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**STANDING COMMITTEE ON  
COAL AND STEEL  
(2008-09)**

**FOURTEENTH LOK SABHA**

**MINISTRY OF COAL**

**REHABILITATION AND  
RESETTLEMENT BY COAL INDIA  
LTD.**

**THIRTY-FIFTH REPORT**



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**LOK SABHA SECRETARIAT  
NEW DELHI**

*October, 2008/Asvina, 1930 (Saka)*



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**BY COAL INDIA LTD.**

*Presented to Lok Sabha on 21.10.2008*

*Laid in Rajya Sabha on 21.10.2008*



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**NEW DELHI**

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COMPOSITION OF THE STANDING COMMITTEE ON  
COAL AND STEEL (2008-2009)

Dr. Satyanarayan Jatiya — *Chairman*

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(iv)

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2. Shri Ashok Sarin — *Joint Secretary*
3. Shri A.S. Chera — *Director*
4. Shri Raj Kumar — *Deputy Secretary*
5. Shri Gurpreet Singh — *Committee Assistant*

## INTRODUCTION

I, the Chairman, Standing Committee on Coal and Steel having been authorised by the Committee to present the Report on their behalf, present this Thirty-fifth Report (Fourteenth Lok Sabha) on the subject “Rehabilitation and Resettlement by Coal India Ltd.”

2. The Committee discussed the subject matter with the representatives of the Ministries of Coal and Rural Development on 20.9.2006 and 14.6.2007 respectively and took oral evidence of the Ministry of Coal on 19.5.2008.

3. The Committee considered and adopted the Report at their sitting held on 15.09.2008.

4. The Committee wish to express their thanks to the representatives of the Ministries of Coal and Rural Development and Coal India Ltd. for placing their views before them and in furnishing material/information from time to time as desired by the Committee.

5. The Committee place on record their profound appreciation for the work done by the previous Committees on Coal & Steel for their in-depth study and analysis of the subject and invaluable assistance rendered to them by the officials of the Lok Sabha Secretariat attached to the Committee.

6. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI;  
16 October, 2008  
24 Asvina, 1930 (*Saka*)

DR. SATYANARAYAN JATIYA,  
*Chairman,*  
*Standing Committee on Coal and Steel.*

## **REPORT**

### **A. INTRODUCTORY**

In India, the lives and livelihoods of a large number of people are affected by forced displacement due to development projects such as mining, dams, industries, power plants, etc. Not only such displacements put the affected people at grave impoverishment but also sets back the entire poverty reduction efforts of the State. These displacements are likely to increase manifold in a developing country like ours in the subsequent years due to the large scale upcoming projects.

2. Considering the importance of coal, the Government of India nationalized the coal industry in 1971 and 1973 and thereafter Coal India Ltd., as a holding company, was set up on 1st November, 1975 to stream-line the working of the coal industry in a manner conducive to more efficient administration and rapid stepping up of coal production.

3. Coal Mining is a site specific Industry. Selection of mine site depends upon the quality of reserves and its distance from major consumers. For reserves that are close to the surface, opencast mining has proven to be the most efficient mining method. Relatively inexpensive, opencast mines require large areas of land. Population growth makes it increasingly difficult for the subsidiary coal companies of Coal India Limited (CIL) to acquire the land they need for expanding their operations.

4. In the past, subsidiaries found it relatively easy to acquire land, if they were able to offer employment. Partly because of this practice, subsidiaries have built up their labour force beyond their needs. This has contributed to heavy losses many mines incur and has eroded the

competitiveness of the coal industry. The subsidiaries may still need to hire people in selected locations and continue to give preference to those whose livelihood will be affected by coal mining operations. However, subsidiaries will need to develop other ways and means to compensate landowners and others adversely affected by their projects.

5. Coal India's basic philosophy of compensating land-losers and other project-affected people remains substantially unchanged and emphasizes the need to cultivate and maintain good relationships with the people affected by Coal India's projects starting as early as possible. It also underscores that the subsidiaries have a responsibility towards the landless Project Affected Persons (PAPs), whose livelihood is often taken away. Proper Resettlement & Rehabilitation (R&R) policy can streamline the different R&R practices that are being followed in the subsidiaries.

6. To address the issues relating to Rehabilitation and Resettlement of the Project Affected Persons (PAPs), Coal India Ltd. framed its R&R Policy to set out the basic principles in this regard. The land is acquired by CIL and compensation is paid under Section 4(1) of Land Acquisition Act, 1894 or Section 7(1) of Coal Bearing Areas (Acquisition & Development) Act, 1957.

## **B. REHABILITATION & RESETTLEMENT POLICY OF COAL INDIA LIMITED**

7. Coal India's R&R Policy was first formulated in 1994 and has been in operation, with modifications from time to time. Based on the lessons learned during operation, CIL through its Board resolutions had made amendment/modifications in the policy. The R&R Policy, in vogue since 2000, has been further modified in 2008, in consonance with the National Rehabilitation and Resettlement Policy, 2007 notified by the Ministry of Rural Development, Govt. of India.

### **Objective of Coal India's R&R Policy**

8. Through the preparation of resettlement and rehabilitation action plans as per the R&R policy, subsidiaries will safeguard that

project-affected people improve, or at least regain, their former standard of living and earning capacity after a reasonable transition period. The modified R&R Policy of CIL also provides for undertaking and intensifying corporate social responsibility activities in and around villages where land is being acquired. Over riding priority and involvement of projected affected people particularly land losers shall be ensured in the process.

**Eligibility Criteria for Economic Rehabilitation Benefits**

9. These benefits shall accrue only to Entitled Project Affected Persons. Entitled Project Affected Person shall be one from the following categories:

- (i) Persons from whom land is acquired including tribals, cultivating land under traditional rights.
- (ii) Persons whose homestead is acquired
- (iii) Sharecroppers, land lessees, tenants & day labourers
- (iv) Tribals dependent on forest produce

**Eligibility Criteria for Resettlement Benefits**

10. Only a 'Displaced' family/person shall be eligible for resettlement benefits. A family/person shall be termed 'displaced' and hence eligible for resettlement benefits if such family/person has been a permanent resident and ordinarily residing in the project area on the date of publication of notification U/S 4(1) of LA Act, 1894 or notification U/S 7(1) of C.B.A. (Acquisition and Development) Act, 1957, and

- (a) on account of acquisition of his/her homestead land/structure is displaced from such areas, or
- (b) He/she is a homesteadless or landless family/person, who has been/is required to be displaced.

### **Eligibility and compensation**

11. The Project Affected Persons have been classified into 4 categories. The details of provisions regarding compensation and rehabilitation entitlement options are given below:-

Category of Persons affected by the Project	Compensation and Rehabilitation entitlement option
1	2
<b>Provisions</b>	
(i) Persons (including tribals cultivating land under traditional rights) from whom land is acquired.	<p>All landowners with titles and tribals cultivating land under traditional rights will receive monetary compensation for the land acquired.</p> <p>Subject to suitability and availability of vacancies and further subject to approval of the Board of Directors of the subsidiary company concerned, coal companies shall offer employment at the rate of one employment for every two acres of land acquired. Such persons shall be taken in at a consolidated stipend of Rs. 5,550/- per month for a period of two years. Actual land losers or their dependants as prescribed in the National R.R. Policy notified by Ministry of Rural Development shall either take employment or a cash compensation as prescribed below:-</p> <ol style="list-style-type: none"> <li>1. The subsidiary companies shall offer monetary compensation/one time cash grant/financial package as announced by the concerned State Government.</li> <li>2. In case there is no policy of the State Government for monetary compensation/</li> </ol>

1	2
	<p>financial package in lieu of employment against land, the monetary compensation shall be paid on the following basis:</p> <p>(a) Rupees two lakhs only for first acre of land on <i>pro-rata</i> basis subject to a minimum of Rupees fifty thousand only.</p> <p>(b) Rupees One and half lakhs only on <i>pro-rata</i> basis for 2nd and 3rd acre of land.</p> <p>(c) Rupees one lakh only on <i>pro-rata</i> basis for land beyond 3 acres.</p> <p>3. The project affected persons not offered employment shall get a preference in direct recruitment.</p>
(ii) Person whose homestead is acquired	<p>Alternate house site measuring 150 Sq. mtr. per family, assistance in designing the new house if so desired by the Displaced family, and</p> <p>Compensation for shifting etc. shall be as per the rate prescribed in the National R&amp;R Policy notified by Ministry of Rural Development as indicated below:-</p> <p>(i) Rupees fifteen thousand for construction of cattle shed;</p> <p>(ii) Rupees ten thousand for shifting family and belongings;</p> <p>(iii) Rupees twenty five thousand for construction of working shed or shop for</p>

<b>1</b>	<b>2</b>
	<p>rural artisan, small trader or self employed persons;</p> <p>(iv) Subsistence allowance @ 25 days Minimum Agriculture Wages (MAW) per month for one year;</p> <p style="text-align: center;"><b>OR</b></p> <p>One time lump sum payment of Rupees one lakh.</p>
(iii) Sharecroppers, land lessees, tenants and day labourers	<p>The subsidiary will assist PAP to establish non-farm self employment through the provision of infrastructure, petty contracts or formation of cooperatives</p> <p style="text-align: center;"><b>OR</b></p> <p>Jobs with contractors. Contractors will be persuaded to give job to eligible PAPs on a preferential basis, where feasible.</p>
(iv) Landless tribals, Tribal dependent on forest produce	<p>A. The subsidiary will assist PAP to establish non-farm self-employment through the provision of infrastructure, petty contracts or formation of cooperatives.</p> <p style="text-align: center;"><b>OR</b></p> <p>Jobs with contractors. Contractors will be persuaded to give jobs to eligible PAPs on preferential basis, where feasible.</p> <p>B. Shift the tribal community as a unit and provide facilities to meet specific needs to allow them to maintain their unique cultural identity.</p>

1	2
	<p>C. One time financial assistance of 500 days MAW for loss of customary right or usages of forest produce. Tribal affected family resettled out of the district shall be given 25% higher rehabilitation and resettlement benefit.</p>

### **Rehabilitation Efforts**

12. Rehabilitation Efforts for operating the R&R Policy are as under :-

- (a) “During the last 13 years of operation of CIL’s earlier R&R Policy enunciated in 1994, it has been CIL’s experience that the dependence of PAFs on CIL for mine jobs continues unabated irrespective of area of the land being acquired by CIL. This pressure on job is further aggravated, due to different minimum requirement of land, being acquired for provision of job. This makes possession of acquired land very difficult and projects get held up/delayed.
- (b) To mitigate, if not fully eliminate, PAF’s dependence on CIL, for provision of mine job, a provision of monetary compensation, over and above the value of land, has been conceived to be offered to those PAFs, who forego any claim-perceived or otherwise – on mine job. Besides, as a policy, mine job would be offered only with the approval of subsidiaries” Board and PAPs getting jobs under such circumstances would not get such additional monetary compensation in lieu of employment.
- (c) A PAP choosing this option i.e. additional monetary compensation in lieu of employment or getting employment in exceptional circumstances will not be entitled to any other rehabilitation benefit.

- (d) **Jobs with contractors/Non farm self-employment:-** This provision is open to only those who are sharecroppers land-lessees, tenants, day labourers or landless tribal or tribal dependant on forest produce.
- (e) **Resettlement Benefits:-** Compensation for homestead whether in the category of land owner or landless category is same and provides for one time lump sum payment in lieu of (i) alternate house site measuring 150 sq. m. per family, (ii) assistance in designing the new house if so desired by the displaced family and (iii) shifting allowance to cover cost of transporting PAPs belongings to relocation site, (iv) assistance for construction of cattle shed, working shed; and (v) subsistence allowance for one year.
- (f) **Women :-** Special attempts will be made to ensure that women will be given adequate access to income generating opportunities offered under this policy.”

13. Asked about the major changes made in CIL's revised R&R Policy, 2008, the Ministry of Coal in a written reply have stated as under:-

- (a) “CIL's R&R Policy, 2000 provided for one employment for losing 2 acres of irrigated or 3 acres non-irrigated land subject to availability of vacancy and suitability of the candidate. In the revised R&R Policy, release of employment is considered under package i.e. one employment for every 2 acres of land acquired subject to availability of vacancy and suitability of the candidates.
- (b) Cash compensation in lieu of employment has been doubled.
- (c) Area of resettlement site has been enhanced by 50% i.e. from 100 Sq.mt. to 150 Sq.mt.
- (d) Provision has been made for payment of subsistence allowance @ 25 days Minimum Agriculture Wages(MAW)

per month for one year to the displaced affected family while no such provision existed in the earlier policy.

- (e) Provision has been made in the R&R Policy for financial assistance to the extent of Rs.15,000/- for construction of cattle shed, Rs.25,000/- for construction of working shed or shop (For displaced rural artisan, small trader or self employment persons) whereas no such provisions existed in the earlier R&R Policy.
- (f) Cash compensation in lieu of all resettlement benefits enhanced by 100% i.e. from Rs.0.5 lakhs to Rs.1.0 lakh.
- (g) Provision of one time financial assistance of 500 days MAW for loss of customary rights or usage of forest produce for tribals which did not exist earlier.
- (h) Provision made for payment of 25% higher rehabilitation and resettlement benefits to the tribals settling outside the district which did not exist in the earlier policy.
- (i) As a measure of Corporate Social Responsibility (CSR), activities and budget provisions have been incorporated towards inclusive development whereas no such provision existed earlier.”

14. A comparative statement showing CIL's R&R Policy 2000, NRRP-2007 and CIL's R&R Policy, 2008 is given in Annexure-I.

**15. The Committee note that Coal India Ltd.(CIL), keeping in view the fact that lives and livelihoods of a large number of people are affected by forced displacement due to coal mining projects, framed its Rehabilitation and Resettlement (R&R) Policy in 1994 to safeguard the interests of the Project Affected People (PAPs) so that they may regain their original standard of living and earning capacity after a reasonable transition period. This policy has been in operation with modifications from time to time. This Rehabilitation and Resettlement(R&R) Policy of Coal India Ltd. (CIL) has now been revised in 2008 in consonance with the**

**National Rehabilitation and Resettlement Policy(NRRP) 2007. The Committee, however, observe that even after the revision of the policy by CIL, much needs to be done. In some cases, NRRP-2007 is more progressive and pragmatic *vis-à-vis* CIL's R&R Policy 2008. For example, while NRRP contains a provision of providing 'land-for-land' subject to availability of the Government land, there is no such provision in R&R Policy of CIL. Similarly, NRRP-2007 provides for house-site to Project Affected Persons (PAPs) in proportion to the actual loss of land but not more than 250 sq.m in rural area and 50 sq.m. in urban area, whereas CIL's policy offers 150 sq.m. irrespective of the size of house whether it is less or more acquired. The Committee feel that CIL's R&R packages should not be less than that of NRRP. The Committee, therefore, recommend that these provisions of NRRP relating to 'land-for-land' and house-site should be suitably incorporated/modified in R&R Policy of CIL.**

### **C. ACQUISITION OF LAND**

16. Coal India Ltd.(CIL) and all its subsidiary companies are in coal mining and allied activities. For this purpose, private and public land is acquired under the provisions of either the Coal Bearing Areas (Acquisition & Development) Act, 1957 or the Land Acquisition Act, 1894 and in certain cases, by direct purchase also. In all these cases, the land owners are fully compensated for the cost of the land and homestead acquired by the coal companies. All land owners with titles of land receive monetary compensation for the land acquired from them. The value of land is determined on the basis of prevailing legal norms.

17. Whenever it appears to the appropriate Government that the land in any locality/area is likely to be needed for public purpose, a notification under Land Acquisition Act, 1894, to that effect is published in the official gadget wherein the extent of land so required is notified. In case of any objection to the acquisition of land by any interested person, he can file his objection in writing within 30 days from the date of publication of notification, to the appropriate

authority. The matters to determine compensation to the land losers are considered under Section-23 of the said Act.

18. The land is also acquired under the provisions of Coal Bearing Areas (Acquisition and Development) Act, 1957 (CBA) by Central Government through its coal producing companies.

19. The CBA(A&D) Act provides that where any land is acquired under Section-9 of CB Act, there shall be paid compensation to the persons interested the amount of which shall be determined after taking into consideration—

- (a) The market value of the land at the date of the publication of the notification under Sub-Section-1 of Section-4;

Explanation: The value of any minerals lying in the land shall not be taken into consideration in determining the market value of any land.

- (b) The damage sustained by the person interested, by any reason of the taking of any standing crops or trees which may be on the land at the time of the taking possession thereof;
- (c) The damage, if any sustained by the person interested, at the time of taking possession of the land, by reason of severing such land from other land;
- (d) The damage, if any, sustained by the person interested, at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any other manner, or his earnings;
- (e) If, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and
- (f) The damage, if any, *bona fide* resulting from diminution of the profits of the land between the time of the publication

of the notification under Sub-Section-1 of the Section-4 and the time of the publication of the declaration under Sub-Section-2 of Section-9.

20. When asked whether any study has been carried out to suggest any amendments in Land Acquisition Act or Coal Bearing Areas Act(Acquisition and Development) the Ministry of Coal have stated as under:—

“Amendment of the Coal Bearing Areas (Acquisition & Development) Act, 1957 (CBA Act) is under active consideration. In order to make the amendments pro-PAPs the following provisions are being considered for insertion/ amendment in the CBA Act.

The payment of solatium, escalation cost and interest has been added in the Land Acquisition Act 1894 by an Amendment in 1984. As there was no such provision in the CBA Act and to remove disparity between the two Acts so far as payment of compensation is concerned, the Central Government in 1989 issued directives to pay the same in the case of land acquisition through CBA Act. It is being proposed to incorporate these ingredients in the CBA Act. These ingredients are solatium @ 30% of market value in consideration of compulsory nature of acquisition, additional payment @ 12% per annum of the market value to compensate for escalation subject to a maximum of three years and interest @ 9% per annum for the first year after the date of issue of notification u/s 9 and @ 15% per annum thereafter till the payment is made.

The existing time frame of completion of acquisition proceedings under the CBA Act has been proposed to be reduced from six years to four years. There is no provision at present in the CBA(A&D) Act for de-notification of any land acquired u/s 9. However, action is being initiated to adopt a procedure to return the mined out areas, which are no more required by the coal companies.”

21. During oral evidence, the Committee was apprised of land for land provision in National Rehabilitation and Resettlement Policy (NRRP), 2007. According to this provision, land losers will be provided agricultural land or cultivable waste land to the extent actual land loss subject to maximum 1 Ha. irrigated or 2 Ha. un-irrigated land/ cultivable waste land, if Government land is available. Apart from this there is a provision in NRRP to give financial assistance for land development for waste land or degraded land but there is no such provision in the R&R Policy of CIL. The Committee was informed that action has been initiated by CIL to revisit CBA(A&D) Act and pass necessary amendment to enable use of un-utilised land for such purpose.

**22. The Committee note that Coal India Limited acquires land for coal mining under the Land Acquisition Act, 1894 and Coal Bearing Areas (Acquisition and Development) Act, 1957 and in certain cases, by direct purchase. Whenever any land in any locality/area is to be acquired, a notification under the above Acts, to that effect, is published in the Official Gazette wherein the extent of land, so required, is notified. In case of any objection to the acquisition of such land, the interested person(s) can file his/their objections within 30 days from the date of publication of notification. It is pertinent to note that the coal reserves in the country are mostly in the far-flung areas inhabited by the tribal communities, most backward and weaker sections of the society. They hardly have any access to the Official Gazette wherein they could see that their lands are to be acquired for public purposes. The Committee feel that a mechanism may be in place to ensure that such people automatically become aware of the acquisition of their land and if necessary, they could timely file any objection therefor within 90 days instead of the present provision of 30 days. For this purpose local NGOs may be involved and wide publicity through print and electronic media can also be given. Necessary action may be taken to amend the said Acts, in this regard, if required.**

**23. The Committee are given to understand that CIL is in possession of unutilized land acquired for mining and also**

**reclaimed land. At present, there is no provision under CBA(A&D) Act, 1957, for returning acquired land to PAPs. The Committee have been informed that measures are being contemplated by CIL for returning mined out areas and unutilized land, which are no more required by the coal companies. The Committee hope that necessary changes in this Act should be effected to ensure return of unutilized land to the PAPs after proper development. The Committee also recommend that CIL should plan their land requirements so that the same is judiciously and optimally utilized.**

#### **D. PROVISION OF COMPENSATION**

24. Acquisition of land and deciding cases of land losers is a continuous process which passes through various stages *viz.* enquiry, scrutiny, vetting and taking over physical possession of acquired land. Eligible claims for employment are being disposed of as per the provisions of CIL's R&R Policy as well as the norms prevalent in the company.

25. During the evidence, the Secretary, Ministry of Coal brought to the notice of the Committee that provision of employment is considered under package. For each two acres of land acquired (irrespective of category of land) one employment will be released subject to availability of vacancy and suitability of the candidate in the descending order of land lost.

26. According to the Ministry of Coal, the number of employment cases against land acquisition under consideration/process is as follows:-

- ECL — At present, there are 715 nos. of cases to whom employment will be provided over next five years.
- BCCL — 1182 employment cases are under dispute due to non-fulfilment of laid down norms of BCCL.
- CCL — Cases of 306 Nos. of employment are under Scrutiny.

- NCL — There are 14 balance eligible cases for employment but the concerned land losers do not have eligible candidates at present.
- WCL — 66 number of cases are under examination at different stages for approval.
- SECL — 53 cases have been processed for issue of appointment orders. Further 627 cases are likely to be considered based on application/ nominations to be received from PAPs.
- MCL — Cases of 706 employment are under scrutiny.

27. To a query as to whether employment is not given to women in some of the coal subsidiaries, the Secretary during the oral evidence stated that:—

“There are some coal subsidiaries where there is provision of not giving employment to women. It has come to my notice that perhaps only in Western Coalfields Ltd. (WCL) there is an internal Circular in this regard and not in any other company. We will withdraw it.”

28. To a query whether there is any provision to provide employment to all dependent children of a joint family irrespective of acquisition of number of acres of land, the Ministry in its written reply have stated as under:—

“The package concept of release of one employment for every 2 acres of land acquired and the concept of nuclear family takes care of this.”

29. The number of employment provided to the land losers subsidiary-wise since nationalization upto 31st March, 2008 is as under:—

Name of Subsidiary	No. of Employment
1	2
ECL	12047

1		2
BCCL	—	4628
CCL	—	4707
MCL	—	7755
WCL	—	5853
SECL	—	13616
NCL	—	3826

When the Committee asked whether employment is provided according to the qualification of the land losers, the Ministry of coal have stated in their reply as follows:—

“Persons who are in possession of professional or technical qualification and appointed either under land losers scheme or on compassionate ground have been representing for their placement in appropriate grade in commensurate with their qualification. The matter is under active consideration of Coal India Ltd.”

**30. The Committee note that as per the revised R&R Policy of CIL, one employment is released for each two acres of land acquired (irrespective of category of land) subject to availability of vacancy and suitability of the candidate in the descending order of land lost. The Committee observe that the assurance for providing employment is subject to availability of vacancies and suitability of the affected persons and not as a guarantee. As such the assurance of employment is often found as a lip-service rather than any serious efforts to achieve it. The Committee, therefore, feel that the PAPs should have the right to get employment in the projects as the employment remains the most preferred option of the PAPs since it is a permanent source of income. The Committee, therefore, recommend that instead of conditional provision of employment , CIL should provide employment on mandatory basis within a reasonable time. The Committee also recommend that the employment in lieu of acquisition of land should be provided**

**to the oustees in ascending order of land lost so that the interests of the poorest of the poor are taken care of. The Committee further recommend that employment may be provided to the PAPs according to their qualifications. The Committee hope that the Ministry would ensure that there is no discrimination against women in employment under CIL and its subsidiaries.**

31. It was pointed out that in the revised R&R Policy of Coal India Ltd., as an alternative option provision of one time cash grant has been made in lieu of employment. When enquired whether there is any mechanism to ensure that livelihood of a dependent person and his getting cash payment will be protected, the Ministry replied:—

“The modified R&R Policy provides for formation of a separate group headed by a sufficiently Senior Officer of Coal Company and at least one member of Social Science experience for planning, implementation, monitoring and evaluation of RAP. It also provides for consultation and association of State Authorities, PAPs, Village Leaders including Village Pradhans and NGOs.”

32. It has come to the notice of the Committee that private players in the coal sector are giving attractive market rates in lieu of acquisition of land and are also absorbing a number of land oustees without compromising their efficiency. When enquired about the reasons for coal PSUs if they are lagging behind in this sphere, the Ministry in a written reply have stated:—

“The modified R&R Policy provides for enhanced (doubled) cash compensation apart from payment of value of land at market rate and also brought in the package concept for employment which is not less than what is provided by the Private Players. The coal companies are not lagging behind in this regard.”

33. Further clarifying the position, the representative of the Ministry stated during evidence:—

“When we made this policy we knew that private sector purchases land by giving much better rates of market value but they do

not give employment guarantee. They simply say that we will give preference but no assured guarantee is given. The employment which we are assuring is much more worth. If we take the salary structure of an employee and supposing that he will serve for forty years then it comes to Rs. One crore.”

34. In National Rehabilitation and Resettlement Policy(NRRP) 2007 there is provision of providing home-land in proportion to the actual loss of area of the house but not more than 250 sq. mt. in rural area and 50 sq. mt. in urban area. But CIL has made a provision under its R&R Policy to provide an alternate house site measuring 150 sq.m. per family to a person whose homestead is acquired. To a query whether CIL have made any provision to compensate the person with the alternate house-site that would commensurate with the area of house-site acquired, the Ministry have stated that there is a provision of 150 sq.mt. for house site irrespective of the area of house site acquired whether it is less or more.

35. To provide support to a person whose homestead is acquired as an alternative option, provision for one time lump sum payment of Rs. 1 lakh exists. When asked whether this amount is sufficient in context of ever-rising construction prices, the Ministry stated that the provision for Rs.1 lakh lump sum payment as an alternative option is higher than what is provided in the National R&R Policy.

36. When asked the rationale behind for providing Rs. 2.00 lakh for acquisition of 1st acre of land, Rs. 1.50 lakh for acquisition of 2nd and 3rd acres of land and Rs. 1.00 lakh for land beyond 3 acre and why flat rate is not given for acquisition of entire land, the Ministry stated as under:—

“This provision ensures payment at a higher rate than the standard rate to the persons having lesser land holding.”

37. Elucidating further on the issue, the representative of the Ministry during the oral evidence stated:—

“Besides this there comes the question of additional compensation. Besides compensation two lakh rupees are paid for the first

acre of land and for 2nd and 3rd acre of land payment at the rate of 1.5 lakh rupees per acre is made while for the 4th acre payment at the rate of 1 lakh rupees per acre is made. It is also true that that if we pay them sufficient compensation then there is no need to give them employment or other amenities. But we are not able to give them full compensation. The purpose of giving graded compensation is to give more compensation to those who have less land. It has been suggested that compensation should be uniform. This suggestion will be considered.

It is true that we acquire land under Land Acquisition Act or C.B. Act. In most cases we acquire land under CB Act. Under both acts there is a provision for compensation. Hon'ble Member has rightly pointed out that the compensation is not sufficient as compared to market value or their demand, as the method of calculation of compensation under the Land Acquisition Act depends on the rate of land registered during the last three years. C.B. Act also lays down the same procedure. This lays down a ceiling under which more compensation cannot be paid under the Act. This is a wider question and requires amendment in the Act.”

**38. The Committee find that CIL makes the payment of compensation for the loss of means of livelihood of the Project Affected Persons(PAPs) as per their R&R Policy in vogue. In lieu of employment, the Policy provides for cash compensation of Rs.2 lakh for 1st acre of land, Rs.1.50 lakh for the 2nd and 3rd acres of land and Rs.1 lakh for beyond 3 acres in addition to the compensation paid under CBA & LA Acts. The Committee are not satisfied with compensation as it is not proportionate to acre of land acquired. The Committee, therefore, desire that compensation should be paid equally for each acre of land which will create a sense of financial security in the minds of PAPs. The Committee would also like CIL to come with a package**

**of compensation that yields a permanent source of income not only to the head of the family but also to other dependants of the family.**

**The Committee note that the private players are able to overcome the land acquisition by offering attractive compensation package, whereas the CIL and its subsidiaries take into consideration registration value of the land, which is far below the prevailing market rate for fixing compensation. The Committee apprehend that CIL may not be in a position to offer attractive rate to the land oustees. The Committee, therefore, recommend that coal subsidiaries should become competitive *vis-à-vis* private players in their approach while dealing with land acquisition. The Committee also recommend that CIL and its subsidiaries should become more flexible in finalizing the relief packages according to the prevailing ground realities. For this it may be desirable that CIL may study and analyse packages being offered by the private parties to the PAPs.**

39. When enquired about the procedure being followed for disbursing compensation to the project affected people (PAPs), the Ministry of Coal have informed as under:—

**“CBA Act** - The “persons interested” are issued notice for taking payment of land compensation intimating the date and venue of disbursement. Generally the venue is fixed in the project area. Sometimes payment camps are also organised as per the convenience of the land losers. Under the CBA Act company officials are authorised to carry out the work of disbursement of compensation. Help of the State Govt. officials is taken at the time of disbursement of compensation.

**L.A. Act** - Acquisition under the Land Acquisition Act 1894 is carried out by the State Govt. on the basis of requisition sent by the subsidiary companies through Ministry of Coal. On receipt of demand, the subsidiary company deposits the land compensation with the concerned Collector of the District. Spl. Land Acquisition Officer disburses the compensation to the land losers.”

40. When enquired to what extent the grievances of the PAPs have been addressed to in the revised policy, the Ministry stated as follows:—

“Significant enhancement in the rehabilitation and resettlement benefits and incorporation of activities and budget provisions as a part of Corporate Social Responsibility is expected to reduce the grievances of PAPs.”

41. It was further clarified that as a mechanism for dealing with disputes of PAPs a Committee comprising nominee(s) of the State Government, nominee(s) of the project general manager of the subsidiaries, a representative of the PAPs and an independent party, such as a respected community leader, a retired judge or principal of a reputed local institution of higher education, will be constituted to examine the grievances of the PAP and propose corrective actions as required. The subsidiaries will make arrangements for establishing the Committee and bear the cost.

42. The Ministry of Coal have furnished the pending cases of compensation as on 31st March, 2008 as follows:—

ECL	-	936
BCCL	-	Nil
CCL	-	1282
NCL	-	361
WCL	-	74
SECL	-	1798
MCL	-	46
<b>Total</b>		<b>4497</b>

43. The Ministry of Coal have brought to the notice of the Committee of the difficulties being faced in disbursing compensation as follows:—

- (i) “Non-availability of updated Record of Rights.
- (ii) Delay in authentication of ownership by the State Govt.

- (iii) Non-production of relevant documents to establish ownership.
- (iv) Title disputes among the tenants.
- (v) Non-appearance of the tenants to receive compensation at the payment camps organised from time to time.”

**44. The Committee note that around 4500 cases of compensation are pending with CIL and its subsidiaries. The Committee also note that CIL and its subsidiaries propose to set up a mechanism for dealing with the disputes of PAPs. The Committee, therefore, desire that the CIL and its subsidiaries should expedite the establishment of mechanism and settle the pending cases in a time bound manner. The Committee also desire the Ministry to monitor the progress in this regard.**

**The Committee have been apprised of the difficulties such as non-availability of updated record of rights, delay in authentication of ownership by the State Governments, non-production of relevant documents to establish ownership etc. being faced in disbursing compensation to PAPs. The Committee feel that application of Information Technology tools like e-governance, e-seva etc. in land reforms can be of immense help to overcome these difficulties. The Committee, therefore, recommend that the Ministry of Coal should pursue the Ministry of Rural Development(Department of Land Resources) to carry out land reforms like updating relevant land records and establishing authenticity of land ownership rights of concerned PAPs in the coal bearing States.**

#### **E. PROJECT AFFECTED PERSONS (PAPs)**

45. The Committee was apprised of the efforts being made to associate PAPs in preparation, planning and implementation of resettlement projects/schemes as follows:—

“The modified R&R Policy of CIL provides that once the demographic and socio-economic data is available, the Rehabilitation Action Plan(RAP) will be formulated in

consultation with the PAPs and the State Government. The RAP will be formulated as a simultaneous activity with the land acquisition process.”

46. The Non-Governmental Organizations (NGOs) especially locals who are well acquainted with the local problems and mindset of the PAPs, can play an important role in the planning and implementation of the schemes for PAPs. When asked whether the services of NGOs have ever been taken in this regard, the Ministry of Coal in a written reply stated that local NGOs are proposed to be engaged to facilitate in conducting demographic survey, preparation of RAP, training of PAPs, formulation of Self Help Groups (SHGs) and implementation of R&R Plans.

47. When asked about the results/outcome of the special rehabilitation entitlements for share croppers, land-leasees, tenants, day labourers and landless tribals affected by coal projects, the Ministry in a written reply have stated as under:—

“The subsidiary companies assist EPAPs (Share-croppers, land lessees, tenants and day labourers & Landless Tribals ) to establish non farm self employment through the provision of infrastructure, petty contracts or formation of co-operatives or jobs with contractors. Contractors are being persuaded to provide jobs to eligible PAPs on a preferential basis, wherever feasible. The Subsidiary Companies are shifting the tribal community as a unit and providing facilities to meet the specific needs of the tribal community that allows them to maintain their unique cultural identity. “

48. When enquired as to what extent the Ministry/Coal PSUs have been able to persuade contractors to give job to eligible project affected persons on preferential basis, the Ministry of Coal in a written reply have informed the following:—

“The subsidiary companies of CIL have made serious efforts to persuade contractor for providing employment to eligible project

affect persons and local labourers on preferential basis. Some subsidiaries have been incorporating a suitable clause on employment of local labourers, specially PAPs in tender documents for hiring of Heavy Earth Moving Machineries (HEMMs), coal transportation & wagon loading works and tree plantation contracts etc. Payment of fair/minimum wages to the engaged PAPs or local labourers is also ensured by the management.”

49. Asked whether CIL and its subsidiaries have well equipped infrastructure to give training to PAPs and their children, the Ministry in a written reply have stated as follows:—

“CIL is well equipped with infrastructure to extend training to the PAPs and their children.

CIL have 26 well equipped training centers which are functioning in the subsidiaries. CIL also impart training to the persons, who are employed under “Land Loser “ scheme of CIL through these training centers for making them skilled to suit the job requirement.

Details of 26 training centers of the subsidiary companies are given hereunder:

ECL	4
BCCL	4
CCL	5
WCL	4
SECL	4
MCL	3
NCL	1
CMPDIL	1.”

50. When enquired whether PAP Co-operative Societies or individual PAPs approach the Coal Subsidiaries for award of petty contracts, the Ministry have stated as under:—

“If Co-operative/Societies and individual PAPs approach the project for award of petty contracts like construction of boundary wall, cleaning of township etc., preference is given to such PAP Co-operative and also the individual PAP.”

**51. The Committee have been apprised that as a part of compensation package CIL and its subsidiaries would assist PAPs to establish non-farm self-employment through provision of infrastructure, petty contracts or formation of cooperatives. The Committee feel that success of the above initiatives is possible only if the PAPs are provided proper marketing facilities for their products. The Committee, therefore, recommend that CIL should provide marketing facilities to PAPs for their products and to instil entrepreneurial skills in them. For this, active support and participation of NGOs and State Governments should be obtained.**

#### **F. IMPLEMENTATION & MONITORING OF R&R SCHEMES**

52. Even though the R&R Policy of CIL is well defined, there is some difficulties in proper implementation. According to the Ministry, fund for R&R is provided in the overall budget under the head of Account “Land”. But no separate budget provision is generally made for implementation of R&R Schemes. However, for implementation of R&R scheme, year-wise expenditure incurred by the subsidiaries since 2000-01 is given below:—

	(Rs. in lakhs)							
	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08 (Prov.)
	1	2	3	4	5	6	7	8
ECL	56.68	145.86	194.60	419.17	388.35	426.40	331.21	447.85

	1	2	3	4	5	6	7	8
CCL	46.00	54.00	44.00	77.00	56.00	43.00	4.00	156.00
NCL	19.97	97.50	100.47	30.21	16.16	23.0	15.49	14.50
WCL	228.00	127.00	285.00	665.00	448.00	138.00	282.00	283.00
SECL	822.16	205.05	332.85	66.14	161.00	537.58	506.65	140.21
MCL	181.07	177.78	115.11	317.91	173.51	47.84	964.80	239.31

Note : There was no R & R Scheme in BCCL during these periods.

53. Asked whether the funds provided for implementation of R&R Schemes were adequate, the Ministry have stated as under:—

“Yes, the funds provided for implementation of R&R schemes are adequate.” Compensation is given as per approved schemes which are prepared as per the provision of compensation provided in R&R Policy of State / CIL.

54. On being asked about the number of R&R schemes/ projects taken up for implementation during the Tenth Plan, the Ministry have furnished the following information:—

ECL	-	3	nos.
CCL	-	1	no.
NCL	-	5	nos.
WCL	-	6	nos.
SECL	-	17	nos.
MCL	-	17	nos.”

55. The status of R&R schemes/projects which have been spilled over from 10th Plan to 11th Plan is given below:—

Name of the Subsidiary	No of R&R Scheme	Present Status
ECL	3	Land acquisition is in progress for continued mining operation. R&R will follow accordingly.
CCL	1	R&R Scheme is in progress.
WCL	5	Resettlement is in progress in one Scheme. Finalisation of resettlement site is in progress in four Schemes.
SECL	16	R&R Scheme is in progress
MCL	9	Resettlement work is under process.

The details of R&R schemes/ projects taken up/ to be taken up during the Eleventh Plan are as under:—

Name of the Subsidiary	No. of Scheme	Details of Schemes
1	2	3
CCL	8	2 (two) R&R Schemes have been taken up in the Eleventh Plan period. One scheme has already been completed and the other one is in progress.  In addition to the above, 6 (six) R&R Schemes will be taken up during Eleventh Plan period.
NCL	1	One R & R Scheme is to be taken up during the Eleventh Plan period.

1	2	3
WCL	5	Five R&R Schemes will be taken up during the Eleventh Plan period.
SECL	12	Twelve R&R Schemes are being taken up during Eleventh Plan period.
MCL	7	Seven new R&R Schemes will be taken up during the Eleventh Plan period.

56. When enquired whether the Coal India Limited (CIL) has been facing any difficulties in implementing its R&R Policy, the Ministry have stated:—

“The R&R Policy of State Government varies from State to State. The Coal Companies face difficulties particularly in case of release of employment and taking physical possession of acquired land. It is necessary to have a uniform approach throughout the Company, the mines of which are spread over in different States.”

57. Regarding the details of the coal mining projects which could not be started due to slow progress of R&R schemes, the Ministry of Coal have informed that in SECL, three projects viz., Amera OC, Amadand OC and Mahan OC have been delayed due to slow progress in R&R/land acquisition activities.

58. When asked about areas that are facing more problems of land acquisition and compensation, the Ministry stated in their post-evidence reply as follows:—

“Land acquisition and related activities like Rehabilitation & Resettlement are major areas of concern in project implementation in all the States. However, there are more problems of land acquisition and compensation in the State of Jharkhand, Maharashtra and Orissa. The State Governments of these States should extend help & support for early acquisition and delivery

of land to coal companies. However, follow up for early completion of land acquisition proceedings is undertaken by the Coal Companies regularly. Periodical meetings are also held at different levels of the State Government for expeditious clearance of the land acquisition proposal.”

Further, the Committee was apprised of projects pending due to land acquisition as follows:—

State	Name of Projects
Jharkhand	Hurra OC, Chuperbhita OC, Magadh OC, Amrapali OC, Block II OC, Viswakarma OC
Maharashtra	Gouri Deep OC, Junakunada OC, Bhanegaon OC
Madhya Pradesh	Khadia OC, Urdhan OC
Orissa	Bhubaneswari OC, Garjanbahal OC, Kaniha OC

59. To a query whether any mechanism exists in the Ministry to monitor R&R schemes, the Ministry of Coal in a written reply have stated as under:—

“Ministry of Coal organises regular meetings with Chairman, CIL and CMDs of Coal companies to monitor the progress of R&R Schemes in coal companies. The progress is also reviewed at the level of MOS(C) and Secretary(Coal). “

**60. The Committee note that funds for implementation of R&R schemes are provided in the overall budget under the head of Account “Land” and no separate budget provision is made for this purpose. The Committee feel that implementation and progress of R&R schemes can be well monitored if separate allocation is made therefor. The Committee, therefore, recommend that a separate budgetary head should be made for allocation of funds for R&R schemes.**

**61. The Committee observe that problems relating to land acquisition and compensation is more pronounced in the major coal bearing States. 34 R&R Schemes in Coal India Ltd.(CIL) and its subsidiaries are stated to have been spilled over from 10th Five Year Plan to 11th Five Year Plan and are under progress. The Committee desire that ongoing R&R Schemes/projects should be implemented without any further delay. In addition, some projects of SECL namely Amera OC, Amadand OC and Mahan OC could not be started due to slow progress in R&R/land acquisition activities. The reasons for poor implementation of R&R schemes might be either the land oustees are unwilling to shift or non-acceptance of compensation packages offered to them or faulty approach to the Project Affected Persons(PAPs). The Committee feel that sincere efforts for speedy clearance of land acquisition and compensation cases are need of the hour so that coal production is not affected. The Committee, therefore, recommend that the Ministry of Coal should facilitate CIL and its subsidiaries in close coordination with Governments of coal bearing States in land acquisition and settlement of compensation cases.**

#### **G. COMMUNITY DEVELOPMENT ACTIVITIES**

62. Subsidiary companies provide proper infrastructural facilities in the vicinity of areas of coal projects . However, in some cases there may be some constraint including hindrances/problems created by villagers/local people for selection of site for community development work and other local problems, delay in finalisation of the Action Plan by the Members/Committees, delay in completion of work by Contractors.

63. As per Policy for Community and Peripheral Development of CIL and its subsidiaries received from Director, Ministry of Coal *vide* letter No. 55011/5/2004-PRIW dated 15.06.2005, the mechanism to supervise the peripheral development activities is as under:—

- (i) As Area Community Development Committee (ACDC) constituted for the purpose at the area level will take

decisions regarding identifying the activities, preparation of budget, reviewing and approving the action plan and monitoring the activities during implementation. The Committee will consist of Area Chief General Manager/ General Manager as Chairman assisted by the members from Finance, Civil and Personnel Departments and the Area CGM/GM and/or the Union representatives may nominate some other members. A Committee of local people's representative would be constituted, in consultation with the District Collector. This Committee may also be associated with identifying activities specific to village/ area. The responsibility of actual planning and implementation will rest with the CD/R&R officers or officers of any other designation vested with the responsibility.

- (ii) At Subsidiary headquarter level, the Welfare Board will oversee the CD activities.
- (iii) Assistance of NGOs may be sought, if necessary, for preparation of baseline data, CD plan and involvement of the local communities. For this purpose, only NGOs of national repute or with a good track record would be involved.

64. Acquisition of land for public purpose deprive people of their land, livelihoods and resource base. Besides, displacement has other traumatic, psychological and socio-cultural consequences. Keeping this in view, provision has been made in the R&R Policy of CIL to provide various community facilities:—

- (a) The subsidiary will provide at the resettlement site school, road with street light, pucca drain, pond, dugwell and/or tubewell for drinking water supply, community center, place of worship, graveyard, dispensary, grazing land for cattle and play ground. Similar infrastructural facility, if necessary, will be extended to the host locality. The community facilities and services would be available to all

residents of the area, including PAPs and the host population.

- (b) The approach for operation of community facilities would be flexible and all efforts will be made to secure community participation besides involving the State and local self Government/Panchayat for operating the facilities. To achieve this, subsidiaries will pursue with these agencies to ensure the same. The planning of the community facilities and their construction should be undertaken in consultation with the affected community.

65. At the resettlement site, facility such as roads, drains, street lights, school buildings, drinking water, market place, playground, place of worship, etc. are provided to the displaced families. Endeavour is made by subsidiaries of Coal India Ltd. to provide better facilities at such sites than it was available to them at their old site.

66. When asked about details of budget allocation and actual expenditure incurred on the community development activities in the coal mining areas of CIL and subsidiaries from the years 2000-01 to 2007-08, the Ministry of Coal have furnished the following information:—

(Figures in Rs. Lakh)

Company	2000-2001		2001-2002		2002-2003		2003-04	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
1	2	3	4	5	6	7	8	9
ECL	65.00	56.95	65.00	49.28	65.00	50.93	74.59	75.42
BCCL	117.00	43.24	45.00	21.65	80.00	43.41	70.00	31.11
CCL	85.20	56.25	85.20	50.34	85.20	61.51	71.13	39.43
WCL	75.50	74.78	91.37	66.72	121.60	76.29	157.47	108.44
SECL	273.50	225.34	412.63	352.68	649.61	551.00	512.41	392.17

1	2	3	4	5	6	7	8	9
MCL	558.23	369.58	742.00	270.38	1098.11	466.31	618.65	365.32
NCL	103.00	86.19	337.00	376.43	184.00	178.96	250.00	219.97
NEC	12.45	7.48	19.24	15.73	8.08	8.08	9.31	9.31
<b>TOTAL</b>	<b>1289.88</b>	<b>919.81</b>	<b>1797.44</b>	<b>1203.21</b>	<b>2291.60</b>	<b>1436.49</b>	<b>1763.56</b>	<b>1241.17</b>

(Figures in Rs.Lakh)

Company	2004-2005		2005-2006		2006-2007		2007-08
	Budget	Actual	Budget	Actual	Budget	Actual	Budget (Prov.)
ECL	70.00	60.93	220.00	107.36	200.00	125.98	200.00
BCCL	70.00	54.18	200.00	128.33	230.00	156.44	240.00
CCL	104.50	59.99	250.46	203.73	445.58	291.91	492.00
WCL	345.00	222.71	375.00	335.52	432.00	374.97	439.07
SECL	500.00	473.20	800.73	957.75	830.00	746.39	885.00
MCL	907.00	374.12	907.00	379.47	820.00	395.89	946.47
NCL	220.85	122.25	272.45	183.27	512.00	235.78	520.00
NEC	15.74	9.18	6.53	6.53	10.40	11.40	11.00
<b>TOTAL</b>	<b>2233.09</b>	<b>1376.56</b>	<b>3032.17</b>	<b>2301.96</b>	<b>3479.48</b>	<b>2338.76</b>	<b>3733.54</b>

67. To a query about budgetary provision for Community Development, the representatives of the Ministry during the evidence stated:—

“It is only to give the Community whatever they want. We give medicare facility, hospitals or schools etc. as per their demand

and accordingly budgetary provisions are made. We provide 1 to 2½ % retained earning in our profit making units like NCL, MCL, WCL, SICL, CCL. This is over and above additional provision, since there is no retained earning in ECL and BCCL we are giving 1% retained earning of Coal India Ltd. This is in addition.”

**68. The Committee have been informed that CIL and its subsidiaries undertake Community Development activities in the coal mining areas and earmark 1 to 2½ % of their retained earning on such activities. During the last seven years, there had been lesser utilization of budgetary funds earmarked for Community Development. The Committee are unhappy over dismal performance of CIL and its subsidiaries in utilization of funds earmarked for Community Development. The Committee, therefore, desire that CIL and its subsidiaries should make sincere efforts to utilize the earmarked funds fully for Community Development activities. Welfare of PAPs should be taken care of under various programmes/ schemes with a major emphasis on providing facilities for higher and technical education to the children of PAPs.**

NEW DELHI;  
16 October, 2008  

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DR. SATYANARAYAN JATIYA,  
*Chairman,*  
*Standing Committee on Coal and Steel.*

**STATEMENT OF RECOMMENDATIONS/OBSERVATIONS OF  
THE STANDING COMMITTEE ON COAL AND STEEL  
CONTAINED IN THE REPORT**

Sl. No.	Reference Para No. of the Report	Recommendations/Observations
1	2	3
1.	15	<p>The Committee note that Coal India Ltd.(CIL), keeping in view the fact that lives and livelihoods of a large number of people are affected by forced displacement due to coal mining projects, framed its Rehabilitation and Resettlement (R&amp;R) Policy in 1994 to safeguard the interests of the Project Affected People (PAPs) so that they may regain their original standard of living and earning capacity after a reasonable transition period. This policy has been in operation with modifications from time to time. This Rehabilitation and Resettlement (R&amp;R) Policy of Coal India Ltd. (CIL) has now been revised in 2008 in consonance with the National Rehabilitation and Resettlement Policy (NRRP) 2007. The Committee, however, observe that even after the revision of the policy by CIL, much needs to be done. In some cases, NRRP-2007 is more progressive and pragmatic <i>vis-à-vis</i> CIL's R&amp;R Policy 2008. For example, while NRRP contains a provision of providing 'land-for-land' subject to availability of the Government land, there is no such provision in R&amp;R Policy of CIL. Similarly, NRRP-2007 provides for house-site to Project</p>

1	2	3
2.	22	<p data-bbox="667 422 1245 888">Affected Persons (PAPs) in proportion to the actual loss of land but not more than 250 sq. m in rural area and 50 sq.m. in urban area, whereas CIL's policy offers 150 sq.m. irrespective of the size of house whether it is less or more acquired. The Committee feel that CIL's R&amp;R packages should not be less than that of NRRP. The Committee, therefore, recommend that these provisions of NRRP relating to 'land-for-land' and house-site should be suitably incorporated/modified in R&amp;R Policy of CIL.</p> <p data-bbox="667 926 1245 1757">The Committee note that Coal India Limited acquires land for coal mining under the Land Acquisition Act, 1894 and Coal Bearing Areas (Acquisition and Development) Act, 1957 and in certain cases, by direct purchase. Whenever any land in any locality/area is to be acquired, a notification under the above Acts, to that effect, is published in the Official Gazette wherein the extent of land, so required, is notified. In case of any objection to the acquisition of such land, the interested person(s) can file his/their objections within 30 days from the date of publication of notification. It is pertinent to note that the coal reserves in the country are mostly in the far-flung areas inhabited by the tribal communities, most backward and weaker sections of the society. They hardly have any access to the Official Gazette wherein they could see that their lands are to be acquired for public purposes. The Committee feel that a mechanism may be in</p>

1	2	3
		place to ensure that such people automatically become aware of the acquisition of their land and if necessary, they could timely file any objection therefor within 90 days instead of the present provision of 30 days. For this purpose local NGOs may be involved and wide publicity through print and electronic media can also be given. Necessary action may be taken to amend the said Acts, in this regard, if required.
3.	23	The Committee are given to understand that CIL is in possession of unutilized land acquired for mining and also reclaimed land. At present, there is no provision under CBA(A&D) Act, 1957, for returning acquired land to PAPs. The Committee have been informed that measures are being contemplated by CIL for returning mined out areas and unutilized land, which are no more required by the coal companies. The Committee hope that necessary changes in this Act should be effected to ensure return of unutilized land to the PAPs after proper development. The Committee also recommend that CIL should plan their land requirements so that the same is judiciously and optimally utilized.
4.	30	The Committee note that as per the revised R&R Policy of CIL, one employment is released for each two acres of land acquired (irrespective of category of land) subject to availability of vacancy and suitability of the candidate in the descending order of land lost. The Committee

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observe that the assurance for providing employment is subject to availability of vacancies and suitability of the affected persons and not as a guarantee. As such the assurance of employment is often found as a lip-service rather than any serious efforts to achieve it. The Committee, therefore, feel that the PAPs should have the right to get employment in the projects as the employment remains the most preferred option of the PAPs since it is a permanent source of income. The Committee, therefore, recommend that instead of conditional provision of employment, CIL should provide employment on mandatory basis within a reasonable time. The Committee also recommend that the employment in lieu of acquisition of land should be provided to the oustees in ascending order of land lost so that the interests of the poorest of the poor are taken care of. The Committee further recommend that employment may be provided to the PAPs according to their qualifications. The Committee hope that the Ministry would ensure that there is no discrimination against women in employment under CIL and its subsidiaries.

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The Committee find that CIL makes the payment of compensation for the loss of means of livelihood of the Project Affected Persons(PAPs) as per their R&R Policy in vogue. In lieu of employment, the Policy

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provides for cash compensation of Rs.2 lakh for 1st acre of land, Rs.1.50 lakh for the 2nd and 3rd acres of land and Rs.1 lakh for beyond 3 acres in addition to the compensation paid under CBA & LA Acts. The Committee are not satisfied with compensation as it is not proportionate to acre of land acquired. The Committee, therefore, desire that compensation should be paid equally for each acre of land which will create a sense of financial security in the minds of PAPs. The Committee would also like CIL to come with a package of compensation that yields a permanent source of income not only to the head of the family but also to other dependants of the family.

The Committee note that the private players are able to overcome the land acquisition by offering attractive compensation package, whereas the CIL and its subsidiaries take into consideration registration value of the land, which is far below the prevailing market rate for fixing compensation. The Committee apprehend that CIL may not be in a position to offer attractive rate to the land oustees. The Committee, therefore, recommend that coal subsidiaries should become competitive *vis-à-vis* private players in their approach while dealing with land acquisition. The Committee also recommend that CIL and its subsidiaries should become more flexible in finalizing the relief packages according to the prevailing

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		ground realities. For this it may be desirable that CIL may study and analyse packages being offered by the private parties to the PAPs.
6.	44	<p>The Committee note that around 4500 cases of compensation are pending with CIL and its subsidiaries. The Committee also note that CIL and its subsidiaries propose to set up a mechanism for dealing with the disputes of PAPs. The Committee, therefore, desire that the CIL and its subsidiaries should expedite the establishment of mechanism and settle the pending cases in a time bound manner. The Committee also desire the Ministry to monitor the progress in this regard.</p> <p>The Committee have been apprised of the difficulties such as non-availability of updated record of rights, delay in authentication of ownership by the State Governments, non-production of relevant documents to establish ownership etc. being faced in disbursing compensation to PAPs. The Committee feel that application of Information Technology tools like e-governance, e-seva etc. in land reforms can be of immense help to overcome these difficulties. The Committee, therefore, recommend that the Ministry of Coal should pursue the Ministry of Rural Development(Department of Land Resources) to carry out land reforms like updating relevant land records and establishing authenticity of land ownership rights of concerned PAPs in the coal bearing States.</p>

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7.	51	<p>The Committee have been apprised that as a part of compensation package CIL and its subsidiaries would assist PAPs to establish non-farm self-employment through provision of infrastructure, petty contracts or formation of cooperatives. The Committee feel that success of the above initiatives is possible only if the PAPs are provided proper marketing facilities for their products. The Committee, therefore, recommend that CIL should provide marketing facilities to PAPs for their products and to instil entrepreneurial skills in them. For this, active support and participation of NGOs and State Governments should be obtained.</p>
8.	60	<p>The Committee note that funds for implementation of R&amp;R schemes are provided in the overall budget under the head of Account "Land" and no separate budget provision is made for this purpose. The Committee feel that implementation and progress of R&amp;R schemes can be well monitored if separate allocation is made therefor. The Committee, therefore, recommend that a separate budgetary head should be made for allocation of funds for R&amp;R schemes.</p>
9.	61	<p>The Committee observe that problems relating to land acquisition and compensation is more pronounced in the major coal bearing States. 34 R&amp;R Schemes in Coal India Ltd.(CIL) and its subsidiaries are stated to have been spilled over from 10th Five Year Plan to 11th Five Year</p>

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Plan and are under progress. The Committee desire that ongoing R&R Schemes/projects should be implemented without any further delay. In addition, some projects of SECL namely Amera OC, Amadand OC and Mahan OC could not be started due to slow progress in R&R/land acquisition activities. The reasons for poor implementation of R&R schemes might be either the land oustees are unwilling to shift or non-acceptance of compensation packages offered to them or faulty approach to the Project Affected Persons(PAPs). The Committee feel that sincere efforts for speedy clearance of land acquisition and compensation cases are need of the hour so that coal production is not affected. The Committee, therefore, recommend that the Ministry of Coal should facilitate CIL and its subsidiaries in close coordination with Governments of coal bearing States in land acquisition and settlement of compensation cases.

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The Committee have been informed that CIL and its subsidiaries undertake Community Development activities in the coal mining areas and earmark 1 to 2½% of their retained earning on such activities. During the last seven years, there had been lesser utilization of budgetary funds earmarked for Community Development. The Committee are unhappy over dismal performance of CIL and its subsidiaries in utilization of funds earmarked for Community

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**Development.** The Committee, therefore, desire that CIL and its subsidiaries should make sincere efforts to utilize the earmarked funds fully for Community Development activities. Welfare of PAPs should be taken care of under various programmes/schemes with a major emphasis on providing facilities for higher and technical education to the children of PAPs.

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ANNEXURE I

COMPARATIVE STATEMENT SHOWING CIL'S R&R POLICY 2000,  
NRRP-2007 AND CIL'S R&R POLICY, 2008

As per CIL's R&R Policy 2000	As per NRRP-2007	Modifications in CIL R&R Policy, 2008
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**1. DEFINITION OF PROJECT AFFECTED PERSON/FAMILY**

<p>Project Affected Persons (PAPs) is defined as:—</p> <ul style="list-style-type: none"> <li>- Persons from whom land is acquired including tribal cultivating under traditional right.</li> <li>- Persons whose homestead is acquired</li> <li>- Share croppers, land lessees, tenants, day labourer, tribal dependent on forest produce.</li> </ul>	<p>Project Affected family is defined as:—</p> <ul style="list-style-type: none"> <li>- Family whose property or source of livelihood is adversely affected.</li> <li>- Tenure holder, tenant, lessee or owner of other property.</li> <li>- Agri./Non Agri. Labourer, Land-less persons, rural artisan, small trader, self employed persons affected due to land acquisition.</li> </ul>	<p>As per NRRP-2007</p>
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**2. DEFINITION OF FAMILY**

<p>The family in relation to displaced person would mean husband, wife with their minor children below 18 years</p>	<p>Definition of family— "Family" includes a person, his/her spouse, minor sons, unmarried daughters, minor</p>	<p>As per NRRP-2007.</p>
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<p>and unmarried/wid- owed daughters on or before the date of no- tification in respect of the area/village. Major unmarried sons will be also included in the family.</p> <p>However, each major married son will con- stitute a separate fam- ily. (This is for the purpose of extending resettlement benefits).</p>	<p>brothers, unmarried sisters, father, mother and other relatives re- siding with him or her and dependent on him or her for their liveli- hood; and includes “nuclear family” con- sisting of a person, his or her spouse and minor children.</p>	

**3. EMPLOYMENT**

<p><b><u>On Land Lost</u></b> One employment for loosing 2 acres of irri- gated or 3 acres of un- irrigated land subject to availability of va- cancy and suitability of the candidate.</p>	<p>Preference to the af- fected families- one person per nuclear family.</p>	<p><b><u>On Land Acquired</u></b> <b><u>(Package concept)</u></b> Provision of employ- ment is considered under package. For each two acres of land acquired (irrespective of category of land) one employment will be released subject to availability of vacancy and suitability of the candidate in the de- scending order of land lost.</p>
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		(Package concept is a major change as lesser land holder (<2 acre) will have a chance for the employment subject to other conditions.
<b>4. CASH COMPENSATION IN LIEU OF EMPLOYMENT</b>		
Rs. one lakh for 1st acre (minimum Rs. 0.25 lakh), Rs. 0.75 lakh for 2nd & 3rd acre and Rs. 0.50 lakh beyond 3 acres.	750 days of MAW	Cash compensation as announced by State Government if there is no such provision of State Government then, cash compensation in lieu of employment has been enhanced to Rs. two lakh for 1st acre (minimum 0.50 lakh), Rs. 1.50 lakh for 2nd & 3rd acre and Rs. 1.00 lakh for beyond 3 acres.
<b>5. LAND FOR LAND</b>		
No provision	Agriculture land or cultivable waste land to the extent actual land loss subject to maximum 1 Ha. Irrigated or 2 Ha. Un-irrigated land/cultivable waste land, if Government land is available.	No provision

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	Financial assistance for land development for waste land or degraded land.	

### **6. SHARE CROPPERS, LAND LESSEES, TENANTS & DAY LABOURERS**

Non-farm self employment through provision of infrastructure, petty contracts, formation of co-operatives or job with contractor (contractor will be persuaded for preferential treatment)	Skill development opportunities. Preference for out sourced contracts, shops or other economic opportunities. Preference in job with contractor engagement of labour in construction phase.	Non-farm self employment through provision of infrastructure, petty contracts, formation of cooperatives or job with contractor (contractor will be persuaded for preferential treatment)
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### **7. RESETTLEMENT BENEFIT**

#### **Home Land**

100 Sq.m of land in the Resettlement Site (RS). RS is provided with all necessary basic infrastructure. Shifting cost.	Actual loss of Area of the House but not more than 250 Sq.m in Rural Area & 50 Sq.m in Urban Area.	150 Sq.m of land in the RS. RS is provided with all necessary basic infrastructure.
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#### **Subsistence-allowance**

No Provision.	@25 days MAW per month for one year to the displaced affected family.	Same as NRRP-2007.
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<b>Assistance for construction of working shed or shop</b>		
No Provision.	One time financial assistance of Rs. 25000/- for construction of working shed or shop to the displaced rural artisan, small trader or self employed person.	Same as NRRP-2007.
<b>Assistance for cattle shed</b>		
No provision	Affected displaced family having cattle shall be given financial assistance of Rs. 15000/- for construction of cattle shed.	Same as NRRP-2007.
<b>Cash compensation in lieu of all resettlement benefit to person whose homestead is acquired</b>		
Rs. 0.5 lakh	No Provision	One lakh
<b>Compensation for loss of customary right/ forest produce for Tribals</b>		
No Provision	Tribal affected family will be given one time	Same as NRRP-2007.

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	financial assistance of 500 days of MAW for loss of customary right or usage of forest produce.	
<b>Additional Compensation for tribals settling outside the district</b>		
No Provision	Tribal affected families settled out of the district shall be given 25% higher rehabilitation & resettlement benefit.	Same as NRRP-2007.
<b>8. COMMUNITY ENGAGEMENT BACKED BY BUDGETARY PROVISION</b>		
No provision	No provision	Inclusive development based on community engagement/public participation backed by necessary budgetary provision incorporated.

*ANNEXURE II*

MINUTES OF THE SECOND SITTING OF THE STANDING  
COMMITTEE ON COAL AND STEEL (2006-07) HELD ON  
20.9.2006 IN COMMITTEE ROOM 'C', PARLIAMENT  
HOUSE ANNEXE, NEW DELHI.

The Committee met from 1500 hours to 1700 hours.

PRESENT

Shri Ananth Kumar — *Chairman*

MEMBERS

*Lok Sabha*

2. Shri Hansraj G.Ahir
3. Shri Hiten Barman
4. Shri Chandra Sekhar Dubey
5. Shri Chandrakant B. Khaire
6. Shri Faggan Singh Kulaste
7. Shri Raghuraj Singh Shakya
8. Smt. Karuna Shukla
9. Shri Sugrib Singh
10. Shri Ramadhar Kashyap
11. Shri Surendra Lath
12. Shri Ajay Maroo
13. Shri B.J. Panda
14. Shri Bashistha Narain Singh

SECRETARIAT

1. Shri P.K. Bhandari — *Joint Secretary*
2. Shri A.K. Singh — *Director*
3. Shri Shiv Singh — *Under Secretary*

## WITNESSES

Sl.No.	Name	Designation
1.	Shri H.C. Gupta	Secretary
2.	Shri Pradeep Kumar	Spl. Secretary
3.	Shri Rajiv Sharma	Joint Secretary
4.	Shri K.S. Kropcha	Joint Secretary
5.	Shri P.R. Mandal	Adv. (Project)
6.	Shri Shashi Kumar	CMD, Coal India Ltd. (CIL)
7.	Shri P.S. Bhattacharya	CMD, Bharat Coking Coal Ltd. (BCCL)
8.	Shri B.K. Sinha,	CMD, South Eastern Coalfields Ltd.
9.	Shri S. Jayaraman	CMD, Neyveli Lignite Corporation Ltd.
10.	Shri G.S. Chug	CMD, Western Coalfields Ltd. (WCL)
11.	Shri Abhiram Sharma	CMD, Mahanadi Coalfields Ltd. (MCL)
12.	Shri V.K. Singh	CMD, Northern Coalfields Ltd. (NCL)
13.	Shri Ajay Kumar	Dir. (P), Central Coalfields Ltd. (CCL)
14.	Shri D. Chakravorty	CMD, Eastern Coalfields Ltd. (ECL)
15.	Shri Md.Salimmudin	Dir. (P&IR), Coal India Ltd.
16.	Shri S. Choudhuri	CMD, Central Mine Planning & Design Institute Ltd. (CMPDIL)

2. At the outset, the Chairman, Standing Committee on Coal and Steel welcomed the Members of the Committee and the Secretary and Officers of the Ministry of Coal to the sitting of the Committee.

3. Thereafter, the Secretary, Ministry of Coal gave a power-point presentation on the subject “Rehabilitation and Resettlement in Coal Sector”. The following important points were discussed during the meeting:-

- (i) R&R Policy of Coal India Ltd.(CIL);
- (ii) Employment to the land losers;
- (iii) Payment of compensation;
- (iv) Training for self-employment;
- (v) R&R Policy of CIL *vis-à-vis* NPRR-2003;
- (vi) Protecting the cultural identity of project affected tribal communities; &
- (vii) Providing infrastructural facilities and community development in the resettled villages/areas to uplift the living standard of project affected families.

*The Committee then adjourned.*

*ANNEXURE III*

MINUTES OF THE SITTING OF THE STANDING COMMITTEE  
ON COAL AND STEEL (2006-07) HELD ON 14.6.2007 IN  
COMMITTEE ROOM NO. 139, PARLIAMENT HOUSE  
ANNEXE, NEW DELHI

The Committee met from 1500 hours to 1700 hours.

PRESENT

Dr. Satyanarayan Jatiya — *Chairman*

MEMBERS

2. Shri Hansraj G. Ahir
3. Shri Bansagopal Choudhury
4. Shri Chandra Shekhar Dubey
5. Shri Vikrambhai Arjanbhai Maadam
6. Dr. Rameshwar Oraon
7. Shri Brajesh Pathak
8. Smt. Ranjeet Ranjan
9. Shri Raghuraj Singh Shakya
10. Smt. Karuna Shukla
11. Shri Anirudh Prasad Alias Sadhu Yadav
12. Shri Ali Anwar
13. Shri Surendra Lath
14. Shri Ajay Maroo
15. Shri Swapan Sadhan Bose
16. Shri Bashistha Narain Singh
17. Shri Jai Narain Prasad Nishad

## SECRETARIAT

- |    |                  |   |                             |
|----|------------------|---|-----------------------------|
| 1. | Shri S.K. Sharma | — | <i>Additional Secretary</i> |
| 2. | Shri A.K. Singh  | — | <i>Director</i>             |

## LIST OF WITNESSES

Sl.No.	Name & Designation	Ministry/PSU
1.	Shri H.C. Gupta, Secretary	Ministry of Coal
2.	Shri Sharad Ghodke, Director	-do-
3.	Shri P.S. Bhattacharya, CMD	Coal India Ltd.
4.	Shri R. Mohandas, Director	-do-
5.	Shri Bhaskar Chatterjee, Ad. Secretary	Ministry of Rural Development
6.	Shri G.B. Upadhyay, Under Secretary	-do-

2. At the outset, the Chairman, Standing Committee on Coal and Steel welcomed the Members of the Committee and, the representatives of the Ministries of Coal and Rural Development to the sitting of the Committee.

3. Thereafter, the Additional Secretary, Ministry of Rural Development briefed the Committee on “National Policy on Rehabilitation and Resettlement (R&R), 2003”. Then the Secretary, Ministry of Coal briefed the Committee on the subject “Rehabilitation and Resettlement in Coal Sector”. The following important points emerged out of the discussion:—

- (i) R&R Policy of Ministry of Rural Development – 2003;
- (ii) R&R of Coal India Ltd. – 2000;

- (iii) Proposed R&R Policy of Ministry of Rural Development;
  - (iv) Amendments in Land Acquisition Act, 1894; and
  - (v) Need to have a rationale R&R Policy.
4. A verbatim record of the proceedings of the sitting has been kept.

*The Committee then adjourned.*

ANNEXURE IV

MINUTES OF THE SITTING OF THE STANDING COMMITTEE  
ON COAL AND STEEL HELD ON 19th May, 2008 IN  
COMMITTEE ROOM No. '139', PARLIAMENT HOUSE  
ANNEXE, NEW DELHI

The Committee sat from 1130 hours to 1310 hours.

PRESENT

Dr. Satyanarayan Jatiya — *Chairman*

MEMBERS

2. Shri Hansraj G. Ahir
3. Shri Chandra Shekhar Dubey
4. Shri Chandrakant B. Khaire
5. Shri Dalpat Singh Paraste
6. Shri Prabhunath Singh
7. Shri Rewati Raman Singh
8. Shri Sugrib Singh
9. Shri Anirudh Prasad Alias Sadhu Yadav
10. Shri Ali Anwar
11. Shri Swapan Sadhan Bose
12. Dr. T. Subbarami Reddy

SECRETARIAT

- |                     |   |                             |
|---------------------|---|-----------------------------|
| 1. Shri S.K. Sharma | — | <i>Additional Secretary</i> |
| 2. Shri Ashok Sarin | — | <i>Joint Secretary</i>      |
| 3. Shri Raj Kumar   | — | <i>Deputy Secretary</i>     |

## WITNESSES

- |     |                                    |                               |
|-----|------------------------------------|-------------------------------|
| 1.  | Shri H.C. Gupta, Secretary         | Ministry of Coal              |
| 2.  | Shri Rajiv Sharma, Addl. Secretary | -do-                          |
| 3.  | Dr. S.P. Seth, Addl. Secretary     | -do-                          |
| 4.  | Shri Sharad Ghodke, Director       | -do-                          |
| 5.  | Shri P.S. Bhattacharya, CMD        | Coal India Ltd.               |
| 6.  | Shri A.K. Paul, CMD                | Bharat Coking Coal Ltd.       |
| 7.  | Shri S. Chakraborty, CMD           | Eastern Coalfields Ltd.       |
| 8.  | Shri V.K. Singh, CMD               | Northern Coalfields Ltd.      |
| 9.  | Shri B.K. Sinha, CMD               | South Eastern Coalfields Ltd. |
| 10. | Shri D.C. Garg, CMD                | Western Coalfields Ltd.       |
| 11. | Shri R.K. Saha, Director           | Central Coalfields Ltd.       |
| 12. | Shri G.D. Gulab, Director          | Mahanadi Coalfields Ltd.      |
| 13. | Shri P.K. Saxena, Director         | Northern Coalfields Ltd.      |

2. At the outset, the Chairman, welcomed representatives of the Ministry of Coal to the sitting of Committee and apprised them of the provisions of Direction 58 of the Directions by the Speaker, Lok Sabha.

3. Thereafter, the representative of the Ministry of Coal gave a visual presentation on the subject "Rehabilitation and Resettlement in Coal Sector" followed by briefing by the Coal Secretary. The points discussed during the sitting broadly related to the issues such as providing employment to all land losers; fixation of quantum of compensation; problems of land acquisition, implementation of R&R schemes, etc. The Coal Secretary explained to the various queries raised

by the Members on the subject to the extent possible. The Chairman directed the representatives of Coal Ministry to submit detailed replies on the points which were not clarified during evidence.

4.   \*\*\*                   \*\*\*                   \*\*\*                   \*\*\*

5.   A copy of the verbatim proceedings of the sitting of the Committee has been kept.

*The Committee then adjourned.*

*ANNEXURE V*

MINUTES OF THE SITTING OF THE STANDING COMMITTEE  
ON COAL AND STEEL HELD ON 15th SEPTEMBER, 2008 IN  
COMMITTEE ROOM 'E', PARLIAMENT HOUSE ANNEXE,  
NEW DELHI

The Committee sat from 1530 hours to 1615 hours to consider and adopt the Report on the subject "Rehabilitation and Resettlement by Coal India Ltd." of Ministry of Coal.

PRESENT

Dr. Satyanarayan Jatiya — *Chairman*

MEMBERS

2. Shri Hansraj G. Ahir
3. Shri Chandra Shekhar Dubey
4. Shri Hiten Barman
5. Shri Bansagopal Choudhury
6. Shri Faggan Singh Kulaste
7. Smt. Karuna Shukla
8. Shri Sugrib Singh
9. Shri Anirudh Prasad Alias Sadhu Yadav
10. Shri Arun Yadav
11. Shri Mohd. Ali Khan
12. Shri Jesudas Seelam
13. Shri Jai Prakash Narayan Singh
14. Shri T.K. Rangarajan
15. Shri B.J. Panda
16. Shri R.C. Singh
17. Shri Raghuraj Singh Shakya

## SECRETARIAT

- |    |                 |    |                         |
|----|-----------------|----|-------------------------|
| 1. | Shri A.S. Chera | —  | <i>Director</i>         |
| 2. | Shri Shiv Singh | —  | <i>Deputy Secretary</i> |
| 2. | **              | ** | **                      |

3. Thereafter, the Committee considered and adopted the draft Report on the subject “Rehabilitation and Resettlement by Coal India Ltd.” without any amendment.

4. The Committee authorized the Chairman to finalise the Report after making consequential change arising out of factual verification by the concerned Ministry and to present the same to both the Houses of Parliament.

*The Committee then adjourned.*

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\*\*Does not pertain to this Report.

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