

# Resettlement Framework

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## India: Assam Power Sector Investment Program

**Prepared by**  
**Assam Power Generation Corporation Limited (APGCL)**  
**Assam Power Distribution Company Limited (APDCL)**  
**Government of Assam**

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## LIST OF ACRONYMS

ADB	Asian Development Bank
AGM	Assistant General Manager
APs	Affected Persons
APGCL	Assam Power Generation Corporation Limited
APDCL	Assam Power Distribution Company Limited
BPL	Below Poverty Line
BSR	Basic Schedule of Rates
CPR	Common Property Resources
CPS	Country Partnership Strategy
DC	District Commissioner/District Collector
DDP	Desert Development Program
DC	District Commissioner
DPs	Displaced Persons
EA	Executing Agency
ESMU	Environment and Social Management Unit
FGD	Focus Group Discussions
FYP	Five Year Plan
GOA	Government of Assam
GOI	Government of India
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
IA	Implementing Agency
LAA	Land Acquisition Act 1894
LAO	Land Acquisition Officer
LARR	Land Acquisition and Rehabilitation & Resettlement Bill- 2011
LVC	Land Valuation Committee
M&E	Monitoring and Evaluation
MFF	Multi-Tranche Financing Facility
NGO	Non-Government Organization
NOC	No Objection Certificate
NRRP	National Rehabilitation and Resettlement Policy, 2007
PH	Physically Handicapped
PIU	Project Implementation Unit
PMU	Project Management Unit
R-APDRP	Restructured Accelerated Power Development and Reforms Program
RF	Resettlement Framework
R&R	Rehabilitation and Resettlement
RoW	Right of Way
RP	Resettlement Plan
SC	Schedule Caste
SIA	Social Impact Assessment
SPS	Safeguard Policy Statement, 2009
STs	Scheduled Tribes
ToR	Terms of Reference
WHH	Women Headed Household

## I. INTRODUCTION

### A. Overview

1. The Assam Power Sector Investment Program (the Investment Program) is intended to finance a series of investments in the state of Assam, India including generation capacity enhancement to transmission and distribution infrastructure development. The Investment Program will also finance a number of “softer” activities, including improvements of power utility companies in operational and financial capacity, and training. The funding will be extended via a Multi-tranche Financing Facility (MFF) of Asian Development Bank (ADB). The objectives of the investment will be to achieve increased adequacy and efficiency of power system, including renewable energy in Assam. The state does not have enough electricity supplies, system efficiency and electrification rates are low and the power utility companies are not in the best financial shape.

2. Providing reliable, adequate, and affordable electricity remains a major challenge. This can be achieved only by expanding the state’s own generation portfolio, improving the efficiency of existing generation plants, reducing the transmission and distribution losses, and improving the institutional capacities. The government has prepared a transmission and distribution investment plan for the 12<sup>th</sup> Five Year Plan (FYP) for 2012 – 2017<sup>1</sup>. The Government’s power sector roadmap also aims to achieve 100% village electrification by the end of the 12<sup>th</sup> FYP<sup>2</sup>; and attain 100% system access by 2020. ADB’s India Country Partnership Strategy (CPS) for 2009 - 2012 targets low-carbon investments. ADB’s CPS for 2013 - 2017 continues with the same approach. First, by strengthening transmission and distribution networks to reduce technical and commercial losses and improve the financial health of state utilities; and second, by focusing on capacity issues. The new Investment Program is consistent with the government’s policies and strategies. It is also consistent with ADB’s ongoing CPS. Additionally, sustained partnerships between ADB and Assam utilities will help sector reforms to be on track.

3. The size of the MFF is \$300 million. Funding will be structured into three tranches<sup>3</sup>. The first tranche will support the replacement of an old and inefficient gas plant. It will also be used to fund institutional capacity development, project preparation and project implementation help to the Executing Agencies (EAs) and Implementing Agencies (IAs). This support includes actions to advance project readiness under future tranches, reporting and monitoring. The second tranche will finance the construction of a 120 MW hydropower plant, including all associated transmission lines. The third tranche will finance distribution system improvements and additional “soft” components. The Investment Program will be implemented during 2013 – 2020. The financing plan is given below in **Table 1**.

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<sup>1</sup> Government’s 12<sup>th</sup> five year transmission and substation improvement plan includes projects for INR 16,523 million in transmission and INR 7,418 million in distribution improvement. The World Bank fund up to \$500 million will be utilized in different stages. In parallel, India Government’s Restructured Accelerated Power Development and Reforms Program (R-APDRP) is supporting: (i) capacity development for APDCL for information technology and customer service modernization, and (ii) transmission distribution loss reduction activities.

<sup>2</sup> In line with the National Rural Electrification Policy 2004, Rajiv Gandhi Gramin Vidhyutikaran Yojana is being implemented for rural electrification of the state.

<sup>3</sup> In comparison with the MFF financing modality, policy-based lending helps with policy reforms, but does not finance investments. Sector development program loans combine policy reforms with financing for generally smaller projects. A sector loan provides financing for a series of repetitive small investment projects spread over a shorter period. The subprojects financed by a sector loan are generally “anticipated” or profiled in advance, based on a study of sample subprojects. Tranches of the MFF will finance slices of the Investment Program, but each tranche is substantial and clearly identified at the outset. The present order of subsequent tranches (tranche-2 and tranche-3) may change depending on the project readiness. It is likely that the current plan of tranche-2 having hydro project may shift to tranche-3 while the current tranche-3 having distribution components may be shifted to tranche-2.

4.

**Table 1: Project-Wise Cost and Financing Plan (\$ million)**

Item	APGCL (Equity)	APDCL (Equity)	ADB (Loan)	Total
Lakwa Gas Plant	29		45	64
Lower Kopili HEP and power evacuation facilities	90		200	290
Distribution Component		19	50	69
Capacity Building	2		5	7
<b>Total</b>	<b>111</b>	<b>19</b>	<b>300</b>	<b>430</b>

Source: Discussions with APGCL in February 2013

## **B. Need of the Resettlement Framework**

5. The Resettlement Framework (RF) has been formulated to guide the preparation of Resettlement Plans (RPs), where necessary, for subprojects under the future tranches. The RF identifies the broad scope of the investment program and outlines the policy, procedures and institutional requirements for preparing RPs for subprojects under the MFF loan. This RF has been formulated based on ADB's Safeguard Policy Statement, 2009 (SPS), and government's laws and policies as outlined in Section II. Any social safeguard component included in the investment program shall comply with the requirements of the Government of India (GOI), Government of Assam (GoA) and ADB. The RF will apply to all future tranches under the MMF loan and will be reviewed and updated to ensure relevance and consistency with applicable country legal frameworks and ADB's Safeguard Policy Statement, 2009 (SPS), as amended from time to time.

6. Assam Power Generation Corporation Limited (APGCL) will be the Executing agency (EA) and the Implementing Agency (IA) for generation projects and Assam Power Distribution Company Limited (APDCL) is the EA and IA for the distribution projects. A fully functional Project Management Unit (PMU)<sup>4</sup> headed by a Project Director exists to represent EAs since the time of erstwhile ASEB. APGCL will establish a Project Implementation Unit (PIU) as required whereas APDCL already has one. Both APGCL and APDCL will establish Project Implementation Units (PIUs) comprising of dedicated senior staff who would be responsible to deal with (a) project preparatory activities including providing information and overseeing the development of bid documents; (b) financial matters including agreeing with ADB on financial covenants; (c) supervision and implementation of the environmental and social safeguards requirements, as well as any corporate social responsibility plans. The PIU will be responsible for conducting the social analyses and formulating RPs for future tranches, as outlined in the RF. The draft RPs will be submitted to ADB for review and approval prior to contract award, and compensation paid to all APs prior to displacement, and commencement of civil works.

## **II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS**

7. The RF is based on applicable national and state laws and policies, ADB's safeguard policy requirements. The RF outlines the objectives, policy principles and procedures for land acquisition, compensation and other assistance measures for Affected Persons (APs)/Displaced Persons (DPs). It includes guidance on screening and categorization, assessment, planning, institutional arrangements and processes to be followed for all subprojects. The RF will be applicable for the entire investment program facility under the MFF. The EA and IA which are APGCL and APDCL, in this case, will be responsible for conducting the social assessment and formulating RPs for subsequent tranches, as per the procedures outlined in this RF. The draft RPs will be disclosed to the APs/DPs and submitted to ADB for review and approval prior to commencement of any civil

<sup>4</sup> PMU provides Institutional support for financial management and institutional capacity development to all EAs.

works. Compensation and other assistances will have to be paid to APs prior to any physical or economic displacement of affected households.

## **A. Policy and Legal Framework**

8. The RF is based on the applicable national and state laws related to land acquisition which is Land Acquisition Act, 1894 (LAA) as amended in 1984, the entitlement benefit as per National Rehabilitation and Resettlement Policy, 2007 (NRRP) of Government of India and ADB's Safeguard Policy Statement, 2009 (SPS). Additionally, land acquisition in the tribal areas of the states of Assam as specified in the Sixth Schedule [Articles 244(2) and 275(1)] of the Constitution of India shall abide by the provision made therein because, the future tranche subprojects are anticipated to fall within the tribal territory which are scheduled areas/districts as per the Sixth Schedule of Indian Constitution. A summary of applicable acts, laws and policies relevant to the RF is presented in the following sections.

### **1. Land Acquisition Act (LAA)-1894**

9. The LAA provides the legal basis for land acquisition for a public purpose in India. It enables the State Government to acquire private lands for a public purpose, and seeks to ensure that no person is deprived of land except under the Act. Under the Land Acquisition Act 1894, compensation is paid only to the legal titleholders. The LAA entitles affected persons to a hearing before acquisition. The main elements and its procedure are:

- (i) Land identified for a project is placed under Section 4 of the LAA. This constitutes notification with Government's intension to acquire land. As per Clause 5 a (1), objections must be made within 30 days to the District Collector/District Commissioner (DC) who is the highest administrative officer of the concerned District.
- (ii) The land is then placed under Section 6 of the LAA. This is a declaration made by the Government for acquisition of land for public purpose. The DC is directed to take steps for the acquisition, and the land is placed under Section 9. Interested parties are then invited to state their interest in the land and the price. Under Section 11, the DC shall make an award within one year of the date of publication of the declarations. Otherwise, the acquisition proceedings shall lapse.
- (iii) In case of disagreement on the price awarded, within 6 weeks of the award the parties (under Section 18) can request the DC to refer the matter to the Courts to make a final ruling on the amount of compensation.
- (iv) Once the land has been placed under Section 4, no further sales or transfers are allowed.
- (v) Compensation for land and improvements (such as houses, wells, trees, etc.) is paid in cash by the project proponent to the State government, which in turn compensates landowners.
- (vi) The price to be paid for the acquisition of agricultural land is based on sale prices recorded in the district registrar's office averaged over the three years preceding notification under Section 4. The possession of land is taken, by the Collector, after payment of compensation (Clause 31). If payment of compensation is not paid before taking possession, an interest is to be paid. Under the LAA, compensation is paid only to the legal titleholders and does not provide any compensation package to the non-titleholders/informal settlers such as encroachers and squatters etc.

### **2. National Rehabilitation and Resettlement Policy, 2007 (NRRP)**

10. The NRRP was adopted by the Government of India in 31<sup>st</sup> October, 2007 to

address development-induced resettlement issues. The policy provides for the basic minimum requirements, and all projects leading to involuntary displacement of people must address the rehabilitation and resettlement issues comprehensively. The State Governments, Public Sector Undertakings or agencies, and other requiring bodies shall be at liberty to put in place greater benefit levels than those prescribed in the NRRP-2007. The principles of this policy may also apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to any other reason.

11. The NRRP is applicable to all development projects where 400 or more families' en masse in plain areas or 200 or more families' en masse in tribal or hilly areas are displaced due to project activity. The NRRP covers gaps not addressed in the LAA. The policy also aims to ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of those affected and recognizes the need for protecting the weaker sections of the society especially members of the Scheduled Castes (SCs) and Scheduled Tribes (STs). The policy also recognizes non-titleholders such as any agricultural or non-agricultural laborer, landless person (not having homestead land, agricultural land, or either homestead or agricultural land), rural artisan, small trader or self-employed person; who has been residing or engaged in any trade, business, occupation or vocation continuously for a period of not less than three years as affected families. The policy further makes provisions for public disclosures of draft Resettlement and Rehabilitation Plans to the community, grievance redress procedures and monitoring and evaluation. The objectives of NRRP are as follows:

- (i) to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives;
- (ii) to ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
- (iii) to ensure that special care is taken for protecting the rights of the weaker sections of society, especially members of the Scheduled Castes and Scheduled Tribes, and to create obligations on the State for their treatment with concern and sensitivity;
- (iv) to provide a better standard of living, making concerted efforts for providing sustainable income to the affected families;
- (v) to integrate rehabilitation concerns into the development planning and implementation process; and
- (vi) where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and affected families through mutual cooperation.

12. Some of the salient features of the NRRP are listed below.

- (i) The benefits to be offered to the affected families include; land-for-land, to the extent Government land would be available in the resettlement areas; preference for employment in the project to at least one person from each nuclear family subject to the availability of vacancies and suitability of the affected person; training and capacity building for taking up suitable jobs and for self-employment; scholarships for education of the eligible persons from the affected families; preference to groups of cooperatives of the affected persons in the allotment of contracts and other economic opportunities in or around the project site; wage employment to the willing affected persons in the construction work in the project; housing benefits including houses to the landless affected families in both rural and urban areas; and other benefits.
- (ii) Financial support to the affected families for construction of cattle sheds, shops, and working sheds; transportation costs, temporary and transitional accommodation, and comprehensive infrastructural facilities and amenities in the resettlement area

including education, health care, drinking water, roads, electricity, sanitation, religious activities, cattle grazing, and other community resources, etc.

- (iii) A special provision has been made for providing life-time monthly pension to the vulnerable persons, such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or persons above 50 years of age (who are not provided or cannot immediately be provided with alternative livelihood).
- (iv) Special provision for the STs and SCs include preference in land-for-land for STs followed by SCs; a Tribal Development Plan (TDP) which will also include a program for development for alternate fuel which will also include a program for development for alternate fuel and non-timber forest produce resources, consultations with Gram Sabhas and Tribal Advisory Councils, protection of fishing rights, land free-of-cost for community and religious gatherings, continuation of reservation benefits in resettlement areas, etc.
- (v) A strong grievance redressal mechanism has been prescribed, which includes standing Rehabilitation and Resettlement (R&R) Committees at the district level, R&R Committees at the project level, and an Ombudsman duly empowered in this regard. The R&R Committees shall have representatives from the affected families including women, voluntary organizations, Panchayats, local elected representatives, etc. Provision has also been made for post-implementation social audits of the rehabilitation and resettlement schemes and plans.
- (vi) For effective monitoring of the progress of implementation of R&R plans, provisions have been made for a National Monitoring Committee, a National Monitoring Cell, mandatory information sharing by the States and UTs with the National Monitoring Cell, and Oversight Committees in the Ministries/Departments concerned for each major project, etc.
- (vii) For ensuring transparency, provision has been made for mandatory dissemination of information on displacement, rehabilitation and resettlement, with names of the affected persons and details of the rehabilitation packages. Such information shall be placed in the public domain on the Internet as well as shared with the concerned Gram Sabhas and Panchayats, etc. by the project authorities.
- (viii) A National Rehabilitation Commission shall be set up by the Central Government, which will be duly empowered to exercise independent oversight over the rehabilitation and resettlement of the affected families.
- (ix) Under the new Policy, no project involving displacement of families beyond defined thresholds<sup>5</sup> can be undertaken without a detailed Social Impact Assessment, which among other things, shall also take into account the impact that the project will have on public and community properties, assets and infrastructure; and the concerned Government shall have to specify that the ameliorative measures for addressing the said impact, may not be less than what is provided under any scheme or program of the Central or State Government in operation in the area. The Social Impact Assessment (SIA) report shall be examined by an independent multi-disciplinary expert group, which will also include social science and rehabilitation experts. Following the conditions of the SIA clearance shall be mandatory for all projects displacing people beyond the defined thresholds.

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<sup>5</sup> A new project or expansion of an existing project, which involves involuntary displacement of four hundred or more families en masse in plain areas, or two hundred or more families en masse in tribal or hilly areas, Desert Development Program (DDP) blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution.



- (x) The affected communities shall be duly informed and consulted at each stage, including public hearings in the affected areas for social impact assessment, wide dissemination of the details of the survey to be conducted for R&R plan or scheme, consultations with the Gram Sabhas and public hearings in areas not having Gram Sabhas, consultations with the affected families including women, Non Government Organizations (NGOs), Panchayats, and local elected representatives, among others.
- (xi) The Policy also provides that land acquired for a public purpose cannot be transferred to any other purpose but a public purpose, and that too, only with prior approval of the Government. If land acquired for a public purpose remains un-utilized for the purpose for five years from the date of taking over the possession, the same shall revert to the Government concerned. When land acquired is transferred for a consideration, eighty per cent of any net unearned income so accruing to the transferor, shall be shared with the persons from whom the lands were acquired, or their heirs, in proportion to the value of the lands acquired.
- (xii) The entitled persons shall have the option to take up to twenty per cent of their rehabilitation grant and compensation amount in the form of shares, if the Requiring Body is a company authorized to issue shares and debentures; with prior approval of the Government, this proportion can be as high as fifty per cent of the rehabilitation grant and compensation amount.

### **3. Sixth Schedule of the Constitution**

13. Besides the NRRP and LAA, land acquisition in the tribal areas of Assam as specified in the Sixth Schedule [Articles 244(2) and 275(1)] of the Constitution of India, shall abide by the provision made therein. The provision made under subsection 3 of this section, the Regional Council for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils, if any, within the district shall have power to make laws with respect to the following:

- (i) the allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town: Provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or unoccupied, for public purposes by the Government of the State concerned in accordance with the law for the time being in force authorizing such acquisition;
- (ii) the management of any forest not being a reserved forest;
- (iii) the use of any canal or water-course for the purpose of agriculture;
- (iv) the regulation of the practice of jhum or other forms of shifting cultivation;
- (v) the establishment of village or town committees or councils and their powers;
- (vi) any other matter relating to village or town administration, including village or town police and public health and sanitation;
- (vii) the appointment or succession of Chiefs or Headmen;
- (viii) the inheritance of property;
- (ix) marriage and divorce;
- (x) social customs.

14. As cited above, in case of compulsory acquisition of land for the public purpose, the LAA shall be applicable superseding District Council Act making it unanimous for other districts in the state having no such Acts. This provision will be applicable to the sub projects

falling in (i) Dima Hasao District (Formerly the North Cachar Hills District) and (ii) the Karbi Anglong District of Assam or any other district falling under the Sixth Schedule. However, the autonomous district council of the tribal area will still be the nodal agency for the land acquisition process and its implementation which includes availing the No Objection Certificate (NoC) by the EA/IA to acquire the land, valuation of assets with the help of district council and disbursement of compensation etc.

#### **4. Other Indian Acts related to Power (The Electricity Act-2003 as amended in 2007 and Indian Telegraph Act-1895)**

15. Additionally, The Electricity Act (2003) as amended in 2007 has also been taken into consideration which gives stress on payment of compensation for acquiring land and refers that land will be acquired as per LAA. The Electricity Act has the provision for issuing notification to all the concerned villages and people prior to any construction activities. The Electricity Act does refer to the need of payment of compensation for acquiring the land and the land will be acquired as LAA. In section 40, sub-section (1) of clause (b) and section 41, subsection (5) of the LAA, the term "work" shall be deemed to include electricity supplied or to be supplied by means of the work to be constructed. The Appropriate Government may, on recommendation of the Appropriate Commission in this behalf, if it thinks fit, on the application of any person, not being a company desirous of obtaining any land for its purposes, direct that he may acquire such land under the provisions of the Land Acquisition Act, 1894 in the same manner and on the same conditions as it might be acquired if the person were a company

16. Indian Telegraph Act (1885) has also been taken in to consideration for its relevant applicability. Indian Telegraph Act does not have any provision for permanent land acquisition except for payment of compensation for construction of lines and towers as temporary impacts. However, in Assam, land is usually bought or acquired, as a good practice for any permanent impact including the transmission lines towers. The Indian telegraph Act, 1885 is usually followed which does not have any provision of land acquisition for construction of transmission pillars and lines. The act exercises the power to remove any trees interrupting the transmission lines, however, subsection of section 18 of the Act provides the opportunity for compensation for cutting the trees if the tree is in existence before the telegraph line was placed. The telegraph authority may, from time to time place and maintain a telegraphic line under, over, along or across, and post in or upon, any immovable property provided that telegraph authority shall not exercise the powers conferred by this section except for the purpose of a telegraph established or maintained by the Central Government, or to be so established or maintained. The Central Government shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or posts. The telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority. The telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to, shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers. In case of property and dispute other than that of a local authority where the power is to be exercised, the District Magistrate/ Commissioner/Collector may, in his discretion, order that the telegraph authority shall be permitted to exercise them.

#### **5. ADB's Safeguard Policy Statement 2009 (SPS)**

17. ADB has adopted Safeguard Policy Statement (SPS) in 2009 including safeguard

requirements for environment, involuntary resettlement (IR) and indigenous peoples (IP). The objectives of involuntary resettlement safeguard policy is to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

18. The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. The three important elements of ADB's SPS are: (i) compensation at replacement cost for lost assets, livelihood, and income prior to displacement; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. The SPS gives special attention to poor and vulnerable households to ensure their improved well-being as a result of project interventions. Followings are the basic policy principle of ADB's SPS:

- (i) Identification of past, present, and future involuntary resettlement impacts and risks and determination of the scope of resettlement planning.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations.
- (iii) Improvement or at least restoration of the livelihoods of all displaced persons,
- (iv) Ensure physically and economically displaced persons with needed assistance.
- (v) Improvement of the standards of living of the displaced poor and other vulnerable groups.
- (vi) Development of procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement,
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Preparation of a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclosure of resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders.
- (x) Execution of involuntary resettlement as part of a development project or program.
- (xi) Payment of compensation and provide other resettlement entitlements before physical or economic displacement.
- (xii) Monitoring and assessment of resettlement outcomes, their impacts on the standards of living of displaced persons

## **B. Comparison of Government and ADB Policies**

19. The NRRP represents a significant milestone in the development of a systematic approach to address resettlement issues in India and closes significantly the gap between Indian national policies and those of ADB. The LAA gives directives for the acquisition of land in the public interest and provides benefits only to titleholders. The LAA does not guarantee compensation at replacement cost for the loss of land and assets. By contrast, the NRRP recognizes non-titleholders, although the basic requirement is for the non-

titleholder to have been in the project-affected area at least 3 years prior to the declaration of the area as an affected area. One outstanding difference between the government and ADB policies is with regard to the cut-off date for access to compensation and entitlements. According to the NRRP (2007), the cut-off-date for non-titleholders' eligibility for compensation/assistance is three years preceding the date of declaration of the affected area and for the titleholders it is the date of notification under LAA. To bring this RF in accord with ADB's safeguard requirements, this RF mandates that in the case of land acquisition, the date of publication of preliminary notification for acquisition under Section 4.1 of the LAA will be treated as the cut-off date for title holders, and for non-titleholders such as squatters the start date of the project census survey as per the detailed and final engineering design.

20. In the recent past, a Land Acquisition and Rehabilitation & Resettlement Bill, 2011 (LARR)<sup>6</sup> was introduced by the Minister of Rural Development. The Bill proposes a unified legislation for acquisition of land and adequate rehabilitation mechanisms for all affected persons. This replaces the Land Acquisition Act, 1894. This significant development of submission of LARR Bill in government policy would amend the Land Acquisition Act of 1894 (as amended in 1984). If and when this Bill is adopted, it would both complement the revision of the NRRP and decrease significantly the gaps between the LAA and ADB's SPS, .. In particular, the Bill would require social assessments for projects involving land acquisition, although it would set minimum threshold of people affected for this provision to apply, while the ADB does not so require. The Bill also expands compensation coverage of the principal act by requiring that the value of trees, plants, or standing crops damaged must also be included. The bill furthermore would match ADB's requirements for all compensation to be paid prior to project taking possession of any land. Lastly, the Bill would expand likely compensation packages, and replacement cost is established as the foundation principle, as it is under the SPS ). Taken together, therefore, the NRRP-2007 and the LARR Bill would establish near equivalence of the government's policies with those of ADB's SPS. However, the condition for applicability of LARR and its subsequent 'Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Bill 2012' for this investment program or MFF is subject to official approval and notification by the parliament and government. A comparison and gap analysis between government and ADB policies is provided in **Appendix-1**

### **C. Involuntary Resettlement Safeguard Principles for the Investment Program/MFF**

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<sup>6</sup> The Land Acquisition Amendment Bill was passed by the Lok Sabha in February 2009 but got stuck in the Rajya Sabha due to opposition to some of its provisions, which are still under discussion. Owing to the recent farmers unrest in the country, the central government in May 2011 has assured of a comprehensive revamp of the current draft of the land acquisition bill, having provisions for better compensation and rehabilitation measures, and introduce the same in the next session of Parliament. This too was scheduled to be passed on the winter session of Parliament in 2012; however, it was again stuck. With the latest development as per the press release dated 08-August-2013, certain amendments have been done to the Registration Act, 1908 and tabled in the parliament. Now, this will be introduced as 'Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Bill 2012' which will be greatly enhanced amount of compensation that is guaranteed to displaced families. However to calculate this amount, the formula relies on the current market values in place i.e. the registered value. Registered values are notoriously opaque and often out dated. If registration is made mandatory (and hence frequent) and if it can be vetted/reviewed by members of the general public, then, there will emerge over time, accuracy in the reporting of land rates particularly in rural areas. Furthermore, because of the unprofessional and ad hoc way in which they are recorded, land titles are often subject to dispute. These new amendments to the Registration Act will ensure greater accuracy in helping identify/determine beneficiaries (through clear titles). In the latest development, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Bill, 2013 was passed on 29 August 2013 in the Lok Sabha (lower house of the Indian parliament) and on 4 September 2013 in Rajya Sabha (upper house of the Indian parliament). However, the Bill has been finally sent back to Lok Sabha for incorporating final amendments before it is finally approved for its effectiveness. The Bill has provisions to provide fair compensation to those whose land is taken away, brings transparency to the process of acquisition of land to set up factories or buildings, infrastructural projects and assures rehabilitation of those affected.

21. Based on the above analysis of applicable legal and policy frameworks of government and in consistent with ADB's policy requirements, broad resettlement principle for the program shall be the following:

- (i) Involuntary resettlement would be avoided wherever possible or minimized as much as possible by exploring project and design alternatives.
- (ii) Subprojects under the program will be screened to identify past, present, and future involuntary resettlement impacts and risks. The scope of resettlement planning will be determined through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (iii) Meaningful consultations with affected persons, host communities, and concerned non-government organizations will be carried out and all displaced persons will be informed of their entitlements and resettlement options. AP's participation in planning, implementation, and monitoring and evaluation of resettlement programs will be ensured.
- (iv) Particular attention will be paid to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples (IP), and those without legal title to land, and ensure their participation in consultations.
- (v) An effective grievance redress mechanism will be established to receive and facilitate resolution of the affected persons' concerns. The social and cultural institutions of displaced persons and their host population will be supported through proper planning. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (vi) Livelihoods of all displaced persons will be improved or at least restored through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (vii) Physically and economically displaced persons will be provided with needed assistance, including (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (viii) Standards of living of displaced poor and other vulnerable groups, including women, will be improved to at least national minimum standards. In rural areas legal and affordable access to land and resources will be provided, and in urban areas appropriate income sources and legal and affordable access to adequate housing will be provided to the displaced poor.
- (ix) If land acquisition is through negotiated settlement, procedures will be developed in a transparent, consistent, and equitable manner to ensure that those people who enter into negotiated settlements will maintain the same or better income and

livelihood status. If, however, the negotiated settlement fails, the normal procedure of land acquisition will be followed.

- (x) Displaced persons without titles to land or any recognizable legal rights to land will be ensured that they are eligible for resettlement assistance and compensation for loss of non-land assets.
- (xi) A resettlement plan will be prepared elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (xii) The draft resettlement plan, including documentation of the consultation process will be disclosed in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected persons and other stakeholders. The final resettlement plan and its updates will also be disclosed to affected persons and other stakeholders.
- (xiii) Involuntary resettlement will be conceived and executed as part of a development project or program. Full costs of resettlement will be included in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xiv) All compensation will be paid and other resettlement entitlements will be provided before physical or economic displacement. The resettlement plan will be implemented under close supervision throughout project implementation.
- (xv) Resettlement outcomes, their impacts on the standards of living of displaced persons will be monitored; it will be assessed whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Monitoring reports will be disclosed to APs.
- (xvi) Land acquisition for the project would be done as per LAA,1894
- (xvii) The uneconomic residual land remaining after land acquisition will be acquired as per the provisions of LAA, if the owner is willing to sell . The owner of such land/property will have the right to seek acquisition of his entire contiguous holding/ property provided the residual land remains unviable. The Borrower will engage an independent external party to document the negotiations and settlement processes, and that the Borrower will agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; third party validation; mechanisms for calculating replacement costs of land and other assets; and record keeping requirements. Please ensure that both points state "*Should negotiations fail and expropriation result involuntary resettlement procedures would be followed.*"
- (xviii) People moving in the project area after the cut-off date will not be entitled to any assistance. In case of land acquisition, the date of publication of preliminary notification for acquisition under section 4.1 of the LAA, 1894 will be treated as the cut-off date. For non-titleholders the date of project census survey or a similar designated date declared by the executing agency will be considered as cut-off date.

- (xix) All common property resources (CPR) lost due to the project will be replaced or compensated by the project.

#### D. Entitlement Matrix

22. The project will recognize three types of displaced persons/affected persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of DPs/APs. In accordance with the R&R measures suggested for the project, all affected households and persons will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets and scope of the impacts including socio-economic vulnerability of the affected persons and measures to support livelihood restoration if livelihood impacts are envisaged. The DPs/APs will be entitled to the following five types of compensation and assistance packages:

- (i) Compensation for the loss of land, crops/ trees at their replacement cost;
- (ii) Compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- (iii) Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- (iv) Assistance for shifting and provision for the relocation site (if required), and
- (v) Rebuilding and/ or restoration of community resources/facilities.

23. Compensation for the lost assets to all DPs/APs will be paid on the basis of replacement value. Resettlement assistance for lost income and livelihoods will be provided to both title holders and non-title holders. Special resettlement and rehabilitation measures will be made available to vulnerable group comprises of APs living below poverty line (BPL), scheduled tribe (ST), women headed households (WHH), physically handicapped (PH) households and severely affected households (losing more than 10% of the productive asset). Affected persons meeting the cut-off date requirements (for title holders, the date of Section 4.1 of the LAA will be treated as the cut-off date, and for non-titleholders the start date of project census survey), will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. Unforeseen impacts will also be compensated in accordance with the principles of this RF. An Entitlement Matrix (**Table 2**) has been formulated, which recognizes and lists various types of losses resulting out of the project and specific compensation and resettlement packages

**Table 2: Entitlement Matrix**

Type of Losses	Definition of DPs/APs	Entitlement	Details
<b>1. LAND</b>			
1.A. Loss of agricultural land assets	<ul style="list-style-type: none"> <li>• Legal titled holders</li> <li>• sharecroppers</li> <li>• DPs/APs with traditional and</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation based on market/replacement cost</li> <li>• Resettlement assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Land for land if available and if at all it is feasible</li> <li>• Land Acquisition for any subproject under the Investment Program will be as per Land Acquisition Act 1894 and the compensation will be paid as per LAA (inclusive of 30%</li> </ul>

Type of Losses	Definition of DPs/APs	Entitlement	Details
	customary land rights <sup>7</sup>	<ul style="list-style-type: none"> <li>Additional Assistance to vulnerable<sup>8</sup> DPs/APs</li> </ul>	<p>solatium and 12% interest)</p> <ul style="list-style-type: none"> <li>If the compensation determined by the Competent Authority is less than the “market price/ replacement cost” then the difference is to be paid by the EA/IA as assistance</li> <li>Compensation at market/replacement cost</li> <li>If the residual plot(s) is (are) not viable, any of the following three options are to be given to the DPs/APs, subject to his/her acceptance: <ul style="list-style-type: none"> <li><b>Option 1</b> - The DPs/APs remain on the plot, and the compensation and assistance is paid only for the required amount of land to be acquired.</li> <li><b>Option 2</b> - Compensation and assistance are to be provided for the entire plot including residual part, if the owner of such land wishes that his/her residual plot should also be acquired by the EA/IA. The EA/IA will acquire the residual plot and pay the compensation for it.</li> </ul> </li> <li>A lump sum resettlement/Transitional assistance based on three months minimum wage rates will be provided to each eligible DPs/APs</li> <li>Transaction costs (documentary stamps, registration costs, tax etc.) as applicable under the relevant laws will be borne by the EA/IA during the process of acquisition, relocation and rehabilitation.</li> <li>Minimum of 60 days advance notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</li> <li>In case of severance due to acquisition of agricultural land, an additional grant of 10% of the amount will be paid for land acquisition.</li> <li>Additional assistance will be paid to vulnerable DPs/APs based on three months of minimum wage</li> </ul>
1.B. Loss of homestead land or vacant plot (residential and commercial land)	<ul style="list-style-type: none"> <li>Legal Titleholder</li> <li>DPs/APs with customary or traditional land rights</li> </ul>	<ul style="list-style-type: none"> <li>Compensation at market/replacement cost</li> <li>Resettlement Assistance</li> <li>Additional Assistance to</li> </ul>	<ul style="list-style-type: none"> <li>Land for land if and where feasible or Cash compensation at market/replacement cost as determined by competent authority</li> <li>If the compensation determined by the Competent Authority is less than the “market price/ replacement cost” then the difference is to be paid by the EA/IA as</li> </ul>

<sup>7</sup> In Assam, there are places where lands are allotted on a customary basis by their village committee without having a legal title. The tribal districts under the Sixth Schedule of constitution of India have their own system where the autonomous district councils usually allot the land to various people through the respective village council where in most of the cases cadastral maps are not available. Land is usually distributed with the help of village head man and the land owners are allotted as periodic patta and the land owners pay tax.

<sup>8</sup> women-headed households, scheduled tribe households, below poverty line households, households headed by physically handicapped or disabled persons and severely affected households



Type of Losses	Definition of DPs/APs	Entitlement	Details
		vulnerable DPs/APs	<p>assistance</p> <ul style="list-style-type: none"> <li>Transaction costs (documentary stamps, registration costs, tax etc.) as applicable under the relevant laws will be borne by the EA/IA during the process of acquisition, relocation and rehabilitation.</li> <li>All fees, stamp duties, taxes and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the EA.</li> <li>Lump sum transfers grant/shifting assistance of Rs 10,000 (based on the type of house and household assets) per household for shifting households' assets and other belonging to the new area.</li> <li>Additional assistance will be paid to vulnerable DPs/APs based on three months of minimum wage</li> </ul>
1.C. Loss of private land (Agricultural land, homestead land or vacant plot)	<ul style="list-style-type: none"> <li>Tenants and lease holder (irrespective of having written tenancy/lease document or not)</li> </ul>	<ul style="list-style-type: none"> <li>Compensation at market/replacement cost</li> <li>Resettlement Assistance</li> <li>Additional Assistance to vulnerable DPs/APs</li> </ul>	<ul style="list-style-type: none"> <li>Reimbursement of rental deposit or unexpired lease.</li> <li>Transitional allowance based on three months of minimum wage rates.</li> <li>In case of agricultural land, minimum 60 days of advance notice to harvest standing seasonal crops will be given. If notice cannot be given, compensation for share of crops will be provided at market rate.</li> <li>Lump sum transfers grant/shifting assistance of Rs 10,000 (based on the type of house and household assets) per household for shifting households' assets and other belonging to the new area.</li> <li>Additional assistance will be paid to vulnerable DPs/APs based on three months of minimum wage.</li> </ul>
1.D. Loss of Government Land (Vacant plot, agricultural land and homestead land)	<ul style="list-style-type: none"> <li>Lease holder</li> <li>Encroachers</li> </ul>	<ul style="list-style-type: none"> <li>Compensation at market/replacement cost</li> <li>Resettlement Assistance</li> <li>Additional Assistance to vulnerable DPs/APs</li> <li>Advance Notice</li> <li>Compensation at market/replacement cost</li> <li>Additional</li> </ul>	<ul style="list-style-type: none"> <li>Reimbursement of rental deposit or unexpired lease.</li> <li>Transitional allowance based on three months of minimum wage rates.</li> <li>In case of agricultural land, minimum 60 days of advance notice to harvest standing seasonal crops will be given. If notice cannot be given, compensation for share of crops will be provided at market rate.</li> <li>Lump sum transfers grant/shifting assistance of Rs 10,000 (based on the type of house and household assets) per household for shifting households' assets and other belonging to the new area.</li> <li>Additional assistance will be paid to vulnerable DPs/APs based on three months of minimum wage.</li> <li>Advance notice to shift from encroached land</li> <li>In case of agriculture land, minimum of 60 days advance notice to harvest standing seasonal crops. If notice cannot be given, compensation</li> </ul>

Type of Losses	Definition of DPs/APs	Entitlement	Details
		Assistance to vulnerable DPs/APs	<ul style="list-style-type: none"> <li>for share of crops will be provided.</li> <li>Additional assistance will be paid to vulnerable DPs/APs based on three months of minimum wage.</li> </ul>
	<ul style="list-style-type: none"> <li>Squatters</li> </ul>	<ul style="list-style-type: none"> <li>Advance Notice</li> <li>Compensation at market/replacement cost</li> <li>Additional Assistance to vulnerable DPs/APs</li> </ul>	<ul style="list-style-type: none"> <li>Advance notice to shift from occupied land</li> <li>In case of agriculture land, minimum of 60 days advance notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</li> <li>Transitional allowance based on three months of minimum wage rates.</li> <li>Compensation for affected structures at replacement cost, which will be calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation.</li> <li>Lump sum transfer grant/shifting assistance of Rs 10,000 (based on the type of house and household assets) per household for shifting households' assets and other belonging to the new area.</li> <li>Additional assistance will be paid to vulnerable DPs/APs based on three months of minimum wage.</li> </ul>
1.E. Loss of access to forest land	<ul style="list-style-type: none"> <li>DPs/APs with forestland access</li> </ul>	<ul style="list-style-type: none"> <li>Provision of alternative access to avail facilities</li> </ul>	<ul style="list-style-type: none"> <li>DPs/APs losing access to forestland for their basic needs such as fuel, fodder, etc. will be provided alternative access to avail previous facilities.</li> </ul>
<b>2. STRUCTURES</b>			
2.A. Loss of residential structure	<ul style="list-style-type: none"> <li>Legal Titleholder</li> </ul>	<ul style="list-style-type: none"> <li>Compensation at replacement cost</li> <li>Resettlement assistance</li> <li>Additional assistance to vulnerable DPs/APs</li> </ul>	<ul style="list-style-type: none"> <li>Replacement cost of residential structure and other assets (or part of the structure and other assets, if remainder is viable) will be provided which will be calculated as per the latest basic schedule of rate (BSR) without depreciation.</li> <li>All fees, taxes, and other charges related to replacement structure will be borne by the EA/IA and will be paid to DPs/APs.</li> <li>Lump sum transfer grant/shifting assistance of Rs 10,000 (based on the type of house and household assets) per household for shifting households' assets and other belonging to the new area.</li> <li>DPs/APs will have the right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>Transitional assistance of Rs 2,000 per month per household in the form of grant to cover maximum nine months rental accommodation.</li> <li>Additional allowances will be paid to vulnerable DPs/APs based on three months of minimum wage</li> </ul>
	Tenants and Leaseholder	<ul style="list-style-type: none"> <li>Compensation (in case, additional structure erected)</li> <li>Resettlement Assistance</li> <li>Additional assistance to vulnerable DPs/APs</li> </ul>	<ul style="list-style-type: none"> <li>Rental assistance for the tenants as per the prevalent rate in the form of grant to cover maximum three-month rentals.</li> <li>Additional structures erected by tenants will also be compensated and deducted from owner's compensation amount.</li> <li>Lump sum transfer grant/shifting assistance of Rs 10,000 (based on the type of house and</li> </ul>

Type of Losses	Definition of DPs/APs	Entitlement	Details
			<p>household assets) per household for shifting households' assets and other belonging to the new area.</p> <ul style="list-style-type: none"> <li>Any advance deposited by the tenants will be refunded from owners total compensation package to the tenant on submission of documentary evidences.</li> <li>DPs/APS will have the right to salvage materials from demolished structure and frontage etc. erected by tenants.</li> <li>Additional allowances will be paid to vulnerable DPs/APs based on three months of minimum wage</li> </ul>
2.B. Loss of Commercial Structure	<ul style="list-style-type: none"> <li>Legal Titleholder</li> </ul>	<ul style="list-style-type: none"> <li>Compensation at replacement cost</li> <li>Resettlement assistance</li> <li>Additional assistance to vulnerable DPs/APs</li> </ul>	<ul style="list-style-type: none"> <li>Replacement cost of commercial structure and other assets (or part of the structure and other assets, if remainder is viable) will be provided which will be calculated as per the latest basic schedule of rate (BSR) without depreciation.</li> <li>All fees, taxes, and other charges related to replacement structure will be borne by the EA/IA and will be paid to DPs/APs.</li> <li>Lump sum transfer grant/shifting assistance of Rs 10,000 (based on the type of house and household assets) per household for shifting households' assets and other belonging to the new area.</li> <li>DPs/APS will have the right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>Transitional assistance of Rs 2,000 per month per household in the form of grant to cover maximum nine months rental accommodation.</li> <li>Additional allowances will be paid to vulnerable DPs/APs based on three months of minimum wage</li> </ul>
	Tenants and Leaseholder	<ul style="list-style-type: none"> <li>Compensation (in case, additional structure erected)</li> <li>Resettlement Assistance</li> <li>Additional assistance to vulnerable DPs/APs</li> </ul>	<ul style="list-style-type: none"> <li>Rental assistance for the tenants as per the prevalent rate in the form of grant to cover maximum three-month rentals.</li> <li>Additional structures erected by tenants will also be compensated and deducted from owner's compensation amount.</li> <li>Lump sum transfer grant/shifting assistance of Rs 10,000 (based on the type of house and household assets) per household for shifting households' assets and other belonging to the new area.</li> <li>Any advance deposited by the tenants will be refunded from owners total compensation package to the tenant on submission of documentary evidences.</li> <li>DPs/APS will have the right to salvage materials from demolished structure and frontage etc. erected by tenants.</li> <li>Additional allowances will be paid to vulnerable DPs/APs based on three months of minimum wage</li> </ul>

Type of Losses	Definition of DPs/APs	Entitlement	Details
<b>3. TREES AND CROPS</b>			
Loss of Trees and Crops	<ul style="list-style-type: none"> <li>• Legal titleholder</li> <li>• Sharecroppers</li> <li>• Lease holders</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation at Market value/replacement cost to be computed with assistance of appropriate department</li> <li>• Resettlement Assistance</li> <li>• Additional assistance to vulnerable DPs/APs</li> </ul>	<ul style="list-style-type: none"> <li>• Affected person will be notified and given 60 days advance notice to harvest crops/fruits and remove trees.</li> <li>• Compensation to be paid by the DC at [the rate] replacement cost estimated by i) the Forest Department for timber trees: ii) State Agriculture Extension Department for crops: iii) and Horticulture Department for perennial and fruit trees.</li> <li>• In case of standing crops cash compensation at current market value of mature crops for loss of standing agricultural crops only.</li> <li>• Grant equal to market value of crop lost plus cost of replacement of seeds for the next season's harvest towards loss of crops before harvest due to forced relocation.</li> <li>• Compensation for perennial crops and fruit trees calculated at replacement cost and at a minimum as annual produce value for one season times 1 to 3, depending on the nature of crops/trees.</li> </ul>
<b>4. NON-TITLEHOLDERS</b>			
4.A. Loss of Structure (immovable Structure Constructed by non-titleholders)	<ul style="list-style-type: none"> <li>• Squatters and informal settlers (defined as a person who appears from nowhere and occupies vacant government land/structure for living space and/or livelihoods)</li> <li>• Encroachers (defined as a person who has legal title holding to land but illegally extends his occupation onto the contiguous, vacant government land)</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation for non-land assets at market value/replacement cost</li> <li>• Resettlement Assistance</li> <li>• Additional assistance to vulnerable DPs/APs</li> <li>• Advance Notice</li> <li>• Additional assistance to vulnerable DPs/APs</li> </ul>	<ul style="list-style-type: none"> <li>• Squatters will be notified and given a minimum of 60 days advance notice to remove their assets.</li> <li>• Compensation for affected structures at replacement cost, which will be calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation.</li> <li>• DPs/APS will have the right to salvage material from demolished structure at no cost.</li> <li>• lump sum transfer grant/shifting assistance of Rs 10,000 (based on the type of house and household assets) per household for shifting households' assets and other belonging to the new area</li> <li>• Additional assistance will be paid to vulnerable DPs/APs based on three months of minimum wage</li> <li>• Encroachers will be notified and given a minimum of 60 days advance notice to remove their assets.</li> <li>• DPs/APs will have the right to salvage material from demolished structure at no cost.</li> <li>• Additional assistance will be paid to vulnerable DPs/APs based on three months of minimum wage</li> </ul>
4.B. Loss of Crops and Trees	<ul style="list-style-type: none"> <li>• Squatters on government land and Right of Way (RoW)</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation at Market value/replacement cost to be computed with</li> </ul>	<ul style="list-style-type: none"> <li>• Squatters will be notified and given a minimum of 60 days advance notice to harvest crops/fruits and remove trees.</li> <li>• Compensation to be paid by the DC at [the rate] replacement cost estimated by i) the</li> </ul>

Type of Losses	Definition of DPs/APs	Entitlement	Details
		<p>assistance of appropriate department</p> <ul style="list-style-type: none"> <li>• Resettlement Assistance</li> <li>• Additional assistance to vulnerable DPs/APs</li> <li>•</li> </ul>	<p>Forest Department for timber trees: ii) State Agriculture Extension Department for crops: iii) and Horticulture Department for perennial and fruit trees.</p> <ul style="list-style-type: none"> <li>• In case of standing crops cash compensation at current market value of mature crops for loss of standing agricultural crops only.</li> <li>• Grant equal to market value of crop lost plus cost of replacement of seeds for the next season's harvest towards loss of crops before harvest due to forced relocation.</li> <li>• Compensation for perennial crops and fruit trees calculated at replacement cost, and at a minimum as annual produce value for one season times 1 to 3, depending on the nature of crops/trees.</li> <li>• Additional assistance will be paid to vulnerable DPs/APs based on three months of minimum wage</li> </ul>
	<ul style="list-style-type: none"> <li>• Encroachers on government land and RoW</li> </ul>	<ul style="list-style-type: none"> <li>• Advance Notice</li> <li>• Additional Assistance to vulnerable DPs/APs</li> </ul>	<ul style="list-style-type: none"> <li>• Encroachers will be notified and given a minimum of 60 days advance notice to harvest crops/fruits and remove trees.</li> <li>• Additional assistance will be paid to vulnerable DPs/APs based on three months of minimum wage</li> </ul>
<b>5. INCOME AND LIVELIHOOD</b>			
5.A. Loss of primary source of income for the titleholders	<ul style="list-style-type: none"> <li>• Titleholders losing income through agriculture</li> </ul>	<ul style="list-style-type: none"> <li>• Rehabilitation Assistance for income restoration</li> </ul>	<ul style="list-style-type: none"> <li>• Transitional allowance equivalent 1,000 days of Minimum Agricultural Wage (MAW) in the state at the time of Section 4 notification under LA Act if the residual land is not viable or equivalent to 750 days of MAW income when the residual land is viable.</li> <li>• In case of households, losing 10% or more of their productive assets (income generating), training would be provided for income generating vocational training and skill improvement options as per DP's/AP's choice at Rs 10,000 per household. This cost would be directly paid by the Project to the training institute.</li> </ul>
	<ul style="list-style-type: none"> <li>• Titleholders losing income through business</li> </ul>	<ul style="list-style-type: none"> <li>• Rehabilitation Assistance for income restoration</li> </ul>	<ul style="list-style-type: none"> <li>• Transitional allowance will be paid to each affected household based on six months of average income earned from the affected business.</li> <li>• In case of households, losing 10% or more of their productive assets (income generating), training would be provided for income generating vocational training and skill improvement options as per DP's/AP's choice at Rs 10,000 per household.</li> </ul>
5.B. Loss of primary source of income for the tenants and leaseholders	<ul style="list-style-type: none"> <li>• Tenants/ Leaseholders</li> </ul>	<ul style="list-style-type: none"> <li>• Transitional Assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Transitional allowance will be paid to each affected household based on minimum wage rates for three months.</li> <li>• Training would be provided for income generating vocational training and skill improvement options as per DP's/AP's choice at Rs.10, 000 per household. This cost would</li> </ul>

Type of Losses	Definition of DPs/APs	Entitlement	Details
			be directly paid by the Project to the training institute.
5.C. Loss of primary source of income for the non titleholders [wage earning employees, agricultural labour, non agricultural labour, squatters and vulnerable encroachers]	<ul style="list-style-type: none"> <li>Agriculture/ Non agricultural labour indirectly affected due to acquisition of land or displacement of employer</li> </ul>	<ul style="list-style-type: none"> <li>Assistance for income restoration</li> </ul>	<ul style="list-style-type: none"> <li>One-time financial assistance for lost income will be paid to each affected labour based on minimum wage rate for three months.</li> <li>Employment opportunity for such DPs/APs in the project construction work, if desired so by them.</li> <li>Training would be provided for income generating vocational training and skill improvement options as per DP's/APs choice at Rs 10,000 per household. This cost would be directly paid by the Project to the training institute.</li> </ul>
	<ul style="list-style-type: none"> <li>Wage earning employees indirectly affected due to displacement of commercial structure</li> </ul>	<ul style="list-style-type: none"> <li>Transitional Assistance</li> </ul>	<ul style="list-style-type: none"> <li>One-time financial assistance for lost income will be paid to each affected employee based on minimum wage rate for three months.</li> </ul>
	<ul style="list-style-type: none"> <li>Non-titleholders namely squatters and vulnerable encroachers losing primary source of income</li> </ul>	<ul style="list-style-type: none"> <li>Training Assistance for income restoration</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable affected households will be given priority in employment as unskilled labor in the Project construction activities.</li> <li>Training would be provided for income generating vocational training and skill improvement options as per DP's/AP's choice at Rs 10,000 per household. This cost would be directly paid by the Project to the training institute.</li> <li>One-time financial assistance for lost income based on minimum wage rate for three months or period of disruption per household.</li> <li>Enrolment to vocational training course of one person from each household, based on assessment of skill</li> </ul>
<b>6. GOVERNMENT LAND AND PROPERTY</b>			
Government Property (Loss of Land)	Relevant government Department	<ul style="list-style-type: none"> <li>Lump sum compensation as per government rules</li> </ul>	<ul style="list-style-type: none"> <li>Departmental transfer of land</li> </ul>
<b>7. COMMON PROPERTY RESOURCES</b>			
Loss of Community Property Resources (Religious structures, land, Community structures, trust, etc.)	Affected community/Government	<ul style="list-style-type: none"> <li>Conservation, protection, restoration and compensatory replacement</li> </ul>	<ul style="list-style-type: none"> <li>Impacts will be documented and mitigated. Cultural properties will be conserved through special measures such as relocation in consultation with the community.</li> </ul>
<b>8. TEMPORARY LOSS</b>			
Temporary loss of land and	<ul style="list-style-type: none"> <li>All DPs/APs losing land and</li> </ul>	<ul style="list-style-type: none"> <li>Notice to harvest standing crops</li> <li>Compensation at</li> </ul>	<ul style="list-style-type: none"> <li>Provision of rent for period of occupation for legal titleholders.</li> <li>Compensation for assets lost at replacement</li> </ul>



Type of Losses	Definition of DPs/APs	Entitlement	Details
temporary damage on loss of crops during construction <sup>9</sup>	<p>crops on temporary basis during the construction period of the lines</p> <ul style="list-style-type: none"> <li>• Farming households</li> <li>• Sharecroppers</li> <li>• Tenants</li> <li>• non-titled households</li> </ul>	<p>market value for one season</p> <ul style="list-style-type: none"> <li>• Restoration</li> </ul>	<p>value.</p> <ul style="list-style-type: none"> <li>• Restoration of land to previous or better quality</li> <li>• Additionally, Cash Compensation will be paid for the temporary damage of crop under the RoW during the maintenance and repair after the construction. In case there is a need for repair or maintenance of the transmission lines in the future, the project authorities and the EA/IA would consult with land owners land owners for access to the land for maintenance and repairs, when necessary, and that the land owners would continue to use the land for farming activities.</li> </ul>
<b>9. ADDITIONAL ASSISTANCE TO VULNERABLE DPS/APs</b>			
Impacts on vulnerable APs	All impacts caused to Vulnerable DPs/APs		<ul style="list-style-type: none"> <li>• Additional assistance based on three months of minimum wage</li> <li>• Vulnerable DPs/APs will be given priority in project construction employment where feasible.</li> </ul>
<b>8. UNANTICIPATED IMPACTS</b>			
Other Impacts Not Identified	Eligible DPs/APs	<ul style="list-style-type: none"> <li>• Compensation and assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Unforeseen impacts will be documented and mitigated based on the principles agreed upon in the RF.</li> </ul>

### III. SOCIOECONOMIC INFORMATION

#### A. Screening Exercise

24. The EA and IA will be responsible for collecting necessary socio-economic details of the DPs and APs. Prior to the collection of detailed socio-economic information and undertaking detailed socio-economic survey, each subproject under the MFF will have to go through a screening exercise which will give some idea about the intensity of impact and accordingly the subproject and each tranche will be categorized for future action. The following checklist will be used to screen subprojects to identify the resettlement impacts of the subprojects:

- Will the subproject require land? What is the quantity of land required?
- What will be the estimated total number of persons affected?
- Will the impact be permanent or temporary (during construction)?
- Who owns the land? How is land currently used?
- If private land, how many landowners/tenants/sharecroppers will be affected?
- If state land, is it subject to traditional claim?
- If state land, are there any squatters or informal settlers?
- What will be the estimated number of squatters?

<sup>9</sup> This is specifically referred to construction of transmission and distribution power lines which are usually considered as temporary impact (excluding the tower footing for transmission lines). This is temporary because, disruption is caused during the stringing of lines and during the maintenance. However, post the construction and maintenance activities, the Right of Way (RoW) is usually allowed for same use as the lines pass over the ground with appropriate distance and safety measures.

- Are there any houses, structures, trees and crops that will be affected (whether state or private land)?
- How many households will be physically displaced?
- Is there any public or community infrastructure?
- Will tribal communities be affected?
- What percent of product assets (income generating) will people lose?

25. The EA/IA will be responsible for clearly documenting these answers to these questions in a table format. In addition, the EA/IA will submit to ADB the Involuntary Resettlement Impact Categorization Checklist in **Appendix 2** for each subproject. Based on the screening, the Project will be assigned to one of the following categories depending on the significance of probable involuntary resettlement impacts:

26. **Category A** – A proposed project is classified as Category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including an assessment of social impacts, is required.

27. **Category B** – A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.

28. **Category C** – A proposed project is classified as Category C if it has no involuntary resettlement impacts. No further action is required.

29. The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as; (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks.

## **B. Detailed Assessment and Survey**

30. The EA/IA will conduct socioeconomic survey(s) and a census survey, with appropriate socioeconomic baseline data to identify all persons who will be displaced or affected by the project and to assess the project's socioeconomic impacts on them. This will be done as after the completion of detailed engineering design and detailed measurement survey. Based on this survey, a social impact assessment will be done which will include potential social impacts, income and livelihood of displaced persons and gender-disaggregated information pertaining to the economic and socio-cultural conditions of displaced persons. The project's potential social impacts and risks will be assessed against the requirements presented in this RF and applicable laws and regulations of the jurisdictions in which the project operates that pertain to involuntary resettlement matters.

31. As part of the social impact assessment, the EA will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the EA/IA will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development.

32. i. **Census Survey:** The purpose of the census is to: (i) register who the potentially displaced/affected persons are; (ii) assess their income and livelihoods; and (iii) inventory of their assets affected due to the project; (iv) gender disaggregated information pertaining to the economic and socio-cultural conditions of DPs/APs. The census will cover 100% of affected persons. In addition to census survey, line route survey and inventory will be carried



out to assess the temporary impact on crops and impact on trees due to construction of transmission and distribution lines..

33. ii. **Baseline Socio-economic Sample Survey.** The purpose of the baseline socioeconomic sample survey of affected persons is to establish monitoring and evaluation parameters. It will be used as a benchmark for monitoring the socioeconomic status of affected persons. The survey will cover 10% of affected persons and 20% of significantly affected persons and may cover samples from the project impact zone. The survey will also collect gender- disaggregated data to address gender issues in resettlement. The survey will carry out the following: (i) preparation of accurate maps of the subproject area; and (ii) analysis of social structures and income resources of the population.

### **C. Resettlement Plan**

34. The EA/IA will prepare RP for each tranche subprojects, if the proposed project will have land acquisition, involuntary resettlement impacts and temporary impacts. The resettlement plan will be based on the social impact assessment and through meaningful consultation with the affected persons. The resettlement plan will be prepared based on the results of the census and from information drawn from the baseline socio-economic sample survey the database on affected persons should be completed before resettlement plan preparation. It will include the results and findings of the census of affected persons, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and results monitoring mechanisms. Resettlement Plans will comply with the principles outlined in this agreed RF. These will be approved by ADB prior to contract award. Disbursement of compensation payments and entitlements will be made prior to displacement.

35. RP will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the EA will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a Resettlement Plan is provided in **Appendix-3**.

### **D. Gender Impacts and Mitigation Measures**

36. Women-headed households are considered as vulnerable group as per this RF. Any negative impacts of a subproject on female-headed households will be treated on a priority basis. The resettlement plan will formulate measures to ensure that socio-economic conditions, needs and priorities of women are identified and the process of land acquisition and resettlement does not disadvantage women. It will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. During disbursement of compensation and provision of assistance, priority will be given to female-headed households.

## **IV CONSULTATION, PARTICIPATION, AND DISCLOSURE**

37. The EA/IA will conduct meaningful consultation with affected persons, their host

communities, and civil society for every project and subproject identified as having involuntary resettlement impacts. Meaningful consultation is a process that: (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultation will be carried out in a manner commensurate with the impacts on affected communities. The EA/IA will pay particular attention to the need of disadvantaged or vulnerable groups, especially those below the poverty line, the landless, the elderly, female headed households, women and children, Indigenous Peoples, and those without legal title to land.

38. The EA/IA will submit the following documents to ADB for disclosure on ADB's website:

- (i) a draft resettlement plan and/or resettlement framework endorsed by the EA/IA before project appraisal;
- (ii) the final resettlement plan endorsed by the EA/IA after the census of affected persons has been completed;
- (iii) a new resettlement plan or an updated resettlement plan, and a corrective action plan prepared during project implementation, if any; and
- (iv) the resettlement monitoring reports.

39. The EA/IA will provide relevant resettlement information, including information from the above mentioned documents in a timely manner, in an accessible place and in a form and language (Hindi/English/Assamese) understandable to affected persons and other stakeholders. In case there is no impact and no RP, the EA/IA will make disclosure of the same informing the main villages, habitations, market places along the corridor that no land or structure, irrespective of their title will be affected by any activities of this project. The report of this disclosure giving detail of date, location will be shared with ADB.

## **V. COMPENSATION, INCOME RESTORATION AND RELOCATION**

### **A. Valuation of Lost and Affected Assets**

40. The EA/IA will provide adequate and appropriate replacement land and structure where feasible or cash compensation at full replacement value for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance, as per applicable according to the Entitlement Matrix. The EA/IA will compensate to the non-title holders for the loss of assets other than land, such as dwellings, and also for other improvements to the land, at full replacement cost. The entitlements to the non-titleholders will be given only if they occupied the land or structures in the project area prior to the cut-off- date. The valuation of affected land and structures will be governed by the following process

41. Land surveys for determining the payment of compensation would be conducted on the basis of updated official records and ground facts. The land records containing information like legal title, and classification of land will be updated expeditiously for ensuring adequate cost compensation and allotment of land to the entitled displaced persons. In cases of areas under the District council/village council in tribal areas, where official land

records don't exist, formal land/property boundaries of private property owned by the tribal households can be determined through the process of community consultation and discussion with village elders and village council members. Based on such information, land can be classified and land record can be updated and compensation assessment can be made. In the states where the district council is under operation, although the land is notified from the district collector's/ deputy commissioner's office, the verification of ownership is done by the district/village council in consultation with the village people and assessment of compensation also done by the revenue officials based in the district council. After determination of ownership and compensation amount the same is sent to the district collector. Records as they are on the cut-off date will be taken into consideration while determining the current use of land. The uneconomic residual land remaining after land acquisition will be acquired as per the provisions of LAA. The owner of such land/property will have the right to seek acquisition of his entire contiguous holding/ property provided the residual land is less than the average land holding of the district.

42. For land acquisition the District Collector/Deputy Commissioner will decide the compensation for acquired land as per the legal provisions. If the compensation amount is less than the market/replacement cost of the land, the competent authority will award the compensation and the difference between the award rate and market / replacement rate will be paid by the EA/IA as 'assistance'. The project authority will determine the possible replacement cost of land and assets to be acquired, possibly on the market rate through an independent valuer preferably hired from land and revenue department. This difference between the award money and the market/replacement rate will be determined by an independent Land Valuation Committee (LVC) before RP implementation i.e. during physical verification and updation of database. The LVC will be formed only where land acquisition is involved.

43. The value of houses, buildings and other immovable properties will be determined on the basis of relevant Basic Schedule of Rates (BSR) as on date without depreciation. While considering the BSR rate, project-implementing agency will ensure that it uses the latest BSR for the residential and commercial structures in the urban and rural areas of the region.

44. Compensation for properties belonging to the community or common places of worship will be provided to enable construction of the same at new places through the local self-governing bodies like Village Panchayat/village council in accordance with the modalities determined by such bodies to ensure correct use of the amount of compensation.

45. Compensation for trees will be based on their market value. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops fruit bearing trees will be decided by the EA/IA in consultation with the Departments of Forest, Agriculture and Horticulture. The Compensation will be paid before taking possession of the land/properties.

46. The independent valuer will assess the compensation rates for various types of losses during the preparation of detailed designs and implementation of RP. Also, to ensure that the rates reflect current replacement costs, the LVC will verify and approve the estimates wherever felt necessary. The methodology for verifying the replacement cost for each type of loss will include, but not be limited to, the following:

47. **For valuation of land:** Appraisal of recent sales and transfer of title deeds, informal sale and purchase of land among people in the project area, registration certificates for land in urban and rural areas of the district and consultation with local panchayats, district council, village council and DPs/APs; Determination of whether the rates established for the project are sufficient or not to purchase the same quality and quantity of land based on compilation of appraised rates;

48. **For valuation of crops and trees:** Survey of market prices in the district and adjacent districts for different types of crops to establish an average market price and an assessment to know whether the compensation is less or greater than that price; All compensation should be equivalent or higher than the prevalent market prices and the income loss will be calculated as annual produce value for one season to 3 seasons depending on the nature of crops/trees.

49. **For valuation of structures:** To evaluate the compensation for structures to find out whether the amount will enable DPs to rebuild or replace their affected structures. This is to be done by consulting land owners on the following:

- From where they use to buy materials
- Type of shops (private or state-owned)
- Distance to be travelled
- Sources (local or foreign) and the cost of various materials
- Who will built the structures (owner or contractor) and whether they will use the hired labor or their own labor;
- Obtaining cost estimates by meeting at least three contractors/suppliers in order to identify cost of materials and labor
- Identifying the cost of different types of houses of different categories and compare the same with district level prices.

50. Even after payment of compensation, DPs/APs would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that DPs/APs can take away the materials so salvaged within 48 hours of their demolition; otherwise, the same will be disposed by the project authority without giving any further notice.

51. Trees standing on the land owned by the government will be disposed off through open auction by the concerned Revenue Department/ Forest Department. DPs/APs will be provided with an advance notice of three months prior to relocation. Further, all compensation and assistance will be paid to APs at least 3 months prior to displacement or dispossession of assets.

## **B. Income Restoration**

52. Each DPs/APs whose income or livelihood is affected by a subproject will be assisted to improve or at least restore it to pre-project level. Income restoration schemes will be designed in consultation with DPs/APs and considering their resource base and existing skills. The EA/IA through its PMU and PIU will identify the number of eligible APs/DPs based on the 100% census of the affected persons and will conduct a training need assessment in consultations with the affected persons so as to develop appropriate income restoration schemes. The EA/IA with support of NGO will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by PIU and NGO<sup>10</sup> in consultation with local training institutes. Vulnerable households will get special assistance in this regard. The PIU and NGO will also facilitate affected person access to Government schemes that could help them to restore income and livelihood.

53. In addition, the entitlement matrix provides for short-term income restoration activities intended to restore the income of the affected person in the period immediately before and after relocation focusing on relocation, and providing short-term allowances such

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<sup>10</sup> NGO will be hired if it is required and if it is agreed by the EA/IA during the safeguards assessment activities in future tranhes

as: (i) transitional allowance; (ii) shifting assistance and additional assistance for vulnerable DPs/APs.

## VI. GRIEVANCE REDRESS MECHANISM

54. There is a need for an efficient grievance redress mechanism (GRM), which will assist the APs in resolving queries and complaints. The EA/IA which are APGCL and APDCL, will establish a mechanism to receive and facilitate the resolution of affected persons' concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. The grievance redress mechanism will address affected persons' concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to the affected persons at no costs and without retribution. A Grievance Redress Committee (GRC) will be formed to ensure APs grievances are addressed and facilitate timely project implementation. The GRC will consist of following representative.

- Project Head / Deputy General Manager (DGM) for ADB Projects, APGCL/APDCL
- Sub District Magistrate/District Revenue Officer or their nominee and representative from the autonomous council districts in case of tribal districts
- Representative of local Panchayat/Council
- Women representative of village/council
- Representative from the PMU dealing with safeguards
- Representative from the implementing NGO

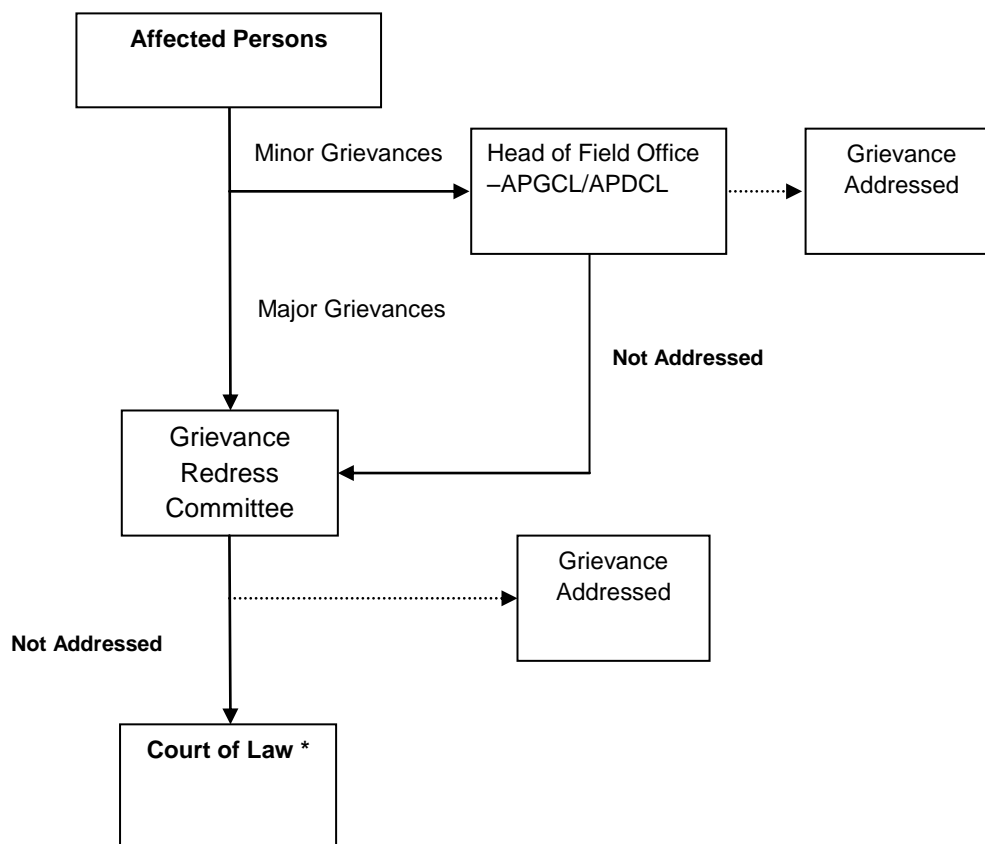
55. This GRM would provide an effective approach for resolution of complaints and issues of the affected person/community. PMU shall formulate procedures for implementing the GRM, while the PIUs shall undertake GRM's initiatives that include procedures of taking/recording complaints, handling of on-the-spot resolution of minor problems, taking care of complainants and provisions of responses to distressed stakeholders etc. paying particular attention to the impacts on vulnerable groups.

56. The main responsibilities of the GRC are to: (i) provide support to APs on problems arising from land/property acquisition; (ii) record AP grievances, categorize, and prioritize grievances and resolve them; (iii) immediately inform the PMU of serious cases; and (iv) report to APs on developments regarding their grievances and decisions of the GRC and the PMU. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, compensation, relocation, replacement cost and other assistance. The GRC will meet every month (if grievances are brought to the Committee), determine the merit of each grievance, and resolve grievances within a month of receiving the complaint. At the same time APs are free to approach appropriate court of Law for redressal if they wish. Records will be kept for all grievances received including: contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were effected, and final outcome. Grievances will be redressed within one month from the date of lodging the complaints. The GRCs will continue to function during the life of the Project including the defects liability period. The GRC will be formed with the help of higher authority having authority to designate the representatives to the GRC.

57. Grievances of DPs/APs will first be brought to the attention of the field staff and Project head of the PIU. Grievances not redressed by the PIU will be brought to the Grievance Redress Committee (GRC) set up to monitor project Implementation for each project area. The PIU will keep records of all grievances received including: contact details of complainant, date that the complaint was received, nature of grievance, agreed corrective

actions and the date these were effected, and final outcome. Grievance redress procedure is shown in **Figure 1**:

**Figure: 1: Flow chart showing Grievance Redress Mechanism**



(\*) Affected Persons can approach the court of law at time during the Grievance redressal process.

## VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION SCHEDULE

### A. Institutional Arrangements

58. APGCL and APDCL will serve as the EA as well as the IA for the investment program. For resettlement planning and successful implementation of RP there will be a set of Institutions involved at various levels and stages of the project which are APGCL for generation component and APDCL for distribution component, Concerned District Administration and implementing NGO. The PMU, headed by the Project Director, constituted for earlier ADB funded projects will continue to be functional for this project also. APGCL will establish a PIU as required including a designated officer to look after the safeguards issues whereas APDCL already has one. The PMU shall implement the ADB loan at the corporate level and the PMU will be supported for implementation activities through the APGCL/APDCL field offices/ PIUs.

59. PMU structure is shown in **Figure 2**. The PMU Director will be responsible for coordinating all external functions with ADB, GOI and GOA as well as coordinates the internal functions through DGM level person for coordination of Environment and Social/R&R

reporting, Legal, Finance and Accounts, PIU monitoring and reporting, Procurement and Contracts, and other functions from within APGCL/APDCL.

60. PMU shall designate one Assistant General Manager (AGM) incharge of Environment and Social Management Unit (ESMU) who shall have oversight responsibilities for monitoring for all sub-projects in areas such as environment, R&R and social safeguards. Currently, the PMU is assisted by the environmental and social consultants of the Project Monitoring and Supervision Consultancy firm hired for monitoring of previous ADB funded projects currently under implementation. To assist ESMU in these specialist functions, PMU will hire appropriate environment and social consultants as project management consultant for this new MFF.

61. For each sub-project RPs, the EA/IA (APGCL/APDCL) will do the overall coordination, preparation, planning, implementation, and financing of all activities through its respective PIU. The EA/IA through its PMU/PIU will ensure that key institutions including local governments are involved in RP preparation, updation and implementation. Additionally, an NGO will be hired if required and agreed by APGCL through the PMU for category A Hydro Project which will be funded in the future tranche of the MFF. Further details on agencies responsible for RP activities are given below in **Table-3**.

**Table 3: Institutional Roles and Responsibilities for Resettlement Activities**

Activity	Responsible Agency
<b>Sub-Project Initiation Stage and institutional setup</b>	
Establishing PMU	Government of Assam/EA/IA (Already Existing)
Establishing ESMU in PMU	EA/IA/PMU (Already Existing)
Designating safeguard Specialist in PMU/ESMU	EA/IA/PMU (Already Existing)
Establishing PIU at APDCL including designated safeguard officer	EA/IA/APDCL/PMU (Already Existing)
Establishing PIU at APGCL including designated safeguard officer	EA/IA/APGCL/PMU (to be formed)
Hiring of Project Management Safeguard Consultant at PMU	PMU
Hiring of implementing NGO	PMU/EA/IA/APGCL
<b>RP Preparation and Updating Stage</b>	
Finalization of sites for sub-projects	EA/IA (APGCL/APDCL)/PMU/PIU/ESMU
Disclosure of proposed land acquisition and sub-project details by issuing Public Notice	EA/IA (APGCL/APDCL)/PIU/ESMU
Meetings at community/household level with APs	EA/IA (APGCL/APDCL)/PIU/ESMU
Conducting Census of all APs	EA/IA (APGCL/APDCL)/PIU/ESMU
Conducting consultation/FGDs/meetings	EA/IA (APGCL/APDCL)/PIU/ESC
Computation of replacement values of land/properties	EA/IA/APGCL/APDCL)/PMU/PIU/ESMU/Competent Authority
Finalizing compensation packages and entitlements	EA/IA/APGCL/APDCL)/PMU/PIU/ESMU/Competent Authority
Disclosure of final entitlements and rehabilitation packages	EA/IA/APGCL/APDCL)/PMU/PIU/ESMU/Competent Authority
Approval of RP	EA/IA (APGCL/APDCL)/PMU/ADB
<b>RP Implementation Stage</b>	
Sale deed execution and payment	EA/IA/APGCL/APDCL)/PMU/PIU/ESMU/Appropriate Government Department/NGO
Disbursement of Compensation and Assistance	EA/IA/APGCL/APDCL)/PMU/PIU/ESMU/Appropriate Government Department/NGO
Taking possession of land	EA/IA (APGCL/APDCL)
Implementation of proposed rehabilitation measures	EA/IA/APGCL/APDCL)/PMU/PIU/ESMU/NGO
Consultations with APs during rehabilitation activities	EA/IA/APGCL/APDCL)/PMU/PIU/ESMU/NGO
Grievances redress	EA/IA/APGCL/APDCL)/PMU/PIU/ESMU/GRC/NGO
Internal monitoring	EA/IA (APGCL/APDCL)/PMU/ PIU/ESMU
External monitoring <sup>11</sup>	External Agency

ADB-Asian Development Bank, AP-affected person, APDCL- Assam Power Distribution company Limited, APGCL- Assam Power Generation Corporation Limited, EA-Executing Agency, ESMU- Environment and Social

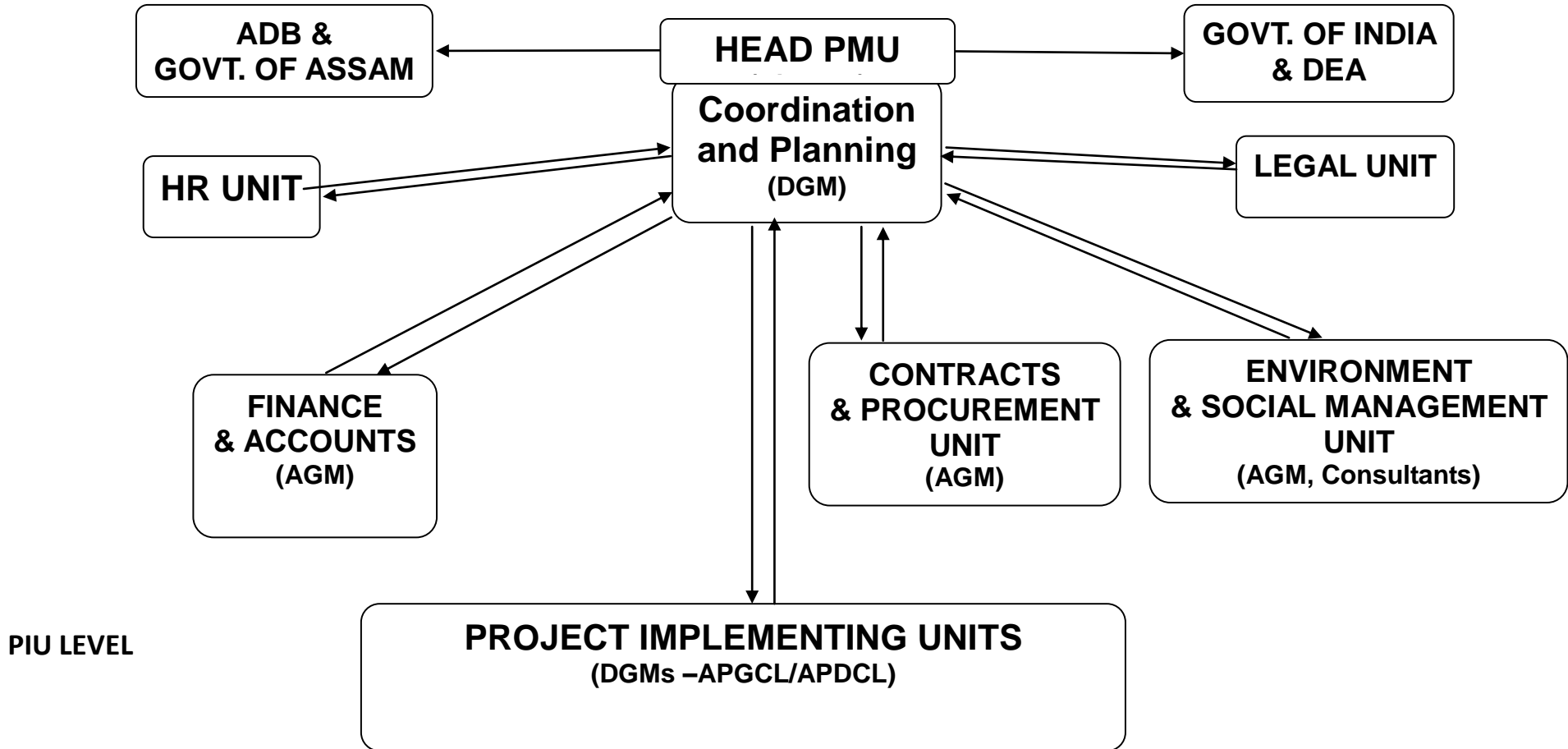
<sup>11</sup> External monitoring is required for significant IR impact especially for category A project.

Management Unit, FGD-focus group discussion, GRC-Grievance Redress Committee, IA- Implementing Agency, NGO-Non Government Organization, PIU- Project Implementation Unit, PMU- Project Management Unit, RP- Resettlement Plan,



Figure 2: PMU structure at APGCL/APDCL

# PMU STRUCTURE



## **B. Implementation Schedule**

62. The MFF and the investment program will be implemented over 7 years of time. The RP implementation schedule will vary from subproject to subproject. In general, the project implementation will consist of the three major phases, namely project preparation, land acquisition and rehabilitation of DPs/APs. In line with the principles laid down in this RF, the executing agency and implementing agency will ensure that project activities are synchronized between the resettlement plan implementation activities as well as the subproject implementation. The EA/IA will ensure that no physical/or economic displacement of affected households will occur until: (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan are provided to the DPs/APs; and (iii) a comprehensive income and livelihood rehabilitation program, supported by adequate budget, is in place to help displaced persons, improve, or at least restore, their incomes and livelihoods. Furthermore, all RPs will be revised during detailed design, and ADB will clear all RPs prior to contract award. All land required will be provided free of encumbrances to the contractor prior to handing over of sub-project sites and the start of civil works. The implementation of each tranche RP will include: (i) identification of cut-off-date and notification, (ii) verification of losses and extent of impacts, (iii) finalization of entitlements and distribution of identity cards, (iv) consultations with APs on their needs and priorities, and (v) resettlement, provision of compensation and assistance and its disbursement, and income restoration for DPs/APs.

## **VIII. BUDGET AND FINANCING**

63. Detailed budget estimates for land acquisition and involuntary resettlement will be prepared for each RP, by the EA/IA (APGCL and APDCL) with the help from PIU and PMU which will be included in the overall subproject estimate. The budget will include i) detailed costs of land acquisition, assistance, relocation, and livelihood, income restoration and administrative cost, ii) source of funding, iii) arrangements for approval, and the flow of funds and contingency arrangements. All land acquisition funds will be provided by the EA/IA. All land acquisition, compensation, assistance, relocation and rehabilitation of income and livelihood will be considered as an integral component of project costs. The EA will deposit the money to the concerned department for the disbursement of compensation to the affected people for land acquisition and resettlement. However, in the case of assistance and other rehabilitation measures, the EA/IA through their PIU and PMU will directly pay the money or any other assistance as stated in the resettlement plan to affected persons by means of a cheque payment into their individual accounts. The EA will keep provisional money out of its annual plan including contingency for the resettlement cost and this provisional amount will be planned at the early stage of their annual plan so that the resettlement process won't get delayed.

## **IX. MONITORING AND REPORTING**

64. Monitoring will be the responsibility of the EA/IA (APGCL and APDCL). The implementation of RP will be closely monitored. Regular monitoring activities will be carried out internally by PMU/ PIU and the Project Management Consultant (PMC). RP implementation will be closely monitored by the EA/IA through its PIU and PMU. The PIU and PMU will provide ADB with an effective basis for assessing resettlement progress and identifying potential difficulties and problems. The extent of monitoring activities, including their scope and periodicity, will be commensurate with the project's risks and impacts. Monitoring will involve (i) administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis; (ii) socio-economic monitoring during and after any resettlement impact utilizing baseline information established through

the socio-economic survey undertaken during project sub-preparation; and (iii) overall monitoring to assess status of affected persons. The EA/IA is required to implement safeguard measures and relevant safeguard plans, as provided in the legal agreements, and to submit semiannual monitoring reports on their implementation performance. The EA/IA through its PIU/PMU and PMC will (i) monitor the progress of implementation of safeguard plans, (ii) verify the compliance with safeguard measures and their progress toward intended outcomes, (iii) document and disclose monitoring results and identify necessary corrective and preventive actions in the periodic monitoring reports, (iv) follow up on these actions to ensure progress toward the desired outcomes, and (v) submit semiannual monitoring reports on safeguard measures as agreed with ADB.

65. Monitoring will include daily planning, implementation, feedback and trouble shooting, individual affected person file maintenance, community relationships, dates for consultations, number of appeals placed and progress reports. The EA/IA through its PIU and PMU will be responsible for managing and maintaining affected person databases, documenting the results of the affected person census. Monitoring reports documenting progress on resettlement implementation and resettlement plan completion reports will be provided by EA/IA through its PMU to ADB for review. The monitoring reports will be posted to ADB website.

66. In case of significant IR impact, the EA/IA (APGCL/APDCL) through PMU will engage the services of an independent agency or consultant, not associated with project implementation, to undertake external monitoring and evaluation (M&E). The external monitor will monitor and verify RP implementation to determine whether resettlement goals have been achieved, livelihood and living standards have been restored, and provide recommendations for improvement. The external monitor will also evaluate the performance of the PMU, PIU, PMC and implementing NGO related to resettlement issues. The external agency will report its findings simultaneously to the EA/IA/PMU and to ADB twice a year. Additionally, ADB will monitor projects on an ongoing basis until a project completion report is issued.

**APPENDIX-1: COMPARISON OF ADB'S SPS, 2009 WITH LAA, 1894 AND NRRP, 2007**

<b>Sl. No.</b>	<b>ADB's SPS 2009</b>	<b>LAA,1894</b>	<b>NRRP 2007</b>	<b>Remarks</b>
1	Involuntary resettlement should be avoided wherever possible	LAA,1894 only gives directive for acquisition of private land in public interest and does not deal with involuntary resettlement	This principle is equally emphasized under NRRP 2007	NRRP 2007 meet SPS, 2009 requirements
2	Minimize involuntary resettlement by exploring project and design alternatives	This principle is not emphasized in LAA, 1894	NRRP 2007 aims to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives (refer Para 2.1a)	NRRP 2007 meets SPS, 2009 requirements
3	Conducting census of displaced persons and resettlement planning	This principle is not emphasized in LAA, 1894. However, under the LAA, the project authority only deals with the details of ownership and names of the owners and type of land etc for the legal titleholders. This does not include the socio-economic details.	Lay out procedure for census survey and resettlement plan (refer Ch-VI, Para 6 and 6.4)	NRRP 2007 meets SPS, 2009 requirements.
4	Carry out meaningful consultation with displaced persons and ensure their participation in planning, implementation and monitoring of resettlement program	This principle is not emphasized in LAA, 1894. Under the LAA there are only provisions for various notifications which needs to be gazetted such as Section-4 notification etc. There is no scope for meaningful consultation.	NRRP 2007 ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the consultation and active participation of the affected families (refer Para 2.1b )	NRRP 2007 meets SPS, 2009 requirements
5	Establish grievance redress mechanism	This principle is not emphasized in LAA,1894. Under the LAA, any dispute arises related to land ownership and compensation etc need to be settled in the appropriate court of law through the help of revenue department.	Project involving involuntary resettlement needs to have Grievance redress mechanisms for affected people (refer Para 8.1.1 and Para 8.3.4)	NRRP 2007 meets SPS, 2009 requirements
6	Support the social and cultural institutions of displaced persons and their host population.	This principle is not emphasized in LAA,1894	This is emphasized in the policy (refer Para 6.10, Para 7.21.6)	NRRP 2007 meets SPS, 2009 requirements.
7	Improve or at least restore the livelihoods of all	This principle is not	NRRP 2007 emphasizes	NRRP 2007 meets SPS, 2009

Sl. No.	ADB's SPS 2009	LAA,1894	NRRP 2007	Remarks
	displaced persons	emphasized in LAA,1894	the same (refer Ch-VII)	requirements
8	Land based resettlement strategy	This principle is not emphasized in LAA,1894	Loss of asset to be compensated to the extent of actual loss (refer Para 7.4.1)	NRRP 2007 meets SPS, 2009 requirements.
9	All compensation should be based on the principle of replacement cost	This principle is not emphasized in LAA, 1894. As per the LAA the compensation rate is derived based on the circle rate.	The compensation award shall take into account the market value of the property being acquired (refer Para 6.22b). However, market value in Indian context is subjective and is not a fair value	NRRP 2007 does not meet SPS, 2009 requirements  The entitlement matrix states that if the compensation determined is less than the market price/replacement cost then the difference is paid by the EA/IA as assistance.
10	Provide relocation assistance to displaced persons	This principle is not emphasized in LAA, 1894. LAA only provides eligibility to legal title holders for compensation for land and lost assets. No provision of assistance is covered under LAA.	NRRP 2007 emphasizes the same (refer Ch-VII), (refer Para 7.22.1 and Para 7.22.2)	NRRP 2007 meets SPS, 2009 requirements
11	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	This principle is not emphasized in LAA, 1894. This is a strict deviation from as LAA does not address any of the non-titleholders .LAA provides eligibility only to legal title holders for compensation	NRRP 2007 also recognizes the non-titleholder families and ensure R&R benefits (refer Para 3.1.b.iii). However, the non title holders, under NRRP, are recognized as the people living in the affected area not less than three years after the declaration of the area as affected area	NRRP 2007 does not meet SPS, 2009 requirements as ADB's SPS spells out that any person irrespective of their legal status live prior to the cut-off date ( as decided by the EA) will be eligible for assistance. However, the Resettlement Framework (RF) prepared for the MFF spells out that the date of detailed census will be considered as the cut-off-date and any non titleholders recorded during the detailed census will

Sl. No.	ADB's SPS 2009	LAA,1894	NRRP 2007	Remarks
				be considered as AP and will be eligible for resettlement assistance.
12	Disclose the resettlement plan, including documentation of the consultation in an accessible place and a form and language(s) understandable to affected persons and other stakeholders.	This principle is not clearly emphasized in LAA, 1894. Under LAA there is only the provision for gazette notification.	NRRP 2007 ensure this principle (refer point 6 above) also refer Para 6.14.1, Para 6.14.3)	NRRP 2007 meets SPS, 2009 requirements
13	Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits.	This principle is not emphasized in LAA, 1894. LAA deals only with land acquisition and not with involuntary resettlement	NRRP 2007 emphasizes to integrate rehabilitation concerns into the development planning and implementation process (refer Para 2.1e)	NRRP 2007 meets SPS, 2009 requirements.
14	Pay compensation and provide other resettlement entitlements before physical or economic displacement.	This principle is emphasized in LAA, 1894. However, it is only limited to payment of compensation and not to resettlement assistance	Full payment of compensation as well as adequate progress in resettlement shall be ensured in advance of the actual displacement of the affected families. (Refer Para 6.22)	NRRP 2007 meets SPS, 2009 requirements
15	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons.	This principle is not emphasized in LAA, 1894.	The policy equally emphasizes the requirement for monitoring	NRRP 2007 meets SPS, 2009 requirements.

## APPENDIX-2: INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
<b>Involuntary Acquisition of Land</b>				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
<b>Information on Displaced Persons:</b>				
Any estimate of the likely number of persons that will be displaced by the Project? If yes, approximately how many?				[ ] No [ ] Yes
Are any of them poor, female-heads of households, or vulnerable to poverty risks?				[ ] No [ ] Yes
Are any displaced persons from indigenous or ethnic minority groups?				[ ] No [ ] Yes

Note: The project team may attach additional information on the project, as necessary.

## APPENDIX 3: OUTLINE OF RESETTLEMENT PLAN

1. The comprehensiveness of a resettlement plan would be according to the potential involuntary resettlement impacts/ risks and size of the project. The resettlement plan must adequately address all involuntary resettlement issues pertaining to the project, describes specific mitigation measures that will be taken to address the issues and outlines institutional requirement and resources required to implementation of the RP. The following outline of RP is suggested for the present project.

### **A. Executive Summary**

2. This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

### **B. Project Description**

3. This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

### **C. Scope of Land Acquisition and Resettlement**

4. This section:

- (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) provides details of any common property resources that will be acquired.

### **D. Methodology for Impact Assessment**

5. This section outlines the methodology and tools adopted for:

- (i) resettlement screening
- (ii) land acquisition planning
- (iii) socioeconomic survey
- (iv) census survey or inventory of assets and livelihood loss
- (v) consultation with stakeholders

### **E. Socioeconomic Information and Profile**

6. This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;



- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

## **F. Stakeholders Consultation and Participation**

- 7. This section:
  - (i) identifies project stakeholders, especially primary stakeholders;
  - (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
  - (iii) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan; and
  - (iv) describes the process for consultation with affected persons during project implementation.

## **G. Legal Framework**

- 8. This section:
  - (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed.
  - (ii) describes the legal and policy commitments from the executing agency for all types of displaced persons;
  - (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided.
  - (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

## **H. Entitlements, Assistance and Benefits**

- 9. This section:
  - (i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
  - (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and.
  - (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

## **I. Relocation of Housing and Settlements**

- 10. This section:
  - (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);

- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

## **J. Income Restoration and Rehabilitation**

11. This section:
- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
  - (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
  - (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
  - (iv) describes special measures to support vulnerable groups;
  - (v) explains gender considerations; and
  - (vi) describes training programs.

## **K. Resettlement Budget and Financing Plan**

12. This section:
- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation.
  - (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items).
  - (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs.
  - (iv) includes information about the source of funding for the resettlement plan budget.

## **L. Information Disclosure**

13. This section:
- (i) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
  - (v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and

(vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) during project implementation.

#### **M. Grievance Redress Mechanisms**

14. This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

#### **N. Institutional Arrangements**

15. This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
- (iv) describes how women's groups will be involved in resettlement planning and management,

#### **O. Implementation Schedule**

16. This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

#### **P. Monitoring and Reporting**

17. This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

## APPENDIX 4: OUTLINE TERMS OF REFERENCE FOR IMPLEMENTING NGO

### A. Background of the Project

1. The Assam Power Sector Investment Program (the Investment Program) is intended to finance a series of investments in the state of Assam, India including generation capacity enhancement to transmission and distribution infrastructure development. The Investment Program will also finance a number of “softer” activities, including improvements of power utility companies in operational and financial capacity, and training. The funding will be extended via a Multi-tranche Financing Facility (MFF) of Asian Development Bank (ADB). The size of the MFF is \$300 million. Funding will be structured into three tranches. The first tranche will support the replacement of an old and inefficient gas plant. It will also be used to fund institutional capacity development, project preparation and project implementation help to the Executing Agencies (EAs) and Implementing Agencies (IAs). This support includes actions to advance project readiness under future tranches, reporting and monitoring. The second tranche will finance the construction of a 120 MW hydropower plant, including all associated transmission lines. The third tranche will finance distribution system improvements and additional “soft” components. The Investment Program will be implemented during 2013 – 2020. Assam Power Generation Corporation (APGCL) will be the Executing agency (EA) and the Implementing Agency (IA) for generation projects (Tranches 1 and 2) and Assam Power Distribution Company (APDCL) is the EA and IA for the Tranche 3 investment in distribution projects. This Terms of Reference (ToR) is prepared for hiring an implementing Non Government Organization (NGO) to assist the EA/IA which is APGCL for implementing the Resettlement Plan for the Hydro component to be coming under tranche-2 of the MFF.

### B. Scope of Work

2. The objectives of the NGO appointed for the implementation of the Resettlement Plan is:
- (i) To provide the EA/IA and its PMU and PIU with grass-root skills and capacity for field activity in the implementation of the Resettlement Plan;
  - (ii) Identify through survey, Project beneficiaries and distribute identification cards to Project beneficiaries and the Displaced/Affected Persons, and educate them regarding their entitlements and obligations under the Resettlement Plan;
  - (iii) Ensure that Displaced/Affected Persons obtain their full entitlements under the Resettlement Plan.
  - (iv) Where options are available, the NGO shall provide advice to Displaced/Affected Persons on the relative benefits of each option
  - (v) Assist the Displaced/Affected Persons in the redressal of grievances through the system implemented as part of the Resettlement Plan; and
  - (vi) Monitor the implementation of the RP.

### C. Detailed and Specific Tasks

3. The NGO will work as a link between the EA/IA/PMU/PIU, and the Displaced/Affected Persons. The major RP implementation responsibilities will be with NGOs. Specific tasks are:

- (i) Work under close coordination of the PIU and PMU to implement the RP.
- (ii) Involve the elected representatives and local leaders, wherever necessary to implement the RP to facilitate transparency in the process and public participation.
- (iii) Assist PMU/PIU in dissemination of the RP and other resettlement related information.
- (iv) Take lead in joint verification and identification of APs.
- (v) Participate in the Valuation Committee to determine the replacement value of assets lost.
- (vi) Carry out or update the census of the APs and identify the vulnerable households.
- (vii) Identify training needs of APs for income generation activities and ensure that they are adequately supported.
- (viii) Through counselling and awareness generation, resolve the grievances of the affected persons.
- (ix) Put forth the unresolved grievances of the APs to the GRC.
- (x) Generate awareness about the livelihood restoration activities, and help the APs to make informed choices. Including assisting APs in participating in government development programs.
- (xi) Prepare sub-project level plans for implementation of RP and issue identification cards.
- (xii) Assist them in disbursement of compensation checks to APs.
- (xiii) Participate in public meetings as and when required.
- (xiv) Submit periodical RP implementation report to the RS.
- (xv) Consultation with the district council for tribal districts to obtain the no objection for RP related activities and implementation.