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REPORT OF THE EXPERT GROUP

ON

**SOCIAL IMPACT ASSESMENT STUDY: Proposed Land
Acquisition for Ministry of Defence in North Sikkim.**

DATED: 1/02/2021

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APPRAISAL AND EVALUATION

The SIA has been undertaken for 102.7859 hectares of land notified for acquisition for Ministry of Defence in Lachung (73.9162 ha), Lachen (25.2677 ha) and Chungthang (3.602 ha) revenue blocks in Chungthang Sub-division in the North District of Sikkim. The land has been in under the possession of Army for over three decades and can be currently divided into two categories i.e. those that have been under hiring by the army (62.7294 ha) and those that have been encroached and occupied by the army without paying hiring charges (40.0565). One of the major issue highlighted in the SIA is that of the ambiguity arising due to the lack of formal documentation of the actual date of hiring and the charges paid to the land owners with regards to their land as well as the once existing structures. Most importantly delay caused in settlement of the matter has long been the source of distress among the landowners and the community.

It must be mentioned that the team has done a commendable and comprehensive work in preparing the report given the time constraint faced by them. The report maintains a mature sense of balance between technicalities of the procedure and vocalising the narratives of the stakeholders and the community. This generally is considered a hallmark of a well prepared SIA.

The SIA Report has been divided into the following eight chapters :

- **Chapter I** delivers the executive summary of the project, its purpose, location, alternatives considered, land use pattern, Socio-economic impacts and mitigation measures
- **Chapter II** presents the Project description in detail. It lays down the background and scope of the project along with details of Land Requisition Body and the applicable legislation and policies.
- **Chapter III** includes the study methodology, nature of data collected, composition of SIA team and limitations in the study.
- **Chapter IV** provides an outline of the Socio-economic profile of the study area, affected households and the stakeholders. It also records the key observations and issues raised by the community.
- **Chapter V** highlights the social impact and inventory loss alongside project land requirement, extent of land acquisition, past use of land and most importantly estimation of impacts in terms of the affected families.
- **Chapter VI** discusses in detail the social impact management plan where main focus has been placed on strengthening Military-Local community engagement. Other suggestions and recommendation for the mitigation of social cost has also been made in this chapter.

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- **Chapter VII** provides the records of Public Hearing of the Draft SIA report where the Issues raised and the actions taken to mitigate them has been highlighted.
- **Chapter VIII** has been reserved for conclusions and recommendations highlighting the critical issues of alternate access routes (roads/pathways) and proper settlement of the pending hiring charges.

OBSERVATIONS

After the assessment of the final SIA Report the Expert Group believes that the SIA study has been conducted in a scientific manner and is devoid of any subjective bias both towards the cause of National Defence and the sentiments of the affected population. To preserve the essence of the SIA the team has made forthright effort to justify the rightful and fair compensation of the proposed land for acquisition as well as the payment of hiring charges by hinting out to the required legislation and available precedents.

The study has identified and documented the Socio-economic profiles of the affected households and has made effective case for the mitigation of any adverse effects on the health of both the community and the project through their Social Impact Management Plan (SIMP).

Further, the recommendation of the SIA to Strengthen the Local-Military engagement through proper apparatuses has been highly appreciated by the Expert group as this decision may productively diffuse tension which has been triggered by delay of compensation.

The expert group coincides with the mitigation measures provided in the SIA report and has made the following additional observation and recommendations.

1. It has come to notice, in many cases the unavailability of formal documents regarding land holdings and the existing structures at the time of hiring has caused much confusion and thereby hampered the process of acquisition and compensation for many years. Therefore, along with Investment Advisory Services proposed by SIA Report, the Expert Group recommends that workshops and a Special Drive for upgradation of documentation in terms of land and other property should be made available in the proposed area. Creating such an awareness shall not only benefit the citizens but also the state to built a proper repository of land documents. If achieved this step shall be beneficial for the people to avoid problems caused by encroachment in their area on a long-term basis.

2. In accordance to 5.18 of the SIA Report, where the issue of access has been stated, a need has emerged for construction of alternative roads and footpaths wherever necessary to maintain easy access of the people to grazing lands and the national highway. A barrier to these access points creates adverse effect on the community as Tourism and Cattle Rearing are among the primary source of livelihood in the area. Since a corpus for access related issues has been allocated, the Expert Group suggests the stake-holding of the construction is to be shared among the Ministry of Defence and representatives of the three revenue blocks in equal ratio. This equal opportunity

will aid in maintaining a check and balance system and help them to navigate the new access routes at the convenience of both parties.

3. Yet again, due to discrepancies in the documentation process many of the landholders could not justify compensation for the structures existing during the pre-hiring period. These structures such as apple plantation, stone fencing etc has been lost over the decades with no possibility of revival. Therefore, to reach an amicable settlement the Expert Group strongly suggests the competent authority to ensure the application of the Good Will Measures along with the recommendations made for payment of hiring charges and proposed entitlements for the affected populations.

4. The issue of encroachment by the army appears to omnipresent in the proposed and adjacent lands. After deliberation with the representative of the area who are also a member of the expert group it has come to notice that, apart from the structures erected in the proposed land there are pipelines belonging to Army settlements which has been extended to adjacent lands. In order to avoid unwanted tension between the Army and the local community the Expert group suggests re-direction of those pipelines or generation of No Objection Certificate from the land owners under the guidance of local governing bodies by the Army.

5. Since the quantum of land acquired from each landowner is fairly large, the average land acquisition being 1.81 acres in Lachung, 0.93 acres in Lachen and 0.89 acres in Chungthang. The amount of compensation to be awarded to each landowner shall also be reflective of it. To bring about transparency and simplicity in the process of disbursement of compensation, it has been special request of the landowners to issue them an ID card by the authority of District Collector with clear mention of the amount to be received by the holder of such card. This step can be mediated by the Grievance Redressal Cell after the calculation of compensation amount using the specific formula under Sections 26-30 and Schedule I of the 2013 Act.

6. The expert group would like to stress on 6.5 and 6.8 of the SIA Report where institutionalization of the position of Head Officer, Local Community Engagement and constant consultation of the same with the representatives from the three concerned revenue blocks has been suggested. The two bodies ought to meet annually to discuss matters pertaining to the any activities in the area. An official culture of acquiring No Objection Certificate (NOC) may be established by the above stated officer in terms of the matters related to land use and other activities by the Army in the local community. This measure shall attempt to dissolve vagueness of what the Army can and cannot do in that area which may have the potential to upset peace and harmony among locals and the Army.

7. For the long-term mitigation of social cost and to compensate for the shift in livelihood the Expert Group is of the view that the measures expressed in 4.56 of the SIA Report regarding support of livelihood generative activities, especially relating employment opportunities must be strongly applied. This shall instil symbiotic relationship between the Army and the locals.