

Re: BCCL's Policy for Ex-gratia Payment of Valuation of Structures on Government/Forest Land to "Non-Title Holders".

Introduction:

The establishment of this Policy, under the title "**General Policy for Ex-gratia Payment of Valuation of Structures on Government/Forest Land to "Non-Title Holders"**" signifies a pivotal step towards addressing the welfare of "Non-Title Holders" impacted by the operations of Bharat Coking Coal Limited ("BCCL"). This Policy is crafted with the explicit purpose of ensuring determined payment for structures situated on Government/Forest land, for those who lack legal title to the land, hereby referred to as "Non-Title Holders", and are affected by BCCL's activities.

Objectives, Policy, and Legal Framework:

This Policy has been drafted and prepared by BCCL with a twofold objective: *firstly*, to provide a structured framework facilitating determined payment as ex-gratia for structures/houses of "Non-Title Holders" situated on Government/Forest land, impacted by BCCL operations. *Secondly*, it aims to establish a mechanism that upholds the principles of equity in the valuation and payment process.

Explanation:

This Policy provides a clear framework for valuing structures on Government/Forest land and ensuring determined payment of same to "Non-Title Holders". It outlines procedures considering factors like valuation, occupancy duration, and resilience.

Scope:

This Policy extends its scope to encompass all lease settlement/transfer proposals of Government/Forest land that are submitted to the District Authorities or the Appropriate Government following the approval date of this Policy. Moreover, it is pertinent to note that this Policy shall also be retroactively applicable to all

existing running proposals of lease settlement/transfer of Government/Forest land. By applying retroactively, this Policy aims to ensure uniform and consistent treatment across all such applications, thereby promoting transparency and equity in the payment process.

Glossary:

A. Non-Title Holder: A Non-Title Holder is defined as an individual who have occupied and constructed permanent structure/house on Government/Forest land without legal title or recognized claims in respect of the land in question under national laws. This category only encompasses persons or families who have constructed and are utilizing permanent structures within the affected area for at least 3 (three) years prior to submission of application by BCCL for transfer/leasing of Government/Forest land.

It's pertinent to note that mobile vendors/moveable structures are excluded from this definition.

B. Non-Title Holder includes Squatter and Encroacher: The term Non-Title Holder encompasses individuals falling under the categories of Squatter and Encroacher.

1. Squatter: A Squatter refers to individuals who have unlawfully constructed permanent structure/house on government lands for residential or business purposes for a minimum period of 3 (three) years prior to submission of application by BCCL for transfer/leasing of Government/Forest land.

2. Encroachers: Encroachers are individuals who have extended their building, business premises, or workplaces (beyond their own/private land) onto government lands without legal title and authorization for a

minimum period of 3 (three) years prior to submission of application by BCCL for transfer/leasing of Government/Forest land.

Background and Rationale:

- a. Bharat Coking Coal Limited (BCCL), a subsidiary of Coal India Limited, operates in regions characterized by intricate and diverse land tenure arrangements. These areas frequently involve Government and forest land, adding layers of complexity to BCCL's operational landscape.
- b. The operational domain of BCCL spans across the districts of Dhanbad and Bokaro in Jharkhand, as well as Paschim Bardhaman and Purulia in West Bengal. These regions are integral to BCCL's coal mining and allied activities.
- c. Within these operational areas, as per requirement Government/Forest Land are being transferred/leased out by State Authority on application. Numerous structures such as houses or buildings are situated on Government/Forest lands required for BCCL mining and allied activities. However, a significant portion of these structures is owned and occupied by individuals who lack legal title to the land itself. State Authority emphasised that BCCL should frame a policy for payment of structures on Government land. Recognizing the principles of fairness and social responsibility, BCCL acknowledges the ethical necessity to provide ex-gratia payment to such “Non-Title Holders” for the value of permanent structures. This payment becomes imperative when transfer/leasing or associated activities mandate the removal of these structures. By addressing the needs of “Non-Title Holders”, BCCL aims to mitigate the adverse impacts of its operations on society and uphold principles of ~~and~~ social justice.

Approval Date:

This Policy shall be deemed effective from the date of its official approval by the Board of Directors of Bharat Coking Coal Limited (“BCCL”)

Census Survey:

The overarching aim of this Policy is to ensure payment for “Non-Title Holders” who occupy and hold permanent structures without legal title and authorization for a minimum period of 3 (three) years prior to submission of application by BCCL for transfer/leasing of Government/Forest land, particularly when transfer/leasing of land to BCCL necessitates their removal.

The Census Survey, a key component of the assessment, encompasses the following components:

- a. **Identification of “Non-Title Holders”:** This involves identifying individuals who lack legal title to the land but possess permanent structures on Government/Forest Land, thereby qualifying as “Non-Title Holders” under the Policy. Identification would be done by State Authorities.
- b. **Inventory of affected structures/houses:** A comprehensive inventory of all structures and houses situated on the Government/Forest Land, owned and occupied by “Non-Title Holders”, is compiled.
- c. **Physical measurements of affected structures/houses:** Accurate physical measurements of the affected structures and houses are recorded to facilitate valuation and payment calculations. Valuation of permanent structure/houses will be assessed by State Authority or Civil Department of BCCL on direction of State Authority, as per the prevailing norms applicable for valuation of structures belonging to LTH or otherwise.
- d. **Scheme of this Policy is “One Structure- Single Payment”. Therefore, single Payment as determined under this Policy shall be either**

distributed among ~~paid to~~ all eligible persons residing under one permanent structure or shall be paid to one nominated person among all the residing persons as identified by State Authority ~~or Civil Department of BCCL on direction of State Authority.~~

By undertaking this comprehensive assessment, BCCL aims to gain valuable insights, thereby enabling informed decision-making and ensuring that the Policy implementation aligns with the overarching goal of promoting fairness and equity.

Stakeholder Collaboration:

BCCL is committed to fostering collaboration and engagement with all relevant stakeholders to ensure the effective implementation of this Policy. To achieve this objective, BCCL shall undertake the following measures:

1. **Dissemination of Policy:** BCCL will ensure the dissemination of this Policy to local authorities.
2. **Collaboration and Consultation:** BCCL will actively collaborate and consult with local authorities, throughout the Policy implementation process. By leveraging the expertise and insights of local authorities, BCCL aims to identify potential challenges and develop strategies to overcome them, ensuring smooth and efficient implementation.

Eligibility Status:

- A. This Policy applies to all instances where BCCL is mandated to settle or transfer Government/Forest land for mining and allied activities, thereby necessitating the removal of structures **constructed &** occupied by “Non-Title Holders’ i.e. individuals lacking legal title to the land.
- B. **The Policy aims to mitigate:**
 - a. Loss of permanent structures. It's important to note that mobile businesses/movable structures are excluded from this provision.

- b. Payment under this Policy is exclusively extended to “Non-Title Holders” who have resided or occupied business from permanent structures on Government/Forest land for three years or more prior to BCCL's submission of the application for the transfer or leasing of Government/Forest land to the Appropriate Government. Identification of “Non-Title Holders” would be done by State Authorities.
- c. An adult member, irrespective of marital status, can be treated as a separate beneficiary on a case-by-case basis by BCCL. In the case of a married couple, either of the spouses or both together in joint ownership will be eligible for a single payment. Additionally, widows/divorcees and women deserted by families and also residing in the structure/house as “Non-Title Holders” shall be considered separate beneficiaries. However, the habitants of the structure may nominate one of the member among them (through affidavit cum bond) for payment of structure/house.
- d. The beneficiary family under this Policy is not eligible to receive the same benefit more than once.
- e. “Non-Title Holders” include Squatters and Encroachers.

Valuation of Structure/Houses and Payments:

- a. The valuation of permanent structures/houses will be meticulously conducted by the State Government or Civil Department of BCCL (on direction of State Government) in strict accordance with the prevailing norms and standards applicable for valuation of structures belonging to LTH or otherwise.
- b. Nothing shall be payable on account of valuation of Land occupied by “Non-Title Holders”.
- c. A minimum valuation of Rs. 1,20,000 (Rupees One Lakh Twenty Thousand only) for permanent houses has been set, in accordance with the

guidelines of the Pradhan Mantri Awas Yojna-Gramin (PMAY-G). However, it is emphasized that the actual valuation of the structures will prevail, and whichever amount is higher shall be paid to the “Non-Title Holders”. This minimum valuation amount in case of permanent house only shall be paid to “Non-Title Holders” residing on Government/Forest land, ensuring fair payment for their houses. Single Payment as determined under this Policy shall be paid to all persons residing under one permanent structure as identified by State Authority ~~or Civil Department of BCCL on~~ direction of State Authority.

General Principles:

- A. BCCL will adhere strictly to the principles outlined in this Policy when making payments for the structures of “Non-Title Holders”. This ensures consistency and fairness in payment distribution.
- B. All activities and procedures involved in the implementation of this Policy will be meticulously documented. This documentation serves as a transparent record of the process and facilitates accountability.
- C. Payments for houses/structures of “Non-Title Holders” situated over Government/Forest land will be assessed and paid on a case-to-case basis, only after taking into account the economic viability and feasibility of the project.
- D. If a “Non-Title Holders” is dissatisfied with the decisions regarding payments, it shall be resolved through mutual consultation and negotiation between BCCL, affected person/family and State Authority. If the dispute persist for a period of 30 days, the same will be referred to Functional Directors (FD) and decision of FD will be final.

Mode and Procedure of Disbursement of Payment:

- A. Payments for the assessed valuation of the structures/houses will be made directly by BCCL to “Non-Title Holders” affected by the transfer/leasing of Government/ Forest land. Payment may also be deposited to the State Authority on their written request.
- B. BCCL will notify the State / Local Authority regarding the disbursement of payments to a person as identified by State Authority ~~or Civil Department of BCCL on direction of State Authority~~, ensuring transparency and regulatory compliance.
- C. Disbursement of payments will only occur following the demolition of the permanent structures/houses.
- D. BCCL will collaborate with relevant authorities to ensure that the demolition process is carried out efficiently and in strict accordance with legal regulations. This coordination aims to minimize disruptions and mitigate any adverse impact associated with the demolition process.
- E. The payment of valuation of structures/houses to “Non-Title Holders” will be treated as Ex-gratia payment.

Exclusion of Resettlement & Rehabilitation (R&R) Benefits:

- A. In addition to the payments outlined under "Valuation of Structure/Houses and Payments," no further R&R payments or benefits will be extended to “Non-Title Holders”.

Documentation and Record-Keeping:

- A. Photographic/Videography evidence of the structures/houses with beneficiaries will be systematically captured both before and after the

demolition. This comprehensive documentation ensures a clear record of the condition of the structures and their occupants throughout the process.

- B. BCCL will uphold meticulous record-keeping practices by maintaining detailed documentation within the project files. These records will be stored for archival and reference purposes, fostering transparency and accountability in the valuation and payment process.

Grievance Redressal Mechanism:

- 1. In instances where “Non-Title Holders” express dissatisfaction with BCCL's decisions or encounter disputes related to the implementation of this Policy, avenues for resolution through mutual consultation and negotiation between BCCL, affected person/family and State Authority will be provided. If the dispute persists for a period of 30 days, the same will be referred to Functional Directors (FD) and decision of FD will be final.

Management, Review, Monitoring, and Amendment:

- A. The management of BCCL and its designated representatives shall possess the sole authority to implement and enforce this Policy. This ensures clear accountability and consistent application of the Policy guidelines.
- B. Monitoring and evaluation of the Policy's implementation will be conducted by BCCL management to assess its effectiveness and adherence to legal and ethical standards. Any necessary adjustments will be made to improve outcomes and address any identified shortcomings, thereby ensuring ongoing alignment with the Policy objectives.
- C. Any amendments to this Policy will require the approval of the BCCL Board.

Continuity:

This Policy shall remain in force until it is superseded or revoked by a subsequent Policy or notification from the BCCL Board.

Acknowledgement:

All concerned parties are expected to acknowledge and adhere to the provisions outlined in this Policy for the effective management of BCCL's operations and the equitable treatment of affected individuals. This expectation underscores the importance of collective commitment to upholding the principles and guidelines established within the Policy framework, ensuring that all stakeholders contribute to the fair and transparent implementation of BCCL's initiatives.