

# The Implementation of National Rehabilitation and Resettlement Scheme, 2009

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No. 45/5/4-UTFI(5)-2008/39.—Whereas the Ministry of Rural Development, Government of India, have,—vide their resolution dated 31st October, 2007, formulated a policy called “The National Rehabilitation and Resettlement Policy, 2007”.

And whereas the Chandigarh Administration has decided to implement this policy in the Union Territory, Chandigarh.

Now, therefore, the Administrator, Union Territory, Chandigarh in exercise of the powers conferred by sections 3 and 22 of the Capital of Punjab (Development and Regulation) Act, 1952 and all other powers enabling in this behalf, is pleased to frame the following scheme, namely:—

**1. Short title and commencement.**—(i) This scheme will be called “The Implementation of National Rehabilitation and Resettlement Scheme, 2009”.

(ii) This Scheme shall take effect from the date of its publication in the Official Gazette and shall be applicable in respect of cases of land acquisition for which notification under section 4 of the Land Acquisition Act, 1894 is/was issued on or after 31st October, 2007.

**2.** All words and expressions used here but not defined in this scheme shall have the same meaning as defined in the Capital of Punjab (Development and Regulation) Act, 1952, Land Acquisition Act, 1894 and the National Rehabilitation and Resettlement Policy, 2007.

**3. Definitions.**—

(a) “Administrator for Rehabilitation and Resettlement” means an officer not below the rank of District Collector in the Union Territory of Chandigarh appointed for the purpose of rehabilitation and resettlement of affected persons;

(b) “affected family” means:

(i) a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for a project or involuntary displacement for any other reason; or

(ii) any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land (including plot in the abadi or other property) in the affected area or otherwise, has been involuntary displaced from such land or other property; or

(iii) any agricultural or non-agricultural labourer, landless person (not having homestead land, agricultural land, or either homestead or agricultural land), rural artisan, small trader or self-employed person; who has been residing or engaged in any trade, business,

- occupation or vocation continuously for a period of not less than three years preceding the date of declaration of the affected area, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntary displaced for any other reason;
- (c) "affected area" means area of village or locality notified by the Union Territory Administration under paragraph 6.1 of the National Rehabilitation and Resettlement Policy, 2007;
- (d) "agricultural labourer" means a person primarily resident in the affected area for a period of not less than three years immediately before the declaration of the affected area who does not hold any land in the affected area but who earns his livelihood principally by manual labour on agricultural land therein immediately before such declaration and who has been deprived of his livelihood;
- (e) "agricultural land" includes land being used for the purpose of—
- (i) agriculture or horticulture;
  - (ii) daily farming, poultry farming, pisciculture, breeding of livestock or nursery growing medicinal herbs;
  - (iii) raising of crops, grass or garden produce; and
  - (iv) land used by an agriculturist for the grazing of cattle, but does not include land used for cutting of wood only;
- (f) "BPL family": The below poverty line (BPL) families shall be those as defined by the Planning Commission of India from time to time and included in a BPL list for the time being in force;
- (g) "Commissioner for Rehabilitation and Resettlement" means the Commission for Rehabilitation and Resettlement appointed by the Union Territory, Administration not below the rank of Deputy Commissioner or any other officer of equivalent rank;
- (h) "family" includes a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood; and includes "nuclear family" consisting of a person his or her spouse and minor children;
- (i) "holding" means the total land held by a person as an occupant or tenant or as both;
- (j) "khatedar" means a person whose name is included in the revenue records of the parcel of land under reference;
- (k) "land acquisition" or "acquisition of land" means acquisition of land under the Land Acquisition Act, 1894 (1 of 1894), as amended from time to time, or any other law as made applicable to the Union Territory, Chandigarh from time to time;
- (l) "marginal farmer" means a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to half hectare;
- (m) "non-agricultural labourer" means a person who is not an agricultural labourer but is primarily residing in the affected area for a period of not less than three years immediately before the declaration of the affected area and who does not hold any land under the affected area but who earns his livelihood principally by manual labour or as a rural artisan immediately before such declaration and who has been deprived

of earning his livelihood principally by manual labour or as such artisan in the affected area;

- (n) "notification" means a notification published in the Gazette of Government of India or the Gazette of Union Territory, Chandigarh, as the case may be;
- (o) "Ombudsman" means the person appointed to perform functions as per clause 16 of this scheme;
- (p) "project" means a project involving involuntary displacement of people, irrespective of the number of persons affected;
- (q) "requiring body" means a company, a body corporate, an institution, or any other organisation for whom land is to be acquired by the Chandigarh Administration, and includes the Chandigarh Administration if the acquisition of land is for Chandigarh Administration either for its own use or for subsequent transfer of such land in public interest to a company, a body corporate, an institution or any other organisation, as the case may be, under lease, license or through any other system of transfer of land;
- (r) "small farmer" means a cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

**4. Nodal Officer/Nodal Agency.**—The Land Acquisition Officer, Union Territory, Chandigarh shall be the Nodal Officer and the Estate Office shall be Nodal Agency for the implementation of this scheme.

**5. Administrator Rehabilitation and Resettlement.**—The Finance Secretary, Union Territory, Chandigarh shall be the Administrator for the implementation of this scheme.

**6. Commissioner Rehabilitation and Resettlement.**—The Deputy Commissioner, Chandigarh shall be the Commissioner under this Scheme.

**7. Functions of the Administrator.**—The Administrator appointed under this scheme shall be responsible for overall implementation of the scheme and shall perform the following functions:—

- (i) minimise displacement of people and to identify non-displacing or least-displacing alternatives in consultation with the requiring body;
- (ii) hold consultation with the affected families while preparing rehabilitation and resettlement scheme;
- (iii) ensure that interests of the adversely affected persons of Scheduled Tribes and weaker sections are protected;
- (iv) prepare a draft scheme or plan of rehabilitation and resettlement as required under Chapter VI of this policy;
- (v) prepare a budget including estimated expenditure of various components of acquisition of land, rehabilitation and resettlement activities or programmes in consultation with representatives of the affected families and the requiring body;
- (vi) arrange adequate land, as far as possible, for rehabilitation and resettlement of the affected families;
- (vii) allot land and sanction the benefits to the affected families;
- (viii) perform, such other functions as the Chandigarh Administration may assign by order in writing from time to time.

**8.** The Commissioner for Rehabilitation and Resettlement shall be responsible for supervising the formulation of rehabilitation and resettlement plans or schemes and proper implementation of such plans or schemes.

**9. Rehabilitation and Resettlement Plan.**—In case there is likelihood of involuntary displacement of four hundred or more families en masse as a result of acquisition of land for any project or due to any other reason, the Administrator shall declare by notification in the official gazette area of villages or localities as affected area and take other measures as provided under Chapter VI of the National Rehabilitation and Resettlement Scheme, 2007.

**10.** The Chief Executive Officer, Chandigarh Housing Board, shall place sufficient number of flats of each category at the disposal of the Commissioner, Rehabilitation and Resettlement as per the requirement intimated by him.

**11. Rehabilitation and Resettlement Fund.**—The Chandigarh Administration may create a fund known as Rehabilitation and Resettlement Fund in the name of the Commissioner, Rehabilitation and Resettlement and this fund will be operated by him in accordance with the instructions of the Chandigarh Administration.

**12. Rehabilitation and Resettlement benefits for the affected families.**—

(i) Any affected family owning house or whose house has been acquired or lost, may be allotted free of cost house site, a house upto one hundred square metre carpet area in a multi-storied building complex. Provided that no house shall be provided free of cost if the house has been constructed in violation of Punjab Capital Periphery Control Act, 1952: Provided further that no house will be allotted to a family if the affected family owns a house in Chandigarh, Mohali or Panchkula or does not actually reside in the house.

(ii) Each affected family below poverty line which is without homestead land and which has been residing in the affected area continuously for a period of not less than 3 years preceding the date of declaration of the affected area and which has been involuntarily displaced from such area, shall be entitled to a house of a minimum one hundred square meter carpet area in rural areas or 50 complex. Provided that any such affected family which opts to take the house offered, shall get a suitable one-time financial assistance for house construction and the amount shall not be less than what is given under any programme of house construction by the Government of India. Provided further that this shall be subject to the condition that the place of residence is not in violation of the Punjab New Capital (Periphery) Control Act, 1952.

(iii) If only the land of an affected family is acquired and the family has no dwelling house in Chandigarh, S.A.S. Nagar Mohali or Panchkula then dwelling unit in multi-storied building shall be offered to the affected family as under:—

Sr. No.	Area acquired	Eligibility
1	Over 5 acre	3 Bed Room Flat
2	1—5 acre	2 Bed Room Flat
3	Less than 1 acre	1 Bed Room Flat

(iv) Since there is no irrigated or un-irrigated government land available in Chandigarh, no agricultural land or cultivable waste land shall be allotted in the name of any affected family.

- (v) In case the land is acquired on the behalf of a body other than the Chandigarh Administration, the stamp duty and other fees payable for registration of house allotted to the affected family shall be borne by the requiring body.
- (vi) The house allotted to the affected family shall be free from all encumbrances.
- (vii) The house allotted to the affected family under this scheme shall be in the joint names of husband and wife of the affected family. Provided that if the spouse has died, the allotment may be made in the name of single person.
- (viii) Each affected family that is displaced and has cattle, shall be provided financial assistance @ three thousand rupees per cattle head subject to maximum of fifteen thousand rupees per affected family for construction of cattle shed.
- (ix) Each affected family that is displaced shall be provided one-time financial assistance of ten thousand rupees for shifting of a family, building materials, belongings and cattle.
- (x) Each affected person who is a rural artisan, small trade or self employed person and who has been displaced, shall get a one-time financial assistance of twenty five thousand rupees for construction of working shed or shop.
- (xi) Union Territory Administration or the requiring body shall provide suitable employment to one person of nuclear family in the project subject to availability of vacancies and suitability of the affected person for employment.
- (xii) Wherever necessary, the requiring body shall arrange for training of the affected persons so as to enable such person to take on suitable jobs. The training shall be free of cost and in addition scholarship shall be given by the requiring body which shall not be less than Rs. 500 per month.
- (xiii) The requiring body shall give preference to the affected person or their groups or cooperatives in the allotment of outsourced contracts shops or either economic opportunities coming up in and around the project site. The requiring body shall give preference to willing landless labourers and unemployed affected persons while engaging labour in the project during the construction phase.
- (xiv) The requiring body shall give rehabilitation grant equivalent to 750 days minimum agricultural wages to the affected family who have not been provided agricultural land or employment.
- (xv) If the requiring body is a company authorised to issue shares and debentures, such affected families shall be given the option of taking up to 20% of their rehabilitation grant amount in the form of shares and debentures of the requiring body.
- (xvi) In case of project involving acquisition on behalf of a requiring body, each affected family which is involuntarily displaced shall get a monthly subsistence allowance equivalent to 25 days minimum agricultural wages per month for a period of one year from the date of displacement.
- (xvii) In case of linear acquisitions in projects relating to railway lines, highways, transmissions lines, laying of pipelines and other such projects wherein only a narrow stretch of land is acquired for the purpose of project or the project is utilised for right of way, each shareholder in

the affected family shall be offered by the requiring body an ex gratia payment which shall not be less than twenty thousand rupees in addition to the compensation or other benefits.

(xviii) The affected families may be given the option to take a lump-sum amount in lieu of one or more of the foregoing benefits, which shall be determined by the Chandigarh Administration.

**13. Benefits to families belonging to Scheduled Tribes and Scheduled Castes.—**

(i) Since Union Territory, Chandigarh has no tribal area, the provisions made in the National Rehabilitation and Resettlement Policy, 2007 for families belonging to Scheduled Tribes will not be applicable.

(ii) In case of involuntary displacement of 400 families or more en masse such families shall be re-settled at once place so far as possible and all facilities and amenities including roads, public transport, drainage, sanitation, safe drinking water, drinking water for cattle, fair price shops, post offices, electricity, health centre, child and mother supplemental nutritional services, community centres, schools, places of worship etc. shall be provided.

**14. Procedure.—**

(i) The applicant will apply to the Nodal Officer within three months from the date of award on the prescribed format available from the office of the Nodal Agency free of cost. The application should be accompanied by the following documents and other requirements as may be prescribed by the Nodal Agency:—

(a) Oustee's Certificate;

(b) Affidavit stating that:—

(i) Earlier no benefit has been claimed by the oustee regarding rehabilitation;

(ii) That he/she or his/her spouse or any of the dependent members of his family neither own a residential site/plot in Chandigarh, Mohali and Panchkula nor he/she or his/her spouse or any dependent member of his family has been allotted a residential site/dwelling unit under any Scheme of the Chandigarh Administration or PUDA in Punjab or HUDA in Panchkula.

(ii) No application received after three months shall be entertained under this Scheme. Applications received shall be scrutinised by the Nodal Agency and a list of eligible applicants shall be prepared.

**15. Grievances Redressal Mechanism.—**

(i) A Committee to be called the Rehabilitation and Resettlement Committee to monitor and review the progress of implementation of the scheme is constituted as under:—

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|---|----------------------|
| (a) Deputy Commissioner, U. T., Chandigarh                        | ... Chairperson      |
| (b) Chief Executive Officer, Chandigarh Housing Board, Chandigarh | ... Member           |
| (c) Nominee of M. P.  | ... Member           |
| (d) Joint Secretary, Finance                                      | ... Member           |
| (e) Chairman, Zila Parishad                                       | ... Member           |
| (f) Nominee of Mayor, M.C.C.                                      | ... Member           |
| (g) Land Acquisition Officer                                      | ... Member-Secretary |
| (h) Lead Bank Officer   | ... Member           |

- (i) Representative of voluntary Organisation ... Member
- (j) Representative of the S.C. of the affected area ... Member
- (k) Women representative of the affected area ... Member
- (ii) The procedure regulating the business of the Rehabilitation and Resettlement Committee, its meetings and other matters connected therewith shall be as prescribed by the Finance Department, Chandigarh Administration.

**16. Ombudsman.**- The Adviser to the Administrator, Union Territory, Chandigarh shall function as Ombudsman for the time-bound disposal of grievances arising out of matters covered by this policy.

- (i) Any affected person, if aggrieved for not being offered the admissible rehabilitation and resettlement benefits under the policy, may move an appropriate petition for redressal of his or her grievances to the Ombudsman.
- (ii) The form and manner in which and the time within which complaints may be made to the Ombudsman and disposed of shall be such as may be prescribed by the Union Territory Administration.
- (iii) The Ombudsman shall have the power to consider and dispose of all complaints relating to this scheme against the decision of the Administrator for Rehabilitation and Resettlement or the Rehabilitation and Resettlement Committee and issue such directions to the requiring body as deemed appropriate.

**17. Repeal and Savings.**— "The Chandigarh Allotment of Dwelling Units to the Oustees of Chandigarh Scheme, 1996" is hereby repealed. However, all cases pending under the repealed scheme shall be considered and disposed of as per the repealed scheme.

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