (4) अन्य

14. संरचना में प्रयुक्त निर्माण सामग्री का विवरण

छत

आर०सी०सी०	आर०बी०सी०	खपरैल	लकड़ी, ईट और मिट्टी	पत्थर	अन्य उल्लेख कीजिए

दीवार

ईट सीमेन्ट	ईट, सुखी और चूना	ईट मिट्टी	मिट्टी	पत्थर	अन्य उल्लेख कीजिए

फर्श

पत्थर की गिट्टी का पक्का फर्श	ईट की गिट्टी का पक्का फर्श	सोलिंग/खड़जा	पत्थर की पटिया का फर्श	कच्चा फर्श	अन्य उल्लेख कीजिए

15. आवासीय संरचना (Residential Structure)

- (1) संरचना कितनी पुरानी है ? (वर्षों में)
- (2) क्या कोई किसान है ? (1. हाँ/2. नहीं)
(यदि हाँ तो इसका विवरण तालिका संख्या 16 में अंकित करें)
- (3) क्या गृह कर दे रहे हैं ? (1. हाँ/2. नहीं)
- (4) क्या बिजली है ? (1. हाँ/2. नहीं)
- (5) क्या पानी का कनेक्शन है ? (1. हाँ/2. नहीं)
- (6) यदि पानी का कनेक्शन नहीं है, तो पीने के पानी का क्या स्रोत है ?
- (7) क्या शौचालय की सुविधा है ? (1. हाँ/2. नहीं)
- (8) खाना पकाने के लिए ईंधन की क्या सुविधा है ?

16. व्यवसायिक संरचना (Commercial Structure)

- (1) आप किस प्रकार का व्यापार कर रहे हैं ?
- (2) क्या आपका खुद का व्यापार है ? (1. हाँ/2. नहीं)
- (3) क्या आप के इस व्यापार में आप के अतिरिक्त किसी अन्य संस्था/भागीदारों का पैसा लगा हुआ है ? (1. हाँ/2. नहीं)
- (4) यदि हाँ तो कितने हिस्सेदार हैं ? (संख्या में)
- (5) क्या आपके पास व्यापार हेतु अनुमति पत्र है ? (1. हाँ/2. नहीं)
- (6) शुरू में आपने कितना निवेश किया था ? (रुपये में)
- (7) आप की सालभर की कुल आमदनी क्या है ? (रुपये में)
- (8) क्या आप व्यापार कर दे रहे हैं ? (1. हाँ/2. नहीं)
- (9) क्या बिजली है ? (1. हाँ/2. नहीं)
- (10) क्या पानी का कनेक्शन है ? (1. हाँ/2. नहीं)
- (11) यदि पानी का कनेक्शन नहीं है, तो पीने के पानी का क्या स्रोत है ?
- (12) क्या शौचालय की सुविधा है ? (1. हाँ/2. नहीं)

17. केवल किरायेदारों के लिए (Only for Tenants)

क्र० सं०	नाम	रहने की अवधि	मासिक किराया रु० में	अग्रिम धनराशि	प्रयोग का प्रकार
1.					
2.					
3.					

18. केवल दिहाड़ी मजदूरों के लिए (Only for Wage Labour)

क्र० सं०	नाम	कार्य करने की अवधि	मासिक मजदूरी रु० में	कार्य का प्रकार	टिप्पणी
1.					
2.					
3.					

19. केवल बटाईदारों के लिए (Only for Share Cropper)

क्र० सं०	नाम	कार्य करने की अवधि	बटाई की भूमि हे० में	औसत उपज का मूल्यांकन (रु० में)	औसत उपज में भागीदारी % में
1.					
2.					
3.					

20. प्रभावित परिवार अन्तर्गत पशुधन स्वामित्व विवरण (Detail of Live Stock Owned by AF)

क्र०सं०	पशुओं का नाम	कुल संख्या	क्र०सं०	पशुओं का नाम	कुल संख्या
1.	गाय		6.	घोड़ा	
2.	भैंस		7.	हार्थी	
3.	ऊँट		8.	भेड़	
4.	गधा		9.	बैल	
5.	बकरी		10.	अन्य	

21. प्रभावित परिवार के स्वामित्व अन्तर्गत अन्य संपत्तियों का विवरण (Detail of Other Assets Owned by AF)

क्र०सं०	संपत्तियों का नाम	कुल संख्या	क्र०सं०	संपत्तियों का नाम	कुल संख्या
1.	साइकिल		6.	वॉशिंग मशीन	
2.	दो पहिया वाहन		7.	कंप्यूटर	
3.	चार पहिया वाहन		8.	मोबाइल/लैंडलाइन फोन	
4.	गैस कनेक्शन		9.	ट्रैक्टर	
5.	टेलीविजन		10.	अन्य	

22. क्षमता वर्धन हेतु प्रशिक्षण के लिए विकल्प (Alternative for Training's)

1. प्रशिक्षण ट्रेड के लिए विकल्प
2. प्रशिक्षण लेने वाले सदस्य का नाम व उम्र
3. क्या प्रशिक्षण के उपरान्त सम्बन्धित रोजगार अपनाया जाहेगा ? (हाँ / नहीं)
4. क्या स्वरोजगार आपकी प्राथमिकता होगी ? (हाँ / नहीं)

23. प्रमाण-पत्रों का सत्यापन :-

- | | | | |
|----------------------|--------|------------------------|--------|
| (1) आधार कार्ड | [] | (2) राशन कार्ड | [] |
| (3) चुनाव पहचान-पत्र | [] | (4) पंजीकृत किरायानामा | [] |

- (5) बैंक पासबुक [] (6) पंचायत प्रमाण-पत्र []
 (7) इकरारनामा/नोटरी [] (8) अन्य (लिखिए) []

24. विपन्न परिवार का सत्यापन :-

- (1) बी0पी0एल0 [] (2) वृद्ध []
 (3) अनुसूचित जाति [] (4) अनुसूचित जनजाति []
 (5) विकलांग [] (6) महिला मुखिया परिवार []

25. Identified or Verified from PAP:-**लिंगानुपात संवर्धन (Gender Promotion)**


1.	क्या आप के घर में पत्नी का बैंक खाता है ? यदि हाँ तो एकल है या संयुक्त	एकल		संयुक्त	
2.	क्या आपके घर में महिलाओं की समान रूप से क्रय विक्रय, अथवा समस्याओं के निराकरण इत्यादि में निर्णायक भूमिका की सहमति ली जाती है ?	हाँ		नहीं	
3.	क्या आपके घर में महिला सदस्यों की उच्च शिक्षा हेतु सहमति है?	हाँ		नहीं	
4.	घर की कोई महिला सदस्य स्वयंसहायता समूह इत्यादि की सदस्य है?	हाँ		नहीं	
5.	घर की कोई महिला सदस्य, ग्राम पंचायत की सदस्य है?	हाँ		नहीं	
6.	घर की कोई महिला सदस्य किसी भी प्रकार के व्यवसाय/नौकरी में सम्मिलित है?	हाँ		नहीं	
7.	घर की महिला सदस्यों के नाम से किसी भी प्रकार की प्रापर्टी/सम्पति/चल-अचल सम्पति क्रय की गयी है?	हाँ		नहीं	
8.	क्या आप अपने परिवार में महिलाओं को क्षमता संवर्धन हेतु ट्रेनिंग/प्रशिक्षण दिलवाना चाहते हैं?	हाँ		नहीं	

उत्तरदाता का नाम : हस्ताक्षर दिनांक

पर्यवेक्षक का नाम : हस्ताक्षर दिनांक

पी0डब्लू0डी0 प्रतिनिधि का नाम : हस्ताक्षर दिनांक

Annexure 2: Supported documents submitted by PAF

		1 wp3886-19.odt
IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE SIDE JURISDICTION		
WRIT PETITION NO.3886/2019		
Manekben Rama Tandel and Anr.	Petitioners
Vs.		
Dy.Collector (HQ)	Respondents
Mr.Manoj M. Badgujar for the Petitioners		
Mr.H.S.Venegavkar for the Respondents		
CORAM: K.K.TATED & N.R.BORKAR, JJ.		
DATED : MAY 04, 2021 (VIDEO CONFERENCING)		
P.C.		
. Heard.		
2. Today the matter is shown on board pursuant to the praecipe dated 30.04.2021 filed by the Advocate for the Respondent.		
3. Both the counsel submit that matter is settled out of court. They tendered the Consent Terms. Same is taken on record and marked 'X' for identification. Same reads thus:		
<u>:- CONSENT TERMS :-</u>		
1. The Petitioner has challenged Judgment and order dated 18.03.2019 passed by Respondent,		
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Dy. Collector, HQ. By the impugned order respondent, Dy. Collector, has directed Petitioner to remove the alleged encroachment on Government land, west of the land bearing Survey No. 9/2, 10/2, 6/1, 6/2 situated at Kathiria, Nani Daman, Daman.

2. During pendency of present Writ Petition, on 15th April 2021 parties have discussed the issue involved i.e. requirement of part of said land for purpose of public project and have agreed to certain terms. Parties have mutually agreed to reduce said agreed terms in writing and get caption Writ Petition disposed of as per consent terms.

3. Parties hereby Agree as under.

- a. Petitioners shall vacate their possession to the extent of 30 meters from under construction retention wall which is presently being constructed towards seawards side of the Hotel Sagar Sun and Sun Resort and hand it over to Respondent Union Territory of Dadra & Nagar Haveli And Daman & Diu. Petitioner shall further permit respondent to demolish the setback area beyond already agreed 30 meters. However, it is expressly agreed that Petitioner shall continue to have possession of setback area.
- b. It is agreed that Petitioner shall not claim any monetary compensation for vacating 30 meters of land nor for demolition, if any, of further area of land required for setback.

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- c. Collector, Daman has demarcated newly constructed retaining wall and also 30-meter-wide road boundaries in the site plan and copy of the same has been provided to the Petitioner.
- d. It is agreed that Respondents henceforth will not dispute the title of the Petitioner in respect to Survey No. 8, 9/1, 9/2, 9/3, 10/1, 10/3, 11/1, 11/2, 11/3 and 11,5 situated at village - kathiria as per revenue records.
- e. It is agreed that there exist -
 - i. Hotel building namely 'Hotel sun resort' having total area of 3309.69sq.mtrs.
 - ii. Kitchen building having area 126.67sq. mtrs.
 - iii. Swimming pool having area of 599.4 sq mtrs and depth of 1.29mtrs.
 - iv. Swimming pool having area of 330 sq.mtrs and depth of 2.40 mtrs.
- f. Petitioner shall relocate the construction so mentioned at clause No. (e) at the expenses of Petitioner and for said purpose, Petitioner shall make formal application with competent authority for re-construction of building / structures so demolished as per clause (a) towards landward side from line demarcated in site plan as road boundary and authorities shall

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complete the formalities along with required permissions if any within 2 months from date of submission of Application, subject to fulfillment of all requisite as prescribed by law.

- g. Subject to as agreed in Clause (a), the Judgment and order dated 18.03.2019 (Exhibit "E" to Petition) stands withdrawn by Respondents and Petitioner withdraws Civil Writ Petition No. 3886 of 2019.
- h. All above clauses will be treated as undertakings of all parties to Hon. Court."

4. Both the counsel submit that Consent Terms are signed by them. They submit to dispose of this matter. Hence, the following order is passed:

- a. Writ Petition stands disposed of in terms of Consent Terms.
- b. Consent Terms be treated as part and parcel of decree.
- c. No order as to costs.

(N.R.BORKAR, J.)

(K.K.TATED, J.)

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From:
Manekben Rama Tandel & Dharmesh Sukkar Tandel,
H. No. 206, Parkota Sheri,
Nani Daman

Date : 12.02.2021

To,
Inquiry Officer,
Office of SIA Unit
C/o Collector, Daman,
Collectorate Dholar,
Moti Daman, 369220

**Sub : Objection to social impact assessment for acquisition of upgradation
and expansion of Govt. Hospital at Marwad notified vide**

- 1) No.3/56/2019 LND-ACQ/2018-19/9097 dated 14.12.2020
- 2) No.3/93/LND-ACQ/2020-21/134 dated 11.01.2021

Respected Sir,

With the undersigned are affected person wish to submit the following to your
office with regards to the above mentioned subject.

- (1) By the present representation the undersigned places on record the objection
in respect of the manner in which the social impact assessment procedure has
been carried out in the present case. It is ex-facie apparent that entire process
is sought to carried out in clandestine manner and clearly contrary to the
mandatory requirements of THE RIGHT TO FAIR COMPENSATION AND
TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT
ACT, 2013 ("THE ACT"). Further, the entire process for the land acquisition is



clearly colourable exercise of power which smacks of malafides and clearly being carried out in clandestine manner and for extraneous consideration.

(2) We are given to understand that social impact assessment committee appears to have been constituted for preparatory and preliminary aspect as laid down under section 4 of. It is further draw your attention that prior to granting of public hearing in terms of section 5 consultation with concerned local body is mandatory and we being the affected party we ought to have been informed about the consultation meeting with the local authority. We have not even being notified for the aforesaid meeting before giving our view as an affected family, we are required to be informed whether such consultation have take place or not. If any such consultation have been placed in our absence, whether any records of consultation, if prepared, we request you to provide a copy thereof for our record. We declare our willingness to collect such copy as and when we are informed in writing. We are also ready to pay fees, if any, involved for such copy as and when directed.

(3) The constitution of committee itself is an illegal entity. It is provided under the law that proper representation has to be given to the local authority while Constituting the Committee and that the consultation of the local authority even at the ward level and proper publication of the report of the Constituting has to be provided to the affected person/s is mandatory. In the present case since the said mandatory requirements are absent and therefore the constitutional committee as well as the proceedings if any, carried out till date is illegal. Hence should be stopped forthwith and procedure needs to be dropped at this stage itself.

- (4) The copy of Constitution of the Committee as well as Consultation report out to have been given to the affected person/s before notification.
- (5) It is pertinent to note that social impact assessment committee has not given any public notice in any news paper or affixing the notice at the required public places. This is also clearly in contravention of requirements of law and on count also the entire exercise which is being carried out stand vitiated. Some local newspaper have published about the above mentioned subject by which it came to the knowledge of the undersigned. Apart from the legal objection, this exercise seems to be not for the public purpose, which is done without application of mind and with malafide intention to harass the family of the undersigned.
- (6) At present there is usable available vacant barren land at the site belongs to the Government and the present fertile nature of land (coconut plantation) belongs to the undersigned, will adversely affect the environment and many other important aspect are neither technically examined nor the feasibility report of the locality are taken into consideration which frustrate the so-called public purpose which shows the act of favoritism, nepotism and exercise of power and render the whole process ab-initio null and void.
- (7) It is stated that the present hospital exist under Survey No.20 of Village Katharia belong to the Government on an area of 26800.00 m², it is further brought to the notice that 5 to 6 single storage building exist on a huge area leaving behind further scope for expansion and upgradation.

(8) It is pertinent to note that in the month of March 2018, first social impact assessment has been carried out with respect to the property surveyed under No.17/1&2, 18, 19/1 to 8, 21/1 to 2/1A and B, 21/2 (2B), 21/2 (2C), 21/3, 21/3 (B), 21/4 (28) which was dropped reason best know to the authority.

(9) Similarly the second notification with respect to the Survey No.19/1, 19/2, 19/5, 19/6, 19/7 and 19/8 were notified on 15.02.2019 along with our survey numbers which was again dropped only after the undersigned filed a Writ Petition before Hon'ble High Court.

(10) It is stated that now the fresh notification was issued on 14.12.2020 whereby only notifying the undersigned's Survey numbers and excluding the other survey numbers (which were proposed to be acquired in terms of earlier notification) is clearly done with malafide; nepotism and colorable exercise of power, solely with the intention to harass the undersigned.

(11) It is stated that the adjacent to the Marwad Hpsiotal there are land bearing No.78/255, 78/258, 78/250. Over and above there are other adjacent property and vacant barren land bearing No.78/256, 78/257, 78/260 and 78/263. All these properties are completely barren and vacant having front on the same Daman Devka main road. Also having the road on the other side of the property. These above mentioned survey numbers admeasures about 18,000 m2 of which 10,000 m2 is an open space which can be very well used for the extension, but the said land is intentionally overlooked by the authority as same belongs to the politically influenced person.

(12) The land of the affected family which is notified now is a fertile land and used by the family since last two generations. The income derived from it is the only sources of the income for the family. The property has more than 300 fertile fruit bearing coconut trees along with other trees like Mango and Chickoo trees which give the proper agriculture income for earning their livelihood. It is state that this implementation of this notification will lead to huge cutting of trees which will affect environment at large

In view of the above as well as the other which may be advanced at the time of public bearing by the affected party and other person present at the time of public hearing, we request and plead to drop the land belonging to us from the proposed acquisition in the interest of justice.

Thanking you,

Yours faithfully,
D.S Tandel

1. Manekben Rama Tandel
D.S Tandel
2. Dharmesh Sukkar Tandel)