

अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय/SECRETARIAT

Port Blair dated the August, 2018

NOTIFICATION

No. F. No.34-725/2017-Rev. In pursuance of the provisions of clauses (a), (c), (d), (t) and (u) of Sub-section (2) of Section 109 and Section 112 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) read with the Notification vide No. SO 1997(E), dated 23.06.2017 of the Government of India, Ministry of Home Affairs, New Delhi, the Lt. Governor (Administrator), Andaman and Nicobar Islands proposes make the following Rules for the Union Territory of Andaman & Nicobar Islands. "The Andaman and Nicobar Islands Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2017" is hereby published for the information of all concerned likely to be affected thereby.

RULES

Chapter I

GENERAL

1. **Short title and commencement.**—(1) These Rules may be called the Andaman and Nicobar Islands Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. –

(1) In these rules, unless the context otherwise requires, –

- a. “Act” means the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013);
- b. “Form” means the Form appended to these rules;
- c. “Social Impact Assessment” means an assessment made under sub-section (1) of Section 4 of the Act;
- d. “Social Impact Management Plan” means the plan prepared as part of Social Impact Assessment process under Sub-section (6) of Section 4 of the Act;
- e. “Section” means section of the Act.

(2) Words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

Chapter II

SOCIAL IMPACT ASSESSMENT

3. Social Impact Assessment study.–(1) The appropriate Government (the Lt. Governor, A&N Islands herein) shall, for the purpose of the Act, issue a notification for carrying out Social Impact Assessment in accordance with Part-B of FORM-I of these rules regarding the commencement of Social Impact Assessment and the same shall be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and in the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil and shall be published in the form of posters and pamphlets circulated in the affected area, and by affixing the posters at conspicuous places in the affected areas and shall be uploaded on the website of the appropriate Government (the Lt. Governor, A&N Islands herein):

Provided that such notification shall be issued within thirty days after the deposit of the processing fee for carrying Social Impact Assessment by the Requiring Body, which shall be determined under sub-rule (1) of Rule 5.

- (2) The Social Impact Assessment shall be conducted in consultation with concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas, for the purposes of section 4 of the Act, followed by a public hearing at the affected areas by giving adequate publicity about the date and time and venue for the public hearing to ascertain the views of the affected families which shall be recorded in writing.
- (3) The Social Impact Assessment Report shall be submitted in FORM-II to the appropriate Government (the Lt. Governor, A&N Islands herein) within a period of six months from the date of its commencement and shall include the views of the affected families recorded in writing.
- (4) The Social Impact Management Plan listing the ameliorative measures required to be undertaken for addressing the impact of the project under sub-section (6) of section 4 of the Act shall be submitted in FORM-III along with the Social Impact Assessment Report.
- (5) The Social Impact Assessment Report and the Social Impact Management Plan shall be made available in the local language of the concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas and in the Offices of the District Collector, the Sub-Divisional Magistrate and shall be uploaded on the website of the appropriate Government (the Lt. Governor, A&N Islands herein).

4. Institutional support and facilitation for Social Impact Assessment.—(1) The appropriate Government (the Lt. Governor, A&N Islands herein) shall identify or establish an independent organisation which shall be responsible for ensuring that Social Impact Assessments are commissioned and conducted by such person or bodies other than the Requiring Body as per the provisions of the Act.

- (2) The Social Impact Assessment Unit shall undertake the following tasks namely:-
- (a) build and continuously expand a Database of Qualified Social Impact Assessment Resource Partners and Practitioners, which will serve as a network of individuals and institutions with the required skills and capacities to conduct Social Impact Assessments for land acquisition and Rehabilitation and Resettlement;
 - (b) respond immediately to the appropriate Government's request for a Social Impact Assessment to be conducted by preparing a project-specific Terms of Reference;
 - (c) conduct training and capacity building programmes for the Social Impact Assessment team and community surveyors and make available manuals, tools, comparative case study reports and other materials required for the analysis;
 - (d) provide ongoing support and corrective action, as required during the Social Impact Assessment process;
 - (e) ensure that the transaction based web-based workflow for Social Impact Assessments and Management Information System for Land Acquisition and Rehabilitation and Resettlement as specified in rule 13 is maintained and that all relevant documents are disclosed as per the provisions of the Act;
 - (f) maintain, catalogue of all Social Impact Assessments and associated primary material; and
 - (g) Continuously review, evaluate and strengthen the quality of Social Impact Assessments and the capacities available to conduct them across the State or Union Territory as the case may be.

5. Project-specific Terms of Reference and Processing Fee for the Social Impact Assessment. –

1. Where the appropriate Government (the Lt. Governor, A&N Islands herein) intends to acquire land, the proposal for such land acquisition shall be sent along with all the relevant documents to the Social Impact Assessment Unit, which shall –
 - (a) prepare a detailed project-specific Terms of Reference for each proposal of land acquisition, listing all the activities that must be carried out indicating the appropriate team size (and number of field teams) and profile of the team members, and stipulate the schedule and deadlines for key deliverables for the Social Impact Assessment as detailed in Part-A of FORM-I to these rules;
 - (b) determine an estimated Social Impact Assessment fee based on the Terms of Reference with clear break-up of costs for each item or activity. The fee amount shall be based on the parameters defined by the appropriate government including area, type of project and number of affected families.
2. Ten per cent. of the Social Impact Assessment fee shall be allocated to Social Impact Assessment Unit as administrative expenses for preparing the Terms of Reference and estimated Social Impact Assessment fee report and to submit the same to the appropriate Government (the Lt. Governor, A&N Islands herein).
3. The Requiring Body shall deposit the Social Impact Assessment fee in the Scheduled Bank account of the appropriate Government for the purpose.

6. Selection of the Social Impact Assessment team. – (1) The Social Impact Assessment Unit shall be responsible for selecting the Social Impact Assessment team for each project from the individuals and institutions registered or empanelled in the Database of Qualified Social Impact Assessment Resource Partners and Practitioners.

2. The Requiring Body shall not be involved in any way in the appointment of the Social Impact Assessment team being appointed to carry out the Social Impact Assessment.
 3. The size and selection criteria for the Social Impact Assessment team shall be as per the project- specific Terms of Reference developed by the Social Impact Assessment Unit.
 4. The Social Impact Assessment team may be constituted by appointing individuals or an organization with experience in conducting Social Impact Assessments or related field-based assessments and the team may include –
 - (a) a combination of independent practitioners, qualified social activists, academics, technical experts, who are not directly connected with the requiring body; and
 - (b) at least one woman member;
 5. A team leader shall be appointed from amongst the Social Impact Assessment team to liaison with the Social Impact Assessment Unit throughout the assessment period.
 6. While selecting the Social Impact Assessment team, it is to be ensured that there is no conflict of interest involving the team members appointed to assess the concerned project.
 7. (i) If at any stage, it is found that any team member or any family member of the team member directly or indirectly receives any benefit from the Requiring Body or any other stakeholder in the project, the said member shall be disqualified.
(ii) All the members of Social Impact Assessment team shall give an undertaking that any team member or any family member of the team member directly or indirectly shall not receive any benefit from the Requiring Body or any other stakeholder in the project.
- 7. Process of conducting the Social Impact Assessment.**— (1) The Social Impact Assessment team shall collect and analyse a range of quantitative and qualitative data, undertake detailed site visits, use participatory methods such as focused group discussions, participatory rural appraisal techniques and informant interviews in preparing the Social Impact Assessment report.

(2) All relevant project reports and feasibility studies shall be made available to the Social Impact Assessment team throughout the Social Impact Assessment process, as required. Any request for information from Social Impact Assessment team shall be met at the earliest but not exceeding ten days. The District Collector shall be responsible for providing the information requisitioned by the Social Impact Assessment team.

(3) A detailed assessment based on a thorough analysis of all relevant land records and data, field verification, review and comparison with similar projects shall be conducted by the Social Impact Assessment team. The assessment shall determine the following, namely:-

- (a) area of impact under the proposed project, including both land to be acquired and areas that will be affected by environmental, social or other impacts of the project;
- (b) quantity and location of land proposed to be acquired for the project;
- (c) the land proposed for acquisition is the bare minimum required;
- (d) possible alternative sites for the project and their feasibility;
- (e) whether, the land proposed for acquisition in Scheduled Area is a demonstrable last resort;
- (f) land, if any, already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project;
- (g) the possibility of use of any public, unutilised land for the project and whether any of such land is under occupation;
- (h) nature of the land, present use and classification of land and if it is an agricultural land, the irrigation coverage for the said land and the cropping pattern;
- (i) the special provisions with respect to food security have been adhered to in the proposed land acquisition;
- (j) size of holdings, ownership patterns, land distribution, number of residential houses, and public and private infrastructure and assets; and
- (k) land prices and recent changes in ownership, transfer and use of lands over the last three years.

(4) Based on the land assessment, land records and field verification, the Social Impact Assessment shall provide an accurate estimate of the number of affected families and the number of displaced families among them and ensure that, as far as possible, the Social Impact Assessment team shall enumerate all affected families:

Provided that where enumeration is not possible, a representative sample shall be done by the Social Impact Assessment Unit.

(5) A socio-economic and cultural profile of the affected area must be prepared, based on available data and statistics, field visits and consultations as per FORM-II:

Provided that in projects where resettlement is required, the identified resettlement sites shall be visited and a brief socio-economic profile of the land and its current resident population shall be indicated.

(6) Basing on the data collected in processes listed above and in consultation with the affected communities and key stakeholders, the Social Impact Assessment shall identify and assess the nature, extent and intensity of the positive and negative social impacts associated with the proposed project and land acquisition as per FORM-II.

(7) (i) The Social Impact Assessment process includes the preparation of a Social Impact Management Plan, which will present the ameliorative measures to be undertaken to address the social impacts identified in the course of the assessment.

(ii) The Social Impact Assessment team must assess the viability of impact mitigation and management strategies with clear indication of costs, timelines and capacities.

(iii) The Social Impact Management Plan shall include the following measures:-

(a) that have been specified in the terms of Rehabilitation and Resettlement and compensation for all the categories of affected families as outlined in the Act;

- (b) that the Requiring Body has stated that it will undertake in the project proposal and other relevant project documents; and
- (c) that additional measures being undertaken by the Requiring Body, which has been undertaken by it in response to the findings of the Social Impact Assessment process and public hearings.

8. The Social Impact Assessment must provide a conclusive assessment of the balance and distribution of the adverse social impacts and social costs and benefits of the proposed project and land acquisition, including the mitigation measures, and provide an assessment as to whether the benefits from the proposed project exceed the social costs and adverse social impacts that are likely to be experienced by the affected families or even after the proposed mitigation measures, the affected families remained at risk of being economically or socially worse, as a result of the said land acquisition and resettlement.

8. **Process for conducting public hearings.**— (1) Public hearings shall be held in the affected areas to bring out the main findings of the Social Impact Assessment, seeking feedback on the findings and to seek additional information and views for incorporating the same in the final documents.

(2) Public hearings shall be conducted in all Gram Sabhas where members are directly or indirectly affected by the acquisition of the land:

(3) The date and venue of the public hearing must be announced and publicized three weeks in advance through public notifications and posters in all the villages within a radius of five kilometres of the land proposed to be acquired, advertisement in local newspapers, radio, and through direct communication with Gram Panchayat or Municipal Ward representatives and by uploading the information on the website of the appropriate Government.

(4) (i) The draft Social Impact Assessment report and Social Impact Management Plan shall be published in the local language three weeks prior to the public hearing and distributed to all affected Gram Panchayats and Municipal offices. One copy of the draft report shall be made available in the District Collector's office.

(ii) The Requiring Body may also be served with a copy of the draft report. Adequate copies of the report and summaries shall be made available on the day of the public hearing. Accessible displays and other visual shall be used to share the findings of the Social Impact Assessment report.

(5) (i) A member of the Social Impact Assessment team shall facilitate the public hearing which shall be organised through the local administration with the designated government officers of appropriate level.

(ii) The Gram Panchayat or Municipal Ward representatives shall also be included in all the decisions regarding the arrangements for the public hearings in their respective areas.

(6) All the proceedings shall be held in the local language with effective and credible translators to ensure that all the participants could understand and express their views.

(7) Representatives from the Requiring Body and designated land acquisition and Rehabilitation and Resettlement functionaries shall also attend the public hearing and address the questions and concerns raised by the affected parties.

(8) Public representatives, local voluntary Organisations and media shall also be invited to attend the public hearings.

(9) The proceedings of the public hearing shall be video recorded and transcribed accordingly. This recording and transcription shall be submitted along with the final Social Impact Assessment Report and Social Impact Management Plan.

(10) After the conclusion of the public hearings, the Social Impact Assessment team shall analyse the entire feedback received and information gathered in the public meetings and incorporate the same along with their analysis, in the revised Social Impact Assessment Report accordingly.

(11) Every objection raised in the public meeting shall be recorded and the Social Impact Assessment team shall ensure that the every objection shall be considered in the Social Impact Assessment Report.

9. **Submission of Social Impact Assessment Report and Social Impact Management Plan.**— The final Social Impact Assessment Report and Social Impact Management Plan shall be prepared in the local language and shall be made available to Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil and shall be propagated in the form of posters circulated in the affected areas by affixing the posters in conspicuous places and shall also be uploaded on the website of the appropriate Government.
10. **Social Impact Assessment Report and Social Impact Management Plan.**— The Social Impact Assessment Report and Social Impact Management Plan shall be formulated keeping in view all the relevant information and analysis in a single document and reduced to writing that is clear, concise and accessible, in particular to the members of the affected communities.
11. **Appraisal of Social Impact Assessment Report by an Expert Group.**— (1) The Expert Group constituted under Sub-section (1) of Section 7 of the Act shall evaluate the Social Impact Assessment Report and shall make its recommendation to that effect within a period of two months from the date of its constitution.
- (2) The recommendations of the Expert Group shall be made available in the local language to the concerned Panchayat, Municipality or Municipal Corporation, at village level or ward level in the affected areas and in the Offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil and shall be published in the form of posters circulated in the affected areas and by affixing them in conspicuous places in the affected areas and shall be uploaded on the website of the appropriate Government (the Lt. Governor, A&N Islands herein).

- 12. Consideration of the Social Impact Assessment Report, recommendations of the Expert Group etc..** – (1) The appropriate Government (the Lt. Governor, A&N Islands herein) shall examine the Social Impact Assessment Report, the recommendations of the Expert Group, report of the Collector, if any, and recommend such area for acquisition which would ensure minimum displacement of people, minimum disturbance to the infrastructure, ecology and minimum adverse impact on the individuals affected.
- (2) The recommendation of the appropriate Government (the Lt. Governor, A&N Islands herein) under sub-section (1) shall be made available in the local language to the concerned Panchayat, Municipality or Municipal Corporation at village level or ward level in the affected areas and in the Offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil and shall be propagated in the form of posters circulated in the affected areas and by affixing the posters in conspicuous places and shall also be uploaded on the website of the appropriate Government (the Lt. Governor, A&N Islands herein).
- 13. Web-based Work Flow and Management Information System for Land Acquisition and Rehabilitation & Resettlement.** – The appropriate Government (the Lt. Governor, A&N Islands herein) shall create a dedicated, user-friendly website that may serve as a public platform on which the entire work flow of each acquisition case will be hosted, beginning with the notification of the Social Impact Assessment and tracking each step of decision- making, implementation and audit.
- 14. Additional Norms with regard to the Social Impact Assessment Process.** – Parameters and a table of contents for the Social Impact Assessment Study and the Social Impact Management Plan are given in FORM-II.
- 15. Inventory of Waste, Barren and Unutilised Land.** – To ensure acquisition of minimum amount of land and to facilitate the utilisation of unutilised public lands, the appropriate Government (the Lt. Governor, A&N Islands herein) shall prepare a district- level inventory report of waste, barren and unutilised public land, and land available in the Government land bank and shall be made available to the Social Impact Assessment team and Expert group. The inventory report shall be updated from time to time.

Chapter-III

CONSENT

16. **Consent Requirements.**—(1) The appropriate Government (the Lt. Governor, A&N Islands herein), through the concerned District Collector, shall obtain prior consent of the affected land owners in PART-A of FORM-IV along with the Social Impact Assessment study.

(2) The exercise of obtaining the consent shall be undertaken by the appropriate Government (the Lt. Governor, A&N Islands herein), through the concerned District Collector, who may appoint officers under his control to assist him in the process of obtaining the prior consent.

(3) The appropriate Government (the Lt. Governor, A&N Islands herein) shall take necessary steps for updating the records relating to land rights, title in the land and other revenue records in the affected areas, so that the names of land owners, occupants of the land and individuals be identified for initiating the prior consent process and land acquisition.

17. **Consent of the Gram Sabha.**—(1) The District Collector shall in consultation with the representatives of the Gram Panchayats or Autonomous District Councils notify the date, timing and venue for holding special Gram Sabhas in the affected areas three weeks in advance and conduct public awareness campaigns to motivate members of the Gram Sabhas to participate in the Gram Sabhas.

(2) The names and signatures of all the members who attended the meeting of the Gram Sabha shall be taken and kept in the records.

(3) The quorum shall be at least fifty per cent of the total members of the Gram Sabha for considering the consent as valid:

Provided that one third of the total women members of the Gram Sabha shall also be present in the Gram Sabha meeting.

(4) Printed copies with the proposed terms and conditions for compensation, rehabilitation and resettlement shall be made available in the local language at least three weeks prior to the Gram Sabha meeting.

(5) (i) For public private partnership projects and projects by private companies, representatives of the Requiring Body, who are competent to take decision and negotiate terms of Rehabilitation and Resettlement and compensation shall be present at all such Gram Sabha meetings and respond to the queries raised by the Gram Sabha members.

(ii) The terms and conditions, Rehabilitation and Resettlement, compensation committed by the Requiring Body shall be explained to the Gram Sabha members in the local language and signatures of the members as well as the representative of Requiring Body shall be obtained on such terms and conditions.

(6) (i) After deliberations, the Gram Sabha shall pass a resolution with majority in PART-B of FORM-IV giving or withholding consent for the proposed acquisition and the resolution shall contain the negotiated terms and conditions for Rehabilitation and Resettlement, compensation, impact management and mitigation that the Requiring Body has committed and which have been signed by the District Collector or designated district officer and the representative of the Requiring Body.

(ii) The Gram Sabha resolution once received shall be counter signed by the District Collector or a designated District Officer and a signed copy shall be handed over to all the panchayat representatives.

(7) Any resolution that does not explicitly contain a statement of consent to the project, a statement of the negotiated terms of compensation and Rehabilitation and Resettlement shall be invalid.

(8) All the proceedings of the Gram Sabha shall be video recorded, documented in writing and shall be made available in the respective panchayat offices and uploaded on the website of the appropriate Government.

(9) Members of the Social Impact Assessment team shall be present to assist the Gram Sabha meetings.

18. **Consent of the Affected Land owners.**—(1) (i) In Public Private Partnership projects and projects by private companies, a list of all affected land owners from whom consent is required to be obtained shall be drawn up by district officers in consultation with the Social Impact Assessment team.

(ii) The list shall be made available in the affected area, in the form of posters and handouts and by displaying the list in conspicuous places of the affected areas for at least ten days before obtaining consent.

(2) In case of any objection, the views of the objector shall also be taken, and the reasons for doing so shall be recorded in writing and conveyed to the concerned person within ten days.

(3) The District Collector shall in consultation with the representatives of Gram Panchayats, Autonomous District Councils, municipality, municipal corporations, as the case may be, notify the date, time and venue at least three weeks in advance, for holding the affected land owners meetings at the village or ward level.

(4) The proposed terms and conditions agreed to by the Requiring Body shall also be made available in local language at least three weeks in advance of the meeting of the affected land owners to each and every affected landowner.

(5) (i) For public private partnership projects and projects by private companies, representatives of the Requiring Body, who are competent to take decision and negotiate terms of Rehabilitation and Resettlement and compensation shall be present at all such affected land owners meetings and respond to the queries raised by the affected land owners.

(ii) The terms and conditions, Rehabilitation and Resettlement, compensation committed by the Requiring Body shall be explained to the members in the local language and signatures of the members as well as the representative of Requiring Body shall be obtained on such terms and conditions.

(6) (i) At the conclusion of the meeting, each individual land owner shall be asked to indicate in the signed declaration whether he or she gives or withholds consent for the acquisition of land involved.

(ii) A copy of this declaration with the attached terms and conditions shall be given to the land holder concerned. The declaration shall be countersigned by the District Collector or district officers on its receipt.

(7) (i) Arrangements shall be made for those who could not attend the land owners meeting for enabling them to submit their signed declarations to the designated district officer within twenty one days from the date of land owners meeting.

(ii) The declaration form shall be counter-signed by the District Collector or designated officer on its receipt and a copy of the declaration, with the attached terms and conditions shall be handed over to the affected landowner.

(8) Consent procedure shall be determined on the basis of the signed or thumb impression, written declarations of land owners.

(9) (i) All proceedings of taking affected land owners' consent during land owners meetings shall be recorded in video and all the proceedings must be documented in writing.

(ii) The outcome of the consent process shall be made available in panchayat offices and on the web site of the appropriate Government.

(10) Members of the Social Impact Assessment team shall be present to assist the affected land owners meeting.

19. **Roles and responsibilities of the appropriate Government for consent processes.**— (1) The appropriate government (the Lt. Governor, A&N Islands herein) shall notify and publish the date, time and venue of Gram Sabhas, Panchayats or Autonomous District Council meetings (in cases where Gram Sabha does not exist or has not been constituted) and affected land owners meetings for obtaining the consent and organise public awareness campaigns to encourage participation of the affected land owners in the consent processes.

(2) The appropriate Government (the Lt. Governor, A&N Islands herein) shall ensure that the following are provided at least three weeks in advance to every member from whom consent is sought, in the local language, namely:—

- (a) a copy of the draft Social Impact Assessment report (if readily available) in the local language;
- (b) initial package being offered for compensation and Rehabilitation and Resettlement;
- (c) a list of the rights currently enjoyed by the village and its residents under revenue laws, Forest Rights Act and other legislations;
- (d) a written statement signed by the District Collector, certifying that there will be no consequences, if consent is denied for a project and stating that any attempt to coerce or intimidate in order to obtain consent shall be illegal; and
- (e) contact details of the officer or authority along with official telephone number to be contacted in case of any attempt to coerce for signing the declaration of consent process.

(3) The District Collector or any official appointed by the District Collector shall attend the Gram Sabhas, Panchayats or Autonomous District Councils (in cases where Gram Sabha does not exist or has not been constituted) and land owners meetings.

(4) The appropriate Government shall ensure that all the documents relating to Social Impact Assessment are made available to the affected land owners and all requests for information are provided within seven days.

20. Roles and responsibilities of the Requiring Body for consent processes. – (1) The Requiring Body shall appoint representatives competent to take decisions and negotiate terms and condition of compensation and Rehabilitation and Resettlement, who shall be present in the meetings of affected land owners for obtaining the consent and reply to the queries raised by the landowners.

(2) The Requiring Body shall provide all the information on the project, prior to the taking of consent as well as any additional information, if required.

FORM-I

Part -A. Terms of Reference and Processing Fee for the Social Impact Assessment

[See sub-rule (1) of rule 5]

(i) The Social Impact Assessment Unit will review the proposal for land acquisition sent by the appropriate Government and produce a project-specific Terms of Reference and budget. Based on the Terms of Reference and budget, a processing fee will be determined, which must be deposited by the Requiring Body before the notification of the Social Impact Assessment can be issued.

(ii) The Terms of Reference shall include the following information:-

(a) A brief description of the project, project area and the extent of lands proposed for acquisition.

(b) The objectives of the Social Impact Assessment and all the activities that must be carried out by the Social Impact Assessment team.

- (c) Sequencing, schedule and deadlines for deliverables with dates for the Social Impact Assessment process, based on the size and complexity of the project and land acquisition, and whether consent of Gram Sabhas and/or land owners is required to be sought.
 - (d) The appropriate size and profile of the Social Impact Assessment team required (including field surveyors if needed) to conduct the Social Impact Assessment for the specific project.
 - (e) A project-specific budget based on the Terms of Reference, with a clear break-up of costs for each item or activity.
 - (f) The schedule for the disbursement of funds to the Social Impact Assessment team tied to clearly- defined deliverables in the Social Impact Assessment process.
- (iii) The processing fee will be determined based on the Terms of Reference and budget developed for each specific project and will be based on the type, size, location, and sensitivity of the project and the land proposed for acquisition. Information regarding the processing fee bands and the cost for separate components or line items must be made consistent and easily accessible, so that the Requiring Body can factor this into its costs in advance. These rates must be reviewed and revised from time to time. A fixed proportion of the fee will go towards meeting the costs of the Social Impact Assessment Unit.

Part-B. Notification of the Social Impact Assessment

[See sub-rule (1) of rule 3]

The notification of the Social Impact Assessment must include:-

- (a) Name of project developer, a brief description of the proposed project and the extent of the lands proposed for acquisition, the project area and the affected areas to be covered by the Social Impact Assessment.
- (b) The main objectives of the Social Impact Assessment and key activities including (i) consultations (ii) survey (iii) public hearing/s.
- (c) If consent of Gram Sabhas and/or land owners is required, the notification must state this.

- (d) The timeline for the Social Impact Assessment and the final deliverables (Social Impact Assessment Report and Social Impact Management Plan) along with the manner of their disclosure must be specified.
- (e) Statement that any attempt at coercion or threat during this period will render the exercise null and void.
- (f) Contact information of the Social Impact Assessment Unit.

FORM-II

Social Impact Assessment Report

[See sub-rule (3) of rule 3, sub-rule (5) & (6) of rule 7 and rule 14]

A. List of socio-economic and cultural parameters to be covered by the Social Impact Assessment

1. Demographic details of the population in the project area
 - (a) Age, sex, caste, religion
 - (b) Literacy, health and nutritional status
2. Poverty levels
3. Vulnerable groups
 - (a) Women, (b) children, (c) the elderly, (d) women-headed households, (e) the differently abled
4. Kinship patterns and women's role in the family
5. Social and cultural organisation
6. Administrative organisation
7. Political organisation
8. Civil society organisations and social movements
9. Land use and livelihood
 - (a) Agricultural and non-agricultural use
 - (b) Quality of land – soil, water, trees etc.
 - (c) Livestock
 - (d) Formal and informal work and employment
 - (e) Household division of labour and women's work

- (f) Migration
- (g) Household income levels
- (h) Livelihood preferences
- (i) Food security

10. Local economic activities

- (a) Formal and informal, local industries
- (b) Access to credit
- (c) Wage rates
- (d) Specific livelihood activities women are involved in

11. Factors that contribute to local livelihoods

- (a) Access to natural resources
- (b) Common property resources
- (c) Private assets
- (d) Roads, transportation
- (e) Irrigation facilities
- (f) Access to markets
- (g) Tourist sites
- (h) Livelihood promotion programmes
- (i) Co-operatives and other livelihood-related associations

12. Quality of the living environment

- (a) Perceptions, aesthetic qualities, attachments and aspirations
- (b) Settlement patterns
- (c) Houses
- (d) Community and civic spaces
- (e) Sites of religious and cultural meaning
- (f) Physical infrastructure (including water supply, sewage systems etc.)
- (g) Public service infrastructure (schools, health facilities, anganwadi centres, public distribution system)
- (h) Safety, crime, violence
- (i) Social gathering points for women

B. Key impact areas

1. Impacts on land, livelihoods and income
 - (a) Level and type of employment
 - (b) Intra-household employment patterns
 - (c) Income levels
 - (d) Food security
 - (e) Standard of living
 - (f) Access and control over productive resources
 - (g) Economic dependency or vulnerability
 - (h) Disruption of local economy
 - (i) Impoverishment risks
 - (j) Women's access to livelihood alternatives
2. Impacts on physical resources
 - (a) Impacts on natural resources, soil, air, water, forests
 - (b) Pressures on land and common property natural resources for livelihoods
3. Impacts on private assets, public services and utilities
 - (a) Capacity of existing health and education facilities
 - (b) Capacity of housing facilities
 - (c) Pressure on supply of local services
 - (d) Adequacy of electrical and water supply, roads, sanitation and waste management system
 - (e) Impact on private assets such as bore wells, temporary shedsetc.
4. Health impacts
 - (a) Health impacts due to in-migration
 - (b) Health impacts due to project activities with a special emphasis:-
 - (i) Impact on women's health
 - (ii) Impact on the elderly

5. Impacts on culture and social cohesion

- (a) Transformation of local political structures
- (b) Demographic changes
- (c) Shifts in the economy-ecology balance
- (d) Impacts on the norms, beliefs, values and cultural life
- (e) Crime and illicit activities
- (f) Stress of dislocation
- (g) Impact of separation of family cohesion
- (h) Violence against women

6. Impacts at different stages of the project cycle

The type, timing, duration, and intensity of social impacts will depend on and relate closely to the stages of the project cycle. Below is an indicative list of impacts

(a) Pre-construction phase

- (i) Interruption in the delivery of services
- (ii) Drop in productive investment
- (iii) Land speculation
- (iv) Stress of uncertainty

(b) Construction phase

- (i) Displacement and relocation
- (ii) Influx of migrant construction workforce
- (iii) Health impacts on those who continue to live close to the construction site

(c) Operation phase

- (i) Reduction in employment opportunities compared to the construction phase
- (ii) Economic benefits of the project
- (iii) Benefits on new infrastructure
- (iv) New patterns of social organisation

- (d) De-commissioning phase
 - (i) Loss of economic opportunities
 - (ii) Environmental degradation and its impact on livelihoods
- (e) Direct and indirect impacts
 - (i) "Direct impacts" will include all impacts that are likely to be experienced by the *affected families* (i.e. Direct land and livelihood losers)
 - (ii) "Indirect impacts" will include all impacts that may be experienced by those not directly affected by the acquisition of land but those living in the project area
- (f) Differential impacts
 - (i) Impact on women, children, the elderly and the different abled
 - (ii) Impacts identified through tools such as Gender Impact Assessment Checklists, and Vulnerability and Resilience Mapping
- (g) Cumulative impacts
 - (i) Measureable and potential impacts of other projects in the area along with the identified impacts for the project in question.
 - (ii) Impact on those not directly in the project area but based locally or even regionally.

C. Table of Contents for Social Impact Assessment Report and Social Impact Management Plan

Chapter	Contents
Executive Summary	(a) Project and public purpose Location (b) Size and (c) attributes of (d) land

	<ul style="list-style-type: none"> (e) acquisition (f) Alternatives (g) considered <p>Social Impacts Mitigation measures</p> <p>Assessment of social costs and benefits</p>
Detailed Project Description	<ul style="list-style-type: none"> (a) Background of the project, including developers background and governance or (b) management structure Rationale for project including how the (c) project fits the public purpose criteria listed (d) in the Right to Fair Compensation and (e) Transparency in Land Acquisition, (f) Rehabilitation and Resettlement Act, 2013. (g) Details of project size, location, capacity, (h) outputs, production targets, cost, risks (i) Examination of alternatives Phases of project (j) construction Core design features and size and type of facilities Need for ancillary infrastructural facilities Work force requirements (temporary and permanent) Details of Social Impact Assessment or Environmental Impact Assessment if already conducted and any technical feasibility reports Applicable legislations and policies

<p>Team composition, approach, methodology and Schedule of the Social Impact Assessment</p>	<p>(a) List of all team members with qualifications. Gender experts to be included in team.</p> <p>(b) Description and rationale for the methodology and tools used to collect</p> <p>(c) information for the Social Impact</p> <p>(d) Assessment. Sampling methodology used.</p> <p>(e) Overview of information or data sources used. Detailed reference must be included separately in the forms. Schedule of consultations with key stakeholders and brief description of public hearings conducted. Details of the public hearings and the specific feedback incorporated into the Report must be included in the forms.</p>
<p>Land Assessment</p>	<p>(a) Information from land inventories and</p> <p>(b) primary sources - Describe with the help of the maps</p> <p>(c) Entire area of impact under the influence of</p> <p>(d) the project (not limited to land area for</p> <p>(e) acquisition)</p> <p>(f) Total land requirement for the project</p>

	<p>(g) Present use of any public, unutilised land in the vicinity of the project area</p> <p>(h) Land (if any) already purchased, alienated, leased or acquired, and the intended use for each plot of land required for the project</p> <p>Quantity and location of land proposed to be acquired for the project Nature, present use and classification of land and if agricultural land, irrigation coverage and cropping patterns</p> <p>Size of holdings, ownership patterns, land distribution, and number of residential houses</p>
	<p>Land prices and recent changes in ownership, transfer and use of lands over the last 3years</p>
<p>Estimation and enumeration (where required) of affected families and assets</p>	<p>Estimation of the following types of families that are -</p> <p>(a) Directly affected (own land that is proposed to be acquired):</p> <p>(i) Are tenants or occupy the land proposed to be acquired</p> <p>(ii) The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights</p> <p>(iii) Depend on common property resources which will be affected due to acquisition of land for their livelihood</p> <p>(iv) Have been assigned land by the appropriate Government under any of its schemes and</p>

	<p>such land is under acquisition;</p> <p>(v) Have been residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land</p> <p>vi) Have depended on the land being acquired as a primary source of livelihood for three years prior to the acquisition</p> <p>(b) Indirectly impacted by the project (not affected directly by the acquisition of own lands)</p> <p>(c) Inventory of productive assets and significant lands</p>
<p>Socio-economic and cultural profile (affected area and resettlement site)</p>	<p>Demographic details of the population in the project area</p> <p>Income and poverty levels</p> <p>Vulnerable groups</p> <p>Land use and livelihood</p> <p>Local economic activities</p> <p>Factors that contribute to local livelihoods</p> <p>Kinship patterns and social and cultural organisation</p> <p>Administrative organisation</p> <p>Political organisation</p> <p>Community-based and civil society organisations</p> <p>Regional dynamics and historical change processes</p> <p>Quality of the living environment</p>
<p>Social impacts</p>	<p>Framework and approach to identifying impacts</p> <p>Description of impacts at various stages of the project cycle such as impacts on health and livelihoods and culture. For each type of impact, separate indication of whether it is a direct or</p>

	<p>indirect impact, differential impacts on different categories of affected families and where applicable cumulative impacts</p> <p>Indicative list of impacts areas include: impacts on land, livelihoods and income, physical resources, private assets, public services and utilities, health, culture and social cohesion and gender based impacts</p>
Analysis of costs and benefits and recommendation on acquisition	<p>Final conclusions on: assessment of public purpose, less-displacing alternatives, minimum requirements of land, the nature and intensity of social impacts, the viability of the mitigation measures and the extent to which mitigation measures described in the Social Impact Management Plan will address the full range of social impacts and adverse social costs.</p> <p>The above analysis will use the equity principle described in Rule 9(10) as a criteria of analysis for presenting a final recommendation on whether the acquisition should go through or not</p>
References and Forms	For reference and further information

FORM-III

(See sub-rule (4) of rule 3)

Social Impact Management Plan

1. Approach to mitigation

2. Measures to avoid, mitigate and compensate impact
3. Measures that are included in the terms of Rehabilitation & Resettlement and compensation as outlined in the Act
4. Measures that the Requiring Body has stated it will introduce in the Project Proposal
5. Additional measures that the Requiring Body has stated it will undertake in response to the findings of the Social Impact Assessment process and public hearings
6. The Social Impact Management Plan must include a description of institutional structures and key person responsible for each mitigation measure and timelines and costs for each activity

FORM - IV

PART-A. PRIOR WRITTEN CONSENT / DECLARATION FORM

[See sub-rule (1) of rule 16]

S. No.	<i>Details of Person Concerned</i>	
1.	Name of the person(s) as per section 3(c) (i) & (v) of the Act:	
2.	Name of the spouse:	
3.	Name of father/ mother:	
4.	Address:	
5.	Village / Basti:	
6.	Gram Panchayat / Municipality / Township:	
7.	Tehsil/ Taluka:	
8.	District:	
9.	Name of other members in the family with age: (including children and adult dependents)	
10.	Extent of land owned:	
11.	Area for the acquisition	
12.	Plot No.	

13.	Record of Rights		
14.	Disputed lands if any		
15.	Pattas/ leases/ grants, if any		
16.	Any other right, including tenancy, if any:		
17.	Regarding the acquisition of my land by the government, I wish to state the following (please circle)		
	(i) I have read/readout the contents of this consent form and explained to me in _____ language and	Yes	No
	(ii) I do not agree to this acquisition	Yes	No
	(iii) I agree to this acquisition	Yes	No
		Signature or Thumb impression of the affected family(s) and date:	
18.	The terms and conditions, Rehabilitation and Resettlement, compensation and other measures committed by the Requiring Body have been explained in the local language. These terms and conditions must be attached to the Form.		
		Date and Signature of designated district official receiving	
	It is a crime under law to threaten any person or to cause them any harm if they refuse to consent or if they choose to state that they do not consent on this form. This includes any threat or act that causes them to lose money, that hurts them physically or that results in		

	harm to their family. If any such threat has been made this form is null and void.
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PART-B. FORMAT FOR GRAM SABHA RESOLUTION

[See sub-rule (6) of rule 17]

We, the undersigned members of the Gram Sabha of _____ within _____ Panchayat of _____ tehsil/taluka in _____ district wishes to state that the following certification is based on the information supplied by the administration and officials. If this information is incomplete or incorrect or if any consent has been obtained through any use of threats, fraud or misrepresentation, it is null and void. On this basis, this Gram Sabha hereby certifies that it CONSENTS/REFUSES TO CONSENT to the proposed project, which will involve:

- acquisition of _____ acres of private land.
- transfer of acres of government land to the project.
- transfer of acres of forest land to the project.

The terms and conditions of compensation, rehabilitation and resettlements benefits and social impact mitigation measures agreed to by the Requiring Body (state the name) are attached.

The Gram Sabha also states that any consent is subject to all of its residents receiving title to all of their individual and community rights over forests and forest lands, including their titles for forest land that they have been cultivating, ownership titles for all forms of minor forest produce that they use, and titles to protect and manage their community forests. [Note: This will have to be certified by this Gram Sabha separately.]

Date and signatures/thumb impressions of Gram Sabha members

Date and Signature of designated district officer on receipt of the Resolution

Admiral D.K. Joshi
PVSM, AVSM, YSM, NM, VSM (Retd)
Lieutenant Governor, Andaman & Nicobar Islands

By order and in the name of Lt. Governor, A & N Islands

Assistant Secretary (Revenue)
A & N Administration

Copy forwarded to:-

1. The Deputy Commissioner, South Andaman District, Port Blair.
2. The Deputy Commissioner, North and Middle Andaman District, Mayabunder.
3. The Deputy Commissioner, Nicobar District, Car Nicobar.
4. The Sub Divisional Magistrate, South Andaman District, Port Blair.
5. The Sub Divisional Magistrate, North and Middle Andaman District, Mayabunder.
6. The Sub Divisional Magistrate, Nicobar District, Car Nicobar.
7. The Assistant Commissioner, Campbell Bay.
8. The Director, Social Welfare, A&N Administration, Port Blair.
9. The Assistant Secretary(Archives), A&N Administration, Port Blair.
10. The Chief Editor, Daily Telegrams with the request to kindly publish the above notification in the two local Daily Telegrams.
11. The Manager Govt. Press Port Blair with the request that the notification with Hindi Version may be published in the ordinary issue of the Andaman and Nicobar Gazette, forthwith 5 copies of the printed notification may be supplied to the Revenue Section Secretariat and Deputy Commissioner, South Andaman.
12. The Assistant Secretary(OL), Andaman and Nicobar Administration for Hindi Version of notification.
13. The In-Charge, NIC, Port Blair with the request to hoist the notification in the official website of A&N Administration.
14. Sr. PS to Lt. Governor, Raj Niwas, Port Blair.
15. PS to Chief Secretary, A&N Administration, Port Blair.
16. PS to Principal Secretary(Rev), A&N Administration, Port Blair.
17. PS to Secretary (SW), A&N Administration, Port Blair.
18. Spare Copy-3

**Assistant Secretary (Rev)
A & N Administration**

