

RESETTLEMENT FRAMEWORK

Project No.: 51228-001
April 2018

IND: Railways Track Electrification Project

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

ENVIRONMENTAL ASSESSMENT AND REVIEW FRAMEWORK, RESETTLEMENT FRAMEWORK AND INDIGENOUS PEOPLES PLANNING FRAMEWORK

1. ADB, as part of its sovereign lending operations, approved the IND: MFF – Railway Sector Investment Program in 2011, executed by the Ministry of Railways through its implementing agency, Rail Vikas Nigam Limited. The investment program included doubling of existing railway tracks and electrification of the railway corridors in several states of India. In compliance with ADB Safeguard Policy Statement, 2009, the Ministry of Railways developed the following safeguard frameworks: (a) environmental assessment and review framework, (b) resettlement framework, and (c) indigenous peoples planning framework, to address the potential environment and social impacts associated with the ADB funded investment program.

2. The safeguards due diligence for the proposed loan assessed the adequacy of the safeguard frameworks (environmental assessment and review framework, resettlement framework and indigenous peoples planning framework) to address the environment and social impacts associated with the electrification of tracks by the Indian Railways Finance Corporation (IRFC). The due diligence confirmed that the provisions in the safeguards frameworks are adequate to address the environment and social impacts and no material changes to the framework provisions are required. The following modifications to reflect the specific requirements of the proposed electrification subprojects have been identified in the due diligence findings:

- (i) revise sections in the frameworks related to institutional structure and implementation arrangements;
- (ii) update the national requirements related to land acquisition by including (a) the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013 and (b) guidelines by the Ministry of Power, Government of India on payment of compensation towards damages in regard to Right of Way for transmission lines, 2015;
- (iii) exclude from ADB funding, any electrification subprojects categorized A for any of the three safeguard categories, through an early screening of all subprojects at an early stage for environment, involuntary resettlement and indigenous peoples impacts; and,
- (iv) develop subproject selection criteria and procedures to exclude from ADB funding, (a) any subproject where construction activities have been commenced by the contractors, and (b) any subproject where incorporation of environment and social safeguard requirements in the procurement documents is not possible.

3. These enhancements have been discussed and agreed upon with IRFC and IRFC commits to update these frameworks prior to ADB's first disbursement, to the satisfaction of ADB.

4. The safeguard frameworks prepared as part of the IND: MFF – Railway Sector Investment Program in 2011 are presented in the following sections.

RESETTLEMENT FRAMEWORK

Railway Sector Investment Program

List of Acronyms	ii
Glossary.....	iii
1. Introduction	1
2. Involuntary Resettlement Principles for the Project	1
2.1 Comparison of Indian National and State Policies with ADB's SPS.....	2
3. Compensation.....	3
3.1 Valuation of Lost and Affected Assets.....	3
3.2 Entitlement Matrix	5
4. Procedure for Resettlement Plan Preparation	7
5. Institutional Arrangements.....	9
5.1 Resettlement Staffing and Consultants.....	9
5.2 Grievance Redress.....	9
5.3 Roles and Responsibilities.....	10
6. Public Consultation and Disclosure of RP	11
7. Monitoring, Evaluation, and Reporting	13
7.1 Internal Monitoring	13
7.2 External Monitoring	13
8. Implementation Schedule.....	16
9. Resettlement Budget.....	17
Table 1: Entitlement Matrix	5
Table 2: Planning Process and Agencies Responsible for Involuntary Resettlement Implementation	10
Table 3: Monitoring Framework for Involuntary Resettlement and Rehabilitation	13
Table 4: Resettlement Budget and Cost Estimates.....	17
Annex 1: Review of Government Policies and ADB Requirements	19
Annex 2: Involuntary Resettlement Policies Comparison Matrix.....	31
Annex 3: Terms of Reference	36
Annex 4: Format and Scope of a Full RP	38
Annex 5: Format and Scope of a Short Resettlement Plan	40

1. INTRODUCTION

1. The Railway Sector Investment Program has been formulated by the Ministry of Railways, Government of India (Executing Agency [EA]), and will receive financing from the Asian Development Bank (ADB) using the multi-tranche financing facility (MFF) loan modality. It includes a plan for efficiency-improvement measures to railway organization, work processes and procedures to complement the physical investments to improve the commercial orientation of railway services as well as a railway sector analysis. In addition, a number of track doubling, electrification and/or similar subprojects are included in the first tranche and possibly for future tranches.

2. This Resettlement Framework (RF) has been formulated to guide the preparation of subproject Resettlement Plans (RPs) for this and subsequent phases during loan implementation. The RF identifies the broad scope of the Project and outlines the policy, procedures and institutional requirements for preparation and implementation of subproject RPs. The Implementing Agency (IA), Rail Vikas Nigam Limited (RVNL), will be responsible for conducting the social assessment and formulating RPs for subsequent tranches, as per procedure outlined in this RF. The draft RPs will be disclosed to the affected persons (APs) and submitted to ADB for review and approval prior to award of civil works contracts. Compensation and other assistances will have to be paid to APs prior to commencement of subproject construction activities.

2. INVOLUNTARY RESETTLEMENT PRINCIPLES FOR THE PROJECT

3. Based on the comparative review of various resettlement policies¹ and laws of India and relevant states and the ADB's *Safeguard Policy Statement* (2009) (SPS), the following broad resettlement principles are distilled for this project:

- (a) Screen the project (and each subproject) to determine whether its triggers these resettlement principles and to determine the scope of resettlement planning required through a census/survey of all project-affected persons.
- (b) Every effort will be taken to avoid physical displacement and/or any other adverse impacts on livelihood and income sources and community resources and infrastructure. If physical displacement and/or other adverse project impacts are unavoidable, the following actions will be taken to ensure that they do not get impoverished because of the project.
- (c) Consult and inform all APs on land acquisition, compensation, and rehabilitation, and inform them of their entitlements.
- (d) Provide special project assistance to meet the needs of vulnerable affected people such as poor, landless, elderly, woman-headed households, tribal communities and to informal settlers and squatters.
- (e) Improve or at least restore livelihoods of all affected households through cash-for-land compensation at replacement value for acquired or damaged property.
- (f) Provide well-planned and budgeted income restoration and improvement programs for the benefit of APs.

¹ Please see Annexes 1 and 2 for details.

- (g) All common property resources lost due to the project will be replaced or compensated by the project;
- (h) If land acquisition is through negotiated settlement, the project will ensure the persons who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (i) Project affected households without titles to land are eligible to resettlement assistance.
- (j) Disclose resettlement information and plans including consultation documentation before the project appraisal in a form, manner and language(s) accessible to the affected people and other stakeholders. The final resettlement plans and their updates will also be disclosed to the affected people and other stakeholders in the same manner.
- (k) Pay compensation and provide other entitlements to each displaced person before physical displacement and/or any construction contract is awarded.

4. In accordance with the involuntary resettlement principles listed above, all APs will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets, and scope of the impacts including socio-economic vulnerability of the affected persons and measures to support livelihood restoration if livelihood impacts are envisaged. The affected persons will be entitled to the following five types of compensation and assistance packages:

- (a) compensation for the loss of land, crops/ trees at their replacement cost;
- (b) compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- (c) assistance in lieu of the loss of earnings/income;
- (d) assistance for shifting, and
- (e) rebuilding and/ or restoration of community resources/facilities.

2.1 Comparison of Indian National and State Policies with ADB's SPS

5. The National Rehabilitation and Resettlement Policy of 2007 (NRRP-2007) [updating the NRRP of 2003], represents a significant milestone in the development of a systematic approach to address resettlement issues in India and closes significantly the gap between Indian national policies and those of ADB. The Land Acquisition Act (LAA) of 1894 (as amended in 1984) gives directives for the acquisition of land in the public interest and provides benefits only to titleholders. The LAA also does not provide replacement cost for the loss of land and assets. By contrast, the NRRP recognizes non-titleholders, although the basic requirement is for the non-titleholder to have been in the project-affected area at least 3 years prior to the declaration of the area as an affected area. The state-level policies are not so comprehensive as far as various types of losses and entitlements are concerned. For example, the Orissa Resettlement and Rehabilitation Policy (ORRP) is one state-level policy which provides adequate R&R measures. Overall, then, it can be concluded that the NRRP complies with most of the provisions made under ADB's SPS with the Orissa policy being the state-level policy coming the closest to closing the gaps that remain.

6. One outstanding difference between GOI and ADB policies regards the cut-off date for access to R & R compensation. According to the NRRP-2007 the cut-off-date for non-titleholders' eligibility for compensation/assistance is three years preceding the date of declaration of the affected area and for the titleholders it is the date of notification under LAA. To bring this RF in accord with ADB requirements, this RF mandates that in the case of land acquisition, the date of publication of preliminary notification for acquisition under

section 4.1 of the LAA will be treated as the cut-off date and for non-titleholders such as squatters the date of project census survey or a similar designated date declared by the executing agency will be considered as cut-off date.

7. Another significant development is the submission to the Parliament of the Land Acquisition Bill of 2007 (LAA Bill-2007), which would amend the Land Acquisition Act of 1894 (as amended in 1984). If and when this Bill is adopted, it would both complement the revision of the NRRP-2007 and decrease significantly the gaps between the LAA and ADB's SPS. In particular, the Bill would require social assessments for projects involving land acquisition, although it would set minimum thresholds of people affected for this proviso to apply, while the ADB does not so require. The Bill also expands compensation coverage of the principal act by requiring that the value of trees, plants, or standing crops damaged must also be included. The bill furthermore would match ADB requirements for all compensation to be paid prior to project taking possession of any land. Lastly, the Bill would expand likely compensation packages, and replacement cost is established as the foundation principle, as it is under the ADB Policy.

8. Taken together, therefore, the NRRP-2007, and the LAA Bill-2007, would establish near equivalence of GOI policies with those of ADB's SPS. Adoption of the above principles for the project would ensure that the policies would mesh in their application to this project. A detailed policy analysis of ADB's SPS and borrower's national and state policies are made and a comparison matrix is presented in **Annexes 1 and 2, respectively**.

3. COMPENSATION

3.1 Valuation of Lost and Affected Assets

9. It is clear from the analysis of legal provisions and various policies that there are some differences in the calculation of compensation². The principal LAA is based on the prevailing circle rate, while the LAA Bill-2007, requires the project to award the highest value of: (i) the minimum land value for the area as specified in the Indian Stamp Act, 1899; (ii) the average sale price of at least 50% of the higher priced sales of similar land in the village or vicinity; or (iii) the average sale price of at least 50% of the higher priced land purchased for the project. The value of trees, plants, or standing crops damaged must also be included. The NRRP-2007 ensures lost assets are compensated to the extent of actual loss and emphasizes market value. ADB Policy clearly specifies a requirement for compensation at replacement cost. However, as per the policy adopted for this project, all compensation for loss of land, structures, and other assets will be based on full replacement cost. The following methods are suggested for calculation of compensation for the lost assets.

10. In the State where rules are in vogue for negotiated settlement/consent award, the EA will hire an Independent Evaluator registered with Government, who will assess the replacement cost of land. The EA through the Independent Evaluator will assess as follows: (i) appraise recent sales and transfer of title deeds and registration certificates for land in urban and rural areas of the district, (ii) appraise circle rate (valuation of land property established by an administrative area) in urban and rural areas of the district, (iii) appraise agricultural productivity rate for land 20 years yield. The Negotiation Committee will consider the input given by the Independent Evaluator, while arriving at the negotiated value of the land. However, in case where there is no Law in regard to award of compensation as per mutual negotiated settlement, the State Government will be requested to take the assessment of the replacement cost as per the above criteria and the difference between the

² Please see Annex 2.

market value determined by the State Government and replacement cost will be paid as "resettlement assistance" to affected households.

11. The compensation for houses, buildings and other immovable properties will be determined on the basis of replacement cost by referring to relevant Basic Schedule of Rates (B.S.R.) as on date without depreciation. While considering the BSR rate, the Independent Evaluator registered with the Government will use the latest BSR for the residential and commercial structures in the urban and rural areas of the region, and in consultation with the owners.

12. Loss of community infrastructure or any common property resources will be re-installed of the same at new places in consultation with the community or local self-governing bodies or appropriate authority in accordance with the modalities determined by such bodies or authority.

14. Compensation for standing and perennial crops, timber and fruit-bearing trees will be paid by DC at the rate estimated by (i) the Forest Department for timber trees; (ii) State Agriculture Extension Department for crops; and (iii) Horticulture Department for perennial trees.

15. Each AP whose income or livelihood is affected by a subproject will be assisted to improve or at least restore it to pre-project level. Such assistance will be provided as financial assistance and training from the project. Vulnerable households will get special assistance in this regard. Compensation for loss of livelihood for those employees of business or agricultural labourers will be as indicated in the Entitlement Matrix.

16. Cash compensation and other entitlements prescribed in the Entitlement Matrix (3.2) will be provided to each AP before taking possession of the land/properties. APs will be provided with an advance notice of 60 days prior to possession being taken of the land/properties. After payment of compensation at replacement cost, APs would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued clarifying that APs can salvage the materials. The EA will provide satisfactory evidences of payment of compensation and assistances for each section prior to commencement of civil works in the respective sections of a subproject. All compensation and assistance will be paid to APs at least one month prior to commencement of construction activities.

3.2 Entitlement Matrix

17. The Entitlement Matrix (**Table 1**) identifies and lists types of losses resulting out of the subproject, and specific compensation and resettlement packages to restore/improve them. It is the responsibility of the EA to determine entitlements of each AP and provide compensation and other resettlement assistance as specified in paras. 9-14.

Table 1: Entitlement Matrix

	Type of Loss	Application	Definition of APs	Entitlement	Details
A. LOSS OF LAND FOR TITLEHOLDER					
1	Loss of agricultural/ or any other type of land by owners	Land on the project right-of-way	(i) Legal owners; and (ii) APs with traditional land rights	<ul style="list-style-type: none"> • Compensation at replacement cost • Resettlement and Rehabilitation 	<p>(a) Cash compensation for the land at replacement cost, which will be determined as mentioned in note (A).</p> <p>(b) If the residual plot(s) is (are)</p>

	Type of Loss	Application	Definition of APs	Entitlement	Details
				Assistance	<p>not economically viable, the EA will follow the rules and regulations applicable in the State and compensate accordingly; if there are no state-specific rules and regulations available regarding residual land and if the residual land is less than the average land holding of the district after EA purchase, the EA in agreement with the AP, will follow one of the following:</p> <ul style="list-style-type: none"> • The EA will buy the residual land for the project following the entitlements listed in this entitlement matrix; or • The EA will pay the AP 25% of the land hardship compensation for that portion of land without its purchase. <p>(c) Refund of registration cost, stamps etc. incurred for replacement land to be paid by the project; (1) replacement land must be bought within a year from the date of DC payments; and (2) the registration cost to be paid will be on the amount received from DC.</p> <p>(d) Resettlement & Rehabilitation Assistance shall be as under:</p> <ul style="list-style-type: none"> • Transitional Allowance of Rs.4,000/- per household • Training Assistance of Rs.4,000/- for income generation per household, as per note (B).

	Type of Loss	Application	Definition of APs	Entitlement	Details
2	Loss of homestead and commercial land	Land on the right-of-way	(i) Legal owners of land; and (ii) APs with traditional land rights	<ul style="list-style-type: none"> • Compensation at replacement cost • Resettlement and Rehabilitation Assistance 	<p>(a) Cash compensation for the land at replacement cost, which will be determined as mentioned in note (A).</p> <p>(b) Refund of registration cost, stamps etc. incurred for replacement land to be paid by the project; (1) replacement land must be bought within a year from the date of DC payments; and (2) the registration cost to be paid will be on the amount received from DC.</p> <p>(c) Resettlement & Rehabilitation Assistance shall be as under:</p> <ul style="list-style-type: none"> • Transitional Allowance of Rs.4,000/- per household, as per note (B) • Training Assistance of Rs.4,000/- for income generation per household, as per note (B).
B. LOSS OF STRUCTURE (RESIDENTIAL/COMMERCIAL/OTHER)					
3	Loss of residential/commercial structures by owners	Structure on the right-of-way	(i) Owner(s) of structures identified by DC	<ul style="list-style-type: none"> • Compensation at replacement cost • Resettlement and Rehabilitation Assistance 	<p>(a) Cash compensation for the structure at replacement cost which will be determined as mentioned in note (C).</p> <p>(b) Resettlement & Rehabilitation Assistance shall be as under:</p> <ul style="list-style-type: none"> • Transitional Allowance of Rs.4,000/- per household, as per note (B) • Training Assistance of Rs.4,000/- for income generation per household, as per note (B). • Shifting Allowance of Rs.10,000/- per household, as per note (B) <p>(c) People affected will be allowed to salvage materials from their demolished structures.</p>
C. LOSS OF TREES AND CROPS					
4	Loss of trees, crops, perennials	Standing crops, trees on ROW land	Owners and beneficiaries of land	Compensation at market value	<p>(a) Compensation to be paid by DC at the rate estimated by (i) the Forest Department for timber trees; (ii) State Agriculture Extension Department for crops; and (iii) Horticulture Department for perennial trees</p> <p>(b) Cash compensation at</p>

	Type of Loss	Application	Definition of APs	Entitlement	Details
					market value determined as per (a) above to title holder and non-title households including informal settlers/squatters for loss of trees, crops and perennials (c) 60 days advance notice to APs to harvest fruits, standing crops, and remove trees
D. LOSS OF STRUCTURE BY NON-TITLEHOLDER					
5	Loss of residential/commercial structures by informal settlers/squatters	Structures on the ROW	Owners of structures identified by census and SES	<ul style="list-style-type: none"> • Compensation at replacement cost • Resettlement and Rehabilitation Assistance 	<p>(a) Informal settlers/squatters will receive cash assistance for their structures at replacement costs which will be determined as mentioned in note (C).</p> <p>(b) Resettlement & Rehabilitation Assistance shall be as under:</p> <ul style="list-style-type: none"> • Transitional Allowance of Rs.4,000/- per household, as per note (B) • Training Assistance of Rs.4,000/- for income generation per household, as per note (B). • Shifting Allowance of Rs.10,000/- per household, as per note (B) <p>(c) People affected will be allowed to salvage materials from their demolished structures.</p> <p>(d) 60 days advance notice to shift from squatted land</p>
E. LOSS OF LIVELIHOOD/ PROVISION OF ADDITIONAL SUPPORT TO VULNERABLE GROUP					
6	Loss of income and work days due to displacement, as per note (D)	Households affected by ROW	Head of households identified by the DC list and SES	<ul style="list-style-type: none"> • Resettlement and Rehabilitation Assistance • 	<p>(a) Cash assistance for 90 days at the local agricultural wage rate as per State norms</p> <p>(b) Training Assistance of Rs.4,000/- for income generation per household, as per note (B).</p> <p>(c) Temporary employment in the project construction work to APs with particular attention to APs below poverty line (BPL) by the project contractor to the extent possible.</p>
7	Any loss to vulnerable groups	Households affected by ROW	Vulnerable households including households headed by women, BPL, SC, ST, disabled and elderly	<ul style="list-style-type: none"> • Additional Assistance to vulnerable groups 	Assistance in the form of grant will be paid to those below the poverty line and the vulnerable including households headed by women, SC, ST, disabled and the elderly at the rate of Rs.10,000 per eligible households.
F. LOSS OF COMMUNITY INFRASTRUCTURE/COMMON PROPERTY RESOURCES					

	Type of Loss	Application	Definition of APs	Entitlement	Details
8	Loss of community structure and common property resources	Structures and other resources (e.g. land, water, access to social services) under ROW	Affected communities and groups	Reconstruction of community structure and common property resources	Reconstruction of community structures and replacement of common property resources in consultation with the community, as appropriate.

AP = affected persons, BPL = below poverty line, DC = District Commissioner, ROW = right-of-way, SC = scheduled caste, ST = scheduled tribe, SES = socioeconomic survey

Notes:

(A) In the State where rules are in vogue for negotiated settlement/consent award, the EA will hire an Independent Evaluator registered with Government, who will assess the replacement cost of land. The EA through the Independent Evaluator will assess as follows: (i) appraise recent sales and transfer of title deeds and registration certificates for land in urban and rural areas of the district, (ii) appraise circle rate (valuation of land property established by an administrative area) in urban and rural areas of the district, (iii) appraise agricultural productivity rate for land 20 years yield. The Negotiation Committee will consider the input given by the Independent Evaluator, while arriving at the negotiated value of the land. However, in case where there is no Law in regard to award of compensation as per mutual negotiated settlement, the State Government will be requested to take the assessment of the replacement cost as per the above criteria and the difference between the market value determined by the State Government and replacement cost will be paid as resettlement assistance.

(B) Wherein the total ex-gratia assistance paid to each affected family shall not be less than Rs.20,000/- which shall include the shifting allowance, transitional allowance, training allowance, vulnerable grant i.e. each affected family shall be offered an amount of not less than Rs.20,000/- as resettlement & rehabilitation assistance, which is over and above the cash compensation for land, structure, etc. paid as per State Laws.

(C) The compensation for houses, buildings and other immovable properties will be determined on the basis of replacement cost by referring to relevant Basic Schedule of Rates (B.S.R.) as on date without depreciation. While considering the BSR rate, the Independent Evaluator registered with the Government will use the latest BSR for the residential and commercial structures in the urban and rural areas of the region, and in consultation with the owners.

(D) Displacement would mean those losing their livelihood only e.g. employee/agricultural labourer/sharecropper.

4. PROCEDURE FOR RESETTLEMENT PLAN PREPARATION

18. The EA will be responsible for involuntary resettlement planning and implementation.

19. The EA/IA will use the following checklist to screen subprojects to identify their resettlement impacts and to determine whether a full or short RP is necessary, in consultation with ADB:

- (a) Will the subproject require land? What is the quantity of land required?
- (b) Will the impact be permanent or temporary (during construction)?
- (c) Who owns the land? How is land currently used?
- (d) If private land, how many landowners/tenants/sharecroppers will be affected?
- (e) If state land, is it subject to traditional claim?
- (f) If state land, are there any squatters or informal settlers?
- (g) Are there any houses, structures, trees and crops that will be affected (whether state or private land)?
- (h) How many households will be physically displaced?
- (i) Is there any public or community infrastructure?
- (j) Will tribal communities be affected?

20. In preparing the RP, the following procedures will be followed:

- (a) Carry out consultations with all APs and other stakeholders to obtain inputs into planning to minimize the impacts, RP planning, identify needs and preferences.
- (b) Undertake census (100% coverage), asset inventory and detailed measurement surveys. A socio-economic survey of a sample population will also be undertaken, unless adequate local GOI census and profile data are available.
- (c) Analyze data to identify different categories of APs based on the degree and scale of impacts of the subproject.
- (d) Formulate time bound schedule for RP implementation, procedures for grievance redress, monitoring and evaluation procedures and budget.
- (e) Prepare a draft RP in conformity with the approved RF entitlements matrix.
- (f) Translate into local languages and present the draft subproject RP during consultation and public meetings for comments. The final RP will incorporate the comments and suggestions of the affected communities.
- (g) Submit the RP to ADB for review and concurrence. The approved subproject RP will be implemented before the award of construction contracts.
- (h) Approved RPs will be posted on borrower and ADB websites

21. The purpose of the baseline socioeconomic sample survey is to identify the nature and significance of project impacts. The survey will also collect gender-disaggregated data to address gender issues. The survey will carry out the following: (i) preparation of accurate maps of the sub-project area; (ii) analysis of social structures and income resources of the population by studying 20% sample of the population affected. Survey findings will be used as a benchmark for monitoring the socio-economic status of APs during project implementation.

22. The purpose of the census is to register (i) who the potentially affected persons³ are, (ii) what they do for a living (related to income restoration planning), and (iii) what they are likely to lose due to the project (related to compensation measures). The census will cover 100 percent of APs. The census will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood and provide gender-disaggregated socioeconomic data. Such data will be important to determine if special actions should compose a part of the RP to address the special resettlement-related needs of women APs.

23. The 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 APs should be completed before RP preparation. RP preparation will be governed by the involuntary resettlement impacts identified during the census.

24. If involuntary resettlement impacts are found to be significant, a full RP will be prepared for the sub-project in consultation with APs. Resettlement is significant when 200 or more persons experience major "impacts" defined as involving AP being physically displaced from housing and/or having 10% or more of their productive, income generating assets lost. The RP will include the results and findings of the census of APs, 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 should be broadly structured as indicated in **Annex 4**.

25. If involuntary resettlement impacts are not significant, a short RP will be prepared for the sub-project in consultation with APs. A short resettlement plan covers the same issues as that of a full resettlement plan, as relevant, but in less detail. However, the short resettlement plan must ensure that adequate compensation, and rehabilitation arrangements are planned and budgeted. See **Annex 5**.

26. RPs will comply with the principles outlined in this agreed RF. Approval of RPs for each subproject by ADB, including disbursing of compensation payments prior to displacement, will be a condition for the contracting of civil works. In case of land acquisition, the date of notification for acquisition under LAA will be treated as the cut-off date. For non-titleholders such as squatters and informal settlers, the date of project census survey or a similar designated date declared by the EA will be considered as the cut-off date.

27. The PIU will conduct regular internal monitoring of resettlement implementation and prepare quarterly progress reports for submission to the EA and the ADB. The reports will contain progress made in RP implementation with particular attention to compliance with the principles and matrix set out in the plan. The report will also document consultation activities conducted by the ADB-PIU; provide summary of issues or problems identified and actions taken to resolve the issues; and provide summary of grievances or complaints lodged by households and actions taken to redress such complaints. An External Monitor will also be appointed to provide independent assessment and review.

³ The potentially affected persons will include both the titleholders and the non-titleholders within the sub-project construction zone. The identification of non-titleholders will be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, information from the community will be considered.

5. INSTITUTIONAL ARRANGEMENTS

5.1 Resettlement Staffing and Consultants

28. The Ministry of Railways will be the Executing Agency (EA) and the Rail Vikas Nigam Limited will be the Implementing Agency (IA) for the project and will be responsible for the design and implementation of each subproject resettlement plan. A Project Implementation Unit (PIU) will be established for implementation of each subproject and supported by other technical teams at the RVNL Headquarters. For resettlement activities, HQ will do the overall coordination, planning, and financing. The implementation of RP of each project will be the responsibility of each regional PIU.

29. The IA staff and consultants for subproject preparation and implementation will include social development specialists familiar with ADB policy and procedures for the preparation of RPs⁴. There will be a Resettlement Officer (RO) in HQ, as well as Involuntary Resettlement Consultants to carry out resettlement planning and implementation supervision. The detailed Terms of Reference for each specialist is given in **Annex 3**. The HQ through its respective PIUs will be responsible for preparing the resettlement plans for the identified subprojects in the future tranches.

30. To implement the subproject work Project Implementation Units (PIUs) will be established at concerned zonal levels. Subproject level resettlement activities will be carried out by the PIUs with the appointment of an Assistant Resettlement Specialist (ARS), who will either be deputed to the PIU or engaged on contractual basis having adequate land acquisition and resettlement implementation expertise. The ARS at the PIU level will be assisted by the Resettlement Officer of the HQ, along with the Involuntary Resettlement Consultants.

31. Involuntary resettlement is a sensitive issue, and strong experience in resettlement and rehabilitation (R&R) matters along with community-related skills will be required by the PIU to facilitate building good rapport with the affected communities and satisfactory R&R of the APs. To meet this challenge, experienced and well-qualified civil society organizations (NGO) in this field will be engaged to assist the PIUs in the implementation of the RP. The NGO would play the role of a facilitator and will work as a link between the PIU and the affected community. The NGO will assist APs in income restoration through assistance in training and guiding access to various ongoing government development schemes and agencies providing financial assistance and loans.

5.2 Grievance Redress

32. A Grievance Redress Committee (GRC) at each district level will be formed to deal with the disputes and APs' grievances and facilitate timely implementation of the project. The GRC will be headed by the District Collector (DC; or District Magistrate) or a representative from the Collector's office; the other members of the GRC will include the ARS from the PIU office, representatives of APs, particularly of vulnerable APs (including IPs), local government representatives, NGOs, at least one representative of project-affected women in the community and one representative of tribes affected by the project, if any, and other interest groups. The GRC will meet as necessary and when grievances are referred to it for redress at locations and times convenient to APs. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, compensation, and other assistance. In addition, GRC will review IP concerns, if any, and grievances and provide appropriate relief and assistance. Records of all GRC meetings and proceedings will be kept and available in a timely fashion upon request of any participant. Grievances should be resolved within 15-30 days of receipt by the GRC chair of the complaint.

⁴ The consultants will also attend to Indigenous Peoples issues, if any, of each subproject.

5.3 Roles and Responsibilities

33. The roles and responsibilities of various agencies to be involved in resettlement planning process and implementation of resettlement activities are summarized in **Table 2**.

Table 2: Planning Process and Agencies Responsible for Involuntary Resettlement Implementation

Activity	Agency Responsible
Establishment of Resettlement Unit in HQ and appointment of Resettlement Specialist (RS)	HQ
Hiring of Resettlement Consultants, External Monitor	HQ/PIU
Organizing resettlement training workshop (optional)	HQ
Screen subproject affected area for resettlement effects	HQ/PIU
Determine if full or short RP is needed	HQ, in consultation with ADB
Social Assessment and preparation of land acquisition plan, Census, Socioeconomic Surveys, Resettlement Plan (RP)	PIU through Resettlement Consultant(s)
Hiring of Civil Society Organizations (NGOs)	HQ/PIU
Public consultation and disclosure of RP	PIU, Resettlement Consultants, NGO
Co-ordination with district administration for land acquisition	PIU with Resettlement Consultant(s)
Declaration of cut-off date	HQ/PIU
Review and obtaining of approval of resettlement plan from ADB	HQ
Appointment of GRC	HQ/PIU
Submission of land acquisition proposals to District Collector (DC)	PIU
Compensation award and payment of compensation	District Collector (DC), PIU
Payment of replacement cost and allowance	DC, PIU
Taking possession of acquired land and structures	PIU from DC
Handing over the acquired land to contractors for construction	PIU
Notify the date of commencement of construction to APs	PIU, NGO
Assistance in relocation, particularly for vulnerable groups	PIU, NGO
Internal monitoring of overall RP Implementation	PIU, NGO
External Monitoring and Evaluation (M&E)	External Monitor

6. PUBLIC CONSULTATION AND DISCLOSURE OF RP

34. Project information (including measurement of losses, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments and displacement schedule) will be disseminated by the PIU through public consultation and made available as brochures, leaflets, or booklets, using local languages. For non-literate people, other communication methods should be used.

35. Each subproject RP will be prepared and implemented in close consultation with the stakeholders, particularly APs, through focus group discussions and stakeholder consultation meetings. 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.

36. Each subproject RP will be made available in local language(s) during the public meetings at the community level. Copies of RPs will also be made available at the local level public offices, such as District Collector's Offices and Block Development Officer's Office, as soon as the plans are available and certainly before land is acquired for the project. The RPs will be disclosed on ADB's and EA's websites. The report of this disclosure, giving detail of date and location, will be shared with ADB.

37. A Public Consultation and Disclosure Plan will be prepared by PIU/NGO for each of the subprojects as per the format below:

Activity	Task	Timing (Date/Period)	Agencies	Remarks
Stakeholder identification	Mapping of the project area			
Project information dissemination	Distribution of information leaflets to affected persons (APs)			
Consultative meetings with APs during scoping phase	Discuss potential impacts of the project			
Public Notification	Publish list of affected lands/sites in a local newspaper; establish eligibility cut-off date			
Socio-economic survey	Collect socioeconomic information on AP's perception on the project			
Consultative meetings on resettlement mitigation measures	Discuss entitlements, compensation rates, grievance redress mechanisms			
Publicize the resettlement plan	Distribute leaflets or booklets in local			

(RP)	language			
Full disclosure of the RP to APs	Distribute RP in local language to APs			
Internet disclosure of the RP	RP posted on ADB and/or EA website			
Consultative meetings during detailed measurement survey(DMS)	Face to face meetings with APs			
Disclosure after DMS	Disclose updated RP to APs			
Internet disclosure of the updated RP	Updated RP posted on ADB and/or EA website			

38. Upon completion of the consultations for the subproject the PIU/NGO should issue a report detailing the number of people who attended, the gender division, the feedback/issues/concerns raised, and if the issues have been addressed as per RP.

39. In addition, it would be desirable for transparency purposes if the full costs of resettlement are included in the presentation of the costs and benefits of the project.

7. MONITORING, EVALUATION, AND REPORTING

7.1 Internal Monitoring

40. Internal project monitoring and evaluation will be carried out by HQ/PIU and the implementing NGO. RVNL will set up the PIUs and engage the Resettlement Officer at HQ prior to the implementation of the subprojects under first tranche. The HQ through its RO and implementing NGO(s) will be responsible for the internal monitoring. See **Annex 3** for the ToRs of these project specialists.

41. The internal monitoring by HQ/PIU will include (a) administrative monitoring, i.e. daily planning, implementation, feedback and troubleshooting, individual AP database maintenance, and progress reports; (b) socio-economic monitoring i.e. case studies, using baseline information for comparing AP 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, i.e., income standards restored/improved, and socioeconomic conditions of the affected persons. Monitoring and evaluation reports documenting progress on resettlement implementation and RP completion reports will be provided by the PIU to HQ for review and approval from ADB.

7.2 External Monitoring

42. External Monitoring and Evaluation will be the responsibility of an External Monitor (EM) to be hired for the Project. The EM, with previous experience in resettlement activities and familiarity with Government and ADB resettlement policies, will be engaged with ADB concurrence within three months of the loan effectiveness. The EM will monitor and evaluate RP implementation to determine whether resettlement goals have been achieved, whether livelihood and living standards have been restored, and to provide recommendations for improvement. Monitoring will also ensure recording of APs' views on resettlement issues such as: APs' understanding of entitlement policies, options, and alternatives; site conditions; compensation valuation and disbursement; grievance redress procedures; and staff competencies. The EM will also evaluate the performance of the PIU and NGOs in managing resettlement activities and will submit quarterly progress reports with findings and its recommendation simultaneously to the EA and to ADB semi-annually.

43. A draft monitoring framework for resettlement issues is given in Table 3 below.

Table 3: Monitoring Framework

S. N.	R&R Activities	Progress	Remarks
1	Assessment of Resettlement impacts due to changes in project design, if relevant		
2	Preparation/ updating of Resettlement Plan based on changes in project design		
3	Approval of updated Resettlement Plan from ADB		
4	Appointment and		

S. N.	R&R Activities	Progress	Remarks
	mobilization NGO		
5	Disclosure of updated Resettlement Plan		
6	Establishment of Grievance Redressal Committee		
7	Capacity building of EA		
8	Verification of APs Census list; assessment on compensation and assistance, and readjustment		
9	Land Acquisition		
10	Payment of Compensation as per replacement value of land & assets to APs		
11	Disbursement of assistance to title holders		
12	Disbursement of assistance to non-title holders		
13	Disbursement of special assistance to Vulnerable groups		
14	Number of vocational training provided to APs		
15	Linking APs to available Development schemes		
16	Planning for Resettlement sites as per RP		
17	Shifting APs to Resettlement sites as per RP		
18	Replacement/ shifting of community property resources		
19	Reinstallation of public utilities		
20	Restoration of pre-project income levels and living standards as per RP		
21	APs assessment of restoration of living standards and livelihoods as per RP		
22	Preparation/ updating of Indigenous Peoples Development Plan based on changes in project design		
23	Approval of updated Indigenous Peoples Development Plan from ADB		

S. N.	R&R Activities	Progress	Remarks
24	Special tribally distinctive ways of livelihood (e.g., gathering forest products) are not adversely affected		
25	Tribal communities, if any, receive proportionate subproject benefits and compensation		
26	Consultations and disclosure are carried out in tribal languages and in culturally appropriate ways, if relevant		

8. IMPLEMENTATION SCHEDULE

44. The RP implementation schedule will vary from subproject to subproject. The process will be lengthy in most of the cases because it involves land acquisition. In general, the project implementation will consist of the three major phases of project preparation, land acquisition and rehabilitation of APs. The specific resettlement-related activities to be performed such as social impact assessment, census and socio-economic survey, resettlement planning, public consultation, development of mitigation measures and income restoration measures, implementation RP, monitoring and evaluation, and their subproject implementation schedule will all be detailed in the resettlement planning document.

Activity	Progress
Screen subproject affected area for resettlement effects	
Determine if full or short RP is needed	
Carry out Baseline Socioeconomic Survey, if required	
Carry out Census	
Declaration of cut-off date	
Prepare land acquisition plan	
Prepare Resettlement Plan (RP)	
Hiring of Civil Society Organizations (NGOs)	
Public consultation and disclosure of RP	
Co-ordination with district administration for land acquisition	
Review and obtaining of approval of resettlement plan from ADB	
Submission of land acquisition proposals to District Collector	
Compensation award and payment of compensation	
Payment of replacement cost and allowance	
Taking possession of acquired land and structures	
Handing over the acquired land to contractors for construction	
Notify the date of commencement of construction to APs	
Assistance in relocation, particularly for vulnerable groups	
Internal monitoring of overall RP Implementation	
Carry out External Monitoring and Evaluation (M&E)	
Carry out Project Completion Report	

9. RESETTLEMENT BUDGET

45. Detailed budget estimates for each RP will be prepared by the PIU, which will be included in the overall tranche budget. The budget shall include: (i) detailed costs of land acquisition, and livelihood and income restoration and improvement; (ii) source of funding; (iii) administrative, including staff training; (iv) monitoring costs; (v) cost of hiring consultants and the NGO; (vi) arrangement for approval, and the flow of funds and contingency arrangements. All land acquisition, compensation, and rehabilitation, administrative, monitoring and consultant cost, income and livelihood restoration cost will be considered as an integral component of project costs and ensure timely disbursement of funds for RP implementation. The EA, through its IA and in consultation with the appropriate Revenue officers, will prepare all the necessary plans and the cost for the land acquisition and resettlement. The approved cost will be allocated in advance in the annual budget of the project authority. All the costs for necessary assistances will also be allocated in advance by the IA and will be disbursed prior to the start of the civil work.

46. The disbursement of money to the APs for land acquisition will be carried out by the District Magistrate/ Commissioner's office. The amount will be calculated by the project authority through its land acquisition officer from the Revenue Office. The approved amount will be deposited by the IA in the district magistrate's office and the disbursement carried out by the district administration. The IA will deposit the amount at respective district jurisdictions and the district administration will disburse the money to APs as per the Law and Ministry procedures.

47. However, in the case of assistance and other rehabilitation measures, the EA will directly pay the money or any other assistance as stated in the RP to APs. The implementing NGO will be involved in facilitating the disbursement process and rehabilitation program.

Table 4: Resettlement budget & Cost Estimates

Item		Unit Rates	Total Quantity	Compensation (in Rs.)	R&R Costs (Rs.)	Source of Funding
A: Compensation for Acquisition of Private Properties						
1	Agriculture Land				-	
2	Homestead Land for Residential/Commercial				-	
3	Residential Structure				-	
4	Commercial Structure					
5	Trees					
	Fruit-bearing					
	Timber					
	Perennial Crops					
	Standing Corps					
6	Solatium (30% of the sum of the market value in consideration of compulsory nature of the acquisition)					
7	Interest (at the rate of 12 per annum from the date on which possession of time of so taking possession of land until it shall have been paid or deposited)					
			Sub-total			
B: R&R Assistance						
1.	Agriculture Land (top up value to meet replacement cost)					

2. Homestead Land for Residential /Commercial (top up value to meet replacement cost)					
3. Residential Structure (top up value to meet replacement cost)					
4. Commercial Structure(top up value to meet replacement cost)					
5. Non-titleholder Structure					
6. Transitional Allowance					
7. Shifting Allowance					
8. Training Assistance					
9. Assistance to Employees/ Agricultural Labourer/ Sharecroppers					
10. Additional Support to Vulnerable households					
Sub-Total					
C: Community Infrastructure/Common Property Resources					
1. Community Infrastructure Improvement/ Installation					
2. Religious Structures					
3. Government Buildings					
D: Support implementation of RP					
1. Independent Monitoring & Evaluation Agency					
2. NGOs Assistance for RP Implementation					
Sub-Total					
TOTAL (in Rs.)					
Contingency (15% of the total)					
Grand total (in Rs.)					

ANNEX 1: REVIEW OF GOVERNMENT POLICIES AND ADB REQUIREMENTS

1. The ADB Policy on Involuntary Resettlement (IR Policy) as well as the applicable existing legal framework and policies of the Government of India and the respective state Governments will form the basis of this RF.

1. National Level Policies

2. The Land Acquisition Bill of, 2007 amends the Land Acquisition Act, 1894 (as amended in 1984), which addresses the process of land acquisition in India and was last previously amended by the Land Acquisition Amendment Act, 1984. This Bill was introduced in conjunction with the Rehabilitation and Resettlement Bill (now Policy), 2007 to address land acquisition, compensation, and resettlement of displaced persons.

1.1 Land Acquisition Act 1894, as amended in 1984

3. The Land Acquisition Act 1894, as amended in 1984 (hereafter collectively referred to as the LAA), enables the State Government to acquire private lands for a public purpose, and seeks to ensure that no person is deprived of land except under the Act. The general process for land acquisition under LAA is:

- (a) Land identified for a project is placed under Section 4 of the LAA. This constitutes notification of Government's intention to acquire land. Objections must be made within 30 days to the District Collector [(DC); the highest administrative officer of the concerned District].
- (b) The land is then placed under Section 6 of the LAA. This is a declaration made by the Government for acquisition of land for public purpose. The DC is directed to take steps for the acquisition, and the land is placed under Section 9. Interested parties are then invited to state their interest in the land and offer a price. Under Section 11, the DC shall make an award within one year of the date of publication of the declarations. Otherwise, the acquisition proceedings shall lapse.
- (c) In case of disagreement on the price awarded, within 6 weeks of the award, parties (under Section 18) can request the DC to refer the matter to the Courts to make a final ruling on the amount of compensation.
- (d) Once the land has been placed under Section 4, no further sales or transfers are allowed.
- (e) Compensation for land and improvements (such as houses, wells, trees, etc.) is paid in cash by the project proponent to the State government, which in turn compensates landowners.

4. The price to be paid for the acquisition of agricultural land is based on the circle rate recorded at the District Registrar's office averaged over the three years preceding notification under Section 4. Compensation is paid after the area is acquired. An additional 30% is added to the award as well as an escalation of 12% per year from the date of notification to the final placement under Section 9. After placement under Section 9, an additional 9% per annum is paid for delayed payments for the first year and 15% for subsequent years.

5. Under the Land Acquisition Act 1894 (1984), compensation is paid only to the legal titleholders and does not provide for compensation to non-titleholders such as informal settlers or squatters.

1.2 Land Acquisition (Amendment) Bill, 2007

6. Land acquired can be transferred only for a public purpose and with prior approval from the appropriate government. The principal Act permits land acquisition if the land is to be used for a 'public purpose' project. The Bill changes 'public purpose' to allow land acquisition only for (i) strategic naval, military, or air force purposes, (ii) public infrastructure projects, or (iii) for any purpose useful to the general public where 70% of the land has already been purchased from willing sellers through the free market. Currently, private land may be acquired on behalf of a company for a 'public purpose' project. The Bill prohibits land acquisition for companies unless they have already purchased 70% of the land needed.

7. If land acquisition results in the displacement of 400 families in the plains or 200 families in the hills or tribal areas, the government must conduct a social impact assessment. The study will include the effects of displacement, a Tribal Development Plan, and provisions for infrastructure development in resettlement areas.

8. The Bill states acquisition costs will include suffering or loss, payment for damages to the land during acquisition, cost of land needed for displaced residents, cost of infrastructure development at resettlement sites, and administrative costs of acquisition and resettlement. These costs must be borne by the entity acquiring the land.

9. The Collector must make details of the land acquisition process, including compensation amounts, publicly available.

10. In the principal Act, the Collector only needs to determine the current price value of the land for compensation amounts. The Bill requires the Collector to take the highest value of: (i) the minimum land value for the area as specified in the Indian Stamp Act, 1899; (ii) the average sale price of at least 50% of the higher priced sales of similar land in the village or vicinity; or (iii) the average sale price of at least 50% of the higher priced land purchased for the project. The value of trees, plants, or standing crops damaged must also be included. In the event that a price is not available or the land is in an area where land sales have been previously restricted, the state government shall set the floor price per unit of land. This price will be determined by average prices of at least 50% of the higher priced land in the vicinity. While determining compensation, the Collector must also factor in the intended use of the land and the value of such land in the current market.

11. In the principal Act, the term 'person interested' includes those who are claiming land compensation and those interested in an easement (limited right of use of the land) on the land. The Bill proposes to expand the definition to include tribal and other traditional forest dwellers who have lost any traditional rights as well as individuals with tenancy rights under state law.

12. Payment for acquired land must be made within one year from the date of the declaration. The Collector can extend this time limit by six months with a penalty of 5% per month. If payment has not been made within one year nor has the Collector granted an extension, the land acquisition proceedings shall lapse. After the compensation amount is determined, the Collector must ensure that payment occurs within 60 days. Possession of land shall not be taken unless full compensation is paid or tendered to the land owner.

13. Currently, all land acquisition cases are referred to civil courts for a decision. The Bill establishes the Land Acquisition Compensation Disputes Settlement Authority at both the state and national levels to adjudicate all land acquisition disputes within six months. The Bill gives these Authorities the same powers as a civil court and deems all proceedings of the Authorities as judicial proceedings. The government may form more Authorities or benches.

1.3 National Rehabilitation and Resettlement Policy, 2007

14. The National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007) was adopted by the Government of India in 31st October, 2007 to address development-induced resettlement issues.

1.3.1 Scope and Applicability

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

1.3.2 Salient Features of the NRRP-2007

16. The objectives of the National Rehabilitation and Resettlement Policy are as follows:

- (a) to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives;
- (b) to ensure an adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
- (c) to ensure that special care is taken for protecting the rights of weaker sections of society, especially members of the Scheduled Castes (SCs) and Scheduled Tribes (STs), and to oblige the State to treat each with concern and sensitivity;
- (d) to provide a better standard of living, making concerted efforts toward sustainable incomes for affected families;
- (e) to integrate rehabilitation concerns into development planning and implementation processes; and
- (f) where displacement is on account of land acquisition, to facilitate an harmonious relationship between the requiring body and affected families through mutual cooperation.

1.3.3. Eligibility, Entitlements and other Provisions

17. Some of the salient features of the National Rehabilitation and Resettlement Policy of 2007 are listed below.

- (a) The benefits to be offered to the affected families include: land-for-land to the extent Government land would be available in the resettlement areas; preference for employment in the project to at least one person from each nuclear family, subject to the availability of vacancies and suitability of the affected person; training and capacity building for taking up suitable jobs and for self-employment; scholarships for education of the eligible persons from the affected families; preference to groups of cooperatives of the affected persons in the allotment of contracts and other economic opportunities in or around the project site; wage employment to the willing affected persons in the project construction work; housing benefits including houses to the landless affected families in both rural and urban areas; and other benefits.

- (b) Financial support to the affected families for construction of cattle sheds, shops, and working sheds; transportation costs, temporary and transitional accommodation, and comprehensive infrastructural facilities and amenities in the resettlement area including education, health care, drinking water, roads, electricity, sanitation, religious activities, cattle grazing, and other community resources, etc.
- (c) A special provision has been made for life-time monthly pension to the vulnerable persons, such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or persons above 50 years of age (who are not provided, or cannot immediately be provided, with alternative livelihood).
- (d) Special provisions for the Scheduled Tribes and Scheduled Castes to include preference in land-for-land for STs followed by SCs; a Tribal Development Plan that will also include a program for development for alternate fuel, including a program for development for alternate fuel and non-timber forest produce resources, consultations with Gram Sabhas and Tribal Advisory Councils, protection of fishing rights, land free-of-cost for community and religious gatherings, and continuation of reservation benefits in resettlement areas
- (e) A strong grievance redressal mechanism has been prescribed, which includes standing Resettlement and Rehabilitation Committees at the district level, R&R Committees at the project level, and an Ombudsman duly empowered in this regard. The R&R Committees shall have representatives from the affected families including women, voluntary organizations, Panchayats, local elected representatives, etc. Provision has also been made for post-implementation social audits of the rehabilitation and resettlement schemes and plans.
- (f) For effective monitoring of the R&R plans' implementation progress, provisions have been made for a National Monitoring Committee, a National Monitoring Cell, mandatory information sharing by the States and UTs with the National Monitoring Cell, and Oversight Committees in the Ministries/Departments concerned for each major project, etc.
- (g) For ensuring transparency, provision has been made for mandatory dissemination of information on displacement, rehabilitation and resettlement, with names of the affected persons and details of the rehabilitation packages. Such information shall be placed in the public domain on the internet as well as shared with the concerned Gram Sabhas and Panchayats, etc. by the project authorities.
- (h) A National Rehabilitation Commission shall be set up by the Central Government, which will be duly empowered to exercise independent oversight over the rehabilitation and resettlement of the affected families.
- (i) Under the new Policy, no project involving displacement of families beyond defined thresholds⁵ can be undertaken without a detailed Social Impact Assessment (SIA), which among other things, shall also take into account the impact that the project will have on public and community properties, assets and infrastructure; and the concerned Government shall have to specify that the ameliorative measures for addressing the said impact may not be less than what is provided under any scheme or program of the Central or State Government in operation in the area. The SIA report shall be examined by an independent multi-disciplinary expert group, which will also include social science and rehabilitation experts. Following the conditions of the SIA,

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

clearance shall be mandatory for all projects displacing people beyond the defined thresholds.

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

1.4 State Level Policies

18. There are four states to be covered under the first tranche of this investment program: Orissa, Chhattisgarh, Maharashtra, Andhra Pradesh and Karnataka. Each of the states save Chhattisgarh has its own state-specific resettlement and rehabilitation policy, which are described briefly below.

1.4.1 Resettlement and Rehabilitation Policy of Orissa, 2006

19. The State Government of Orissa in 2006 formulated and adopted a comprehensive R&R policy named "The Orissa Resettlement and Rehabilitation Policy, 2006" to ensure sustained development through a participatory and transparent process with the following basic objectives:

- (a) To avoid displacement wherever possible and to minimize it by exercising available options,
- (b) To recognize voices of physically displaced communities, emphasizing the needs of the indigenous communities and vulnerable sections,
- (c) To ensure environmental sustainability through participatory and transparent processes, and
- (d) To help guide the process of developing institutional mechanisms for implementation, monitoring, conflict resolution and grievance redressal.

20. Cognizant of the need for participatory and inclusive approaches, the Orissa R&R Policy, 2006 in principle explicitly safeguards project affected persons by involving them in planning and providing various benefits. It recognizes both the titleholders and non-titleholders by emphasizing the needs of vulnerable sections of society.

21. The policy specifies separate R&R packages for different categories of projects, such as (1) Industrial Projects, (2) Mining Projects, (3) Water Resources / National Parks and

Sanctuary and (4) Urban Projects and Linear Projects. Under category 4 i.e. in linear projects like railway and highways each displaced families will be eligible for the following:

- (a) Homestead land: @ 1/10th of an acre in rural areas and @ 1/25th of an acre in urban areas, or cash equivalent of Rs.50,000/- preferably near growth centres like land by the side of roads and important junctions, land by the side of railway stations etc., subject to availability. If required, project authority may acquire such suitable land under the relevant Act for the purpose.
- (b) House Building Assistance of Rs. 1,50,000/- to each displaced family will be admissible whether settling in a Resettlement Habitat or elsewhere.
- (c) If house/homestead land of any landholder is acquired for linear project or if there is total displacement due to acquisition for such project, the project authority shall provide employment to one of the members of such displaced family in the project. Wherever the Rehabilitation and Periphery Development Advisory Committee (RPDAC) decides that provision of such employment is not possible, one time cash assistance as decided by the Government will be paid by the project authority.

1.4.1.1 Benefit to landless & homestead-less informal settlers common to all categories

22. The Orissa policy offers the following benefits to landless encroachers and squatters, irrespective of the type of project.

- (a) An encroacher family, who is landless as defined in the Orissa Prevention of Land Encroachment Act, 1972, and is in possession of the encroached land at least for a period of ten years continuously prior to the date of notification under relevant law(s) declaring intention of land acquisition will get ex-gratia equal compensation admissible under the Land Acquisition Act, 1894 for a similar category of land to the extent of land under his/her physical possession up to a maximum of one standard acre, if the encroachment is unobjectionable. While determining the extent of land for such compensation the rayati land held by him/her is to be taken into account.
- (b) An encroacher family, who is homestead-less as defined in the Orissa Prevention of Land Encroachment Act, 1972 and is in possession of the encroached land at least for a period of ten years continuously prior to the date of notification under relevant law(s) declaring intention of land acquisition will get ex-gratia, equal compensation for the similar category of homestead land, against the encroached homestead land up to a maximum of 1/10th of an acre in rural areas or 1/25th of an acre in urban areas, if the encroachment is unobjectionable. While determining the extent of land for such compensation the homestead land held by him/her is to be taken into account. The ex-gratia will be in addition to the actual cost of structures thereon. If the encroachment is found to be objectionable, (s)he will be entitled to the cost of structure only.

1.4.1.2 Special benefits to Scheduled Tribes

23. The Scheduled Tribes people as defined by the Constitution of India are also eligible for the following benefits under the Orissa Policy:

- (a) While developing the RPs, the socio-cultural norms of indigenous and primitive tribal groups will be respected.
- (b) Each displaced family in the indigenous category shall be given preferential allotment of land.

- (c) As far as practicable, indigenous communities should be resettled in a compact area close to their natural habitat.
- (d) Indigenous displaced families resettled outside the district shall be given 25 per cent higher R&R benefits in monetary terms.

1.4.1.3 Limitations

24. The ORRP, 2006 is quite close in coverage to both National and ADB IR Policies. The only limitation is that ORRP, 2006 is conditionally applicable as far as the non-titleholder is concerned. ORRP recognizes the non-titleholders as landless and homestead-less encroachers as defined under Orissa prevention of Land Encroachment Act, 1972. However, the law sets a horizon of ten years out, rather than the cut-off date of the census survey.

1.4.2 The Maharashtra Project Affected Persons Rehabilitation Act, 2001

25. The Government of Maharashtra has adopted its policy on R&R called the 'The Maharashtra Project Affected Persons Rehabilitation Act, 1999' as modified up to 2006.

1.4.2.1 Applicability

26. The applicability of the policy will be as follows:

- (a) It shall apply to all irrigation projects of which the area of the affected zone exceeds 50 hectares, or the area of the benefited zone exceeds 200 hectares or a Gaothan is affected.
- (b) It shall also apply to all projects, other than irrigation projects such as industry including industrial estate, atomic park, sanctuary, mines, etc. However, the entire responsibility to execute them and to rehabilitate the project affected persons shall rest with the concerned department of the government of Maharashtra by entering into an agreement with the concerned project authority or body.
- (c) Where, in the opinion of the State Government, it is necessary and expedient in the public interest to apply it to any other project, the State Government may, by notification in the Official Gazette, declare that it shall apply in relation to such projects as specified in the notification; and thereupon the provisions of this Act shall apply to such projects.
- (d) It shall not apply to projects falling under the jurisdiction of inter-State projects; and the rehabilitation work financed by the external agencies and countries.

1.4.2.2 Eligibility

27. The eligible persons under the policy are the following:

- (a) Legal titleholders
- (b) Tenants who are in actual possession of land under the relevant Tenancy Law
- (c) Agricultural labourers who do not possess any land but have been cultivating the land and earning the livelihood through manual labour not less than 5 years prior to the date of notification

1.4.2.3 Powers and Duties

28. The major powers and duties rely on the following authority:

- (a) Chief Controlling Authority- Commissioner appointed by the Government
- (b) Concerned District Collector
- (c) Project Authority

1.4.2.4 Entitlements

29. Following are the entitlements provided under this policy:

(a) Land for Land

- The State Government shall, in accordance with the provisions made by or under this Act and subject to the availability of sufficient land for the purpose, rehabilitate affected persons from the affected zone under an irrigation project on land in the villages or areas receiving the benefit of irrigation from such a project.
- land for land in benefited zone of any irrigation project, or as the case may be in other villages or areas, acquired for the purpose
- Land for land from the land pool.

(b) Civic Amenities: The State Government shall provide civic amenities in the prescribed scale and manner in the new gaathan or in the extended part of any existing gaathan established for the purpose of rehabilitation of affected persons and such amenities shall include the following:

- Permanent provision for drinking water, in proportion to the population, by open well, bore well, tube well, piped water supply scheme or by any other mode;
- School with toilet facilities and with playground of appropriate level as prescribed by the Education Department of the State Government;
- Construction of Village Panchayat Office and Chavdi or Samaj Mandir;
- Internal metal roads and asphalted approach road of appropriate standard;
- An access to the farm lands of the affected persons, if required;
- Electric supply along with street lights, and three phase connections, wherever required;
- Cremation ground with a shed, platform, electric supply, water supply and burial ground, with an approach road as may be required;
- Open built-up gutters;
- Financial assistance for individual latrines and public latrines, wherever necessary;
- Land for cattle stand with a water cistern;
- Land with pick up shed for Maharashtra State Road Transport Corporation bus services;
- Land for threshing floor (khalwadi)
- Pasture land (if Government land is available);
- Developed land for market;
- Land for future expansion of gaathan;
- Land for a secondary school and a dispensary or primary health centre, bank, post office, garden for children, etc. depending on the population of the new gaathan.
- Land for registered bodies for public purposes in the old gaathan;

- Land for play ground.
- (c) Restoration of Cultural and Religious Property or Proper Compensation
- (d) Employment Schemes

1.4.2.5 Limitations

30. Following are the limitations of this policy compared to the National policy and ADB's policy:

- (a) This policy does not deal with the minimization of resettlement
- (b) Does not recognize the non-titleholders
- (c) Does not talk about household surveys and social impact assessment
- (d) There is no stipulated assistance and restoration program of the Affected Persons
- (e) It does not talk about the replacement value, rather talks about the true market value

1.4.3 Resettlement and Rehabilitation Policy of Andhra Pradesh, 2005

31. A Policy was framed to provide a comprehensive policy on R&R to ensure uniformity of benefits across the State and to ensure the delivery of benefits in a transparent manner. A Committee was constituted in 2004 to prepare a Draft R& R Policy for the Government of Andhra Pradesh. The recommendation of the Committee was endorsed by the Government of Andhra Pradesh through Government Order Ms No. 68 dated 8th April 2005.

32. The Objectives of the Policy are:

- (a) To minimize displacement and to identify non-displacing or least-displacing alternatives;
- (b) To plan the R&R of Project Affected and Displaced Families (PAFs/PDFs) including special needs of Scheduled Tribes and vulnerable sections;
- (c) To provide a better standard of living to PAFs and PDFs and
- (d) To facilitate a harmonious relationship between the Requiring Body and PAFs through mutual cooperation.

33. The subjects covered in the Policy include:

- (a) Appointment of administrator and commissioner for R&R, as well as their powers and functions;
- (b) Schemes/plans for R&R;
- (c) R&R benefits for PAFs;
- (d) Basic amenities to be provided at resettlement centre for projects;
- (e) R&R benefits for project affected families of Scheduled Tribes;
- (f) Constitutional benefits to ST/SC/BC Project Affected Persons at the re-settlement centre ;
- (g) Dispute redressal mechanisms;
- (h) Monitoring mechanism
- (i) Third party concurrent audit of implementation

34. Some modifications have been proposed to this policy to address R&R issues in linear sector projects. These include identification of squatters; families without legal titles; families whose businesses are getting affected; cut off date; corridor of impact; partial impacts instead of en mass impacts etc. These modifications form a part of the State Policy.

1.4.3.1 Limitations

35. Some of the limitations of the Andhra Pradesh Resettlement Policy are:
- (a) The definition of displaced does not include all those who are affected only those who are displaced
 - (b) The definition of affected zone does not cover linear projects
 - (c) Limiting the number of displaced families will exclude families affected but not displaced. In linear projects the numbers of partially-affected families outnumber those requiring relocation. Such families suffer substantially but are not regarded as displaced. In linear projects those displaced are not en masse but spread over a large linear area.
 - (d) There is no mention about families without legal titles and non-agricultural families. Squatters and encroachers have not been covered.
 - (e) A Project Affected Family is defined as one which has had more than 50% of its land acquired. Families losing even 25% have been found to be adversely affected and without R&R support it would be difficult to provide better standard of living. On similar grounds those losing more than 25% of their residential structures should be considered also as affected family. The definition excludes losses to commercial structures.
 - (f) No cut off date has been mentioned for non-titleholders.
 - (g) Consultations have to be held with the project affected families and not only with their representatives as mentioned.
 - (h) The Policy does not specify any time schedule for extending R&R benefits to the project affected/displaced families.
 - (i) Free home sites have been mentioned in the policy for those losing private property only. In such a case it is difficult for project implementers to address the issue of housing with squatters and encroachers. The policy also does not provide alternate site for those who lose shop/work place.
 - (j) The policy is not clear whether the housing construction grant is available to squatters. The policy also does not provide assistance in the construction of alternate shop/work place.

1.4.4 Asian Development Bank's Policy of Involuntary Resettlement

36. The ADB's Policy of Involuntary Resettlement (1995) on the other hand, recognizes and addresses the R&R impacts of all the affected persons, irrespective of their titles, and requires the preparation of RP in every instance where involuntary resettlement occurs. The ADB policy requirements are:

- (a) avoid or minimize impacts where possible;
- (b) consultation with the affected people in project planning and implementation;
- (c) payments of compensation for acquired assets at the replacement cost;
- (d) ensure that no one is worse off as a result of resettlement and would maintain at least their original standard of living.
- (e) resettlement assistance to affected persons, including non-titled persons; and
- (f) special attention to vulnerable people/groups.

37. The three important elements of the Involuntary Resettlement policy of ADB are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. Some or all of these elements may be present in a project involving involuntary resettlement. For any ADB operation requiring involuntary resettlement, resettlement

planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following basic principles:

- (a) Involuntary resettlement should be avoided whenever feasible.
- (b) Where population displacement is unavoidable, it should be minimized by providing viable livelihood options.
- (c) Replacing what is lost. If individuals or a community must lose all or part of their land, means of livelihood, or social support systems, so that a project might proceed, they will be compensated and assisted through replacement of land, housing, infrastructure, resources, income sources, and services, in cash or kind, so that their economic and social circumstances will be at least restored to the pre-project level. All compensation is based on the principle of replacement cost.
- (d) Each RP is conceived and executed as part of a development project or program. ADB and executing agencies or project sponsors, during project preparation, assess opportunities for affected people to share project benefits. The affected people need to be provided with sufficient resources and opportunities to re-establish their livelihoods and homes as soon as possible, with time-bound action in coordination with the civil works.
- (e) The affected people are to be fully informed and closely consulted. Affected people are to be consulted on compensation and/or resettlement options, including relocation sites, and socioeconomic rehabilitation. Pertinent resettlement information is to be disclosed to the affected people at key points, and specific opportunities provided for them to participate in choosing, planning, and implementation options. Grievance redress mechanisms for affected people are to be established. Where adversely affected people are particularly vulnerable groups, resettlement planning decisions will be preceded by a social preparation phase to enhance their participation in negotiation, planning, and implementation.
- (f) Social and cultural institutions. Institutions of the affected people, and, where relevant, of their hosts, are to be protected and supported. Affected people are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.
- (g) No formal title. Indigenous groups, ethnic minorities, pastoralists, people who claim for such land without formal legal rights, and others, who may have usufruct or customary rights to affected land or other resources, often have no formal legal title to their lands. The absence of a formal legal title to land is not a bar to ADB policy entitlements.
- (h) Identification. Affected people are to be identified and recorded as early as possible in order to establish their eligibility through a population record or census that serves as an eligibility cut-off date, preferably at the project identification stage, to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits.
- (i) The Poorest. Particular attention must be paid to the needs of the poorest affected people, and vulnerable groups that may be at high risk of impoverishment. This may include those without legal title to land or other assets, households headed by females, the elderly or disabled and other vulnerable groups, particularly Indigenous Peoples (i.e., STs in India). Appropriate assistance must be provided to help them improve their socio-economic status.
- (j) The full resettlement costs are to be included in the presentation of project costs and benefits. This includes costs of compensation, relocation and rehabilitation, social preparation and livelihood programs as well as the incremental benefits over the without-project situation (which is included in

the presentation of project costs and benefits). The budget also includes costs for planning, management, supervision, monitoring and evaluation, land taxes, land fees, and physical and price, contingencies. Where loans include subprojects, components or investments prepared only after project approval and loans through financial intermediaries that are likely to cause involuntary resettlement, sufficient contingency allowance must be allocated for resettlement prior to approval of the loan. Similarly, RPs should also reflect the timeframe for resettlement planning and implementation.

- (k) Eligible costs of compensation. Relocation and rehabilitation may be considered for inclusion in ADB loan financing for the project, if requested, to assure timely availability of the required resources and to ensure compliance with involuntary resettlement procedures during implementation.

INVOLUNTARY RESETTLEMENT POLICIES COMPARISON MATRIX

Sl. No.	ADB's Safeguard Policy Statement (SPS) Principles	National Rehabilitation and Resettlement Policy, 2007	Orissa Resettlement and Rehabilitation Policy 2006	The Maharashtra Project Affected Persons Rehabilitation Act, 2001	Resettlement and Rehabilitation Policy of Andhra Pradesh, 2005	Remarks*
1	Involuntary resettlement should be avoided where feasible	This principle is equally emphasized under NRRP-2007	ORRP-2006 has the same principle	The MPAPRA does not address this issues	Policy complies	NRRP-2007 meets ADB's SPS requirements
2	Where population displacement is unavoidable, it should be minimized by exploring all viable project options	NRRP-2007 aims to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives (refer Para 2.1a)	ORRP-2006 has the same policy	The MPAPRA does not address this issues	Policy complies	NRRP-2007 meets ADB's SPS requirements
3	Affected individuals, families or a community will be compensated and assisted through replacement of lost assets, so that their economic and social circumstances will be at least restored to the pre-project level	Loss of assets to be compensated to the extent of actual loss (refer Para 7.2 and Para 7.4.1)	In case of ORRP this is not clearly defined but the overall objective and provisions therein aim at the same objective.	The MPAPRA provides only the compensation to the titleholders and does not deal with any assistance.	Policy complies as provides for land-based compensation	NRRP-2007 meets ADB's SPS.
4	All compensation should be based on the principle of replacement cost	The compensation award shall take into account the market value of the property being acquired (refer Para 6.22b)	ORRP suggests for possible negotiation on this regards and provides sufficient assistance based on updated records	The Maharashtra Policy does not exactly talk about the replacement value rather it talks about the current market rate which is almost close to the replacement	As mentioned in Point-3	It is not clear whether the "market value" of the NRRP-2007 is the equivalent meet of ADB's SPS requirements for replacement cost.

Sl. No.	ADB's Safeguard Policy Statement (SPS) Principles	National Rehabilitation and Resettlement Policy, 2007	Orissa Resettlement and Rehabilitation Policy 2006	The Maharashtra Project Affected Persons Rehabilitation Act, 2001	Resettlement and Rehabilitation Policy of Andhra Pradesh, 2005	Remarks*
				value		
5	Each involuntary resettlement is conceived and executed as part of the development project or program	NRRP-2007 emphasizes to integrate rehabilitation concerns into the development planning and implementation process (refer Para 2.1e)	Yes, the ORRP-2006 also emphasizes the same	Not defined clearly	Not defined clearly	NRRP-2007 meets ADB's SPS requirements
6	Affected people are to be consulted on compensation and/or resettlement options, including relocation sites, and socioeconomic rehabilitation	NRRP-2007 ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the consultation and active participation of the affected families (refer Para 2.1b)	ORRP-2006 too equally emphasizes the public consultation in the process	No provision is made under this policy	Policy provision made	NRRP-2007 meets ADB's SPS requirements
7	All displaced families should be assisted for relocation by providing relocation sites with appropriate facilities and services	In all cases of involuntary resettlement all affected families shall be provided basic infrastructural facilities and amenities at the resettlement site (refer Para 7.22.1 and Para 7.22.2)	This provision is made in the ORRP-2006	This provision is made under the MPAPRA	Policy specifies	NRRP-2007 meets ADB's SPS requirements
8	Pertinent resettlement information is to be disclosed to the affected	NRRP-2007 ensure this principle (refer point 6 above) also	Provision made as noted under point-6 above	No provision is made under this policy	Not clearly defined but grievance Redressal mechanism exist	NRRP-2007 meets ADB's SPS requirements

Sl. No.	ADB's Safeguard Policy Statement (SPS) Principles	National Rehabilitation and Resettlement Policy, 2007	Orissa Resettlement and Rehabilitation Policy 2006	The Maharashtra Project Affected Persons Rehabilitation Act, 2001	Resettlement and Rehabilitation Policy of Andhra Pradesh, 2005	Remarks*
	people at key points, and specific opportunities provided for them to participate in choosing, planning, and implementation options	refer Para 6.14.1, Para 6.14.3)				
9	Grievance redress mechanisms for affected people are to be established	Project involving involuntary resettlement needs to have Grievance redress mechanisms for affected people (refer Para 8.1.1 and Para 8.3.4)	ORRP-2006 has its own grievance redress mechanisms	The grievance redress mechanism under this policy is as per the LAA and it does not have any specific committee for that.	Provision made	NRRP-2007 meets ADB's SPS requirements
10	Social and cultural institutions of the affected people, and, where relevant, of their hosts, are to be protected and supported	This is emphasized in the policy (refer Para 6.10, Para 7.21.6)	ORRP-2006 also emphasizes this issue	Adequate relocation provisions have been made in the policy which complies with other policies too.	Policy emphasized	NRRP-2007 meets ADB's SPS requirements
11	The absence of a formal legal title to land is not a bar to ADB policy entitlements	NRRP-2007 fully recognizes the non-titleholder families and ensure R&R benefits (refer Para 3.1.b.iii)	ORRP recognizes the non-titleholders as Landless and homestead less encroachers as defined under Orissa prevention of Land Encroachment Act, 1972 and makes entitled for various assistances	The Maharashtra Policy does not provide any entitlements to the non title holders and does not even recognise them.	Specifies this for linear projects	NRRP-2007 meets ADB's SPS requirements. However, there are conditions in the NRRP which set a cut-off date of three years previous while for ADB the cut-off is at the time of the resettlement census.
12	The resettlement planning documents will,	NRRP-2007 equally emphasized the need		This is not specified in the policy	Special provision for vulnerable group made	NRRP-2007 meets ADB's SPS

Sl. No.	ADB's Safeguard Policy Statement (SPS) Principles	National Rehabilitation and Resettlement Policy, 2007	Orissa Resettlement and Rehabilitation Policy 2006	The Maharashtra Project Affected Persons Rehabilitation Act, 2001	Resettlement and Rehabilitation Policy of Andhra Pradesh, 2005	Remarks*
	in each case, define the poorest and vulnerable groups	to identify the vulnerable people in R&R plan (refer Par 6.4.v)				requirements
13	When significant Indigenous Peoples or ethnic minority issues are identified special attention will be paid to exploring viable alternative designs that will reduce or eliminate such impacts	This is equally emphasized in the NRRP-2007	Additional financial assistance is also defined for ST people in ORRP-2006	This is not specified in the policy	Additional assistance for St is made	NRRP-2007 meets ADB's SPS requirements
14	In case of significant impacts of IP, an Indigenous Peoples Development Plan may be required in addition to a resettlement plan.	where the Scheduled Tribes people are being displaced in sizeable numbers, a well thought out Tribal Development Plan must be put in place (refer Par 1.5)	As above in point-13	This is not specified in the policy	As above in point- 13	NRRP-2007 meets ADB's SPS requirements
15	The full resettlement costs are to be included in the presentation of project costs and benefits	NRRP-2007 ensure that the entire estimated cost of rehabilitation and resettlement benefits and other expenditure for rehabilitation and resettlement of the affected families is communicated to the requiring body for	Provision made in ORRP-2006	This has been one of the components under the policy and it takes the resettlement cost as part of the overall project cost.	Not clearly defined	NRRP-2007 meets ADB's SPS requirements

Sl. No.	ADB's Safeguard Policy Statement (SPS) Principles	National Rehabilitation and Resettlement Policy, 2007	Orissa Resettlement and Rehabilitation Policy 2006	The Maharashtra Project Affected Persons Rehabilitation Act, 2001	Resettlement and Rehabilitation Policy of Andhra Pradesh, 2005	Remarks*
		incorporation in the project cost (refer Para 6.16)				
16	For all development interventions that involve Involuntary Resettlement, a satisfactory and detailed resettlement plan will be prepared by the government or sponsor	NRRP-2007 emphasized the need to prepare R&R Plan (refer Para 3.1.t and Para 5.1)	ORRP-2006 provides for Preparation of Resettlement Plan for all projects	This is not specified in the policy	Policy specifies	NRRP-2007 close to meeting ADB's SPS requirements. Threshold numbers for NRRP are 400 APs for plains and 200 for hills/tribals while ADB is a flat 200 APs.
17	Resettlement plans will be prepared with appropriate time bound actions and budgets.	NRRP-2007 ensure preparation of resettlement planning document (refer Para 5.1, Para 6.14.2 and Para 7.22.2)	ORRP also ensure the same	This is not specified in the policy	Ensures this provision	NRRP-2007 meets ADB's SPS requirements
18	Social preparation and payment of compensation should precede actual displacement.	Full payment of compensation as well as adequate progress in resettlement shall be ensured in advance of the actual displacement of the affected families (refer Para 6.22.a)	This is emphasized in ORRP-2006	This provision complies with other policies.	R&R budget provision is made in the policy	NRRP-2007 meets ADB's SPS requirements

*Note: NRRP-2007 in principle is substantially equivalent in its treatment of IR issues with ADB's *Safeguard Policy Statement (2009)* and its basic objectives. As implementation on the ground has just begun, some rules/ notifications to be followed by the NRRP-2007 and their procedural compatibilities and gaps with ADB policy cannot be foreseen completely at this stage.

TERMS OF REFERENCE

A. Resettlement Officer in HQ:

1. The Resettlement Officer (RO) will ensure consistency of resettlement plan (RP) development and implementation. Specific tasks include:

- (a) Assist the HQ in coordinating all social issues and ensuring that all sub-projects comply with Government and ADB social safeguards.
- (b) Assist the HQ in review of updated RPs and new RPs from the PIUs.
- (c) Ensure the implementation of RPs are consistent with Government and ADB policies, and the Resettlement Framework (RF) agreed upon by the Government and ADB for all sub-projects.
- (d) Provide necessary guidance in the classification, and development of all social safeguards documents to PIUs, including the provision of training in the development and implementation of RPs.
- (e) Coordinate valuation by the valuation committees and finalization of compensation packages.
- (f) Review all classifications documents (RPs) developed by PIUs and ensure comments from HQ and ADB are integrated in finalized documents.
- (g) Coordinate monitoring of RP implementation including reporting. Provide the detailed terms of reference for the external monitoring agency and facilitate engagement.

B. Resettlement Specialists (Design Consultants) in PIUs

2. The Consultants will update existing RPs in the detailed design stage, and will prepare RPs for new sub-projects, where required to comply with national laws and policies and ADB policy and procedure. Specific tasks include:

- (a) Update and implement RPs for Tranche 1 sub-projects during detailed design stage
- (b) Ensure all new sub-projects follow the criteria related to social dimensions in the environmental sub-project selection guidelines and classify all new sub-projects in accordance with ADB's classification system.
- (c) If involuntary resettlement impacts are found to be significant, a full RP will be prepared for the sub-project in consultation with APs. The EA (through the HQ RO) and ADB will approve its final version before the award of contracts; and if involuntary resettlement impacts are not significant, a short RP will be prepared for the sub-project in consultation with APs. All RPs shall be reviewed and approved by ADB before the award of contracts. RPs will be consistent with this RF.
- (d) The Consultants will address comments based on the review of HQ and ADB in finalizing the RP.
- (e) Update and implement RPs during detailed design stage. For RP implementation, the consultants will be specifically responsible for implementation of proposed rehabilitation measures, consultations with APs during rehabilitation activities, and grievance redressal.
- (f) The Consultants will coordinate and provide assistance to civil society organizations engaged to assist in implementing the RPs.

C. Implementing NGO

3. The major RP implementation responsibilities will be with NGOs. The NGO will be the link between HQ/PIU and APs. Specific tasks are:

- (a) Work under close coordination of the RO to implement the RP.
- (b) Involve the elected representatives and local leaders, wherever necessary to implement the RP to facilitate transparency in the process and public participation.
- (c) Assist HQ/PIU in dissemination of the RP and other resettlement related information.
- (d) Take lead in joint verification and identification of APs.
- (e) Participate in the Valuation Committee to determine the replacement value of assets lost.
- (f) Carry out a census of the APs and identify the vulnerable households.
- (g) Identify training needs of APs for income generation activities and ensure that they are adequately supported.
- (h) Through counselling and awareness generation, resolve the grievances of the affected persons.
- (i) Put forth the unresolved grievances of the APs to the GRC.
- (j) Generate awareness about the livelihood restoration activities, and help the APs to make informed choices. Including assisting APs in participating in government development programs.
- (k) Prepare sub-project level plans for implementation of RP and issue identification cards.
- (l) Assist the in disbursement of compensation checks to APs.
- (m) Participate in public meetings as and when required.
- (n) Submit periodical RP implementation report to the RS.

FORMAT AND SCOPE OF A FULL RP

Topic	Contents
Executive Summary	
Scope of land acquisition and resettlement	<ul style="list-style-type: none"> • Scope of and rationale for land acquisition • Alternative options, if any, considered to minimize land acquisition and its effects, and justification for remaining effects • Key effects in terms of land acquired, assets lost, and number of people affected. • Primary responsibilities for land acquisition and resettlement.
Socioeconomic information	<ul style="list-style-type: none"> • Population record of people affected • Data on existing economic and social conditions of affected people, including socio-economic survey. Gender disaggregated socio-economic data is necessary. • Asset inventory, land assessment and assessment of other losses resulting from land acquisition, taking into account social, cultural, and economic impact on people affected. • Details on common property resources, if any. • Project impact on the poor, indigenous people, ethnic minorities, and other vulnerable groups, including women, • Special measures needed to enhance economic and social base of vulnerable groups.
Objectives, policy and framework, entitlements	<ul style="list-style-type: none"> • Purpose and objectives of land acquisition and resettlement. • Borrower's policy and legal framework for resettlement, with any gaps in this framework as compared to ADB policy • Measures proposed to bridge the gap between ADB and borrower's policies • Principles, legal and policy commitments from executing agency for different categories of project impacts. • Eligibility policy and entitlement matrix for all categories of loss, including compensation rates at replacement costs. • Principles for determining valuation and compensation for assets, incomes and livelihoods
Gender impact and mitigative measures	<ul style="list-style-type: none"> • Identification of socio-economic condition, needs, and priorities of women • Measures to ensure that process of land acquisition and resettlement does not disadvantage women • New land/house titles should be in the name of both spouses. For land/house given as replacement property, titles should be in the name of the person who brought in the original property.
Information dissemination, consultation, participatory approaches and disclosure requirements	<ul style="list-style-type: none"> • Identification of project stakeholders. • Disclosure of project information • Consultations for determining principles • Mechanisms for stakeholder participation in planning, management, monitoring, and evaluation • Disclosure of RP to people affected • Local institutions or organizations to support people affected. Potential role of civil society organizations (NGOs), women's groups and community-based organizations (CBOs).
Grievance redress mechanisms	<ul style="list-style-type: none"> • Mechanisms for resolution of conflicts and appeals procedures
Relocation of housing and settlements	<ul style="list-style-type: none"> • Options for relocation of housing and other structures, including replacement housing, replacement cash compensation, and/or self selection. • Measures to assist with transfer and establishment at new sites.

	<ul style="list-style-type: none"> Options for developing relocation sites, if required, in terms of location, quality of site, and development needs. Plan for layout, design, and social infrastructure and services for each site. Measures for planned integration with host communities Special measures for addressing gender issues and those related to vulnerable groups. Environmental risks identification and arrangements for environmental management and monitoring.
Income restoration strategy	<ul style="list-style-type: none"> Identification of livelihoods at risk. Income restoration strategy with options to restore all types of livelihoods. Job creation plan, including provisions for income substitution, retraining, self-employment and pensions, where required. Business relocation and restoration plan, including income substitution, where required. Environmental risks identification and arrangements for environmental management and monitoring.
Institutional framework	<ul style="list-style-type: none"> Main tasks and responsibilities in planning, negotiating, consulting, approving, coordinating, implementing, financing, monitoring and evaluating land acquisition and resettlement. Review of mandate of the land acquisition and resettlement agencies and their capacity to plan and manage these tasks. Provision for capacity building, including technical assistance, if required. Role of NGOs, if involved, and organizations of affected persons in resettlement planning and management. Involvement of women's groups in resettlement planning, management and operations, job creation and income generation Female staff should be hired by the resettlement agency to work with and assist women in all aspects of resettlement activities, including planning and implementation of income restoration programs.
Resettlement budget and financing	<ul style="list-style-type: none"> Cost estimates, budgets and cash flows for meeting the objectives of the RP according to established schedules Land acquisition and resettlement costs. Annual budget and timing for release of funds. Sources of funding for all land acquisition and resettlement activities.
Implementation schedule	<ul style="list-style-type: none"> Time schedule showing start and finish dates for major resettlement tasks. Time bound actions for projected activities to ensure that people affected are compensated and assisted before award of civil works contracts or similar milestone, ensuring as a minimum that affected people will be provided with entitlements, such as land and asset compensation and transfer allowances, prior to their displacement
Monitoring and evaluation	<ul style="list-style-type: none"> Plan for internal monitoring of resettlement targets, specifying key indicators of progress, mechanisms for reporting, resource requirements and database maintenance. Plan for external and independent M&E Participation of affected people in M&E Impacts on women
Arrangements for reviewing RP at detailed technical/engineering design if this is not yet complete	
Formal agreement by the EA	
Covenant in RRP and loan agreements	
Disclosure of full RP on ADB website upon project approval	

FORMAT AND SCOPE OF A SHORT RESETTLEMENT PLAN

Topic	Contents
Executive Summary	
Scope of land acquisition and resettlement	<ul style="list-style-type: none"> • Alternative options, if any, considered to minimize land acquisition and its effects, and why the remaining effects are unavoidable. • Summary of key effects in terms of land acquired, assets lost, numbers of people affected, and socio-economic data
Objectives, policy framework, and entitlements	<ul style="list-style-type: none"> • Borrower's policy and legal framework for resettlement, with any gaps in this framework as compared to ADB policy • Measures proposed to bridge the gap between ADBs and borrower's policies • Eligibility policy and entitlement matrix for all categories of loss, including compensation rates at replacement costs.
Gender impact and mitigative measures	<ul style="list-style-type: none"> • Identify socio-economic condition, needs, and priorities of women • Include measures to ensure that process of land acquisition and resettlement does not disadvantage women and that land/house titles should be in the name of both spouses
Information dissemination, consultation, participatory approaches and disclosure requirements	<ul style="list-style-type: none"> • Identification of project stakeholders. • Disclosure of project Information • Consultations for determining principles • Mechanisms for stakeholder participation in planning, management, monitoring, and evaluation • Disclosure of RP to people affected • Local institutions or organizations to support people affected. Potential role of women's groups and community-based organizations (CBOs).
Grievance redress mechanisms	<ul style="list-style-type: none"> • Mechanisms for resolution of conflicts and appeals procedures
Compensation, relocation, and income restoration	<ul style="list-style-type: none"> • Arrangements for valuing and disbursing compensation. • Arrangements for housing relocation, including transfer, re-establishment and integration with host populations • Income restoration measures • Environmental risks identification and arrangements for environmental management and monitoring.
Institutional framework	<ul style="list-style-type: none"> • Main tasks and responsibilities in planning, managing and monitoring land acquisition and resettlement. • Ensure that (i) women's groups are involved in resettlement planning, management and operations, job creation and income generation; and (ii) female staff should be hired by the resettlement agency to work with and assist women in all aspects of resettlement activities.
Resettlement budget and financing	<ul style="list-style-type: none"> • Land acquisition and resettlement costs and funding sources including arrangements for timely disbursement to APs.
Implementation schedule	<ul style="list-style-type: none"> • Time bound actions for projected activities to ensure that people affected are compensated and assisted before award of civil works contracts.
Monitoring and evaluation	<ul style="list-style-type: none"> • Arrangements for M&E. • Impact on women monitored and evaluated separately
Arrangements for reviewing RP at detailed technical/engineering design if this is not yet complete	
Formal agreement by the EA	
Covenant in RRP and loan agreements	
Disclosure of full RP on ADB Website upon project approval	