

(Authoritative English text of this department Notification No. TPT-F(2)-2/2021-III dated _____ as required under article 348(3) of the Constitution of India.)

Government of Himachal Pradesh
Department of Transport

No.TPT-F(2)-2/2021-III Dated:Shimla-171002, the 29-03,2023

Preliminary Notification

Whereas, the Governor of Himachal Pradesh is satisfied that a total of **538-13-05 bigha (40.54 hectares)** of land is required for public purpose, at public expenses in 10 villages of Tehsil Sadar of District Bilaspur, Himachal Pradesh for the construction of New Broad Gauge Railway Line from Bhanupalli to Bilaspur-Beri (52.0 Km. to 63.0 Km.). The project is also likely to transform the economy of Himachal Pradesh by promoting industrialization, tourism, small and medium business enterprises and trade in order to serve multiple purposes such as to explore regional development, tourism, reduce transport congestion and vehicles pollution, connectivity of region with National railway network as well as a gateway to further connect the international borders towards Leh for strategic purposes. Social Impact Assessment Study was carried out by the Social Impact Assessment (SIA) Unit for the Project and a report has been submitted to the Government. The Government of Himachal Pradesh has got conducted the Appraisal Assessment of SIA study from Expert Group, which was also submitted to the Government. The copies of the Social Impact Assessment (SIA) Report as well as copies of appraisal Report of Expert Group were supplied to the affected Gram Panchayats.

It is hereby notified that land in the area specified in **Annexure-“B”** is likely to be required for the above purpose.

The summary of the Social Impact Assessment Report is as follows:

“Bhanupali-Bilaspur-Berri BG Rail Project would link the region with the National railway network. This project is surely a step towards improvement in facilities in the region and would contribute towards the overall development of the area, state, and the country at large in the long run. However, the challenges and problems owing to displacement that the PAFs would face

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cannot be ignored and needs proper mitigation (in this case compensation as per the RFCTLARR Act). The project is of national importance and every PAFs supports construction of Railway line provided their demands of rehabilitation and resettlement, fair compensation and issues and concerns raised by them are resolved in time. As this Project serve the public purpose and PAFs has 100% consent during public hearing for land acquisition by SIA team therefore recommend land acquisition”.

This notification is being issued under the provisions of section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to all whom it may concern.

No family is likely to be displaced due to land acquisition in terms of the record maintained in the office of Land Acquisition Officer (Railway), Bilaspur.

The Additional Deputy Commissioner/ADM, Bilaspur is appointed as Administrator for the purpose of Rehabilitation and Resettlement of the affected families in view the displacement of families, if any. Therefore, it is notified that for the above said Project in 10 villages of District Bilaspur, land measuring **538-13-05 bigha (40.54 hectares)** of standard measurement, whose detail, description is given in “**Annexure-B**” is under acquisition.

In exercise of the powers conferred by section 12 of the said Act, the Governor of Himachal Pradesh is pleased to authorize the officer for the time being engaged in the undertaking the work of acquisition with his staff and workmen to enter upon and survey any land in the said area and do all other acts required or permitted by this section.

Under Section 11(4) of the Act, no person shall make any transaction or cause any transaction of land i.e. sale/purchase, etc., or create any encumbrance on such land from the date of publication of this notification without prior approval of the Collector.

Objections to the acquisition like payment of compensation, loss of earning, loss of crops, resettlement and rehabilitation etc., if any, may be filed by the persons interested within 60 (sixty days) from the date of publication of this notification as provided under section 15 of the Act ibid before Assistant Commissioner to Deputy Commissioner-cum- Land Acquisition Collector (Railway), Vyas Sadan, Tehsil Sadar, District Bilaspur Himachal Pradesh Pradesh on any working day during the working hours.

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Plans of the land can be inspected in the office of the Assistant Commissioner to Deputy Commissioner-cum- Land Acquisition Collector (Railway), Vyas Sadan, Tehsil Sadar, District Bilaspur Himachal Pradesh on any working day during the working hours.

By orders

(R.D. Nazeem)

Principal Secretary (Transport) to the
Government of Himachal Pradesh.

Endst. TPT-F(2)-2/2021 Dated, Shimla 171002, the 29-03-,2023

Copy forwarded for information & necessary action to:-

1. The Principal Secretary (Revenue) to the Govt. of Himachal Pradesh, Shimla-171002.
2. The Divisional Commissioner, Mandi, Himachal Pradesh.
3. The Director of Transport, Himachal Pradesh Parivahan Bhawan, Shimla-171004 alongwith soft copy of notification in Hindi & English to upload the same on departmental Website.
4. The Director, Information and Public Relations, Himachal Pradesh, Shimla-171002
5. The Deputy Commissioner, District Bilaspur HP with reference to his office letter No. BLS.LAO(Rail)-7(1)/2021-205 dated 21st February, 2023 for necessary action as per provisions of Act ibid as well as for necessary action.
6. The Chairman SIAU-cum-Director, HIPA, Fairlawns, Shimla-171012.
7. The Director, Ropeway and Rapid Transport System Development Corporation (RTDC), U.S. Club, Shimla-171001 (HP) for uploading of said notification on website of RTDC.
8. The Chief General Manager, RVNL, Railway Recruitment Board Bhawan, Railway Colony, New Railway Station Chandigarh-160062.
9. The Controller, Printing & Stationary Department, Himachal Pradesh Shimla-171005 (through online).
10. The Sub Divisional Officer (C), Sadar, Distt. Bilaspur HP.
11. The Land Acquisition Officer (Railway), Bilaspur, District Bilaspur HP
12. Tehsildar, Sadar, Distt. Bilaspur for its wide publicity.
13. Guard file.

(Sushil Kumar)

Under Secretary(Transport) to the
Government of Himachal Pradesh.

Annexure-“A”

Social Impact Assessment Study for Land Acquisition for Bhanupalli-Bilaspur-Berri, new Broad Gauge Rail Line (Km. 52.0 to Km. 63.0), District Bilaspur HP.

Himachal Pradesh is located in the Himalayan region and bless with natural sources of water, Rivers like Satluj, Beas, Chenab, Rabi and tributaries of Yamuna, flow through the State.

The existing railway network in the State of Himachal Pradesh belongs to British era when it was developed primarily with tourism purpose. This region is not well connected with the National railway network. Government of India has sanctioned a new rail line project between Bhanupalli in Punjab to Bilaspur-Berri in Bilaspur District of HP with an estimated cost of Rs. 6700 crore. The proposed new Broad Gauge railway line shall serve multiple purposes like explore regional development, tourism, connectivity of region with National railway network as well as a gateway to further connect the international borders towards Leh for strategic purposes. The project is also likely to transform the economy of Himachal Pradesh by promoting industrialization, tourism, small and medium business enterprises and trade.

Rail Vikas Nigam Limited (RVNL), Ministry of Railways has been entrusted to carry out survey, design, planning and execution of the work. The proposed rail link branches out from existing railway line at existing Bhanupalli station (Punjab) of Sirhind-Nangal dam section of Northern Railway. The proposed rail line will cross Punjab state boundary and will reach Berri via Bilaspur, located in the State of H.P. On completion of this project Bilaspur, Berri and other areas alongwith this line will get connected with the railway network in the rest of country which will be of great benefit to this part of Himachal Pradesh. Apart from general public, cement factory at Barmana, farmers cultivating vegetables and flowers in the vicinity of Bilaspur, Berri and Sundernagar as well as apple orchardists of Kullu valley will be the special beneficiaries of this rail project as their dependence on road transport to market their produce products will decline very significantly. In future, the railway line is also proposed to be extended to Leh to cater to the transport needs of defense forces to strengthen the security of the country in this sector. The need for the faster and all weather reliable mode of transportation in this strategically important location is essential to facilitate movement of troops and equipments to the border areas.

Total 538-13-5 bigha (40.54 hectares) of private land in 10 villages:- 1. Nog 2. Balhi billa 3. Balhi Jhaleda 4. Bharathu 5. Baghdi 6. Berri Rajadian 7. Khater, 8. Bhatar Upereali 9. Barmana 10. Mandi, Tehsil Sadar, District Bilaspur HP will have to be acquired.

The Act 2013 defines eight types of land acquisitions as public purpose, one of which is "Acquisition of land for railways, highways, ports, power and irrigation purposes for use by Government or by Government controlled corporations" (also known as public sector companies) and the Act using particular phrase 'accruing general benefits to the public', 'public interest' will satisfy even if private industry acquires land for one of the said projects provided general benefits accrue to public.

The land acquisition for this project will be carried out as per the "The Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013) read with HP Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2015 (hereinafter to be referred as HP Rules of 2015). As per section 4, Act of 2013, a Social Impact Assessment is required to be carried out before initiating land acquisition notifications under section 11, Act of 2013. HP SIAU has assigned Plan Foundation, Shimla for conducting the SIA.

The total land under Act of 2013 needs to be acquired in IInd phase from Km. 52.0 to 63.0 for this project is 671-13 bigha, in 10 villages (Govt. land 133-4 bigha & Private land 538-13-5 bigha).. The SIA was conducted covering the affected land owners as per the land records of the Revenue department. The land is under individual/joint ownerships and has a spatial spread over 6 Gram Panchayats of Tehsil Sadar, Distt. Bilaspur. A Survey Questionnaire was administered for all PAFs, besides conducting PRA with the **community members and key persons. The alternative sites for Railway line and the Railway stations were studied. The current Railway line site was chosen after** considering all aspects. Based on these issues, in 2nd phase about 6.520 Km. will be under tunnels will curtail acquisition of land and 110 Mtrs. bridge, the underneath land will be useable. Acquisition of land proposed for the Railway line project will have a direct impact on employment, income, production, health and well-being, way of life, community, socio cultural systems, and environment will affect property rights, and will raise fresh fears and aspirations. Development projects affect different groups differently. Some people tend to benefit, others lose. Often, impacts are particularly severe for vulnerable groups: tribal people, women-headed households, elderly persons, landless persons, and the poor. The positive and negative impacts on individual and community are studied in this SIA. Impacts on land and livelihoods, structures and common property resources, environment, community living are included. The impacts in the pre construction, during and after construction are also elaborated.

The most direct and immediate impacts are those associated with project construction, mainly land acquisition. Mitigation is provided through compensation and assistance to project-affected persons, families, households, and groups. These social units are entitled to compensation and assistance on the basis of this policy framework to be accepted by the Government and adopted by the project.

During the FGD all the land owners were willing to provide their land for the Railway project. Only **few were raising reservation on the ground that anticipated** compensation would be rather low. Further, proper in-time problem-free compensation to the land owners was demanded which would not make them feel their loss after acquisition of land. There must be a hassle-free payment procedure as they are apprehending that delay would be, faced after the land is **acquired. It is recommended** that due compensation should be paid before taking possession of the acquired land.

Information collected during the survey is based on the **interviews of the PAFs and** the information provided by them is considered true but it is **not the authentic version** of ownership entitlement. The total land area belonging to the private comes to **538-13-5 bigha (40.54 hectares)** and compensation for land, structures & trees etc. will be awarded as per provisions of Section 30(3) of Act 2013.

A Monitoring and Evaluation plan needs to be developed to provide feedback to the project authorities. Monitoring and Evaluation of R&R gives an opportunity to reflect on the success of the R&R objectives, strategies and approaches and to assess the efficiency and efficacy in implementation of R&R activities, their impact and sustainability. Monitoring will give particular attention to the project affected vulnerable families-and, groups such as Scheduled Castes, Scheduled Tribes, BPL families, women headed households, widows, old aged and the physically or mentally challenged persons.

2. Analysis of Costs & Benefits and Recommendations

Having identified the social impacts, the social impact management plan (SIMP) needs to be drawn up which would include the mitigation of the impacts and risks (low, medium, high) thereof and pose the strategies for managing the risks. This enables the requiring body to ensure that mitigation and management strategies are aligned with those impacts upon the PAFs and communities of the 10 Revenue Villages. This plan guides the requiring body to restore the income of the PAFs and provide required infrastructure for the communities. The strategies being presented in this chapter are derived basically from public consultations and interaction with key stakeholders. The **mitigation**

and management strategies would also address the cumulative impacts identified during the social impact assessment wherever **appropriate and felt necessary**.

2.1 Rehabilitation and Resettlement Plan

The present Railway line project requires procurement of privately owned land and Government (both forest and non-forest) land. The private land has to be acquired from its present owners. The Government can use their rights for compulsory acquisition of properties for public projects which causes economic loss as well as social and psychological disruption for the affected individuals and their families. Naturally, greater the number of people involved, larger is the extent of disruption and losses. A Government's Right to acquire naturally carries with it the responsibilities to ensure that those affected do not bear an unfair share of the costs of a project which will bring benefits to others. In the simplest terms, this responsibility should be to ensure that the standard of living of all affected persons is restored to the level enjoyed before the commencement of the project. To the extent that a Government is successful in restoring those living standards for all affected, the adverse impacts will be possibly avoided or minimized.

There will be occurrence of direct and indirect impacts of the project at various resources will be fully compensated and assisted so that they can improve, or at least restore to their former economic and social conditions.

There has been demand of employment along with monetary compensation for the loss of land or house or both. But generating large scale employment for all PAFs could be a great challenge for the requiring body who may not find required highly skilful workers at the local level. At the most, they can get absorbed into jobs like housekeeping, security and other support functions in limited numbers in and around the project site during the construction of the project. While considering the employment aspects for the PAFs, the project authorities will follow Section No. 4 of the Second Schedule of RTFCTLARR Act 2013. As far as generating alternative livelihoods are concerned, the rehabilitation plan can attempt to get the affected families linked to the National Skill Development Mission, a Govt. of India initiative that plans to get millions of Indian youth skilled over the next few years. This would help solve the problem of unemployment and loss of livelihoods among the project affected families.

The economic impacts of the land acquisition include the loss of houses or businesses, or the loss of business income, be either temporary or permanent in nature. However, the actual valuation of these losses often proves to be a difficult process. The social and psychological impacts costs are more complex. Neighbourhoods will be disrupted and the villagers will be deprived of

social cohesion and the informal support system.

However, it is important to distinguish those who were living in the project area prior to project approval from those who have invaded the area simply to benefit from the proposed relocation plan.

The key principles of the project policy on land acquisition, rehabilitation and resettlement are summarized below.

- I. **Land acquisition and involuntary** resettlement have been avoided as the selected project design among the proposed alternative will have the least adverse impact on **the PAFs** and communities in the project area.
- II. Where the households (including communities) are losing assets, livelihoods or resources will be fully compensated and assisted so that they can improve, or at least restore to their former economic and social conditions.

III. Compensation and rehabilitation support will be provided to the PAFs, that is, any person or household or business which on account of proposed project implementation would have his/her/ theirs:

(a) Standard of living badly affected;

(b) Right, title or interest in any house, interest in, or right to use, any land including premises, agricultural and grazing land, commercial properties, tenancy, or right in annual or perennial crops and trees or any other fixed or moveable assets, acquired or possessed, temporarily or permanently;

(c) Income earning opportunities, business, occupation, work or place of residence his or habitat adversely affected temporarily or permanently; or, (d) Social and cultural activities and relationships affected or any other losses that may be identified during the process of resettlement planning.

IV. All affected people will be eligible for compensation and rehabilitation assistance irrespective of tenure status, social or economic standard and any such factors that may discriminate against achievement of the objectives outlined above. Lack of legal rights to the assets lost or adversely affected tenure status and social or economic status will not bar the PAFs from entitlements to such compensation, rehabilitation or resettlement measures

v. All PAFs residing, working, doing business and / or cultivating land within the proposed project impacted areas as of the date of the latest census and inventory of lost assets, are entitled to compensation proportionately for their lost assets (both land and non-land assets) and restoration of income and businesses; and will be provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and

production levels.

VI. People temporarily affected and resettlement plans will address the issue of temporary acquisition.

VII. Where a host community is affected by the development of a resettlement site in that community, the host community shall be involved in any resettlement planning and decision-making. All attempts shall be made to minimize the adverse impacts of resettlement upon host communities.

VIII. Resettlement plans will be designed in accordance with the RTFCTLARR Act, 2013 and the HP Rules of 2015. The Resettlement Plan will be translated into Hindi for the reference of PAFs as well as for the sake of other interested groups.

IX. Payment for land and/or non-land assets will be based on the principles laid in the RTFCTLARR Act 2013. Resettlement assistance will be provided not only for immediate loss, but also for a transition period needed to restore livelihood and standards of living of PAFs. Such support could be in the form of short-term jobs or providing subsistence allowance.

X. The resettlement plan must consider the needs of those most vulnerable to the adverse impacts of resettlement and ensure they are considered during the resettlement planning and application of mitigation measures. Assistance as admissible under the R & R Policy of the acquiring body should be provided to help them improve their socio-economic status.

XI. As part of the SIMP, the PAFs who lose cent per cent of their cultivable land or whose house is fully affected under the acquisition or PAFs with BPL status, women-headed land losers or physically or mentally challenged, the project authorities must provide employment to one of the members of such a project affected family wherever jobs are created.

XII. PAFs or the village communities will represent in the process of developing and implementing resettlement plans and proposed mitigation measures for adverse effects.

XIII. Adequate budgetary support will be fully committed and made available by the project authorities to cover the costs of land acquisition (including compensation and income restoration measures) within the agreed implementation period.

XIV. Displacement must not occur before making provisions of compensation and of other admissible assistance required for relocation. Sufficient civic infrastructure must be provided in resettlement site prior to relocation. Acquisition of assets, payment of compensation, and the resettlement and start of the livelihood rehabilitation activities of PAFs, will be completed prior to any project construction activities. Livelihood and income restoration

measures must also be in place built as these may take time, not necessarily completed prior to construction activities.

XV. The Project authority must arrange administrative set up for the effective preparation and implementation of the resettlement plan prior to the commencement of the project activities. This means provision for adequate human resources for supervision, consultation, and monitoring of land acquisition and rehabilitation activities should be ensured.

XVI. Appropriate monitoring and evaluation and grievance redressal mechanisms should be put in place as part of the resettlement management system. An external monitoring group which may include qualified NGOs or Institutions or Universities may be hired by the Project for evaluating the resettlement process and final outcome.

2.2 Entitlement Matrix

An Entitlement Matrix has been developed in compliance with Laws, Rules and Policies framed by the Government of India and Government of Himachal Pradesh. The entitlement matrix summarizes the types of losses and corresponding nature and scope of entitlements.

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S.N o.	Impact category	Unit of Entitlement	Details of Entitlement	Remarks
Loss of Assets- Titleholders				
Loss of Private Agricultural, Homestead and Commercial land.				
1	Private land	Land owner(s) / Titleholder	a) Cash compensation for the land at market value, which will be determined as per provisions of RFCTLARR Act, 2013. b) Amount equivalent	Compensation for land includes compensation for all assets attached to the land.

			<p>to current stamp duty on compensation amount for replacement of lost assets.</p> <p>Training Assistance:</p> <p>c) Loss of perennial and non-perennial crops and trees will be compensated in accordance with the provisions of Horticulture/ Agriculture/ Forest Department as applicable.</p> <p>d) Grant of Rs. 25,000/- for replacement of cattle shed or petty shops.</p>
Loss of Private structures (Residential/Commercial)			
1	Loss of structure (Residential or communication or Residence-cum-commercial)	Land owner/ Title holder	<p>a) Cash compensation determined on the basis of current rates as per admissible norms.</p> <p>b) Shifting allowance of Rs. 50,000/- as per provisions of RFCTLARR Act, 2013 for the displaced families.</p> <p>c) Provision of free house as per RFCTLARR Act, 2013, for completely displaced residential/commercial or equivalent cost of the house may be</p>

			<p>offeed in lieu of the constructed house.</p> <p>d) Subsistence allowance of Rs. 36,000/- for the displaced families (RFCTLARR Act, 2013).</p> <p>e) Resettlement allowance of Rs.50,000/- for the displaced families (RFCTLARR Act, 2013)</p>	
3	Tenants and Lease holders	Tenants lease holders	Registered lessees will be entitled to an apportionment of the compensation payable to structure owner as per applicable local laws.	
Loss of Residential and commercial structures-Non Titleholders				
4	Encroachers	Affected person (individual/Family)	<p>a) Encroachers shall be given advance notice of 2 months in which to remove assets/crops.</p> <p>b) Right to salvage materials from affected structure.</p>	

Annexure-“B”

Village/Tehsile-wise detail of Land to be acquired in Tehsil Sadar, District Bilaspur for the construction of Bhanupalli-Bilaspur-Berri, new B.G. Rail Line.

Tehsil Sadar, District, Bilaspur, HP

Sr. No	Name of Village/ Hadbast No.	Tehsil	Land (in bigha)	Land (in Hectares)	Particulars
1.	Nog/178	Sadar	60-6	4.54	
2.	Bahli Billa/151		21-9	1.61	
3.	Bahli Jhaleda/153		4-0	0.30	
4.	Barathu/149		24-3-05	1.82	
5.	Baghdi/148		22-9	1.69	
6.	Berri Rajadian/141		0-7	0.03	
7.	Khater/130		210-2	15.81	
8.	Bhater Uperli/129		104-5	7.84	
9.	Barmana/128		91-8	6.88	
10.	Mandi/226		0-4	0.02	
Total area proposed for acquisition			538-13-05	40.54	