
III. Institutional Structure for Highway Sector Land Acquisition and Resettlement in India

A. Introduction

This chapter describes the role of various institutions involved in land acquisition and resettlement in the highway sector. The main institutions in the highway sector include the National Highways Authority of India (NHAI) and the Public Works Department (PWD), in cooperation with

- (i) Associated line departments
- (ii) District-level coordination committees
- (iii) NGOs/community-based organizations (CBO)
- (iv) Training institutions
- (v) Monitoring and evaluation (M&E) agencies

B. Institutions

1. National Highways Authority of India (NHAI)/ Public Works Department (PWD)

NHAI (authorized under the National Highways Act of 1956) and PWD are empowered by the Central Government to develop, maintain, and operate national highways in the country. NHAI undertakes feasibility studies for constructing and expanding highways, and procures multilateral and bilateral funding for feasible highway projects. Consulting and engineering firms are employed in this work. NHAI prepares the terms of reference (TOR) for consultancy assignments, including those for resettlement planning and implementation. It has overall responsibility for preparing RPs and implementing them efficiently in all its highway sector projects.

The specific activities of NHAI related to land acquisition and resettlement are

- (i) Along with the revenue department, notification at various stages for land acquisition and joint measurement of land to be acquired;

- (ii) Preparation and approval of project-specific resettlement policies;
- (iii) Coordinating with line departments, such as telephone, state electricity board, public health engineering department, and forest department, for shifting of utilities and cutting of trees;
- (iv) Participating in verification survey of APs conducted by NGOs and categorization of APs according to the R&R policy;
- (v) Participating in consultations with APs and the host community;
- (vi) Designing and distribution of identity (ID) cards along with NGOs;
- (vii) Coordinating and facilitating relocation of DPs, including designing and construction of resettlement colony/vendor market; provision of basic amenities; distribution of residential and/or commercial plots, structures and/or houses to DPs;
- (viii) Coordinating with NGOs in identifying land for relocation of common property resources (CPRs);
- (ix) Coordinating with civil construction contractor for relocation of CPRs;
- (x) Obtaining permission and liaising with line departments for provision of basic amenities in resettlement colonies, land acquisition, and income restoration schemes (IRS);
- (xi) Coordinating with the revenue department and NGOs to facilitate disbursement of compensation, and R&R assistances;
- (xii) Monitoring of physical and financial progress;
- (xiii) Approval of micro plans;
- (xiv) Participating in training programs organized by NGOs for IR; and
- (xv) Consulting with panchayats (local self government at the village level) and block offices to facilitate inclusion of APs name for poverty-alleviation schemes.

2. Line Departments/Government Agencies

The line departments that play important roles in resettlement are

- (i) Revenue department, which has the most important role of land acquisition; payment of compensation for land acquired (including properties thereon); providing land for constructing resettlement colonies/vendor markets and relocation of CPRs
- (ii) Post and Telegraph department for shifting of telephone lines along the corridors and providing the same in resettlement sites
- (iii) State Electricity Board for shifting of electricity poles along the corridor and providing electricity in resettlement colonies
- (iv) Public Health Engineering Department (PHED) for relocating drinking water facilities and laying of drainage facilities in resettlement colonies
- (v) Forest Department for cutting of trees along the corridor and for afforestation
- (vi) Education Department for providing teachers and other facilities in school constructed at resettlement sites
- (vii) Health department for providing doctors and medicines in health facilities created at resettlement sites
- (viii) National AIDS Control Organization (NACO)/State AIDS Control Society (SACS) for providing information, education, and communication (IEC) material to NGO for creating awareness toward HIV/AIDS
- (ix) District Rural Development Agency (DRDA)/Khadi Village Industries Board or Commission (KVIC) for training arrangements
- (x) Panchayat office/Block Development Office for inclusion of APs name for poverty-alleviation schemes

3. Supervision Consultants (SC)

Specific activities of SCs with regard to RP implementation are

- (i) Liaison with NGOs for shifting community assets;
- (ii) Preparing drawings of CPRs to be relocated;

- (iii) Preparing drawings of resettlement colonies and vendor markets; and
- (iv) Liaison with contractors to construct CPRs at new relocation sites.

4. Monitoring and Evaluation Consultants

The specific role of M&E agencies includes

- (i) Verifying micro plans prepared by NGOs;
- (ii) Participating with NGOs in all consultations (for relocation of DPs and CPRs);
- (iii) Verifying training needs assessment carried out with NGOs for economic rehabilitation;
- (iv) Helping facilitate NGOs in identification and finalization of trades, trainer, and preparation of training modules;
- (v) Preparing user-friendly database;
- (vi) Carrying out concurrent, mid-term, and end-term evaluation of RP implementation; and
- (vii) Process documentation of RP implementation.

5. Contractors

Contractors are specifically responsible for relocation of CPRs.

6. Nongovernment Organizations (NGOs)

NGOs have been traditionally employed in resettlement implementation in the highway sector in India. The tasks assigned to NGOs include

- (i) Developing rapport with APs and between APs and NHAI/PWD;
- (ii) Verification of APs;
- (iii) Post design consultations with the community;
- (iv) Assessing the level of skills and efficiency in pursuing economic activities, identify needs for training and organize programs either to improve the efficiency and/or to impart new skills;
- (v) Assisting APs in receiving rehabilitation entitlements due to them;
- (vi) Motivating and guiding APs for proper utilization of benefits under R&R policy provisions;
- (vii) Facilitating purchase of agricultural land in negotiating price and settling on a reasonable price or expedite the same through Land Purchase Committee;

- Assisting APs in obtaining benefits from appropriate development programs;
- Helping APs in increasing their farm income through provision of irrigation facility or improved farm practices;
- Ensuring marketing of produce, particularly those under self-employment activities;
- Completing the consultation at the community level and providing support by describing the entitlements to entitled persons (EPs) and assisting them in their choices;
- Accompanying and representing EPs at the Grievance Committee meeting;
- Assisting EPs to take advantage of existing government housing schemes and employment and training schemes that are selected for use during the project;
- Promoting location-specific CBOs of APs to handle resettlement planning, implementation, and monitoring; and
- Creating awareness among APs about HIV/AIDS, trafficking of women and children, child labor, and health and hygiene.

7. District-level Committees (DLCs)

DLC is established in each district where the project is active.

- (i) DLCs are responsible for vetting micro plans prepared by NGOs.
- (ii) These committees provide coordinating nodes for land acquisition and compensation, relocation and rehabilitation, distribution of project assistance and APs' access to most government programs.

C. Training and Capacity Building

Establishing sufficient capacity to launch and manage various components of resettlement is key to a successful implementation. Training is essential to enhance the capabilities of project staff. Training should cover participatory rural appraisal (PRA) for micro planning, census and socioeconomic surveys, dissemination of information, community consultation, and progress M&E. Projects should make adequate financial provision in their budgets for this important activity.