APPRAISAL REPORT OF THE EXPERT GROUP CONSTITUTED FOR THE EVALUATION OF THE SOCIAL IMPACT ASSESSMENT STUDY OF PROMENADE DEVELOPMENT FOR DIU TOWN FROM DIU BUS STATION UP-TO FORT, DIU

Submitted to
U. T. Administration of Daman and Diu
1. BACKGROUND

Promenade Development for Diu Town from Diu Bus Station up-to-Fort, Diu is proposed by Public Work Department. The proposed promenade development is situated beside the sea on south direction of Arabian Sea. The process of acquisition of the proposed land is to be executed as per the procedure and guidelines specified in the Act & Rules given below:

- Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (RFCTLARR Act 2013)

As per section 4 of the RFCTLARR Act 2013, a Social Impact Assessment study (SIA) is required to be carried out before initiating the land acquisition under section 11 of the said Act. Accordingly, consultation process with concerned Municipal area and affected population was carried out for ascertaining the social impact on the proposed land acquisition on the affected Municipal area.

The SIA report prepared by Social Impact Assessment Team provides detail information on the land acquired:-

- Enumeration of the Land losers
- Socio-economic profile of affected village and Panchayat
- Number of families to be displaced
- Number of built-up structure to be affected and their nature of use
- Inventory of stake holders
- Inventory of vulnerable groups
- Assessment on the extent and intensity of positive and negative social impact of land acquisition and project implementation
- Social Impact Management Plan (SIMP)
2. CONSTITUTION OF EXPERT GROUP

Introduction:


The expert group consists of following officials/non officials:-

1. Dr. Dipa L. Joshi Chairman & Rehabilitation Expert for the Specific Project i.e.
2. Dr. Nitiksha J. Gediya (Rehabilitation Expert)
4. Shri Haresh P. Kapadia (Elected Representative of Municipal Council)
5. Smt. Sushila D. Vagharmshi (Non Official Social Scientist)
6. Ms. Kokila J. Dabhi (Non Official Social Scientist)
7. Er. Nitin N. Gajwani (Technical Expert)

1. MANDATE OF THE EXPERT GROUP:

The Expert Group constitution under sub-section (1) of section 7 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and resettlement Act, 2013, after going through the Social Impact Assessment Study should assess:-

- Whether the Project serves any public purpose
- Whether Potential benefits outweigh the social costs and adverse social impact
- Whether the extent of land proposed to be acquired is the absolute bare minimum extent needed the project.
- Whether there is other less displacing option available with affective rehabilitation plan.
3. PARAMETERS ADOPTED FOR EVALUATION

Introduction

The expert group after due deliberations considered the following parameters for evaluating the SIA report:

a) Appropriateness and completeness of the process adopted for the social impact assessment studies (SIA)
b) Extent transparency and quality of participation of different stakeholders in the SIA process
c) Social profile and social indicators
d) Identification of vulnerable groups
e) Effectiveness of Social Impact Management Plan (SIMP)
f) Public perception and redressal of public concerns
g) Public interest served
h) Social costs vis-à-vis adverse social impacts
i) Rehabilitation and resettlement and relief aspects

3.1 Appropriateness and completeness of the process adopted for the SIA study:

The Social Impact Assessment Study is essential component in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013), Chapter II section 4(1). Social Impact Assessment (SIA) study requires a significant perfection in terms of data authentication, the quality with extremely thorough, careful and in-depth assessment, presentation of balanced and comprehensive views, so as to function as a technical document based on which decisions about the development of the proposed project can be made.

According to the SIA report, the study team collected the data and required information from official records; stakeholders, consultation through Participatory Rural Appraisal (PRA), local PAFs and sample survey conducted among the directly affected families (families who are likely to lose their land) and indirectly affected families (those living near the proposed land acquisition). In addition, they also conducted field visits to assess the ground reality of the land acquisition and to prepare the SIA report based on public interaction and public opinion.
The expert group after reviewing the methodology and approach followed for undertaking the study is of the considered opinion that the procedure adopted was complete and was in consonance with the guideline prescribed in the Act & Rules laid for this purpose.

**3.2 SOCIO ECONOMIC PROFILE OF THE AFFECTED PANCHAYATS:**

Proposed project is located in Diu District. The Promenade Development for Diu Town from Diu Bus Station up to Fort, Diu Districts been proposed. 5533.00 Sq. mtrs private land is proposed to be acquired for the said public purpose.

- The total land that needs to be acquired for this project is 5533.00 sq.mtrs. for the proposed Promenade Development Project; private land is proposed to be acquired from 10 land owners of Diu District.
- Diu island is the most important tourist destination in India and foreign.
- Most of the households are NRIs and are currently residing outside of India. However, this is not primary source of livelihoods for the majority of the affected land owners.
- Acquisition of private land will impact 10 PAFs from Diu District.
- There are total 10 lands are affected in Land Acquisition admeasuring total area 5533 sq.mts., out of which 02 lands are Commercial cum/Residential, 01 land is Residential, 01 land is social institution (PrathanaMandir) and other 6 lands are agriculture lands.
- The total 3 Families displacement shall occur during the land acquisition process.

It is recommended that adverse socio economic impacts should be offset by evolving specific R&R plan for empowering displaced families with alternative employment options and by providing them with the tools to create sustainable new livelihoods.

**3.3 Vulnerable groups:-**

- The SIA report identifies the vulnerable PAFs like physically and mentally challenged and women-headed households who will face adverse impact due to land acquisition in the promenade development.
- The Social economic indicator of the Diu District from which land is to be acquired is total 10 families. Out of 10 families 3 families will be displaced from their residential cum Commercial houses.
The Expert Group is satisfied with the efforts made for identification of the vulnerable groups and suggests that the resettlement plan must consider their needs and ensure that they are considered during the resettlement planning and application of mitigation measures for providing possible assistance as admissible under the R&R Policy of the requiring body.

3.4 Extent, transparency and quality of participation of different stakeholders in the SIA process

For the preparation and assessment of the social impacts people participation was ensured through Participatory Rural Appraisal (PRA) exercises, public consultations and by organizing Focused Group Discussions. The SIA team had undertaken elaborate public consultations in the affected areas. They are aware of the likely negative impact and future benefits of the project. This was done so as to enable them to understand the impact of the project clearly. The nature of the issues raised and concern expressed during public hearings and through their representations covered all aspects of social impacts and rehabilitation & resettlement.

The Expert Group expressed was satisfied by process of SIA study.

3.5 SOCIAL IMPACT MANAGEMENT PLAN (SIMP)

The Social Impact Management Plan (SIMP) is necessary to address the negative impact of land acquisition. SIMP consists of a set of institutional measures to be taken during the design, construction and operational phase of the project to eliminate adverse social impact, to offset them to acceptable levels. The main aim of the SIMP is to ensure that the various adverse impacts are mitigated and the positive impacts are enhanced.

On the whole, it is concluded that the process of land acquisition has both positive as well as adverse impacts. But the positive impact of this project outweighs the negative ones. Keeping overall scenario in view, it is found that the proposed Promenade Development for Diu Town from Diu Bus Station up to Fort, Diu Districts would benefit the local community and society at large as well as tourists.

After deliberating on the initiatives suggested as part of the SIMP the Expert Group observed that the suggested mitigation plan has covered all aspects of impacts identified as a part of SIA study.
It was observed that as part of SIA exercise pre land acquisition census and public consultations were done besides focused group discussions (FGD) and Participatory Rural Appraisals (PRAs) for capturing the perceptions and expectations of the community.

Expert Group was satisfied with the number and spread of public hearings conducted at affected area of Diu District for capturing community perception on the impacts and expectation from the project. Some of the common issues that emerged during such interactions are:

➢ To provide compensation of land as per the market value of Diu District and other benefits provide as per the law.

➢ To give shop on top priority to land owners if any, shops are to be given by government after promenade development.

➢ If Government is not willing to compensate land as per market value of Diu District and if the Land owner are demanding land in the form of exchange of land to be provided for promenade Development.

➢ Rehabilitation and Resettlement provide as per the Act.

Expert Group while is in agreement with various recommendations made as part of the SIA report further suggests that the compensation package as part of 2013 Act.

Since land is an important physical asset and commercial, residential and agriculture is a main source of livelihood in the project area, therefore, the compensation cost for loss of private agriculture and loss of livelihood of the PAF should be paid as per the existing Act for the present project.

The Expert Group meeting was held on 19th July, 2019, and it observed that in principle it would be imperative to keep the land acquisition at bare minimum and any recommendation for acquiring additional land need to be avoided; However, at the stage of actual measurements and land mutation process if it is observed that only small patches and fragmented landholding adjoining to the acquired land are left out and the same cannot be put to any productive use by the PAFs, the requiring body may consider acquiring the same by obtaining the necessary permission from the competent authority.
3.6 PUBLIC PURPOSE SERVED

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCTLARR Act, 2013) defines eight types of land acquisitions as public purpose, one of which is "Acquisition of land for railways, highways, ports, and power and irrigation purposes for use by government or by government controlled corporations"

The Proposed Promenade project is to get better tourist attraction in tourism sector and more employment generate for the local population with minimum impact on the environment.

Thus the Expert Group is of the view that the proposed project is of immense public service purpose.

3.7 POTENTIAL BENEFITS VIS-A VIS SOCIAL COSTS AND ADVERSE SOCIAL IMPACTS.

The proposed Promenade project will provide a better connectivity to local people and tourists and will create a sustained source of income to the affected population.

The availability of monetary compensation has a potential to transform the life style completely. The creation of new direct and indirect job opportunities and livelihood options will create a positive impact on the lives of affected families by providing safety and livelihood security.

I. Proposed promenade development project will attract more foreigner as well as Indian tourist in Diu. It will help in transportation of people and goods as well as give a boost to tourism sector.

II. Only 2 families are losing their commercial cum residential house and their small business shops, also one is only residential and one is social institution (PrathanaMandir), due to land acquisition for promenade development.

III. It will provide more livelihood option with the Economic growth in future.

The Expert Group concluded that the estimated cost of SIMP implementation and land compensation as part of the 2013 Act shall be much less as compared to the benefits of the said project.
3.8 DISPLACEMENT, REHABILITATION AND RELIEF

Land is a precious resource for the landowners and also an important source of livelihood. For undertaking development works land is the basic requirement. But with the acquisition of land for such activities, there can be displacement of local communities from their land leading to economic, social and cultural disruption. However, the process of resettlement in any project is always associated with pains and pleasures of the affected people as it will incur both benefits and losses. However, it is pertinent to note here that there is 3 affected families will be displaced because of the proposed land acquisition in the present case.

Compensation in term of cash for persons directly affected by development of road for their losses of land, house and other structures is not sufficient as land owners are sentimentally attached to these lands and dwellings over generations and were meeting all their livelihoods from these lands only. Since the resettlement affects all the major determinants of people’s life, occupations, housing conditions, lifestyles, social relationships and social support systems, therefore, Resettlement and Rehabilitation (R&R) Plan for project affected families should be formulated in association with the concerned state government, district administration and representatives from affected families and other stakeholders in the area. Suggested components to be included in R&R package are as follows:-

a) Compensation

Provide Compensation as per the Right to Fair Compensation and Transparency in Land Acquisition Act, 2013.

b) Physical Rehabilitation

- 2 families are losing their commercial cum residential house and their small business shops and one family is losing residential house due to land acquisition for promenade development. So there is requirement of physical resettlement.

c) Economic rehabilitation

- Providing assistance for agricultural/ horticultural activities and non-farm economic activities etc.
- Solatium charges as per the act.

d) Training

- Vocational training to develop entrepreneurial skills.
- Financial literacy training in affected project area to educate about the financial Management.
The land holders losing their land however, they are sentimentally attached to these lands over generations and meeting all their livelihoods from these lands only. They have expressed many concerns, apprehensions and problems, which were also raised in the public hearings. Therefore, the rehabilitation and resettlement plan should be developed by taking into consideration the needs and aspersion of the people. Otherwise rehabilitating the communities without providing them economic and social viabilities could pose a threat to their survival.
4. CONCLUSIONS AND RECOMMENDATIONS OF THE EXPERT GROUP

After going through the Social Impact Assessment Report, social profile of the area and public concerned expressed during public hearing and representations made by the stakeholders, the Expert Group made the following observations and recommendations:

☐ People are willing to give their land for the project work provided that they are adequately compensated for their loss. In fact, it is a peculiar situation when people are eager even to give the remaining land and the project authorities are reluctant and committed to keeping their requirements to a bare minimum.

☐ It will boost tourism development and more tourist will translate to better economic opportunities for the local communities.

☐ The quantum of private land proposed for acquisition is bare minimum and cannot be avoided. With respect to the commercial activities of the rest of the land to be acquired, it is noted that the acquisition is not critical for the said commercial activities, and hence the acquisition will not have major impact on the same.

☐ Total 2 affected families shall be displaced from their commercial cum residential houses and one affected family from Residential house. The Resettlement and Rehabilitation may provide as per the Right to fair Compensation and Transparency in Land Acquisition Act, 2013.

☐ R&R and SIM plan incorporates all the required mitigation and ameliorative measures and adequately addresses the concerns of the PAFs raised during the public consultations. It is expected that the suggested mitigation and R&R plans will directly benefit the communities and help in providing improved connectivity and livelihood opportunities that are sustainable for future generations.

☐ The District Administration will be providing both quantitative and qualitative service under one roof.

☐ There are some heritage meant structures coming under Promenade Development erected during the Portuguese Regime and same has to be preserve for its importance.
The Expert Group has no hesitation in recommending the proposed project because besides fulfilling the public interest considerations, its potential benefits will outweigh the social costs and adverse social impacts. Hence the Expert Group strongly recommends that the project should be taken up without further delay and process of land acquisition be initiated at the earliest.

(Dr. Dipa L Joshi)
Rehabilitation Expert
Chairman
Multi-Disciplinary Expert Group

(Dr. Nitiksha J Gehiya)
Rehabilitation Expert
Member
Multi-Disciplinary Expert Group

(Mrs. Bhagyavanti C. Solanki)
Elected Representative of DMC
Member
Multi-Disciplinary Expert Group

(Shri Harsh P. Kapadia)
Elected Representative of DMC
Member
Multi-Disciplinary Expert Group

(Smt. Sushila Vaghamsi)
Non Official Social Scientist
Member
Multi-Disciplinary Expert Group

(Er. Nitin N. Gajwani)
Technical Expert,
Member
Multi-Disciplinary Expert Group

(Ms. Kokila Dabhi)
Non Official Social Scientist
Member
Multi-Disciplinary Expert Group
**NOTIFICATION**

The Hon'ble Administrator of U.T. Administration of Daman and Diu is pleased to constitute an independent multi-disciplinary Expert Group for appraisal of Social Impact Assessment Report prepared by SIA team under **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013** under **Section 7 (1)** with following composition:

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<tr>
<th>Sr. No.</th>
<th>As per the act Provision Expert Field</th>
<th>Name &amp; Designation Contact Details (Ph No. &amp; Email)</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Non Official Social Scientist</td>
<td>Smt. Sushila D. Vaghermshi 09913140888 <a href="mailto:vaghamshisushila62@gmail.com">vaghamshisushila62@gmail.com</a></td>
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<td>2.</td>
<td>Non Official Social Scientist</td>
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<tr>
<td>3.</td>
<td>Elected Representative of Municipal Council</td>
<td>Smt Bhagyavanti Chunilal Solanki DMC Elected representative, Diu</td>
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<td>4.</td>
<td>Elected Representative of Panchayat</td>
<td>Shri Haresh P. Kapadia DMC Elected representative, Diu</td>
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<td>5.</td>
<td>Rehabilitation Expert</td>
<td>Dr. Dipa Lalitchandra Joshi 08849925267</td>
</tr>
<tr>
<td>6.</td>
<td>Rehabilitation Expert</td>
<td>Dr. Nitiksha Jayantilal Gediya 08460013774 <a href="mailto:nitikshap@gmail.com">nitikshap@gmail.com</a></td>
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Dr. Dipa Lalitchandra Joshi is nominated as Chairperson of the Expert Group u/s 7(3) to RFCTLARR Act 2013.

Roles and Responsibilities of the U T level independent multi-disciplinary Expert Group:-

1. Review the Social Impact Assessment Team report and find out whether the land acquisition project serves any public purpose or not.
2. Find out whether the potential benefits outweigh the social costs and adverse social impacts of land acquisition.
3. Give recommendation within two months form the date of its constitution whether the extent of land proposed to be acquired is the absolute bare-minimum extent needed for the project and whether there are no other less displacing options available. It is also provided that the grounds for such recommendation shall be recorded in writing by the Expert Group giving the details and reasons for such decision.
4. As per the (RFCTLARR) Act, 2013 the recommendation shall be made available in the local language to the Panchayat or Municipal Council, and District Collector Office and shall be published on the website of the appropriate Govt.
5. No any consultancy fees will be paid to expert group member.

This is issued with the approval of Hon’ble Administrator Daman and Diu vide Diary No. 518186 Dated 26/06/2019

(Hemant Kumar)
Collector, Diu

To,

All members.

Copy to:-

1. PA to Advisor to the Hon’ble Administrator for information please.
2. HO printing with request to publish the same in official Gazetted of UT of Daman & Diu.
3. DIO, NIC, Diu with a request to upload on the official website.
**Annexure-2**

**Attendance on Meeting of Expert Group for Promenade Development for Diu Town from Diu Bus Station up to Fort, Diu**

**Date: 19/07/2019**  
**Venue: DMC, Conference Hall, Diu**

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<tr>
<td>1</td>
<td>Dr. Dipa Lalitchandra Joshi</td>
<td>Chairperson (Specific Project, Rehabilitation Expert, Multi-disciplinary Expert Group Committee)</td>
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<tr>
<td>2</td>
<td>Dr. Nitiksha Jayantilal Gediya</td>
<td>Rehabilitation Expert, Multi-disciplinary Expert Group Committee</td>
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<td>3</td>
<td>Smt Bhagyavanti Chunilal</td>
<td>Elected Representative of Municipal Council, Multi-disciplinary Expert Group Committee</td>
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<td>4</td>
<td>Shri Haresh P. Kapadia</td>
<td>Elected Representative of Panchayat, Multi-disciplinary Expert Group Committee</td>
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<td>5</td>
<td>Smt. Sushila D. Vaghamshi</td>
<td>Non Official Social Scientist, Multi-disciplinary Expert Group Committee</td>
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<td>6</td>
<td>Ms. Kokila Dabhi</td>
<td>Non Official Social Scientist, Multi-disciplinary Expert Group Committee, Multi-disciplinary Expert Group Committee</td>
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