

Resettlement Framework

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IND: SASEC Road Connectivity Investment Program

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CURRENCY EQUIVALENTS

(as of May 2014)

Currency unit	–	Indian Rupee (Rs)
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\$1.00	=	INR 59.5426

ABBREVIATIONS

ADB	–	Asian Development Bank
BSR	–	Basic Schedule of Rates
DC	–	District Collector
DH	–	Displaced household
DP	–	Displaced person
EA	–	Executing Agency
GOI	–	Government of India
GRC	–	Grievance Redressal Committee
IA	–	Implementing Agency
IAY	–	Indira Awaas Yojana
IPP	–	Indigenous Peoples Plan
LA	–	Land acquisition
LAA	–	Land Acquisition Act, 1894
L&LRO	–	Land and Land Revenue Office
RFCT in LARR Act - 2013	–	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
LVC	–	Land Valuation Committee
MORTH	–	Ministry of Road Transport and Highways
NGO	–	Nongovernment organization
NHA	–	National Highways Act, 1956
NRRP	–	National Rehabilitation and Resettlement Policy, 2007
PD	–	Project Director
PIU	–	Project implementation unit
PWD	–	Public Works Department
MPWD	–	Manipur Public Works Department
WBPWD	–	West Bengal Public Works (Roads) Department
R&R	–	Resettlement and rehabilitation
RF	–	Resettlement framework
RO	–	Resettlement Officer
ROW	–	Right-of-way
RP	–	Resettlement plan
SC	–	Scheduled caste
SH	–	State highway
SPS	–	Safeguard Policy Statement
ST	–	Scheduled tribe

NOTE

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

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CONTENTS

I.	INTRODUCTION	1
A.	Overview of the Project	1
B.	Purpose of the Resettlement Framework	1
II.	OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS	2
A.	Policy and Legal Framework	3
B.	Comparison of Government and ADB Policies	7
C.	Involuntary Resettlement Safeguard Principles for the Project	8
D.	Entitlement Matrix	9
E.	Screening Criteria of Subprojects	21
F.	Negotiated Settlement	21
III.	SOCIOECONOMIC INFORMATION	22
A.	Surveys	22
B.	Resettlement Plan	23
C.	Gender Impacts and Mitigation Measures	23
IV.	COMPENSATION, INCOME RESTORATION AND RELOCATION	24
A.	Valuation of Lost and Affected Assets	24
B.	Income Restoration	26
V.	CONSULTATION, PARTICIPATION AND DISCLOSURE	26
A.	Meaningful Consultation and Participation of key stakeholders	26
B.	Information Dissemination and Resettlement Plan Disclosure	27
VI.	GRIEVANCE REDRESS MECHANISM	29
VII.	INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION	30
VIII.	IMPLEMENTATION SCHEDULE	33
IX.	BUDGET AND FINANCING	33
X.	MONITORING AND REPORTING	34
A.	Internal Monitoring	34
B.	External Monitoring	34

APPENDIX

Appendix 1: Summary of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.....	36
Appendix 2: Comparison between the Borrower and ADB's Safeguard Policy Statement	40
Appendix 3: involuntary Resettlement Impact Categorization Checklist	44
Appendix 4: Outline of Resettlement Plan	45
Appendix 5: Memorandum of Understanding for Land Donation	49
Appendix 6: Indicative Terms of Reference (TOR) for the NGO to assist in Resettlement Plan Implementation	51
Appendix 7: Indicative Implementation Schedule	55
Appendix 8: Indicative Monitoring Indicators	56
Appendix 9: LAR Planning and Implementation Monitoring Form.....	58
Appendix 10: Sample TOR for the External Monitor	64

I. INTRODUCTION

A. Overview of the Project

1. The SASEC Road Connectivity Investment Program (“SRCIP”) will improve road connectivity and efficiency of the international trade corridor, by expanding about 500km of roads in the North Bengal and Northeastern Region (NB-NER) of India. The project area under SRCIP is a key strategic thoroughfare integrating South and South East Asia, bordering Bangladesh, Bhutan, Myanmar and Nepal. It will enable efficient and safe transport within India and regionally with other South Asia Subregional Economic Cooperation (SASEC) member countries.¹ Ultimately, SRCIP will pave the way from India and other South Asian countries to Myanmar, and further afield to other member countries of the Association of South East Asian Nations (ASEAN).

2. The proposed investment program will upgrade national highways (NH), and state highways (SH) connecting five countries: Bangladesh, Bhutan, India, Myanmar and Nepal in the northeastern part of India including North Bengal. A Multitranches Financing Facility (MFF) modality is proposed to finance the program given the large scale of the program and the need to carefully study priority corridors particularly in the India-Bangladesh-Myanmar region.

3. For the NH sections, MORTH will be the EA and the IA for Manipur and West Bengal will be the Manipur Public Works Department (MPWD) and West Bengal Public Works (Roads) Department respectively (WBPWD). For the SH sections in Manipur, the EA and IA will be the Manipur PWD. MPWD and WBPWD will establish Project Implementation Units (PIU) and they will be responsible for conducting the social assessment and formulating RPs for the subprojects, as outlined in this RF.

4. Under Tranche 1 of the investment program, two identified subprojects totalling about 134km in West Bengal will be improved due to their significant regional cooperation and integration impacts, economic viability, and social, resettlement and environmental soundness. They include (i) 37km of AH-2: Panitanki (Nepal border) – Naxalbari – Shivmandir –Fulbari (Bangladesh border) and (ii) 97km of AH-48: Jaigaon (Bhutan border) – Hasimara – Mainaguri – Changrabandha (Bangladesh border). In addition, two non-sample subprojects in Manipur are being studied. They are: (i) 46 km of Imphal Ring Road, and (ii) 99 km of Imphal-Kangchup-Tamenglong Road. The lists of potential subprojects under preparation for subsequent tranches are provided below in Table 1.

Table 1: List of Potential Subprojects

Name of Road	Area
Mechi River Bridge	West Bengal
Imphal-Moreh Road (NH)	Manipur
Imphal-Wangjing-Heirok-Machi-Khudengthabi Road	Manipur

B. Purpose of the Resettlement Framework

5. This Resettlement Framework (RF) has been formulated based on (i) ADB’s Safeguard Policy Statement (SPS 2009), and government laws and policies as outlined in Section II. Any component included in the Project shall comply with the requirements of the Government of

¹Comprising of Bangladesh, Bhutan, India and Nepal.

India, the state governments and ADB. The sample subprojects will consist of NH and SH. The draft RPs will be endorsed by the EA/IA and submitted to ADB for review and approval prior to civil works contract award. Compensation at replacement cost and other assistances will be paid to all the displaced persons (DPs)² prior to commencement of construction activities and prior to displacement or dispossession of assets.

6. This RF has been prepared to guide the preparation of RPs for subprojects financed under the MFF. The RF will be reviewed and updated from time to time to ensure relevance and consistency with applicable country legal frameworks and ADB's Safeguard Policy Statement, 2009 (SPS).

7. The purpose of this RF is to do the following: (i) specify the requirements that will be followed in relation to subproject screening and categorization, assessment, and planning, including arrangements for meaningful consultation with displaced people and other stakeholders, information disclosure requirements and, where applicable, safeguard criteria that are to be used in selecting subprojects and/or components; (ii) assess the adequacy of the client's capacity to implement national laws and ADB's requirements and identify needs for capacity building; (iii) specify implementation procedures, including the budget, institutional arrangements, and capacity development requirements; (iv) specify monitoring and reporting requirements; (v) describe the responsibilities of the client and of ADB in relation to the preparation, implementation, and progress review of social safeguard documents of subprojects; (vi) lays out the principles and objectives governing the preparation and implementation of RPs and ensures consistency with ADB policy requirements; and (vii) compares applicable national laws and regulations and the ADB SPS and outlines measures to fill identified gaps.

II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

8. The RF has been prepared for the investment program. Two RPs for the two sample subprojects were prepared in accordance with this RF and the same will apply for subsequent subprojects identified for funding under the investment program.

9. The RF outlines the objectives, policy principles and procedures for land acquisition, compensation and other assistance measures for displaced persons. It includes guidance on screening and categorization, assessment, planning, institutional arrangements and processes to be followed for all subprojects.

10. The IA will be responsible for conducting the social assessment and formulating RPs for non-sample subprojects, as per the procedures outlined in this RF. The draft RPs will be disclosed to the displaced persons and submitted to ADB for review and approval prior to commencement of any civil works. Compensation and other assistances will have to be paid to DPs prior to any physical or economic displacement of displaced households.

² According to ADB SPS-2009, in the context of involuntary resettlement, 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 designated parks and protected areas.

A. Policy and Legal Framework

11. The policy framework and entitlements for the Program are based on national laws: The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the National Highways Act, 1956; State laws and regulations and ADB's SPS, 2009. Provisions for land acquisition in the tribal areas are included below in case land will be required for the project in tribal areas. Further, a brief note on the new act has also been provided as the act has become effective since January, 2014.

1. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCT in LARR), 2013

12. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCT in LARR Act - 2013) has been effective from January 1, 2014 after receiving the assent of the President of Republic of India. This Act extends to the whole of India except the state of Jammu and Kashmir. The Act replaced the Land Acquisition Act, 1894.

13. The aims and objectives of the Act include: (i) to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the constitution of India, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other affected families; (ii) provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition; (iii) make adequate provisions for such affected persons for their rehabilitation and resettlement; (iv) ensure that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto.

14. Section 27 of the Act defines the method by which market value of the land shall be computed under the proposed law. Schedule I outlines the proposed minimum compensation based on a multiple of market value. Schedule II through VI outline the resettlement and rehabilitation entitlements to land owners and livelihood losers, which shall be in addition to the minimum compensation per Schedule I. Additional details regarding the Act can be found in **Appendix 1**.

15. **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Ordinance, 2014**. With an intention to overcome the procedural difficulties in land acquisition for important national projects, President of India has issued an amendment ordinance on 31st December 2014. Three main features of the ordinance among others are as following:

- (i) The Chapter II and III of the RFCT in LARR Act - 2013 regarding *determination of social impact assessment and public purpose and special provision to safeguard food security* shall not apply to the project such as (a) vital to national security or defence of India and every part thereof, including preparation for defence or defence production; (b) rural infrastructure including electrification; (c) affordable housing and housing for the poor people; (d) industrial corridors ; and (e) infrastructure and social infrastructure projects including projects under public

private partnership where the ownership of land continues to vest with the Government.

- (ii) The five year period set by the principal Act in Section 24 under sub-section (2), for lapse of 1894 Act shall exclude the cases where acquisition process is held up on account of any stay or injunction issued by any court or the period specified in the award of a Tribunal for taking possession.
- (iii) The five year period set by the principal Act for any land acquired and unused is now will be *a period specified for the setting up of any project or five years, whichever is later.*

2. National Highways Act, 1956 (Act 48 of 1956)

16. The act provides for declaration of certain highways as national highways, development and maintenance of national highways by central government with its own funds and also governs land acquisition and compensation for development of national highways in all States.

17. The National Highways Act does not have provision for payment of 30% solatium and additional 12 percent. However, there is no bar in the competent authority including solatium and 12 percent additional payment as part of the compensation determined. The act provides for expeditious acquisition of land for forming, strengthening and widening of national highways.

18. From the effective date of the RFCT in LARR Act, 2013 i.e. 1st January 2014, the existing National Highways Act will have 1 year to adopt the; (i) compensation for land owners (First Schedule); (ii) rehabilitation and resettlement entitlements (Second Schedule); and (iii) provision of infrastructure amenities (Third Schedule).

3. Legal and Policy Framework of West Bengal State

a. West Bengal Public Land (Eviction of Unauthorised Occupants) Act, 1962 (WB Act XIII of 1962)

19. Eviction of encroachers from the government lands is governed by the provisions of this act and the rules framed there under. The Act provides for speedier and less cumbersome procedure for removing the encroachment/ illegal construction by encroachers. Under this act, the District Collector can order eviction and even execute such eviction. BL&LROs should identify the encroached lands and send proposals to SDEMs who function as Collector, through SDL&LROs. After serving notice U/s 3of the Act and giving not less 15 days' time to show cause, action for demolition of structures/ removal of encroachment can be initiated after providing reasonable time for hearing.

b. West Bengal Land and Land Reforms Manual, 1991

20. The manual lays down the principles and procedures to be followed by the officials and functionaries in matters relating to land and land reforms in accordance with the provisions of the relevant act and rules; and it also lays down government policy in matters relating to management, use and settlement of government lands.

c. New Approach in Land Acquisition - GO No. 1701 to 1707-LA-3M-07/06, 2006

21. Revised Procedure and administrative arrangements for effective and efficient disposal of land acquisition cases under the provisions of Land Acquisition Act, 1894 was issued by Land & Land Reforms Department, Government of West Bengal on June 06,2006.

22. In case of compulsory acquisition of land resulting in eviction of a family from homestead, Para 11 of GO No. 1701 outlines the need for basic minimum resettlement and rehabilitation package in accordance with provisions of GO No. 1706.

23. Consent award has been introduced vide Para 12 of GO No. 1701, by giving right to land owner to submit compensation claim to the land acquisition collector as outlined in Go No. 1703.

4. Legal and Policy Framework of Manipur State

a. The Manipur Municipalities Act, 1994

24. Acquisition of land: The act provides that, when any land, whether within or outside the limits of a municipality is required for the purposes of this Act, the State Government may at the request of the Nagar Panchayat or the Council, proceed to acquire it under the provisions of the land acquisition act, 1894, and on payment by the Nagar Panchayat or the Council, as the case may be, of the compensation awarded under that act and of any other charges incurred in acquiring the land, the land shall vest in the Nagar Panchayat or the council, as the case may be.

25. Encroachments on public lands belonging to the Municipality: The act provides penalty for encroachment on public lands, including upon any public road, public drain, sewer, aqueduct, water course and other public lands. The act provides power to the Municipality for issue of notice to the encroacher to remove obstructions, encroachments on public lands. In the event of non-removal within 48 hours of the notice, the municipality is empowered to remove such obstruction or encroachment.

b. The Manipur Land Revenue & Land Reform Act, 1960 (MLR & LR Act, 1960)

26. The Manipur Land Revenue & Land Reform Act, 1960 (MLR & LR Act, 1960) was enacted by the Parliament to consolidate and amend the law relating to land revenue in the State of Manipur and to provide certain measures of land reform. Prior to the enactment of this act, the Assam Land & Revenue Regulation Act, 1886 was applied to Manipur by a State Durbar Resolution.

27. Section 2 of the Act defines applicability of the act and states that it extends to the whole of the State of Manipur except the hill areas thereof. Hill areas is defined vide Sec 2(j) as such areas in the hill tracts of the State of Manipur as the State Government may, by notification in the official Gazette, declare to be hill areas.

c. The Manipur Public Premises (Eviction of Unauthorised Occupants) Act, 1978

28. The Act provides for the prevention of slums and for the speedy eviction of unauthorised occupants from public premises in the State of Manipur. Section 3 of the act empowers the competent authority, after making such inquiry as he deems fit, and after satisfying that any public premises is in unauthorised occupation, the competent authority may, after recording the reasons thereof, make an order of eviction directing that the public premises shall be vacated by all persons who may be in occupation thereof or any part thereof within ten days from the date of the proclamation referred to in clause (b) of sub-section (2), in the case of buildings, and within three days from the date of such proclamation, in other cases.

d. The Manipur (Hill Areas) District Councils Act, 1971 (Act 76 of 1971)

29. This Act provides for the establishment of District Councils in Hill Areas in the Union territory (State) of Manipur. Further, vide Section 44 of the said act, all public roads which have been constructed or are maintained out of the Council Fund and the stones and other materials thereof and also all trees, erections, materials, implements and things provided for such roads, will be under its direction, management and control.

5. Provisions of the Panchayat (Extension to Scheduled Areas) Act (PESA), 1996

30. The Panchayat (Extension to Scheduled Areas) Act, 1996 is meant to enable tribal society to assume control and to preserve and conserve their traditional rights over natural resources. The provisions of the 73rd Amendment, with some modifications, were extended to the tribal areas under Schedule V States namely, Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. One of the important provisions of this act states "the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas

6. The Constitution (Twenty-seventh Amendment) Act, 1971

31. The amendment act, inserted a new article, Article 371C. The hill areas in the state of Manipur largely inhabited by tribal communities are not covered by the 6th Schedule. The special provision envisages the constitution of Hill Areas Committee of State legislature. The Governor is mandated to report to the President regarding the administration of 'hill areas'

7. The Constitution (Eighty-Ninth Amendment) Act, 2003

32. Article 338A was inserted through this amendment to the constitution, which provides for a separate Commission for the Scheduled Tribes known as the National Commission for the Scheduled Tribe. The commission would address all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution of India, other laws in force, Government orders, and to evaluate the working of such safeguards. One of the duties envisaged is 'to participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State'.

8. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

33. This law provides for recognition of forest rights to Scheduled Tribes in occupation of the forest land prior to 13 December 2005 and to other traditional forest dwellers who are in occupation of the forest land for at least 3 generations i.e. 75 years, up to maximum of 4 hectares. These rights are heritable but not alienable or transferable.

9. ADB's Safeguard Policy Statement (SPS), 2009

34. The objectives of ADB's SPS (2009) with regard to involuntary resettlement are: (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

35. ADB's SPS (2009) 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 displaced persons whether such losses and involuntary restrictions are full or partial, permanent or temporary.

36. The three important elements of ADB's SPS (2009) 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 enhance, or at least restore, the livelihoods of all displaced persons relative to pre-project levels and to improve the standard of living of displaced poor and other vulnerable groups.

B. Comparison of Government and ADB Policies

37. The new act 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', which has integrated provisions of National Rehabilitation and Resettlement Policy (2007) with that of The Land Acquisition Act (LAA) of 1894 (as amended in 1984), recognizes titleholders and non-titleholders affected by land acquisition. Whereby, squatters and encroachers are excluded from the purview of the act.

38. RFCT in LARR Act – 2013 has come into effect from January 1, 2014. This Act is both complement the revision of the NRRP (2007) and decrease significantly the gaps between the LAA and ADB's SPS, 2009. The Act also expands compensation coverage of the principal act by requiring that the value of trees, plants, or standing crops damaged must also be included and solatium being 100% of the all amounts inclusive. The Act furthermore has match ADB requirements for all compensation to be paid prior to project taking possession of any land.

39. Therefore, the RFCT in LARR Act – 2013 has established near equivalence of the government's policies with those of ADB's SPS, 2009. Adoption of the below principles for the project has ensured that both are covered in their application to this project. **Appendix 2** provides a gap analysis.

C. Involuntary Resettlement Safeguard Principles for the Project

40. Based on the above analysis of government provisions and ADB policy, the following resettlement principles are adopted for this Project:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks. Measures to avoid and minimize involuntary resettlement impacts include the following: (i) explore alternative alignments or locations which are less impacting, (ii) ensure the appropriate technology is used to reduce land requirements, (iii) modify the designs, cross sections, and geometrics of components to minimize the ROW and ensure involuntary resettlement is avoided or minimized.
- (ii) Carry out meaningful consultations with displaced persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the concerns of displaced persons. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through; (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement cost 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.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (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.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.

- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement³ to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for all compensation, relocation and rehabilitation measures, except land. .
- (viii) Prepare a resettlement plan elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. This resettlement plan will be approved by ADB prior to contract award.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.
- (x) 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. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

D. Entitlement Matrix

41. In accordance with the R&R measures suggested for the project, all displaced 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 displaced persons and measures to

³ ADB SPS 2009 (Safeguards Requirements 2) does not apply to negotiated settlements. The policy encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, an independent external party will be engaged to document the negotiation and settlement processes. In cases where the failure of negotiations would result in expropriation through eminent domain or the buyer could acquire the property regardless of its owner's decision to sell it or not, will trigger ADB's involuntary resettlement policy. The Safeguard Requirements 2 will apply in such cases, including preparing a resettlement plan.

support livelihood restoration if livelihood impacts are envisaged. The displaced persons will be entitled to the following five types of compensation and assistance packages:

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

42. Eligibility for entitlements under this RF is limited by an officially declared and publicized cut-off date to be determined for each subproject in accordance with applicable government regulations and procedures or falling on the date of the census of displaced persons. Cut-off date under the project for the titleholders will be the date of notification u/s 4(1) of the LARR Act or the date of notification u/s 3A (1) of NH Act and for non-titleholders the start date of project census survey. Any person moving into land located within the alignment of the subproject after this cut-off date will not be eligible for compensation, relocation and livelihood rehabilitation entitlements under this RF. Likewise, any additions of and/or alterations made to structures located within the alignment after the cut-off date (with the exception of emergency repairs) will be excluded from eligibility.

43. An Entitlement Matrix has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements; and is in compliance with National Laws and ADB SPS (refer to Table 2).

Table 2: Entitlement Matrix

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
Land						
1-a	Loss of private land	Agricultural land ⁴ , homestead land or vacant plot	Legal titleholders/ Family with traditional titleholders ⁵	<ul style="list-style-type: none"> • Compensation at replacement cost or land-for-land where feasible.⁶ If land-for-land is offered, titles will be in the name of original landowners. • One time Resettlement allowance⁷ of Rs. 50,000 per affected family⁸ • Each affected family shall be eligible for choosing one time assistance option from: (i) Where jobs are created through the project, employment for at least one member of the affected family with suitable training and skill development in the required field; or (ii) One-time payment of Rs. 500,000 per affected family. • Displaced families⁹ belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in 	<ul style="list-style-type: none"> • Compensation accounts for all taxes and fees, and does not account for any depreciation. • Vulnerable households will be identified during the census. • Re-titling to be completed prior to project completion • For option of 	The Valuation Committee will determine replacement value as per the procedures outlined in the subsequent sections of this document. PIU will ensure provision of notice. PIU will verify the extent of impacts through a 100% survey of APs, determine assistance, and identify vulnerable

⁴ The LARR, 2013 Act says no irrigated multi cropped land shall be acquired under this Act, except in exceptional circumstances, as a demonstrable last resort. Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. Such costing shall also reflect while preparing Resettlement Budget.

⁵ Traditional land rights refer to households with customary rights to land. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 defines "Forest Dwelling Scheduled Tribes" as the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests and forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities. The act provides right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement or rehabilitation prior to the 13th of December 2005.

⁶ Including option for compensation for non-viable residual portions.

⁷ The LARR Act-2013 specifies that each affected family shall be given one time Resettlement Allowance of Rs.50,000/- only. This is to cover transport and shifting.

⁸ 'Family' includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him. Widows, divorcees and women deserted by families shall be considered separate family. An adult of either gender with or without spouse or children or dependents shall be considered as a separate family – as defined under LARR Act-2013.

⁹ Displaced family" as defined by the LARR Act-2013, means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. According to ADB SPS-2009, 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 designated parks and protected areas. Thus, under this RF, the subsistence allowance is applicable for all affected families losing land irrespective of their nature of physical or economic displacement.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance.</p> <ul style="list-style-type: none"> Additional assistance to Vulnerable Households 	<p>choosing job created through project, job will be paid at living wage and monitored by CSC.</p>	households.
1-b	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not / Sharecroppers	<ul style="list-style-type: none"> Compensation for rental deposit or unexpired lease (such amount will be deducted from the compensation of land owners). One time Resettlement allowance of Rs. 50,000 per affected family Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance Additional assistance to Vulnerable Households 	<ul style="list-style-type: none"> Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease Vulnerable households will be identified during the census. 	PIU will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to PIU. PIU will ensure provision of notice.
2-a	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholders	<ul style="list-style-type: none"> Compensation for rental deposit or unexpired lease (such amount will be deducted from the compensation of the lessee). Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. Additional assistance to Vulnerable Households 	<ul style="list-style-type: none"> Vulnerable households will be identified during the census. 	PIU will ensure provision of notice and identify vulnerable households.
2-b	Loss of Government land	Vacant plot, Agricultural land, homestead land, RoW of road	Non-Title Holders/Squatters ¹⁰ , Encroachers ¹¹	<ul style="list-style-type: none"> At least 60 days advance notice to shift from occupied land. Notice to harvest standing seasonal crops and compensation. Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in 	<ul style="list-style-type: none"> Vulnerable households will be identified during the census. 	PIU will ensure provision of notice. PIU will identify vulnerable households.

¹⁰ Squatters are those who have no recognizable rights on the land that they are occupying.

¹¹ Encroachers are those who build a structure which is in whole or is part of an adjacent property to which he/she has no title. They are not vulnerable.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance</p> <ul style="list-style-type: none"> Additional assistance to Vulnerable Households 		
Residential Structures						
3-a	Loss of residential structure	Residential structure and other assets ¹²	<p>Legal titleholders</p> <p>Family with traditional land right</p>	<p>Each affected family shall be eligible for choosing one time assistance option from:</p> <p>(i) Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable);</p> <p>or</p> <p>(ii) In Rural area, the displaced family will be provided with the option of constructed house as per Indira Awaas Yojana specifications in lieu of cash compensation; or</p> <p>(iii) In Urban area, the displaced family will be provided with the option of constructed house of minimum 50 sq. m. plinth area in lieu of cash compensation.</p> <ul style="list-style-type: none"> Fees, taxes, and other charges related to replacement structure. Right to salvage materials from structure and other assets with no deductions from replacement value. One-time Resettlement allowance of Rs. 50,000 per affected household One time financial assistance of Rs. 25,000 to the families losing cattle sheds and/or petty shops for reconstruction All displaced families will receive one time Shifting assistance of Rs. 50,000 towards 	<ul style="list-style-type: none"> Compensation accounts for all taxes and fees, and does not account for any depreciation. Vulnerable households will be identified during the census. 	<p>Valuation committee will verify replacement value. PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.</p>

¹² Other assets include, but is not limited to walls, fences, sheds, wells, etc.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>transport costs etc.</p> <ul style="list-style-type: none"> Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. Additional assistance to Vulnerable Households 		
3-b	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> Replacement cost of part/whole of structure constructed by the tenant/leaseholder, and this will be deducted from the compensation amount of the owner. Compensation for rental deposit or unexpired lease. Right to salvage materials (of the portion constructed by tenants or leaseholders) from structure and other assets One time Resettlement allowance of Rs. 50,000 per affected family One time financial assistance of Rs. 25,000 to the families losing cattle sheds and/or petty shops for reconstruction. All displaced families will receive one time Shifting assistance of Rs. 50,000 towards transport costs etc Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. Additional assistance to Vulnerable Households 	<p>Land/structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.</p> <p>Vulnerable households will be identified during the census.</p>	Valuation committee will verify replacement value. PIU will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.
3-c	Loss of residential structure	Residential structure and other assets	Non-Title Holders/ Squatters, Encroachers	<ul style="list-style-type: none"> Replacement cost of structure constructed without depreciation Right to salvage materials from structure and other assets One time Resettlement allowance of Rs. 	Vulnerable households will be identified during the census.	PIU will verify the extent of impacts through a 100% survey of AHs determine

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				50,000 per affected family <ul style="list-style-type: none"> All displaced families will receive one time Shifting assistance of Rs. 50,000 towards transport costs etc. Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. Additional assistance to Vulnerable Households 		assistance, verify and identify vulnerable households.
Commercial Structures						
4-a	Loss of commercial structure	Commercial structure and other assets	Legal titleholders Family with traditional land right	<ul style="list-style-type: none"> Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable) Fees, taxes, and other charges related to replacement structure. Right to salvage materials from structure and other assets with no deductions from replacement value. One time Resettlement allowance of Rs. 50,000 per affected family One time financial assistance of Rs. 25,000 to the families losing shop for reconstruction of shop. All physically displaced families will receive one time Shifting assistance of Rs. 50,000 towards transport costs etc. Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. Additional assistance to Vulnerable Households 	<ul style="list-style-type: none"> Compensation accounts for all taxes and fees, and does not account for any depreciation. Vulnerable households will be identified during the census. 	Valuation committee will determine replacement value. PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4-b	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> Replacement cost of part/whole of structure constructed by the tenant/leaseholder, and this will be 	Land/structure owners will reimburse tenants and leaseholders land	Valuation committee will determine

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>deducted from the compensation amount of the owner.</p> <ul style="list-style-type: none"> • Compensation for rental deposit or unexpired lease. • Right to salvage materials (of the portion constructed by tenants or leaseholders) from structure and other assets • One time Resettlement allowance of Rs. 50,000 per affected family • All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award • Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. • Additional assistance to Vulnerable Households 	<p>rental deposit or unexpired lease.</p> <p>Vulnerable households will be identified during the census.</p>	<p>replacement value. PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.</p>
4-c	Loss of commercial structure	Commercial structure and other assets	Non-Title Holders/Squatters, Encroacher	<ul style="list-style-type: none"> • Replacement cost of structure constructed without depreciation • Right to salvage materials from structure and other assets • One time Resettlement allowance of Rs. 50,000 per affected family • All displaced families will receive one time Shifting assistance of Rs. 50,000 towards transport costs etc. • Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. • Additional assistance to Vulnerable Households 	<p>Vulnerable households will be identified during the census.</p>	<p>PIU will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.</p>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
Livelihood						
5	Loss of livelihood	Livelihood	<p>Legal titleholder losing business/ commercial establishment</p> <p>Family with traditional land right</p> <p>Commercial tenant</p> <p>Commercial leaseholder</p> <p>Employee in commercial establishment</p> <p>Agricultural laborer (long term)</p> <p>Artisans</p> <p>Self-employed</p> <p>Squatters</p>	<ul style="list-style-type: none"> One time financial assistance of minimum Rs. 25,000. Skill up-gradation training to APs opted for (one member of the affected family) income restoration. Preference in employment under the project during construction and implementation. Monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. Additional assistance to Vulnerable Households 	Vulnerable households will be identified during the census.	<p>PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.</p> <p>For Agricultural laborer (long timer) Only those who are in fulltime / permanent employment of the land owner, will be eligible for this assistance. Seasonal agricultural laborers will not be entitled for this assistance.</p>
Trees and Crops						
6	Loss of trees and crops	Standing trees and crops	<p>Legal titleholder</p> <p>Family with traditional land right</p> <p>Agricultural tenant/ leaseholder</p> <p>Sharecroppers</p> <p>Non-Title Holders</p> <p>Squatter</p>	<ul style="list-style-type: none"> Advance notice to harvest crops, fruits, and timbers. Compensation for standing crops in case of such loss, based on an annual crop cycle at market value Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops. 	<ul style="list-style-type: none"> Harvesting prior to acquisition will be accommodated to the extent possible Work schedules will avoid harvest season. Seasonal crops will be given at least 60-day notice. If notice cannot be given, compensation for standing crops will be compensated at 	<p>PIU will ensure provision of notice. Valuation Committee will undertake valuation of standing crops, perennial crops and trees, and finalize compensation rates in consultation with APs.</p>

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
					market value. • Market value of trees/crops has to be determined.	
Vulnerable						
7	Impacts on vulnerable APs	All impacts	Vulnerable APs	<ul style="list-style-type: none"> • One time lump sum assistance of Rs. 25,000 to vulnerable households. This will be paid above and over the other assistance provided in items 1-a, 1-b, 2-a, 2-b, 3-a, 3-b, 3-c, 4-a, 4-b, 4-c, and 5. • Receive preferential in income restoration training program under the project. • Preference in employment under the project during construction and implementation. • Access to basic utilities and public services 	Vulnerable households will be identified during the census and implementation of project.	<p>PIU will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.</p> <p>The PIU with support from the CSC and NGO¹³ will conduct a training need assessment in consultations with the displaced persons so as to develop appropriate income restoration schemes.</p> <p>Suitable trainers or local resources will be identified by PIU and NGO in consultation with local training institutes.</p>
Temporary Loss						

¹³ When suitable NGO is not available, the PIU will be staffed with qualified and experienced social workers to assist the IA in RP implementation

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
8	Temporary loss of land ¹⁴	Land temporarily required for sub-project construction	Legal titleholders Family with traditional land right	<ul style="list-style-type: none"> Any land required by the Project on a temporary basis will be compensated in consultation with the landholders. Rent at market value for the period of occupation Compensation for assets at replacement cost Restoration of land to previous or better quality¹⁵. Location of construction camps will be fixed by contractors in consultation with Government and local community. 	<p>Assessment of impacts if any on structures, assets, crops and trees due to temporary occupation.</p> <p>Site restoration.</p>	Valuation Committee will determine rental value and duration of construction survey and consultation with APs. PIU will ensure compensation is paid prior to site being taken-over by contractor. Contractor will be responsible for site restoration.
9	Temporary disruption of livelihood		Legal titleholders, non-titled APs	<ul style="list-style-type: none"> 60 days advance notice regarding construction activities, including duration and type of disruption. Cash assistance based on the minimum wage/average earnings per month for the loss of income/livelihood for the period of disruption, and contractor's actions to ensure there is no income/access loss consistent with the EMP.¹⁶ Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity.¹⁷ 	Identification of alternative temporary sites to continue economic activity.	Valuation Committee will determine income lost. Contractors will perform actions to minimize income/access loss.
Common Resources						
10	Loss and temporary impacts on	Common resources	Communities	<ul style="list-style-type: none"> Replacement or restoration of the affected community facilities – including public 	Follow ADB SPS	PIU and Contractor.

¹⁴ Temporary possession of land for project purpose can be taken only for three years from the date of commencement of such possession/occupation.

¹⁵ If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under the Act to acquire the land as if it was needed permanently for a public purpose.

¹⁶ This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.

¹⁷ For example assistance to shift to the other side of the road where there is no construction.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
	common resources			water stand posts, public utility posts, temples, shrines, etc.		
Other						
11	Any other loss not identified	-	-	<ul style="list-style-type: none"> Unanticipated involuntary impacts will be documented during the implementation phase and mitigated based on provision made in the RF. 	-	PIU will finalize the entitlements in line with ADB's SPS, 2009.

E. Screening Criteria of Subprojects

44. The EA will be responsible for involuntary resettlement planning and implementation. The following checklist will be used to screen subprojects to identify the resettlement impacts of the subprojects:

- (i) Will the subproject require land? What is the quantity of land required?
- (ii) What will be the estimated total number of persons displaced?
- (iii) Will the impact be permanent or temporary (during construction)?
- (iv) Who owns the land? How is land currently used?
- (v) If private land, how many landowners/tenants/sharecroppers will be displaced?
- (vi) If state land, is it subject to traditional claim?
- (vii) If state land, are there any squatters or informal settlers?
- (viii) What will be the estimated number of squatters?
- (ix) Are there any houses, structures, trees and crops that will be affected (whether state or private land)?
- (x) How many households will be physically displaced?
- (xi) Is there any public or community infrastructure?
- (xii) Will tribal communities be displaced?
- (xiii) What percent of product assets (income generating) will people lose?

45. The PIU will be responsible for clearly documenting the answers to these questions in a table format. In addition, the PIU will submit to ADB the Involuntary Resettlement Impact Categorization Checklist in **Appendix-3** 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:

- (i) **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.
- (ii) **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.
- (iii) **Category C** – A proposed project is classified as Category C if it has no involuntary resettlement impacts. No further action is required.

46. 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.

F. Negotiated Settlement

47. The ADB SPS encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation¹⁸ with displaced persons,

¹⁸ 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)

including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, in case of negotiated settlement, an independent external party¹⁹ will be engaged by the IA to document the negotiation and settlement processes. The principles of this RF with regard to meaningful consultation processes, mechanisms for calculating the replacement costs of land and other assets affected and record-keeping requirements, will be followed while handling Negotiated Settlement. If negotiation fails, the EA will acquire land following the national legislation and ADB SPS.

III. SOCIOECONOMIC INFORMATION

A. Surveys

48. The EA will be supported by the DPR Consultants for the preparation of technical design as well as land acquisition plans as per the existing settlement or village maps, social impact assessment and census of displaced persons based on the detailed measurement survey (DMS) of the affected properties which has been completed. The DMS will be based on the final detailed design. If involuntary resettlement impacts are identified, a resettlement plan shall be prepared based on the census of the displaced persons. The relevant PIU will provide support to the DPR Consultants, especially in providing the local text and assist in organizing public consultations and interviews with local officials. A DMS involves staking out of the affected land on the ground based on the engineering design of a project and forms the basis for carrying out the census and assets inventory of losses of the displaced persons.

49. Social impact assessment (SIA) surveys of the displaced persons will be undertaken in each subproject by the state social impact assessment unit so as to determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a rehabilitation program for implementation. The SIA surveys will comprise of:

- (i) **Baseline Socio-economic Sample Survey.** The purpose of the baseline socioeconomic sample survey of displaced persons is to establish monitoring and evaluation parameters. It will be used as a benchmark for monitoring the socio-economic status of displaced persons. The survey will cover at least 20% of displaced persons. The suggested baseline data should include the following:
- Demographic (household composition by age, gender, ethnicity, education)
 - Income and assets (individual, collective)
 - Occupation (livelihood)
 - Access to public service (health, education, water and sanitation, transport)
 - Gender roles
 - Attitude and preference on resettlement and participation in project employment.

The survey will collect gender-disaggregated data, where relevant, 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

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.

¹⁹ An independent external party is a person not involved in the day-to-day implementation of the project and can include, for example, a local university professor, local NGO representative, etc.

structures and income resources of the population. The EA will allocate adequate resources required for each survey, commensurate with road length and level of anticipated impact.

- (ii) **Census Survey.** The census will cover 100% of displaced persons. The purpose of the census is to: (i) register who the displaced persons are; (ii) assess their income and livelihoods; and (iii) collect inventory of their assets affected due to the project; (iv) identify DPs who are vulnerable²⁰; and (v) collect gender-disaggregated information pertaining to the economic and socio-cultural conditions of displaced persons.

B. Resettlement Plan

50. The resettlement plan (RP) will be prepared based on the results of the census and from information drawn from the baseline socio-economic sample survey the database on displaced persons should be completed before resettlement plan preparation. It will include the results and findings of the census of displaced 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. The RP will be disclosed to concerned stakeholders and their view incorporated in the plan. For additional details on disclosure, please refer to Section V of the RF.

51. RPs will comply with the principles outlined in this agreed RF. The RP should be structured as per the outline in **Appendix - 4**. These will be approved by ADB prior to contract award. Disbursement of compensation payments and entitlements will be made prior to displacement.

52. The specific resettlement-related activities to be performed such as social impact assessment, census and socio-economic survey, resettlement planning, public consultation, grievance redress, development of mitigation measures and income restoration measures, preparation of a detailed budget and financing plan, implementation of resettlement plan, monitoring and evaluation, and their subproject implementation schedule will all be detailed in the resettlement planning document.

C. Gender Impacts and Mitigation Measures

53. Female-headed households are considered a 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.

²⁰ Vulnerable households include those who are (i) below official poverty line; (ii) landless; (iii) elderly-headed; (iv) female-headed; and (v) disabled.

IV. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Valuation of Lost and Affected Assets

54. The valuation of affected land and structures will be governed by the following process:

55. 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 head 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 land acquisition is proposed in hill/tribal areas, 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/Panchayat in consultation with the village people and the community will be involved in assessment of compensation. After determination of ownership and compensation amount the same is sent to the district collector/ deputy commissioner. If land is donated by any community, it shall be executed through a MoU as per the sample attached in **Appendix-5** and compensation for any immovable properties on the donated land shall be compensated as per provision of this RF. 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 RFCT in LARR Act, 2013 or National Highway Act, 1956 as the case may be. 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.

56. The methodology for verifying the replacement cost for each type of loss will be calculated as per the provision made in the RFCT in LARR Act -2013:

a. Valuation of Land:

- (1) The District Collector/Deputy Commissioner shall determine the market value of the land with assessment of (a) the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or (b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or (c) consented amount of compensation as agreed upon, whichever is higher.
- (2) Where the market value as per above section (1) cannot be determined for the reason that: (a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or (b) the registered sale deeds or agreements to sell for similar land are not available for the immediately preceding three years; or (c) the market value has not been specified under the Indian Stamp Act, 1899; the appropriate authority, the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the Price calculated in the manner specified in the above section (1) in respect of similar types of land situated in the immediate adjoining areas.

- (3) The market value calculated as per above section (1) shall be multiplied by a factor of (a) 1(one) to 2 (two) two in rural areas based on the distance of project from Urban Area as notified by the Government of Manipur; and (b) one in urban areas.
- (4). Solatium amount equivalent to 100% of the market value calculated on the basis of above (1 or 2) x 3.

Hence;

The cost of land in rural areas = $X + 100\%$ of X ,

The cost of land in urban areas = $X + 100\%$ of X

Where X = Market Value as determined above x 1 to 2.

b. Valuation of Building and Structure: The District Collector/Deputy Commissioner in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired shall use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him. The cost of buildings will be estimated based on updated Basic Schedule of Rates (BSR) as on date without depreciation. Solatium of 100% will be added to the estimated market value of the structure as per the provision of RFCT in LARR Act -2013. During valuation of structure/building following parameters should be taken in to account:

- From where they use to buy materials
- Type of shops (private or state-owned)
- Distance to be traveled
- 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.

c. Valuation of Trees: Compensation for trees will be based on their full replacement cost. The District Collector/Deputy Commissioner for the purpose of determining the market value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture, forestry, Horticulture, Sericulture, or any other field, as may be considered necessary by him.

57. Even after payment of compensation, DPs/PAPs 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 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.

58. Trees standing on the land owned by the government will be disposed off through open auction by the concerned Revenue Department/ Forest Department. DPs will be provided with an advance notice of three months prior to relocation. Further, all compensation and assistance will be paid to DPs at least 60 days prior to displacement or dispossession of assets.

59. For temporary impact on land and common resources, any land required by the project on a temporary basis will be compensated in consultation with landowners and will be restored to previous or better quality. Implementation issues can be found in the Entitlement Matrix.

B. Income Restoration

60. Each DP whose income or livelihood is affected by a subproject will be assisted to improve or at least restore it to pre-project level. For vulnerable households, their living standards will be improved to national levels, including the provision of access to basic utilities and public services. The results of the socioeconomic survey and census will be used as baseline. Income restoration schemes will be designed in consultation with DPs and considering their resource base and existing skills. The PIU with support from the DSC and NGO²¹ will identify the number of eligible displaced vulnerable persons based on the 100% census of the DPs and will conduct a training need assessment in consultations with the DPs so as to develop appropriate income restoration schemes. The PIU with support of the DSC and 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 in consultation with local training institutes. The PIU and NGO will also facilitate DP access to Government schemes that could help them to restore income and livelihood.

61. In addition, the entitlement matrix provides for short-term income restoration activities intended to restore the income of the displaced person in the period immediately before and after relocation focusing on relocation, and providing short-term allowances such as: (i) transitional allowance; and (ii) shifting assistance.

V. CONSULTATION, PARTICIPATION AND DISCLOSURE

62. In order to engage with the community and enhance public understanding on the Project and address the issues pertaining to resettlement, various sections of DPs and other stakeholders were consulted through focus group discussions (FGD), meetings and individual interviews during the DPR and RP preparation of sample sub-projects. The opinions of the stakeholders and their perceptions were obtained during these consultations. This approach adopted towards the formulation of the framework would be continued during the program implementation. For this project, with minimal impact, there will be no host communities.

A. Meaningful Consultation and Participation of key stakeholders

63. Meaningful consultations will be undertaken with the DPs, their host communities and civil society for every subproject identified as having involuntary resettlement impacts. Meaningful consultation will be carried out throughout the resettlement plan implementation. The consultation process established for the program will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders are proposed during project preparation, such as in-depth interviews, public meetings, and group discussions.

64. The EA will ensure that views of the DPs, particularly those vulnerable, related to the resettlement process are looked into and addressed. The PIU will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. Particular attention will be paid to the need of the disadvantaged or vulnerable groups, including those below poverty line, the landless, the

²¹When suitable NGO is not available, the PIU will be staffed with qualified and experienced social workers to assist the IA in RP implementation

elderly, female headed households, women and children, Indigenous People/ Scheduled Tribes, and those without legal title to land. Separate meetings for women may be held to obtain their views. The key informants to be consulted, during the project preparation phase and during the RP implementation, shall include the following stakeholders:

- Heads and members of households likely to be displaced
- Displaced households belonging to the vulnerable groups
- Host communities
- Women in the displaced as well as host communities
- Local voluntary organizations and NGOs,
- Government agencies and departments, and,

65. Each subproject resettlement plan will be prepared and implemented in close consultation with the key stakeholders. Women's participation will be ensured by involving them in public consultation at various level and stages of project preparation and by arrangements, which would enhance their ability to attend such meetings.

B. Information Dissemination and Resettlement Plan Disclosure

66. Information will be disseminated to DPs at various stages. In the subproject initiation phase, the PIU will be responsible for issue of public notice to acquire particular land/property for subproject component along with program information/details. The notice will be published in local newspapers, twice with a week's interval. The PIU along with local revenue officials and officials from DC's office will also conduct meetings with DPs in addition to the public notification to ensure that the information is given to all of them.

67. For the benefit of the community in general and DPs in particular, a summary of this RF and each resettlement plan will be made available in local language during public meetings at the community level, and be disclosed in public places prior to project appraisal. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contract.

68. Each subproject resettlement plan will be disclosed to the displaced community detailing information including measurement of losses, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments and displacement schedule by the PIU with assistance from the RP implementing unit. This will be done through public consultation and made available as brochures, leaflets, or booklets, using local languages.

69. Summaries of each RP will be translated and made available to the DPs. Hard copies of the resettlement plan will also be made available at: (i) Offices of the PIU; (ii) District Magistrate Office; (iii) Office of the Block Development Officer; (iv) Office of the Block level L&LRO; (v) District Council Offices; and (iv) any other local level public offices, as soon as the plans are available and certainly before land is acquired for the project. For non-literate people, other communication methods will be used. A report of disclosure, giving detail of date and location, will be shared with ADB.

70. The basic information in the resettlement plan including subproject locations, magnitude of impact, entitlements, implementation schedule etc. will be presented in the form of a brochure that will be circulated among the DPs/PAPs. Posters designed to disseminate basic tenets of the plan will be distributed in different localities to generate mass awareness.

71. Electronic version of the framework as well as the RPs will be placed on the official website of the respective State Governments and the official website of ADB after approval and endorsement by EA/IA and ADB. All RPs will be approved by ADB prior to contract award and then disclosed on ADB's website. Furthermore, a notification on the start date of subproject implementation will be issued by the PIU in local newspapers one month ahead of the implementation works.

72. The consultation and disclosure activities to be carried out under the Project are summarised in the Table 3.

Table 3: Consultation, Participation and Information Disclosure Activities

Activity	Issues to be addressed	Participants / Responsible Party	Communication methods
Field verification and identification of impacts	Discuss impacts with DPs, minimize impact	DPs, DPR consultants, PIU	Individual meetings, FGD
Notification of DPs on project, LAR and cut-off date	Inform DPs about project, LAR impact and temporal limitation of eligibility, GRM	DPs, DPR consultants, PPTA consultants, LAR officers	Notices in local government offices and public areas
Census, Socioeconomic Survey, DMS	Discuss concerns and preferences of DPs, notify cut-off date	DPs, DPR consultants, PPTA consultants, LAR officers	Quantitative surveys, walk-through, FGD, individual and key informant interviews
Consultation meeting on draft RP	Explanation and discussion of DPs' rights and obligations, institutional arrangements, procedures, GRM, eligibility criteria and entitlements) strategy; agreements between the EA and the DPs;	DPs, DPR consultants, PPTA consultants, LAR officers; separate meetings for vulnerable DPs and women DPs, if required	Formal meeting
Negotiation meetings	Resolution of remaining disagreements with individual DPs and finalization of negotiated settlements.	DPs, LAR officers, NGO, PIU	Individual meeting
Consultation meeting on revised RP	Inform DPs about changes to RP after consultations and negotiations, as well as ADB review	DPs, DPR consultants, PPTA consultants, LAR officers; separate meetings for vulnerable DPs and women DPs, if required	Community Meeting
Disclosure of final RP	Full public disclosure of all subproject planning	ADB, EA	Web publication

Activity	Issues to be addressed	Participants / Responsible Party	Communication methods
Ongoing consultation during implementation	On-going concerns	DPs, NGO, ISC, CSC, PIU	Individual meetings, FGD, field visits
Monitoring	Record process of implementation and impacts	DPs, NGO, ISC, CSC, PIU	Individual meetings, FGD, field visits

VI. GRIEVANCE REDRESS MECHANISM

73. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate and facilitate the resolution of displaced people's concerns, complaints and grievances about the social and environmental performance at the level of the Project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The project-specific GRM is not intended to bypass the government's own redress process, rather it is intended to address displaced people's concerns and complaints promptly, making it readily accessible to all segments of the displaced people and is scaled to the risks and impacts of the project.

74. During project preparation, information regarding GRCs will be disclosed as part of the public consultation process. Grievances related to the implementation of the project will be acknowledged, evaluated, and responded to the complainant with corrective action proposed. The outcome shall also form part of the semi-annual monitoring report that will be submitted to ADB. The decision of the GRCs is binding, unless vacated by the court of law. The GRC will continue to function, for the benefit of the DPs, during the entire life of the project including the maintenance period.

75. A Grievance Redress Committee (GRCs) will be established at the PWD state level and at the PIU level to assure accessibility for DPs. The GRCs are expected to resolve grievances of the eligible persons within a stipulated time of 3 weeks at the PIU level and 3 weeks at the state level. The State level GRC will comprise of the:

- i) Chief Engineer, PWD, -Chairperson
- ii) Project Director, ADB Cell, – Member Secretary
- iii) Resettlement Officer, ADB Cell,
- iv) A representative from IP community or NGO for IP related issue

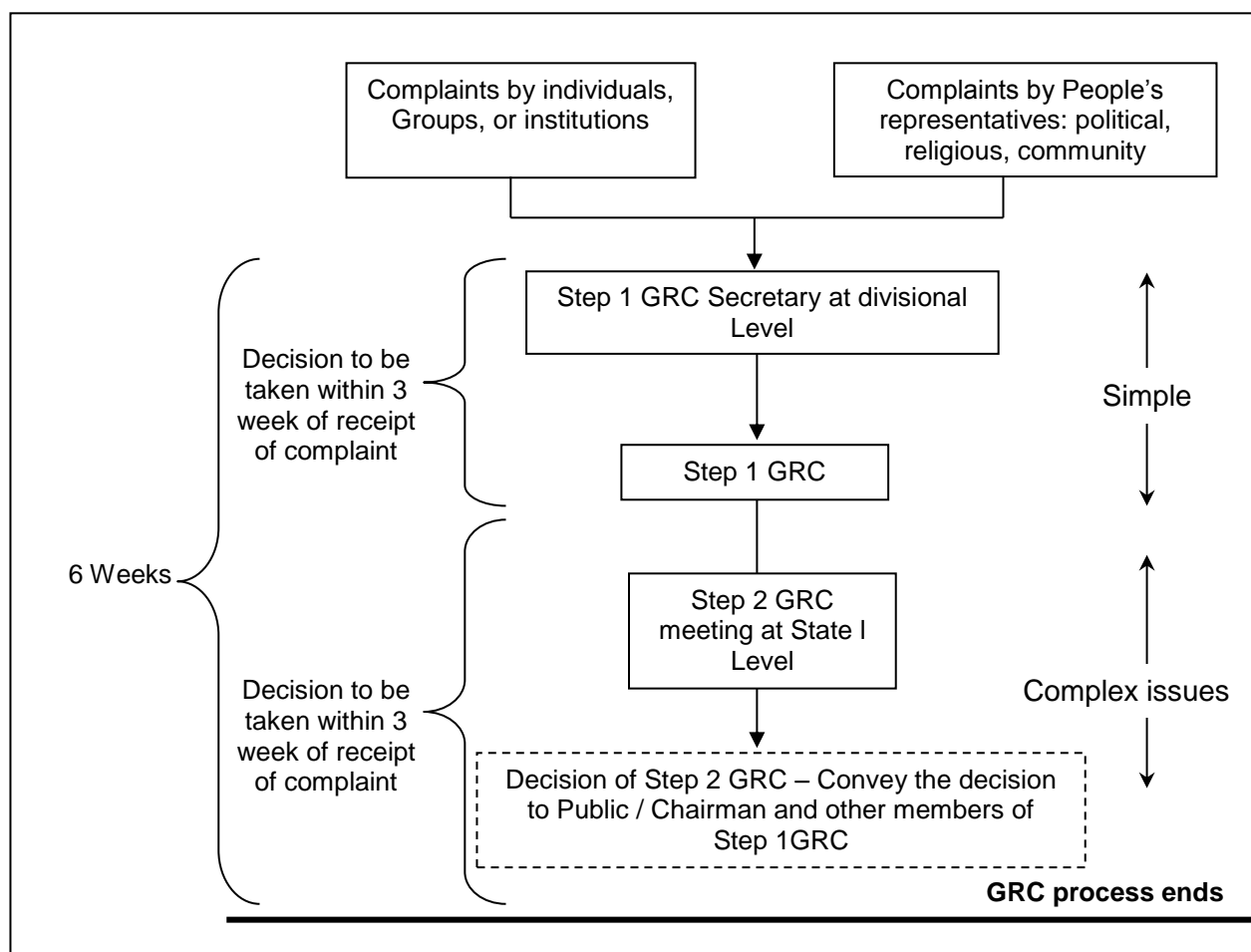
76. The PIU level GRC will comprise of the:

- i) PIU Head -Chairperson
- ii) Executive Engineer, local PWD office/ Project Manager
- iii) Resettlement Officer, PIU, Manipur
- iv) A representative from local NGOs or a local person of repute and standing in the society, elected representative from Zila Parisad /District Council.
- v) A representative for women from a relevant agency which could be from the government, or NGO or local community
- vi) A representative from IP community or NGO for IP related issue.

77. One of the above members in the PIU level GRC will be a woman. The following flow chart defines the process of the GRM.

78. The response time prescribed for the GRCs would be three weeks at each level. Since the entire resettlement component of the project has to be completed before the construction starts for the whole project, the GRC will meet at least once in three weeks to resolve the pending grievances. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, relocation, payment of compensation and other assistance. The subproject specific Resettlement Plans will detail out the step-by-step mechanism for grievance redress.

Figure 1: Grievance Redress Mechanism



VII. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

79. For the NH sections, MORTH will be the EA; and the IA for Manipur and West Bengal will be the Manipur Public Works Department and West Bengal Public Works (Roads) Department respectively. For the SH sections in Manipur, the EA and IA will be Manipur PWD (MPWD) and WBPWD. The IAs will establish Project Implementation Units (PIU) and they will be responsible for conducting the social assessment and formulating RPs for the subprojects, as outlined in this RF.

80. For resettlement planning and successful implementation of the RPs, there will be a set of institutions involved at various levels and stages of the project. For resettlement activities, the EAs will do the overall coordination, planning, implementation, and ensure that IAs are allocated adequate finances for costs related to land acquisition and resettlement for the project. EAs will be supported by the Project Management Consultant (PMC) to ensure timely and effective implementation of RPs. EAs will coordinate with IAs/PIUs for project level RP related activities. The institutional framework and the roles and responsibilities of various institutions to be involved in the R&R activities of the project and implementation of RP are described below.

81. PIUs will be established at state level headed by a Project Director (PD) responsible for the overall execution of the projects in the state. The PD will be responsible for (i) overall implementation of R&R activities according to the RP including responsible for land acquisition and R&R activities in the field; (ii) ensure availability of budget for R&R activities; (iii) liaison with district administration for support for land acquisition and implementation of R&R; (iv) and selection and appointment of the RP implementing unit.

82. Each PIU will depute one full-time official as the Resettlement Officer (RO) for the duration of resettlement activities, with relevant experience in land acquisition and resettlement issues. The PIU will maintain all databases and work closely with DPs/PAPs and other stakeholders. Based on regularly updated data, a central database will also be maintained by PIU.

83. The PIU officials and RO will already be familiar with land acquisition policies and procedure. Manipur PWD is currently implementing an ADB funded project: North Eastern States Roads Improvement program (NESRIP). WBPWD and staff in the PIU will be experienced in land acquisition. To improve and renew the PIU and RO's capacity, they will undergo an orientation and training in resettlement management at the beginning of the project. The capacity development training inputs would include ADB resettlement policy and principles to be imparted by the R&R expert from CSC. The training activities will focus on issues concerning (i) principles and procedures of land acquisition, (ii) public consultation and participation, (iii) entitlements and compensation disbursement mechanisms, (iv) grievance redressal, and (v) monitoring of resettlement operation. The training would specifically focus on the differences between provisions of ADB policy and the relevant country laws. The awareness of these differences and the need to follow the provisions of the ADB policy are critical for successful implementation of the RP.

84. The RO will work closely with the District Collector to expedite the payments of compensation for land acquisition and assistance to DPs.

85. A qualified and experienced firm, NGO, or designated in-house personnel (referred to onward as RP implementing unit) will be engaged by the EA to assist in the implementation of the RP if involuntary resettlement is identified. If very few households are affected, the EA may elect to implement the RPs itself. If a RP implementing unit is engaged, it would play the role of a facilitator and will work as a link between the PIU and the displaced community. EA shall ensure that adequate resources are allocated to the NGO and a detailed work plan will need to be submitted by the NGO in the Inception Report. An indicative TOR for the NGO is included in **Appendix-6**.

Table 4: Implementation Agencies and Key Responsibilities

Key Agency	Responsibility
EA (MORTH and MPWD)	<ul style="list-style-type: none"> • Make final decision on roads to be included under the project • Overall responsibility for project design, feasibility, construction and operation and guide PIUs • Ensure that sufficient funds are available to properly implement all agreed social safeguards measures • Ensure that all subprojects comply with the provisions of ADB's SPS 2009 and Gol's policies and regulations • Submit semi-annual safeguards monitoring reports to ADB
Project Implementation Units	<p>(a) District Level</p> <ul style="list-style-type: none"> • Disseminate project information to the project affected community with assistance from DPR Consultants • Ensure establishment of Grievance Redress Committee at the district level for grievance redress with assistance from DPR Consultants <p>(b) Field Level</p> <ul style="list-style-type: none"> • Disclosure of project information in public spaces and through relevant media. • Disseminate project information to the community in coordination with DPR Consultants • Facilitate the socioeconomic survey and census • Facilitate consultation by the civil works contractor with community throughout implementation • Oversee land acquisition and coordinate with Deputy Commissioner • Supervise the mitigation measures during implementation and its progress • Conduct internal monitoring and prepare reports
Detailed Project Report (DPR) Consultants	<ul style="list-style-type: none"> • Undertake consultations involving community and DPs • Prepare due diligence report if no land acquisition • Encourage community/ DPs to voluntarily participate during the implementation
RP Implementing NGO	<ul style="list-style-type: none"> • Assist in the implementation of the RP if involuntary resettlement is identified.
Construction Supervision Consultants (CSC)	<ul style="list-style-type: none"> • Provide technical support and advise to the IAs in the implementation of the RP specifically for addressing complaints and grievances and participate in resolving issues as a member of the GRC • Monitor and assist the NGO by providing Technical Support and advice during implementation of RP. • Provide technical advice and on the job training to the contractors as necessary • Preparation of semi-annual monitoring reports based on the monitoring checklists and submission to RDA for further submission to ADB • Act as External Monitor for project with significant impact
Contractor	<ul style="list-style-type: none"> • Consult community and PIU regarding location of construction camps • Sign agreement with titleholder for temporary use of land and restore the land to equal or better condition upon completion • Commence construction only when alignment is free of encumbrance • Respond in a timely fashion to recommendations from GRCs
District level officials	<ul style="list-style-type: none"> • Provide any existing socioeconomic information, maps and other related information to DPR Consultant prior to the field data/information collection activities. • Act as the local focal point of information dissemination • Execute land acquisition process

Key Agency	Responsibility
Community Based Organizations	<ul style="list-style-type: none"> • Ensure the community participation at various stages of the project • Coordination with stakeholder organizations • Assist in Monitoring of the project • Providing indigenous knowledge as required
Village key persons	<ul style="list-style-type: none"> • Provide correct and accurate data and information from project formulation stage • Assist the project team to implement the project smoothly • Arrange proper community participation
ADB	<ul style="list-style-type: none"> • Review RF and due diligence/RP and endorse or modify the project classification • Review planning documents and disclose the draft and final reports on the ADB's website as required • Monitor implementation through review missions • Provide assistance to the EA and IA of subprojects, if required, in carrying out its responsibilities and for building capacity for safeguard compliance • Monitor overall compliance of the project to ADB SPS

VIII. IMPLEMENTATION SCHEDULE

86. 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. In line with the principles laid down in this RF, the EA and PIU will ensure that project activities are synchronized between the resettlement plan implementation activities as well as the subproject implementation. The EAs and PIUs will ensure that no physical or economic displacement of displaced 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 displaced persons; 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 the updated RPs will be approved by government and ADB and disclosed prior to implementation. An indicative implementation schedule with key tasks is provided in **Appendix-7**.

IX. BUDGET AND FINANCING

87. Detailed budget estimates for each RP will be prepared by the IA and PIU, which will be included in the overall project estimate. The budget shall include:

- a) detailed costs of land acquisition, relocation, livelihood and income restoration and improvement, administration and management and a contingency, source of funding;
- b) arrangements for approval, and the flow of funds and contingency arrangements.

88. All land acquisition and R&R funds will be provided by the government. All land acquisition, compensation, relocation and rehabilitation of income and livelihood, consultations and grievance redress will be considered as an integral component of project costs.

89. The disbursement of compensation amount to the displaced persons for land acquisition will be carried out by the District Magistrate/ Commissioner's office. The IA will deposit the

approved amount at respective district jurisdictions and the district administration will disburse the money to displaced persons.

90. However, in the case of assistance and other rehabilitation measures, the PIU will directly pay the money or any other assistance as stated in the resettlement plan to displaced persons by means of a cheque payment into their individual accounts. The CSC Resettlement Specialist and RP implementing NGO will be involved in facilitating the disbursement process and rehabilitation program and will facilitate opening of bank accounts for the displaced persons who do not have bank accounts

X. MONITORING AND REPORTING

A. Internal Monitoring

91. Internal monitoring will be the responsibility of the PIUs and other implementing agencies(s), which will include:

- a) **Administrative monitoring:** daily planning, implementation, feedback and trouble shooting, individual DP database maintenance, and progress reports
- b) **Socio-economic monitoring:** case studies, using baseline information for comparing DP socio-economic conditions, evacuation, demolition, salvaging materials, morbidity and mortality, community relationships, dates for consultations, and number of appeals placed; and
- c) **Impact evaluation monitoring:** Income standards restored/improved, and socioeconomic conditions of the displaced persons. Monitoring and evaluation reports documenting progress on resettlement implementation and RP completion reports will be provided by the IA to EA for review and approval from ADB.

92. The internal monitor will be responsible for overall internal monitoring and evaluation of the project progress for resettlement implementation. The internal 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 internal monitor will undertake biannual monitoring during the R&R implementation period. Monitoring will also ensure recording of DP's views on resettlement issues such as; DP's understanding of entitlement policies, options, and alternatives; site conditions; compensation valuation and disbursement; grievance redress procedures; and staff competencies. The internal monitor will also evaluate the performance of the NGOs. The will report its findings simultaneously to the EA and the reporting responsibility of monitoring to ADB lies with the EA. The monitoring reports will be sent to ADB twice a year by EA. Suggested monitoring indicators can be found in **Appendix-8** and monitoring form can be found in **Appendix-9**.

B. External Monitoring

93. For subprojects with significant adverse safeguard impacts, the EA will retain qualified and experienced external experts to verify its monitoring information.²²The external monitoring will be undertaken by the Project Institutional Support and Capacity Development Consultant (ISCDC). An important function of the external monitoring expert is to advise the EA on safeguard compliance issues. If significant non-compliance issues are identified, the EA is

²²Experts not involved in day-to-day project implementation or supervision.

required to prepare a corrective action plan to address such issues. The EA will document monitoring results, identify the necessary corrective actions, and reflect them in a corrective action plan. The EA, in each quarter, will study the compliance with the action plan developed in the previous quarter. Compliance with loan covenants will be screened by the EA. Sample TOR for External Monitor is found in **Appendix-10**.

**APPENDIX 1: SUMMARY OF THE RIGHT TO FAIR COMPENSATION AND
TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT,
2013**

1. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been effective from January 1, 2014 after receiving the assent of the President of Republic of India. This Act extends to the whole of India except the state of Jammu and Kashmir. The Act replaced the Land Acquisition Act, 1894.

2. The aims and objectives of the Act include: (i) to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution of India, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other affected families; (ii) provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition; (iii) make adequate provisions for such affected persons for their rehabilitation and resettlement; (iv) ensure that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto.

3. Section 27 of the Act defines the method by which market value of the land shall be computed under the proposed law. Schedule I outlines the proposed minimum compensation based on a multiple of market value. Schedule II through VI outline the resettlement and rehabilitation entitlements to land owners and livelihood losers, which shall be in addition to the minimum compensation per Schedule I.

4. Preparation of Social Impact Assessment Study under section 4 (1): it is obligatory for the appropriate Government intends to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concern Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6.

5. **Notification under Section 11 (1):** Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification to that effect along with details of the land to be acquired in rural and urban shall be published in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat*, Municipality or Municipal Corporation, as the case may be and in the officers of the District Collector, The Sub-divisional Magistrate and the *Tehasil*; uploaded on the website of the appropriate Government; in the affected areas.

6. **Hearing of Objection under section 15 (1):** any person interested in any land which has been notified under sub-section (1) of section II, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification makes his/her objection, if any, to the collector in writing and shall be heard by the collector or by any person authorized by him/her in this behalf or by an Advocate. After hearing all such objections and after making such further inquiry, if any, as he/she thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section II, Or make different reports in respect of different parcels of such land, to the

appropriate Government, containing his/her recommendations on the objections, together with the records of the proceedings held by him/her along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

7. **Publication of declaration and summary of Rehabilitation and Resettlement under section 19 (1):** when the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the “resettlement area” for the purpose of rehabilitation and resettlement of the affected families. It is obligatory for the State to publish declaration in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat*, Municipality or Municipal Corporation, as the case may be and in the officers of the District Collector, The Sub-divisional Magistrate and the *Tehasil*; uploaded on the website of the appropriate Government; in the affected areas.

8. After declaration the Collector shall take order for acquisition. The Collector then causes the land to be marked out, measured and planned. The Collector then causes public notice to be given at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land, and that claims to compensation may be made.

9. **Enquiry and Land Acquisition award by Collector under section 23:** on the day so fixed, or any other day to which the enquiry has been adjourned, the Collectors shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interest of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his/her hand of:

- i. the true area of the land;
- ii. the compensation as determined under section 27 along with Rehabilitation and Resettlement award as determined under section 31 and which in his/her opinion should be allowed for the land, and;
- iii. the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

10. **Period within which an Award shall be made:** under section 25, it is obligatory for the Collectors to make an Award within a period of twelve months from the date of publication of the declaration under section 19 and if no Award is made within the period, the entire proceedings for the acquisition of the land shall lapse.

11. **Determination of market value of land by Collector under section 26 (1):** the Collector shall adopt the following criteria’s in assessing and determining the market value of the land, namely:

- i. the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or
- ii. the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

- iii. consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects. Wherever is higher.

12. **Determination of amount of Compensation under section 27:** the Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.

13. **Determination of value of things attached to land or building under section 29 (1):** the Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him/her. Under section 29 (2), the Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture. In the same manner, the Collector under section 29 (3), for the purpose of assessing the value of standing crops damaged during the process of land acquisition, may use the services of experienced persons in the field of agriculture.

14. **Rehabilitation and Resettlement Award for affected families by Collector under section 31 (1) of section V:** the Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the second schedule. As per section 31 (1), the Rehabilitation and Resettlement Award shall include all the following, namely;

- i. rehabilitation and resettlement amount payable to the family;
- ii. bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
- iii. particulars of house site and house to be allotted, in case of displaced families;
- iv. particulars of the land allotted to the displaced families;
- v. particulars of one time subsistence allowance and transportation allowance in case of displaced families;
- vi. particulars of payment for cattle shades and petty shops;
- vii. particulars of one time amount to artisans and small traders;
- viii. details of mandatory employment to be provided to the members of the affected families;
- ix. particulars of any fishing rights that may be involved;
- x. particulars of annuity and other entitlements to be provided;
- xi. particulars of special provisions for the scheduled cast and the scheduled tribes to be provided.

15. **Special powers in case of urgency to acquire land in certain cases under section 40 (1):** in case of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free all encumbrances.

16. **Special Provision for Scheduled Caste and Scheduled Tribes under section 41 (1):** as far as possible, no acquisition of land shall be made in the Scheduled Areas. As per section 41 (2), where such acquisition does take place it shall be done only as a demonstrable last resort. As per section 41 (3), in case of land acquisition in Scheduled Area, the prior consent of

the concern *Gram Sabha* or the *Panchayats* or the autonomous District Councils shall be obtained.

17. In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Cast or the Scheduled Tribes families, a Development Plan shall be prepared (section 41 [4]). As per section 41 (5), the Development Plan shall also contain a program for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years.

18. In case of land being acquired from members of Scheduled Cast or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first installment and the rest shall be paid after taking over of the possession of the land. The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and culture identity.

19. Under section 42 (1), all benefits including the reservation benefits available to Scheduled Cast and the Scheduled Tribes in the affected areas shall continue in the resettlement area.

APPENDIX 2: COMPARISON BETWEEN THE BORROWER AND ADB'S SAFEGUARD POLICY STATEMENT

	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
1	Screen the project	Screen the project to identify past, present, and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement	4 (l) it is obligatory for the appropriate Government intends to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concern Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6. The requirement of SIA is now not required for infrastructure projects.	Screening of all sub-projects in line with the IR checklist of ADB, towards enabling identification of the potential resettlement impacts and associated risks.
2	Consultation with stake holders and establish grievance redress mechanism	Carryout consultations with displaced persons, host communities and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options	Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report. The Land Acquisition Rehabilitation and Resettlement Authority shall be established in each State by the concerned State Government to hear disputes arising out of projects where land acquisition has been initiated by the State Government or its agencies.	No gap between SPS and FCTLARR. Given that the Resettlement Impacts are not envisaged to be significant, a project level GRM is included.
3.	Improve, or at least restore, the livelihoods of all displaced, and payment at replacement cost	Improve or restore the livelihoods of all displaced persons through: (i) land-based resettlement strategies; (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.	The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.	No gap between SPS and FCTLARR. Assets to be compensated at replacement cost without depreciation
4.	Assistance for	Provide physically and	Schedule I, provides market value of the	No gap between

	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
	displaced persons	economically displaced persons with needed assistance	land and value of the assets attached to land. Schedule II provides R&R package for land owners and for livelihood losers including landless and special provisions for Scheduled Tribes.	SPS and FCTLARR. Entitlement Matrix outlines compensation and assistance for DPs.
5.	Improve standard of living of displaced vulnerable groups	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards	Special provisions are provided for vulnerable groups.	No gap between SPS and FCTLARR. Entitlement Matrix outlines assistance for vulnerable groups.
6.	Negotiated Settlement	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status	FCTLARR only apply in case of land acquired/purchased for PPP projects and for Private Companies. Section: 2. (2), and 46.	Provisions outlined in ADB SPS will be followed for the project.
7.	Compensation For non-title holders	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 is included	No gap between SPS and FCTLARR. Entitlement Matrix outlines compensation and assistance for DPs.
8.	Requirement of RP	Prepare a resettlement plan / indigenous peoples plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	Preparation of Rehabilitation and Resettlement Scheme including time line for implementation. <i>Section: 16. (1) and (2).</i> Separate development plans to be prepared. <i>Section 41</i>	No gap between SPS and FCTLARR. RP will be prepared for subprojects with impact.
9.	Public disclosure	Disclose a draft resettlement plan, including documentation of the consultation	Under clause 18, the Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the	In addition to the publishing of the approved resettlement plan,

	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
		process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders	<i>Panchayat</i> , Municipality or Municipal Corporation. As the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the <i>Tehsil</i> , and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government.	the RF includes provision for disclosure of the various documents pertaining to RP implementation.
10.	Cost of resettlement	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits. For a project with significant involuntary resettlement impacts and / or indigenous peoples plan, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	16. (I) Upon the publication of the preliminary notification under sub-section (/) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include: (a) particulars of lands and immovable properties being acquired of each affected family; (b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired; (c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and(e) details of any common property resources being acquired'	No gap between SPS and FCTLARR. Cost of resettlement will be covered by the EA.
11.	Taking over possession before Payment of compensation	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	38 (I) The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30.	No gap between SPS and FCTLARR.
12.	Monitoring	Monitor and assess resettlement outcomes,	48 (I)The Central Government may, whenever necessary for national or inter-	For project, monitoring

	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
		their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.	mechanism and frequency will follow ADB SPS based on categorization.

APPENDIX 3: 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?				
10. In case of community owned or traditionally owned land is the community willing to donate the land required for the project.				
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? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____				
Are any of them poor, female-headed households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes				

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

APPENDIX 4: OUTLINE OF RESETTLEMENT PLAN

This outline is part of the ADB SPS Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

A. Executive Summary

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

B. Introduction and Project Description

This section:

- a. provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area.
- b. describes the objectives of the RP; and
- c. 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

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. Socioeconomic Information and Profile

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 displaced;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities displaced 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.

E. Information Disclosure, Consultation, and Participation

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) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (iv) summarizes the results of consultations with displaced persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- (v) confirms disclosure of the draft resettlement plan to displaced 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) and the process for consultation with displaced persons during project implementation.

F. Grievance Redress Mechanisms

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

G. Legal Framework

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 EA 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

This section:

- (i) defines entitlements and eligibility of displaced persons, 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 displaced persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection

- (ii) (ensure that gender concerns and support to vulnerable groups are identified); 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

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 (e.g. 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

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. Institutional Arrangements

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 displaced persons in resettlement planning and management; and
- (iv) describes how women's groups will be involved in resettlement planning and management,

M. Implementation Schedule

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.

N. Monitoring and Reporting

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 displaced persons in the monitoring process. This section will also describe reporting procedures.

APPENDIX 5: MEMORANDUM OF UNDERSTANDING FOR LAND DONATION

This memorandum of understanding is made on _____ day of _____ 2014 between the persons listed below on the one part (hereinafter collectively referred to as “the First Party”), and the Governor of Manipur through Sri/Srimati _____ (designation) _____ (hereinafter referred to as “the Second Party”).

THESE PRESENTS WITNESS AS FOLLOW:

1. That the First Party is the Traditional landowners with traditional Claims of the respective acres (**OR OTHER UNITS AS APPLICABLE**) of land bearing details as listed below in village _____, Block _____, Tehsil/Circle _____, District _____.
2. That the First Party has taken part in the location survey conducted under the requirements of the _____ road and has been made to understand the benefits of obtaining a State road for the village.
3. That the First Party hereby grants to the Second Party, out of their free will, above said land as detailed in the list below for the construction and development of State road traversing the village _____ under _____ Panchayat/Autonomous District Council, for the benefit of the villagers and the public at large.
4. That the First Party would not claim any compensation against the above said grant of land. Compensation for other immovable properties like structures and trees etc. existing on the said land shall be paid by the Second Party to the eligible First Party/owner/occupier of the properties.
5. That the Second Party agrees to accept the above grant of land for the purposes mentioned in Clause 3.
6. That the Second Party shall construct and develop the State Highway and take all possible precautions to avoid any damage to land adjacent to the road.
7. That the First Party also assures the Second Party that the first party will not indulge in any willful act of damaging the State road or obstructing the movement of public and vehicles on the road.
8. That both the Parties hereto agree that the State road so constructed/developed shall be public premises.
9. That the provisions of the MEMORANDUM OF UNDERSTANDING will come into force and effect from the date of signing of this deed.

S. No.	Name	Description of land owned	Description of land granted for State Road
			• Attach map

IN WITNESS WHEREOF the Parties hereto have signed this deed on the day and the year first above written.

Signatures of the First Party

- 1. _____
- 2. _____
- 3. _____
- ...

(all the signatures of the First Party should be obtained)

Signature for and on behalf of the
Second Party

Witnesses:

1. _____

2. _____

(Signature, name and address)

Witnesses:

1. _____

2. _____

(Signature, name and address)

Note: The witnesses will include the Panchayat head/village chief and the Junior Engineer conducting the location survey. More witnesses can be added – including NGOs, village elders etc

APPENDIX 6: INDICATIVE TERMS OF REFERENCE (TOR) FOR THE NGO TO ASSIST IN RESETTLEMENT PLAN IMPLEMENTATION

[Note to EA: There will be no requirement for hiring of a NGO, if the EA decides to implement the RP by engaging qualified in house personnel]

A. Project Background

1. [Insert information regarding project)

B. Objectives of the Assignment

2. The NGO shall be responsible for the following, according to the Resettlement Plan:
 - Assist the Project Implementation Unit (PIU) with the implementation of the Resettlement plan in the role of a facilitator and built up trust and confidence of the PAPs with the EA/ PIU.
 - Educating the DPs on their rights to entitlements and spreading awareness of the of the Entitlement Matrix of the RP among the DPs.
 - To provide support and information to DPs for income restoration.
 - Assist the DPs in relocation and rehabilitation, including counseling, and coordination with local authorities.
 - To ensure that the DPs are given the full entitlements due to them, according to the entitlements in the RP. Assist the DPs in redressing their grievances (through the grievance redress committee set up for the subproject)
 - To assist the Project Implementation Unit (PIU) with social responsibilities of the subproject, such as compliance with labor laws, prohibition of child labor, and gender issues.
 - To conduct awareness program for HIV/AIDs, Health and Hygiene, and Human Trafficking.
 - To collect data and submit progress reports on a monthly and quarterly basis for EA to monitor the progress of RP implementation.

B. Scope of Work

a) Administrative Responsibilities of the NGO

3. The administrative responsibilities of the NGO will include:
 - Working in co-ordination with the Resettlement Officer (RO) in the EA;
 - Assist the RO in carrying out the implementation of the RP;
 - To co-ordinate with the GRCs in redressing grievances;
 - Assist the RO in conducting all public meetings, information campaigns at the commencement of the project and give full information to the affected community;
 - Translate the summary RP in local language for disclosure and disseminate to DPs;
 - To assist the EA to ensure that the Contracts comply with the applicable labor laws (including prohibition of child labor) and gender issues;
 - To assist the PIU in ensuring compliance with the safety, health and hygiene norms, and the conduct HIV/AIDS and Human Trafficking awareness/prevention campaigns;

- Submit monthly and quarterly progress report to the RO including both physical and financial progress. The report should cover implementation issues, grievances and summary of consultations
- Assist PIU in the management of the data base of the DPs.
- Assist PIU in providing training to DP, wherever required in the implementation of RP.

b) Responsibilities for Implementation of the RP

- NGO shall verify the information already contained in the RP and the individual losses of the DPs. They should validate the data provided in the RP and make suitable changes if required and wherever changes are made it should be supported by documentary evidence. The NGO shall establish rapport with DPs, consult and provide information to them about the respective entitlements as proposed under the RP, and distribute entitlement cum Identity Cards to the eligible DPs. The identity card should include a photograph of the DP, the extent of loss suffered due to the project, and the choice of the DP with regard to the mode of compensation and assistance.
- The NGO shall develop rapport between the DPs and the Project Authority, particularly the RO. This will be achieved through regular meetings with both the RO and the DPs. Meetings with the RO will be held at least fortnightly, and meetings with the DPs will be held monthly, during the entire duration of the assignment. All meetings and decisions taken shall be documented by the NGO.
- Prepare monthly action plans with targets in consultation with the RO.
- The NGO shall display the list of eligible DPs in prominent public places like villages, Panchayat Offices, Block/Tehsil headquarters, and the District Headquarters.
- During the verification of the eligible DPs, the NGO shall ensure that each of the DPs are contacted and consulted either in groups or individually. The NGO shall specially ensure consultation with women from the DP families especially women headed households.
- Participatory methods should be adopted in assessing the needs of the DPs, especially with regard to the vulnerable groups of DPs. The methods of contact may include village level meetings, gender participation through group's interactions, and Individual meetings and interactions.
- The NGO shall explain to the DPs the provisions of the policy and the entitlements under the RP. This shall include communication to the roadside squatters and encroachers about the need for their eviction, the timeframe for their removal and their entitlements.
- The NGO shall disseminate information to the DPs on the possible consequences of the project on the communities' livelihood systems and the options available, so that they do not remain ignorant.
- NGO will monitor the involvement of child labor in the civil construction work in each package.
- In all of these, the NGO shall consider women as a special focus group, and deal with them with care and sympathy.
- The NGO shall assist the project authorities in ensuring a smooth transition (during the part or full relocation of the DPs), helping the DPs to take salvaged materials and shift. In close consultation with the DPs, the NGO shall inform the RO about the shifting dates agreed with the DPs in writing and the arrangements desired by the DPs with respect to their entitlements.

- The NGO shall assist the DPs in opening bank accounts explaining the implications, the rules and the obligations of a joint account and how s/he can access the resources s/he is entitled to.
 - The NGO shall ensure proper utilization of the R&R budget available for the subproject. The NGO shall facilitate the DPs in finding suitable economic investment options and help them in regaining the losses of land and other productive assets. The NGO shall identify means and advise the RO to disburse the entitlements to the eligible persons/families in a manner that is transparent, and shall report to the EA on the level of transparency achieved in the project.
- c) Accompanying and Representing the DPs at the Grievance Committee Meetings**
- The NGO shall nominate a suitable person (from the staff of the NGO) to be a member of the GRCs.
 - The NGO shall make the DPs aware of the existence of grievance redressal committees (GRCs)
 - The NGO shall help the DPs in filling the grievance application and also in clearing their doubts about the procedure as well as the context of the GRC award.
 - The NGO shall record the grievance and bring it to the notice of the GRCs within seven days of receipt of the grievance from the DPs. It shall submit a draft resolution with respect to the particular grievance of the DP, suggesting multiple solutions, if possible, and deliberate on the same in the GRC meeting through the NGO representative in the GRC.
 - To accompany the DPs to the GRC meeting on the decided date, help the DP to express his/her grievance in a formal manner if requested by the GRC and again inform the DPs of the decisions taken by the GRC within 3 days of receiving a decision from the GRC.
- d) Carry out Public Consultation**
- In addition to counseling and providing information to DPs, the NGO will carry out periodic consultation with DPs and other stakeholders.
- e) Assisting the PIU with the Project's Social Responsibilities**
- The NGO shall assist the PIU to ensure that the Contractors are abiding by the various provisions of the applicable laws, concerning the worker's safety, health and hygiene; women's issues and the child labor issues. The applicable laws include (i) the Maternity Benefit Act, 1951; (ii) the Contract Labor (Regulation and Abolition) Act, 1948; (iii) the Minimum Wagers act, 1948. (iv) The Equal Remuneration Act, 1979. (v) the Industrial Employment (Standing Order) Act, 1946; (vi) the Child Labor (Prohibition and Regulation) Act, 1986; (vii) the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996; (viii) the Cess Act of 1996 and (ix) the Factories Act, 1948. Any divergence from the (workers welfare and remuneration, safety, health, hygiene, women's issues, and child labor issues) provisions of these laws should be brought to the notice of the RO.
 - The NGO shall assist the EA to implement HIV/AIDS awareness measures, including collaboration with the line agencies.

f) Monitoring and Reporting

- The RP includes provision for monitoring by NGO/ RO and quarterly, mid-term, and post-project monitoring and evaluation by external agency. The NGO involved in the implementation of the RP will be required to supply all information, documents to the external monitoring consultants.

D. Documentation and Reporting by NGO

4. The NGO selected for the assignments shall be responsible to:

- Submit an inception report within three weeks; on signing up of the contract including a work plan for the whole contract period, staffing and personnel deployment plan, and a withdrawal plan at the end of the period of contract. The withdrawal plan shall be detailed and reflect how the DPs will maintain the assets created and transferred to the DPs.
- Prepare monthly progress reports to be submitted to the RO, with weekly progress and work charts as against the scheduled timeframe of RP implementation.
- Prepare and submit quarterly reports on a regular basis, to be submitted to the EA.
- Submit a completion report at the end of the contract period summarizing the actions taken during the project, the methods and personnel used to carry out the assignment, and a summary of support/assistance given to the DPs.
- All other reports/documentation as described in these terms of reference.
- Record minutes of all meetings.

APPENDIX 7: INDICATIVE IMPLEMENTATION SCHEDULE

	Activity	2015				2016				2017				2018			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Project Preparation																	
1	Identifications of project roads																
2	Conduct socioeconomic survey, census (including IOL)																
3	Prepare social safeguard planning documents (RF, due diligence reports, RPs)																
4	Recruitment and confirmation of MPRDC HQ Environment and Social Unit staff																
5	Confirmation of PIU-level social safeguard focal points																
	ADB and Government approval of Social Safeguard Planning Document for sample roads																
6	ADB and Government approval of Social Safeguard Planning Document for non-sample roads																
7	Procurement of civil works																
8	Procurement of NGO (if required)																
Land Acquisition for Non-Sample Projects (if required)																	
7	Land Acquisition (for non-sample roads, if required)																
8	Payment of Compensation (if required)																
9	Relocate houses, shops, businesses																
10	Clear the ROW																
Rehabilitation of DPs																	
13	Income Restoration (if required)																
1	Restoration of Community Resources																
Construction																	
11	Issue notice for commencement of civil works ²³																
12	Civil works																
Ongoing Activities																	
14	Management Information System																
15	Grievance Redressing																
16	Consultations with DPs																
17	Internal Monitoring																
18	External Monitoring – if significant impact is present																

²³ No physical relocation will occur until compensation and entitlements are provided and rehabilitation of income is in place.

APPENDIX 8: INDICATIVE MONITORING INDICATORS

Delivery of Entitlements

- Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix.
- Disbursements against timelines.
- Identification of the displaced persons losing land temporarily, e.g. through soil disposal, borrow pits, contractors' camps, been included.
- Timely disbursements of the agreed transport costs, relocation costs, income substitution support, and any resettlement allowances, according to schedule.
- Provision of replacement land plots.
- Quality of new plots and issue of land titles.
- Restoration of social infrastructure and services.
- Progress on income and livelihood restoration activities being implemented as set out in the income restoration plan, for example, utilizing replacement land, commencement of production, the number of the displaced persons trained in employment with jobs, microcredit disbursed, number of income-generating activities assisted.
- Affected businesses receiving entitlements, including transfer and payments for net losses resulting from lost business.

Consultation and Grievances

- Consultations organized as scheduled including meetings, groups, and community activities.
- Knowledge of entitlements by the displaced persons.
- Use of the grievance redress mechanism by the displaced persons.
- Information on the resolution of the grievances.
- Information on the implementation of the social preparation phase.
- Implementation of special measures for Indigenous Peoples.

Communications and Participation

- Number of general meetings (for both men and women).
- Percentage of women out of total participants.
- Number of meetings exclusively with women.
- Number of meetings exclusively with vulnerable groups.
- Number of meetings at new sites.
- Number of meetings between hosts and the displaced persons.
- Level of participation in meetings (of women, men, and vulnerable groups).
- Level of information communicated—adequate or inadequate.
- Information disclosure.
- Translation of information disclosure in the local languages.

Budget and Time Frame

- Land acquisition and resettlement staff appointed and mobilized on schedule for the field and office work.
- Capacity building and training activities completed on schedule.
- Achieving resettlement implementation activities against the agreed implementation plan.
- Funds allocation for resettlement to resettlement agencies on time.

- Receipt of scheduled funds by resettlement offices.
- Funds disbursement according to the resettlement plan.
- Social preparation phase as per schedule.
- Land acquisition and occupation in time for implementation.

Livelihood and Income Restoration

- Number of displaced persons under the rehabilitation programs (women, men, and vulnerable groups).
- Number of displaced persons who received vocational training (women, men, and vulnerable groups).
- Types of training and number of participants in each.
- Number and percentage of displaced persons covered under livelihood programs (women, men, and vulnerable groups).
- Number of displaced persons who have restored their income and livelihood patterns (women, men, and vulnerable groups).
- Number of new employment activities.
- Extent of participation in rehabilitation programs.
- Extent of participation in vocational training programs.
- Degree of satisfaction with support received for livelihood programs.
- Percentage of successful enterprises breaking even (women, men, and vulnerable groups).
- Percentage of displaced persons who improved their income (women, men, and vulnerable groups)
- Percentage of displaced persons who improved their standard of living (women, men, and vulnerable groups)
- Number of displaced persons with replacement agriculture land (women, men, and vulnerable groups)
- Quantity of land owned/contracted by displaced persons (women, men and vulnerable groups)
- Number. of households with agricultural equipment
- Number of households with livestock

Benefit Monitoring

- Noticeable changes in patterns of occupation, production, and resource use compared to the pre-project situation.
- Noticeable changes in income and expenditure patterns compared to the pre-project situation.
- Changes in cost of living compared to the pre-project situation.
- Changes in key social and cultural parameters relating to living standards.
- Changes occurred for vulnerable groups.
- Benefiting from the project by the displaced persons.

APPENDIX 9: LAR PLANNING AND IMPLEMENTATION MONITORING FORM

Date:	Total number of economically and physically displaced households/entities:
Subproject site:	

A. LAR processing

LAR Activity	Task Completed (✓)	Displaced households (No.)			Comments
		Completed to date	Total	%	
Mobilize LAR officers, incl. PIU, consultant		--	--	--	
Screen LAR impacts		--	--	--	
Provide existing records of DPs & affected assets		--	--	--	
Prepare preliminary detailed technical design and maps of LAR impacts		--	--	--	
Undertake field verification of LAR impacts and identify/minimize		--	--	--	
Hold LARC meetings		--	--	--	
Hold first DP consultation meeting and elect DPC		--	--	--	
Establish and operate GRM		--	--	--	
Finalize detailed technical design & LAR Impact Map		--	--	--	
Carry out census of DPs & Inventory of Lost Assets					
Declare cut-off date and notify DPs					
Carry out socio-economic survey					
Undertake Detailed Measurement Survey and Valuation of Lost Assets					
Prepare draft Final LARP		--	--	--	
Contract external experts for verification of monitoring		--	--	--	
Hold consultation meeting with DPs on draft Final LARP					
Reach negotiated agreements with individual DPs					
Revise draft Final LARP		--	--	--	
Submit revised draft Final LARP to ADB		--	--	--	
Hold consultation meeting with DPs on revised draft Final LARP					
Finalize LARP		--	--	--	
Provide IA and EA endorsement of Final LARP		--	--	--	

LAR Activity	Task Completed (✓)	Displaced households (No.)			Comments
		Completed to date	Total	%	
Disclose endorsed Final LARP to DPs and on ADB website					
Conclude agreements with DPs					
Initiate expropriation procedures if necessary					
Request and obtain resolution for funding of LAR from government		--	--	--	
Transfer of 100% LAR funds to {name of agency in charge of land administration and LAR, and IA/PIU		--	--	--	
Hold consultation meeting on disbursement and LARP implementation schedule					
Disbursement of compensation completed					
Relocation strategy implemented					
Income restoration strategy in place		--	--	--	
Income restoration completed					
Land and structures acquired					
Civil works commenced (where LARP provisions are implemented)		--	--	--	

B. Compensation, relocation and income restoration

LAR Activity	Task Completed (✓)	Displaced households (No.)			Units ²⁴			Cost (local currency)			Comments
		Compl. to date	Total	%	Compl. to date	Total	%	Compl. to date	Total	%	
Disburse compensation payments											
Land											
<i>Agricultural</i>											
Irrigated											
Non-irrigated											
Pasture											
Wasteland											
Pond											
Lease reimbursement for tenants											
<i>Residential</i>											
Type 1											
Type 2											
Type 3											
<i>Commercial</i>											
Type 1											
Type 2											
Type 3											
<i>Public</i>											
Rental fee, temporary acquisition											
Structures											
<i>Houses/buildings</i>											
Type 1											
Type 2											
Type 3											
Type 4											
Partial rebuilding of structure											

²⁴ Indicate applicable unit of measurement or omit if specific units cannot be identified and applied.

APPENDIX 10: SAMPLE TOR FOR THE EXTERNAL MONITOR

A. Introduction

1. Monitoring and evaluation will include, but will not be limited to, (i) the progress and effectiveness of the implementation of the RP; and (ii) the evaluation of income restoration and post-resettlement conditions of the displaced persons (DPs) and affected communities, including host communities.

B. Objectives and Requirements of Monitoring and Evaluation

2. The objectives of monitoring and evaluation are to assess whether the LARP is implemented on schedule and within budget and whether the goals and principles of the LARP are achieved. Specifically, monitoring and evaluation will focus on the following aspects of the DPs' situation and the resettlement process.

- Social and economic situation prior to and after land acquisition and/or resettlement;
- Timely disbursement of funds;
- Functioning of the grievance redress mechanism
- Environmental conditions;
- Social adaptability after resettlement;
- Rehabilitation of vulnerable groups
- Special items related to the vulnerable groups;
- Condition and quality of land temporarily acquired when it is returned to the original land users;
- Measures taken to restore affected livelihoods; and,
- Living conditions and economic status of DPs following resettlement in comparison to the "without project" scenario.

3. Monitoring and evaluation will include (i) the verification or establishment of a socio-economic baseline of the DPs prior to actual {land acquisition, physical displacement/relocation, loss of assets or disruption of businesses (as relevant)}; (ii) verification of internal monitoring data and reports; (iii) the regular monitoring of their {resettlement or displacement/relocation (as relevant)} and adjustment during Project implementation; and (iv) evaluation of their situation for a period of {one or two years} after {land acquisition or displacement or relocation (as relevant)}. In addition, qualitative and quantitative evaluation will be made on the sustainability of living conditions of DPs. Investigation will include consultations and observations with DPs, IAs, local officials, village leaders, as well as a quantitative sample survey of at least 20% of displaced households. Focus group discussion will be conducted with male and female DPs, and vulnerable groups.

4. If the findings of the EM indicate significant compliance gaps, the EM will work with the EA and PIU to prepare a separate corrective action plan (CAP) in cooperation with the relevant stakeholders, to address pending or new LAR impacts. The EM will monitor and report on the implementation of the CAP.

C. Monitoring Indicators

5. Monitoring will include process, output and outcome indicators. The monitoring framework and formats stipulated in the RF and RP will be adopted. The following general indicators will be covered.

- Disbursement of entitlements to DPs and enterprises/businesses: compensation, relocation, housing, cultivated farmland, and employment as specified in the LARP.
- Provision of relocation options: the affected persons must move into chosen resettlement/housing option at least one month before physical displacement/relocation; for those opting for self-construction, payment of compensation and provision of housing sites should be completed at least three months before physical displacement/relocation; the compensation for construction of houses should be equivalent to the replacement cost; the DPs must receive their entitlements and allowances on time.
- Development of economic productivity: re-allocation of cultivated land, land restoration, job opportunities available to DPs, number of DPs employed or unemployed.
- Standard of living: Throughout the implementation process, the trends in standards of living will be observed and the potential problems in the way of restoration of standards of living will be identified and reported. The Monitor will carry out a comprehensive socio-economic survey after the completion of resettlement implementation to document the standards of living and the conditions of the DPs after resettlement. The survey will be updated annually.
- Restoration of civic infrastructure: all necessary infrastructure should be restored at the resettlement sites at least up to a standard equal to the standard at the original location; the compensation for all infrastructure should be sufficient to reconstruct it to the same quality
- Effectiveness of resettlement planning. Adequacy of assets measurement, entitlements, sufficiency of budget, and timeliness of mitigation measures.
- Level of satisfaction of DPs: level of satisfaction of DPs with various aspects of the resettlement program; the operation of the mechanisms for grievance redress will be reviewed and the speed and results of grievance redress measures will be monitored.
- Social adaptability and cohesion: impacts on children, indigenous peoples/ethnic minorities and other vulnerable groups, public participation, DPs' attitudes and reaction to post resettlement situation, number of complaints and appeal procedures, implementation of preferential policies, income restoration measures, and improvements in women's status in villages.
- Other Impacts. The monitor will verify if there are unintended environmental impacts and impacts on employment and incomes.

D. Special Considerations

6. Special attention will be paid to women, indigenous peoples/ethnic minorities/groups, as well as the poor and vulnerable groups during monitoring; these include:

- The status and roles of women: Closely monitor any change in women's status, function and situations. At least 40% of DPs surveyed will be women.
- Differential impacts on indigenous peoples/ethnic minority groups. Closely monitor the socioeconomic status of indigenous peoples to ensure that they have not been further marginalized. Monitoring indicators should to the extent possible be disaggregated by gender and ethnicity.
- Care and attention to vulnerable groups: Closely monitor living conditions of the poor, the elderly, the handicapped, female headed households and other vulnerable groups after resettlement, to ensure that their livelihood is improved.

- Monitoring and evaluation will provide information on the utilization and adequacy of resettlement funds.