



Resettlement Plan

Project Number: 41627-023 & 41627-033
November 2016
Part A

IND: Himachal Pradesh Clean Energy Development Investment Program - Tranche 1 & Tranche 3

Submitted by

Himachal Pradesh Power Corporation Limited, Shimla

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No. HPPCL/ESMU/Kashang-RP/2016-499-502

Dated: 15/07/2016

To

Ms. Teresa Kho,
Country Director,
South Asia Department, India Resident Mission,
4 Sen Martin Marg, Chanakyapuri,
New Delhi-110021



Subject: Updated Final Resettlement Plan (RP) of Integrated Kashang HEP Stage-I.

Madam,

I am directed to enclose herewith updated final **Resettlement Plan (RP)** of **Integrated Kashang HEP Stage-I** for its final approval from Sustainable Development and Climate Change Department (SDCC) of ADB.

Encl: As above

Thanking you

Yours sincerely,

Hulynbi
Chief Social and RR Specialist

CC:

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3. The General Manager, Integrated Kashang HEP, HPPCL, Rackong Peo, Distt. Kinnaur for information, please.

**INTEGRATED KASHANG HYDRO ELECTRIC PROJECT (IKHEP) –
STAGE I**

September 2016

**IND: Himachal Pradesh Clean Energy Development
Investment Program (HPCEDIP)**

**Prepared by Himachal Pradesh Power Corporation Limited
(HPPCL), Government of Himachal Pradesh for the Asian
Development Bank.**

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LIST OF ACRONYMS

ADB	Asian Development Bank
AAoV	Average Annual Output Value
APs	Affected Persons
AHH	Affected Household
BPL	Below Poverty Line
DHs	Displaced Households
DPs	Displaced Persons
DPR	Detailed Project Report
EA	Executing Agency
FGD	Focused Group Discussion
GOI	Government of India
GRC	Grievance Redress Committee
Ha	Hectare
HPPCL	Himachal Pradesh Power Corporation Limited
HPCEDIP	Himachal Pradesh Clean Energy Development Investment Program
IA	Implementing Agency
IKHEP	Integrated Kashang Hydro Electric Project
LA	Land Acquisition
LAA	Land Acquisition Act of India, 1894
LADC	Local Area Development Committee
LAO	Land Acquisition Officer
LTH	Legal Title holders
MFF	Multi -Tranche Financing Facility
NRRP	National Policy on Resettlement and Rehabilitation, 2007
PIU	Project Implementation Unit
PMU	Project Management Unit
PPTA	Project Preparatory Technical Assistance
RF	Resettlement Framework
RP	Resettlement Plan
R&R	Rehabilitation and Resettlement
SC	Scheduled Caste
ST	Scheduled Tribe
WHH	Women Headed Household

EXECUTIVE SUMMARY

A. Project Description

i. The Himachal Pradesh Clean Energy Development Investment Program (HPCEDIP) facilitates clean power generation, transmission and distribution, as well as sector reforms in Himachal Pradesh with minimum adverse environmental and social impacts. HPCEDIP supports selected investments in hydropower generation and associated transmission system expansion to facilitate sector sustainability. The multitranche finance facility (MFF) has six components, i.e., (i) Sawra Kuddu Hydroelectric Project, 111MW, (ii) Kashang Hydroelectric Project, Stage I, 65 MW, (iii) Kashang Hydroelectric Project, Stage II& III, 130 MW, (iv) Sainj Hydroelectric Project (HEP), 100 MW, (v) Shongtong Karchham Hydroelectric Project, 450 MW, and (vi) Capacity Development Program for HPPCL and other sector agencies. The Himachal Pradesh Power Corporation Limited (HPPCL), Government of Himachal Pradesh, as the project executing agency (EA) has prepared this Final Resettlement Plan for Integrated Kashang Hydro Electric Project (HEP), Stage I 65 MW being funded under Tranche 1 of the MFF.

B. Objectives of the RP

ii. The main objective of this RP is to mitigate all involuntary resettlement impacts caused by the subproject and provide adequate resettlement and rehabilitation assistance to the affected households, to restore or improve their pre-Project standard of living. The Resettlement Plan (RP) has been prepared on the basis of the findings of a census survey of the affected persons and in consultation with various stakeholders. The RP is in compliance with national laws and policies (National Rehabilitation and Resettlement Policy, 2007, HPPCL Resettlement and Rehabilitation Policy, 2006), as well as with ADB's Involuntary Resettlement Policy 1995. A RP was initially prepared for this subproject of the Himachal Pradesh Clean Energy Development Investment Program (HPCEDIP) in January 2008. This RP has now been finalized due to changes in the number of affected persons, as well as changes in the original design of the subproject. Furthermore, the final RP addresses a number of safeguards compliance issues, and due diligence was undertaken to ensure that RP implementation is in compliance with the ADB IR Policy, 1995. HPPCL has implemented all compensation and rehabilitation measures under the negotiated settlements (land, structures, etc.) and under the HPPCL R&R Policy (allowances and assistance). The corrective actions identified in the DDR chapter of the RP are going to be implemented by 31 December 2016.

C. Scope of Land Acquisition

iii. The Integrated Kashang HEP necessitates land acquisition causing physical and economic displacement due to the loss of private land, physical assets, livelihood and community property resources. A total of 17.12 hectare (ha) of private land has been acquired for the project, affecting a total of 204 households with 994 affected persons (APs). Out of the total private land affected, 7.518 ha are agricultural land, 2.315 ha orchard land, 6.783 ha pastureland and 0.505 ha waste land. In addition to impact on private land, 6 structures are affected. Tranche 1 of HPCEDIP is classified as Involuntary Resettlement Category A due to its significant impacts.

D. Consultation, Participation and Disclosure

iv. Consultations and discussions were held during project preparatory stage with a range of stakeholders including affected households in the project area, officials of the district

administration and elected members of the local Panchayats. A total of 8 public consultations were organized between April 2010–December 2012, involving about 96 APs, 24 Gram Panchayat representatives, 3 district administration officials and 20 representatives from HPPCL. During the consultations the project features were explained, perceived benefits and losses due to the Project were discussed with the affected persons and the various stakeholders' opinions were elicited. Consultation with the APs will be continued during RP implementation. The PMU/PIU staff involved in RP implementation activities will keep the affected people informed about the impacts, the compensation and assistances proposed for them and address any grievances. A resettlement information leaflet containing information on compensation, entitlements and resettlement management adopted for the Project will be made available in the local language and distributed to APs. The updated Final Resettlement Plan will be translated into the local language and disclosed at the local level, such as at project sites and the offices of the Gram Panchayat and of the Deputy Commissioner.

E. Grievance Redress Mechanism

v. The EA has established a mechanism to receive and facilitate the resolution of affected persons' concerns and grievances about physical and economic displacement and other subproject impacts, paying particular attention to vulnerable groups. The grievance redress mechanism will continue to address AP's concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to the displaced persons at no cost.

F. Policy and Legal Framework

vi. The resettlement principles adopted for this Project are in line with the Land Acquisition Act 1894 (LAA, amended 1984,¹ National Rehabilitation & Resettlement Policy, 2007, Himachal Pradesh Power Corporation Limited Resettlement & Rehabilitation Policy, 2006 and Asian Development Bank's IR Policy, 1995.

G. Entitlements, Assistance and Benefits

vii. All affected households (AHHs) are entitled to receive compensation for all losses and affected assets based on the principle of replacement value. All compensation and assistance will be paid as per the entitlement matrix included in the RP. Special assistance will be provided to vulnerable and severely affected households. In addition, all AHHs will be entitled to livelihood restoration assistance to help improve or at least restore their pre-project living standards and income-earning capacities. The RP will be fully implemented prior to commencement of any civil works. Compensation and other assistance will be paid to APs prior to physical or economic displacement and commencement of civil work. Unforeseen impacts will be mitigated in accordance with the principles of the RP prepared for this Project.

H. Resettlement Budget and Financing Plan

The resettlement cost for this subproject includes compensation for private land, compensation for structures at replacement cost without depreciation, resettlement assistance and the cost of RP implementation. The total resettlement cost for the project is Rs. 538,067,885.3.

¹ As all land acquisition was carried out before 1 January 2014, the Sainj HEP falls under the Land Acquisition Act of 1894.

I. Institutional Arrangement

ix. The Himachal Pradesh Power Corporation Limited (HPPCL) is the executing agency (EA) for the HPCEDIP. The HPPCL through its Project Management Unit (PMU) also functions as the implementing agency (IA) for HPCEDIP. The PMU is responsible for planning, coordinating, implementing and financing of all resettlement activities. The PMU has established an Environment and Social Management Unit (ESMU), headed by the Chief Environment Specialist cum Social and R&R Specialist, to deal with all social safeguards issues. For the Integrated Kashang HEP (IKHEP), the PMU is responsible for the overall management of land acquisition and resettlement, while a PIU at field level undertakes all related field level activities for the implementation of the Project, including RP implementation. The PIU at each of the HPCEDIP subprojects is staffed with a Junior Resettlement Officer (JRO) to coordinate and facilitate R&R activities at the field level.

J. Monitoring and Reporting

x. The monitoring mechanism for implementation of the RP includes both internal and external monitoring. This subproject involves significant resettlement impacts and is classified as Category A, therefore external monitoring by an experienced external expert/agency is required. Internal monitoring is the responsibility of the PIUs and ESMU. The JRO in the PIU prepares biannual social and environmental monitoring reports on resettlement activities and submits the same to PMU/ESMU. Taking into consideration that RP implementation has made significant progress, the reporting requirements for this subproject have been changed from quarterly to six monthly reports. The biannual social monitoring reports are submitted by HPPCL to ADB for review. The external monitoring expert/agency responsible for monitoring of the RP implementation will submit a semi-annual external social monitoring report to PMU and ADB, to determine whether the resettlement objectives have been achieved and livelihoods and living standards have been restored or enhanced, and to recommend suitable corrective actions as required.

I. INTRODUCTION

1.1. Purpose of the Resettlement Plan

1. A RP was initially prepared for this subproject of the Himachal Pradesh Clean Energy Development Investment Program (HPCEDIP) in January 2008. This RP has now been finalized due to changes in the number of affected persons, as well as changes in the original design of the subproject. However, an updated Final RP was not prepared for the Integrated Kashang HEP (IKHEP) once the detailed design was finalized. Furthermore, a number of entitlements stipulated under the Resettlement Framework (RF) for the multi-tranche financing facility (MFF) have not been fully considered, as HPPCL only implemented the Resettlement & Rehabilitation Plans required under the Himachal Pradesh Resettlement and Rehabilitation Policy 2006. This is the updated Final RP for the Integrated Kashang HEP, based on the RF and the relevant ADB policies, along with a due diligence section reporting in detail on the compliance of all land acquisition activities already implemented with the requirements of the RF. Corrective actions have been prepared for all compliance gaps identified. HPPCL has implemented all compensation and rehabilitation measures under the negotiated settlements (land, structures, etc.) and under the HPPCL R&R Policy (allowances and assistance). The corrective actions identified in the DDR chapter of the RP are going to be implemented by 31 December 2016.

2. HPPCL has prepared this Resettlement Plan for Integrated Kashang HEP of 65MW, which is part of Tranche 1 of the Himachal Pradesh Clean Energy Development Investment Program (HPCEDIP). The RP is based on the detailed engineering design. The main objective of this RP is to mitigate all involuntary resettlement impacts caused by the subproject and provide adequate resettlement and rehabilitation assistance to the affected households to restore or improve their pre-Project standard of living. The Resettlement Plan has been prepared on the basis of the findings of a census survey and in consultation with various stakeholders. The RP is in compliance with national laws and policies (National Rehabilitation and Resettlement Policy, 2007), HPPCL Resettlement and Rehabilitation Policy, 2006, LA Act 1894² and ADB's Involuntary Resettlement Policy 1995. Tranche 1 of HPCEDIP is classified as Involuntary Resettlement Category A due to its significant impacts.

3. Efforts to minimize land acquisition and involuntary resettlement impacts on local communities have been made during the detailed design of the subproject. Since the IKHEP is a run-of-the-river project, it entails minimal submergence. The finalization of the various project components is based on parameters such as least cost and the social and environmental viability of the Project. The broad measures taken into consideration to minimize resettlement are (i) siting of project components in government land, where feasible, (ii) adequate engineering design to minimize resettlement through adopting a run-off-the-river scheme, and (iii) saving or restoring cultural and common properties.

1.2. Project Description

4. HPCEDIP will facilitate clean power generation, transmission and distribution, as well as sector reforms in the state with minimum adverse environmental and social impacts. HPCEDIP initially will support selected investments in hydropower generation and associated transmission system expansion to facilitate sector sustainability. The program will have six components, i.e., (i) Sawra Kuddu Hydroelectric Project, 111MW, (ii) Kashang Hydroelectric Project, Stage I, 65 MW, (iii) Kashang Hydroelectric Project, Stage II& III, 130

² As all land acquisition was carried out before 1 January 2014, the Integrated Kashang HEP falls under the Land Acquisition Act of 1894.

MW, (iv) Sainj Hydroelectric Project, 100 MW, (v) Shongtong Karchham Hydroelectric Project, 450 MW, and (vi) Capacity Development Program for HPPCL and other sector agencies. The hydropower development components will provide a total capacity of 745 MW with a combined generation of 3,045 GWh/year at 90% dependability. The capacity development program will provide support for the development of the operating departments, e.g., technical, finance and accounting, environment and social, procurement and personnel, as well as for carrying out specific tasks, such as physical investments and sector reforms and restructuring.

Figure 1: Map of the Project Area



5. The Integrated Kashang HEP Stage-I is located in Kinnaur district of Himachal Pradesh. The first stage of the project involves diversion of the Kashang stream at the elevation of 2829 meter to an underground powerhouse located at the right bank of Sutlej River. The said project uses water from the Kashang and the Kerang stream, which are the tributaries of river Sutlej. The four distinct stages of Integrated Kashang HEP are enumerated below:

(i) Stage-I comprising of diversion of the Kashang stream at El. 2829 m, to an underground powerhouse located on the right bank of Sutlej near Powari village, developing a head of approximately 830 m;

ii) Stage-II entailing diversion of the Kerang stream at El. 2870 m, into an underground water conductor system leading the upstream end of Stage-I water conductor system;

(iii) Stage-III consisting of augmenting the generating capacity of Stage-I powerhouse using Kerang waters over the 820 m head available in Kashang Stage-I powerhouse.

(iv) Stage-I Ventailing more or less an independent scheme harnessing the power potential of Kerang stream upstream of the diversion site of Stage-II. In this scheme, a head of approximately 300m would be utilized to develop power in an underground powerhouse located on the right bank of Kerang khad.

being central to the basic human needs of health and education, access to electricity also has a direct bearing on poverty reduction. Poor and vulnerable consumers, as well as hospitals, schools, and other social utilities, who are often the hardest hit by inadequate power supply, load shedding, and poor power quality, will benefit from the Project. Direct positive economic and social benefits will result from the Investment Program. The Project is expected to generate a considerable amount of employment. A range of efforts have been initiated by the Executing Agency (EA) as part of the Rehabilitation and Resettlement (R&R) schemes, such as training cum awareness camps, school competitions, sports tournaments, a skill up-gradation scheme for youth, a self-employment scheme, merit scholarship scheme, involvement of Community Based Organization (CBO) scheme and the Local Area Development Fund (LADF) scheme for overall infrastructure development in the Project Affected Area, which will substantially, contribute to the overall development of the subproject area.

9. The process of land acquisition has been designed to minimize the impact of acquisition on local communities and households in the project area. A total of 17.12 hectare (ha) of private land has been acquired for the Integrated Kashang HEP Stage I, affecting a total of 204 households with 994 APs. In addition, 180 households access to natural resources is also impacted as a result of this Project.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

2.1. General

10. The original RP for this Project was prepared in January 2008. As per this RP, a total of 3.67 Hectare (ha) of land was to be acquired for this Project affecting a total of 30 HHs with 147 affected persons. Apart from land, the RP identified impact on 1196 trees. All 30 affected households are vulnerable. Non-titleholders were not identified as affected.

11. The finalization of the detailed project design resulted in changes in the overall number of affected households. In order to assess these changes a fresh census survey was undertaken in the project-affected area in the months of July and September 2014 to update the original RP. The objective of this census survey was to update the data on identified affected households and generate an inventory of the social and economic impacts of the subproject on the affected households, their land, structures and other assets. A census questionnaire was used to collect detailed information on affected households and properties, in order to develop mitigation measures. The census survey broadly included parameters such as (i) inventory of land and non-land assets, (ii) categorization of lost assets, (iii) physical measurements of the affected assets and structures, (iv) identification of trees and crops, (v) household characteristics, including social, economic and demographic profile, (vi) identification of non-titleholders and (v) assessment of potential livelihood impacts. The findings of the census survey led to the creation of an Inventory of Losses (IOL), wherein all affected assets were determined, counted, measured, owners identified and their places of residence verified. The involuntary resettlement impacts identified during the recent census survey are summarized in Table 1 below.

Table 1: Summary of Involuntary Resettlement Impacts

Total number of Affected Households (AHH)	204
Total number of Affected Persons (APs)	994
Number of Vulnerable Households	180
Total number of Affected Structures	6
Total Permanent Land Acquisition (in ha)	17.1230
Agricultural Land (ha)	7.5180
Orchard Land (ha)	2.3153
Pasture Land (ha)	6.7839
Waste Land (ha)	0.5058
Total Temporary Land acquired (in ha)	0.7776
Total permanent Government Land affected (in ha)	18.7142
Affected HHs due to access to natural resource	180

12. The census survey and assessment revealed that this subproject entails significant involuntary resettlement impacts.³ The census survey indicates shared ownership of affected land plots by several affected households. In th⁴ese households, the affected plots are jointly owned among family members who inherited land from a common ancestor. In other words, there are instances in the Project wherein there are more than one legal titleholders entitled

³ The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).

⁴

for compensation (as per the Land Acquisition Act) within one affected household. All such titleholders have been enumerated as of Legal Title holders (LTH) in this RP. Accordingly, there are 204 affected households comprising 267 Legal Titleholders (LTH). There are no non-titled affected persons among the APs under this project,

13. The following section presents the key findings of the census survey and the land acquisition and resettlement impacts.

2.2. Land Acquisition Impacts

14. A total of 204 households comprising of 994 persons are affected as a result of the Project. 88.23% or 180 AHHs belong to the Pangi village and 1.96 % or 4 belong to Kotgarh village of district Shimla. The remaining 9.81% (20 AHHs) households do not live in the project affected area and were not present at the time of census survey. Table 2 below presents Panchayat wise details of the affected households enumerating their title and vulnerability status.

Table 2: Details of Affected HHs along with their title and vulnerability

Name of Affected Village	No. of Affected HHs (AHH)	No. of Affected Legal Titleholder (LTHs)	No. of Affected Non-Titleholder (NTHs)	No. of APs	Out of the total affected HH, No. of Vulnerable HHs
Pangi	180	243	--	887	180
Kotgarh	4	4	--	9	--
Absentee Households	20	20	--	98	--
Total	204 AHH	267 LTHs	--	994 APs	180

2.3. Permanent Impact on Land

15. The project has led to permanent acquisition of 17.1230ha of private land. Out of this, 7.5180 ha comprises of agricultural land, 6.7839 ha comprises of pastureland and 2.3153 ha comprise of orchard land. The remaining 0.5058 ha comprise of wasteland (See Table 3). All private land being permanently acquired for the Project falls within the Pangi Panchayat in Tehsil Kalpa of Kinnaur district.

Table 3: Distribution of Permanent Impact on Private Land

Affected Panchayat & Revenue Village (Pangi)	No. of Affected Legal Titleholders	Type of Land				Total	
		Agriculture Land (in ha)	Pasture Land (in ha)	Waste Land (in ha)	Orchard Land	In ha	In Percentage
Pangi Panchayat (Pangi)	263	7.5180	6.7839	0.5058	2.3153	17.1230 ha	100%
Total	263	7.5180	6.7839	0.5058	2.3153	17.1230 ha	100%

16. Of the total 17.1230 ha of acquired private land, 7.5180 ha comprise of agricultural land, 6.7839 ha of Pasture land, 0.5058 ha waste land and 2.3153 ha of orchard land. All the affected private land is located in Pangi Panchayat (See Table 3).

2.4. Temporary Impact on Land

17. In addition to permanent acquisition of land, 0.7776 ha of land belonging to 4 LTH has been temporarily leased for the Project (See Table 4). The temporarily leased land falls in Kotgarh Village of district Shimla.

Table 4: Distribution of temporary impact on land

Affected Panchayat & Revenue Village	Temporarily affected land area		Legal Titleholders (LTH)	
	In ha	In Percentage	In number	In Percentage
Kotgarh	0.7776 ha	100%	4	100%
Total	0.7776 ha	100%	4 LTH	100%

18. The temporarily leased land mainly comprises of wasteland.

2.5. Impact on Structures

2.5.1. Type of Structures Affected

19. Apart from impact on private land, the Project construction also causes impact on a total of 6 private structures, belonging to 18 Legal titleholders. The 6 affected structures mainly comprise of *dogris*, constructed on the farms by the affected households. Dogris are structures are constructed on the farm used for temporary stay during harvesting season & storage of crops.

20. All 6 structures are temporary sheds and are fully acquired for the project. However, since these are supplementary structures, the impact on these structures would not physically displace any of the affected households.

Table 5: Distribution of Affected Structures

Affected Panchayat & Revenue Village	Type of Affected Structure					Total No. of Affected Structures
	Residential (Pucca)	Residential-cum-Commercial (Pucca)	Commercial (Kutchra)	Structures Under Construction (Pucca)	Temporary structure/shed	
Pangi	--	--	--	--	6	6
Kotgarh	--	--	--	--	--	--
Total	--	--	--	--	6	6 structures

2.6. Impact on Trees

21. A total of 1026 trees belonging to 144 households are affected as a result of the Project. All, except one affected household, incurring impact on trees belong to Pangi village. The affected trees include fruit trees, such as walnuts, apple, pears, plums, apricot, cherry, pomegranates, galgal, lemon and peach, as well as non-fruit trees, such as kainth, kosh, popular, kachhani, fegada, folish, darrel, brass, kakar, kachhan, robinia, khirak, bihul, chil, simbal, ritha, etc.

22. Since Kinnaur is an apple-growing region, 74.56% of the total affected households will incur impact on fruit trees, while 18% will incur impact on both fruit and non-fruit trees. Only 8 HHs reported impact on non-fruit trees (See Table 6).

Table 6: Details of Affected Households experiencing impact on Trees

Type of tree	Affected Household	
	In Number	Percentage
Fruit Trees	101	70.13
Both Fruit and Non-fruit trees	37	25.70
Non-fruit trees	6	4.17
Grand Total	144 AHHs	100%

23. Of the 1026 trees impacted, 80.8% (830 trees) comprise of fruit trees whereas the remaining 196 trees comprise of non-fruit trees (See Table 7).

Table 7: Types of Trees Impacted

Type of tree	Affected Trees	
	Total Number	Percentage
Fruit trees	830	80.89
Non-fruit trees	196	19.11
Grand Total	1026 trees	100%

2.7. Impact on Crops

24. All affected households losing agricultural land with annual crops were allowed to harvest their crops prior to land acquisition resulting in no adverse impact on crops.

2.8. Impact on Access to Natural Resources

25. Apart from impact on private assets, the subproject is impacting the access of 180 households to natural resources. All these households belong to Pangri village. All these affected households comprise of those dependent upon affected natural resources for substantiating their livelihoods. Assessment of extent of impact on income revealed that all 180 households would experience non-significant impact on their income.

III. SOCIO-ECONOMIC PROFILE OF AFFECTED POPULATION

26. The social and economic profile of the project area and displaced households has been enumerated and discussed in this section. These include details on the family size, social profile and vulnerability status of the displaced households.

3.1. Demographic Profile of Affected Households

27. A total of 204 households comprising of 994 persons would be affected as a result of the project in Pangi village and Kotgarh village of district Shimla. 20⁵ of the 204 affected households were not present at the time of census survey. As a result, the socio economic information of the absentee households could not be presented in this section (See Table 8).

Table 8: Distribution of affected households and affected persons

Name of the Village	Number of Affected Households (AHH)	Number of Affected Persons (APs)
Pangi	180	887
Kotgarh	4	9
Absentee Households	20	98
Total	204	994

3.1.1. Family size

28. A little more than half of the total affected households comprise of nuclear family households with a family size from 1 to 4 members. A family size of 5 to 8 number of members was found in 39.22% of the affected households, while 7.84% of the affected households have a family size of 9 to 12 members. Only 1.47% households have a family size of more than 13 members (See Table 9).

Table 9: Households by family Size

Family Size (No. of members)	Number	Percentage
1 to 4	105	51.47
5 to 8	80	39.22
9 to 12	16	7.84
13 & above	3	1.47
Grand Total	204 AHHs	100%

⁵ 20 Absentee households do not live in the Project area. As a result, the socio-economic information of these households could not be included in this section. The number of family members of absentee households has been taken in an average of 4.9 members per family as figure of 180 households of Pangi village are recorded in Panchayat Parivar register 887 members or i.e. $887/180=4.9$ members.

3.1.2. Gender distribution

29. Of the total 994 affected persons in 204 affected households, 54.23% are male and 45.77% are female members (See Table 10).

Table10: Gender Distribution of APs

Name of the Village	No. of males	No. of Females	Total Affected Persons
Pangi	479	408	887
Kotgarh	5	4	9
Absentee Households	55	43	98
Grand Total	539 males	455 females	994 APs

3.2. Social Profile of the Affected Households

3.2.1. Caste Group

30. 83.34% (170 AHH) of the affected households belong to scheduled tribe (ST) households, followed by 4.90% (10 AHH) Scheduled Caste (SC) households. The social caste group of 9.80% (20 AHHs) households is not known due to their permanent absence (See Table 11).

Table11: Affected households with different caste group

Social Group	Number of Affected Households (AHH)	
	In Number	In Percentage
General	4	1.96
Scheduled Caste	10	4.90
Scheduled Tribe	170	83.34
Absentee households	20	9.80
Grand Total	204 AHHs	100%

3.2.2. Vulnerability Status of Affected Households

31. As per ADB's Involuntary Resettlement Policy 1995, Vulnerable groups include poor households, households headed by women, the elderly, the physically handicapped, scheduled tribes and scheduled caste. Special attention is paid throughout the project cycle to address their vulnerability. Special assistance for all vulnerable AHHs is stipulated in the entitlement matrix.

32. A total of 180 (i.e. 88.23%) of the total affected households are socio-economically vulnerable households. These comprise only of ST households with 94.45% of the total affected vulnerable households and SC households with 5.55%. The details of the affected households by type of vulnerability are presented in the following Table 12 below.

Table12: Affected Households by vulnerability status

Social Group	Number of Affected Households (AHH)	
	In Number	In Percentage
Scheduled Caste	10	5.55
Scheduled Tribe	170	94.45
Grand Total	180 AHH	100%

IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

4.1. Consultation in the Project

33. Public participation and community consultation has been taken up as an integral part of the project. Consultation was used as a tool to inform and educate stakeholders about the project. A total of 8 public consultations were organized during April 2010 - December 2012, involving about 96 APs, 24 Gram Panchayat representatives, 3 district administration officials and 20 HPPCL representatives (See Table 13 below). Advance intimation was given to the people in the locality and at the start of each consultation, details of the proposed project including efforts made to minimize land acquisition and impact to people and structures was explained to the participants.

34. The broad objectives of the consultation were as follows:

- Understand the views of the people affected, with reference to acquisition of land or loss of property and its due compensation.
- Understand views of people on resettlement options
- Identify and assess major economic and social characteristics of the Project area to enable effective planning and implementation.
- Examine APs' opinions on health safety issues during the construction
- Identify levels and extent of community participation in Project implementation and monitoring.
- To establish an understanding for identification of overall developmental goals and benefits of the Project.
- To develop a thorough coordination between all the stakeholders for the successful implementation of the Project.
- To protect socio-cultural resources and to ensure gender benefits

4.2. Methods of Public Consultation

35. Public consultations in the project area were held at different level. Different techniques of consultation with stakeholders were used during project preparation, viz., in-depth interviews, public meetings, group discussions etc. Consultations and discussions were held with both primary and secondary stakeholders. The primary stakeholders comprises of project displaced persons (DPs). On the other hand, the secondary stakeholder included district administration, sub divisional magistrates, land and land revenue officials and elected representatives of affected communities.

36. The following methodology has been adopted for carrying out public consultations in this project:

- Disseminating information and requesting villagers to attend the public consultation meetings at various sensitive places.
- Consultation during census survey and preparation of RP.
- Sharing of opinions and preferences of the affected persons.
- Involving the APs and all other stakeholders in decision-making including implementation of RP and project activities.

4.3. Findings of the Public Consultations

37. The affected people were aware about the Project, but not the details of the extent of project impacts and the quantum of compensation for lost assets and livelihood. They were informed that a resettlement plan would be prepared based on a detailed survey with specific measures to compensate for the involuntary resettlement impacts. The participants were keen to know the date on which improvement works would begin and how much they would be paid for their affected assets. They were informed that the Project would commence after a year, that advance notice would be given to all concerned people and that the district administration would determine compensation rates in accordance with the Land Acquisition Act of 1894. It was also clarified that in addition to compensation for asset, compensation and assistance would be provided for income or wage losses and to vulnerable households.

38. During these consultations, the community also raised concerns regarding opportunities for employment in the Project, compensation rates, and errors in the measurement of affected structures and land and environmental issues, and communicated other community development demands, such as supply of drinking water to affected villages. The concerns of the affected persons were acknowledged and necessary action was taken by HPPCL.

39. Table 13 provides details of the consultations organized in the Project area enumerating the date, location, number and profile of participants, issues discussed and decisions taken on the same.

Table 13: Details of the Consultations organized in the Project Area

Date	Location	No. and Type of Participants	Issues discussed	Decisions Taken	Follow Up done
24-05-2010	Office of General Manager IKHEP, HPPCL (Reckong-Peo)	APs: 43 HPPCL: 1	Miscellaneous demands were made by the APs such as enhancement of rate for acquired land, employment in project etc.	All issues were resolved in phased manner and complied by the HPPCL management.	-
19-06-2010	Conference Hall of Deputy Commissioner, (Kinnaur)	HPPCL: 2 District Administration :1 Gram Panchayat representative : 1	1. Enhancement of rate for acquired land. 2. Compensation on account of damage due to pollution & employment. 3. Drinking water supply	The HPPCL management agreed to enhancement of rate for acquired land and also for providing drinking water supply line for Pangi village and other petty demands.	The rate was enhanced, provision of drinking water installed in Pangi.
01-03-2011	Office of General Manager IKHEP, HPPCL	HPPCL: 8 Gram Panchayat representatives: 7	1. Employment in the Project. 2. Petty contracts	Employment would be given to the project Affected People in HPPCL/Project or through Contractors.	The petty demands were sorted out in phased manner and complied

	(Reckong Peo)				with by the HPPCL management
01-06-2011	Compound of Gram Panchayat at Pangi	HPPCL: 1 Gram Panchayat representative : 1	1. Employment in the Project. 2. Petty contracts	Employment would be given to the project Affected People in HPPCL/Project or through Contractors.	The demands were sorted out in phased manner and complied with by the HPPCL management
22-06-2011	Compound of Gram Panchayat at Pangi	HPPCL: 3 District Administration : 1 Gram Panchayat representative : 2	1. Issuance of Identity cards to Land loser 2. Demand for land for land acquired	Issues raised by the residents were discussed and agreed to implement.	-
14-07-2011	Conference Hall of Deputy Commissioner, (Kinnaur)	HPPCL: 3 APs: 6 District Administration : 1 Gram Panchayat: 2	1. Demand of land for land acquired 2. Employment in the Project	After discussion, these issues were amicably resolved and it was agreed to provide employment to project affected people in the Project through contractors.	-
13-04-2012	Conference Hall of Deputy Commissioner, (Kinnaur)	HPPCL: 1 Gram Panchayat representative : 8	3. Construction of crate wall at 0 - RD to Tinalang & Rubnang	After discussion, these issues were amicably resolved.	-
06-12-2012	Conference Hall of Deputy Commissioner, (Kinnaur)	HPPCL: 1 Gram Panchayat representative : 3	1. Employment in the Project 2. Installation of Solar Lights at village Pangi &etc.	After discussion, these issues were amicably resolved and it was agreed to provide employment to project affected people in the Project through contractors.	-

4.4. Plan for further Consultation in the Project

40. During the due diligence process and update of the census survey for this RP consultations were undertaken in the project area. Consultation with APs will continue during RP implementation involving the following steps:

- Public meetings organized by the PIU apprising the communities about the progress in the implementation of resettlement, social and environmental activities; the status of compensation and assistance payment
- Establishment of Grievance Redress Committees (GRC) with representation of the APs.

- Disclosure of monitoring reports on the progress of land acquisition and compensation.
- Information dissemination sessions to solicit the help of local community leaders to encourage the participation of the APs in RP implementation.
- Efforts to ensure that vulnerable groups understand the land acquisition process and to take their specific needs into account.

4.5. Disclosure of RP

41. To ensure transparency in planning and active involvement of APs and other stakeholders, the Project information will be disseminated through disclosure of the updated Final RP. A resettlement information leaflet containing information on compensation, entitlements and resettlement management adopted for the Project will be made available in the local language and distributed to APs. The updated Final Resettlement Plan will be translated into the local language and disclosed at the local level, such as at project sites and the offices of the Gram Panchayat and of the Deputy Commissioner. The PMU/PIU staff involved in RP implementation activities will keep the affected people informed about impacts, compensation and assistance and address any grievances. A copy of the updated Final RP will also be disclosed on the websites of HPPCL and ADB.

V. GRIEVANCE REDRESS MECHANISMS

5.1. General

42. RP implementation requires an efficient grievance redress mechanism that will resolve the queries and complaints of the APs. The EA has established a mechanism to receive and facilitate the resolution of affected persons' concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the needs of vulnerable groups. The grievance redress mechanism addresses AP's concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to the displaced persons at no costs.

5.2. Grievance Redress Mechanism

Level 1: PIU level

43. Grievances are first addressed to PIU at the local level. The Resettlement staff of the PIU registers grievances maintained in a complaint register with details related to the date of complaint, the type and nature of the complaint, action taken, follow up and communication sent to the complainant. Investigation of grievances involves site visits and consultation with relevant parties, such as the affected persons, contractors, land acquisition officials and the like. If a grievance remains unresolved within 2 weeks, it is referred to the Grievance Redress Committee (GRC).

Level 2: Grievance Redress Committee

44. The GRC comprises representatives of the APs, PMU, PIU, ESMU, field level staff, district magistrate/commissioner, local administration, revenue authority and local community. The main responsibilities of the GRC are to: (i) provide support to APs on problems arising from land/property acquisition; (ii) record AP grievances, categorize, and prioritize grievances and resolve them; (iii) immediately inform the PMU of serious cases; and (iv) report to APs on the resolution of their grievances and decisions of the GRC and the PMU. Excepting disputes relating to ownership rights, which require to be resolved by a court of law, the GRC reviews grievances involving compensation assessment and payment, relocation and other assistance. The GRC meets every month if grievances are brought to the Committee, determine the merit of each grievance, and resolve grievances within a month of receiving the complaint. Records are kept of all grievances received, including contact details of the complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were affected, and the final outcome. The GRCs will continue to function during the life of the Project including the defect liability period.

45. The affected person is free to access the country's legal system at any time, although the GRM is the preferred mechanism of grievance redress. All costs involved in resolving the complaints (meetings, consultations, communication, reporting and information dissemination) are borne by the Project.

VI. POLICY AND LEGAL FRAMEWORK

6.1. Policy Framework

46. The policy framework and entitlements for the Program are based on national laws, ADB's policy and the Resettlement Framework (RF) prepared for this MFF. The Project's legal and policy framework for land acquisition and resettlement is based on (i) relevant national laws and acts, including the Land Acquisition Act, 1894 (LAA, amended in 1984) and the National Rehabilitation and Resettlement Policy, 2007 (NRRP); (ii) ADB's Involuntary Resettlement Policy 1995; (iii) the Himachal Pradesh Hydro Power Policy, 2006. The following section reviews and compares these laws and policies and provides a project policy framework which stipulates applicable eligibility criteria and entitlements for compensation and assistance bridging the gaps between the requirements of these various laws and policies.

6.1.1. The National Resettlement and Rehabilitation Policy (Ministry of Rural Development, Department of Land Resources), 2007

47. The National Rehabilitation and Resettlement Policy, 2007 (NRRP, 2007) was adopted by the Government of India in 31st October, 2007 to address development induced resettlement issues. The NRRP stipulates the minimum facilities to be ensured for persons displaced due to the acquisition of land for public purposes and to provide for the basic minimum requirements. All projects leading to involuntary displacement of people must address the rehabilitation and resettlement issues comprehensively. The State Governments, Public Sector Undertakings or agencies, and other requiring bodies shall be at liberty to put in place greater benefit levels than those prescribed in the NRRP. The principles of this policy may also apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to any other reason. The objectives of the Policy are:

- (i) to minimize displacement and to promote, as far as possible, non-displacing or least displacing alternatives;
- (ii) to ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
- (iii) to ensure that special care is taken for protecting the rights of the weaker sections of society, especially members of the Scheduled Castes and Scheduled Tribes, and to create obligations on the State for their treatment with concern and sensitivity;
- (iv) to provide a better standard of living, making concerted efforts for providing sustainable income to the displaced families;
- (v) to integrate rehabilitation concerns into the development planning and implementation process; and
- (vi) where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and displaced families through mutual cooperation.

48. The NRRP is applicable to projects where over 400 families in the plains or 200 families in hilly or tribal or Desert Development Program (DDP) areas are displaced. However, the basic principles can be applied regardless of the number displaced. NRRP's provisions are intended to mitigate adverse impacts on Project Affected Families (PAFs). The NRRP

comprehensively deals with all the issues and provides wide range of eligibility to the displaced persons and meets most of the requirement of ADB's Safeguards Policy Statement. The non-titleholders, under NRRP, are recognized as the people living in the affected area not less than three years before the declaration of the area as an affected area. The NRRP addresses the vulnerable families with adequate entitlements and provides special provisions for Scheduled Castes and Scheduled Tribes Families. The NRRP takes in to account the requirement for transparency through consultation, information dissemination and disclosure, and grievance redress. However, the law applicable to the acquisition of privately owned immovable property until 1 January 2014 was the Land Acquisition Act of 1894 (LAA, amended 1984), which is discussed in the section following the next.

6.1.2. Himachal Pradesh Power Corporation Limited Resettlement & Rehabilitation Policy, 2006

49. The key objectives of HPPCL Rehabilitation and Resettlement Plan (R&R) Policy are to (i) compensate the families affected adversely by construction of the Project; (ii) improve the quality of life of the people of the area through better infrastructure, sustainable income and better skills and generally contribute to and be a part of the development of the area and the people; (iii) create good will for the organization and have a good long term relationship with the communities; and (iv) ensure that rights of individuals and society, particularly those belonging to the weaker sections, are adequately protected. In line with their R&R Policy, HPPCL has adopted various relief and rehabilitation strategies for the project affected families. These strategies include the following:

- Each Project Affected Family will be suitably and adequately compensated to ensure replacement of the assets lost or acquired.
- The local population of the Project Affected Area will be provided guidance and counseling, as well as education through scholarships, sponsorships, guidance for better living conditions and better livelihood, including training in the area of common occupations like agriculture, horticulture etc.
- General Development of the Project area by building or improving infrastructure, such as roads, footpaths, bridges, water supply and irrigation through public participation and community development works.
- Creating opportunities for employment of local people through self-employment schemes or indirect employment in project activities.
- Maintaining friendly contact with the public through regular meetings, Public Information Centers, printed material, PAF identity cards, functions etc.
- Providing direct help to the people in extreme hardship.

50. HPPCL's R&R policy includes a range of R&R Grants for the PAFs rendered landless or houseless, or both. Some of the key R&R grants include the following:

- Resettlement Grant (for landless and houseless and other families)
- R&R benefits for PAFs belonging to ST and SC households
- Loss of income from forest and government land
- Primary and Secondary Employment for PAFs
- Other benefits such as 100 unit free electricity for 10 years, 1% of the income generated from the Project will be distributed amongst the PAFs etc.

51. Various schemes covered under the HPPCL's R&R activities include the following:

- Training and Skill up-gradation Scheme-ITI Scheme
- Merit Scholarship Scheme
- Training-cum-Awareness Camps Scheme
- Scheme for Self-Employment

- School Competition Scheme for awareness
- Sports Tournament Scheme
- Scheme for involving CBO
- Medical Fund Scheme
- Scheme for Forest Rights Scheme for minor minerals Scheme for crop compensation

6.1.3. Land Acquisition Act, 1894 amended 1984

52. The LAA⁶ provides a framework for carrying out land acquisition in India. LAA enables the State Government to acquire private land for public purposes. LAA entitles DPs to a hearing before acquisition. The main elements of LAA are:

- (i) Land identified for the purpose of a project is placed under Section 4 of the LAA. This constitutes notification. Objections must be made within 50 days to the District Collector (DC, the highest administrative officer of the concerned District).
- (ii) The land is then placed under Section 6 of the LAA, declaring that the Government intends to acquire the land. The DC is directed to take steps for the acquisition, and the land is placed under Section 9. Interested parties are then invited to state their interest in the land and the price. Under Section 11, the DC will make an award within one year of the date of publication of the declarations. Otherwise, the acquisition proceedings shall lapse.
- (iii) In case of disagreement on the price awarded, within 6 weeks of the award, the parties (under Section 18) can request the DC to refer the matter to the courts to make a final ruling on the amount of compensation.
- (iv) Once the land has been placed under Section 4, no further sale or transfer is allowed.
- (v) Compensation for land and improvements (such as houses, wells, trees, etc.) is paid by the project authorities to the State Government, which in turn compensates the landowners.
- (vi) The price to be paid for the acquisition of agricultural land is based on sale prices recorded in the District Registrar's office averaged over the three years preceding notification under Section 4. The compensation is paid after the area is acquired, with actual payment by the State taking about two or three years. An additional 30 percent solatium is added to the award, as well as an escalation of 12 percent per year from the date of notification to the final notification under Section 9. For delayed payments, after notification of Section 9, an additional 9 percent per annum is paid for the first year and 15 percent for subsequent years.

6.1.4. ADB's Involuntary Resettlement Policy, 1995

53. ADB's Involuntary Resettlement Policy of 1995 stipulates the following core principles for ADB financed projects.

- i. Avoid involuntary resettlement
- ii. Minimize involuntary resettlement

⁶ As all land acquisition was carried out before 1 January 2014, the Integrated Kashang HEP falls under the Land Acquisition Act of 1894.

- iii. Mitigate adverse social impacts through appropriate land, compensation, housing, infrastructure amenities so that APs social and economic conditions as favorable with the project as without it.
- iv. Identify, assess and address the potential social and economic effects of a project. Resettlement should be conceived and executed as a development program
- v. Affected people should be fully informed and closely consulted on resettlement and compensation options. Disclose RPs to the affected people.
- vi. Support existing social and cultural institutions so that APs are integrated socially and economically with the host communities
- vii. Absence of formal title is no bar to compensation and resettlement benefits; special attention to vulnerable groups
- viii. Full costs of resettlement included in the project costs
- ix. Restoration of income in post- resettlement period Supervision and Monitoring to be carried out throughout the project period by persons with expertise in resettlement
- x. Supervision and Monitoring to be carried out throughout the project period by persons with expertise in resettlement.

6.1.5. Comparison of Government and ADB Policies

54. As part of the RP preparation, a comparison of LA Act, NRRP, HPPCL R&R Policy and ADB IR Policy 1995 was done. The comparison indicated that the National Rehabilitation and Resettlement Policy (NRRP) 2007 represents a systematic approach to address resettlement issues in India and closes significantly the gaps between Indian national policies and those of ADB. Similarly, the HPPCL R&R Policy also focuses on resettlement and rehabilitation of all affected households and improving the quality of life of the people of the Project area. Guided by these mandates, both NRRP and HPPCL R&R Policy provide a range of R&R benefits and grants for the affected households. Both NRRP and HPPCL R&R Policy recognize non-titleholders, although the basic requirement is for the non-titleholder to have been in the Project-affected area at least 3 years prior to the declaration of the area as an affected area.

55. On the other hand, the Land Acquisition Act (LAA) of 1894 (as amended in 1984) gives directives for the acquisition of land in the public interest and provides benefits only to titleholders. The LAA does not guarantee compensation at replacement cost for the loss of land and assets.

56. The comparison of the LA Act, NRRP and HPPCL R&R Policy with ADB IR Policy 1995 revealed that while certain provisions enshrined in the HPPCL R&R Policy are not prescribed under the LA Act or the ADB's IR Policy, 1995, wherever these provisions are consistent with ADB's IR Policy 1995, they have been considered in this RP. A matrix comparing the LA Act, NRRP, and HPPCL R&R Policy with ADB's IR Policy 1995 principles is provided in **Annexure I**.

6.1.6. LA & Resettlement – Policy Framework

57. Based on the review of both ADB and GOI policies, the policy framework for the Project includes the following elements:

- i. As a matter of policy, land acquisition, and other involuntary resettlement impacts would be minimized as much as possible;

- ii. Any land acquisition and/or resettlement will be carried out and compensation provided in order to improve or at least restore the pre-project income and living standards of the affected people;
- iii. All information related to resettlement preparation and implementation will be disclosed to all concerned, and people's participation will be ensured in planning and implementation of the project;
- iv. All land acquisition would be as per the Land Acquisition Act 1894, which provides for compensation for properties to be acquired. The persons affected by the project who do not own land or other properties, but who have economic interest or lose their livelihoods will be assisted as per the broad principles brought out in this policy.
- v. Payment of compensation for acquired assets at replacement cost;
- vi. Payment of compensation for lost land, housing, assets and resettlement allowances in full prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities;
- vii. All compensation and other assistances will be paid to all APs prior to commencement of civil works on the site acquired.
- viii. Broad entitlement framework of different categories of project-affected people has been assessed and is given in the Entitlement Matrix. Provisions will be kept in the budget for those who were not present at the time of the survey. However, anyone moving into the subproject area after the cut-off date will not be entitled to assistance
- ix. Income restoration and rehabilitation; and
- x. All activities related to resettlement planning, implementation, and monitoring would ensure involvement of women. Efforts will also be made to ensure that vulnerable groups are included.
- xi. Appropriate grievances redress mechanism to ensure speedy resolution of disputes.

58. The above principles and resettlement procedural guidelines shall apply to this project under the loan in compliance with the GOI national and ADB IR Policy 1995 so as to ensure that persons affected by land acquisition and/or involuntary resettlement will be eligible for appropriate compensation and rehabilitation assistance.

VII. ELIGIBILITY AND ENTITLEMENTS

7.1. Eligibility

59. The APs entitled for compensation and/or rehabilitation provisions for this Project include (i) all APs losing land either covered by legal title/traditional land rights, or without legal status; (ii) registered and unregistered tenants and sharecroppers; (iii) owners of buildings, crops, plants, or other objects attached to the land; and (iv) APs losing income and/or access to natural resources.

60. Compensation eligibility is limited by a cut-off date set for the subproject. For the legal title holder, the date of notification of Section 4 of LA Act will serve as the cut-off- date. As there are no non-titled affected persons among the APs under this project, an alternate cut-off date for non-titled APs is not required. APs who settle in the affected area after the cut-off date will not be eligible for compensation. They will however be given sufficient advance notice, requested to vacate the premises and dismantle affected structures prior to project implementation.

7.2. Entitlements

61. Based on the above broad principles, a detailed description of each compensation measure and assistance is provided in the entitlement matrix, which is detailed in Table 14 below. APs will be entitled to a combination of compensation measures and resettlement assistance, depending on their lost assets, the type of ownership rights to these assets and the scope of impact. In addition, the status of social and economic vulnerability of the APs will be considered.

Table 14: Entitlement Matrix⁷

Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Responsible Agency
1. Loss of private land	Agricultural land, homestead land or vacant plot, orchard land, pasture land, waste land	Legal Titleholders/ APs with customary land right/ APs with permit from local authority	<ul style="list-style-type: none"> • Compensation at replacement value. • Land for land for the landless⁸ families with an additional lump sum resettlement grant. Fees, taxes, stamp duty and other charges related to replacement land and assets are to be borne by the EA. • Transitional allowance based on three months 	The EA through its Land Acquisition Officer (LAO) will determine replacement value. EA will ensure provision of notice. EA will verify the extent of impacts through a 100% survey of APs, determine assistance, and identify vulnerable households

⁷ Compensation has been assessed and awarded and entitlements have been paid at different points in time, taking into account rates prevalent at the time of acquisition and rate escalation. In addition to the compensation rates applicable at the time of awards 12 percent interest per annum is paid for the time period from the date of assessment to the date of actual payment of compensation.

⁸Landless are those whose landholding remains to be less than 5 bighas, equivalent to 752.60 square meter (HP Nautor Land Rule, 1963)

			<p>minimum agricultural wage rates.⁹</p> <ul style="list-style-type: none"> • Shifting assistance for households. • Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided. 	
2. Loss of structure	Loss of residential structure and other structures ¹⁰	Legal titleholders	<ul style="list-style-type: none"> • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable). • Fees, taxes and other charges related to replacement structure. • Shifting assistance at Rs. 10,000 per household. 	The EA through its LAO and appropriate department/ valuation committee will verify replacement value. The EA will verify the extent of impacts through a 100% survey of AFs determine assistance, verify and identify vulnerable households.
		Tenants and Leaseholders	<ul style="list-style-type: none"> • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP. • Compensation for rental deposit or unexpired lease. • Shifting assistance at Rs. 10,000/- per household. 	Valuation committee will verify replacement value. The EA will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.
3. Loss of Livelihood	Livelihood	Legal titleholder/ tenant/ leaseholder/ non-titled/employee of commercial structure, farmer/agricultural worker	<ul style="list-style-type: none"> • Assistance for lost income based on three months' minimum wage rates.¹¹ • Additional compensation for vulnerable households. • Consideration for Project employment. 	The EA will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4. Loss of trees and crops	Standing trees and crops	Legal titleholders	<ul style="list-style-type: none"> • Notice to harvest standing seasonal crops. • If notice cannot be 	EA will ensure provision of notice. The EA through its LAO and appropriate department / valuation

⁹ Minimum agricultural wage has been calculated at the rate of Rs. 147.75 / day based on 2010 Department of Labour and Employment data for Himachal Pradesh.

¹⁰ Other structures include, but are not limited to dogris, walls, fences, sheds, etc

¹¹ Minimum agricultural wage has been calculated at the rate of Rs. 147.75 / day based on 2010 Department of Labour and Employment data for Himachal Pradesh.

			<p>provided, compensation for standing crop or share of crop for sharecroppers at market value.</p> <ul style="list-style-type: none"> • Compensation of trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/ crops. 	<p>committee will undertake valuation of standing crops, perennial crops and trees, and finalize compensation rates in consultation with APs.</p>
5. Impact on vulnerable households ¹²	All impacts	Vulnerable households	<ul style="list-style-type: none"> • In case of total loss of land, a total dependency on agriculture, and a total loss of structures, land-for-land and structure-for-structure compensation if signified by the AP. • Additional one-time financial assistance on equivalent to five hundred days minimum agricultural wages.¹³ • Vulnerable households will be given priority in project construction employment. 	<p>EA will verify the extent of impacts through a 100% survey of APs, determine assistance, and identify vulnerable households</p>
6. Temporary loss of land	Land temporarily required for sub-project construction	Legal titleholders	<ul style="list-style-type: none"> • Provision of rent for period of occupation for legal titleholders. • Compensation for assets lost at replacement value, and trees and crop loss in 	<p>The EA through its LAO and appropriate department/ valuation committee will determine rental value and duration of construction survey and consultation with APs. PMU will ensure compensation is paid prior to</p>

¹²12 Vulnerable groups include poor households, households headed by women, the elderly, the physically handicapped, scheduled tribes and scheduled caste.

¹³13 Minimum agricultural wage has been calculated at the rate of Rs. 147.75 / day based on 2010 Department of Labour and Employment data for Himachal Pradesh.

			<p>accordance with item 6.</p> <ul style="list-style-type: none"> Restoration of land to previous or better quality. 	<p>site being taken over by contractor. Contractor will be responsible for site restoration.</p>
7. Overall loss to the project impact area	Infrastructure, other social and cultural assets	Local Area Committee	<ul style="list-style-type: none"> 1.5% of the total project cost to be spent for the development of local area.¹⁴ 1% share of the revenue generated during the life of project to affected panchayat.¹⁵ 	<p>The EA/PMU/HPPCL/Local Area Development Council (LADC)/ Appropriate government.</p>
8. Any other loss not identified	-	-	<ul style="list-style-type: none"> Unanticipated involuntary impacts will be documented and mitigated based on the principles of the Resettlement framework. 	<p>The EA will ascertain the nature and extent of such loss. The EA will finalize the entitlements in line with the Resettlement Framework.</p>

7.3. Valuation of Assets

62. **Land:** In this subproject, land has been acquired through negotiated agreement. As third party requirements for a neutral valuation, office of the district commissioner or its representative (Tehsildar in this case) was involved in the process. The Project applied two methods to determine compensation rates – a) Appraisal of land registry in the area in the last three years; and b) negotiated rate.

63. In order to ascertain whether the land compensation paid in this Project was at least at replacement value, the annual average output value (AAOV) formula was used as a proxy indicator for replacement cost. This method is useful in the absence of frequent land sales and reliable information on local land prices. It has been approved and used in India by several projects of the National Highways Authority of India, including the ADB funded loans 2458 and 2029.

64. The use of a multiple of an annual average output value (AAOV) as a proxy for establishing replacement cost requires that for a specific type of land and crop, average annual yields and market prices at farm gate rates are ascertained for the relevant locations and times of land acquisition. Based on the practice established in other projects in India (see above), the rates determined are then multiplied by 20 years to determine the requisite replacement cost unit rates.

65. In order to calculate the AAOV, the average yield and market rate of affected highest value crops/fruit/fodder were collected for each year (of award) from the district level offices of the Agriculture and Horticulture Departments. The detailed calculation of AAOV is presented in **Chapter XII**.

¹⁴ As per the provisions of the Himachal Pradesh Hydro Policy, 2006.

¹⁵ As per the new provisions made under the Directorate of Energy, 2011.

66. **Structures:** The compensation for structures, buildings and other immovable properties has been determined on the basis of the rate assessed by PWD based on Schedule of Rate of the year in which the structure was acquired. This was further verified through the valuation committee. HPPCL has also consulted the owners of structures and adjusted compensation rates in some cases.

67. **Trees:** Compensation for trees has also been based on the market value as determined by the Horticulture and Forest Departments. They physically verified and assessed the value of affected fruit and non-fruit trees. While the loss of timber trees was compensated at their market value, the compensation for the loss of fruit trees was calculated based on the age of the affected tree and the annual produce value for remaining productive years of the respective species.

VIII. RESETTLEMENT BUDGET AND FINANCING PLAN

68. The resettlement cost for this Project includes compensation, resettlement assistance and the support cost for RP implementation. The support cost includes staffing requirements, monitoring and administrative costs of RP implementation.

69. 10% contingency has also been added to the budget. Based on the above, resettlement budget has been calculated which is indicative. The total land acquisition and resettlement cost for the IKHEP is estimated to be Rs. 538,067,885.3. The details are given in Table 15.

Table 15: Resettlement Budget

S.No.	Item	Unit	Rate per Unit (Rs.)	Quantity	Cost (in Rs.)
A.	Compensation (paid by HPPCL)				
1.	Compensation for Private land (agriculture, orchard, pasture and wasteland)	Hectare	Rates determined by negotiated agreement	17.1230	473,293,932
2.	Compensation for Temporary Acquisition	Hectare		0.7776	4,170,529
3	Compensation for Trees	Number	Rates determined by Horticulture or Forest Department		
	(i) Fruit Trees	Lumpsum	-	830 trees	2,647,094
	(ii) Non-Fruit Trees	Lumpsum	-	196 trees	4,987,733
4	Compensation for Structures	Lumpsum	Rates determined by Public Works Department	6 structures	1,865,055
			Sub-total A		486,964,343
B.	Assistance				
1.	Transitional Allowance for households losing land	Lumpsum	Rs. 13,297.50 per HH (i.e. 3 months of minimum wage)	48 LTHs	388,280 ¹⁶
2.	Additional assistance to Vulnerable Households	Lumpsum	500 days of minimum wage per HH	27 AHHs	1,000,000 ¹⁷ (Approx.)
			Sub-total B		1,388,280
C.	Support Cost for RP Implementation				
1	External Monitoring Expert	Lumpsum	-	500,000	500,000
2	Cost for Grievance Redress	Lumpsum	-	-	300,000

¹⁶ The details of this amount, which is required to be paid to 48 LTHs, is annexed as per **Annexure-VII**.

¹⁷ Land compensation at negotiated rate was paid to all 180 households whose land was acquired for execution of Project stage-I. Apart from this, Resettlement grant amounting to Rs. 9,000,000(approx.) has already been paid Also, an additional grant to families rendered landless amounting to a total of Rs. 1,000,000 (approx.) is being processed, which is in lieu of vulnerability assistance. Moreover, 500 days minimum day wages was disbursed to 510 PAFs (180 MPAFs + 330 PAFs) to the tune of Rs. 37,600,000. The amount of Rs. 1,000,000 shall be paid to 27 households as per R&R Plan clause 5.1.1 to 5.1.4. The exact amount will be worked out after declaration of the Landless families by the Deputy Commissioner. The DC has been requested vide this office letter no. 1357-63 dated 01-06-2016 for declaration of such families.

		Sub-Total C	800,000
		TOTAL R&R COST (A+B+C)	489,152,623
		Contingency (10% of the total cost)	48,915,262.3
		GRAND TOTAL (in Rs)	538,067,885.3

IX. INSTITUTIONAL ARRANGEMENT

9.1. Key Institutions involved

70. The implementation of the RP requires the involvement of various institutions at different stages of the project cycle. This section deals with roles and responsibilities of various institutional actors. It is noted that the Program (MFF) has been under implementation, therefore, all the necessary institutions are already in place and functional. Additionally, the relevant staff has been trained to deal with safeguards issues and has been involved in RP implementation for several years. The primary institutions involved in the process are as follows:

- Department of Power, Government of Himachal Pradesh (overall Coordination)
- Himachal Pradesh Power Corporation Limited (EA and IA)
- Project Management Unit (PMU)
- Environment and Social Management Unit (ESMU) at PMU Level
- Project Implementation Unit (PIU)

9.2. Executing Agency

71. The Department of Power, Government of Himachal Pradesh functions as the overall coordination body of the MFF. The Himachal Pradesh Power Corporation Limited (HPPCL) is the executing agency (EA) for the HPCEDIP. The HPPCL also functions as the implementing agency (IA) for HPCEDIP with a dedicated Project Management Unit (PMU). The PMU in HPPCL has been set up for the overall implementation of the subproject activities. PMU is responsible for planning, coordinating, implementing and financing all resettlement activities. PMU is operational at the corporate level, Shimla and looks after all ADB funded projects. The PMU also comprises an Environment and Social Management Unit (ESMU) headed by the Chief Environment Specialist cum Social and R&R Specialist to deal with the social safeguards issues. A Land Acquisition Officer is placed in the PMU to handle land acquisition issues. Additionally, the EA/IA ensures that the office of the District Commissioner and its concerned staff are involved during the land acquisition process.

9.3. Environment and Social Management Unit (ESMU)

72. The Environment and Social Management Unit (ESMU) has been set up within the PMU/HPPCL, along with other engineering units, to address all environmental and social issues of the HPCEIDP. The ESMU is headed by the Chief Environment cum Social and RR Specialist and staffed with environment, social and RR specialists. For the IKHEP, PMU is responsible for the overall coordination, preparation, planning, implementation, and financing. The ESMU, as part of the PMU, works closely with other staff of the PMU and assists the PMU in getting all necessary clearances and in the implementation of the resettlement activities prior to the start of any civil works. The ESMU coordinates safeguard activities both at headquarter and PIU level. All activities are managed and supervised by the Chief Environment cum Social and RR Specialist based at the corporate level.

9.4. Project Implementation Unit (PIU)

73. In addition to the PMU, there is a PIU at the field level for the independent implementation of the IKHEP. The PIU is responsible for field level activities, including all social safeguards related requirements and RP implementation.

74. The PIU is staffed with Junior Resettlement Officers (JRO) to coordinate and facilitate R&R activities at the field level. The JRO are assisted by field level engineering staff, the LAO and other support staff. All safeguard specialists work closely with the PMU staff and report to the PMU head.

75. The PIU maintains all databases, works closely with APs and other stakeholders and monitors day-to-day resettlement activities. The specialists at PIU level, provide field level inputs to the PMU, as well as the head of the ESMU. Some of the specific tasks performed by the PIU involve the following:

- Coordination with local administration for land acquisition;
- Translation of RP in the local language and its disclosure;
- Liaison with local administration for dovetailing government's income generating and developmental programs for the APs;
- Registering, surveying, recording, and documenting the inventory of economic and non-economic assets of all affected households. Where required, this function may be outsourced to a local NGO / CBO;
- Inclusion of APs who may have not been covered during the census survey;
- Facilitation of the opening of accounts in local banks to transfer assistance to APs, and disbursement of compensation and assistance;
- Implementation of R&R schemes of HPPCL;
- Monitoring of physical and financial progress of land acquisition and R&R activities;
- Participation in regular meetings of the GRC;
- Organization of monthly meetings to review the progress of R&R;
- Coordination and cooperation with CBOs.

76. Land acquisition is undertaken by the EA. It was proposed in the RF that an experienced NGO will be involved for the implementation of the resettlement plan. However, HPPCL has decided to institutionalize the environmental and social safeguard agenda within the organization and has appointed a cadre of safeguard specialist both at PMU and PIU level. The RP is directly implemented by HPPCL. The resettlement specialists and officers in ESMU and PIU are responsible for RP implementation and coordination of all R&R activities.

9.5. Social Safeguard Consultant

77. In addition to the above, a social safeguard consultant has also been engaged to facilitate the process of finalization of the Resettlement Plans prepared for each of the four Hydro-Electric Projects under the HPCEDIP. The key responsibility of the Social Safeguard Consultant is to review and update all four RPs for Sainj, Sawra Kuddu and Kashang I and II HEP, based on the Resettlement Framework (RF) agreed for this MFF and the relevant ADB policies.

78. In addition, the Consultant's responsibilities also include undertaking due diligence in each of the HEPs to assess the status of compliance with the requirements of the RF of all land acquisition activities already implemented and to prepare corrective action plans (CAP), as required.

X. IMPLEMENTATION SCHEDULE

79. The implementation of the RP was scheduled as per the overall project implementation timeframe. All activities related to land acquisition and resettlement were planned to ensure that compensation is paid prior to the commencement of civil works. Public consultation, monitoring and grievance redress were undertaken intermittently throughout the project duration. As part of advance actions, the EA established the PMU, PIU, ESMU and GRC for resettlement implementation.

80. The period for implementation of RP has been taken from December 2005 to Jan 2015. Typical RP related activities that require to be performed shall include: planning, verification of APs, consultations with APs, payment of entitlements and implementation besides monitoring that shall be carried concurrently and will continue beyond the period of RP implementation and culminate with a post-implementation evaluation. However, the schedule is subject to modification depending on the progress of the project activities.

81. The list of implementation activities and schedule is given in **Table 16**.

Table 16: Implementation Schedule	
R&R Activities	Timeline
Land Acquisition Notification	December 2005, May 2006, December 2008 & November 2012
Identification of land and census survey	2008 (Updation of survey in 2014)
Community consultations	2008, 2009, 2010, 2011 & 2012
Establishment of PMU & PIU	April 2008
Establishment of ESMU	April 2008
Establishment of GRC	2011
Payment of compensation to APs for affected assets	2010
Payment of all eligible assistance	2010 on going
Possession of Land	2005 onwards
Handover of site and commencement of civil works	2009
Monitoring by PIU and PMU	On going
External Monitoring by Independent Expert	January 2016
Updation and Revision of RP	June 2016
Preparation of Corrective Action Plan	June 2016
Implementation of Corrective Action Plan	December 2016

XI. MONITORING AND EVALUATION

11.1. General

82. RP implementation is closely monitored through both, internal and external monitoring arrangements, to assess resettlement progress and identify potential difficulties and problems. Internal monitoring is undertaken by the PIU through its resettlement officer with assistance from the PMU/ESMU. The extent of monitoring activities, including their scope and periodicity, is commensurate with the Project's risks and impacts. HPPCL is required to implement safeguard measures and relevant safeguard plans, as provided in the legal agreements, and to submit periodic monitoring reports on their implementation performance. In addition, as a category A project, HPCEDIP engages an external monitoring agency to verify its internal monitoring data and propose corrective actions, if required.

11.2. Internal Monitoring by PIU

83. Internal monitoring for RP implementation is being carried out on regular basis. Regular monitoring of resettlement progress identifies potential difficulties and problem areas. The monitoring reports are prepared on quarterly basis for the first year of implementation and bi-annually thereafter. The reports cover all actual achievements against targets fixed and identifying reasons for shortfalls, if any. Internal monitoring involves the following:

- Process monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis.
- Output monitoring to ensure that all entitlements are provided as stipulated in the RF, RP and the entitlement matrix.

84. Impact monitoring after the land acquisition and resettlement process to ensure that people livelihoods are maintained and improved. This is done on the basis of baseline information established by the socio-economic survey of APs undertaken during project preparation.

11.3. Monitoring Indicators

85. The indicators for achievement of objectives during RP implementation are of two kinds:

- **Process Indicators:** Indicating project inputs, expenditure, staff deployment, etc.
- **Output Indicators:** Indicating results in terms of numbers of APs compensated, area of temporarily occupied lands restored with topsoil (and other pre-project features), number of APs provided with skills training, etc.

86. Input and output indicators related to physical progress of the work will include items such as:

- Training of PIU and other staff completed
- Census, assets inventories, assessments and socio-economic studies completed
- Grievance redress procedures in-place and functional
- Compensation payments disbursed
- Relocation of DPs completed
- Project employment provided to DPs
- Infrastructure rehabilitated or constructed

- Income restoration activities initiated
- Skills training of DPs initiated
- Number of households displaced and resettled, and
- Monitoring and evaluation reports submitted.

87. These indicators will form the basis of the monitoring and evaluation of RP implementation. The information collected through the household survey will provide benchmarks for comparison on the socio-economic status of the DPs in the project implementation period. A key objective will be the maintenance or improvement of the APs incomes and quality of lives.

11.4. External Monitoring

88. This Project involves significant resettlement impacts and is classified as category A and hence will be monitored by an experienced external expert/agency who will submit semi-annual monitoring reports to the EA and ADB. An External Monitor with previous experience in monitoring of resettlement activities and familiarity with Government and ADB policies, will be engaged with ADB concurrence to verify the monitoring data collected by the PIU / EA. The External Monitor will monitor and verify RP implementation to determine whether resettlement goals have been achieved, livelihood and living standards have been restored, and provide recommendations for improvement.

89. The external monitoring will include: (i) review and verification of the monitoring reports prepared by PIU; (ii) review of socio-economic baseline census information of displaced persons; (iii) identification and selection of impact indicators for monitoring and impact evaluation; (iv) impact assessment through sample surveys amongst displaced persons; (v) consultation with APs, officials, community leaders for preparing review report; (vi) assessment of the resettlement efficiency and effectiveness as well as the efficiency of the PIU, (vii) evaluation of the impact of RP implementation and the sustainability of the livelihood restoration measures, and (viii) lessons for future resettlement policy formulation and planning.

11.5. Reporting Requirements

90. The JRO in PIU responsible for RP implementation prepare monthly and quarterly progress reports on resettlement activities and submitted these to PMU/ESMU. The quarterly social monitoring reports will be submitted by ESMU to HPPCL and ADB for review.

91. The external monitoring expert/agency responsible for monitoring of the RP implementation will submit semi-annual external monitoring reports to PMU and ADB to (i) determine whether resettlement goals have been achieved and livelihoods and living standards restored or enhanced, and (ii) propose corrective action if required.

92. All the resettlement monitoring reports will be disclosed to APs in line with the procedure followed for disclosure of resettlement documents by the EA. The monitoring reports will also be disclosed on the ADB website.

XII. FINDINGS OF DUE DILIGENCE

93. The main purpose of the due diligence exercise is to (i) assess the compliance of all land acquisition activities already implemented by the subproject with the compensation and rehabilitation provisions of the RP and RF, (ii) identify gaps, if any, and (iii) design corrective actions as required. The key findings of the due diligence of the IKHEP are presented below.

12.1. Valuation and Payment of Compensation

12.1.1. Payment of Compensation for land

94. In case of this Project, all land has been acquired through negotiated agreement between HPPCL and the affected households. A total of Rs 473,293,932.00 was paid to 263 affected legal titleholders for 17.123 ha of land permanently acquired via negotiated agreement. See **Annexure II** for sample documentary evidence of compensation payments made based on negotiated agreement. Table 17 below provides the details of land acquired through negotiated agreement.

Table 17: Details of land acquired through negotiated agreement

Name of the Village	Date of Purchase of land	Category wise rate at which land acquired through negotiations							
		Agriculture Land		Pasture Land		Wasteland		Orchard land	
		Land Acquired (in ha)	Rate at which acquired (in Rs)	Land Acquired (in ha)	Rate at which acquired (in Rs)	Land Acquired (in ha)	Rate at which acquired (in Rs)	Land Acquired (in ha)	Rate at which acquired (in Rs)
Pangi Panchayat	2005 to 2012	7.5181 hac	1.04 lac (per biswa)	6.6852	1.04 lac (per biswa)	0.6044	1.04 lac (per biswa)	2.3153	1.04 lac (per biswa)

95. In addition to the permanent acquisition of land, 0.7776 ha of land was temporarily leased for the Project through agreement and direct negotiations with 4 legal titleholders. A total of Rs. 4,170,529 was paid as compensation for temporary leasing of land. See **Annexure III** for sample documentary evidence of compensation payments made based on lease agreements. Table 18 below provides details of the temporarily leased land.

Table 18: Details of land temporarily leased for the Project

Name of the Village	Period of Lease	Land leased (in ha.)	Annual Rate at which leased (Rs/ha)	No. of Affected Legal Title holders (LTH)
Kotgarh	15 April 2012 to March 2015	0.7776	Rs. 990,000 to 1,197,900 per annum/per ha.	4 LTH

12.1.2. Annual Average Output Value of Land

96. In order to ensure that the land compensation paid in this Project was at least on replacement value, the Consultant used the annual average output value (AAOV) formula as the proxy indicator for replacement cost. This requires that a specific type of land and crop, average annual yields and market prices at farm gate rates are ascertained for the relevant locations and times of land acquisition. Based on the practice established in other projects in

India, the rates determined are then multiplied by 20 years to determine the requisite replacement cost unit rates.

97. Average yield and market rate of the highest value affected crops (annuals, fruits or fodder) were collected for each year of award from the district level offices of the Agriculture and Horticulture Departments to calculate the AAOV (see Table 19).

Table 19: AAOV of Agriculture Land, Orchard Land, Wasteland and Pastureland

District	Year of Award	Type of Crop in the District	Average Annual Yield of crop/Unit (Kg./ Ha)	Market Price of Crop (Rs./Kg.)	Income (Rs./ Ha)
I. Agriculture Land					
1.1. KHARIF					
Kinnaur Sub Teh. Kalpa Pangi	2005-2012	1) Red Kidney beans (Rajmash)	862.50	68.50	59,081.25
1.2. RABI					
Kinnaur Sub Teh. Kalpa Pangi	2005-2012	Wheat*	862.50* (per ha yield of rabi crop is not available in District agriculture office. Yield assumed as per Kharif crop)	19.575	16883.4375
II. Orchard Land					
Kinnaur Sub Teh. Kalpa Pangi	2005-2012	Orchards	29,812.50	24	715,500
III. Pastureland and Wasteland					
Kinnaur Sub Teh. Kalpa Pangi	2005-2012	Fodder	2120	9	19,080

Source: (i) Agriculture Dept. for Average Annual Yield

(ii) Information collected from the farmers of the area

*Since the wheat produced grown by the people of District Kinnaur is for consumption and not available for sale, market price for the same is not available in District agriculture office. Therefore, the maximum current rate of wheat for the year 2015-16 is worked out as follows:

Maximum price per quintal = Rs1450. Addl. 35% as cost of transportation & others overhead charges. Total approx cost per quintal = Rs 1,957.50

12.1.3. Calculation of Compensation rate for land using AAOV

98. In case of Agriculture, there are two cropping seasons – kharif and rabi. The average annual yield and rates of the major kharif and rabi crops of the district were collected. The major Kharif crops in the area was Red Kidney beans. The major Rabi crops was wheat. Among the kharif and rabi crops, the rates for the two highest value crops (HVC), red kidney beans and wheat, were used to calculate the AAOV.

99. In the case of orchards, which yield perennial crops, the highest value crop identified is apple. The average annual yield and rate for apples was used to calculate the AAOV of orchard land.

100. The average annual yield and rates of fodder in the district were also collected to arrive at the AAOV of pasture land. As wasteland per definition does not yield any crop, the rates applicable for pasture land were used as a proxy indicator for wasteland.

101. The calculation of compensation based on AAOV is presented in Box A below.

Box A:	
Calculation of replacement Compensation for Agricultural land, Orchard, Pasture and Wasteland based on AAOV	
(Income per ha from highest value crop X 20 years)	
<u>Agriculture Land:</u>	
Income per ha from Red Kidney Beans (in Kharif) + Income/ha from wheat 16883.4375(in Rabi) X 20 years	
=	Rs. 59,081.25 + Rs. 16883.4375X 20 years = 1,519,293.75ha for Agriculture Land
<u>Orchard Land:</u>	
Income/ha from Apples X 20 years	
=	Rs. 715,500X 20 years= Rs. 14,310,000/-ha for Orchard Land
<u>Pasture and Waste land:</u>	
Income per Ha from Fodder X 20 years	
=	Rs. 19,080 x 20 years = Rs. 381,600/- ha for Pasture and Waste land

12.1.4 Comparison of Compensation Paid by the Project with AAOV

102. After deriving the compensation for agriculture, orchards, pastureland and wasteland using the AoVV, the same was compared with the compensation paid by HPPCL for different categories of land. The comparison indicates that rates paid for land HPPCL (Rs. 27,040,000/- per hectare irrespective of classification of land) was significantly higher than the cost derived using the AoVV, which was Rs. 1,519,293.75 ha for agriculture land, Rs. 14,310,000/- ha for Orchard Land and Rs. 381,600/- ha for pasture and wasteland (See Table 20 below).

Table 20: Comparison of Land Compensation paid (by HPPCL) with Compensation derived using AoVV

Type of Land	Compensation paid by HPPCL (in Rs/ha)	Compensation derived using AoVV (in Rs/ha)
Agriculture Land	Rs. 27,040,000/-	Rs. 1,519,293.75
Orchard Land	Rs. 27,040,000/-	Rs. 14,310,000/-
Pasture Land	Rs. 27,040,000/-	Rs. 381,600/-
Waste Land	Rs. 27,040,000/-	Rs. 381,600/-

12.2. Payment of Compensation for Structures

103. Apart from private land, 6 temporary structures (mainly dogris) would also be affected as a result of the Project. The compensation for structures, buildings and other immovable properties has been determined on the basis of the rate assessed by PWD based on Schedule of Rates of the year in which the structure was acquired without depreciation. This was further verified through the valuation committee. HPPCL has also consulted the owners of structures and adjusted compensation rates in some cases. See Annexure IV for sample documentary evidence of compensation payments made for structures. The total compensation paid for different categories of structure is presented in the Table 21 below:

Table 21: Payment of Compensation to affected structures

Type of structure	No. of Affected Legal Titleholders (LTH)	No. of Affected Legal Titleholder already paid compensation	Compensation Paid (in Rs.)
Temporary Structure	18	18	1,865,055

12.3. Payment of Compensation for Trees

104. Compensation for 1026 affected trees owned by 183 LTH was also based on their market value. HPPCL engaged the Horticulture Department & Forest Department to physically verify and assess the value of affected trees. The loss of timber trees was compensated at applicable market values amounting to a total of Rs. 4,987,733. The compensation for the loss of fruit trees was calculated based on the age of the affected tree and the annual produce value for the remaining productive years, totaling Rs. 2,647,094. A total compensation of Rs. 7,634,826 was paid for fruit and timber trees. See **Annexure V** for sample documentary evidence of compensation payments made for trees.

Table 22. Payment of Compensation for Trees

Type of trees	No. of Trees	No. of Affected Legal Titleholders (LTH)	No. of Affected Legal Titleholder already paid compensation	Compensation Paid
Fruit trees	830 trees	140	140	2,647,094
Non-fruit trees	196 trees	43	43	4,987,733
Total	1026 trees	183	183	7,634,826

12.4. Crop

105. In accordance with Entitlement Matrix of RF, all persons losing agriculture land with annual crops were allowed to harvest their crops prior to land acquisition. Therefore, no crop compensation has been paid under this Project.

12.5. R&R Assistance

106. In line with the entitlements agreed in the Resettlement Framework and the Resettlement Plan prepared for this Project, apart from compensation for affected assets, the affected households were also entitled for the following types of R&R assistance:

- **Loss of Land:** Transitional allowance based on three months of minimum agricultural wage rates
- **Loss of Structures:** Shifting assistance at Rs. 10,000 per household
- **Loss of livelihood:** Assistance for lost income based on three months minimum wage rates.¹⁸
- **Impact on Vulnerable APs:** Additional one-time financial assistance equivalent to five hundred days of minimum wage rates.

107. During the due diligence, the payment of the above assistance was also assessed in the IKHEP. The due diligence indicates that assistance has been paid to the affected households as enumerated in Table 23 below. While the majority of the entitlements have already been paid to the affected households in full, the two pending entitlements include payment of transitional allowance for loss of agricultural land to 48 legal titleholders (amounting to a total payment of Rs. 388,280) and payment of vulnerability assistance to 27 vulnerable households amounting to Rs. 1,000,000 approximately (a total payment of Rs. 1,388,280) shall be paid.

108. In addition to payment of compensation and assistance in line with HPPCL R&R Policy, the Project as part of CSR activities undertook a range of developmental activities in

¹⁸ In this HEP RP, the minimum agricultural wage has been calculated at the rate of Rs. 147.75 based on 2010 Department of Labour and Employment data for Himachal Pradesh.

the Project affected area for the affected household and communities. The details of the same are provided in **Annexure VI**.

Table 23: Status of Payment of R&R Assistance to Affected Households

Type of Loss	Entitlement Agreed in the RF and RP	Entitlement paid by HPPCL as per HP R&R	No. of LTHs entitled to receive assistance	No. of LTHs who have been paid assistance	Amount of Assistance to be released	Corrective Action
Loss of land (Agriculture land)	Transitional allowance based on three months of minimum agricultural wage rates ¹⁹	Transitional allowance based on 25 days x12 months minimum wages to Houseless, Landless or Change in Livelihood or has been involuntarily displaced. (As per HPPCL R&R Plan, Clause 5.7)	263LTHs	215 LTHs	388,280	This allowance has already been covered under HPPCL R&R Plan's clause 5.1.5 and has already been paid to 215 LTHs. The remaining transitional allowance to 48 LTHs will be paid by 31 December, 2016.
Additional Assistance to Vulnerable Households	Additional one-time financial assistance equivalent to five hundred days of minimum agricultural wages.	Pension of Rs.1000/- Per month to the family starting from a date of 5 years after the date of implementation of R&R Plan and will continue for 10 years (R&R Plan's clause 6.2)	180 AHHS	179 AHHS ²⁰	1,000,000 ²¹ (Approx.)	Apart from payment of land compensation at negotiated rate, all these households have already been paid a Resettlement grant amounting to Rs 8,947,087. An additional grant of Rs. 1,000,000 (Approximately) is also being processed. The assistance for vulnerable AHHS will be paid by 31 December 2016.

¹⁹ In this HEP RP, the minimum agricultural wage has been calculated at the rate of Rs. 147.75 based on 2010 Department of Labour and Employment data for Himachal Pradesh.

²⁰ A sum of Rs. 8,947,087 among 179 MPA Families (out of 180) have already been paid as resettlement grant and one head of family has expired on dated 09-12-2013 (as per Panchayat Parivar Register) and there is no other living family member of the deceased to whom payment could be release.

²¹ Land compensation at negotiated/ generous rate was paid to all 180 households whose land was acquired for execution of Project Stage-I. Apart from this Resettlement grant amounting to Rs. 9,000,000(approx.) has already been paid, Also additional grant to landless families total Rs.1,000,000 (approx.) is being processed which is in lieu of vulnerability assistance. Moreover, 500 days minimum day wages was disbursed to 510 PAFs (180 MPAFs + 330 PAFs) to the tune of Rs. 37,600,000.

Overall Loss to the Project impact Area (Infrastructure and other social cultural assets)	<p>1.5% of the total project cost to be spent for on local area development.</p> <p>1% share of the revenue generated during the life of the project to be provided to affected panchayats</p>	<p>The Project has made a total contribution of Rs. 70.6 Million to Local Area Development Fund (LADF). This fund has been utilized by the District Administration for construction of <i>pucca</i> road, water distribution scheme, check dams and community buildings in the affected panchayats.</p>	<p>Rs. 70,600,000/-</p>	<p>Paid</p>	<p>Paid</p>	<p>No action required.</p>
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12.4. Equivalence and Gaps

109. The due diligence indicates that the payment of compensation for land and other assets done by HPPCL exceeds the replacement value of the land as calculated on the basis of AoVV. The comparison of the compensation for agriculture, orchard, pasture and wasteland (calculated using the AoVV) with the actual compensation paid by HPPCL indicates that compensation for land given by HPPCL (i.e. Rs. 27,040,000/- per hectare) was significantly higher than the cost derived using the AoVV, which were Rs. 11, 81,625/- ha for agriculture land, Rs.14, 310,000/- ha for orchard land and Rs. 381,600/-ha for pasture and wasteland. Rates for structure and trees were provided by Horticulture Department and PWD based on applicable market values.

110. All the payments released by HPPCL under the R&R Plan have been considered and accounted for the majority of the affected households have been paid the required compensation and assistance. However, the payment of (i) assistance to 27 vulnerable households, (ii) a transitional allowance for loss of agricultural land to 48 legal titleholders and as stipulated in the Resettlement Framework agreed for HPCEDIP and the Resettlement Plan for the IKHEP, is still pending. HPPCL needs to implement the corrective actions indicated in this Final RP by providing the pending entitlements totaling of Rs. 1,388,280 to the affected persons.

12.7. Corrective Action Plan

111. In order to address the gaps identified during due diligence, HPPCL will implement the Corrective Action Plan (CAP) detailed in Table 24 below. The External monitor shall monitor the implementation of the CAP.

Table 24: Corrective Action Plan

Corrective Actions to be taken	Timeline
1. Payment of R&R Assistance	
1.1. Payment of transitional allowance for loss of agriculture land to 48 legal titleholders (amounting to a total payment of Rs. 388,280)	31 December 2016
1.2 Payment of vulnerability assistance to 27 vulnerable households (amounting to a total payment of Rs 1,000,000 approximately)	31 December 2016

ANNEXURE I:

Comparative Matrix of ADB Policy and India LA Act (1894) and NPRR (2007)

ADB IR Policy	Indian LA Act (1894)	NPRR (2007)	Gaps	Gap Mitigations through RF and Entitlement Matrix
(i) Avoid involuntary resettlement	No provision in the LA Act	Chapter II, Clause 2.1(a) states the objectives of the NRRP is to minimize the displacement and to promote, as far as possible, non displacing or least displacing alternatives.	No gaps between ADB and NPRR policy requirements	N/A
(ii) Minimize involuntary resettlement	LA Act does not include any provision for minimizing impact	The broad aim of the Policy as given in the Preamble (1.4) is to minimize large scale displacement as far as possible	Policy focus more on Displacement and not explicit on IR minimization	RF requires to minimize impacts thru alternative design /choices of subprojects (para 6)
(iii) Mitigate adverse social impacts thru appropriate land, compensation, housing, infrastructure amenities so that APs social and economic conditions as favorable with the project as without it.	Provision for cash compensation only for acquisition of land and other assets	NPRR aims to restore and improve livelihoods of persons with housing, agricultural land, employment and providing necessary training facilities for development of entrepreneurship, technical and professional skills for self-employment. There are provisions of providing comprehensive infrastructural amenities and facilities to the resettlers.	NPRR Policies are similar with ADB and aims at improving the standards of the affected people.	RF contains similar objectives with regard to assistance and compensation, including provisions for replacement value for acquired assets (para 9)
(iv) Identify, assess and address the potential social and economic effects of a project. Resettlement should be conceived and executed as a development program	Identification of APs limited to titleholders of acquired assets. A full assessment of social and economic impacts is not required.	Chapter VI spells out the ways and means to identify and assess at an early stage of the project cycle the potential IR impacts through a baseline survey and census. And it also looks into the direct and indirect effects due to the project like loss of livelihood of agricultural laborers, rural artisans, etc. through Social Impact Assessment	The policy objectives are similar. Compensation and resettlement assistance are aimed to re-establish and improve livelihoods those affected.	Provisions in the RF (para 8) provides specific guidance for impact identification; the entitlement matrix has provision to assist APs restore their livelihoods in post resettlement period.

ADB IR Policy	Indian LA Act (1894)	NPRR (2007)	Gaps	Gap Mitigations through RF and Entitlement Matrix
<p>(v) Affected people should be fully informed and closely consulted on resettlement and compensation options. Disclose RPs to the affected people.</p> <p>(vi) Support existing social and cultural institutions so that APs are integrated socially and economically with the host communities</p>	<p>LA Act has provision to notify acquisition decisions only. No requirement for consultation.</p> <p>N/A</p>	<p>NPRR has provisions for consultation with affected persons/communities prior to drafting the RP. R&R Administrator is required to hold consultations; also, provision to set up a Grievance Redressal Mechanism called R and R Committee.</p> <p>No specific mention of support to socio-cultural organization of the resettlers.</p>	<p>Very close to ADB requirements</p> <p>Gaps with ADB Policy</p>	<p>FR (para 15-16) has specific provisions for consultation, disclosure and involvement of the APs.</p> <p>RF (para 9) has provision for social and economic support to APs and integration with host communities.</p>

**Annexure II: Sample Documentary Evidence of compensation payments made based on Sample
Documentary Evidence of compensation payments made based on negotiated agreement**

Himachal Pradesh Power Corporation Limited
(A State Government Undertaking)
Integrated Kashang HEP, HPPCL, Reckong Peo, Distt. Kinnaur-172107.
Phone/Fax No.: 01786-223992, 222001

Minutes of Meeting

As per the directions of worthy MD and representation/ request received from petitioners and Sangarsh Samiti of Pangi village the meeting of Negotiation Committee was held on 18/05/2010 at 11.00AM under the Chairmanship of General Manager Integrated Kashang Hydel Project for the enhancement of compensation awarded vide Award No. 575 dated 20/04/2005, 576 dated 28/04/05, 580 dated 20/12/2005, 581 dated 31/05/2006, 599 dated 1-12-2008, 600 dated 1/12/2008 & 601 dated 1/12/2008 of Revenue Village Ragura, Kashang Getinge, Pangi-I, Pangi-II, Ragura & Kashang Getinge respectively as reference Petitions for enhancement of compensation amount are pending in the I.d. Court of District & Session Judge Rampur. The following members of the Committee were present:-

- | | |
|---|----------|
| 1. Mr. S.P. Gupta
GM IKHEP, R/Peo | Chairmen |
| 2. Sh. Hem Singh Kaundal
Tehsildar Kalpa
(Nominnee of D. C Kinnaur) | Member |
| 3. Sh. B.S Negi,
DCM (Finance) | Member |
| 4. Sh. Devender Kalta,
N. Tehsildar
(Nominnee of LAO) | Member |

The Petitioners and members of Sangarsh Samiti of Village Pangi were present as per the attendance sheet (Annexure-1 & 2)

At the outset the Chairmen welcomed all the participants and proceeded further as follows:-

1. After long discussion/deliberations the petitioners and Sangarsh Samiti of Pangi Village agree to withdraw their reference petitions pending in the I.d. Court of District & Session judge Rampur at Reckong Peo for enhancement of compensation if the amount of compensation is enhanced @ Rs 1, 04,000 per Biswa to all the interested person (land losers) as per the analogy of the rates negotiated with land owners of revenue village Rang. Youvarangi & Meher for Shongtong HEP & IKHEP. They demanded the payment of enhanced compensation within the Two months.
2. The committee persuaded the petitioners and members of Sangarsh Samiti village Pangi for the lower rates and the normal rate of interest on the compensation already paid. But they stick to their demand of



Himachal Pradesh Power Corporation Limited
 A State Government Undertaking
 Integrated Kashang HEP, Reckong Peo Distt. Kinnaur (HP).
 Phone/Fax No.: 01786-223662/223992

Page 4

Attendance Sheet

Attendance sheet for the meeting of Negotiation of Land with the representative of Land Owners of Pangri Village held on dated 18/05/10 for Integrated Kashang Hydro Electricity Project (243 MW).

Sr. No	Name	Designation & Address	Signature
1	Gurdeep Singh Negi	Prachin G.P Pangri	[Signature]
2	Chandesh Kumar	v.p.o Pangri	[Signature]
3	Bunji Kumar	v.p.o Pangri	[Signature]
4	[Name]	v.p.o Pangri	[Signature]
5	Ashish Singh	v.p.o Pangri	[Signature]
6	[Name]	v.p.o Pangri	[Signature]
7	[Name]	v.p.o Pangri	[Signature]
8	[Name]	v.p.o Pangri	[Signature]
9	[Name]	v.p.o Pangri	[Signature]
10	[Name]	v.p.o Pangri	[Signature]
11	Santosh Negi	Changpasom Dept. Kinnaur Tangri	[Signature]
12			
13			
14			
15			
16			
17			
18			



HIMACHAL PRADESH POWER CORPORATION LTD.
(A State Government Undertaking)
Uttam Bhawan, (Dogra Lodge), Shimla-171 004 HP

No. HPPCL/ HPSEB/LAO-Kashang HEP/10-429

Dated:- 13-1-10

To

The General Manager,
Kashang HEP, HPPCL,
Distt. Kinnaur.

**Sub: Approval of enhancement of compensation to Rs. 1,04,000/-
for Kashang Project against earlier award.**

Sir,

Please refer to the subject cited above, you are informed that the

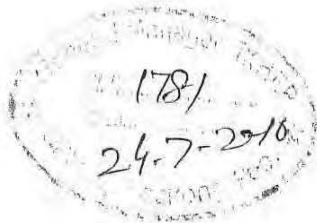
BOD has approved the above rates with condition.

That the land owners will withdraw the reference cases.

That there will be an agreement between the HPPCL and the land
owners in which detailed conditions will be envisaged.

Yours faithfully,

**Land Acquisition Officer,
HPSEB/HPPCL,
Shimla-4**



**BEFORE THE COLLECTOR LAND ACQUISITION
HPPCL/HPSEB, SHIMLA-4**

Award No. 655
Dated: 8.11.2012

IN THE MATTER OF:

Acquisition of land measuring 1-63-70 hectare situated in Village "Kashang Gatinge", Tehsil Kalpa, District Kinnaur H.P. for the construction of Integrated Kashang HEP Stage -I.

PRESENT: NONE

AWARD:

Pursuant to the proposal of Himachal Pradesh Power Corporation Ltd. to acquire land for the construction of Kashang HEP, Stage-I in Village "Kashang Gatinge", Tehsil Kalpa, District Kinnaur H.P., the H.P. Govt. issued notification under section-4 of the Land Acquisition Act -1894 vide notification No. Vidyut Chh(5)-27/2011 dated 27.01.12. The notification was published in two daily newspapers i.e. "The Tribune" and "Dainik Jagaran" dated 15.02.2012 and in the Rajpatra dated 9.2.2012 at page 5702-03. The public notice of the substance of this notification was given through Tehsildar Kalpa on 06.03.2012.

No objection with regard to acquisition of land notified above was received from any interested persons in the land with in the period of 30 days from the date of publication of notification under section-4 of the Act and a report under section 5-A of the Act was submitted to the Principal Secretary (Power) to the Govt of H.P. vide letter No. LAC (Rev) 23/2011-48-49 dated 23.4.2012. Thereafter a declaration u/s -6 and direction to Collector to proceed further with the acquisition u/s -7 of the Land Acquisition Act was issued by the State Government vide notification no. Vidyut Chh(5)-27/2011 dated 03.05.2012. This notification was also published in two daily newspapers i.e. "Dainik Jagaran" and "Times of India" dated 10.05.12 and in the Rajpatra dated 09.02.2012 at page No. 702- 03. The public notice of the substance of this notification was given through Tehsildar Kalpa on 08.06.2012.

Pursuant to the directions made u/s-7 land required to be acquired for the construction of Integrated Kashang HEP Stage -I in village Kashan Gatinge, Tehsil Kalpa, District Kinnaur, H.P. was caused to be marked out and measured. The land under acquisition was measured on the spot in the presence of S/Shri Avtar Singh, Himat Singh, Harshwant Singh, Sunil Kumar, Ram Lok, Bana Singh, Thakur Krishan, Shiv Krishan, Shankar Bhagat, Vidhya Krishan, Om Prakash, Radha Krishan and Suraj Prakash all land owners/interested persons and Shri Netar Singh Bhandari Junior Officer, (R & R) on behalf of HPPCL. The revenue papers and plan of the land under acquisition was also made out by the revenue staff of this office u/s -8 of the Land Acquisition Act. The details of the land to be acquired as per latest revenue entries are as under:

Handwritten notes:
10/11/12
S. J.
7-20
26/11/12

Handwritten notes:
4927
24-12-2012

Handwritten notes:
K. S.

Handwritten notes:
Sh. Natesh Singh
Sh. Natesh
to note for compliance -
21/11/12

District	Tehsil	Village	Kh. No.	Area in Hect.	Classification of land
Kinnaur	Kalpa	Kashang	250	3-12-45	Banjar Kaceem

Gelinge		
291	0-03-16	-do-
292	0-05-72	-do-
661/293	0-07-33	-do-
314	0-02-65	Kulahu Abal
315	0-07-30	Ghasani
316	0-05-15	-do-
317	0-20-44	Banjar Kadeem, 0-19-44 Gair Mumkin Beed. 0-01-00
680/318	0-01-15	Ghasani
681/318	0-02-97	-do-
674/319	0-04-94	Kulahu Abal, 0-04-60 Banjar Kadeem 0-00-34 Karali Kulahu 0-04-63
675/319	0-04-95	Banjar kadeem 0-00-33
676/319	0-00-82	Banjar Kadeem
677/319	0-00-82	-do-
678/319	0-00-85	-do-
679/319	0-03-10	Karali Kulahu 0-02-77 Banjar Kadeem 0-00-33
320	0-12-02	Ghasani
321	0-04-32	do-
322	0-18-13	-do-
323	0-20-14	-do-
667/324	0-06-15	-do-
347	0-19-09	-do-
Kitta		
22	01-63-70 Hect.	Kulahu Abal 0-02-65, Karali Kulahu 0-12-00, Banjar Kadeem 0-51-63, Ghasani 0- 96-42, Gairmumkin 0-01-00.

During the acquisition proceedings, the General Manager Integrated Kashang HEP submitted the agreement deeds vide his letter No. HPPCL IK/LA/(L-1)/2011-4103 dated 5.9.2012 executed between the land owners and H.P. Power Corporation Ltd. The perusal of the agreement deeds signed between Sh. Meera Bhatag S/o Sh. Daleep Singh owner of Kh.No. 681/318, 674/319, Kitta-2, measuring 0-07-91 Hect. and Kapur Chand, S/o Cheemed Dorje through GPA Sh. Shashi Kumar, S/o Kapoor Chand owner of Kh. No. 675/319 measuring 0-04-96 Hect., Subhash Chand through SPA Man Chand & Man Chand S/o Cheyeng Dandub owner of Kh. 314 & 315, Kitta -2 measuring 0-09-95 Hect., Shiv Krishan, Radha Krishan and Thakur Krishan Sons of S/o Narvu Dorje owner of Kh. No. 320, measuring 0-12-02 Hect., Smt. Kaldan Chho, W/o Bhadur Singh, Jai Pal Singh, Himmat Singh, Sons of Amar Singh, Suman Singh, Sunil Kumar, Satish Kumar, Sons of Sh. Chanderbhagat joint owners of Kh. Nos. 290, 661/293, 316, 317, Kitta-4, 0-45-41 Hect., Bal Bhadur Singh, S/o Arneer Singh, Ajeet Singh Bharat Bhushan Shankar Bhatag, Mitra Prakash, Rohitash, Sons of Baldev Singh, Ashok Kumar S/o Jagat Singh owners of Kh.No. 322 measuring 0-18-13. Vidya Krishan, Vidya Dev, Vidya Sagar, sons of Malam Jeet, Subhash Chander, Dorje Chhering, Sons of Achhar Singh owners of Kh. No. 667/324, measuring 0-06-15 hect., Bargat Dass, S/o Sukhi Ram, Pradeep Kumar, S/o Barkat Dass, Sevanand, Ram Lok, Sons of Krishan Dev, Arjeet, Harjeet, Sons of Krishan Singh, Smt. Soona Pati, W/o Jawalapur, Dhampur, S/o Dayo Chand, owners of Kh. No 291, 292, kitta-2, measuring 0-08-88 hect., Avtar Singh, S/o Kushak Pal, Kulwant Singh,

[Handwritten signature]

Omprakash, Sons of Ram Krishan, Rajesh Kumar, Ajay Kumar, Arun Kumar and Sanjeev Kumar, Sons of Budh Rattan, Rajan Singh S/o Nand Ram owners of Kh. No. 323, measuring 0-20-14, Avtar Singh, Kushak Pal, Sons of Nand Singh, Kulwant Singh, Omprakash, Sons of Ram Krishan, Rajesh Kumar, Ajay Kumar, Sanjeev Kumar, Sons of Budh Rattan Singh owners of Kh. NO. 347, measuring 0-19-09 hect., Uma Chand, S/o Jagpal, owner of Kh. No. 676/319, measuring 0-00-82 hect. Om Raj S/o Jagpal, owner of Kh.No. 677/319, measuring 0-00-82, Bhadar Jeet S/o Jagpal owner of Kh. No. 678/319, measuring 0-00-85 hect., Om Raj, Uma Chand, Ganga Sagar sons/o Jag Pal owner of Kh. No. 679/319, 321kita-2 measuring 0-07-42 hect., Om Raj, Uma Chand, Ganga Sagar, Bhadar Chand, Sons of Jag Pal owner of Kh. No. 680/318 measuring 0-01-15 hect. all resident of village Pangi, Tehsil Kalpa, Distt. Kinnaur, owners of land and Er. B.L. Sharma Sr. Manager (E & R) IKHEP on behalf of Managing Director, HPPCL reveals that both the parties have agreed to transfer and acquire the said land @ Rs. 1,04,000/- per bishwa inclusive of solatium and interest etc. free from all encumbrances. It has further been agreed that the price of the plants/trees standing on the land will be paid to the interest holders as per scheduled rate of Horticulture and Forest Deptt. The value @ Rs. 1,04,000/- per bishwa has been agreed to be paid by the HPPCL and interest holders. Therefore this rate of Rs 1,04,000/- per bishwa is awarded for the land under acquisition in this award on the basis of agreement executed between the land owners and acquiring agency i.e. HPPCL.

The total amount of compensation works out as under:

Cost of land measuring 1-63-70 hect.

Rs 4, 52, 42, 626.00


Inclusive of solatium & additional amount

as agreed between the parties @ Rs. 1,04,000/-

per Bishwa (i.e. 0-00-37.63 Hect.).

The above amount of compensation of Rs. 4, 52, 42, 626/- (Rs. Four crore fifty two lac forty two thousand six hundred twenty six only) is accordingly awarded u/s-11(2) of the Land Acquisition Act. Since in the instant case the consent has been given by the interest holders regarding valuation of the compensation in term of sub section (2) of section-11 of the Land Acquisition Act, no approval of the Government is necessary to render this award. Moreover the "BOD" of HPPCL has accorded approval to the valuation of the compensation for the land acquired earlier for the said project. The compensation shall be apportioned between the persons interested as per their shares recorded in the record of right-(Jamabandi) and award statement, assami-war attached with the award.

The land yielding revenue to the H.P.Govt. has been acquired for H.P.Power Corporation Ltd., in view of which capitalized value at 25 times of the land revenue i.e. Rs.150/- is chargeable from HPPCL.


Sd/-
17/1/04

The land shall vest in the name of HPPCL free from all encumbrances.

Notice of the award be given to all the persons interested in the land and Head of Project.

ANNOUNCED

Place: Shimla

Dated: 8.11.2012

Sd-
Land Acquisition Collector,
HPPCL, Uttam Bhawan,
Shimla-4

Endst. No. HPSEB (Sect)/LAO-Rev- *793-96* Dated: *19-12-12*
Copy forwarded to:

1. The Principal Secretary (MPP & Power) to the Govt. of H.P. Shimla.
2. The Managing Director, HPPCL, Shimla-171004.
3. ✓ The DGM, Kashang HEP, HPPCL, Reckong Peo Distt. Kinnaur for information and necessary action.
4. The Tehsildar, Kalpa, Distt. Kinnaur, H.P. along with copy of revenue papers with the directions that the acquired land be mutated in the name of HPPCL, under intimation to this office.

dee
Land Acquisition Collector,
HPPCL, Uttam Bhawan,
Shimla-4.

BEFORE THE COLLECTOR, LAND ACQUISITION, HPSEB, THISTLE BANK
BUILDING, SHIMLA-171003

Award No. 576

Date of Decision 28.4.05

Award U/s 11 of Land Acquisition Act, 1894 for the Kashang Hydro Electric Project in Village Kashang Gatinge, Tehsil Kalpa, Distt. Kinnaur HP.

Present:

- None on behalf of persons interested
- None on behalf of acquiring Department

AWARD:

The H.P. Government Department of M.P.P & Power has issued Notification No. Vidyut-
Chh (5)/18/2001, dated 25.3.2002 under section 4(1) of the Land Acquisition Act, 1894 (for
short- the "Act") to acquire land bearing Khasra Nos. Kita 116 total area measuring 9-94-39 Hect
situated in Village Kashang Gatinge, Tehsil Kalpa, Distt. Kinnaur H.P for public purpose namely
for the Kashang Hydro Electric Project. This notification further got published as under:-

In the daily newspapers:-

- (a) Ajit Samachar 13.4.2002
- (b) Dainik Tribune 13.4.2002

In the State Rajpatra on 13.4.2002

- (in) Public Notice in the locality on 4.5.2002

HEARING OF OBJECTION AND REPORT U/S 5 A(2) OF THE ACT:

Not applicable as the land is being acquired under the urgency Clause of Section 17 (4) of
the Land Acquisition Act.

3. **DECLARATION U/S 6 OF THE ACT:**

Later on, the H.P. Government, Deptt. Of MPP & Power has, issued Notification of even No. dated 20.1.2003 declaring therein under Section-6 read with Section-7 to acquire the land for the same purpose in the same locality as notified earlier U/s 4(1) of the Act.

This declaration U/s-6 read with Section-7 of the Act was got published as per the provisions of the Act as under:-

- (i) In the daily Newspapers:
 - (a) Dainik Jagaran 3.2.2003
 - (b) Times of India 4.2.2003
- (ii) In the State Rajpatra on 8.2.2003
- (iii) Public Notice in the Locality 28.4.2003.

4. **MARKING OUT AND MEASUREMENT OF LAND U/S 8 OF THE ACT:**

The land under acquisition was caused to be marked out and measured under Section-8 of the Act in the presence of person(s) interested by the Revenue Staff of this Office. During demarcation of land U/s 8 of the L.A. Act the 9 persons interested appeared before the Asstt. Collector, IInd Grade at Kashang- Gatinge and stated that they are fully satisfied with the demarcation given by the staff of the Land Acquisition Collector. The land Kh. No. 273 has legally been partitioned and now Kh. No. 273/1 measuring 0-07-58 and 273/2 measuring 0-07-66 Hect is to be acquired. Besides this, the area of Kh. No. 313 is 0-08-52 in place of 0-08-82 and the area of Kh. No. 281/2 is 0-04-56 in place of 0-04-86. The revenue record has been corrected accordingly. The list of fruit and non- fruit trees which was prepared by the Revenue staff was found correct to the satisfaction of the persons interested. They further requested for immediate release of compensation of land and trees at appropriate rates.

Shri Navneet Gupta, Assistant Engineer, Kashang Const. Sub-Division No.5, Pangri stated on 28.9.2003 that he has been apprised with the demarcation of the land, which is under acquisition in Village Kashang Gatinge for the construction of Kashang Hydrel Project and necessary points have been fixed during demarcation in his presence. Now the exact particulars of land under acquisition are as under:-

59

- 3 -

10/10/51
10/10/51

826

Distt.	Tehsil	Village	Kh. No.	Area in Hect.	Classification
Kinnaur	Kalpa	Kashang Gatinge	312	0-01-90	
			284	0-12-19	
			286	0-16-47	
			311	0-15-46	
			324/1	0-10-75	
			325	0-04-82	
			350	0-11-16	
			351	0-16-93	
			358	0-01-33	
			359	0-01-05	
			360	0-05-41	
			362	0-11-85	
			364	0-09-92	
			361	0-23-27	
			343	0-09-27	
			624/337	0-13-82	
			341	0-13-19	
			626/342	0-01-68	
			623/337	0-13-53	
			625/342	0-01-79	
			336	0-07-61	
			334	0-09-05	
			335	0-05-15	
			370/1	0-05-83	
			370/2	0-17-65	
			371	0-10-07	
			372	0-00-56	
			373	0-01-04	
			313	0-08-52	
			332	0-16-09	
			333	0-04-48	
			267/1	0-01-17	
			467	0-03-87	
			263	0-01-40	
			276	0-04-08	
287	0-09-77				
293/1	0-11-63				
349	0-20-86				
288	0-11-67				
294	0-02-32				
295	0-01-48				
256	0-10-79				
257	0-01-50				


571e

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47

Collector.
H/SEB Shimla-3

280	0-01-60
344	0-00-40
345	0-27-81
346	0-18-19
282	0-14-12
281/1	0-02-24
281/2	0-04-56
255/1	0-17-41
252	0-09-54
251/1	0-02-50
253	0-16-41
296	0-13-67
298	0-03-98
278/1	0-03-78
410/1	0-04-70
354	0-08-33
355	0-14-79
357	0-00-81
356	0-00-76
375	0-26-89
264	0-00-55
265/1	0-02-88
265/2	0-01-19
275	0-02-54
285	0-01-80
338	0-02-17
340	0-06-40
326	0-02-72
329	0-03-95
330	0-11-97
339	0-03-39
393	0-04-59
401	0-00-70
404	0-19-24
405	0-20-07
406	0-04-35
397	0-08-79
392	0-01-81
394	0-02-07
395	0-04-08
396	0-04-41
398	0-07-60
400	0-00-98
331	0-08-34
386	0-17-44
387	0-06-88
388/1	0-02-30
388/2	0-02-13



 The Penetration Collector.

 H. 528 Fibra 3

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391	0-02-38
399	0-21-45
402	0-00-50
403	0-02-06
408/1	0-00-72
300/1	0-03-70
299	0-07-63
309/1	0-03-10
327	0-04-94
369/3	0-07-18
369/2	0-07-00
369/4	0-07-20
369/1	0-07-03
273/1	0-07-58
273/2	0-07-66
379	0-21-89
380	0-08-48
381	0-10-16
310	0-21-47
365	0-12-75
297	0-08-57
378	0-13-02
274	0-08-50
376	0-12-91
419/1	0-02-34
424	0-02-24
348	0-17-02
367	0-06-38
382	0-00-87
363	0-15-56
352	0-06-30
254/1	0-25-85

Kita	123	9-94-65
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Forest Range Officer, Kalpa

5. STRUCTURE & TREES

The assessment of structures have been got assessed from the Sr. Executive Engineer, Kashang const. Division, HP JVVN Ltd., Rekong Peo, Distt. Kinnaur. The non fruit bearing trees have been got assessed from the Forest Range Officer concerned and the fruit bearing trees have been got assessed from the Horticulture Development Officer, Kalpa as per list photocopy attached.

BEFORE THE COLLECTOR, LAND ACQUISITION, HPSEB, THISTLE BANK
BUILDING, SHIMLA-171003

Award No. 576

Date of Decision 28.4.05

Award U/s 11 of Land Acquisition Act, 1894 for the Kashang Hydro Electric
Project in Village Kashang Gatinge, Tehsil Kalpa, Distt. Kinnaur HP.

Present:

- None on behalf of persons interested
- None on behalf of acquiring Department

AWARD:

The H.P. Government Department of M.P.P & Power has issued Notification No. Vidyur-
Cdr (5)/18/2001, dated 25.3.2002 under section 4(1) of the Land Acquisition Act, 1894 (for
short- the "Act") to acquire land bearing Khasra Nos. Kita 116 total area measuring 9-94-39 Hect
situated in Village Kashang Gatinge, Tehsil Kalpa, Distt. Kinnaur H.P for public purpose namely
for the Kashang Hydro Electric Project. This notification further got published as under:-

In the daily newspapers:-

- (a) Ajit Samachar 13.4.2002
- (b) Dainik Tribune 13.4.2002

In the State Rajpatra on 13.4.2002

(c) Public Notice in the locality on 4.5.2002

HEARING OF OBJECTION AND REPORT U/S 5 A(2) OF THE ACT:

Not applicable as the land is being acquired under the urgency Clause of Section 17 (4) of
Land Acquisition Act.

1046 13/05/05
80600-0

80600-0

57/100-0

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1046 13/05/05

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3. **DECLARATION U/S 6 OF THE ACT:**

Later on, the H.P. Government, Deptt. Of MPP & Power has, issued Notification of even No. dated 20.1.2003 declaring therein under Section-6 read with Section-7 to acquire the land for the same purpose in the same locality as notified earlier U/s 4(1) of the Act.

This declaration U/s-6 read with Section-7 of the Act was got published as per the provisions of the Act as under:-


- (i) In the daily Newspapers:
 - (a) Dainik Jagaran 3.2.2003
 - (b) Times of India 4.2.2003
- (ii) In the State Rajpatra on 8.2.2003
- (iii) Public Notice in the Locality 28.4.2003.

4. **MARKING OUT AND MEASUREMENT OF LAND U/S 8 OF THE ACT:**

The land under acquisition was caused to be marked out and measured under Section-8 of the Act in the presence of person(s) interested by the Revenue Staff of this Office. During demarcation of land U/s 8 of the L.A. Act the 9 persons interested appeared before the Asstt. Collector, IInd Grade at Kashang- Gatinge and stated that they are fully satisfied with the demarcation given by the staff of the Land Acquisition Collector. The land Kh. No. 273 has legally been partitioned and now Kh. No. 273/1 measuring 0-07-58 and 273/2 measuring 0-07-66 Hect is to be acquired. Besides this, the area of Kh. No. 313 is 0-08-52 in place of 0-08-82 and the area of Kh. No. 281/2 is 0-04-56 in place of 0-04-86. The revenue record has been corrected accordingly. The list of fruit and non- fruit trees which was prepared by the Revenue staff was found correct to the satisfaction of the persons interested. They further requested for immediate release of compensation of land and trees at appropriate rates.

Shri Navneet Gupta, Assistant Engineer, Kashang Const. Sub-Division No.5, Pangi stated on 28.9.2003 that he has been apprised with the demarcation of the land, which is under acquisition in Village Kashang Gatinge for the construction of Kashang Hydrel Project and necessary points have been fixed during demarcation in his presence. Now the exact particulars of land under acquisition are as under:-

Distt.	Tehsil	Village	Kh. No.	Area in Hect.	Classification
Kinnaur	Kalpa	Kashang Gatinge	312	0-01-90	
			284	0-12-19	
			286	0-16-47	
			311	0-15-46	
			324/1	0-10-75	
			325	0-04-82	
			350	0-11-16	
			351	0-16-93	
			358	0-01-33	
			359	0-01-05	
			360	0-05-41	
			362	0-11-85	
			364	0-09-92	
			361	0-23-27	
			343	0-09-27	
			624/337	0-13-82	
			341	0-13-19	
			626/342	0-01-68	
			623/337	0-13-53	
			625/342	0-01-79	
			336	0-07-61	
			334	0-09-05	
			335	0-05-15	
			370/1	0-05-83	
			370/2	0-17-65	
			371	0-10-07	
			372	0-00-56	
			373	0-01-04	
			313	0-08-52	
			332	0-16-09	
			333	0-04-48	
			267/1	0-01-17	
			467	0-03-87	
			263	0-01-40	
			276	0-04-08	
287	0-09-77				
293/1	0-11-63				
349	0-20-86				
288	0-11-67				
294	0-02-32				
295	0-01-48				
256	0-10-79				
257	0-01-50				


 Exhibition Collector.
 P.O. Shimla-3

280	0-01-60
344	0-00-40
345	0-27-81
346	0-18-19
282	0-14-12
281/1	0-02-24
281/2	0-04-56
255/1	0-17-41
252	0-09-54
251/1	0-02-50
253	0-16-41
296	0-13-67
298	0-03-98
278/1	0-03-78
410/1	0-04-70
354	0-08-33
355	0-14-79
357	0-00-81
356	0-00-76
375	0-26-89
264	0-00-55
265/1	0-02-88
265/2	0-01-19
275	0-02-54
285	0-01-80
338	0-02-17
340	0-06-40
326	0-02-72
329	0-03-95
330	0-11-97
339	0-03-39
393	0-04-59
401	0-00-70
404	0-19-24
405	0-20-07
406	0-04-35
397	0-08-79
392	0-01-81
394	0-02-07
395	0-04-08
396	0-04-41
398	0-07-60
400	0-00-98
331	0-08-34
386	0-17-44
387	0-06-88
388/1	0-02-30
388/2	0-02-13



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391	0-02-38
399	0-21-45
402	0-00-50
403	0-02-06
408/1	0-00-72
300/1	0-03-70
299	0-07-63
309/1	0-03-10
327	0-04-94
369/3	0-07-18
369/2	0-07-00
369/4	0-07-20
369/1	0-07-03
273/1	0-07-58
273/2	0-07-66
379	0-21-89
380	0-08-48
381	0-10-16
310	0-21-47
365	0-12-75
297	0-08-57
378	0-13-02
274	0-08-50
376	0-12-91
419/1	0-02-34
424	0-02-24
348	0-17-02
367	0-06-38
382	0-00-87
363	0-15-56
352	0-06-30
254/1	0-25-85

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Kita	123	9-94-65
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Forest Range Officer, Kalpa

5. STRUCTURE & TREES

The assessment of structures have been got assessed from the Sr. Executive Engineer, Kashang const. Division, HP JVVN Ltd., Rehong Peo, Distt. Kinnaur. The non fruit bearing trees have been got assessed from the Forest Range Officer concerned and the fruit bearing trees have been got assessed from the Horticulture Development Officer, Kalpa as per list photocopy attached.

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