



Resettlement Plan

Project Number: 40648-023
December 2015

IND: Infrastructure Development Investment Program for Tourism - Tranche 1

Subproject: Circular Road 1 Km long at Naina Devi

Submitted by

Project Management Unit, Tourism Development Board, Shimla

This resettlement plan has been submitted to ADB by the Project Management Unit, Tourism Development Board, Shimla and is made publicly available in accordance with ADB's public communications policy (2011). It does not necessarily reflect the views of ADB. This is a revised version of the draft originally posted in November 2012 available on <http://www.adb.org/projects/40648-023/main?page-2=1&page-3=6&offset=25#tabs-0-2>

This resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

Asian Development Bank

Tourism Development Board

IDIPT-HP (ADB Loan No. 2676-IND)

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Dated: 09.12.2015.

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Kind Attn: Mr. Leonardus Boenawan Sondjaja (ADB).

Subject: ADB Loan 2676, IDIPT-HP- Submission of Revised Resettlement Plan for 1 km long Circular Road at Naina Devi under Tranche-I.

Madam,

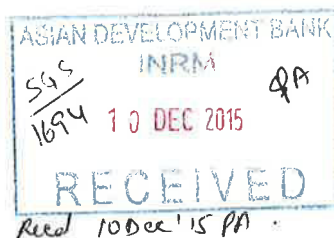
We are in receipt of the comments raised by the Social Safeguard Specialist, ADB on the Revised Resettlement Plan for 1 Km long Circular Road at Naina Devi (Package No. HPTDB/1/1) under Tranche-1. The comments have been incorporated in the Revised Resettlement Plan.

The Revised Resettlement Plan is enclosed for the above said project alongwith the reply in the matrix form. This is for your information and approval please.

Yours Sincerely,

**Project Director,
IDIPT-H.P**

Encl: As Above.



**Comment Matrix of ADB Comments on Resettlement Plan of Naina Devi Circular
Road project dated 8th Nov, 2013.**

S.No	ADB Observation	Compliances/ clarifications
1	It should be noted that as per the project is subject to ADB SPS 209 requirements, there is no longer any Short' resettlement plan. The distinction in the nomenclature has been abolished and RP are to be commensurate with impacts.	Agreed. RP revised accordingly.
2	Annexure B and C referred to in the last para of page 2 cannot be found. Please number your paragraphs for easier reference during review and revisions	Noted and all the annexure and paragraphs have been numbered. The annexure B & C refer to in earlier RP have been renumbered to Annexure 2 (Site Inspection and Assessment Report of PWD and Temple Trust) and Annexure 3 (Confirmation letter of DC, Bilaspur for construction of road at Naina Devi)
3	First para section ii, page 3: Please refer to the SPS 2009 instead of the old Involuntary Resettlement (IR) Policy of 1995.	Noted. RP modified accordingly.
4	The bulleted list of provisions under the policy framework and entitlements is not consistent with the SPS 2009 and the Resettlement Framework (RF) governing the preparation of RP for subprojects of MFF (FFA, Schedule 5.) In particular the cardinal entitlement principle of replacement cost and value is not indicated and applied. Please revise by using the relevant section (B) of the RF.	The provision of SPS 2009 has been followed. As per the RF, 2010, <i>"the Government is encouraged to undertake negotiated settlement to avoid expropriation and eliminated the need to remove people forcibly. The negotiated settlement will be based on meaningful consultation with affected persons. A negotiated settlement will offer adequate and fair price for land and/or other assets. The Government will ensure that any negotiations with displaced persons address the risk of asymmetry of information and bargaining power of parties involved in such transactions. Where negotiated settlement is applied, this resettlement framework does not apply."</i>
5	The same applies to entitlement matrix. The applicable provisions (Loss of land of corps and trees) of the RF (Table 3) should be used.	Hence a Negotiation Committee was formed and Government involved independent external parties (DC, SDM etc) to document the negotiation and settlement processes.
6	The acquisition of private land under this subproject was confined to a direct sale from the affected land owner without invoking the land Acquisition Act (LAA) of 1894. Therefore reporting on this	No Land Acquisition was undertaken. Land was procured through direct purchase. The land owner was consulted and rates were decided with the consent of Affected person and the

S.No	ADB Observation	Compliances/ clarifications
	<p>negotiated land acquisition without the option of expropriation could have been done according to para 25 of Appendix 2 of the SPS through a due diligence report following the requirement stipulated in para 25,including documentation of the negotiation and settlement process through the independent external party. However, since a RP was already prepared, the RP can also be revised as indicated in this review and a section fully explaining the negotiated settlement, including the consultation and negotiated process, the rates agreed on and the transaction of the deal, should be added with all the relevant documentation in the appendix. With regard to the rate, the usual government rate, the actual land price customary in the area for the type of land in question at the time of sale and the actually paid land price should be indicated in order to established that replacement cost was paid, or even more.</p>	<p>Negotiation Committee.</p> <p>The negotiated settlement process has been detailed in Section II, para 10 of the main document. The entire process was monitored with the representatives of Temple Trust, the PMC & the DSC.</p>
7	<p>The resettlement cost table needs to be revised to establish proper unit rates .The cost of grievance redress of INR 300,000 for a single case of mutually agreed negotiated settlement appears excessive and should be revised.</p>	<p>The amount of Rs 3 Lacs was agreed upon inclusive of sale price and all other costs mutually. This price is higher than the unit price of patwar circle.</p>
8	<p>The is no need for external monitoring by an external agency in an IR category B subproject. In this case of a negotiated settlement a statement of concurrence by a third party observer who may have been present during the process would be useful and strengthen the RP. Even better would be indicated of the party's involvement in preparing the RP.</p>	<p>The Safeguard of PMC & DSC facilitated the negotiation process and was involved in sensitization the Affected person about the process of compensation/ negotiation.</p>

Updated Resettlement Plan

Loan No. 2676 -IND

Package No. HPTDB/1/1

**Infrastructure Development Investment Program for Tourism
Himachal Pradesh**

Subproject 1: Naina Devi Sub-project Proposal Package
1: Circular Road 1km long at Naina Devi

India: Infrastructure Development Investment Program for
Tourism

December 2015

The resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

ABBREVIATIONS

ADB	Asian Development Bank
ADM	Additional District Magistrate
DC	Deputy Commissioner
DoTCA	Department of Tourism and Civil Aviation
EA	Executing Agency
GoHP	Government of Himachal Pradesh
Gol	Government of India
GRC	Grievance Redressal Cell
HP	Himachal Pradesh
HPTDB	Himachal Pradesh Tourism Development Board
IA	Implementing Agency
IDIPT	Infrastructure Development Investment Program for Tourism
INR	Indian Rupees
IR	Involuntary Resettlement
LAD	Local Administration
NA	Not Applicable
NCB	National Competitive Bidding
O&M	Operation & Maintenance
PAP	Project Affected Person
PAHH	Project Affected Household
PIU	Project Implementation Unit
PMC	Project Management Committee
PMU	Project Management Unit
PWD	Public Works Department
RoW	Right of Way
RP	Resettlement Plan
R&R	Resettlement & Rehabilitation
SDM	Sub-divisional Magistrate
SRP	Short Resettlement Plan
TTND	Temple Trust Shri Naina Devi ji

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Executive Summary

1. The Government of Himachal Pradesh (GoHP) has availed financial assistance from Asian Development Bank to fund Infrastructure Development Investment Program for Tourism (IDIPT) in Himachal Pradesh. The objective of this project is to develop tourism related infrastructure to promote tourism in the State. The project aims to strengthen the tourism sector by infrastructure improvement so that more tourists are attracted. This is expected to contribute towards economic development of the region.
2. The famous Shakti Peeth of Shri Naina Devi Ji (one among 51) is located at an altitude of about 1177meters¹ on Naina Dhar hills and occupies a major religious importance. The famous Shrine has a history spanning about 12th century and have mythological linkages with Lord Shiva, Lord Vishnu, and Guru Gobind Singh Ji, and thus it is a major centre of pilgrimage in the region for both Hindus and Sikhs. The town is well connected from different parts of Himachal Pradesh (HP) & Punjab and is located at a distance of 70 kms from Bilaspur, 108 kms from Chandigarh, and 21 kms from NH 21. The nearest airport is at Chandigarh. Motorable roads connect this Shrine from Anandpur Sahib, Kiratpur Sahib & Nangal. Frequent State & private transport bus services are available from all important cities from Punjab/HP, and nearest Railway Station is Anandpur Sahib, Punjab.
3. Shri Naina Devi Ji Temple is visited by approximately 40 lakhs (4 million) pilgrims in a year at present, an average growth of over 1.5% per annum since last 25 years. Naina Devi area is not densely populated with a population of around 1203 people, however there is heavy rush of pilgrims on Navratras and other religious days. There are 73 residential and 56 commercial units in all. The primary source of income of the villagers is dependent on pilgrims/ tourism. They are also engaged in petty business and miscellaneous economic activities.
4. Considerable increase in the vehicle during fairs, existing roads becomes congested and devotees faced problem with frequent traffic jam. In line with the objective of Master Plan, the road improvement works has been taken up by the Department of Tourism under ADB assisted Loan.
5. The proposed road as estimated at present is 1 km long and shall be developed on a formation width of 5m along the straight sections and 7m along the curved sections.
6. This Resettlement Plan (RP) has been prepared for the Road project to connect Sri Naina Devi Temple through an alternate route to facilitate smooth flow of visitors. It has been proposed to construct a 1 Km road.
7. **Summary of Resettlement Impact:** Although, efforts had been made by the engineering team to minimize the resettlement impact by careful design, there was a requirement of minor land parcel (00-01-71 hectare) procurement for construction of approach road. This land portion does not fall under residential area or agricultural land, it was a vacant land located on the steep hill slope. All the remaining implementation activities under the subproject were confined within vacant PWD and Forest land and do not have any resettlement impact in the project.

¹ Source : http://www.srinainadevi.com/index.php?option=com_content&view=article&id=3&Itemid=4&lang=en

8. The land was procured for the project through negotiation as recommended in RF². The rates for the land were arrived through negotiated settlement with the affected person. Project Implementation Authorities briefed about the scope of the work and held consultation with land owners for selling of the land. Details attached at **Annexure 13**. In order to facilitate easy/timely procurement of land parcel, A Negotiation Committee was formed (involving independent parties) headed by the Deputy Commissioner- Bilaspur, SDM-Bilaspur, Executive Engineer (EE)-HPPWD, EE-IDIPT, Divisional Forest Officer (DFO)-Bilaspur and the representative of the affected person's family. The SDM, Bilaspur, (Land Acquisition/ Procurement officer) met with the affected person on behalf of NC (Negotiation Committee) and arrived at a consensus regarding the rate. An amount of Rs. 3.00 lacs (three lacs) in form of Demand Draft was submitted by IDIPT-HP to the Deputy Commissioner, Distt Bilaspur on 28.02.2013 for the payment of cost of private land measuring 00-01-71 hectares (0.5 Bighas) and requested them to register the same in the name of Temple Trust, Sh. Naina Devi Ji (as the asset owner of the project was Temple Trust, Sh. Naina Devi Ji). Further the representative from IDIPT-HP was deputed to follow up the matter for the said purpose and was authorized to take the possession of the site (attached at **Annexure 6**). The Land owner agreed to sell his land to the Trust vide the affidavit dated 14.02.2013 and finally after all the formalities land was transferred to Temple trust on dated 02.03.2013 (Copy attached at **Annexure 7**). The Land Revenue records and NOCs were obtained from PWD and Forest Department (**Attached at Annexure 8 & 9**) for confirmation of the site ownership.

9. **Consultation and Disclosure:** Number of informal consultations was done with the land owner by the Tourism and other concerned department officials. The objective of these consultations was to highlight the scope of work of the Circular road and how the land which was to be acquired would facilitate the road construction. The Project Safeguard Team also consulted with the land owner and their views on compensation amount. (Ref: **Annexure10**). The consultations were also held with all the stakeholders. All stakeholders were initially made aware of the Tourism Development Project and the Naina Devi sub-project proposal, and the construction of 1 km long Circular Road at Naina Devi. This was followed by discussion and consultation on the needs for constructing a shorter route, possible accrued benefits, and the need for land. During consultation with Stakeholders, they ensured that the affected family – owner of the land is fully paid before procurement.(Ref: **Annexure 10**).

10. **Policy Framework and Entitlements:** The policy framework and entitlements for the sub-project are based on national and state laws that include (i) The Land Acquisition Act, 1894 (amended in 1984), (ii) the National Rehabilitation and Resettlement Policy 2007, (iii) state laws and regulations of Government of Himachal Pradesh on land acquisition, and (iv) ADB's Safeguard Policy Statement (SPS), 2009; and the agreed Resettlement Framework.

11. **Compensation and Income Restoration:** The sub-project activity involves procurement of private 'unused' land of 00-01-71 hectare only and there are no other issues of resettlement and/or rehabilitation. The procurement of this land was made through negotiated settlement. Negotiation Committee was formed (Ref: **Annexure 5**) and the SDM appointed as the Land Acquisition/ Procurement Officer to interact with his team of officers and the affected party to amicably decide on the procurement amount. This amount was more than the Patwar value.

² Refer page 2 of Resettlement Framework (Updated), October 2010.

12. The land value was determined as per existing market value of the land. The value assessment of the land was determined as per its location and importance and also as per the land value in the same patwar circle in the project affected location. It is understood that the land portion to be procured was on a steep slope having no accessibility and has remained unused so far and also that the road construction in the said location will improve the land value and increase its usability which may fetch economic benefits to the owner. Keeping all these assessments in mind the compensation amount was decided with mutual agreement.

13. **Grievance Redressal Mechanism:** To resolve the procurement related issues, the District Administration has established a 3 member Negotiation Committee headed by Deputy Commissioner (DC) and Additional District Magistrate (ADM) and the Sub Divisional Magistrate (SDM) as members. The SDM was also deputed as the Land Acquisition/ Procurement Officer. All disputed matters initially are brought to the notice of SDM, if unresolved it comes to ADM and finally to the DC.

14. As per RF, Grievance Redressal System has already been established under IDIPT, Himachal Pradesh. Grievance of the public and, particularly, the DPs are addressed through the project's GRM. For this subproject, grievance will be first brought to the notice of the site engineer and focal person of the Temple Trust or Municipal Committee, which will be forwarded to the PIU. Grievances not redressed by the PIU will be referred at the PMU level. Based on the review of the grievances, in consultation with the PMU Community/Social Development Specialist it will be addressed. If the grievance still remains unresolved, the Project Director, will refer the issue to the State Level Empowered Committee (SLEC), which will act as Grievance Redress Committee (GRC). The GRC will resolve the issue within one month from the date of registration of any case in the GRC.(**Ref: Annexure 11, Office order of GRC**)

15. **Institutional Arrangements:** An institutional arrangement to manage and implement Resettlement Plan has been set up at project level (PMU, IDIPT) and subproject level. Institutional arrangement includes augmenting the capacity of PMU, IDIPT with regard to implementation of RP. The Social Development Specialist of the DSC and the Officer of districts are responsible for RP development and implementation. They interacted with the revenue department officials at the district level in each State on issues pertaining to land procurement. Effective RP implementation was coordinated with district authorities. The Land Acquisition/ Procurement Officer, of districts verified the title deeds, non-encumbrance certificates, basic tax receipts, possession certificates and other relevant records for each parcel of land to be procure. The District Government Pleader or any other person authorized by the District Collector scrutinizes the title deeds and other documents related to ownership and possession, and given necessary recommendation to the Land Acquisition/ Procurement Officer. The Social Development Specialist of the DSC, under the guidance of the Safeguards Officer at the PMU/PMC arranged for the title holder to execute transfer deed in favor of the concerned implementing agency. The District Collector or Competent Authority paid the fair price to the title holder by a bank draft/cheque, once the funds were deposited by PMU at the Collector's Office, the Safeguard Officer along with the Land Acquisition/ Procurement Officer assumed possession of the land on which the deed was considered as registered. A copy of the Deed of Registration was obtained from the office of the Sub-Registrar.

16. **RP Implementation and Monitoring:** Implementation work started after approval accorded by DC and land was procured prior to the start of work. RP implementation was closely monitored by PMU/PMC/DSC with an effective basis for assessing resettlement progress and identifying potential difficulties and problems.

17. As the DSC was establishment during that period was at its initial stages therefore they were more focused on the Design part. Later on, with the mobilization of more personnel they monitored the implementation.

18. The PMC Safeguard Specialist interacted with the AP/ family members during August, 2012 and February, 2013. The Specialist also interacted with the Govt. Officers and apprised them about the Consultations. Thereafter, The Resettlement Plan was prepared for Naina Devi sub-projects and negotiation process was facilitated.

19. The final negotiation settlement and the agreement with the Affected Person (AP) was executed by the SDM (Land Acquisition/ Procurement Officer), revenue officials, witnessed by Executive Engineer PMU, JE PIU and Mr. Kamal Dev Sharma who signed as a third party witnessed. The representatives of PMC and DSC were also present.

20. **Resettlement Budget.** The total R & R cost was Rs. Three lacs (Rs. 3,00, 000) only, which was mutually agreed by the Land Acquisition/ Procurement officer and affected land owner.

Resettlement Plan

I. PROJECT BACKGROUND

1. The Government of Himachal Pradesh (GoHP) has availed financial assistance from Asian Development Bank to fund Infrastructure Development Investment Program for Tourism (IDIPT) in Himachal Pradesh. The objective of this project is to develop tourism related infrastructure to promote tourism in the State. The project aims to strengthen the tourism sector by infrastructure improvement so that more tourists are attracted. This is expected to contribute towards economic development of the region.
2. The famous Shakti Peeth of Shri Naina Devi Ji (one among 51) is located at an altitude of about 4005 feet or about 1177 meters³ on Naina Dharand occupies a major religious importance. The famous Shrine has history spanning about 12th century and have mythological linkages with Lord Shiva, Lord Vishnu, and Guru Gobind Singh Ji, and thus it is a major centre of pilgrimage in the region for both Hindus and Sikhs. The town is well connected from different parts of Himachal Pradesh (HP) & Punjab and is located at a distance of 70 kms from Bilaspur, 108 kms from Chandigarh, and 21 kms from NH 21. The nearest airport is at Chandigarh. Motorable roads connect this Shrine from Anandpur Sahib, Kiratpur Sahib & Nangal. Frequent State & private transport bus service is available from all important cities from Punjab/HP, and nearest Railway Station is Anandpur Sahib, Punjab.
3. Shri Naina Devi Ji Temple is visited by approximately 40 lakhs (4 million) pilgrims in a year at present, an average growth of over 1.5% per annum since last 25 years. There is heavy rush of pilgrims on Navratras and other religious days. Naina Devi area is predominantly inhabited by 1203 population. There are 73 residential and 56 commercial units. The primary source of income of the villagers is dependent on pilgrims/ tourism. They are also engaged in petty business and miscellaneous economic activities.
4. The approximate tourist population visiting the temple daily stands at 8,000 to 10,000. There is significant rise in numbers, on Tuesdays, Saturdays and Sundays. During festivals like *Chaitra*, *Shravan* and *Ashwin Navratri*, apart from New Year, *Holi* and *Basant Panchami* when special fairs are organized, the Temple receives about 1 to 2 lakhs (0.1 to 0.2 million) visitors. On annual basis around 40 lakhs (4 million) tourists visit the temple.
5. Every year there is unprecedented increase in the number of pilgrims. As a result existing facilities cannot cope with the increased volume of traffic and therefore infrastructure needs to be upgraded not only to meet the present requirement but future requirements too. In order to upgrade the town and to improve the infrastructure, Himachal Pradesh Tourism Development Board (HPTDB) with the assistance of ADB has proposed two projects i.e. Circular road 1 Km long and Construction of parking near Naina Devi ji under Tranche-1. The first project of circular road is almost complete and the later is under progress.
6. The distance one has to cover from the main bus stop to the temple is 5kms. It's a single lane road constructed by the Temple Trust in 2004. The place is often over crowded with vehicles and visitors causing inconvenience to the all, local habitants as well as the pilgrims/tourists.
7. Due to considerable increase in the vehicle during fairs existing roads become congested and devotees face problem with frequent traffic jam. The proposed road as estimated is 1 km long and shall be developed on a formation width of 5m along the straight sections and 7m along the curved sections.(Ref: Figure 1).

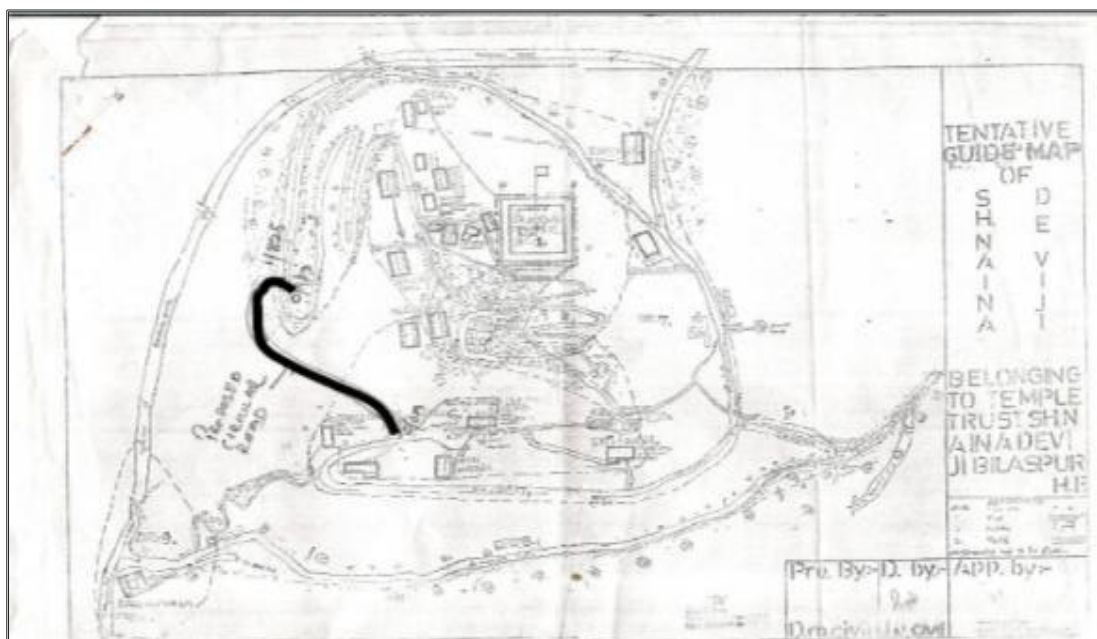
³ Source : http://www.srinainadevi.com/index.php?option=com_content&view=article&id=3&Itemid=4&lang=en

Figure 1: Sub-project Construction Site



8. This Resettlement Plan (RP) has been prepared for the Road project to connect Sri Naina Devi Temple through an alternate route to facilitate smooth flow of visitors. It has been proposed to construct a 0.90 Km road.(Ref: Figure 2)

Figure 2: Proposed alignment for circular Road at Naina Devi



II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

9. Sincere efforts have been made by the engineering team to minimize the resettlement impact by careful design; there was minor land procurement (00-01-71 hectare) for construction of approach road. This land portion does not fall under residential area or agricultural land, it was a vacant land located on the steep hill slope. This procurement of land did not resulted in physical displacement (such as residential and commercial), and impact on common properties. All the remaining implementation activities under the subproject were confined within vacant PWD and Forest land and do not have any resettlement impact on the project.

10. The land was procured for the project through negotiation (as recommended in RF⁴). The rates for the land were arrived through negotiated settlement with the affected person. Details attached at **Annexure 13**. The Negotiation Committee formed was headed by the Deputy Commissioner- Bilaspur, SDM-Bilaspur, Executive Engineer (EE)-HPPWD, EE-IDIPT, Divisional Forest Officer (DFO)-Bilaspur and the representative of the affected person's family. The SDM, Bilaspur, (Land Acquisition/ Procurement officer) met with the affected person on behalf of NC (Negotiation Committee) and arrived at a consensus regarding the rate. An amount of Rs. 3.00 lacs (three lacs) in form of Demand Draft was submitted by IDIPT-HP to the Deputy Commissioner, Distt Bilaspur on 28.02.2013 for the payment of cost of private land measuring 00-01-71 hectares (0.5 Bighas) and requested them to register the same in the name of Temple Trust, Sh. Naina Devi Ji (as the asset owner of the project was Temple Trust, Sh. Naina Devi Ji). Further the representative from IDIPT-HP was deputed to follow up the matter for the said purpose and was authorized to take the possession of the site (attached at **Annexure 6**). The Land owner agreed to sell his land to the Trust vide the affidavit dated 14.02.2013 and finally after all the formalities land was transferred to Temple trust on dated 02.03.2013 (Copy attached at **Annexure 7**). The Land Revenue records and NOCs were obtained from PWD and Forest Department (**Attached at Annexure 8 & 9**) for confirmation of the site ownership.

Table 1: Details on Land Procured

No.	Location	Parcel No/ Khasra Number	Owners Name	Total Land	Land Area to be Procured (HA)
1	Naina Devi	5/1	Bishan Dass	5 Bigha	00-01-71

III. GENDER RELATED IMPACTS AND MITIGATION MEASURES

11. The project does not have any negative impact on women and/or the girl children living in the project/sub-project area. The sub-project activity will rather result in positive impact on the local residents and the tourists visiting the temple. The 1 Km road would reduce the drudgery (earlier they would of travelling about 4Km) both for visitors specially women with small children to take care off. There are many local women vendors doing daily business around the temple. The circular road would be a boon for them.

Table 2: Subproject Components and its Impact on Land Acquisition and Resettlement

SN	Name of Components	Permanent Impact on Land	Temporary/ Permanent Impact	Remarks
1.	The proposed road as estimated is 1 km long and shall be developed	Yes	No	The land of 00-01-71 hectare belongs to single household and

⁴ As per RF : Where possible, the Government is encouraged to undertake negotiated settlement to avoid expropriation and eliminated the need to remove people forcibly. The negotiated settlement will be based on meaningful consultation with affected persons. A negotiated settlement will offer adequate and fair price for land and/or other assets. The Government will ensure that any negotiations with displaced persons address the risk of asymmetry of information and bargaining power of parties involved in such transactions. Where negotiated settlement is applied, this resettlement framework does not apply.

Hence a Negotiation Committee was formed and Government involved independent external parties (DC, SDM etc) to document the negotiation and settlement processes.

	on a formation width of 5m along the straight sections and 7m along the curved sections			comprises 5% of the total land belongings and was made available through negotiation.
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IV. SOCIO-ECONOMIC INFORMATION/PROFILE

12. Mr. Bishan Dass, the owner of the land procured, was a Priest at Naina Devi ji for a very long time. His younger son, Mr. Pitambar is also a Priest in the same temple was present in most of the consultations/negotiation. His elder son Mr. Laxmi Shankar is a Professor at Patiala -Punjab Technical University. Further details are furnished below in Table 3.

Table 3: Socio-Economic Profile of Family

Name of the Land owner: Mr Bishan Dass Age : 75+ Sex : Male Religion: Hinduism Marital Status: Widower Education: Primary Level Occupation: Priest		
S.No	INDICATORS	PROFILE OF PAHH
1.	Members in the family	
	Elder son. M. Tech	Married with two children. Works as a teacher outside the State. His wife is not a working woman. Monthly average income is aprox. Rs. 20,000
	Younger son	Married with one child. Works as a priest with irregular income. His wife too is not a working woman.
	Daughters	4 Daughters married and stay in their respective houses.
2	Land owned	
	Residential	Yes:Area-2000 sq ft.
	Agricultural land	Nil
	Other land	Yes :Area- 5 Bighas approx
3	Home structure	
	Permanent concrete structure on an area of 2000 sq ft. The structure has 6 rooms distributed in 3 floors.	
4	Family income	
	Sources	Priesthood
	Amount per month	Rs 20,000 per month
5	Amenities	
	Pipe water supply	Yes
	Electric connection	Yes
	In –house toilet	Yes
	Daily water collection	Yes(Contracted by MC and pay Rs 30 per month for the service)
	Drainage system	Natural drainage
	Sewerage	Yes
	Health Service	PHC, Ayurvedic clinic and Hospital at 20 Kms
	LPG Supply	Yes
	Educational Institutions	2 Primary schools,1 Senior secondary school,1

		Sanskrit college
	Market Area	Small shops for daily needs are locally available. Else have to go to the main bus stop, covering a distance of around 5 Kms
	Bus stop	At a distance of 4.5 Km approx
	Inside road is of concrete and has broad staircase	
	Parking space available at the Temple area parking	
6	Standard of living	
	Electrical gadgets	TV, Transistor
	Vehicles	Car
	Phone	Mobile

Table 4: Summary of Resettlement Impacts and Socio-Economic Details

Impact	Quantity
Permanent land Procurement	00-01-71 hectare land made available through procurement.
Temporary land acquisition	Nil
Affected business activities (temporary)	Nil
Number of shopkeepers	Nil
Number of households	01
Woman headed household	Nil
IP/ST headed household	Nil
BPL headed household	Nil
SC household	Nil
Physically disabled household	Nil
Total vulnerable households ⁵	Nil
Affected common property resources	Nil
Average family size	8
Average household income (per month)	Rs. 11,711
Average profit per day	

Source: Site assessment and Socio-Economic Survey, 14.02.2013

V. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

13. Number of informal consultations was done with the land owner by the Tourism and other concerned department officials. The objective of these consultations was to highlight the scope of work of the Circular road and how the land which was to be procured would facilitate the road construction. Land owner was also consulted and his views on compensation amount were also taken.(Ref: **Annexure10**). The consultations were also held with all the stakeholders like Temple Trust, IPH, Forest Department etc. All stakeholders were initially made aware of the Tourism Development Project and the Naina Devi sub-project proposal, and the construction of 1 km long Circular Road at Naina Devi. This was followed by discussion and consultation on the needs for constructing a shorter route, possible accrued benefits, and the need for land procurement. During consultation with Stakeholders, they ensured that the affected family – owner of the land is fully satisfied with the price offered before procurement.(details are attached at **Annexure 10**)

⁵ Vulnerable households consist of households belonging to Schedule Castes , Scheduled tribe, Women headed, below poverty line and physically disabled

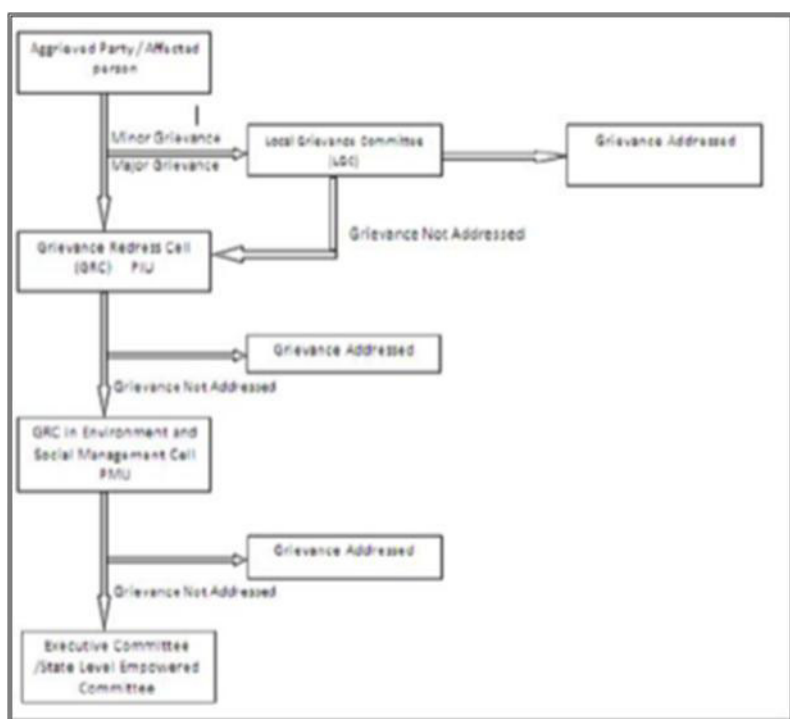
VI. GRIEVANCE REDRESSAL MECHANISM

14. For land related issues, the District Administration has established a 3 member complaint Redressal Cell (as per orders of SLEC) headed by the Deputy Commissioner (DC) and Additional District Magistrate (ADM) and the Sub Divisional Magistrate (SDM) as members. The SDM is also deputed as the Land Acquisition/ Procurement Officer. All disputed matters initially are brought to the notice of the SDM, if unresolved it comes to ADM and finally to the DC.

15. A Grievance Redressal Mechanism (GRM) has been established following the Resettlement Frameworks (RF) of the project with the objective of receiving and facilitating the resolution of complaints & grievances of the public as well as Affected Persons. (Ref: **Annexure 11**) The GRM is scaled to mitigate the risks and adverse impact of the project. It addresses APs/Public concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to all segments of the APs/public at no cost and without retribution.

16. Grievance will be first brought to the notice of the site engineer and focal person of the Project Implementation Unit (PIU). Grievances not redressed by the PIU will be referred to the PMU level, where the grievances will be reviewed and addressed in consultation with the PMU Community/Social Development Specialist. If the grievance remains unresolved, the Project Director, will refer the issue to the State Level Empowered Committee (SLEC), which will act as a Grievance Redressal Committee (GRC). The GRC will resolve the issue within one month from the date of registration of any case in the GRC.

Figure 3: Grievance Redressal Mechanism in IDIPT, HP



Note: LGC - NGO, SHG, Line Agency, Representative of Gram Panchayat, Special invitee GRC – PM, CDO, Engineer, DFO, DTO, SDM GRC in Environment and Social Management Cell (ESMC) –PMU (APD, SS, CDS, FS), PMC (EE, CDE)

17. **Policy Framework and Entitlements:** The policy framework and entitlements for the sub-project are based on national and state laws that include (i) The Land Acquisition Act,

1894 (amended in 1984), (ii) the National Rehabilitation and Resettlement Policy 2007, (iii) State laws and regulations of Government of Himachal Pradesh on land acquisition, and (iv) ADB's Safeguard Policy Statement (SPS), 2009; and the agreed Resettlement Framework⁶.

18. Based on these, the core involuntary resettlement principles applicable are: (i) land acquisition, and other involuntary resettlement impacts will be avoided or minimized exploring all viable alternative subproject designs (Government is encouraged to undertake negotiated settlement to avoid expropriation and eliminated the need to remove people forcibly⁷) (ii) where unavoidable, time-bound RPs will be prepared and DPs will be assisted in improving or at least regaining their pre-program standard of living; (iii) consultation with DPs on compensation, disclosure of resettlement information to DPs, and participation of APs in planning and implementing subprojects will be ensured; (iv) vulnerable groups will be provided special assistance; (v) payment of compensation to DPs including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets at replacement rates; (vi) payment of compensation and resettlement assistance prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vii) provision of income restoration and rehabilitation; and (viii) establishment of appropriate grievance redressal mechanisms.

VII. ENTITLEMENTS

19. Payment against procurement of land to Affected Family was made as per negotiated settlement⁸ to ensure adequate and fair price for land and/or other assets. The rate was determined as per market value in the year 2013 and mutually agreement by the District Land Acquisition/ Procurement Officer and Affected Family. The verification was done by the Social Development Specialist of the PMC/ DSC through detailed market surveys and in consultation with key stakeholders.

VIII. COMPENSATION AND INCOME RESTORATION

20. The sub-project activity involved procurement of private 'unused' land of 5 Biswa only and there were no issues of resettlement and/or rehabilitation. The payment for land was made in accordance with the applicable laws and for arriving at the compensation amount for the land, the SDM being the Land Acquisition/ Procurement Officer interacted with his team of officers and the affected party and the compensation amount was mutually agreed upon.

21. A fair price was determined by assessing the market value in the year 2013 of the land to be acquired. The value assessment of the land was determined as per its location and importance and also as per the land value in the same patwar circle in the project affected location. It was understood that the land portion which was acquired is on a steep slope having no accessibility and has remained unused and also that the road construction in the said location will improve the land value and increase its usability which may fetch

⁶ Resettlement Framework (Updated – October 2010)

⁷ The Government will ensure that any negotiations with displaced persons address the risk of asymmetry of information and bargaining power of parties involved in such transactions

⁸ Where negotiated settlement is applied, this resettlement framework does not apply (Ref page 2 of RF), however, negotiation committee was formed involving independent external party to document the negotiation and settlement processes

economic benefits to the owner. Keeping all these assessments in mind an amount of Rs. 3,00,00/- (Three Lacs only) was decided with mutual agreement.

IX. RESETTLEMENT BUDGET AND FINANCIAL PLAN

22. The amount which was paid to the household was worked out considering the(i) the DLC value (value used to determine the stamp duty at the time of registration) of land has been taken, (ii) present market value of the land keeping in view the importance of the area & accessibility, (iii) the land value within the same patwar circle. The compensation amount was paid from the Temple Trust fund. The budget and financing requirement is presented in Table 5.

Table 6: Resettlement Costs

SN	Issues	Unit	Unit Rates	Quantity	Amount (R)
1.	<p>Procurement Option 1 Payment for the land as per the present market value keeping in view the importance of the area & accessibility.</p> <p>Option 2 Payment for the land considering the land value within the same patwar circle.</p> <p>Initial amount suggested was 1,79,000/- approx.</p> <p>Followed up discussion & consultation raised the amount to Rs. 3,00,000/- which the affected family has agreed to accept.</p>	hectare	LS	00-01-71	3,00,000

X. INSTITUTIONAL ARRANGEMENTS

23. An institutional arrangement to manage and implement Resettlement Plan was set up at project level (PMU, IDIPT) and subproject. The funds were deposited by PMU. Institutional arrangement includes augmenting the capacity of PMU, IDIPT with regard to implementation of RP. The Social Development Specialist of the DSC and the Land Acquisition/ Procurement Officer of districts, was responsible for RP development and implementation. They interacted with the revenue department officials at the district level in each state on issues pertaining to land. Effective RP implementation was coordinated with district authorities.

24. The Land Acquisition/ Procurement Officer, of districts verified the title deeds, non-encumbrance certificates, basic tax receipts, possession certificates and other relevant records for each parcel of land to be acquired. The District Government Pleader or any other person authorized by the District Collector scrutinized the title deeds and other documents related to ownership and possession, and gave necessary recommendation to the Land Acquisition/ Procurement Officer. An amount of Rs. 3.00 lacs (three lacs) in form of Demand Draft was submitted by IDIPT-HP to the Deputy Commissioner, Distt Bilaspur on 28.02.2013 for the payment of cost of private land measuring 00-01-71 hectares (0.5 Bighas) and requested them to register the same in the name of Temple Trust, Sh. Naina Devi Ji (as the asset owner of the project was Temple Trust, Sh. Naina Devi Ji). Further the representative from IDIPT-HP was deputed to follow up the matter for the said purpose and was authorized

to take the possession of the site (attached at Annexure 6). Thereafter, The Deputy Commissioner who appointed the SDM as Land Acquisition/ Procurement officer paid the compensation and other cash assistance to the title holder by a bank cheque for this purpose, at the Collector's Office. The representative from IDIPT-HP with the assistance from the Land Acquisition/ Procurement Officer took the possession of the land on the same day on which the deed was registered.

Table 6: Institutional Roles and Responsibilities

SN	Activities	Responsible Agency
I.	Sub-project Initiation Stage	
1.	Finalization of site/alignment for sub-projects	PIU, PMC, PMU & LAD.
2.	Initial consultation & disclosure of the sub-project	PMC, PMU & LAD
3.	Impact assessment of the sub-project activity	PIU & PMC
4.	Consultation with PAPs	PMC & LAD
5.	Formation of Valuation Committee (VC)	PMC, PMU & LAD
II.	RP Preparation Stage	
1.	Conducting census of project affected HH/persons	PIU & PMC
2.	Value assessment of land & other assets	VC
3.	Categorization of PAH for finalizing entitlements	PMC & DC/LAD
4.	Formulating resettlement/rehabilitation measures	PMC & LAD
5.	Discussion/consultation with PAHs/PAPs	PMC & LAD
6.	Finalizing entitlement & rehabilitation packages	LAD & PMC
7.	Disclosure of final entitlement & rehabilitation packages	LAD & PMC
8.	Approval of Resettlement Plan	ADB, DC, PMU & PMC
9.	Taking possession of land	LAD & PMU
III.	RP Implementation Stage	
1.	Implementation of resettlement/rehabilitation measures	PMC & LAD
2.	Delivery of compensations	LAD & PMU
3.	Final discussion & Notification for acquiring land	LAD & PMU
4.	Grievance Redressal	GRC & PMU
5.	Internal Monitoring	PMU & PMC
6.	External Monitoring (Agency commissioned by PMU)	EA

25. **RP Implementation and Monitoring:** Implementation work started after approval accorded by DC and Compensation was paid prior to the start of work. RP implementation was closely monitored by PMU/PMC/DSC with an effective basis for assessing resettlement progress and identifying potential difficulties and problems.

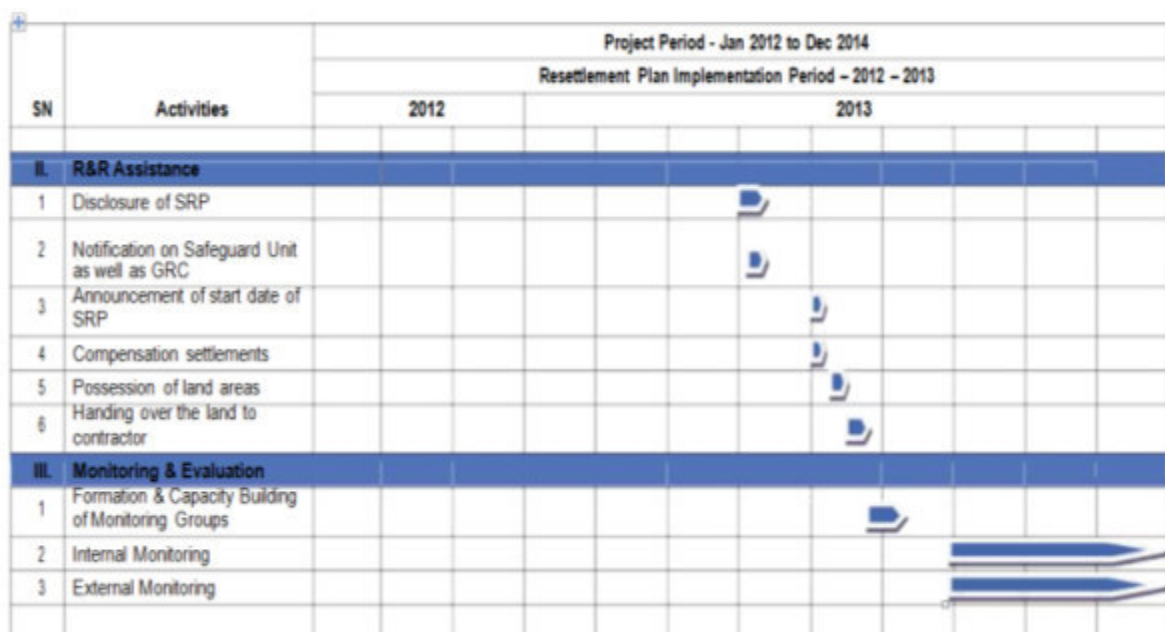
26. As the DSC was establishment during that period was at its initial stages therefore they were more focused on the Design part. Later on, with the mobilization of more personnel they monitored the implementation.

27. The PMC Safeguard Specialist interacted with the AP/ family members during August, 2012 and February, 2013. The Specialist also interacted with the Govt. Officers and apprised them about the Consultations. Thereafter, The Resettlement Plan was prepared for Naina Devi sub-projects and negotiation process was facilitated.

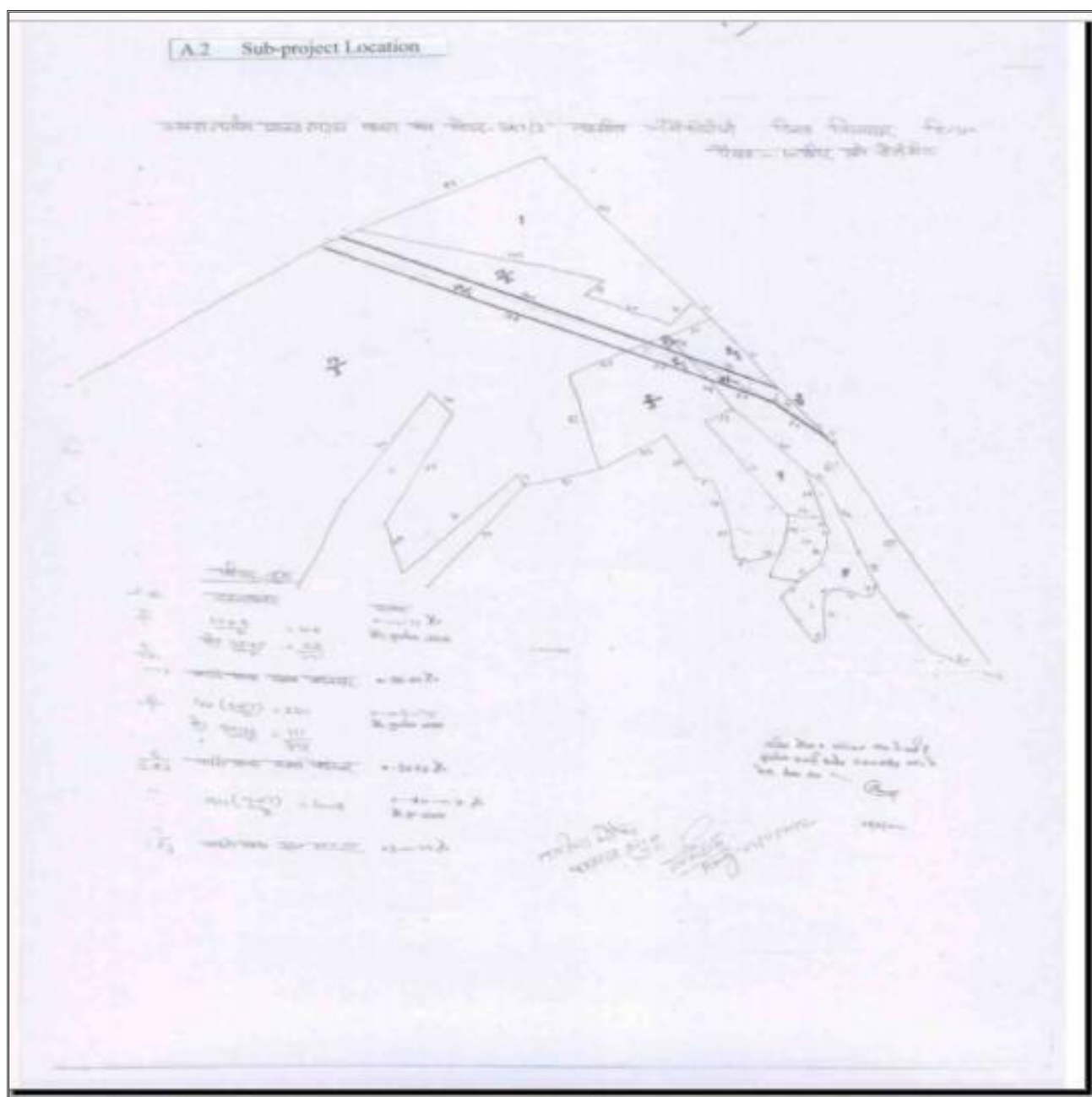
28. The final negotiation settlement and the agreement with the Affected Person (AP) was executed by the SDM (Land Acquisition/Procurement Officer), revenue officials, witnessed by Executive Engineer PMU, JE PIU and Mr. Kamal Dev Sharma who signed as a third party witnessed. The representatives of PMC and DSC were also present.

29. The sub-project activity involves procurement of private 'unused' land of 00-01-71 hectare only and there are no other issues of resettlement and/or rehabilitation. Thus project does not require to engage external monitoring. Internal monitoring was carried out by the PMU, IDIPT with assistance from DSC/ PMC who are also responsible for RP implementation.

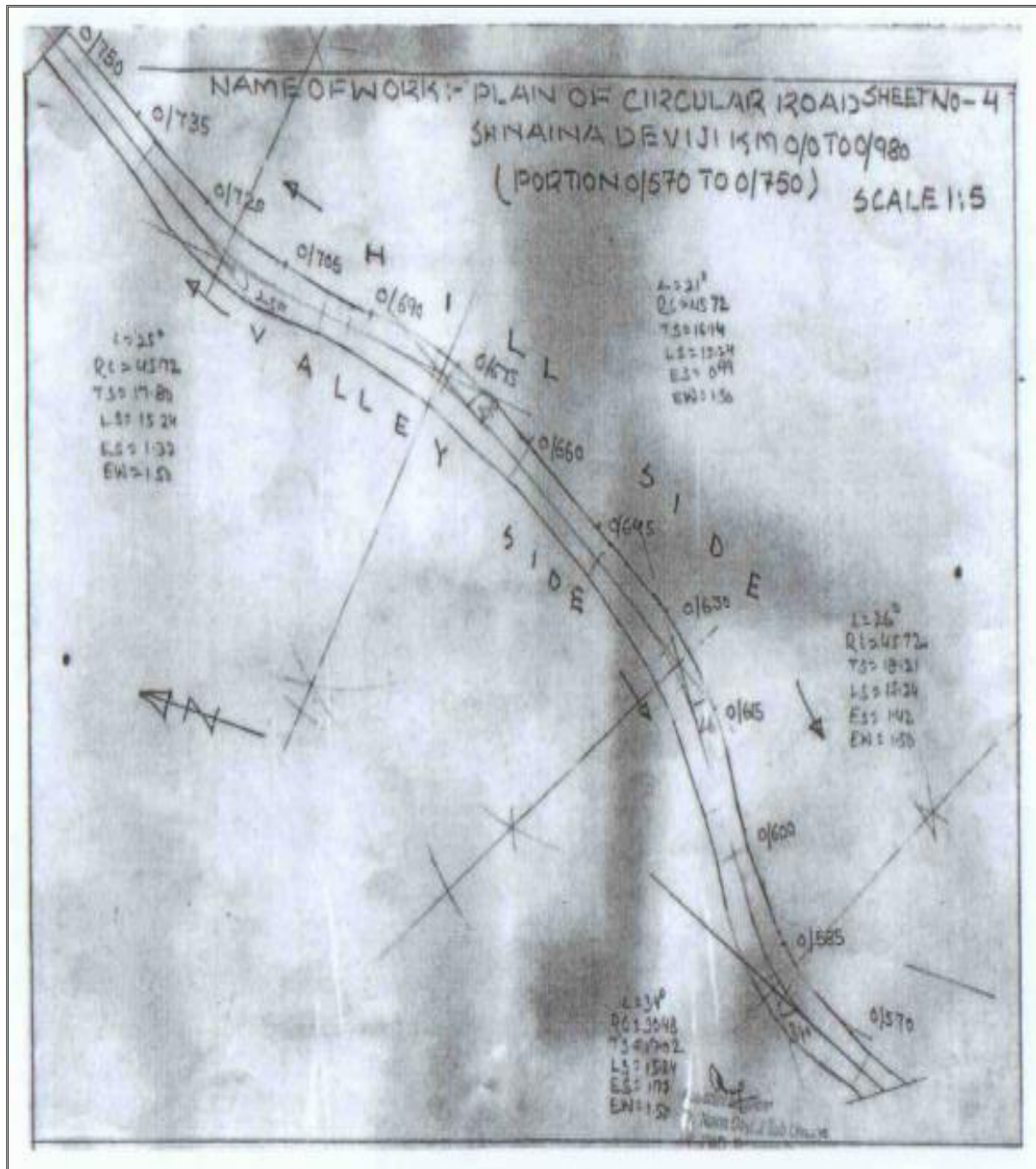
Figure 4: Implementation Schedule



Annexure 1(a): Sub-project Location



Annexure 1(b): Sub-project Location



Annexure B	
(१-१)	
B.1 Site Inspection and Assessment Report	
अभियंता - सन्निपातकर्ता परम में पर जमी कमी हवा गिरीटे संभवतः है।	
निम्नलिखित प्रश्न	
१. जल स्रोत / क्या जलस्रोत (जहाँ भूमि स्थित है)	नैला देवी जी
२. सामाजिक	नैला देवी जी
३. जिला	बिजनपुर
४. सूअर पैरोंकी का सारा (निसाके सारा अपनीपुत्री प्रमाण पर जारी होता है)	परमेल विभाज
५. भूमि का विवरण (क्षेत्रा संख्या व भूमि की विशेषता)	
(i) कुलका जलस्रोत	597/1, 115/2, 4/1, 24/1, 24/1
(ii) संपत्ति संख्या	$\frac{17}{7}$ $\left. \begin{aligned} 597/1 &= 4.5 \text{ मीटर} \\ 115/2 &= 2.5 \times 1.5 \text{ मीटर} \\ 4/1 &= 1.5 \times 1.5 \text{ मीटर} \\ 24/1 &= 2.5 \times 1.5 \text{ मीटर} \\ 24/1 &= 2.5 \times 1.5 \text{ मीटर} \end{aligned} \right\} \begin{aligned} &= 0.5 \text{ मीटर} \\ &= 0.5 \text{ मीटर} \\ &= 0.5 \text{ मीटर} \\ &= 0.5 \text{ मीटर} \end{aligned}$
६. सार्वजनिक भूमि में विवरण सार्वजनिक संपत्ति जैसे नमिका, नमिका, पुनर्वास, विवरण इत्यादि का विवरण	— ५४ —
७. सार्वजनिक भूमि में विवरण सार्वजनिक संपत्ति संपत्ति व संपत्ति के सार्वजनिक संपत्ति का विवरण	— ५४ —
८. सार्वजनिक भूमि में विवरण सार्वजनिक संपत्ति संपत्ति व संपत्ति के सार्वजनिक संपत्ति का विवरण	— ५४ —
९. सार्वजनिक / विवरण संपत्ति के सार्वजनिक संपत्ति का विवरण	
१०. सार्वजनिक / सार्वजनिक संपत्ति के सार्वजनिक संपत्ति का विवरण	

अपरिसर / उपलब्धता प्रमाण पत्र संयुक्त स्थल निर्माण रिपोर्ट ।

प्रमाणित किया जाता है कि संयुक्त निर्माण समिति द्वारा दिनांक 21/3/12 को 28/3/12 को स्थल निर्माण किया गया । जिस स्थल पर

सर्वेयर साइट का

का निर्माण किया जाता प्रस्तावित है । उक्त निर्माण / कार्य के लिए सरकार / निजी भूमि तांदावी 1-5/5/12 कासरा नम्बर 28/1-5/5/12 कितना वर्ग मीटर है । जोपर भू-संपादन तहसील रेसिडेन्सी जिला बिलासपुर किमाचल प्रदेश की आधिकारिक है । प्रस्तावित भूमि में पेड़ों की संख्या 77 है । बांछित उद्देश्य के लिए प्रस्तावित भूमि को अधिग्रहण करने से पहले जगह से जगह कृषि योग्य / उस भूमि को अधिग्रहण से बचाया गया है क्योंकि अधिग्रहण को जा रही भूमि को अधिग्रहण करने के अतिरिक्त और कोई विकल्प नहीं है । इसलिये प्रस्तावित भूमि को अधिग्रहण किया जाता उचित है । अपरिसर प्रमाण पत्र जारी करने हेतु राज्य स्तरीय स्वीकृत कानूनादियों व तहसीलकारी की रिपोर्ट

निम्नलिखित प्रमाण पर आधारित है ।

सर्वेयर साइट का
1-5/5/12 कासरा नम्बर 28/1-5/5/12

सर्वेयर साइट का
(Proposed Site)
3 DPT

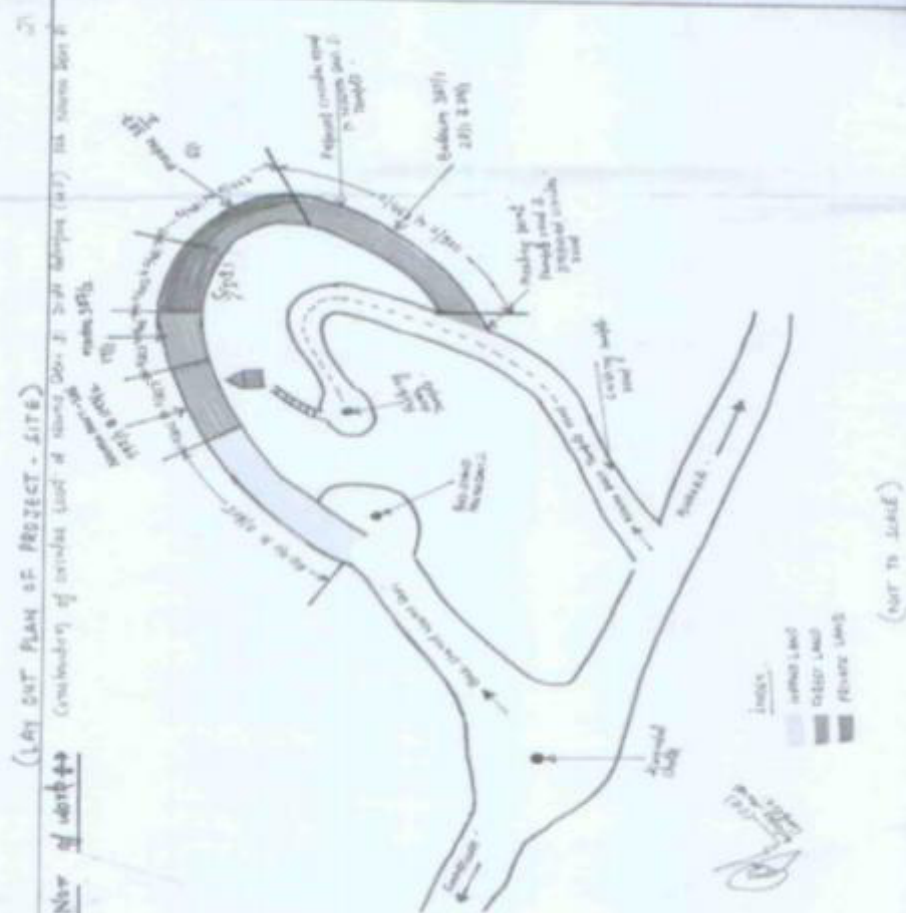
Sub Division Officer
1. Jh. Sh. Naina Devi Ji
2. Jh. Sh. Naina Devi Ji
3. Jh. Sh. Naina Devi Ji

Sd/- Sub Division Officer

सहायक अधिग्रहण / उप निर्माण अधिकारी

Assistant Engineer
(Sub Division Officer)
(Sub Division Officer)

Sub Division Officer
1. Jh. Sh. Naina Devi Ji
2. Jh. Sh. Naina Devi Ji
3. Jh. Sh. Naina Devi Ji



Name of plant or	LINEAR CORRELATION OF HARD SUBSISTENCE OF TREES, AFFORDS A PRIVATE LAND
Coccoloba of cordoba road at Nueva Guaymas, Jalisco, Mexico.	

[illegible]

Figure 6.

(over the ground)

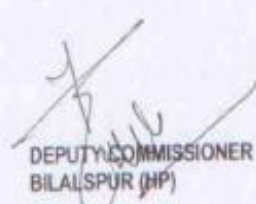
Annexure 3: Confirmation letter of DC, Bilaspur for construction of road at Naina Devi

B.4	Site Inspection and Assessment Report
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(8-3)

INESCAPABILITY CERTIFICATE

Certified that the land for Right of way comprising Khasra No. 5/1 village Modar Teh. Shri Naina Devi Ji Distt. Bilaspur (HP) measuring total Right of way and Right of use 0-01-71 Hectare of Tehsil Shri Nainadevi Ji Distt. Bilaspur as proposed for construction of circular road (RD 0/0 to 0/900) from bus stand Shri Nainadevi Ji to Temple road meeting at RD 1/825 is inescapable from the acquisition. It is also certified that all possible efforts have been made by the department before issuing inescapability certificate.


DEPUTY COMMISSIONER
BILASPUR (HP)

अपरिहाये / अनउपलब्धता प्रमाण पत्र संयुक्त स्थल निरीक्षण रिपोर्ट ।

प्रमाणित किया जाता है कि संयुक्त निरीक्षण समिति द्वारा दिनांक 1/6/2012 को स्थल निरीक्षण किया गया। जिस स्थान पर सुकुलर सड़क का स्लैब लेवेल की जी से अल्टर की सड़क तक का निरीक्षण किया जाता प्रस्तावित है। ऊक्त निरीक्षण / कार्य के लिए सरकारी / निजी भूमि सादादी 11-01-71 का नम्बर 5/1 कितो 1 यकसा मीना कोटवा लहसील की केनादेवी निवा विनासपुर हिजाघन प्रदेश की आवश्यकता है। प्रस्तावित भूमि जे पेट्री की संख्या 40 है। वांछित उद्देश्य के लिए प्रस्तावित भूमि को अधिग्रहण करने से पहले जवादा से जवादा कृषि योग्य / वल भूमि को अधिग्रहण से जवादा गया है लेकिन अधिग्रहण की जना रही भूमि के अधिग्रहण करने के अतिरिक्त और कोई विकल्प नहीं है। इसलिए प्रस्तावित भूमि को अधिग्रहण किया जाता उचित है। अधिग्रहारी प्रमाण पत्र जारी करने हेतु राजस्व श्रेणीय कच्चेचारियों व लहसीलवादी की रिपोर्ट निर्यातित प्रपत्र पर संलग्न है।

उप अध्यापक अधिकारी (न्याय),

प्राध्यापक प्रो. वी. ए. शर्मा
दक्षिण भारतीय विमान

राष्ट्राध्यक्ष अरण्यपालन / वन परिक्षेत्र अधिकारी

सहायक अभियन्ता (जो०मि०वि०)
(आवर रकबा सहाज के साथ है)

AE (2 PM)

Sub Division

१९ /

पञ्जाब सरकार
 जल विभाग
 जल संयंत्र

जल संयंत्र का नाम
 जल संयंत्र का स्थान

जल संयंत्र का निर्माण
 जल संयंत्र का उपयोग

क्र.सं.	जल संयंत्र का नाम	जल संयंत्र का स्थान	जल संयंत्र का निर्माण	जल संयंत्र का उपयोग	जल संयंत्र का निर्माण	जल संयंत्र का उपयोग	जल संयंत्र का निर्माण	जल संयंत्र का उपयोग
1	जल संयंत्र का नाम	जल संयंत्र का स्थान	जल संयंत्र का निर्माण	जल संयंत्र का उपयोग	जल संयंत्र का निर्माण	जल संयंत्र का उपयोग	जल संयंत्र का निर्माण	जल संयंत्र का उपयोग

Khasra No- 5

Page 19

Annexure 5: Notification on land made available for the project and Negotiation Committee

Notification on Land Acquisition and Negotiation Committee

No: IDIPT-HP/2676-IND/Works/2011-12 - 157
Department of Tourism and Civil Aviation, H. P.
IDIPT-HP, US Club, Shimla-1.

To

✓ The Pr. Secretary (Tourism) to the
Govt. of Himachal Pradesh, Shimla-2.

Dated: Shimla, 171001, the 30th April, 2012.

Subject: - Notification under Section 4 of the Land Acquisition Act, 1894 of the land at Mauza, Mudar 387/2, Pargana Kot Kehloor, Tehsil Shri Naina Devi Ji, Distt. Bilaspur measuring 0-40-40 hect. (Ger Mumkin Lahasa) in Khasra No. 5 of Sh. Bishan Dutt, S/O Sh. Madan Lal.

Madam,

In continuation to this office D. O. letter of even number dated 20.4.2012 on the above mentioned subject.

The matter was discussed with the Deputy Commissioner, Bilaspur regarding acquisition of private land at Mauza, Mudar/ 387/2, Pargana Kot Kehloor, Tehsil Shri Naina Devi Ji, Distt. Bilaspur measuring 0-40-40 hect. (Ger Mumkin Lahasa) in Khasra No. 5 of Sh. Bishan Dutt, S/O Sh. Madan Lal. It was decided that process of the Section 4 of the above land may be initiated by the Department.

The details of the land to be acquired is as under:-

Khewat No. 11 min, Khatauni No. 22 min, Mauza Mudar/ 387/2, Pargana Kot Kehloor, Tehsil Shri Naina Devi Ji, Distt. Bilaspur measuring 0-40-40 hect. (Ger Mumkin Lahasa vide Khasra No. 5 of Sh. Bishan Dutt, S/O Sh. Madan Lal. The original revenue papers i. e. Jamabandi and tatima of the site is attached along with a layout plan of the circular road at Naina Devi Ji. The land is to be used for the construction of Circular road and detailed Project Report has been prepared and approved by the HPPWD, copy of which is also enclosed.

It is requested that notification under section 4 of the Land Acquisition Act 1894 of the above land may be issued in order to acquire the said land by negotiation.

95


As requested earlier, SDM Bilaspur may be appointed as Land Acquisition Officer and a Negotiation Committee of the following officers may also be constituted to proceed further in the matter after notification under section 4:-

1. Deputy Commissioner Bilaspur	Chairman
2. SDM, Bilaspur	Member
3. Executive Engineer, HPTWD, Bilaspur	Member
4. DFO Bilaspur	Member
5. Executive Engineer, IDIPT-HP	Member
6. Deputy Director (Tourism), Mandi Division	Member

Keeping in view of the urgency of the matter, the process may be initiated immediately in order to acquire the land and to start the construction work of the said project.

It is also informed that the process regarding diversion of forest land under Forest Conservation Act has also been initiated by this Department.

Yours faithfully,


**Mission Director, IDIPT-HP-
cum- Director,
Tourism & Civil Aviation,
Himachal Pradesh, Shimla.**

Encls:


1. Jamabandi and Tatima of the site (in original).
2. Detailed Project Report.
3. Layout Plan of the project.
4. Topographical survey of the area.

Encls. No. As above.

Dated: 28th April, 2012.

Copy to the following for information and necessary action, as the case may be:-

1. The Deputy Commissioner, Bilaspur, Distt. Bilaspur, H. P.
2. The Deputy Director, Tourism, Mandi Division, Distt. Mandi, H. P.


**Mission Director, IDIPT-HP-
Cum- Director, Tourism & Civil Aviation,
Himachal Pradesh, Shimla-1.**

Annexure 6: Letter endosing payment to Deputy Commissioner

Appendix 13

**Urgent.
Time bound.**

Infrastructure Development Investment Program for Tourism.
(ADB Loan No. 21)
Himachal Pradesh Tourism Development Board.
Department of Tourism and Civil Aviation, Himachal Pradesh,
PMU Office, U. S. Club, Shimla-1.

TEL(0177)2659962.

Fax. (0177)2659925.

No. IDIPT-HP/2676-IND/1/1/2012-13 - 2039-48.

Dated: 28-02-2013.

To

The Deputy Commissioner,
Distt. Bilaspur, Himachal Pradesh.

Sub: -

Regarding Circular Road 1 Km long (Package No. HPTDB/1/1) at Shri Naina Devi Ji under ADB Project (Loan No. 2676-IND).

Sir,

This is with reference to letter No BLS-A.D.R.A.4(24)/2003-7088 dated 21.02.2013 of the District Revenue Officer, Bilaspur (copy enclosed along with its enclosures) on the above mentioned subject. Please find enclosed a DD No. 665930 dated 28.02.2013 amounting to Rs. 3.00 lacs (Rs. Three Lacs) only for the payment of cost of private land measuring 0.01.71 hectare (0-5 bigha) of Sh. Bishan Dass, S/o Sh. Madan Lal, Mauza Modar, Tehsil Sh. Naina Devi Ji proposed to be acquired for Construction of Circular Road 1 Km long (Package No. HPTDB/1/1) under ADB Project. **You are requested to kindly initiate further necessary action for the acquisition/registration of said land in the name of Temple Trust Shri Naina Devi Ji and hand over the possession of the same to this office to enable us to start the work at site immediately.**

Keeping in view the urgency of matter, the Department has deposited the following amount for **Rs. 10,19,779/-** for the diversion/ acquisition of forest/private land at Shri Naina Devi Ji, you are, therefore, requested to kindly reimburse the same to this office from the account of Temple Trust, Sh. Naina Devi Ji, as per decision taken by the State Level Empowered Committee (SLEC) in its meeting held on 25.07.2012 at Shimla under the Chairmanship of Chief Secretary, HP:-

S. No.	Item	Amount	Head of account/ source, where the amount deposited.
1.	Cost of compensatory afforestation charges.	Rs. 1,49,410/-	CAMPA Head: SB01025210 Union Bank of India, Sunder Nagar HP

2.	Net Present Value (NPV) of the forest land.	Rs. 2,86,650/-	-do-
3.	Price of forest produce.	Rs. 2,83,719/-	Deposited in Govt. Treasury under head-8782-Forest Remittance.
4.	Payment of acquisition of private land.	Rs. 3,00,000/- <i>plus acquisition/registration charges</i>	Deputy Commissioner, Bilaspur/ Temple Trust, Shri Naina Devi Ji.
	Total:-	Rs. 10,19,779/-	

Sh. Rakesh Arora, Junior Engineer (Civil), PIU, Kangra, IDIPT-HP has been deputed from this office to follow up the matter in your office and also authorised to take possession of the site.

Yours faithfully,

[Signature]
Director (Tourism)-cum-
Mission Director,
IDIPT-HP.
Dated: 28.02.2013.

Endst. No. As above.

Copy to the following for information and necessary action please:-

1. The Pr. Secretary (TSM) to the Govt. of H. P., Shimla-2.
2. The Pr. Secretary (LAC) to the Govt. of H. P., Shimla-2.
3. The Sub Divisional Officer (C), Sadar, Distt. Bilaspur, HP.
4. The Temple Officer, Temple Trust Shri Naina Devi Ji, Distt. Bilaspur, H. P.
5. The Deputy Director, Tourism, Mandi Division, Distt. Mandi, HP for information and necessary follow up action at his level please.
6. Executive Engineers, IDIPT-HP, PMU/ PIU for information and necessary follow up action at their level please.
7. Sh. Rakesh Arora, Junior Engineer (Civil), PIU, Kangra, C/o Hotel Lake View, Bilaspur, HP. He is directed to visit the office of the Deputy Commissioner, Bilaspur and follow up the matter of acquisition/ possession of the above mentioned land at his personal level immediately.
8. The Accounts Officer, IDIPT-HP, U.S. Club, Shimla.

[Signature]
Director (Tourism)-cum-
Mission Director,
IDIPT-HP.

*Received letters
dispatch No. 2039 alongwith
a cheque of Rs. 3,00,000/-
letters No. 2042, 2047.*

[Signature]

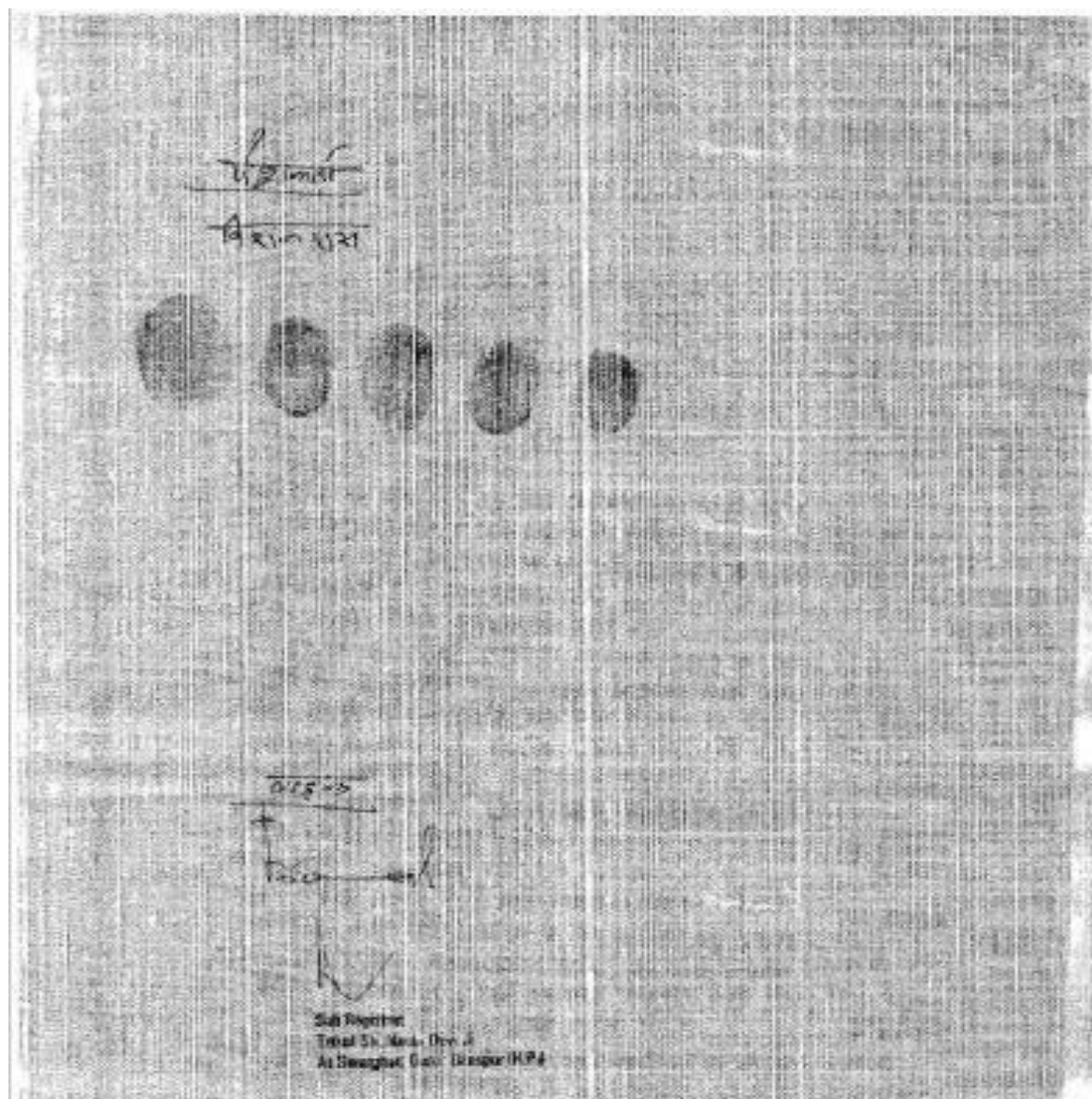
2013

Himachal Government Judicial Paper

विमान बलीकर	-	३	नापा अलपनी
मालिकाना	-	3,00,000/-	रुपया
पत्रिका	-	0-01-71	डिस्टेंडर
अवतारन मूल्य	-	१	गुण
किताब	-	2	
मुद्रा मंड	-	1	

यसकि किसान कास उमर 60 साल पुत्र मदन लाल पुत्र बन्ता सिंह-
मिलासी ग्राम वैष्णवी की परगना कोट हबूर तहसील श्री नैगा देवी
की मिला मिलासपुर वि० प्र० वर हैं जो कि मयाकी खेत न० 11
मिन खाली न० 22 मिन खाला न० 5/1 तापकी 0-01-71
टैक्सेयर कबका ग्राम मोहर परसता कोट कठहूर तहसील श्री नैगा
देवी की मिला मिलासपुर मन्तरेका मुआर कबका व कास कुद
लाल नकल फासमन्वी 2008-09 वर्ग कागजत मात है और यह
करावी हर तरह के कण मुक्त व ताबला रहित है तो अब मैने
कासले अखरायात आनी जहरीलत कास लेखता के मयापकी होश
व फकास व वरासती अकल विश्व अवागत व जबर हिरर बिनी
विश्वम कपुशी खुद रकबा नमामूर दल सदर मैम प्रक हबूर
मुआका अश मैम अकूल दावली व खाली व लवई मैम वरखाला
समर व मैम समरवार कपुशकाया 3,00,000/- रुपये मिलाफ
दिना 1,50,000/- रुपये होत है वो बदस्त मरहमा परमेल
विश्वम वि० प्र० वर है व खरीका मता कास कबका तारीख
अमरुत ले फकास निदेशक परमेल विभाग दिनाका प्रमेल खवरीया
यस फैलत आदिमाय अमिचना शिमा कर दिया है। हर मै दाम
कले ही वर पर हकम सौदा करणी ले शिवा मुजा है। गोवा
सालन कसम नर मै दाम दाम पट्टे ही वर पर कसुन हो गई है
वै लफका हुका मेम या मेरे मातलम धकन कम्पना परसोयन कर

पुस्तक क्रमांक



अब अराजी की से कोई तालुकवा वास्तु नहीं रहा और ना वास्तु आईया होना जो जो हकूक अराजी की में मुझे हासिल न पैदा से यह तथान रात जात मुश्की को शायत न पैदा हुए। तबजा जो की हुआ है उस पर खर्चा रजिस्टरी क्या फिर मुश्की इलाका काम जर की हुआ है इस वास्तु अगर मल्ल गानी मुश्क वास्तु पर कोई नुकसान जर की मुश्की को होना तो उसके हरजा व खर्चा की अवधारण मुश्क वास्तु की जात न गायदाप पर जिम्मावारी होगी। अब मुश्की को शायत है जिस तरा साहे अराजी की का इन्तजाम करे। तिसरजा यह की नामा लिख दिया कि सन्द रहे और वयका प्रसरत काम आवे मिति 2/3/2013

मिति 2/3/2013 को से वरजावास्तु का काम कर लेने मुश्की मुश्की
विधान वास्तु वास्तु निदेशक परमन विधान विधान मुश्की मुश्की
मिति 2/3/2013 को से वरजावास्तु का काम कर लेने मुश्की मुश्की

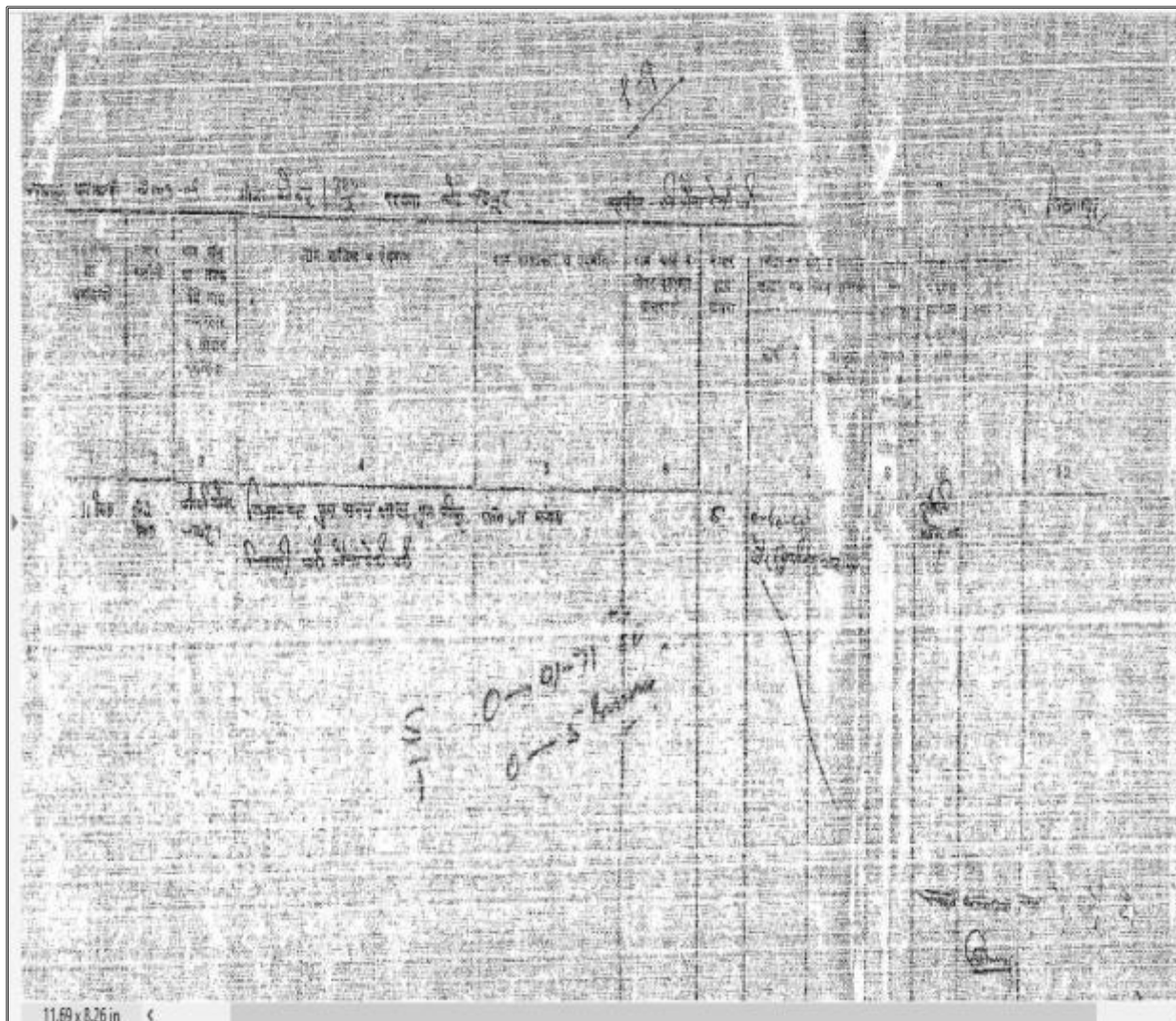
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Sd/- [Signature]
Sd/- [Signature]



Transcript

Khasra No- 5

Ownership- Private Land i.e. Mr. Bishan Dass, area acquired 0-01-71 hec.

TRANSLATED FROM HINDI TO ENGLISH

By Sohan Lal Advocate, District Court Shimla.

Statement of Sh Bishan Dass son of Sh Madan Lal aged 64 year, resident of Village Shri Naina Devi Ji, Tehsil Shri Naina Devi Ji, District Bilaspur H.P.

Dated 14-2-2013 Place Shri Naina Devi Ji.

Statement on oath that I am owner of land comprised in Khasra No 5, Situated at Mauja Moder, Hadwast No 387/2, Tehsil Shri Naina Devi Ji, District Bilaspur H.P. There is a proposal for the construction of circular Road From Shri Naina Devi Ji, Shri Naina Devi Bus Stand to Shri Naina Devi Ji Temple, my land comprised in Khasra No 5/1 measuring 00-01-71 Hectares is falling in the said Road so the said land be acquired. For the acquisition of the said land S.D.M. Bilaspur came on spot. With my consent the Value of the said land is fixed Rs 3,00,000/- (Rupees three lacs) for my this I am ready. I am submitting my separate affidavit for my consent. I have no objection in case the Circular Road be constructed from the land comprised in Khasra No 5/1. Before starting the construction work the above mentioned cost of the land be released to me and I will execute the Sale Deed in favour of the concerned Department.

RO & AC

Sd/-

Bishan Dass

Dated 14-2-2013

Sd/-

Stamp of

Sub- Divisional

Officer, © Sadar,

District Bilaspur (H.P.)

Dated 14-2-2013


S.D. SHARMA
Advocate,
Dist. Court Shimla

AFFIDAVIT

I, Bishan Dass aged 64 years son of Sh Madan Lal, resident of Village and Tehsil Shri Naina Devi Ji, District Bilaspur do hereby solemnly affirm on oath as under:-

1. That I am permanent resident of above mentioned address.
2. That my land comprised in Khasra No 5, Situated at Mauja Moder Hadwast No 387/2, Tehsil Sh Naina Devi Ji, A proposed Circular Road from Sh Naina Devi Ji Bus Stand to Temple passing through the above mentioned land. The land comprised in Khasra No 5/1 Measuring 00-01-71 Hectares (0-5 Bishwas) is to be required for acquisition. For the fixation of the price of the said land S.D.M, Bilaspur came on spot.
3. That with the private negotiation the value of the said land is fixed Rs 3,00,000/- (Rupees three lacs only). I am ready to execute the sale deed of the said land in favour of the concerned Department/ User Agency. I will receive the entire Sale consideration of Rs 3,00,000/- at the time of registration of Sale Deed, after that the user agency can start the construction work of the Road for this I have full consent.

Sd Bishan Dass
Deponent

Attested
Sd/-
Executive Magistrate,
Tehsil Sh Naina Devi Ji
At Swarghat, Distt. Bilaspur H.P.


C.B. SHARMA
Advocate,
Distt. Court Shimla

VERIFICATION: I, Bishan Das, above named deponent do hereby verify that the contents of my affidavit is true and correct and no part of it is false and nothing has been concealed therein.

Dated 14-02-2013

Swarghat H.P.

Sd/- Bishan Dass

Deponent

Attested

Sd/-

14/2/13

Stamp

Executive Magistrate

Tehsil Sh Naina Devi Ji

At Swarghat, Distt. Bilaspur (HP)


S.D. SHARMA
Advocate,
Distt. Court Shikoh

No: 167

Dated 14-2-2013

Presented by: Sh Bishan Dass

Son of Sh Madan Lal R/o Village Sh Naina Devi Ji

Tehsil Sh naina Devi Ji, Distt. Bilaspur H.P.

Who is identified by Sh Sunil Dutt J.E.

Temple Trust Sh naina Devi Ji

Known to me. Court, the affidavit is read

Over and explained to the deponent who

Seems to have understood the same and

Time of making thereof, Hence attested.

Presenter

Sd/- Bishan Dass

Identifier

Sd/- Sunil Dutt

(Sunil Dutt Junour

Engineer T.T. N.D.

Sh Naina Devi Ji

Attested

Sd/-

Stamp

Executive Magistrate

Tehsil Sh Naina Devi Ji

At Swarghat, Distt. Bilaspur (HP)


S.D. SHARMA
Advocate,
Distt. Court Shikoh

Nature of Document: Sale Deed

Consideration : 3,00,000/-

Area 00-01-71 Hect

Value of Stamps Nil

Kitas 2

Khasra No 1

Sd/-

S.R. Swarghat

2-3-2013

I Bishan Dass aged 60 years son of Sh Madan Lal son of Dhisu, resident of Naina Devi Ji, Pargana Kot Kehlur, Tehsil Sh Naina Devi Ji District Bilaspur H.P. I am owner in possession of Land comprised in Khata No 11 min, Khatoni No 22min, Khasra No 5/1, Measuring 00-01-71 Hectares, Situated at Village Modar Pargan Kot Kehlur, Tehsil Sh Naina Devi Ji District Bilaspur H.P. according to Nakul Jamabandi for the year 2008-2009 and this land is free from Loan and Litigation. So I have sold the said land for my family needs including all easement rights, including entry and attestation of the mutation and rights of Trees for a total sale consideration of Rs 3,00,000/- the half of this amount is Rs 1,50,000/- to the Director Tourism Department Himachal Pradesh through Exeutive Engineer Sh Yash Behl and handed over the possession of the said land and entire Sale consideration has already received

Contd.....2

Sd/-

Stamp

Sub- Registrar,

Tehsil Sh Naina Devi Ji

At Swarghat, Distt. Bilaspur H.P.

[Signature]
S.D. SHARMA
Advocate,
Ward Ganes Shikha

Presenter

Sd/-

Bishan Dass

Finger Prints

In Vaour of

Sd/- Yash Bahl

Sd/-

Stamp

Sub- Registrar,

Tehsil Sh Naina Devi Ji

At Swarghat, Distt. Bilaspur H.P.

[Signature]
S.D. SHARMA
Advocate,
Ward Ganes Shikha

(2)

at my residence. Now I and my legal heirs, executors, have no claim against the said land and in future we will not claim the said land in future, I have also transferred all my rights, title and interest which has been acquired by me to the above named purchaser. In addition to the Sale consideration the purchaser has borne all expenses of stamp duty, registration Charges of this Sale Deed, so I hereby undertake to indemnify the purchaser in case any defect of title be found, I shall be liable for all damage charges incurred by the purchaser. Now the purchaser has right to use the land in any manner. So this Sale deed is written as the documentary evidence, Dated 2-3-2013

Note: in first page two words is struck out and one word Dhisu is written.

Bishan Dass Seller Director Tourism Department H.P. Purchaser
Through Executive Engineer Shimla H.P.

Witness

1 Sd/- Sd/- Bishan Dass
(Rakesh Arora S/o Sd/- Yash Behl
Late S.S. Arora H No21/IP
Bhagwan Mohalla Mandi (H.P)

Witness

Sd/-
Sunil Dutt Sharma
J.E. Temple Tourist
Sh Naina Devi
Dist Bilaspur H.P.

Identifier

(Sukri Dev Singh)
Temple Officer, Temple,
Trust Sh Naina Devi Ji

Singh Bhailla, Document Writer,

Tehsil Sh Naina Devi Ji

Sd/-

Stamp Document Writer,

Sr NO 41, Dated 2-3-2013

Sd/-

Stamp

Sub-Registrar,
Tehsil Sh Naina Devi Ji
At Swarghat, Distt. Bilaspur H.P.


Advocate
Distt. Bilaspur H.P.

Witnesses:-

Sd/-

Sd/-

Identified

Sd/-

Sd/-


Stamp

Sub-Registrar,
Tehsil Sh Naina Devi Ji
At Swarghat, Distt. Bilaspur H.P.


Advocate
Distt. Bilaspur H.P.

Annexure 8: HP Forest Dept handing over the site on dated 26.04.2013

14



No.
H.P. Forest Department
Dated Hamirpur, the

From:- GFO WL Hamirpur To:- RFO WL Naina Devi

Subject:- Division of 0.4363 hectares of forest land in favour of Department of Tourism & Tourism & Civil Aviation HP for the construction of circular road at Sri Naina Devi JKDms (0/00 to 0/900) within the jurisdiction of Wildlife Division Hamirpur and Distt. Hamirpur Himachal Pradesh.

Memo:-

The CF Central Chandigarh has accorded final approval for diversion of 0.4363 ha. of forest land in favour of Project Director, IDIPT-HP- IPTDB Department of Tourism & Civil Aviation Shimla HP for the construction of circular road at Sri Naina Devi J (Kms 0/00 to 0/900) vide his letter No. S-HPB 578/2012-CHA dated 27.4.2013 (copy enclosed). Please go through the instructions contained therein for strict compliance.

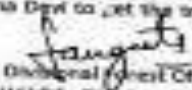
You are, therefore, directed to mark the trees and prepare the list of trees coming in the road alignment for the construction of circular road at Sri Naina Devi J (Kms 0/00 to 0/900). While doing so, the representatives of Department of Tourism & Civil Aviation HP and HPSPC may be associated. The list of marked trees etc. may also be got signed from the concerned associated representatives and send the same to this office for taking further necessary action. It may be noted that the trees and other forest produce should not exceed ~~at~~ ^{the} actual number as mentioned in the sanctioned.

This may be treated as Mass Uproot.

Divisional Forest Officer,
Wildlife Division, Hamirpur

Enclt. No. 251-53 Dated Hamirpur, the 26-4-2013

- Copy along with copy of CF Central Chandigarh letter No. S-HPB 578/2012-CHA dated 22.4.2013 is forwarded to CCF WL (N) Charamshala for information and necessary action.
- Copy is forwarded to Project Director, IDIPT-HP- IPTDB Department of Tourism & Civil Aviation Shimla HP for information and necessary action. He is requested to depute the official of his department to get trees marked with RFO WL Naina Devi at an early date.
- Copy is forwarded to Divisional Manager, Forest Working Division, Hamirpur for information and necessary action. He is requested to please depute his unit official to Naina Devi to get the trees marked with the association of RFO WL Naina Devi.


 Divisional Forest Officer,
 Wildlife Division, Hamirpur

Back Possession Receipt:

No	Lot No.	SPP	Name of Forest Compartment	Area	Name of Range
		Green			
1/2003-14	B/L Trees	100 n Rajalo 22 to 11 hours	04363 Hect	SA. Akona Devi Wild Life	
		TOTAL	04363 Hect	SA. Akona Devi Wild Life	

Handed over

[Signature]
 R. P. Smith, Project Engineer
 General Dynamics Corp.
 Orlando, FL 32813

Rosen
 Major Forest Officer
 101st Airborne Division

Ho. Kate Neems wali Beat

Taken over:

Forest Range Officer
Wild Life Range
N/Devi

TRANSLATED FROM HIMDI TO ENGLISH
By Sohan Lal Advocate, District Court Shimla.

GOVERNMENT OF INDIA
Ministry of Environment and Forestry
Northern Side Departments

Batch No 24-25
Dakshin Marg
Sector 31A
Chandigarh 160030
Dated 22-04-2013.

File No 9-HPB578/2012-CHA

To

The Principal Secretary,
Government of Himachal Pradesh, Forest Department
Civil Secretariat,
Shimla.

Sub: Division of 0-4363 hectares of forest land in favour of Department of
Tourism & Civil Aviation H.P. for the construction of circular road at
Shri Naina Devi Ji (Kms.0/00 to 0/900), within the jurisdiction of Wildlife
Division Hamirpur and Distt. Hamirpur, Himachal Pradesh.

Reference: Letter No Ft.48-2528/2012 (FCA) Dated 27-08-2012 & 17-04-2013
Issued by Nodal Officer & Principal Secretary Forest Conservator.

Sir,

I am directed to draw your kind attention on the subject cited above
in which the permission is demanded from Govt of India according to the
provision of Section 2 of the Forest (Conservation) Act 1980.

2. After carefully study the proposal of the State Govt Permission is granted
for the use of the Forest land measuring 0-43-63 hectares after completion of the
following terms by the Competent Officer.

- i) Nature of the Forest Land will not be changed in any circumstances,
- ii) Minum trees/ Sapling will be removed/ Cut and as per proposal its
maximum numbers is 79 Trees and 550 saplings,

Contd.....2

Annexure 10: Summary of Consultations

Naina Devi ji Circular Road: Land negotiation

Details of the Owner/Affected person:

Mr. Bishan Dass aged 60 yrs (as in 2013)

S/O Lt Madan Lal Ghisu

R/O Village Naina devi ji, Tehsil Naina Devi ji, District: Bilaspur, H.P

Marital Status: Widower

Family status: Hindu joint family with the AP as Head of the family

Detail of land under negotiation: Khasra No5/1 Mauza Modar 387/2, Tehsil Naina Devi ji. Measuring 0.01.71 hectare.(0.5 Bigha)

Review of documents /processes undertaken for the land negotiation:

Consultations done with the AP and family members: Number of informal consultations were done by the Tourism and other concerned department officials. The objective of these consultations was to highlight the scope of work of the Circular road and how the land which was to be acquired would facilitate the road construction. The AP himself was the Priest of Naina devi ji for a very long tenure and thus he understood the importance of the Circular road in lieu of increased visitation, especially during festivals. His younger son Mr. Pitambar who is also a Priest in the same temple was present in most of the consultations. The elder son Mr. Laxmi Shankar is a Professor at Patiala -Punjab Technical University. He was also present in a few consultations and both the sons were in agreement with their father who was finally ready for selling the said land to Tourism Department for the Project through his own will and under no pressure.(Ref to AP's statement recorded in the letter of SDM Bilaspur, Dated 16/02/13) Annex 1

Formal Meeting in the presence of SDM, Sadar Bilaspur and the Tehsildar

Prior to this meeting the Inescapability certificate of Deputy Commissioner Bilaspur and NOC in context to it being non cultivated land by Patwari and Tehsildar was obtained. Annex 2&3. Once all feasibility as per SPS 2009 ADB was ascertained the formal meeting took place on 14/02/13 with the AP Mr. Bishan Dass in the presence of his younger son Mr. Pitambar.

1. The importance of the Circular Road was reiterated and the AP informed that Tourism Department officials had already apprised him/family of the same. The AP was ready to sell the land and finally he agreed on the sale amount of Rs 3 Lacs willingly. Details in Annexure 1 and Annexure 4(Both Hindi/English version)
2. Following the above meeting the process of payment and land transfer through proper channel was initiated .Annex 5 (Both Hindi/English version)The payment of Rs 3 Lacs (inclusive of land cost, registration etc was paid through DD Number 665930 dated 28/02/13.Mr Rakesh Arora then JE PIU Kangra was deputed to take charge of the site and follow up with Deputy Commissioner Bilaspur Annex 6
3. On 21st March 2014 the Social Safeguards Specialist, PMC Dr. P. Joshi visited Naina Devi ji to meet Mr. Bishan Dass and his family members to corroborate upon the negotiation process and to ascertain that it was a negotiation sans any kind of pressure on the AP. Mr Dass had fallen ill a day before and left for Patiala. His younger son Mr. Pitambar was present and he arranged for a tele conferencing with his father and elder brother.(Since Jan 2014 we were trying to meet the AP but for various reasons like death in near relation etc finally they had agreed for

21/03/14) Thus through indepth consultation on phone with the AP, his elder son Mr. Laxmi Shankar and on site with Mr. Pitambar it was concluded that Mr. Bishan Dass had agreed for the sale of land and the final price of Rs 3 Lacs willingly and under no pressure. Both his sons were in agreement with him. The money received from the sale deed was deposited and was un utilized and in the AP's Bank Account. (As on 21/03/14)



Consultation with Mr Pitambar Dass on 21/03/14

Nainadevi

District - Bilaspur

Pradhan – Munish Kumar

No. of Participants – 4 persons.

Date-06.08.2012

Respondent - Mr. Sharma, Executive Officer

Introduction:

The meeting was held at the office of Nagar Palika Parishad, Nainadevi. This area is under Municipal Committee and is connected by a regular bus service. A road bifurcates from NH 74 at Anand Sahib and extends up to 20 km to connect this place. Another road from Bhakra Nangal also connects Naina Devi temple area. The villagers generally follow a short route to access this area.



It was informed by the executive officer of Municipal council that sitting arrangement with rest sheds and railing along the stairs is necessary for safety and benefit of the pilgrims.

Suggestion:

Rest shed / Sitting arrangements and railing along the stairs are required.

- Setting up an information kiosk with information books.
- Information technology for improving visitor information.
- Introduction of computer based information and reservation systems.
- Adequate number of small food kiosk maintaining hygiene.

Date of Consultation: 11.10.2013,

Place: Near Parking, Naina Devi

Time: 11.30 am to 1.30 pm

Issues Discussed:

- Awareness and extent of the project and development components.
- ADB safeguard policy.
- Necessity of this project
- Employment Potential in the project.
- Drinking water and sanitation facilities in the project site.

Summary of Consultation: Informal individual and group consultations held with general public during transect walk. The purpose of conducting consultations was to make people aware about the sub-project and also gather public concerns, opinions and suggestions related to specific sub-project. One of the prime objectives of the public consultations is to integrate the concerns and suggestions of people in the project execution. Majority of people told that the existing road is congested during festival times and the road constructed under this project will definitely reduce the time for a tourist as well as local public to reach temple. The public were given assurance that their suggestions would certainly be given all practical incorporation in the project.

List of Participants

S.No	Name of Person	Age	Occupation
1	Govind Ram	35	Employee, Sulabh
2	Hari Ram	24	Employee, Sulabh
3	Om prakash	45	Taxi Driver
4	Ravi Kishan	32	Tourist
5	Mohan Bhardwaj	28	Tourist
6	Sohan Kumar	36	Hotel
7.	Darshan Singh	48	Taxi Driver
8	Ajendra Singh	25	Tourist
9	Satish Singh	31	Tourist
10	Ram Prakash	37	Tea Shop
11	RamjiSoni	48	Labor



SN	Project Activities	Issues Discussed	Date/Time	No. of People	Venue	Implementers
1	Stakeholder Identification	Mapping of sub-project location	Jan '12	10	PMU Office	PMU, PMC & PIU
			Feb '12	6	Project site/ PMU office	PMU, PMC & PIU
2	Initial disclosure & consultation with all stakeholders	Sub-project Activities	Feb '12	12	PMU office/ DC Office/ Project site	PMU, PIU, PMC & LAD
3	Identification of project affected households	Potential impact of project activities	Mar '12	7	Project site	PMC & LAD
4	Consultation with project affected persons	Discussion in details on R&R issues	Apr-May '12	3	Project site / DC office	PMC & LAD
		Discussion on accrued benefits & compensation amount	Jun-12 to March 14	5	Project site	LAD
		Discussion on R&R issues, possible benefits, compensation issue	Feb '13	4	Project site	PMC
5	Formation of Valuation Committee	Members of Valuation Committee	Apr '12- March 14	6	DC office	LAD
6	Workout compensation	Deciding the funding source for managing R&R costs	Sept '12	15	PMU/ LAD office	PMU, LAD & Temple Trust
		Discussion between VC & PAHH	Apr '12 – March 14	4	Project site	LAD
		Communication on R&R compensation & implementation plan followed by settlement/ agreement on R&R measures.	Mar '13 – March 14	10	Project site	PMU, PMC & LAD
7	Disclosure and consultation	On civil works in the sub-project	From May '13		Project site	PMC & LAD

Annexure 11: Office Order of Grievances Redress Committee

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(187)

Infrastructure Development Investment Program for Tourism,
(ADB Loan No. 2676-IND)
Himachal Pradesh Tourism Development Board,
Department of Tourism and Civil Aviation, Himachal Pradesh.
PMU Office U. S. Club, Shimla-1.

TEL (0177)2659962. Fax. (0177) 2659925.

No: IDIPT-HP/2676-IND/GRC-PMU/2013-326-52. Dated: 2nd May, 2013.

OFFICE ORDER

Following Grievance Redress Committee (PMU, IDIPT-HP) has been constituted for the registration of grievances/complaints/suggestions/comments/questions/ feedback etc. of the general public on the IDIPT-HP projects (ADB Loan No. 2676-IND) and further reviewing/recommending appropriate action on the same to the competent authority:-

1. Executive Engineer, PMU, IDIPT-HP.
2. Community Development Officer, PMU, IDIPT-HP.
3. Deputy Director (Tourism), Shimla Division.
4. Representative of Line Agency, IDIPT-HP Projects.
5. Environment Safeguard Specialist, PMC.

b/c *Handa*
Mission Director
IDIPT-HP, Shimla.
Dated: 2nd May 2013.

Endst. No. As above.
Copy to the following along with a Grievance Registration Form for information and necessary action please:-

1. The Principal Secretary (Tourism) to the Govt. of HP, Shimla-2.
2. All the Deputy Commissioners in HP.
3. The Commissioner, MC, Shimla.
4. All the concerned members of the above Committee for initiating further necessary action at their level.
5. Executive Engineer, PIU, IDIPT-HP, Shimla.
6. Junior Engineers, PMU/PIU, IDIPT-HP, Shimla/ Kangra.
7. Team Leaders, PMC/ DSC.

b/c *Handa*
Mission Director
IDIPT-HP, Shimla.

9

**Infrastructure Development Investment Program for Tourism,
(ADB Loan No. 2676-IND)
Himachal Pradesh Tourism Development Board,
Department of Tourism and Civil Aviation, Himachal Pradesh.
PMU Office U. S. Club, Shimla-1.**

TEL (0177)2659962.

Fax. (0177) 2659925.

No: IDIPT-HP/2676-IND/GRC-PIU/2013- 363-92 Dated: 2nd May, 2013.

OFFICE ORDER

Following Grievance Redress Committee (PIU, IDIPT-HP) has been constituted for the registration of grievances/complaints/suggestions/comments/questions/ feedback etc. of the general public on the IDIPT-HP projects (ADB Loan No. 2676-IND) and further reviewing/ recommending appropriate action on the same to the competent authority:-

1. Executive Engineer/ Project Manager, PIU, IDIPT-HP.
2. Community Development Officer, PMU, IDIPT-HP.
3. Deputy Director (Tourism), Kangra Division at Dharamshala.
4. Representative of Line Agency, IDIPT-HP Projects.
5. Safeguard Specialist, Environment, DSC.

Endst. No. As above. 30

Copy to the following along with a Grievance Registration Form for information and necessary action please:-

1. The Principal Secretary (Tourism) to the Govt. of HP, Shimla-2.
2. All the Deputy Commissioners in H. P.
3. All the concerned members of the above Committee.
4. The Executive Engineer, PMU/PIU, IDIPT-HP, Shimla/ Kangra.
5. The Executive Officers, Municipal Councils, Kangra, Una, Bilaspur, HP.
6. The Junior Engineers, PMU/PIU, IDIPT-HP, Shimla/ Kangra. The JE (Civil), PIU, Kangra is directed to install a box of size-12"x18"10" outside of the PIU office with the words written on it-"PIU-IDIPT-HP welcomes suggestions/ comments/questions/ feedback/ grievances/complaints etc. of the general public on the implementation of IDIPT-HP projects (ADB Loan No. 2676-IND)"
7. Team Leaders, PMC/DSC.

o/c
Mission Director
IDIPT-HP, Shimla.
Dated: 2nd May, 2013.

Received by
Sunil Kumar
Dharmendra Sharma
Jitender Choudhary
copies by
Sunil.

o/c
Mission Director
IDIPT-HP, Shimla.

Annexure12: Grievance Registration Form

GRIEVANCE REGISTRATION FORM

The Project management Unit (PMU) / Project Implementation unit (PIU) Infrastructure Development Investment Programme for Tourism HP (IDIPT- HP) (ADB funded Project welcomes complaints, suggestions, queries and comments regarding project implementation. We encourage persons with grievance/s to provide their name and contact information to enable us to get in touch with them for clarification and feedback.

If you choose to include your personal details but would like to keep that information confidential, please inform us by writing/typing *(CONFIDENTIAL)* above your name.

Thanking you.

Project Manager

Project Implementation Unit (PIU)

HP-IDIPT, Dhaliara, P.O. Neharanpunkar, Ten Dehra

District Kangra, HP 177104

Telephone off 01970-269336

Email : projectdirector.adbhp@gmail.com

Website : www.himachaltourism.gov.in

Date	Place of Registration	
Contact information/Personal details		
Name:	Gender:MaleFemale	Age:
Home address:		
Village/Town:		
District:		
Phone number:		
Email:		
Complaint/Suggestion/Comment/Question (Please describe with necessary details (who, what, where and how) your grievance below):		
If included as attachment/note/letter, please tick here:		
How do you want us to reach you for feedback or update on your comment/grievance?		

FOR OFFICIAL USE ONLY

Registered by (Name of Official registering grievance) :			
Verified through: Note/Letter Email	Verbal/Telephonic
Reviewed by (Name/Designation of Official(s) reviewing grievance) :			
Action Taken:			
Whether Action Taken Disclosed Yes No	
Means of Disclosure:			

Annexure13: Negotiated settlement with affected person

संख्या : एस0डी0एम0/सदर/1/2012 135

प्रेषक
(From) उप मण्डलाधिकारी (ना0)
सदर, जिला विलासपुर (हि0प्र0)

प्रेषित
(To) उपायुक्त महोदय,
विलासपुर जिला विलासपुर (हि0प्र0)

दिनांक विलासपुर 16 फरवरी, 2013

विषय : सरकुलर रोड श्री नैना देवी जी बस स्टैण्ड से मन्दिर तक के अन्तर्गत आने वाली निजी भूमि का मुआवजा प्राईवेट नेगोशिएशन द्वारा निश्चित करने बारे।

महोदय,

विषय उपरोक्त में आपके मौखिक आदेश दिनांक 13-2-2013 की पालना में अवोहस्ताक्षरी दिनांक 14-2-2013 को मुकाम श्री नैना देवी जी पहुंचा, वहां पर श्री बिरान दास पुत्र मदन लाल भू-स्वामी न0 खसरा 5 वाक्या मौजा मोदर, तह0 श्री नैना देवी जी भी हाजर मौका आया। हाजर आने वारा उसे तहसीलदार श्री नैना देवी जी के माध्यम से सूचना दी गई थी उसके साथ उसका लड़का श्री पिताम्बर भी हाजर आया।

भू-स्वामी को बताया गया कि श्री नैना देवी जी बस स्टैण्ड से मन्दिर तक सरकुलर रोड के निर्माण हेतु भूमि न0 खसरा 5 में से एकवा तादादी 0.01.71 हैक्ट, (0-5 बिघा) अर्जित किया जाना अपेक्षित है। उक्त रोड का निर्माण श्रावण अष्टमी नवरात्री के मेलों से पूर्व किया जाना प्रस्तावित है, यदि भू-अर्जन प्रक्रिया अमल में लाई जाती है तो यह निर्माण कार्य उक्त मेलों से पूर्व किया जाना सम्भव नहीं होगा, इसलिए हिमाचल प्रदेश पर्यटन विभाग (User Agency) चाहता है कि क्यों न आपसे उक्त भूमि की कीमत प्राईवेट नेगोशिएशन द्वारा निर्धारित कर ली जाए।

भू-स्वामी ने अपना तर्क दिया कि इस विषय में पर्यटन विभाग के पदाधिकारियों से भी उसकी बात हुई है उनको 3.5 लाख रुपये प्रति विरवा का रेट बताया है।

उसके उपरान्त उसे बताया गया कि मौजा मोदर की भूमि के मूल्यांकन की दर 7,16,190/- रुपये प्रति बिघा उपायुक्त महोदय द्वारा निर्धारित की गई है जिसके अनुसार अर्जित की जाने वाली भूमि एकवा तादादी 0.01.71 हैक्ट, (0-5 बिघा) की कीमत 1,79,048/- रुपये बनती है। इसके अतिरिक्त स्टैण्डिंग ऑर्डर न0 28 भू-अर्जन के पैरा 20 के प्रावधानानुसार भूमि की मूल कीमत पर 30 प्रतिशत जरूरी अधिवहन अतिरिक्त मुआवजा 53,714/- रुपये दिया जा सकता है। इस प्रकार उक्त भूमि का मुआवजा 2,32,762/- रुपये बनता है।

काफी समझाने के उपरान्त वह 1,00,000/- रुपये प्रति विरवा के लिए सहमत हुआ, फिर उसे पुनः समझाया गया कि भू-अर्जन प्रक्रिया के अन्तर्गत भी उक्त भूमि अर्जित की जा सकती है। इस प्रकार इस भूमि का मूल मुआवजा 2,54,218/- रुपये बनता है। इससे अधिक मुआवजा नहीं मिल सकेगा। भू-अर्जन के उपरान्त न0 खसरा 5 में जो भूमि रोड बनेगी वह सरकुलर रोड के साथ होगी, सरकुलर रोड के साथ होने के जारी फेल ...2/-

कारण उसकी बाजारी कीमत भी बढ़ेगी तथा व्यवसाय की दृष्टि से भी विकसित होगी लेकिन वह अपनी उपरोक्त बात पर अड़ा रहा। उसके उपरान्त उसे अन्तिम सुझाव दिया गया कि उपरोक्त भूमि का उसे 3,00,000/- रुपये से अधिक मुआवजा नहीं दिया जा सकेगा, यदि इससे सहमति हो तो कुछ देर सोच-विचार करके अपनी सहमति दें।

उसके उपरान्त उसने कहा कि उसे उक्त भूमि का 4,00,000/- रुपये मुआवजा दे दिया जाए। इसके उपरान्त उसे पुनः समझाया गया कि 3,00,000/- रुपये से ज्यादा मुआवजा नहीं दिया जा सकता। इस बार उसने सोच-विचार के लिए समय मांगा जो उसे दिया गया। कुछ देर उपरान्त सोच विचार करके उसने उपरोक्त भूमि का मुआवजा 3,00,000/- रुपये लेने द्वारा सहमति प्रकट की तथा सहमति द्वारा उसने अपना व्यान कलम बन्द करवाया जो कि संलग्न है तथा इस सहमति के बारे उसने अपना शपथ पत्र भी दिया है वह भी संलग्न है।

उक्त रकबा के अर्जन के लिए यदि भू-अर्जन प्रक्रिया अमल में लाई जाए तो भू-स्वामी को निम्न आधार पर मुआवजा दिया जाना है।

1	मूल कीमत	1,79,048/- रुपये
2	अतिरिक्त मुआवजा राशि @12%	21,486/- रुपये
3	जरूरी अधिग्रहण @ 30%	53,714/- रुपये
	कुल मुआवजा	2,54,248/- रुपये

भू-अर्जन प्रक्रिया में काफी समय लगेगा व कई कानूनी पहलुओं से गुजरना पड़ेगा तथा भू-अर्जन कार्य पर भी व्यय होगा। इन पहलुओं को ध्यान में रखते हुए अधोहस्ताक्षरी इस नतीजा पर पहुंचा है कि भू-स्वामी को उसकी मलकीयती भूमि खसरा नम्बर 5/1 रकबा तादादी 0.01.71 हैक्ट. (0-5 बिघा) याक्या मीजा मोदर, तहसील श्री नैना देवी जी की कुल कीमत 3,00,000/- रुपये दी जानी न्याय संगत होगी, जिससे समय व धन की बचत होगी तथा कानूनी पहलुओं से भी राहत मिलेगी।

अतः हिमाचल पर्यटन विभाग मण्डी को यह कहा जाना उचित होगा कि राशि मु0 3,00,000/- (तीन लाख रुपये) भू-स्वामी को बवक्त तसदीक बै नामा उक्त भूमि अदा करे तथा User Agency अपने पक्ष में सब-रजिस्ट्रार श्री नैना देवी जी के कार्यालय में बै नामा पंजीकृत करवाये तथा उसके उपरान्त उक्त प्रस्तावित सरकुलर रौड के निर्माण हेतु पग उठावें।

रिपोर्ट आगमी कार्यवाही हेतु सेवा में प्रेषित है।

संलग्न :
व्यान
व्यान हल्की
उपरा प्रति अर्धसरकारी पत्र
हिमाचल पर्यटन विभाग

सावदीव,
उप-मण्डलाधिकारी (ना0)
सादर जिला विलासपुर (हि0300)

आता श्री विद्यानाथ पुत्र मदन लाल, आयु 64 वर्ष निवासी गांव
श्री नैनादेवी जी लहरीय श्री नैनादेवी जी, खिवा विधानसभा हिंदू

दिनांक 14/2/2013 मुद्रा श्री नैनादेवी जी,

श्री विद्यानाथ जी की मेरी मजबूती के लिए नं. 5 कायम मोटर
मोटर नं. 387/2 लहरीय श्री नैनादेवी जी, खिवा विधानसभा हिंदू में है
इस काम के लिए मैंने सरकारी जमीन देनी जी, श्री नैनादेवी जी का
स्टैंड से गांव तक प्रभावित है, जिससे मेरी भूमि भी आगेगी
इस रोज के अंशगत नं. 5/1, रकबा लाइनी 0.01-71 हेक्टेयर
अर्जित किया जाना है। इस रकबा की कीमत निर्धारित करने
के लिए इस जी. एम. सर्वेक्षण विभाग के कार्य। इस रकबा
की कीमत मेरी सहमति से 3,00,000/- (तीन लाख रुपये)
निश्चित की, जिसने वही मैं सहमत हूँ। इसी सहमति
के कारण मैं अगले से ही काम चलाने में रहा हूँ।
उक्त नं. 5/1, रकबा लाइनी 0.01-71 हे. कायम मोटर
से उपरोक्त सरकारी रोज निवास स्थिति जंगल में फेंक कर
एतलाने नहीं। सरकारी रोज का कार्य मुझे करने से इन मुझे
उक्त रोज की उक्त कीमत उक्त की जोने तथा मैं उक्त
रकबा की रजिस्ट्री सार्वजनिक विभाग के माध्यम से रजिस्ट्री करा
हुआ।

विद्यानाथ

14/2/2013

R. P. N. C.

Sub Divisional
Officer (G) Supt.
Dist. Bhilwara (R.P.)

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Himachal Government Judicial Paper

सत्यापन :-

मैं विशन दास, उपरोक्त शपथ कर्ता सत्यापित करता हूँ कि मेरा उपरोक्त कथन सही व सत्य है इसमें कोई भी जातकारी झूठी नहीं है न ही इसमें से कोई लेन्य दुपाया गया है।

दिनांक 14-02-2013
स्वरदाट हिछर.

विशनदास

शपथकर्ता

Attested

Dr
14/2/13
Executive Magistrate
Tehsil Sh. Naina Devi Ji
At Siverghat, Distt. Bikaner (H.P.)

Translation of Annexure 13

No. SDM/Sadar/1/2012/735

From

Sub Divisional Officer,
Sadar, Distt. Bilaspur.

To,

The Commissioner,
Bilaspur.

Subject: Regarding private negotiation compensation for circular road Naina Devi from Bus Stand to Temple.

Sir,

With reference to above cited subject and compliance to your oral order dated 13.02.2013, the undersigned went to the site on 14.02.2013. Mr. Bishan Dass, s/o sh. Madan Lal owner of Kh. No. 5, Vakya Mauja Modar, Tehsil Sh. Naina Devi Ji was also present at the site. He had been given the information to come to site by Tehsildar of Sh. Naina Devi Ji. His son Mr. Pitambar was also present.

The land owner was informed that the 0-5 bigas land i.e. 001.71 hectare bearing Kh. No. 5 is expected to be acquired for construction of road from Bus stand to Temple. The construction is expected to commence before the 8th day of Shravan month i.e. before the Fair of Navratri's , If the land acquisition process is done then it is not possible to commence the work before the fair. Hence H.P. Tourism Department (user agency) wants alternative option for above land parcel and wants to do Private Negotiations from finalizing the cost of above land.

The land owner argued that he had discussions with officers of Tourism Deptt. and he had asked rate of Rs. 3.5 lacs per Biswa.

After this he was told that the current rate as fixed by the Addl. Commissioner is Rs. 7,16,190/- per Biswa. Accordingly to which the land value will be Rs. 1,79,048/-. In addition to this as per Standing order No. 28, land acquisition para no. 20, additional 30% which comes to Rs. 53,714/- can be given. In this way, the total compensation for above land will be Rs. 2,32,765/- .

After lot of negotiations he agreed to Rs. 1,00,000/- per Biswa. He was again told that it will take a lot of time to acquire this land through land acquisition method by which the land can also be acquired. He was also told that, the market value of this land will increase with the construction of circular road. At the end he was given a suggestion that the compensation above Rs. 3,00,000/- cannot be given. If he agrees he may give his consent after having a proper thought about it.

After that, he demanded the compensation of Rs. 4,00,000/- for the said land. He was again deliberated that the compensation above Rs. 3,00,000/- cannot be given. This time after lot of thinking he agreed for the compensation of Rs. 3,00,000 and finally gave his consent and signed the affidavit.

In case the regular land acquisition process is done then the following compensation has to be given:

1. Basic price	-	Rs. 1,79,048/-
2. Additional Compensation amount @ 12%	-	Rs. 21,489/-
3. Necessary acquisition @ 30%	-	Rs. 53,714/-
Total Compensation		Rs. 2,54,248/-

Land acquisition process will take lot of time after going through proper legal process. Keeping in view the above points, the undersigned came to the decision that the land owner may be given a compensation of Rs. 3,00,000/- for above mentioned Kh. No., this will not only save the money but also reduce legal complications.

Hence, the Himachal Tourism Deptt., Mandi may be asked to give a sum of Rs. 3,00,000 as compensations and get this property register in its name in the office of Sub Registrar Naina Devi and then start the work of proposed Circular Road.

This report is submitted for further necessary action.

Attached- Consent of land owner
 Affidavit
 Non judicial paper

Sub Divisional Officer,
Sadar, Distt. Bilaspur