
IV. Lesson Learned

The following issues that require special attention in highway sector resettlement planning and implementation were identified during the course of this RETA:

- (i) Need for proper Land Acquisition Plans
- (ii) Compensation for lost assets at replacement value
- (iii) Assistance for non-titleholders
- (iv) Income restoration
- (v) Coordinating the payment of compensation and entitlements

A. Inadequate Land Acquisition Plans

Delays in land acquisition are a major cause of project implementation delays. The main reason is improper land acquisition plans prepared during the project preparation stage. In order to prepare proper plans, the following suggestions are made:

- (i) Inadequate land acquisition plans are caused by detailed project report (DPR) consultant's teams lacking professionals with adequate knowledge of land acquisition. Therefore, it is important that a dedicated team of professionals having a clear understanding of land issues should be involved in this work.
- (ii) TOR for DPR consultants merely requires "preparation of a land acquisition plan" without mentioning details of the various stages, including joint land verification by the revenue department. It is, therefore, suggested that TOR of DPR consultants for land acquisition should be exhaustive, specifying all the tasks.
- (iii) Though some states in India have initiated computerization of land records, the records in most of the states still remains outdated

and are hardly updated. It is imperative that state governments start updating records.

- (iv) NHAI or PWD hires the services of retired revenue officials during the implementation stage. By that time, DPR consultants have completed their work. It is, therefore, essential that the implementing agency should hire a revenue department official right from the planning stage either on deputation or on a contract basis. This will help the implementing agency to draw up land acquisition plans correctly in the beginning thus avoiding delays.
- (v) Normally, land is divided informally among the next generation. The revenue department does not record this division of land. Similarly, informal settlers and land in lal dora (land identified as residential from British times for which occupiers have no documentation to prove title to the land) area is also not recognized by the revenue department and project authorities for compensation, which further delays the project. During implementation, project authorities should consider informal settlers, unclear titleholders, and informal divisions of property after verification by the local bodies and recording by NGOs.

B. Insufficient Compensation to Replace Assets

Compensation paid for immovable assets has typically been inadequate and often grossly inadequate. This is primarily because valuation of land is based on sale deeds recorded with revenue offices, and they are way below prevailing market prices. Moreover, state authorities, because of inadequate institutional capacity, often delay the payment of that compensation. Even to work out the replacement value, there is no fixed

or prescribed methodology. The following suggestions are made to improve the compensation:

- (i) The productivity method should be the basis for determining land compensation;
- (ii) NGOs should be involved in preparation of compensation details;
- (iii) NGO-facilitated disbursement of compensation should be done to bring in transparency;
- (iv) Compensation payment in camps, preferably in the concerned villages, should be done in the presence of public representatives;
- (v) At least three notices should be given to absentee APs before depositing the compensation/entitlements with the Competent Authority;
- (vi) NHA policy should make it mandatory to disburse both compensation and assistance at the same point of time and in one single installment; and
- (vii) Valuation of structures should be done by the prototype method.

C. Non-titleholders not Adequately Compensated

Assistance to non-titleholders has already been an issue of contention among project authorities as they feel that assistance to non-titleholders could encourage encroachment on public land. However, R&R policies of both NHA, as well as project-specific state highway authorities and the National Policy on Resettlement and Rehabilitation, recognize the need to assist these vulnerable non-titleholders. It is suggested that

- (i) DPR consultants should undertake video recording on census survey dates of the entire stretch to record the non-titleholders in the project corridor; and
- (ii) The census survey should be the cutoff date for non-titleholders (though the National Policy on Resettlement and Rehabilitation states that anybody staying 3 years prior to the date of census survey should be assisted under the project).

D. Weak Income Restoration Strategies

Income restoration for APs is the most critical part of the entire resettlement planning process and yet this continues to be a peripheral activity during implementation. NGOs are of the view that since highway construction is the prime objective, providing land to the contractor “free from encroachment and other encumbrances” becomes the priority and that takes most of the time and effort. By the time physical relocation is over, there is hardly any time left for other resettlement activities. The following suggestions are made to improve upon this situation:

- (i) De-link income restoration from the TORs of NGOs implementing RPs;
- (ii) Income restoration should be a separate contract with another NGO with appropriate qualifications;
- (iii) Training should be followed by provision of productive assets for IR;
- (iv) Innovative and consultative approach for income restoration—practical training to be imparted as much as possible;
- (v) Cash disbursement of training/Income Restoration Grant (IRG) payments if training is not required;
- (vi) Income restoration activities need to be conceived and designed as much as possible, within the already proposed project activities, such as corridor management, safety zone management, and creation of wayside amenities;
- (vii) Trades, which are not capital intensive, should be considered by NGOs; and
- (viii) Capacity building for project staff and implementing NGOs are critical.

E. Compensation and Resettlement Entitlements Paid Separately

Currently, statutory compensation under the Land Acquisition Act and additional payments of resettlement assistance according to the entitlements in RP are being paid separately. Payment of resettlement assistance can commence only after the final list of affected

titleholders has been completed when the LAA awards are made. It is only then that the implementing NGOs start preparing the micro plans (containing the specific resettlement entitlements for each AP), which also have to be verified by the Project Implementation Unit (PIU) and by the M&E agency, and this process generally takes about 2 months. This is also the time that NGOs work out replacement values for acquired assets. These lists are then sent to NHAI's head office where it takes

between 2 weeks and 1 month for approval of the finances. Therefore, the entitlements can only be paid about 3 months after the statutory compensation.

If APs are able to receive both payments at the same time, they can more effectively organize their R&R. Hence, efforts should be made to explore strategies that would in the first instance narrow the interval between the two payments and in time lead to full coordination of payments.