

Minutes of the fourth meeting of the reconstituted National Monitoring Committee held on 28.04.2016.

The fourth meeting of the National Monitoring Committee was held under the chairmanship of Secretary (LR) on 28.4.2016 to review and monitor the implementation of Rehabilitation and Resettlement Schemes or plans under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013. A list of participants is annexed.

In his opening remarks, Secretary laid emphasis on the role and the importance of NMC, being a statutory authority with substantial responsibility. He said that though the organizational support is still not fully in place, the same was expected by the next meeting. He said that the objective of NMC was to look deeper into issues and play an advisory role in interstate/national projects or wherever there is large scale displacement of people. R & R is an important part of the Act and getting it done in a right manner is of utmost importance. There are some issues like information from the states not forthcoming. To begin with, the states that are represented in National Monitoring Committee, should start sending the information, so that we can persuade, or use the statutory powers, to obtain the information from other states.

Thereafter the agenda items were taken up for discussion and consideration.

Agenda Item 1- Confirmation of action taken on the minutes of last meeting

The action taken on the minutes of the last meeting of the National Monitoring Committee under RFCTLARR Act, 2013 held on 18th November, 2015 were confirmed.

It was decided that Ministry of Defence would be requested to arrange presentations (on land record digitization of all Defence land holdings) before all State Governments and relevant Central Ministries/Departments who are expected to undertake similar exercise within their respective domains. There would be two such workshops, one in May 2016 for Central Ministries/Departments and other one in June 2016 for State Governments such that the learning of the 1st workshop can be used by the 2nd workshop. Soon after that, sometime in July, 2016 the next meeting of NMC may be held to take matters forward.

Agenda item 2- Furnishing of information in the prescribed format

JS (LR) informed the committee that most of the Ministries/States have not sent data in the detailed format and stressed on the need for collection of data in the format I (abstract) and format II (detailed) in order to enable the committee to take a holistic view and decision on the issues relating to R&R etc.

The representative of Ministry of Road, Transport & Highways said that the Highway are generally constructed in a linear way and generally avoid populated areas so basically R & R problem by and large does not arise in such cases. It was clarified that as per the provisions of the new Act (RFCTLARR Act, 2013), it is not necessary that one has to provide R & R only when people are displaced.

A demonstration was made by NIC on filling up of data in the MIS developed by NIC. Secretary (LR) directed NIC to remove the discrepancies noticed and also incorporate all the necessary fields in the MIS in consultation with the Department on priority. He also directed to provide login ID and passwords to all the concerned based on registration and follow two-factor authentication to ensure a higher level of accuracy.

The MIS should also accommodate the following;

- (i). Date of preliminary notification under relevant sections of the various Land Acquisition Acts, even prior to SIA (Social Impact Assessment) and also put a column for other acts because States Government/Central Ministries also acquire land under other Acts.
- (ii). Provide an option for conversion of units (ha/acres) of lands.
- (iii). Provide possibility of addition of data (editing) in the MIS, so that the data entry can be done in various stages for its refinement.
- (iv). It was decided that details relating to specific provisions with respect to section 41 & 42 of the Land Acquisition Act and other provisions safeguarding the rights of the tribals, must also be captured. It was further decided that the representative of Ministry of Tribal Affairs will provide the necessary fields in which such data must be captured.
- (v). It was noted that the above procedure has to be followed in case of SC also because there are similar provisions for the SC.
- (vi). Remove the option of the entire column to be filled compulsorily in order to provide flexibility to fill whatever available information and provide other information at a later stage.
- (vii). NIC should ensure that the modification made in the MIS at various levels and time should be trackable and that is why there has to be some specified person who will fill the information. Thus responsibility can be fixed for both acts of omission and commission.
- (viii). Link the MIS to main website of the department (dolr.nic.in).
- (ix). NIC to define the stages in which land acquisition officer should fill up the Land Acquisition information, as there are at least 4 to 5 stages of filling up the information. The information must be added step by step as the projects are proceeding to completion.

It was clarified that all the acquisitions done under RFCTLARR Act , 2013 or any of the 13 Acts that are part of the Schedule IV, are covered under the mandate of NMC and therefore all of them have to comply with this.

Agenda item no.3- Nomination of experts to be appointed to the National Monitoring Committee

It was observed that the nominations received so far, relate to individuals who are dealing with the subject in government departments but not independent experts. Such nomination to NMC might lead to difficulties when sub-committees are appointed to go into the field to address the

difficulties or complaints. The sub-committee would need suitable expertise to continuously monitor the R&R packages of the displaced persons whereas official nominees may change frequently.

JS (LR) requested the members to review the nomination as the experts should have wide experience relating to R & R, providing R & R or solving problems related to R & R.

AS (LR) said from the point of view of diversity in NMC, it should have people beyond the departments and therefore, ideally, external independent experts should be considered for nomination.

A query was raised as to whether every department has to nominate experts. JS (LR) clarified that only those who have dealt in R & R cases may nominate.

Secretary (LR) requested everybody to nominate persons who possess requisite domain knowledge both of R & R activities and an understanding of how the department works, etc. He further requested the participants to send the nominations within the next two days and said that by next week the list of experts would be processed for finalization.

Agenda item no.4-Representations/Complaints received in respect of land acquisition for Polavaram dam.

JS (LR) submitted before the committee that the committee had discussed the issue during the last meeting. However, Department has been receiving representations from VIPs and others.

It was noted that National Monitoring Committee needs to determine whether Polavaram is actually a part of the mandate of NMC because if all the work related to Polavaram i.e. awards, disbursement of compensation, taking over of possession etc. was completed prior to 01.01.2014 and nothing was pending then the current NMC will not have a mandate. If there is spillover either because it lapsed or because a portion of it is continuing and R & R under the new Act has to be taken then it will come under the mandate. It was also noted that prior to 01.01.2014, there existed a National Rehabilitation and Resettlement Policy (NRRP), 2007 of the Government, which was being administered by the department. If any issue is pending prior to 01.01.2014, then the issue will need to be taken up under the NRRP, 2007 and not by the NMC constituted under the provision of section 48 of the RFCTLARR Act, 2013.

As per reports of Ministry of Water Resources, River and Ganga Rejuvenation endorsing the report of the Government of Andhra Pradesh, the acquisition of land including taking over possession of Land and R&R of Polavaram project have been completed before the commencement of the RFCTLARR Act, 2013. Accordingly, R&R of displaced persons may not lie in the domain of National Monitoring Committee constituted under the Act which came into force on 01.01.2014.

It was also pointed out that the matter has also been raised in the Hon'ble High Court of Andhra Pradesh in PIL No.140 wherein Hon'ble High Court vide their Order dated 26.10.2015, after discussing on merit, accepted the argument of the Government of Andhra Pradesh on compensation including taking of possession of Land and R&R wherein it has been mentioned

that all the activities of Land Acquisition have been completed before the coming into force of the RFCTLARR Act, 2013. Based on the above facts, it was concluded that as per the report of Ministry of Water Resources, River and Ganga Rejuvenation and observation of Hon'ble High Court of Andhra Pradesh, the Land Acquisition process including compensation, possession of land and R&R of the Polavaram dam have been completed before the commencement of the RFCTLARR Act, 2013. Accordingly, the provisions of RFCTLARR Act, 2013 are not attracted in this case.

Agenda Item No.5 – Creation and filling up of posts under National Monitoring Committee Cell

It was noted that 38 post were sanctioned for National Monitoring Cell out of which only 19 posts have been approved by Department of Expenditure including one Joint secretary level and two Director/DS level posts. With sufficient strength, the Cell will be in a better position to monitor the projects and review the work.

Agenda Item No. 6 – Any other item with the permission of the Chair.

The committee decided to seek requisite data/information from all State Governments and Central Ministries/Departments in charge of implementation of the acts mentioned in the fourth schedule of the RFCTLARR Act, 2013 in order to facilitate review and monitoring of the implementation of the Rehabilitation and Resettlement schemes/plans that may have been formulated.

The meeting ended with thanks to the Chair.

Annexure

List of participants of the meeting of National Monitoring Committee held on 28.04.2016 in the Committee Room, Department of Land Resources, Nirman Bhawan, New Delhi.

1. Shri Vijay S. Madan, Secretary, Department of Land Resources, New Delhi.
2. Dr. K.P. Krishnan, Additional Secretary, Department of Land Resources, New Delhi.
3. Shri Hukum Singh Meena, Joint Secretary, Department of Land Resources, New Delhi.
4. Shri K.K.Singh Principal Secretary(Revenue), Govt. of Madhya Pradesh, Email : psrevenue@mp.gov.in
5. Shri O.Venka Teswarlu, Ministry of Law
6. Shri B.k.Mishra, Ministry of Coal
7. Shri Arvind Pareek, Department of Social Justice & Empowerment, Email: pareekmedia@yahoo.co.in
8. Shri Ramesh kumar Director(L&A), Ministry of Railway, Email : dla@rb.railnet.gov.in
9. Shri Renuka Kumar Director(Hydro), Ministry of Power, Email : renuka.kr@nic.in
10. Shri Bijoy R.Nair SM(c), Ministry of Power, Email : bijoynhpc@gmail.com
11. Shri Puneet Sharma Under Secretary, Ministry of Panchayati Raj, Email : us.brgf-mopr@nic.in
12. Shri Rajesh Gupta, DS, Ministry of Road, Transport & Highways, Email : Rejeshgupta.rth@gov.in
13. Shri Devesh Singh, Deputy Commissioner(HQ), Revenue Department Govt. of NCT of Delhi ,
14. Shri R.A.S.Patel, Ministry of Agriculture & Farmers Welfare, Email : raspatel@nic.in
15. Shri P.L.W.Murthy, Under Secretary, Department of Industrial Policy & Promotion,
16. Shri Nalin Thakar, Additional Comm., R&R Gujarat, Email : Addcomm3-crd@gov.in
17. Shri Mrinal Kant Tripathy, Director(Delhi Division), Ministry of Urban Development,
18. Shri Shersha, Director, Ministry of Mines,
19. Shri D. Dutta, TD, NIC (HQ)
20. Shri Omlata, SA, NIC(HQ)
21. Shri Ashok Pai, Joint Secretary, Ministry of Tribal Affairs Email : ashokpai@nic.in
22. Shri Sanjiv Aggrawal, CE, CWC Ministry of Water Resources,
23. Shri Alok, Secretary(Revenue), Revenue Department Govt. of Rajasthan, Email : revenuesecretary@gmail.com
24. Shri S.U. Ansari, Under Secretary, DoLR, New Delhi
25. Shri V. Srinivas, TO (LR), DoLR ,New Delhi.
26. Shri Amit Sahu, AD (LR), DoLR, New Delhi.