

Social Impact Management Plan for Land Acquisition in Revenue Estate Bakkarwala, West Delhi

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Submitted To:

**Land and Building Department
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The Social Impact Assessment (SIA) Report and Social Impact Management Plan (SIMP) for Land Acquisition in Village Bakkarwala in Hindi and English languages are available on the website of the West Delhi, Delhi. For print copies of the report, contact the AUD State SIA Unit.

Website: http://web.delhi.gov.in/wps/wcm/connect/doi_dcwest/DCWest/Home/

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1. Introduction

The Social Impact Mitigation and Management Plan (SIMP), is part of the Social Impact Assessment for Land Acquisition in Revenue Estate of Bakkarwala, West Delhi report (hereinafter referred to as SIA report). The SIMP has been prepared as part of the Social Impact Assessment which has been carried out as per Gazette Notification issued by the Land and Building Department, Government of NCT of Delhi on 26.08.2019 (Notification F.No. 7/55/L&B/LA/2018/5184).

The Land and Building Department intends to acquire land to construct an approach road to cremation ground at Bakkarwala Village, West Delhi. 1853 square metres of land is required for this purpose and Ambedkar University Delhi has carried out a study assessing the social impacts of this proposed acquisition. On the basis of social impacts identified in the SIA report, the strategies presented in this SIMP are based on public consultation and interactions with key stakeholders as well as relevant provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013) and RFCTLARR (SIA and Consent) Rules, 2014, the. This report includes the recommendations, entitlement framework and computation of entitlements and roles and responsibilities for the finalisation, monitoring of the Land Acquisition, Rehabilitation and Resettlement award.

2. Recommendations for the Acquisition of Land

After comparing the social costs of the project vis-à-vis the benefits that will accrue to the society and residents of Bakkarwala village once the project is completed, the AUD State SIA Unit is of the view that:

1. The proposed road project fulfils the criteria set by sub-section (4) of section 4 of RFCTLARR Act, 2013, which requires that the project serves the public purpose and the bare minimum amount of land is being acquired for it.
2. The costs that will be incurred by the potential project affected families can be mitigated and are not completely irreplaceable.

3. Therefore, land can be acquired as requested by the Requiring Body so that the project can be completed.

However, land should be acquired by the Land and Building Department, GNCTD, keeping the following considerations in mind.

- 1. Compensation amount awarded to the landowners based on market value of land**

Land Owners are willing to part with their land if they are provided adequate price for their land. They have communicated that they should get market value and compensation as per provisions of the RFCTLARR Act, 2013. As discussed in Chapter 4 of SIA report, the market value of land is the key criteria that will mitigate the impact of this acquisition since the affected families are only losing land and there is no other physical or livelihood displacement associated with the acquisition. The Collector is empowered to determine the market value of land and award compensation under Sections 23, 26 and 27 of the Act. Affected families have suggested that the market value of land should be determined in accordance with the revised and enhanced circle rates recently proposed by the Cabinet of the Delhi government, after this has been duly approved and notified by the Hon'ble Lieutenant Governor of Delhi.

- 2. Compensation for all Affected Families**

The SIA Study has identified twenty four (24) affected families following section 3(c) of the RFCTLARR Act, 2013. Out of this, there are six (06) families that comprise of individual widows who are eligible for compensation although they are living as part of joint households and are dependent on their children. **All twenty four affected families, including the six families, should be paid compensation separately as per the law, which is essential for their well-being and impact mitigation.**

3. Additional Recommendations

In addition, the residents of Bakkarwala village have suggested other projects that may improve the physical infrastructure and living conditions of residents. The SIA Unit recommends these development projects in Bakkarwala village, subject to the budgetary provisions and plans of the government of NCT of Delhi.

1. Electric crematorium

Landowners and other residents of Bakkarwala communicated that the village cremation ground should have a modern electric crematorium in addition to the traditional system of burning with wood. Residents of Bakkarwala village and the nearby colonies use this cremation ground. Most of the residents from these colonies belong to economically weaker sections. Some families face financial difficulties in arranging for wood and other material required for last rites. Secondly, the residents believe that an electric crematorium is environmentally friendly and will cause less pollution.

2. Improvement in physical infrastructure of Bakkarwala

The residents are concerned about the basic infrastructure in their village like street lights, public parks, dispensary and public transport etc. They have proposed that the concerned authorities should carry out such developmental work in their village. In the absence of street lights, it become difficult to walk in the village after sunset, children of the residents do not have a place to play. There is no dispensary in the village which makes it difficult for the residents to access basic medicine and health facility. In such a scenario people from marginalised background becomes more vulnerable due to absence of any public transport in the village.

3. Beautification of village ponds and wells

The village Bakkarwala has three ponds and several wells. These ponds and wells are used for religious rituals and recreation. The residents of Bakkarwala and their Ward Councillor (Ranhola Ward), Mr Suresh Kumar, have suggested that authorities should carry out work related to beautification of these water bodies. Residents claim that renovating and maintaining the water bodies will help to attract visitors from other parts of Delhi as well. Considering the fact that water bodies form an integral part of the local customs, their maintenance will also help in securing the village traditions.

4. Entitlement Matrix for Affected Families

Table 1 provides the entitlements of affected families as per the provisions of the RFCTLARR Act, 2013. As discussed in the SIA report, all 24 affected families are living within joint households, within or outside Bakkarwala village. There are only two types of losses that will occur with this acquisition: **loss of land for 24 affected families and loss of**

immoveable property for one land owner. The entitlement matrix has been prepared accordingly.

According to Section 31(1) and Second Schedule of the Act, the entitlements of each affected family will also include one of the following options apart from monetary compensation for the loss of land:

- (a) One-time payment of five lakh rupees per affected family; or
- (b) Annuity policies that shall pay not less than two thousand rupees per month per family twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.

Table 1: Entitlement Matrix for Affected Families in Bakkarwala

S.no	Type of loss	Unit of entitlement	Entitlement Framework as per the provision of RFCTLARR Act, 2013
1.	Loss of Land	Affected families - The SIA report has identified 24 affected families within the 4 Joint Households. All the 24 affected families will get a share of the compensation according to their respective ancestral shares in the land, if the land is acquired (see Table 2 of the report).	As per the provision of sections 26 (1) and 31(1) of RFCTLARR Act, 2013, Land will be acquired on payment of compensation as per Act 2013 (i) Market value as per the Indian Stamp Act, 1899 for the registration of sale deed or agreement to sell, in the area where land is situated; or average sale price of similar type of land situated in the nearest vicinity area, ascertained from the highest 50% of sale deeds of the proceeding 3 years. (ii) Plus 100% solatium and 12% interest from the date of notification to award. (iii) As the project falls under urban area, there is no multiplier factor. (iv) One-time payment of five lakh rupees per affected family.
2.	Loss of Immoveable Property	One Landowner may lose a part of a permanent structure (store room) constructed on his land.	The value of the building and the loss incurred by the landowner will be calculated as per Section 29 of the Act.

Table 2: Share of affected families in landholdings and compensation

S. no	Head of the Affected Families	Share of Landholding as per the revenue records	Share of Monetary Compensation
1	Smt. Rampyaari w/o Late Rajendra Singh	1/3	1/12
2	Smt. Kamlesh d/o Late Rajendra Singh	0	1/12
3	Smt. Poonam d/o Late Rajendra Singh	0	1/12
4	Shri Hemant s/o Late Rajendra Singh	0	1/60
5	Shri Yogesh s/o Shri Hemant	0	1/60
6	Shri Jatin s/o Shri Hemant	0	1/60
7	Smt. Anju d/o Shri Hemant	0	1/60
8	Smt. Manisha d/o Shri Hemant	0	1/60
9	Smt. Prakasho w/o Late Jay Singh	1/15	1/15
10	Shri Rakesh s/o Late Jay Singh	1/15	1/45
11	Smt. Ekta d/o Shri Rakesh	0	1/45
12	Shri Prateek s/o Shri Rakesh	0	1/45
13	Shri Amarjeet s/o Late Jay Singh	1/15	1/15
14	Smt. Neelam d/o Late Jay Singh	1/15	1/15
15	Shri Ravindra s/o Late Jay Singh	1/15	1/15
16	Smt. Santra w/o Late Vijendra Singh	0	1/12
17	Shri Sunil s/o Late Vijendra Singh	1/9	1/12
18	Shri Vinod s/o Late Vijendra Singh	1/9	1/12
19	Shri Pramod s/o Late Vijendra Singh	1/9	1/12
20	Smt. Ramkali Devi w/o Late Ranbir Singh	0	1/2
21	Smt. Shakuntala w/o Late Devender Singh	1	1/8
22	Smt. Preeti d/o Late Devender Singh	0	1/8
23	Shri Puneet s/o Late Devender Singh	0	1/8
24	Shri Rohit s/o Late Devender Singh	0	1/8

5. Roles and Responsibilities for Compensation and Rehabilitation and Resettlement

This section deals with roles and responsibilities of various institutions for successful implementation. The institutions to be involved in the process of SIMP implementation for the proposed project are as follows: The role and responsibilities are based on the provision of RFCTLARR Act, 2013.

1. As per the provision of the act, **the Collector is responsible for the final compensation and rehabilitation and resettlement award.**
2. **Establishment of State Monitoring Committee for rehabilitation and resettlement.** As per the provision of section 50 of chapter VII, the State Government shall constitute a State Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.
3. **The Land Acquisition Rehabilitation and Resettlement Authority**
As per the provisions of Section 51 of chapter VIII of the RFCTLARR Act, 2013, the Government of NCT of Delhi has constituted “the Land Acquisition Rehabilitation and Resettlement Authority” for the purpose of providing speedy disposal of disputes related to Land Acquisition Compensation, Rehabilitation and Resettlement in Delhi and to further exercise its jurisdiction powers and authority conferred on it by or under the Act.