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Report of the Administrator for Rehabilitation and Resettlement Scheme u/s 16 of The Right to Fair Compensation and Transparency in Land Acquisition Act, 2013 in respect of Acquisition of land for widening of road from Bamanpuja Check Post upto Gujarat Boarder.

Preface:-

Vide Notification No. 3/106/LND-ACQ/2020-21/424 dated 19/01/2023 proposal for land acquisition admeasuring 6404.00 Sq.Mtrs. of Nani Daman was notified u/s 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for public purpose, namely, Acquisition of land for widening of road from Bamanpuja Check Post upto Gujarat Boarder. The Collector, Daman is the Land Acquisition Collector under the RFCTLARR Act 2013. Vide Notification No.5/2/COL/Land/RFCTLARR/2015-16/2296 dated 04/08/2015, Deputy Collector was appointed as the Administrator under sub section (1) of Section 43 of the said act for Rehabilitation and Resettlement of affected families due to acquisition of the said land as mentioned above.

Introduction:-

Upon receiving the proposal of Land Acquisition from the Requiring Department, i.e. the Executive Engineer, P.W.D WD-I, Daman a public meeting was conducted by the SIA Committee on 07/04/2022 with the affected stakeholders and Consultants. The affected parties and families were explained in detail the reasons of the land acquisition, the process that shall be followed in calculation of the compensation as per the provisions of the RFCTLARR Act 2013. During the Public meeting, particulars of lands and immovable properties being acquired of each affected family, Livelihoods primarily dependent on the lands being acquired, Public utilities and Government lands likely to be affected, Common property resources, Amenities and infrastructural facilities likely to be affected, etc, were discussed

Methodology:-

As per section 16 of RFCTLARR Act 2013, Preparation of Rehabilitation and Resettlement Scheme should be done by the Administrator. Therefore, the undersigned conducted a field survey of proposed land with revenue field staffs which included Mamlatdar of Daman and officials of the requiring department i.e. the Executive Engineer, P.W.D, WD-I, Daman. During the joint survey, 33 affected families were visited, their properties measured and demarcated and a rough assessment of needs of resettlement and rehabilitation was drawn. Prior to that, a meeting was conducted by Expert Committee on 24/06/2022 along with the Vice-President, District Panchayat, Daman and concerned Sarpanch of the affected area.

Rehabilitation & Resettlement Plan

As per chapter VI, Procedure and manner of Rehabilitation and Resettlement- Section 43 of RFCTLARR Act 2013, the undersigned has been appointed as the Administrator for drafting Rehabilitation and Resettlement scheme. This Rehabilitation and Resettlement scheme and Plan are drafted in consonance with provisions of the RFCTLARR (Compensation, Rehabilitation and Resettlement and Development Plan) Rules 2015.

Findings:-

As per the Section 3(k) of RFCTLARR Act 2013, "Displaced Family" means any family who on the account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. In the present case, the land being acquired is for the purpose of Acquisition of land for widening of road from Bamanpuja Check Post upto Gujarat Boarder for which compensation shall be paid as and when the Land Acquisition Collector announces the Award. Therefore, it is evident that the affected family does not need relocation and resettlement since they are not being entirely displaced from their residential house/commercial land. Hence, a Rehabilitation and Resettlement Scheme is not required.

Recommendations:-

- a) The competent Authority may consider providing repairs and reconstruction permission in a fast-track manner on as-is where-is basis.
- b) The competent Authority may consider providing relaxation in FSI.

Dated: 12 / 01 / 2023
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Submitted by



(**Rahul Dev Boora**)
Administrator
U/s RFCTLARR Act 2013

Final Rehabilitation and Resettlement Scheme (ELEMENTS OF REHABILITATION AND RESETTLEMENT ENTITLEMENTS FOR ALL THE AFFECTED FAMILIES)

Land Acquisition case no. 3/106/LND-ACO/2020-21/ 83

1	Name of Project: Acquisition of land for widening of road starting from Bamanpuja Check Post upto Gujarat Border
2	Name/ Names of person interested in the land and the nature of respective claim for rehabilitation and resettlement: Nil
3	Time limit for provisions of Rehabilitation and Resettlement entitlements given to the affected family: Within 18 months from date of Award u/s 23 of RFLARR Act 2013
4	Rehabilitation and Resettlement entitlements 1. Provision of housing units in case of displacement (1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq. mts. in plinth area. (2) The benefits listed above shall be extended to any affected family which is without homestead land and which has been residing in the area and which has been involuntarily displaced from such area: Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time assistance for house construction, which shall not be less than one lakh fifty thousand rupees: Provided further that if any affected family in rural areas so prefers, the entitlement cost of the house may be offered in lieu of the constructed house: Provided also that no family affected by acquisition shall be given more than one house under the provisions of this Act. Recommendation- Nil 2. Land for land In case of Irrigation project, as far as possible and in lieu of compensation to be paid for land acquired, each affected family owning agriculture land in the affected area and whose land has been acquired or lost, or who has, as a consequence of the acquisition or loss of land, been reduced to the status of a marginal farmer or landless, shall be allotted, in the name of each person included in the records or rights with regard to the affected family, a minimum of one acre of land in the command area of the project for which the land is acquired: Provided that in every project those person losing land and belonging to the Scheduled Castes or Scheduled Tribes will be provided land equivalent to land acquired or two and a half acres, whichever is lower. Recommendation- Not Applicable as it is not an irrigation project.

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<p>3. Offer for developed land In case the land is acquired for urbanization purposes, twenty five percent of the developed land will be reserved and offered to land owing project affected families, in proportion to the area of their land acquired and at a price equal to the cost of acquisition and the cost of development. Provided that in case the land owing project affected family wishes to avail this offer, an equivalent amount will be deducted from the land acquisition compensation package payable to it.</p>
<p>Recommendation- Not Applicable as land is not being acquired for urbanization purpose.</p>
<p>4. Choice of annuity or Employment The appropriate government shall ensure that the affected families are provided with following option: -</p> <p>(a) Job may be given to at least one member per affected family in the project or arrange for a job in such other project as may be required and providing suitable training and skill development in the required field or make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being enforced. or</p> <p>(b) One time grant of 5 lakh rupees per affected family. Or</p> <p>(c) The affected family will be provided with an annuity payment of Rupees 2000 per month per family for twenty years (this will be adjusted for inflation annually).</p>
<p>Recommendation- Nil</p>
<p>5. Subsistence grant for displaced families for a period of one year Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award.</p> <p>In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount to fifty thousand rupees.</p> <p>In cases of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.</p>
<p>Recommendation- Nil</p>
<p>6. Transportation cost for displaced families Each affected family which is displaced shall get one-time financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle.</p>
<p>Recommendation- Nil</p>
<p>7. Cattle shed/ petty shops cost Each affected family having cattle or having a petty shop shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees for construction of cattle shed or petty shop as the case may be.</p>
<p>Recommendation- Nil</p>

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8. One-time grant to artisan, small traders and certain others Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area due to land acquisition, shall get one-time financial assistance of such amount as the appropriate Government may, by notification specify subject to a minimum of twenty-five thousand rupees.
Recommendation- Nil
9. Fishing Rights In cases of Irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate government.
Recommendation- Not Applicable as it is not an irrigation or hydel project.
10. One-time Resettlement Allowance Each Affected family shall be given one time "Resettlement Allowance" of fifty thousand rupees only.
Recommendation- Nil
11. Stamp duty and registration fee (1) The stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the Requiring Body. (2) The land for house allotted for the affected families shall be free from all encumbrances. (3) The land or house allotted may be in the joint names of wife and husband of the affected families.
Recommendation- Nil

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Date: 12 / 01 / 2023
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(Rahul Dev Boora)
Administrator for Rehabilitation
and Resettlement,
Daman

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Copy to:

1. The Joint Secretary, Planning & Statistics, DNH & DD, Daman for publishing in e-Gazette.
2. The Director (IT), DNH & DD, Daman for uploading it on the official website of Dadra and Nagar Haveli and Daman & Diu.
3. The Field Publicity Officer, Daman for publishing it in two daily local Gujarati News Paper widely circulated in affected areas.
4. ~~The Chief Officer, Daman Municipal Council for wide publicity among affected families through Engineer, of the Concerned area and publish it on the Notice board.~~
5. The Mamlatdar, Daman for wide publicity among affected and displaced families through concern Talathi and placing it on Notice Board.
6. P.A. to the Collector, Daman for placing it on Notice Board.
7. P.A. to the Chief Executive Officer, District Panchayat, Daman for placing it on Notice Board and wide publicity.
8. P.A. to Deputy Collector (HQ), Daman for placing it on Notice Board.