

Annex 2E

Equivalence Matrix: Involuntary Resettlement

Objectives and Operational Principles on Involuntary Resettlement per OP 4.00 Table A1	Government of India (GoI) Legal Framework	POWERGRID Environmental and Social Policy and Procedures (ESPP)	Gap Analysis POWERGRID ESPP	Recommended Gap Filling Measures for POWERGRID ESPP
Objectives				
<p>To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project</p>	<p>There is no existing national law on Involuntary Resettlement <i>per se</i>.</p> <p>The Land Acquisition Act of 1894 as amended in 1984 (LAA,) remains the major legislative instrument at the national level governing land acquisition and</p>	<p>The ESPP requires social screening and scoping for transmission lines (TLs) and substations (SS) to identify socially sensitive areas, issues and management measures, as well as to suggest alternate sites (ESPP 5.1.2)</p> <p>As part of POWERGRID’s Social Entitlement Framework (SEF) preliminary assessment is carried out for SS at the stage of land selection to assess total land required and its location, current land use pattern, likely persons to be affected, and government body that has jurisdiction to acquire such land (ESPP Appendix XVI)</p> <p>Land Acquisition Assessment is also prepared for SS (ESPP 5.2.1, Table 5.1)</p>	<p>Full Equivalence.</p> <p>The ESPP is generally consistent with this objective</p>	

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implementation, whichever is higher.	associated impacts on project affected people. ¹ The LAA addresses the Objective in a limited and indirect manner by providing project affected peoples (PAPs) with specified procedural means to object to proposed land acquisitions and to seek greater compensation for expropriated assets. ²	<p>Under the ESPP, Social Assessment and Management Plans (SAMPs) are prepared for both TLs and SS. This includes social review and compensation and other rehabilitation measures (ESPP 5.4.1, and Table 5.1)</p> <p>A Rehabilitation Action Plan (RAP) is prepared if affected families are more than 40 (ESPP 5.4.1) Table 5.1). The RAP includes: project description, social assessment process, census data and social impact assessment, policy of entitlement (eligibility policy and criteria), participation (description of how the public will participate), consultation, grievance procedures, implementation mechanisms and due process, analysis of alternatives and assessment of resettlement sites, income generation programs, institutional capacity and responsibility, budget for R&R operations, monitoring and evaluation, and action plan for</p>		

¹ Section 5 (A) of the LAA

² Apart from the legislative framework there are numerous court decisions which also expand the concepts of project-affected people and principles and bases of compensation including factors that are required to be taken into account for determining compensation. (See for example Adusumilli Gopalkrishna v. Special Deputy Collector (Land Acquisition), AIR 1980 SC 1870; New Riviera Co-operative Housing Society v. Special L.A.O (1996) 1 SCC 731; Hukum Chand Gupta V. State of Haryana 2005(1) SCC 572)

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		<p>implementation (A-109-112)</p> <p>The RAP also considers alternatives to project design, particularly those alternatives where minor modification to the project may reduce adverse effects (A-111)Among the basic objectives of the ESPP is to “guarantee entitlements and compensation to [PAPs] as per its R & R policy” (ESPP 1.0). Accordingly, POWERGRID has adopted the entitlement benefits cited in the NPR&R in its Social Entitlement Framework (SEF) that is implemented whenever land is acquired for the construction of SS. Under the ESPP POWERGRID also strictly follows the procedures specified under the LAA. The ESPP states that “[D]isplacement ...will not be a major consequence of [POWERGRID] projects.” And that “POWERGRID tries to avoid R & R is all its projects by siting [SS] on government land.” (ESPP Box 4.2). The ESPP further states that POWERGRID will ensure that PAPs are not made worse off...” (ESPP 2.6)</p>		
Operational Principles				

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1. Assess all viable alternative project designs to avoid, where feasible, or minimize involuntary resettlement	There is no comparable provision in the GoI legal system. ³	<p>Under the ESPP POWERGRID tries to avoid R & R in all its projects by siting SS and TLs (to the limited extent that land take is required) on government land. (ESPP Box 4.2). To further minimize the impacts on local communities, POWERGRID may delay the construction of a SS to accommodate crop harvesting or relocate a SS to protect a sensitive area.</p> <p>Under the ESPP POWERGRID undertakes alternative site assessments in order to identify TL routes and SS sites that require a minimum of land acquisition or other impacts on PAPs (ESPP 5.1.2) POWERGRID seeks to avoid populated urban and rural areas, as well as natural forest and plantations for the location of SS. POWERGRID does not acquire land for its TLs and transmission towers (TTs) and permits cultivation to continue beneath TLs and TTs during operations. (ESPP Table 4.3)</p>	<p>Full Equivalence.</p> <p>The ESPP is fully equivalent to this OP.</p>	None.
2. Through census and socio-economic surveys	The LAA contains no mandatory survey requirements in	Under the ESPP a Socio-economic survey is carried out to assess each affected village profile (e.g. location, demography, social structure, natural resources), family	<p>Full Equivalence.</p> <p><u>Note:</u> The provision on</p>	None.

³ However, the mandatory consultation with Gram Sabhas in Scheduled areas prior to resettlement and rehabilitation can aid in this process or assessing alternatives as well as minimizing involuntary settlement

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<p>of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g., relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas (PPAs).</p>	<p>GOI law that correspond to this Operational Principle.</p> <p>With respect to PPAs, according to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. (FRA) “[n]o forest rights holders shall be resettled or have their ...affected in any manner for the purposes of creating inviolate areas for wildlife conservation” [unless]... (a) the process of recognition and vesting of rights [as specified elsewhere in the</p>	<p>profile (e.g. cast and religion, age, sex, education), property inventory (e.g. extent of land, livestock), productive assets (e.g. cropping pattern and productions, artisan activity), and income profile (occupation, average income) (ESPP Appendices XVI and XVII).</p> <p>The RAP required under the ESPP contains census data and social impact assessment on, among others (ESPP Appendix XXXII):</p> <ul style="list-style-type: none"> - details of land and other assets to be acquired on a temporary/permanent basis; - data on occupation and income levels of PAPs; - extent of relocation of PAPs required; - data on the proposed resettlement site and host population; - access to social services before the project and after completion of the project; and - impact on poverty in the project area <p>Under the ESPP, POWERGRID undertakes “social screening” during the initial</p>	<p>restriction of access to legally designated parks and protected areas (PPAs) is not directly applicable to because POWERGRID does not engage in any activities in Parks or PAs that have the potential to limit peoples’ access to such areas.</p>	

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	<p>Act] is complete in all the areas under consideration;</p> <p>(b) it has been established by the concerned agencies of the State Government, in exercise of their powers under the Wildlife Protection Act, 1972 that the activities or impact of the presence of holders of rights upon wild animals is sufficient to cause irreversible damage and threat the existence of said species and their habitat;</p> <p>(c) the State</p>	<p>project planning process to identify sensitive areas and issues, to determine the extent of potential alternative land acquisition requirements and to outline the scope of the SAMP. (ESPP 5.2.2.)</p> <p>As part of the SAMP, conducted after finalization of the SS sites, POWERGRID undertakes a detailed socio-economic survey and land acquisition census. The survey covers affected villages and populations including land holders, landless, squatters, and artisans. (ESPP 5.4.1) The survey may utilize, but does not rely on, existing census data. If a preliminary assessment indicates that more than 40 families are affected, the socio-economic survey is conducted by a third party, typically an academic institution or NGO with relevant survey experience. A detailed description of content and procedure to be followed in the survey, including the Terms of Reference for the Baseline Socio-Economic Survey and RAP, as well as consultation with PAPs, is provided in the ESPP, Appendices XVI and XVII.</p> <p>To calculate tree and crop compensation</p>		

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	<p>Government has concluded that no other reasonable options, such as coexistence are not available;</p> <p>(d) a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities;</p> <p>(e) the free informed consent of the Gram Sabhas in the areas concerned to the proposed resettlement and to the package has been obtained in writing and</p> <p>(f)...facilities and</p>	<p>values, POWERGRID conducts tree enumeration, including species and yield estimates (ESPP Appendix as well as a detailed survey of existing crops, general crop patterns, seasonal variations and the nature and extent of yield/hectare. (ESPP Appendix XIV).</p> <p>- The R & R Action Plans, do include “details on entitlement of each affected family/person based on the policy” (per Appendix XVII, p A-59 of ESPP). This satisfies the equivalence requirement that displaced people be informed of their rights.</p>		

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	land allocation at the resettlement location are complete as per the promised package.” (Art. 4(2)) ⁴			
3. Identify and address impacts also if they result from other activities that are: (a) directly and significantly related to the proposed project; (b) necessary to achieve its objectives; and (c) carried out or planned to be carried out contemporaneously	There are no comparable provisions in the existing GOI legal framework. The LAA does not provide for any mechanism to identify and address impacts if they arise out of other activities that may be related with the proposed projects.	The ESPP requires social assessment of impacts from associated SS and TLLs, which are necessary to transmit power generated from the Central Power Stations (ESPP 5.1.2) The ESPP provides that the socio-economic survey shall identify various ongoing governmental development and training programs in the area for possible coordination with the POWERGRID’s income generating schemes (IGS). (ESPP Appendix XVI).	Partial Equivalence. Consistent with this Operational Principle, the ESPP seeks to anticipate both direct and indirect impacts on PAPs and to consider the cumulative impact of other projects on PAPS.	The ESPP should be revised to include the socio-economic impacts of infrastructure related indirectly to proposed projects such as access roads in the absence of contemporaneous EIA. Pending Acts when approved should be incorporated in the ESPP.

⁴ A similar process has been established for critical tiger habitats (CTH) under the Wildlife Protection Act, 1972. The only legal difference between the two categories however is that while a Critical Wildlife Habitat (CWH) under FRA is necessarily created out of national parks and sanctuaries, CTHs are core areas which may also include areas outside national parks and sanctuaries

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with the project.			However, the ESPP does not address the socio-economic impacts related to associated facilities such as access roads.	
4. Consult project-affected persons, host communities and local nongovernmental organizations, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining	The LAA does not specifically provide either for consultation or public participation for those affected communities who may be involuntarily resettled. However, the procedural requirement of inviting objections, (Section 5-A of the LAA), does provide an avenue for consultation and a	During socio-economic survey and after the RAP is prepared, POWERGRID meets with affected people to inform them of the land acquisition details, proposed resettlement and rehabilitation measures, and compensation packages). Consultation may be conducted in the form of a public meeting or by displaying information at designated places (ESPP 2.5.3 and Appendix XVI. Nearby communities in general and PAPs in particular are informed about the existence of the Grievance and Redressal Committee (GRC) during the consultation process and are advised that in case of any grievance regarding land acquisition/RAP, they can approach the Committee The Committee is comprised of POWEGRID, representatives of local authorities, PAPs, Gram Panchayat or any well-reputed	Full Equivalence. The ESPP is fully equivalent to the requirements of this Operational Principle	None.

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<p>eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms. Pay particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities, or other displaced persons who may</p>	<p>quasi grievance mechanism. However this recourse is not available in the case of urgent acquisitions per Section 17 of the LAA.⁵ On the other hand there are Supreme Court decisions which have further enlarged the scope of Section 5-A.⁶ With respect to vulnerable groups, in particular Scheduled Tribes, the Provisions of Panchayats (Extension to Scheduled Areas)</p>	<p>person as agreed with the local authorities and PAPs. (2.6. F).</p> <p>Participation of PAPs in the monitoring of RAP is ensured through regular consultation and active participation (ESPP 6.5).</p> <p>The RAP includes: project description, social assessment process, census data and social impact assessment, policy of entitlement (eligibility policy and criteria), participation (description of how the public will participate), consultation and grievance procedures, implementation mechanisms and due process, analysis of alternatives and assessment of resettlement sites, income generation programs, institutional capacity and responsibility, budget for R&R operations, monitoring and evaluation, and action plan for implementation (ESPP, Appendix XXXII)</p> <p>To monitor RAP implementation, a Committee will be established, consisting</p>		

⁵ Special powers in case of urgency. – (1) In cases of urgency whenever the [appropriate Government], so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section 1). [take possession of any land needed for a public purpose]. Such land shall thereupon [vest absolutely in the [Government], free from all encumbrances

⁶ Some states have also set up executive arrangements for redressal through appropriate land pricing mechanisms.

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<p>not be protected through national land compensation legislation.</p>	<p>Act, 1996 (PESA), is the only legislation that provides for consultation at the community level before acquiring any land or before rehabilitating project affected persons in a Scheduled areas.</p> <p>The FRA advances a step further where it grants a right to vulnerable groups such as forest dwelling STs and Other traditional forest dwellers, <i>in situ</i> rehabilitation in case the aggrieved party establishes that the process of</p>	<p>of POWERGRID, representatives of local authorities, Panchayat, PAPs and NGOs (ESPP, Appendix XVI)</p> <p>Timing of consultations (ESPP Appendix XVIII):</p> <p>For TLs:</p> <ul style="list-style-type: none"> - during screening, scoping, assessment, and finalization of route alignment - during construction – meet with the PAPs, pay compensation for any damages and obtain their final acknowledgement - during maintenance, consult the individual landowners, obtain their approval and pay compensation for any damage to property - during development of EAMP/SAMP and execution of social/environmental management works (compensation payment), monitoring and maintenance - during environmental and social monitoring (monitor EAMP/SAMP measures) <p>For SS:</p> <ul style="list-style-type: none"> - Publication consultation as required under Land Acquisition Act (notification of substation 		

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	R&R has been erroneous and proved to be so. (See FRA, Chapter 2)r	<p>location/project details are published in the official gazette and in two local daily newspapers, and any objections can be made).</p> <ul style="list-style-type: none"> - during screening, scoping, and assessment - during design of compensation packages - during development of EAMP/SAMP and execution of social/environmental management works (compensation payment), monitoring and maintenance; and during environmental and social monitoring (monitor EAMP/SAMP measures) <p>In addition to the consultative mechanism of the socio-economic survey, PAPS are to be informed and consulted on compensation and rehabilitation options through public meetings and displays of information at key points in the project planning process. Specifically, during the land survey and acquisition process and after preparation of the draft Resettlement Action Plan (RAP). All relevant information about the project including details of the socio-economic survey and</p>		

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		<p>RAP are to be made available at the designated Public Information Center (located at each POWERGRID SS site) and shared with the public on request. (ESPP Appendix XVI).</p> <p>Under the ESPP, POWERGRID consults with informal small groups of PAPs during the monitoring of SAMP implementation (ESPP Appendix XVIII). Inclusion of PAPs in the monitoring of RAPs is “ensured through regular consultation and active participation.” Under this procedures PAPs are consulted during monitoring by the Social and Environmental Officer at the SS site, by the District Administration, locally elected officials, NGOs and ultimately by the GRC (ESPP 6.5 and Figure 6.3)</p> <p>The ESPP further provides that the impacts of IR on host communities be included among the categories of PAPs eligible for project benefit “through augmentation of resources to sustain pressure of [PAPs] moving from the affected site.” (ESPP Appendix XVI). In addition, the ESPP states specifically that POWERGRID will provide ‘adequate</p>		

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		<p>compensation’ as required ...per law and compensate at replacement costs.” for loss of assets to host communities.” (ESPP Appendix XVI).</p> <p>To facilitate consensus building among PAPs, POWERGRID encourages PAPs to elect or appoint a trusted ombudsman or representative. (ESPP Appendix XVIII)</p> <p>One of the major social objectives of the ESPP is to “pay special attention to marginalized and vulnerable groups and secure their inclusion in overall public participation.” (ESPP 1.0)</p> <p>Under the ESPP vulnerable groups such as families headed by women, scheduled castes and tribes are to be considered for additional need-based benefits (ESPP Appendix XVI).</p>		

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<p>5. Inform displaced persons of their rights, consult them on options, and provide them with technically and economically feasible resettlement alternatives and needed assistance, including:</p>	<p>Under the LAA, the Land Acquisition Administrator (typically the district Collector (or Revenue Officer) responsible for carrying out the LAA process is required to make a formal declaration of an intended acquisition, including the public purpose for which the land is to be acquired, the manner on inquiry and the kind of compensation that is to be made to “affected parties.” The LAA (Section 6)</p>	<p>Under the ESPP, as noted with respect to consultation (See Operational Principle 4, above) PAPS are to be informed and consulted on compensation and rehabilitation options through public meetings and displays of information at key points in the project planning process. Specifically, during the land survey and acquisition process and after preparation of the draft Resettlement Action Plan (RAP). All relevant information about the project including details of the socio-economic survey and RAP are to be made available at the designated Public Information Center (located at each POWERGRID SS site) and shared with the public on request. (ESPP Appendix XVI)</p>	<p>Full Equivalence (See 5 a-e, below)</p>	<p>None.</p>

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	<p>requires that the declaration be prepared in the regional language and posted at convenient locations.</p> <p>The Right to Information Act, 2005 (RTI) provides some additional recourse with respect to informing displaced persons of their rights.</p>			
5 (a) prompt compensation at	The LAA stipulates that the	(a) POWERGRID characterizes the R & R process as a “time-bound” activity	(a) Full Equivalence	(a) None

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full replacement cost for loss of assets attributable to the project;	<p>possession of land can only be taken after the Collector makes the compensation award and requires a time limit for compensation to be provide subject to interest payments.⁷</p> <p>With respect to the amount of compensation the LAA requires that the compensation award “take into consideration”...” the market value of the land on the date of publication of the notification” to be determined by “tak[ing] into account transfer</p>	<p>“dovetailed into the project cycle, ensuring that RAP implementation is completed within the first 12-15 months of project execution.” “payment of compensation and acquisition of land” as a single stage undertaken by the government prior to “handing over land to POWERGRID (ESPP, “Activity Chart for Land Acquisition and R & R”)</p> <p>For loss of assets attributable to the project; the ESPP states that “POWERGRID will provide ‘adequate compensation’ as required ...per law and compensate at replacement costs.” Replacement cost “will include compensation as fixed by competent authorities under the LAA including ‘solatium’ and interest plus Rehabilitation Assistance.”</p> <p>The ESPP provides specified values of in-kind or cash awards for housing, housing sites and land at equivalent market values.</p>		

⁷ Section LAA, Section 11A

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	<p>of land similarly situated and in similar use.: Compensation amounts are also required to take into consideration damage to crops and trees on the land; the severance of the acquired land from other land owned by the affected person; impacts on other property, movable and immovable; on earnings; expenses incurred for involuntary change of place of residence or business and loss of profits attributable to pending acquisition up the</p>			

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	<p>date of acquisition (LAA Section 23). The LAA also provides for an opportunity for those who are dissatisfied with the award to apply to a redetermination of compensation.⁸</p>			

⁸ In addition to this, there are Supreme Court decisions regarding further interpretations on what should be regarded or disregarded during the computation of market value. Then there are principles which have been enunciated for determining market value. “Comparative sales” methods, “prudent purchaser” or “prudent buyer,” “reduction method,” “realizable potentiality” are just few examples in this regard.

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<p>5 (b) If there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required;</p>	<p>b) The LAA contains no provisions for assistance during relocation or any requirement that residential housing, housing sites or agricultural sites be of equivalent productive potential.</p> <p>However there are a number of court decisions that mandate not only compensation for loss of income, realizable potential for land etc but also for rehabilitation assistance and employment assistance for</p>	<p>b) Under the ESPP transition benefits are provided to PAPs for loss of house, loss of shops and loss of livelihood, shifting of cattle and other property as well as to PAPs who opt for land-for land compensation, “wherever applicable.” Transition benefits include provision of transport or equivalent cash for shifting of material or cattle to a new location Rehabilitation support is provided to PAPs who opt for cash compensation. (ESPP 2.6 and Table 2.3). (ESPP 2.6 and Table 2.3) Land provided to persons with valid titles or customary or usufruct rights are to e of “equivalent productive potential.” (ESPP, Appendix XVI)</p>	<p>b) Full equivalence. The ESPP is fully equivalent to the requirements of this Operational Policy.</p>	<p>b) None.</p>

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	PAFs ⁹ .			

⁹ See for example Karjan Jalasay Yojana Assargrasth Shakhar Ane Sangharsh Samiti Vs. State of Gujarat AIR 1987 Supreme Court 532;

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5 (c) Transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures	c) No provisions for transitional support are made under the LAA. ¹⁰	c) The ESPP provides for transitional support and development in the form of various income-generating schemes based on consultation with PAPs and the local government and the results of the socio-economic survey. These may in technical assistance with agriculture, livestock, food processing, and manufacture of farm and pottery products. It also provides for vocational training award of petty contracts support for dairy and poultry production, award of petty contracts; vocational training and award of petty contracts.	(c) Full Equivalence. The ESPP provisions for transitional support are equivalent to this element of the Operational Principle	(c) None.
5 (d) Cash compensation for land when the impact of land acquisition on livelihoods is minor; and	d) Under the LAA, cash is the only form of compensation provided. This has also been augmented to include fair methods of computing such cash value	d) Under the ESPP cash compensation at pre-determined amounts is provided for cash compensation for the extent of land against which replacement land is not available; for construction of a house; a working shed/shop; and lost wages and crops. if PAFs opt for cash compensation for loss of land or not eligible for land for land option, PAFs will receive cash compensation at replacement cost and rehabilitation (ESPP 2.6 and Table 2.3).	(d) Full Equivalence. The ESPP provisions for transitional support are equivalent to this OP	d) None.

¹⁰ However some court decisions do elaborate partly on these principles.

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	through several well recognised methods of computing such values.	However, as according to the ESPP, POWERGRID does not acquire land for transmission lines; therefore no monetary compensation is provided as would appear to be required under Section 47 of the R & R Bill. (ESPP.....)		
5 (e) Provision of civic infrastructure and community services as required	e) There are no such provisions in the LAA.	e) For loss of access to common urban and rural resources and facilities the ESPP provides : replacement/augmentation of common property resources/amenities or provision of functional equivalence	e) Full Equivalence. The ESPP provisions for transitional support are equivalent to this element of the Operational Principle.	(e) None.
6. Give preference to Land-based resettlement strategies for displaced persons whose livelihoods are land-based.	The LAA contains no comparable provision ¹¹ .	POWERGRID's SEF "incorporates the NPRR," (ESPP Box 4.2) which places considerable emphasis on land based resettlement strategies. Under its SEF, POWERGRID's endeavor is always to avoid/minimize hardship to PAPs and their families through options like Land for Land as far as possible." POWERGRID strives to avoid/minimize	Full Equivalence. The ESPP provisions giving preference to land based resettlement strategies is fully equivalent	None.

¹¹ However there are Supreme Court decisions which do advocate land for land compensations. (Karjan Jalasay Yojana Assargrasth Shakhar Ane Sangharsh Samiti Vs. State of Gujarat AIR 1987 Supreme Court 532)

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		<p>hardship to PAPs and their families through options such as land for land as far as possible (A-50). Land-for-land is also preferred for tribal PAPs (ESPP 2.6) (see below)</p> <p>To implement its preference for land-based resettlement, POWERGRID first seeks release of local government land for allotment to eligible PAPs. If government land is not available, POWERGRID will negotiate the purchase of private land from a willing buyer, at existing rates and” so long as such purchase does not promote any indirect displacement.” (ESPP, Appendix XVI).</p>	to this Operational Principle.	
7. For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, provide resettlement assistance in lieu of compensation	The LAA contains no provisions for resettlement assistance to those without formal legal rights to land or claims to such land that could be recognized under the laws of the	<p><u>Under the ESPP:</u></p> <p><u>1) Loss of Land</u></p> <ul style="list-style-type: none"> - Tenants/sharecroppers/leaseholders are entitled to reimbursement for unexpired lease amount and rehabilitation assistance (200 days of minimum agricultural wages) - Non-titled (encroachers) are entitled to rehabilitation assistance (375 days of minimum agricultural wages if they are cultivating the acquired land continuously for the last 3 years) 	Full Equivalence.	None.

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for land to help improve or at least restore their livelihoods.	country. ¹² Under the LAA there are certain rights such as easements which may have to be compensated. These are often recorded under revenue records such as (nistar patraks, wazib ul urz). Rights are also created as per the law of adverse possession which may have to be compensated for.	2) <u>Loss of structure</u> (A-52) <i>i) loss of house</i> - Tenants/leaseholders receive lump sum payment equivalent to 6 mo rent based on production of proof or Rs. 5,000 whichever is higher - Squatters (continuously living there for the last 3 years) receive cost of structure and one time payment ranging between Rs.5,000 to Rs.25,000 depending on type of structure and family size. <i>ii) loss of shops</i> - Tenants/leaseholders receive transitional allowance equivalent to 1 year income plus transition benefits such as provision of transport or equivalent cash for shifting of material. Squatters are entitled to a transitional allowance equivalent to 1 year income plus transition benefits such as provision of transport or equivalent cash for shifting of material. Under the ESPP non-titled land occupants are entitled to 375 days of minimum agricultural wages (as set by		

¹² Some court decisions however do touch on this issue especially for those who are landless but are still dependent on such lands

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		<p>competent authorities) if they have cultivated land acquitted by the project continuously for at least three years from the date of LAA Section 4 notification, as established through government records such as voter lists and ration cards or on the basis of the socio-economic survey conducted by POWERGRID.</p> <p>For loss of structure, (including housing and cattle sheds) eligible (three-year residents) squatter households are entitled to the cost of the lost structure and a one time payment ranging from RS 5,000-25,000 depending on the type of structure and family size, plus transition benefits such as transport or equivalent cash cost of transport. Vulnerable groups including women-headed households and Scheduled Castes and Tribes are to be considered to additional need-based benefits.” (ESPP, Appendix XVI)</p>		
8. Disclose draft resettlement plans, including the documentation of the consultation process, in a timely manner, before	Under the LAA, prior notification is required via the Official Gazette and in substance at convenient places on or near	Under the ESPP the draft RAP and supporting documentation such as the Socio-Economic Survey is made available to stakeholders at designated places, such as the Public Information Center established for this purpose at each SS and is shared with the public or any interested	Partial Equivalence. The ESPP does not state that these documents must be “in a	The ESPP should be revised to specify that the RAP is to be disclosed in the local (state) languages of

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<p>appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.</p>	<p>the land to be acquired, identifying the district or other territorial division in which the land is situated, the purpose for which it is needed, its approximate area and situation and where a plan has been made of the land, the place where such as plan may be inspected. (5-A) A plan for land acquisition is also required (8). The Collector is required to give public notice at convenient places on or near the land to be taken, stating the Government's intention to take</p>	<p>persons on request. (ESPP, Appendix XVI).</p>	<p>form and language that are understandable to key stakeholders.”</p> <p>With respect to resettlement activities affecting Indigenous Peoples (as described below with respect to the Indigenous Peoples safeguard) the TPDP is required to be in the local language(s).</p>	<p>PAPs and other key stakeholders.</p>

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	<p>possession and inviting compensation claims. (9) In the event of court claims the Collector is required to submit a statement tot the Court providing details on the land subject to court claim, the amount of compensation provided, and the grounds for compensation.</p> <p>The approved resettlement scheme or plan is required by be published in the Official Gazette (6 (2)).</p> <p>The RTI Act can</p>			

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	also aid this process although it has to be used more pro actively.			
9. Apply the principles described in the involuntary resettlement section of this Table, as applicable and relevant, to subprojects requiring land acquisition.	The LAA does not distinguish between projects and sub projects.	The ESPP does not distinguish between projects and sub projects	Not Applicable	None.
10. Design, document, and disclose before appraisal of projects involving involuntary restriction of access to legally designated parks and protected areas, a	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA) provides that “no forest rights holders shall be resettled or have	The ESPP contains several provisions designed to protect the interests of tribal communities, including additional benefits for those affected by resettlement, consistent with the concurrent World Bank Operational Directive 4.20 (superseded in 2006 by World Bank Operational Policy 4.10) These include a policy of avoiding tribal areas for construction of TLs and SS and where unavoidable, additional benefits for	Partial equivalence. The ESPP does not contain provisions designed for projects involving involuntary restriction of access to	The ESPP should be updated to reference applicable provisions of the FRA while retaining the public disclosure provisions of the current ESPP with respect to

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<p>participatory process for:</p> <p>(a) preparing and implementing project components;</p> <p>(b) establishing eligibility criteria;</p> <p>(c) agreeing on mitigation measures that help improve or restore livelihoods in a manner that maintains the sustainability of the park or protected area;</p> <p>(d) resolving conflicts; and</p> <p>(e) monitoring implementation</p>	<p>their rights in any manner affected” in critical wildlife habitats of National Parks and Sanctuaries unless and until:</p> <ul style="list-style-type: none"> - a resettlement or alternatives package has been prepared and communicated that provides a secure livelihood for the affected individuals and communities - the free informed consent of the <i>Gram Sabhas</i> in the areas concerned to the proposed resettlement and to the package has been 	<p>“tribals” affected by resettlement and other project impacts as well as the preparation and disclosure of a Tribal Peoples Development Plan (TPDP) (ESPP 1.0 and Table 2.3.)</p>	<p>legally designated parks and protected areas.</p> <p>Although the ESPP contains provisions consistent with World Bank OD 4.20, the ESPP was issued prior to the replacement of OD 4.20 by World Bank Operational Policy 4.10 (and subsequently incorporated into OP 4.00 Table A1) and the enactment by the GOI of the FRA – both of which contain provisions</p>	<p>TPDPs..</p>

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	<p>obtained in writing; and -facilities and land allocation at the resettlement location are complete as per the promised package.” (Chapter III)</p> <p>However this process is primarily for making the areas inviolate for wildlife purposes; such lands cannot be diverted for any other purposes than wildlife conservation.</p>		<p>designed to protect the rights of people affected by restrictions on access to PPAs. Accordingly, the ESPP, which was issued in 2005 does not reference the applicable provisions of OP 4.10, .4.00 Table A1 or the FRA.</p>	
11. Implement all relevant resettlement plans before project completion and provide resettlement	The LAA provides that the Collector shall, before taking possession of the land, tender	The ESPP includes a time schedule for R&R, which is dovetailed into the project cycle, ensuring that implementation of the RAP is completed within the first 12-15 months of project execution.	Full Equivalence. The ESPP requirements that RAP implementation	None.

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entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	payment of the full amount of compensation to the persons entitled thereto (31.1.a)	The RAP includes an action plan for implementation (with specific timeline) (ESPP Appendix XXXII)	be completed within the first 12-15 months of project execution is equivalent to the requirement of this OP as most projects are also completed within this time frame. In addition the ESPP refers to the requirement of the LAA wherein compensation payment is tendered to PAPs prior to taking possession of land.	
12. Assess whether the objectives of the resettlement	The LAA contains no monitoring requirement.	RAP implementation is monitored by a committee constituted under the chairmanship of POWERGRID. Other members, including representatives of	Partial Equivalence. The ESPP provisions are	The ESPP should be revised to incorporate baseline

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instrument have been achieved, upon completion of the project, taking account of the baseline conditions and the results of resettlement monitoring.		local authorities, Panchayat, PAPPs, and NGOS, will oversee overall implementation of RAPs (ESPP 2.6)	equivalent to this Operational Principle, with the exception of the incorporation of baseline conditions into the monitoring criteria	conditions into the monitoring criteria.