

Resettlement Framework

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The Resettlement Framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

ABBREVIATIONS

ADB	–	Asian Development Bank
BSR	–	Basic Schedule of Rates
DP	–	displaced person
DSCs	–	Design Supervision Consultants
EA	–	executing agency
GRC	–	Grievance Redress Committee
IP	–	indigenous peoples
IPP	–	indigenous peoples plan
IPPF	–	Indigenous peoples planning framework
IR	–	involuntary resettlement
LA	–	land acquisition
LVC	–	Land Valuation Committee
NGO	–	nongovernment organization
NRRP	–	National Resettlement and Rehabilitation Policy, 2007
SDRO	–	social development and resettlement officer
SPS	–	safeguard policy statement, 2009
ROW	–	right-of-way
RF	–	resettlement framework
RP	–	resettlement plan
R&R	–	Resettlement and Rehabilitation
VLC	–	village level committee

NOTE

In this report, "\$" refers to US dollars.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

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I. BACKGROUND

1. The State witnessed major cloud bursts, incessant rains and major floods in the upper valleys during 15-17 June 2013 that resulted in severe damages in several parts of Uttarakhand. The districts of Bageshwar, Chamoli, Pithoragarh, Rudraprayag and Uttarkashi were directly affected by this disaster. These regions are among the country's most important pilgrimage centres and the calamity occurred during the peak pilgrimage season. Several towns have been washed away by the unprecedented flash floods and landslides and a large number of houses, public buildings, roads and bridges, urban and rural infrastructure has been damaged. Government of Uttarakhand informed that over 900,000 people have been affected, 580 human lives have been lost and over 5,400 people are still reported as missing.

2. The Uttarakhand Emergency Assistance Project (the project) envisages rehabilitation and reconstruction of state roads and bridges, tourism infrastructure (including construction of helipads and trekking routes), urban water supply and urban roads. The expected impact of the project will be economic and social recovery from the disaster in Uttarakhand state. The project outputs will be rehabilitated and reconstructed (i) roads and bridges; (ii) urban infrastructure—mainly water supply systems and urban roads; (iii) tourism infrastructure and trekking routes; and (iv) helipads, heliports, or helidromes for emergency evacuation in case of future disaster which will also provide better air connectivity for the tourists and pilgrims. Another output will be project managed and monitored efficiently and strengthened capacity of the concerned sector agencies and local communities. Improved road connectivity would increase mobility and accessibility to educational and health services, employment opportunities, and markets for the community and enterprises in rural and urban areas of the state. The enhanced tourism, the backbone of state economy, will create employment and income generating activities and hence the livelihood to the local communities, including vulnerable groups and women dependent on the flow of large number of tourists and pilgrims in a year. The project will have a positive long-term impact on the state's economy and living standards of the population.

3. The project is proposed to be funded by ADB under emergency loan assistance modality and in accordance with ADB's Safeguard Policy Statement (SPS), 2009, for emergency loan only the resettlement framework (RF) is prepared that will guide the preparation of Resettlement Plan for the relevant subprojects. The RF is based on the data provided in the secondary sources. The findings of the social assessments carried out for ongoing ADB funded projects in their influence area under referred three sectors were also referred to. During the fact finding, meetings and consultations were organized with the concerned government officials, including those from the field, and consultants engaged for implementing the ongoing ADB funded projects to update the data in all three sectors. Thus, the analysis is based on the secondary sources reviewed and the information provided about the project by the officials through personal interactions during the fact-finding mission. Due to perpetuating disaster like conditions, the baseline socio-economic surveys and socio impact assessment could not be conducted and the mission was unable to undertake on-site consultations with the affected persons.

II. OBJECTIVES, RESETTLEMENT POLICY FRAMEWORK AND ENTITLEMENTS

4. The RF describes the objectives, policy principles and procedures for land acquisition and involuntary resettlement, if any, compensation and other resettlement assistance measures and method for preparation of subprojects under the Loan. It is envisaged that land acquisition and involuntary resettlement will be marginal since reconstruction of damaged infrastructure will generally be within the existing right-of-way (ROW) and available government land. However, the realignment of roads at some stretches and construction of helipads and other facilities at certain locations may require minor land and also cause impacts on structures and other assets.

5. The subproject will, to the extent possible, not require land acquisition or involuntary resettlement, including the displacement of squatters or encroachers from the rights of way. If land acquisition or involuntary resettlement is required for a subproject, a Resettlement Plan will be prepared in accordance with applicable laws and regulations of the National and State Government, ADB's Safeguard Policy Statement (2009) on Involuntary Resettlement and the agreed Resettlement Framework and submitted to ADB for approval. The project is classified Category B for involuntary resettlement and Category C for indigenous peoples. Subproject selection criteria are formulated to avoid land acquisition, resettlement impacts, and social risks. However, should a need arise during implementation to undertake a subproject classified as Category A for involuntary resettlement or Category B for indigenous peoples, the required re-categorization will be undertaken. Each subproject will be screened for involuntary resettlement impacts. Checklist to be used is given at Appendix 1.

6. In India, compensation for land acquisition (LA) and resettlement assistance for project affected persons/families is directed by the Land Acquisition Act (1894), which has been amended from time to time. In addition to the LA Act, National Rehabilitation and Resettlement Policy, 2007¹ (NRRP-2007) and ADB's Safeguard Policy Statement, 2009 will be followed for the compensation and assistance to displaced persons (DPs). The new SPS has defined the DPs in the context of involuntary resettlement. The displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (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 designed parks and protected areas.

7. Table 1 provides the comparison between Government of India's LA Act, NRRP and ADB's SPS. The SPS will prevail where discrepancies exist in the LA Act and NRRP provisions as outlined below.

Table 1: Comparison Between National Land Acquisition Act, NRRP (2007) and ADB's SPS (2009)

Sl.	ADB's Involuntary Resettlement Policy Principles	Land Acquisition Act-1894	National Rehabilitation and Resettlement Policy, 2007 (NRRP 2007)	Remarks
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 meets ADB IR Policy 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.	NRRP 2007 meets ADB IR Policy requirements.
3	Conducting census of displaced persons and	No provision	Lay out procedure for census survey and	NRRP 2007 meets ADB IR

¹ Draft Land Acquisition, Rehabilitation, Resettlement Bill, 2011 approved by the Lower House (Lok Sabha) and Upper House (Rajya Sabha) of the Parliament is under consideration for its passage by the President of India..

Sl.	ADB's Involuntary Resettlement Policy Principles	Land Acquisition Act-1894	National Rehabilitation and Resettlement Policy, 2007 (NRRP 2007)	Remarks
	resettlement planning		resettlement plan.	Policy requirements.
4	Carry out meaningful consultation with displaced persons and ensure their participation in planning, implementation and monitoring of resettlement program	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.	NRRP 2007 meets ADB IR Policy requirements.
5	Establish grievance redress mechanism	All dispute settled in the court of law only	Project involving involuntary resettlement needs to have Grievance redress mechanisms for affected people.	NRRP 2007 meets ADB IR Policy requirements.
6	Support the social and cultural institutions of displaced persons and their host population.	No provision	This is emphasized in the policy.	NRRP 2007 meets ADB IR Policy requirements.
7	Improve or at least restore the livelihoods of all displaced persons	No provision	NRRP 2007 emphasizes the same.	NRRP 2007 meets ADB IR Policy.
8	Land based resettlement strategy	No provision	Loss of asset to be compensated to the extent of actual loss.	NRRP 2007 meets ADB IR Policy.
9	All compensation should be based on the principle of replacement cost	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.	The market value does not necessarily be same as replacement cost.
10	Provide relocation assistance to displaced persons	No provision of assistance is covered under LAA.	NRRP 2007 emphasizes the same.	NRRP 2007 meets ADB IR Policy.
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.	No provision. LAA provides eligibility only to legal title holders for compensation	NRRP 2007 also recognizes the non-titleholder families and ensures R&R benefits.	NRRP 2007 and State policy recognizes only affected persons residing before 3 years of declaration of affected area.
12	Disclose the resettlement plan, including	Under LAA there is only the provision for gazette	NRRP 2007 ensure this principle.	NRRP 2007 meets ADB IR

Sl.	ADB's Involuntary Resettlement Policy Principles	Land Acquisition Act-1894	National Rehabilitation and Resettlement Policy, 2007 (NRRP 2007)	Remarks
	documentation of the consultation in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders.	notification.		Policy 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.	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.	NRRP 2007 meets ADB IR Policy requirements.
14	Pay compensation and provide other resettlement entitlements before physical or economic displacement.	No provision	Full payment of compensation as well as adequate progress in resettlement shall be ensured in advance of the actual displacement of the affected families.	NRRP 2007 meets ADB IR Policy requirements
15	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons.	No provision	The policy equally emphasizes the requirement for monitoring.	NRRP 2007 meets ADB IR Policy requirements.

8. The national and state laws and regulation on land acquisition and ADB's SPS will form the basic principles for the Project which will include the following elements:

- Involuntary resettlement (IR) will be avoided or minimized as much as possible by adopting alternative engineering solutions to the Project;
- Where IR is unavoidable, DPs will be assisted to reestablish themselves in order to improve their the pre-project living standards;
- Gender equality and equity would be ensured and adhered to;
- In case of displacement, the DPs shall be fully involved in the selection of relocation sites, livelihood compensation and development of alternative livelihood options during project preparation. The resettlement plan (RP) shall also be prepared in full consultation with DPs, including disclosure of RP, monitoring reports and project related information;
- Replacement land of equal quality and quantity shall be an option for compensation in the case of loss of land. In case of non-availability of replacement land, cash-for-land compensation on replacement value option will be paid to the DPs;

- Compensation for loss of land, structures, trees, other assets and loss of livelihood and income will be based on full replacement cost² and will be paid before physical displacement of DPs. This shall include transaction costs;
- All compensation/assistance payments and related activities³ will be completed prior to the commencement of civil works;
- RP will be prepared and implemented with consultation and participation of people and local authorities;
- In the event of necessary relocation, DPs shall be assisted to integrate into host communities with all infrastructural facilities extended to the host communities as well as the displaced people;
- Loss of common property resources will be replaced/compensated and community/public services will be provided to DPs;
- Resettlement will be planned as a development activity for the DPs;
- All DPs are entitled to receive compensation/assistance irrespective of title over land/property. However people moving in the project area after the census cut-off date will not be entitled to any compensation/assistance. In case of land acquisition, the date of notification for acquisition will be treated as cut-off date. For non-titleholders such as squatters and encroachers the date of census survey or a similar designated date declared by the Executing Agency will be considered as cut-off date.
- The non-titled displaced persons will be only entitled for non-land assets compensation.
- Vulnerable groups (households below the recognized poverty line; disabled, elderly persons or women headed households, Scheduled Tribes/Scheduled Castes) will be identified and given appropriate assistance to improve their pre project status or their living standards.
- A grievances redress mechanism will be established to redress the grievances of affected people and other stakeholders efficiently.

9. In the absence of a policy consistent with ADB's SPS, this framework and resettlement procedural guidelines shall apply to all subprojects under the loan so as to ensure that persons affected by land acquisition and/or involuntary resettlement will be eligible for appropriate compensation and rehabilitation assistance.

10. As stated earlier, the project as a whole is adopting the approach to avoid and minimize impacts on land, structures and common property resources by adopting feasible technical designs. The reconstruction of damaged infrastructures in all the three sectors will be within the existing right-of-way (ROW) and government land available except at certain locations where minor adjustment and realignment, which may be required due to technical design like improving geometry in road sector.

11. Regarding the eligibility of compensation, all the DPs will be provided with compensation and rehabilitation if (i) their land is lost/reduced, (ii) income source adversely affected, (iii) houses partially or fully demolished, and (iv) other properties such as crops, trees and other assets or access to these properties are reduced or damaged due to the Project. Absence of legal documents of their customary rights of occupancy/titles shall not affect their eligibility for

² Replacement cost means the method of valuing assets to replace the loss at fair market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration, and titling costs. There will not be any depreciation in the value due to the age of structures.

³ While compensation is required prior to dispossession or displacement of affected people from their assets, the full resettlement plan implementation, which may require income rehabilitation measures, might be completed only over a longer period of time after civil works have begun. Displaced people will be provided with certain resettlement entitlements, such as land and asset compensation and transfer allowances, prior to their displacement, dispossession, or restricted access.

compensation. It also must be noted that during the Project implementation stage, if there are any changes in the alignments, thereby adversely affecting the land, livelihood or other assets of the people, the same shall be compensated in accordance with this framework.

12. The framework stipulates payment of compensation as per the assessed value of the land and structure to the DPs. In addition to compensation payments made by Land Acquisition Officer/Competent Authority, the DPs will receive additional assistance in cash or kind to match replacement costs, which is the difference between the market value and the value assessed by the land valuation committee (LVC), if any, for lost assets (land and houses), transaction costs such as stamp duties/registration costs (in case of purchase of replacement land) and other cash grants and resettlement assistance such as shifting allowance, compensation for loss of workdays/income due to dislocation. The vulnerable households (such as households headed by women, Scheduled Tribes/Scheduled Castes, disabled, and elderly persons) will be eligible for further cash assistance for relocation and house reconstruction and will be assisted during shifting, if required.

13. The Entitlement Matrix (Table 2) details out various types of losses, identification/eligibility and entitlements and provides basic parameters for preparation of compensation and resettlement benefits. The matrix will apply to all the subprojects, based on the specific project impacts.

Table 2: Entitlement Matrix

No.	Type of Loss	Unit of Entitlement	Entitlement	Details
A. LOSS OF LAND AND ASSETS				
1	Loss of agricultural land and assets	a. Titleholder b. DPs with customary land right c. Permit for use from local authority	<ul style="list-style-type: none"> • Compensation at replacement value • Resettlement assistance • Transitional allowance • Special provision for vulnerable group 	<p>a. Compensation will be paid as per the Land Acquisition Act.(LAA)</p> <p>b. If the compensation determined by the Competent Authority/DC as per LAA is less than the replacement value, then the difference is to be paid by the EA as assistance.</p> <p>c. If the residual plot(s) is(are) not viable, i.e., the DP becomes a marginal farmer, any of the following 3 options are to be given:</p> <ul style="list-style-type: none"> • The DP remains on the plot, and the compensation and assistance paid to the tune of required amount of land to be acquired. • Compensation and assistance are to be provided for the entire plot including residual part. If the owner of such land wishes that his residual plot should also be acquired by the EA, the EA will acquire the residual plot and pay the

No.	Type of Loss	Unit of Entitlement	Entitlement	Details
				<p>compensation for it.</p> <ul style="list-style-type: none"> • If DP is from vulnerable group, compensation for the entire land by means of land for land will be provided if DP wishes so, provided that the land of equal or more productive value is available. <p>d. Transitional allowance of INR 3,000 per month for 6 months if the residual land is not viable or for 3 months when the residual land is viable. This will be calculated by prevalent daily wage rate.</p> <p>e. All fees, stamp duties, taxes and other charges, as applicable under relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the EA.</p>
2	Loss of non-agricultural land (i.e., homestead and residential structures)	<p>a. Titleholder</p> <p>b. DPs with customary land right</p> <p>c. Permits from local authority</p>	<ul style="list-style-type: none"> • Compensation at replacement value • Resettlement assistance • Transitional allowance • Shifting assistance 	<p>a. Compensation for land and structure will be paid as per LAA.</p> <p>b. If the compensation determined by the Competent Authority/DC as per LAA is less than the replacement cost, then the difference is to be paid by the EA as assistance.</p> <p>c. Replacement cost for residential structure (part or full), which will be calculated as per the prevailing basic schedule of rates (BSR) without depreciation, subject to relevant “quality standards” of BSR as maintained by Government/local body.</p> <p>d. Transitional assistance of INR 3,000 per month in the form of grant to cover a maximum nine months rental accommodation.</p> <p>e. A lump sum shifting allowance of INR 1,500 to INR 2,500 depending on the type of structure and extent of impact.</p> <p>f. Right to salvage material from demolished structure and frontage, etc.</p>

No.	Type of Loss	Unit of Entitlement	Entitlement	Details
				g. Project assisted relocation option will be provided to those whose residential structures become non-livable as a result of Project impacts and a relocation site will be developed in consultation with these affected households (subject to availability of land)
3	Loss of non-agricultural land (i.e., loss of commercial land and structures)	a. Titleholder/ Owner (commercial land and structure) b. DPs with customary land right c. Permits from local authority	<ul style="list-style-type: none"> • Compensation at market rate or replacement value • Resettlement assistance • Transitional allowance • Shifting assistance 	a. Compensation for land and structure will be compensated at the replacement cost b. If replacement cost for land and structure is more than the compensation determined by the Competent Authority, then difference is to be paid by the EA in the form of “assistance”. c. DP will be provided replacement cost of the commercial structure (part or full), which will be calculated as per the prevailing basic schedule of rates (BSR) without depreciation, subject to relevant “quality standards” of BSR as maintained by Government/Local Bodies. d. Transitional assistance of INR 3,000 per month in the form of grant to cover a maximum period of nine months. e. A lump sum shifting allowance of INR 1,500 to INR 2,500 depending on the type of structure and extent of impact. f. Right to salvage material from demolished structure and frontage, etc. g. Training would be provided for upgradation of skills. h. Project assisted relocation option will be provided to those commercial structures can no longer be used as a commercial enterprise as a result of the Project and a relocation site will be developed in consultation with these affected households (subject to availability of land).

No.	Type of Loss	Unit of Entitlement	Entitlement	Details
4	Loss of Residential Tenancy	Residential Tenants	<ul style="list-style-type: none"> • Relocation assistance • Compensation • Shifting assistance 	<p>a. The amount of deposit or advance payment paid by the tenant to the landlord or the remaining amount at the time of expropriation. (This will be deducted from the payment to the landlord.)</p> <p>b. A sum equal to 3 months rental or INR 3,000 per month, whichever is lesser in consideration of the disruption caused.</p> <p>c. Compensation for any structure that tenant has erected on the property. (This will be deducted from the payment to the landlord.)</p> <p>d. A lump sum shifting allowance of INR 1,500 to INR 2,500 depending on the type of structure and extent of impact.</p>
5	Loss of commercial tenancy	Commercial tenants	<ul style="list-style-type: none"> • Relocation assistance • Compensation • Shifting assistance 	<p>a. The amount of deposit or advance payment paid by the tenant to the landlord or the remaining amount at the time of expropriation. (This will be deducted from the payment to the landlord.)</p> <p>b. A sum equal to 3 months rental or INR 3,000 per month, whichever is lesser in consideration of the disruption caused.</p> <p>c. Compensation for any structure that tenant has erected on the property. (This will be deducted from the payment to the landlord.)</p> <p>d. A lump sum shifting allowance of INR 1,500 to INR 2,500 depending on the type of structure and extent of impact.</p>
B. LOSS OF LIVELIHOOD OF TITLEHOLDERS				
6	Loss of wage earnings	<p>a. Employed in SBEs</p> <p>b. Agricultural laborer/ sharecroppers</p>	Assistance	<p>a. This is valid for persons indirectly affected due to their employer being displaced. Assistance is to be paid on a case by case basis, as per the prevailing local wage rates for 100 days.</p> <p>b. Employment opportunity for</p>

No.	Type of Loss	Unit of Entitlement	Entitlement	Details
				DPs in the construction work if desired so by them.
7	Income from non-perennial crops and trees	Household	<ul style="list-style-type: none"> • Notice to harvest standing crops • Compensation of standing crops 	<ol style="list-style-type: none"> a. Advance notice to DPs to harvest their crops. b. In case of standing crops, cash compensation at current market value. c. Grant for replacement of seeds for the next season's harvest towards loss of crops before harvest due to forced relocation. d. Trees will be compensated as per prevailing rate of relevant department.
8	Perennial crops such as fruit trees	Household	Compensation at market value	<ol style="list-style-type: none"> a. Advance notice to DPs to harvest their crops. b. Compensation for perennial crops and trees calculated as annual produce value for at least 3 seasons. c. Grant for replacement of seeds for the next season's harvest towards loss of crops before harvest due to forced relocation. d. Trees will be compensated as per prevailing rate of relevant department.
C. LOSSES OF NON-TITLEHOLDERS				
9	Loss of agricultural land, residential and commercial structure by encroachers	Households who have illegally extended their legally owned land/ property onto public or other private land	<ul style="list-style-type: none"> • No compensation for land • Compensation for structures only to vulnerable household • Shifting assistance for vulnerable encroachers • R&R Assistance only to vulnerable households • Right to salvage materials 	<ol style="list-style-type: none"> a. Encroachers will be notified and given a time in which they will be required to remove their assets and harvest their crops. b. Compensation for structures at replacement cost to the vulnerable households. c. Training would be provided for upgradation of skills to the DPs belonging to vulnerable groups and losing their commercial structures. d. Shifting allowance of INR1,500 to INR 2,500 lump sum for shifting depending on the type of structure and extent of impact. e. Right to salvage materials from the demolished structure.
10	Loss of	Households	• No compensation	a. Compensation for loss of

No.	Type of Loss	Unit of Entitlement	Entitlement	Details
	residential and commercial structure by squatters/informal settlers	living/ earning their livelihood by illegally occupying public or private land	for land <ul style="list-style-type: none"> • Compensation for structures • Shifting assistance • R&R Assistance • Right to salvage materials 	structure at replacement cost. b. A lump sum shifting amount of INR 1,500 to INR 2,500, depending on the type of structure. c. Squatters/informal settlers will be notified and given a time in which they will be required to remove their assets. d. Transitional allowance of INR 3,000 for a period of 3 to a maximum of 6 months, depending on the extent of the impact. e. Training would be provided for upgradation of skills to DPs losing their commercial structures. f. Right to salvage material from the demolished structure. g. Project assisted relocation option provided to those whose residential/commercial structures become non-livable as a result of project impacts and relocation site will be developed in consultation with these affected households (subject to availability of land)
11	Shifting Business – Mobile vendors	Household	Assistance for business disruption	Ambulatory vendors who have been granted license for operating will be paid assistance as one time lump sum amount of INR 3000.
12	Kiosks	Household	Assistance for business disruption	Vendors who have been granted license for operating from a fixed location will be considered as kiosk. Assistance will be paid as one time lump sum amount of INR 3,000
D. ADDITIONAL SUPPORT TO VULNERABLE GROUP				
13	Primary source of income	Vulnerable households including BPL, SC, ST, WHH, disabled, and elderly	Additional assistance to vulnerable groups	One time lump sum assistance of INR 5,000 to vulnerable households. This will be paid above and over other assistance(s) as per this framework.
E. LOSS OF COMMUNITY INFRASTRUCTURE/COMMON PROPERTY RESOURCES				
14	Common property resources	Community	Compensatory replacement	Cash compensation or reconstruction of the community structure in consultation with the

No.	Type of Loss	Unit of Entitlement	Entitlement	Details
				community.
15	Temporary impact during construction includes disruption of normal traffic, increased noise levels, and damage to adjacent parcel of land/assets due to movement of heavy machinery	Community/ individual	Compensation	<ul style="list-style-type: none"> a. The contractor shall bear the cost of any impact on structure or land due to movement of machinery during construction. b. All temporary use of lands outside the proposed right-of-way to be through written approval of the landowner and contractor. c. Location of construction camps by contractors in consultation with EA.
F. ANY OTHER IMPACT				
16	Unforeseen impacts, if any	Unforeseen impacts will be assessed on case by case basis and compensation/ assistance will be paid in accordance with agreed RF, IPPF, ADB's SPS (2009) and National and State policies.		

BPL=below poverty line, DP=displaced person, EA=Executing Agency, SC=scheduled caste, ST=scheduled tribe, WHH=women-headed household.

III. SOCIOECONOMIC INFORMATION

14. EA/IAs will prepare the RPs for relevant subprojects following ADB's SPS as stated in this RF. The social impact assessment and the Census and socio-economic surveys will be conducted to collect the data from the DPs and other stakeholders from the impacted locations.

15. Social impact assessment surveys include 100% census of the DPs, a full asset inventory, land ownership details, usage and productivity of land and/or other assets. In addition, a detailed socio-economic survey of sample 10% of DPs and 20% of the severely affected DPs will be carried out to assess the impacts and socio-economic profile of DPs, especially those belonging to vulnerable groups under the project. It will be based on the final technical designs for the subprojects. The questionnaire will be administered for collecting data from the project affected persons by the trained staff under the supervision of resettlement specialists (SDROs). In addition, focus group discussions and consultations will be conducted with APs and other stakeholders, as applicable, by the specialists. The information will also be furnished in the ADB subscribed checklists for screening and categorization of IR and IPs impacts under each subproject.

16. The asset valuation of the acquired land and asset will be done based on the principle of compensation at the replacement cost of the affected assets.

17. **Valuation of Land:** For land acquisition under the project, a LVC will be constituted at the district level. The Committee will be chaired by the District Collector or his/her representative and will have representatives of local self-government institutions, representatives of DPs, local NGOs as required. The LVC will be responsible to make independent valuation of land/other assets based on existing market replacement cost and will help the EA in expediting the process of land acquisition. The EA is encouraged to acquire land and other assets through a negotiated settlement wherever possible. However, the EA has to agree with ADB on consultation process,

policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record keeping requirements.

- (a) **Land surveys:** EA in consultation with LVC will conduct the land surveys for determining the payment of compensation on the basis of updated official records and ground facts. In determining the replacement value of land, the LVC will (i) appraise recent sales and transfer of title deeds and registration certificates for land in subproject area; and (ii) determine whether the compensation being paid is a true reflection of replacement cost of land based on compilation of appraised rates..
- (b) **Valuation of Structures:** The valuation of houses, buildings and other immovable assets will be determined on the basis of relevant Basic Schedule of Rates (BSR) as on date without depreciation. While considering the BSR rate, EA will ensure that it uses the latest BSR for the residential and commercial structures in the project areas of the state. Compensation for the community property resources, including places of worship will be provided, to enable construction of the same at new places or its renovation, as applicable, through the community and local self-governing bodies/appropriate authority in accordance with the practices followed and ensure the use of compensation amount appropriately.
- (c) **Valuation of Crops and Trees:** The valuation of crops and trees will be based on survey of market prices to establish an average market price and an assessment to ensure that compensation for loss of crops / trees is not lesser than that price.

18. All compensation and other assistances will be paid to all DPs prior to commencement of civil works. After payment of compensation, DPs 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. The value of salvaged materials will not be deducted from the overall compensation amount due to the DPs. A notice to that effect will be issued immediately intimating that DPs can take away the materials. DPs receiving compensation for trees will be allowed to take away timber of their acquired trees for their domestic use. Trees standing on the land owned by the government will be disposed-off through open auction by the concerned Department.

IV. PREPARATION OF RESETTLEMENT PLAN

19. Resettlement plans will be prepared for subprojects based on the results of the census and socio-economic survey. The database of DPs should be completed before resettlement plan preparation. Resettlement plans will be commensurate with subproject involuntary resettlement impacts. All subprojects identified with significant⁴ or marginal resettlement impacts require preparation of RPs and its approval from ADB prior to award of contracts for that subproject. If there is no impact on subproject, a brief report, based on due diligence, will be prepared and submitted to ADB confirming the same and also stating reasons for the same. The format detailing out the procedure of preparing a RP is enclosed at Appendix 2.

⁴ Source: Asian Development Bank Operations Manual –Operational Procedure on Involuntary Resettlement
 Involuntary Resettlement Category A: Significant means 200 or more affected people 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). Involuntary Resettlement Category B: Not Significant include involuntary resettlement impacts that are not deemed significant as per the ADB Operational manual
 Involuntary Resettlement Category C: No involuntary resettlement impacts. A resettlement plan is required in case of both category A and B projects.

20. The RPs must comply with ADB's SPS. The impact on IPs is not anticipated under the project. EA will confirm it based on social impact assessment for each subproject. In case impacts on indigenous peoples (IPs) are identified, then an IPP will be prepared in accordance with the IPPF and the SPS, 2009. The EA will submit the IPP to ADB for approval. The submission of RP for approval to ADB for the relevant subproject will be made together with subproject appraisal report, which would be prior to awarding civil works contract to the contractor. Payments of compensation and assistance amount as per entitlement matrix to DPs will be made prior to displacement under the project.

V. CONSULTATION, PARTICIPATION AND DISCLOSURE

21. Each RP will be prepared in close consultation with the DPs and other stakeholders. They will be informed and consulted about (i) the subproject and its impacts; (ii) process of RP preparation; (iii) entitlements and options, including the cut-off date for eligibility; (iv) relocation sites with facilities, if necessary; (v) mechanism of grievance redress; and (vi) tentative time schedule of project implementation. The consultation will also dwell on institutional arrangement of the project implementation including RP activities, the personnel responsible for RP implementation and grievance redress.

22. Information dissemination and meaningful consultation is an ongoing process that will continue throughout the project cycle. The DPs, representatives of local bodies, NGOs, IA officials and other stakeholders will be consulted and their opinion solicited will be incorporated in preparing, updating and implementing the RPs. They will participate from the initial phase of project design, as required, preparation, implementation and monitoring of RPs. Different techniques of consultations with the stakeholders include interviews, focus group discussions, participatory public meetings, etc. Particular attention will be given to the vulnerable groups, including women. All consultations undertaken will be documented in draft RP and updated RP and in monitoring reports during resettlement plan implementation. This will include minutes of meetings, photos and attendance sheets. Public Consultation and Disclosure Plan will be prepared for each subproject. The format for the Public Consultation and Disclosure Plan is enclosed at Appendix 3.

23. The draft and final RPs and updated RPs, as required, will be made available to DPs and other stakeholders in vernacular language(s) at the public places and IAs and PMU offices. The copies of RPs will also be available at village panchayat/ municipal body, Block Development Office, and District Collector office. The summarized RP in pamphlets/brochures will be distributed to the DPs and other stakeholders timely. The draft, final and updated RPs and social monitoring reports will be disclosed on ADB and PMU website.

VI. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation

24. Land acquisition and resettlement impacts will be compensated in accordance with the provisions of the entitlement matrix for the project. Compensation for loss of land will be determined on the basis of replacement value. The value of the houses, buildings and other immovable properties of DPs will be determined for the purpose of payment of compensation at the relevant Basic Schedule of Rates (BSR) published by the state government. Compensation for trees will also be based on their market value in case of timber bearing trees and replacement value in case of fruit bearing trees based on rates fixed by the relevant department. Compensation for other assets (wells, irrigation units, etc.) will be based on replacement value.

25. Full compensation will be paid and resettlement of DPs will be completed before taking possession of land/properties and prior to the start of civil works. The DPs will hand over to the Government, land and properties acquired free from all encumbrances such as mortgage and debt. However, in case of any loans, on such acquired land and properties given to the DP by any government agency, remains unadjusted based on the information furnished by the DP or by the lending agency, such amounts will be deducted from total compensation. The acquired land and properties will vest with the Competent Authority paying compensation for such lands/properties.

B. Income Restoration and Relocation

26. Long term loss of income or disruption of livelihood due to the project is not envisaged. The likely impacts on livelihood are related to disruptions of business, loss of livelihood for commercial activities of DPs in and around the subproject locations during the construction period. Such impacts will be mitigated as per the provisions given in entitlement matrix. The basic objective of income restoration is to ensure that each DP will at least have the same or improved income and livelihood after subproject implementation. Short-term income restoration activities are intended to restore DP's income through short-term allowances such as (i) subsistence/transitional allowance; and (ii) shifting assistance. These have been integrated into the entitlement matrix. In the unlikely event of any loss of livelihood resulting in long term livelihood impacts, income restoration schemes will be designed in consultation with DPs. The need assessment of DPs and market survey for the products to be produced through income /entrepreneurial training will be carried out prior to finalization of the training programs. The resettlement plan budget will reflect the cost of providing income generating assets and training. The executing agency will also ensure the access of government schemes to the DPs that could help them restore income and livelihoods.

27. In case of involuntary displacement is unavoidable a suitable resettlement site will be searched in consultation with the DPs. The land will be complete with all infrastructural facilities including water, electricity, sewerage, drainage (if within urban locality), and other appropriate civic amenities. If the area is within existing inhabited locality, all the facilities will also be extended to the host communities. As far as possible, the displaced families will be relocated *en masse*, especially if they belong to scheduled castes/scheduled tribe communities or other minorities. All efforts will be taken to restore their social/cultural institutions in the relocation sites and preserve a communal harmony among the host and resettled communities.

VII. GRIEVANCE REDRESS MECHANISM

28. At the project level, the implementing agency together with the NGO will redress the grievances of DPs in the first place.. At the district level, a Grievance Redress Committee (GRC) will be formed to deal with the disputes and grievances of DPs and facilitate timely implementation of the project. The GRC will be headed by the district collector or a representative from the collector's office. The GRC will have the representatives from the respective IA, DPs, including from vulnerable groups, local government and RP implementing NGO. The RP implementing NGO will organize the GRC meetings on monthly basis or as per project requirement. The NGO will first register the grievances and take up with GRC for redressal. In the event that a grievance is not addressed by the GRC, the DP can seek legal redress of the grievance in the appropriate Courts in accordance with judicial system at state and national levels.

29. The functions of the GRC are as follows:

- (i) Provide support to DPs on problems arising from land acquisition (temporary or permanent); asset acquisition; and eligibility for entitlements, compensation and assistance;
- (ii) Record grievances of DPs, categorize and prioritize them and provide solutions in time; and
- (iii) Report to the aggrieved parties about developments regarding their grievances and decisions of the GRC.

30. The process will promote conflict resolution through mediation. Grievances will be redressed within two to four weeks from the date of lodging the complaints, depending on severity of problem. All costs incurred in resolving the complaints will be borne by the EA. A comprehensive record will be maintained by EA for all grievance proceedings and subsequent redress.

VIII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

31. The RP will include adequate institutional arrangements to ensure effective and timely design, planning, consultation, and implementation of resettlement activities comprising payment of compensation, resettlement assistance and rehabilitation measures.

32. The EA will have the primary responsibility of planning, coordination and financing the implementation of the RPs. The EA will appoint a full-time Social Development and Resettlement Officer (SDRO) in the PMU with requisite educational qualification and experience of working in ADB funded projects. He/she will be responsible for coordinating for the preparation and implementation of resettlement plans in consultation with the respective IAs. The EA will ensure one SDRO in each IA. The SDRO, PMU will be overall responsible for monitoring and reporting about the implementation of RPs. The EA will engage experienced NGOs/agency for assisting implementation of RPs, who will have a gender specialist as a member of the team. The SDRO at the PMU level will coordinate with the IAs, DSCs, and the Land Acquisition Officer at the district level for the effective resettlement plan implementation. The SDROs will be provided with necessary trainings on resettlement implementation and management. The NGO/agency staff will also undergo an orientation and training in implementation and management of resettlement activities.

33. An indicative schedule will be prepared for RP implementation activities vis-à-vis construction works. It will show the time schedule of land acquisition and resettlement activities including target dates for commencement and completion of works and procedures for implementing the key activities. The detailed implementation schedule will describe all activities related to R&R and payment of compensation for losses and preparation for relocation site, if necessary, before displacement of any affected household and commencement of civil work activities. Responsibility for RP implementation is given in Table 3.

Table 3: Agencies Responsible for Resettlement Implementation

Activity	Responsible Agency
Appointment of one SDRO in PMU	EA
Appointment of three SDROs for each implementing agency (IAs)	EA
Organizing resettlement training workshop	PMU
Social screening, categorization of impacts, , census and surveys and preparation of land acquisition plan, resettlement plan, IPP	PMU through IAs/ DSCs
Hiring of NGOs	EA

Activity	Responsible Agency
Public consultation and disclosure of RP, IPP, monitoring reports	PMU/IAs/DSCs/NGO
Establishment of grievance redressal mechanism	PMU/IAs/NGO
Coordination with district administration for land acquisition	PMU/IAs/
Declaration of cut-off date	PMU/IAs
Review and obtaining of approval of RP/IPP from ADB	PMU
Submission of land acquisition proposals to District Commissioner	PMU/IAs
Compensation award and payment of compensation	District Commissioner
Payment of replacement value allowance	PMU/IAs
Taking possession of acquired land to contractors for construction	PMU/IAs
Notify the date of commencement of construction to DPs	PMU/IAs
Assistance in relocation, particularly for vulnerable groups	IAs/NGO
Internal monitoring of RP implementation	PMU/IAs/NGO
External monitoring and evaluation	External monitor

NGO=nongovernment organization, IA=Implementing Agency, PMU=Project Management Unit, SRDO= Social development resettlement officer, RP=resettlement plan.

IX. BUDGET AND FINANCING

34. A detailed budget estimate for RP implementation for each subproject will be prepared by EA. The budget shall include: (i) detailed costs of land acquisition, relocation, and livelihood and income restoration and improvement; (ii) source of funding; (iii) administrative costs; (iv) external monitoring cost; (v) cost of hiring agency/NGO to implement RP; (vi) arrangement for approval of budget, the flow of funds, and contingency arrangements. All land acquisition, compensation, relocation and rehabilitation, administrative, monitoring and consultant cost, income and livelihood restoration cost will be borne by the EA which will ensure timely disbursement of funds to the District Collector office for land acquisition and the Implementing Agency/NGOs for RP implementation. Tentative details for budget estimation are given in Table 4.

Table 4: R&R Budget Estimation (in INR)**X. MONITORING AND REPORTING**

Items	Unit Rates	Quantity	Total
Compensation for loss of private land			
Compensation for loss of structures			
Compensation for loss of trees			
Resettlement costs and assistance, including to vulnerable groups			
Administration and implementation costs, including costs of surveys, consultations, training, grievance redress, etc.			
Hiring resettlement experts/social development & resettlement officers			
Hiring NGOs			
Hiring External Monitor			
Contingencies (15 % of total cost)			

35. Monitoring and reporting for the project will be both internal and external. The EA with the help of implementing NGO and SDROs will conduct regular internal monitoring of resettlement implementation and prepare monthly progress reports. The reports will contain progress made in RP implementation with particular attention to compliance with the principles and entitlement matrix set out in the resettlement plan. The report will also document consultation activities conducted; provide summary of issues or problems identified and actions taken to resolve the issues; and provide summary of grievances or complaints lodged by DPs and actions taken to redress such complaints. The monitoring reports will be disclosed in the same process the resettlement planning documents are disclosed.

36. For external monitoring, qualified and experienced external agency/experts will be hired by the EA in agreement with ADB to undertake external monitoring for the project. The external monitor will verify the internal monitoring information, advise EA on safeguard compliance issues and if any significant involuntary issues are identified, prepare corrective action plan to address such issues. External monitoring reports will be prepared and submitted to the EA that will be further submitted to ADB on a semi-annual basis. In addition, the external monitor would conduct mid-term and end-term impact evaluation and submit reports.

37. **Monitoring Indicators.** The indicators for achievement of objectives under resettlement implementation are of two kinds:

- (i) Process Indicators: Indicating project inputs, expenditure, staff deployment, etc.
- (ii) Output Indicators: Indicating results in terms of numbers of DPs compensated, area of temporarily occupied lands restored, etc.

38. Input and output indicators related to physical progress of the work will include items such as:

- (i) Training of SRDOs, NGOs and other staff completed;
- (ii) Census, assets inventories, assessments and socio-economic studies completed;
- (iii) Grievance redress procedures in-place and functioning;
- (iv) Compensation payments disbursed;
- (v) Relocation of DPs completed.
- (vi) Employment provided to DPs, including vulnerables and women.
- (vii) Monitoring and evaluation reports submitted.

39. **Impact Evaluation**

The broad objectives of the impact evaluation are as follows:

- (i) To assess whether DPs have improved their living standards, in terms of income, housing condition, access to infrastructure, ownership of land and material assets;
- (ii) To evaluate whether safeguards objectives of the project are being achieved;
- (iii) To monitor schedules and achievement of targets.

INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
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?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
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?				
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project?		[] No [] Yes		
If yes, approximately how many?				
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.

FORMAT AND SCOPE OF A RESETTLEMENT PLAN

Topic	Contents
Executive Summary	
Project Description	<ul style="list-style-type: none"> • Provides a general description of the subprojects, project components resulting in land acquisition, involuntary resettlement; identify the project area and provides alternative to avoid or minimize resettlement impact.
Scope of Land Acquisition and Resettlement	<ul style="list-style-type: none"> • Project's potential impacts, includes maps of the areas or zones of impact • Scope of land acquisition (with maps), and explaining necessity for the project • Summarizes the key effects in terms of assets acquired and displaced persons • Details of common property resources
Socioeconomic Information and Profile	<ul style="list-style-type: none"> • Definition, identification and enumeration of people and communities to be affected • Description of likely impacts of land / assets acquisition on people and on communities considering the social, cultural and economic parameters • Discuss project impact on poor, indigenous and ethnic minorities and other vulnerable groups • Identification of gender and resettlement impact, needs and priorities of women
Information Disclosure, Consultation and Participation	<ul style="list-style-type: none"> • Identification of project stakeholders, especially primary stakeholders • Description of consultation and participation mechanism to be used during different stages of project cycle • Describes activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders • Summarizes results of consultations with DPs, discusses how concerns raised and recommendations made were addressed in the RP • Confirms disclosure of the RP and monitoring reports to the DPs and includes arrangements to disclose any subsequent plans • Describes planned information disclosure measures and the process for consultation with the DPs during project implementation
Grievance Redress Mechanisms	<ul style="list-style-type: none"> • Mechanisms for resolution of conflicts and appeals procedures
Legal Framework	<ul style="list-style-type: none"> • Describes national and local laws, regulations, policy that apply to the project and gaps, if any, to be identified between local laws and ADB's Safeguard Policy Statement requirements and discuss how to address the gap • Describes legal and policy commitments from the EA for all types of DPs • Outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for

Topic	Contents
	<p>assets, incomes and livelihoods; set out eligibility criteria and compensation disbursement schedule</p> <ul style="list-style-type: none"> • Describes land acquisition process and prepare a schedule for meeting key procedural requirements
Entitlement, Assistance and Benefits	<ul style="list-style-type: none"> • Defines displaced persons' entitlements and eligibility criteria, all resettlement assistance measures (includes Entitlement Matrix) • Specifies all assistance to vulnerable people • Outlines opportunities for DPs to derive development benefits from the project
Relocation of Housing and Settlements	<ul style="list-style-type: none"> • Describes options for housing and other structures, including replacement housing, replacement cash compensation and self-relocation • Describes relocation sites, community consultations, justification of site selection, environmental assessment and development needs • Provides time schedule for site preparation and transfer • Legal arrangements to regularize tenure and transfer of titles to DPs • Outlines measures of assisting DPs to transfer and establish at new relocation sites • Describes plans of civic infrastructures • Method of integration with host communities
Income Restoration and Rehabilitation	<ul style="list-style-type: none"> • Identifies livelihood risks and prepares disaggregated table based on demographic data and livelihood sources • Describes income restoration measures, including multiple options for restoring all livelihoods • Outlines measures to provide social safety net through social insurance and/ project special fund • Special measures to support vulnerable groups • Explains gender considerations • Describes training programs
Resettlement Budget and Financing Plan	<ul style="list-style-type: none"> • Provides an itemized budget for all resettlement activities, including resettlement unit, staff training, monitoring and reporting and preparation of RPs during loan implementation • Describes the flow of funds • Includes justification for all assumptions made in calculating compensation rates and other cost estimates plus replacement cost • Includes information about source of funding for the resettlement budget
Institutional Arrangements	<ul style="list-style-type: none"> • Describes institutional arrangement responsibilities and mechanism for carrying out the measures of the RP • Includes institutional capacity building programs, technical assistance, etc • Describes role of NGOs, organizations of the DPs in RP planning and management • Describes how women's groups will be involved in RP planning and management

Topic	Contents
Implementation Schedule	<ul style="list-style-type: none">• A detailed time bound implementation schedule for all key R&R activities that will be included. It should cover all activities synchronized with project civil construction works and land acquisition process and timeline
Monitoring and Reporting	<ul style="list-style-type: none">• Describes the mechanism and benchmarks appropriate to the project for monitoring and evaluating the RP implementation. It specifies arrangements for participation of DPs in the monitoring process. This will also describe reporting procedures

PUBLIC CONSULTATION AND DISCLOSURE PLAN

Activity	Task	Timing (Date/Period)	No. of Persons	Agencies	Feedback/ Issues/ Concerns Raised	Remarks
Stakeholder Identification	Mapping of the project area					
Project information Dissemination	Distribution of information leaflets to displaced persons (DPs)					
Consultative Meetings with DPs during Scoping Phase	Discuss potential impacts of the project					
Public Notification	Publish list of affected lands/sites in a local newspaper; Establish eligibility cut-off date					
Socio-Economic Survey	Collect socio-economic information on DP's perception on the project					
Consultative Meetings on Resettlement Mitigation Measures	Discuss entitlements, compensation rates, grievance redress mechanisms					
Publicize the resettlement plan (RP)	Distribute Leaflets or Booklets in local language					
Full Disclosure of the RP to DPs	Distribute RP in local language to DPs					
Web Disclosure of the RP	RP posted on ADB and/or EA website					
Consultative Meetings during DMS	Face to face meetings with DPs					
Disclosure after Detailed Measurement Survey (DMS)	Disclose updated RP to DPs					

Web Disclosure of the Updated RP	Updated RP posted on ADB and/or EA website					
Web Disclosure of the monitoring reports	Monitoring Reports posted on ADB and/or EA website					