



Special Benefits to ST PAFs - Scheme for Providing compensation in lieu of Forest-Rights

1. Introduction and background

In the approved Standard R&R Plan of the HPPCL, there are certain provisions for R&R Benefits for PAFs belonging to ST & SC. One of the provisions is regarding providing 500 days wages in lieu of forest rights. The provision reads as under.

“Each ST family will get an addition one time financial assistance of 500 days minimum wages for labour for loss of customary right’s or usage of forest produce.”

Similar provision exists in National R&R Policy also.

This scheme is formulated to operationalize the above provision of the R&R Plan.

2. Objectives

To provide compensation to the affected ST (Scheduled Tribe) PAFs for loss of benefits accruing due to exercise of customary forest rights and in return obtaining their cooperation for construction of project.

3. Concept

In this scheme one-time financial assistance is to be provided to ST PAFs for loss of income from exercise of forest-rights with the understanding that the beneficiary shall lend their unstinted support and cooperation for construction of HPPCL Project and shall not cause any hindrance and/or obstruction or work stoppage of the HPPCL project.

Some forestland is acquired for construction of each project, part of this land gets submerged or is used for construction or temporarily need for dumping. Some part may be just kept vacant for safety. People have rights over such forests and derive income from the forest like fuel-wood, timber, other minor forest produce (jeera, chilgoza, herbs), fodder and grass etc. Whereas people can continue to get above produce from forest which is not destroyed, they do lose some forest and so the benefits are lost. They can be compensated in two ways as given below. These are termed as options in this scheme.

- (I) Cash Compensation by assessing the income from the forest produce and paying annually.
- (II) By wage payment equivalent to 500 days wages periodically.

Panchayat as a unit will have to opt for either option (I) or (II) as per concept above.

Besides this, there may be loss of production in forest which is not acquired due to dust pollution etc. This is not covered under the scheme.

This scheme also seeks to address the issue of application of Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 [in short, Forest Rights Act or FRA]. In the State of HP, forest rights are already well settled, documented and being

exercised since many decades. Scope and applicability of FRA in such well-settled areas is still under examination and remains to be determined.

Pending start or otherwise of process(es) under FRA, this scheme offers to compensate for forest rights of affected population, which will also meet the requirement laid down under the guidelines issued by GoI MoEF letter No. F. No. 11-9/1998-FC (pt) dated 30.07.2009 and in the annexures to MoTA letter No. 23011/15/2008-SG.II dated 18.05.2009.

4. Eligibility

All ST MPAFs and PAFs, who earned benefit or derived income in exercise of their recorded rights over forestland diverted for the purpose of HPPCL's power project, at the time of such diversion, shall be eligible for seeking assistance under this scheme. They shall be duty bound not to cause hindrance or obstruction or stoppage of work of HPPCL project.

In case eligible PAFs through Panchayat chose to take cash-compensation as per actual assessment to be made in lieu of income lost due to curtailment of exercise of rights over forestland diverted for the project, i.e. Option-I, they shall not be eligible for benefit under Option-II of this scheme. Similarly, the beneficiaries under option-II of this scheme shall not be eligible for compensation under Option-I (cash compensation).

5. Time Period of the Scheme

The scheme shall remain in operation during the construction period of the HPPCL's power project till commissioning of the project or exhaustion of 500 days employment to all entitled PAFs, whichever is earlier.

The implementation of this scheme shall commence after diversion of forestland for the project and after start of work on main component of the project from the applicable date of last notification of Section-IV under LAA for acquiring at least 25 % or more of total land required for the project.

In case there is a single notification under Section-IV of LAA covering 25 % or more of total land requirement, then the applicable date shall be the date of issue of such a notification.

In case a single notification does not cover 25 % or more of total land requirement, and several notifications under section-IV are issued at different dates for different piece/parcel of lands having varied sizes/extent, for the purpose of applicable date, any or all such notifications that have been issued within a period of three months that cover 25 % or more of total land requirement as aggregate shall be bundled and the date of issuance of the latest notification of such a bundle, shall be applicable date.

For example, if total land requirement for a particular project is say 400 bighas, and a single notification (under section-IV of LAA) does not cover 100 bigha or more and instead several notifications have been issued from (say) 8th June 2009 to 7th September 2009, under which land covered is 100 bighas or more in aggregate, then all such notifications shall be bundled and the date of issuance of the latest of such notifications (i.e. 7th September 2009) shall become the applicable date.

6. Procedure and norms for implementation

(a) Option-I

- Cash compensation based on assessment of income from forest produce shall be paid by HPPCL annually to the Gram Panchayat on application. The concerned Gram Panchayat shall make disbursement of the same at its own end to the eligible PAFs and shall furnish details of the payment so made to the Head of Project . The payment for next year shall be released only on receipt of details for the disbursement made in respect of the previous year. The HPPCL shall not be responsible for delay in disbursement or non-disbursement or disputes in disbursement by the Panchayat in any manner whatsoever.

(b) Option -II

- Each eligible MPAF/PAF shall be entitled to wages for a maximum of 500 days during implementation period of the scheme.
- Eligible PAF desirous of seeking assistance shall apply on the prescribed application form as given in **Annexure-A** within a period of three months from the applicable date or start date of this scheme in the project.
- Disbursement shall be done on or before 7th of the each month for the preceding month.
- The benefit under the scheme shall be calculated at the Government of HP approved daily wage rate for unskilled workers in force on the applicable date or start date of this scheme in a particular project.
- The family head as given in the Panchayat Parivar Register or person nominated by him will be given this money every month.
- Benefits to an individual shall be discontinued if he/she fails to apply for the same or fails to furnish necessary undertaking and certificates.
- Information furnished in the application shall be verified through the appropriate agency. If any or all the information furnished is found false or fabricated, the application shall be rejected and amount disbursed shall be recovered under due process of law beside initiating penal action as may be warranted under the circumstances and under the relevant laws in force.
- Unutilized or not encashed period/days of the entitled period are non-transferrable to other individuals or families or to other project of HPPCL.

7. Processing of application

All the applications received by Head of the Project shall be processed by a committee. The processing would include verification of status of PAF and existence of recorded forest right as well as verification of loss of income due to diversion of forestland for the project. All other information provided in the application by the applicant shall be verified.

On completion of processing, disbursement shall be made to the applicant on verification of identity or through a bank instrument including electronic transfer.

8. Use of residual forestland or forest-right

Exercise of grazing rights or collection of Non-Timber Forest Produce over the unused portion of forestland diverted for the project may be allowed by the Head of Project after an assessment to the effect that it is safe for the forest-right holder and exercise of such right will not cause any disturbance, hindrance or obstruction in the construction of the project or activities ancillary thereto. Even when permitted, if a threat, hindrance, obstruction or work

stoppage arises or is posed, the Head of Project may withdraw such permission without any notice or affording opportunity to make representation and no action shall lie against the Head of Project or his representative.

9. Binding conditions and bar on entitlement

All individuals and PAFs deriving benefit under this scheme shall be bound to extend full cooperation in the construction and early commissioning of the project and they by themselves or their family members shall not cause hindrance in or obstruction to or stoppage of work of the HPPCL project. Beneficiary shall give an undertaking to this effect each time he/she draws benefit under this scheme. If any beneficiary is found violating this condition, the benefit to him/her shall be stopped forthwith.

Eligible PAF taking cash-compensation as per actual assessment to be made in lieu of income lost due to curtailment of exercise of rights over forestland diverted for the project shall stand automatically debarred from seeking benefit under Option-II of the scheme and vice-versa.

10. Review and appeal

Any decision under this scheme may, on receipt of an application, be reviewed by a committee to be constituted by the HPPCL Corporate Management. All appeals against decision of the review committee shall lie with the Chairperson of HPPCL.

Application Form for seeking financial assistance under ST & SC Scheme for wage compensation in lieu of forest rights

1. **Name of the District** í í í í í í í í Teh./Sub-Teh. í í í í í
2. **Name of HPPCL Project** í í í í í í í í í
3. **MPAF/PAF Identity Card (ID) No (if allotted) of applicant** í í ..í í í í í .
4. **Name of the Applicant (in capital letters) and father's/husband's name** í í í í í
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í í í
5. **Gender:** Male/ Female í í í í í í í ..
6. **Main Occupation of the applicant MPAF/PAF** í í í í í í í í í .
7. **Name of Forest in which right exists**.....
8. **Type of rights (Tick as appropriate)**
 - Timber
 - Minor forest Produce
 - Grazing
 - Fuelwood for cremation
 - Fuelwood for other uses.
 - Others
9. **Undertaking to be furnished as an affidavit/agreement** to the effect that the applicant shall extend full cooperation in the construction and early commissioning of project and he himself or his family members shall not cause hindrance in or obstruction to or stoppage of work of the HPPCL project.
10. Certified that I have read the scheme and I have opted for Option-II of the scheme. I further certify that I have not received /I have not applied /will not claim compensation under Option-I of the scheme.
11. I certify that the information furnished by me is true and no part of it is false or fabricated. If it is found to be false or fabricated, I understand that legal proceeding beside recovery of benefits paid may be initiated against me.

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| Self attested photograph of applicant |
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Date í í í í í í í
card No.

Applicant's Signature with PAF Identity

12. **Verification by the Pradhan Gram Panchayat** concerned
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Verified that the applicant/applicants reside in the Gram Panchayat as mentioned in the application and all the information provided by the applicant/applicants is correct to the best of my knowledge.

Signature & seal of Pradhan GP

14. Checking and verification by project R&R Staff

R&R Staff

Name and Designation of project