

# Resettlement Framework

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## IND: Rajasthan Renewable Energy Transmission Investment Program

Prepared by Rajasthan Rajya Vidyut Prasaran Nigam Limited (RRVPL), Government of Rajasthan for the Asian Development Bank.



## ABBREVIATIONS

ADB	–	Asian Development Bank
APs	–	Affected Persons
BPL	–	Below Poverty Line
DC	–	District Collector
DEA	–	Department of Economic Affairs
DP	–	Displaced Persons
EA	–	Executing Agency
ESC	–	Environment and Social Cell
FGD	–	Focus Group Discussions
GOI	–	Government of India
GoR	–	Government of Rajasthan
GRC	–	Grievance Redress Committee
GRM	–	Grievance Redress Mechanism
IA	–	Implementing Agency
JNNSM	–	Jawaharlal Nehru National Solar Mission
LAA	–	Land Acquisition Act 1894
LAO	–	Land Acquisition Officer
MFF	–	Multi-Tranche Financing Facility
NGOs	–	Non-Government Organizations
NRRP	–	National Rehabilitation and Resettlement Policy, 2007
PMU	–	Project Management Unit
RF	–	Resettlement Framework
RP	–	Resettlement Plan
RRETIP	–	Rajasthan Renewable Energy Transmission Program
RRVPL Limited	–	Rajasthan Rajya Vidyut Prasaran Nigam Limited
SIA	–	Social Impact Assessment
SPS	–	Safeguard Policy Statement, 2009
STs	–	Scheduled Tribes
STU	–	State Transmission Utility
WHH	–	Women Headed Household

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## A. INTRODUCTION

1. The Government of Rajasthan (GoR) through the Government of India (GoI) has requested Asian Development Bank (ADB) to provide a Multi-Tranche Financing Facility (MFF) to partly fund the Rajasthan Renewable Energy Transmission Investment Program (RRETIP) in the State of Rajasthan.

2. India is blessed with abundant Solar Energy and if harnessed efficiently, the country is capable of producing trillion-kilowatts of electricity. Solar energy is extremely beneficial as it is non-polluting and its generation can be decentralized. There is need to come together and take initiatives to create technologies for a greater use of these sources to combat climate change by reducing the emission of green house gases.

3. Rajasthan, the largest state in the country, covers a tenth of the area and five percent of the country's population, and has access to only one percent of the country's water resources, and Rajasthan is bestowed with significant amount of solar energy potential and an overwhelming response from Developers / Independent Power Producers (IPPs) has already been received for establishing solar power projects. Rajasthan Government is fully committed to the promotion of solar energy. Conducive Government of India Policy will yield astonishing achievements in energy generation in next 5-10 years.

4. Achieving the ambitious Jawaharlal Nehru National Solar Mission (JNNSM) target for 2022 of 20,000 MW will be dependent on the "learning" of the first two phases, which if successful, could lead to conditions of grid-competitive solar power. The transition could be appropriately up- scaled through capacity development of all the stakeholders related to issues of technology, finance, and policy development.

5. In this regard, JNNSM envisages the promotion and establishment of solar parks with dedicated infrastructure through state governments that will streamline the project development timeline by letting government agencies directly handle land acquisition and all necessary permits, and provide dedicated common infrastructure (site preparation, levelling, power evacuation arrangements, water pipelines, access roads, common security, smart grid facilities etc.). This approach will facilitate the accelerated installation of solar power generation capacity by addressing issues faced by decentralized projects. Government of India requested Asian Development Bank (ADB) to provide comprehensive support for the development of solar park and green grid development in the states of Gujarat, Maharashtra and Rajasthan. In this program, ADB has been requested to finance (i) solar power generation plants, (ii) associated facilities for solar parks including transmission evacuation and operation center, (iii) urban grid connected solar PV distribution, (iv) green grid (including smart HVDS) to stabilize power flows and enhance energy efficiency.

6. Government of Rajasthan (GOR) has identified the Bhadla solar park with over 10,000 hectare in Phalodi tehsil of Jodhpur district, Rajasthan (to be developed in phases) to accommodate both solar photovoltaic (PV) power plants and concentrated solar power (CSP) plants. With ADB support, a master plan is being developed to ascertain the feasibility of the chosen location at Bhadla followed by the preparation of a detailed project report that includes laying out of plots, planning for common infrastructure facilities, developing cost estimates and financing plans.

7. Development of infrastructure to evacuate and transmit such a large quantum of renewable energy through power evacuation system has its challenges including (i) the development of a solar park of nearly 250 MW and overall renewable energy evacuation at a gigawatt scale, (ii) cost recovery from consumers in Rajasthan or other Indian states given

significantly low load factors for infrastructure transmitting renewable energy compared to conventional fossil fuels, and (iii) technical challenges related to evacuation of such a large quantum of intermittent power in a stable and reliable manner that requires the use of innovative stabilizing equipment.

8. The Rajasthan Rajya Vidyut Prasaran Nigam (RRVPNL) is the state transmission utility (STU) of Rajasthan. RRVPNL is responsible for the planning, development, operation and maintenance of the transmission facilities at 132 kV and above in Rajasthan. RRVPNL has developed a detailed project report to evacuate nearly 4,240 MW of solar and wind energy from a high renewable energy potential zone identified in Western Rajasthan. While some of the power will be consumed in the state by the distribution companies, a large part of this power would be wheeled to other states to support them to meet their renewable power procurement obligations.

9. The Investment Program will expand the development of renewable energy sources in Rajasthan and contribute to national energy security. The outcome would be a cleaner energy mix and more efficient and effective generation and transmission system in Western Rajasthan over time.

10. Physical outputs under the Program include the construction of three grid substations (400/220/132 kilo Volt) and associated facilities at Bhadla, Ramgarh and Jaisalmer; the construction of associated automation and control infrastructure, the construction of nine grid substations (9 220/132 kV) and associated facilities at Bap, Kanasar, Chhatrail, Pokaran, Kolayat, Ramdev Nagar, Badisid, Aau and Bajju; the augmentation of four 400 kilo Volt (kV) grid substations at Akal, Jodhpur, Barmer, Bikaner; the upgradation of 3 substations to 132 kV in Bhadla; and the construction of nearly 1850 km. of 400 kV, 220 kV and 132 kV of transmission lines in Western Rajasthan by RRVPNL. Non-physical outputs include improving institutional capacity and effectiveness, including planning, project management, community involvement, financial management and improved monitoring and reporting.

11. The first project under the Program (Tranche 1) will include physical and nonphysical investments. Physical investments the construction of the transmission system, including two grid substations (400/220/132kV) and associated facilities at Bhadla and Ramgarh; two substations (220/132 kV) and associated facilities at Bap and Kanasar; and associated automation and control infrastructure. The investments also include the augmentation of two 400 kV grid substations at Akal and Bikaner, the upgradation of 3 substations to 132 kV in Bhadla, and the construction of nearly 600 km. of 400 kV, 220 kV, 132 kV transmission lines in Bhadla and Ramgarh. The non-physical outputs include project management, training and community outreach work.

12. The Investment Program will minimize land acquisition and involuntary resettlement Impact (IR) through appropriate engineering solution during design. There will be no physical displacement. An assessment on resettlement impacts has been done for tranche-1 components. Tranche 1 sub-projects will not involve permanent land acquisition since all the proposed substations are designed to be built on government land. Additionally, construction of transmission lines (400 kV) will have minor temporary impacts on loss of crop on the Right of Way during the construction of transmission line for which the RRVPNL will provide compensation for the loss of crop. The transmission lines will pass through mostly desert land which is barren in nature in most of the cases. Tranche-I component is categorized as B for the IR as per ADB's SPS, 2009. A Resettlement Plan (RP) has been prepared for tranche-1 by the Executing Agency (EA) which is RRVPNL. Tranche1 RP will be used as model for the preparation and implementation of future sub-project RPs.

13. The Resettlement Framework (RF) has been formulated to guide the preparation of RPs, where necessary, for subprojects under the future tranches. The RF identifies the broad scope of the Project and outlines the policy, procedures and institutional requirements for preparing RPs for subprojects under the MFF loan. RRVPNL will function as both Executing Agency (EA) and Implementing Agency (IA). A Project Management Unit (PMU) will be set up in the EA at corporate level and will be supported by relevant RRVPNL field offices for implementation support. The PMU will be supported by safeguards officials. The PMU, field office and the concerned safeguards officials will be responsible for conducting the social analyses and formulating RPs for future tranches, as outlined in the RF. The draft RPs will be submitted to ADB for review and approval prior to contract award, and compensation paid to all APs prior to commencement of civil works.

## B. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

14. The RF is based on the applicable national laws and policies, and ADB's policy requirements. A summary of applicable acts and policies is presented in the following sections and the detailed policy review and comparison is provided in **Annexure-1**.

15. **Land Acquisition Act-1894:** The Land acquisition Act (LAA) 1894, as amended in 1984 provides the legal basis for land acquisition for a public purpose in India. It enables the State Government to acquire private lands for a public purpose, and seeks to ensure that no person is deprived of land except under the Act. Under the Land Acquisition Act 1894, compensation is paid only to the legal titleholders.

16. **National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007):** The National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007) was adopted by the Government of India in 31<sup>st</sup> October, 2007 to address development-induced resettlement issues. The policy provides for the basic minimum requirements, and all projects leading to involuntary displacement of people must address the rehabilitation and resettlement issues comprehensively. The State Governments, Public Sector Undertakings or agencies, and other requiring bodies shall be at liberty to put in place greater benefit levels than those prescribed in the NRRP-2007. The principles of this policy may also apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to any other reason.

17. **ADB's Safeguard Policy Statement, 2009 (SPS):** ADB has adopted Safeguard Policy Statement (SPS) in 2009 including safeguard requirements for environment, involuntary resettlement and indigenous people. The objective of the involuntary resettlement policy is to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

18. The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. Followings are the basic policy principle of ADB's SPS,2009:

- Identification of past, present, and future involuntary resettlement impacts and risks and determination of the scope of resettlement planning.

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

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

- Involuntary resettlement would be avoided wherever possible or minimized as much as possible by exploring project and design alternatives.
- Subprojects under the program will be screened to identify past, present, and future involuntary resettlement impacts and risks. The scope of resettlement planning will be determined through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- Meaningful consultations with affected persons, host communities, and concerned non-government organizations will be carried out and all displaced persons will be informed of their entitlements and resettlement options. AP's participation in planning, implementation, and monitoring and evaluation of resettlement programs will be ensured.
- Particular attention will be paid to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples (IP), and those without legal title to land, and ensure their participation in consultations.
- An effective grievance redress mechanism will be established to receive and facilitate resolution of the affected persons' concerns. The social and cultural institutions of displaced persons and their host population will be supported through proper planning. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.



- Livelihoods of all displaced persons will be improved or at least restored through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- Physically and economically displaced persons will be provided with needed assistance, including (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Standards of living of displaced poor and other vulnerable groups, including women, will be improved to at least national minimum standards. In rural areas legal and affordable access to land and resources will be provided, and in urban areas appropriate income sources and legal and affordable access to adequate housing will be provided to the displaced poor.
- If land acquisition is through negotiated settlement, procedures will be developed in a transparent, consistent, and equitable manner to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status. If, however, the negotiated settlement fails, the normal procedure of land acquisition will be followed.
- Displaced persons without titles to land or any recognizable legal rights to land will be ensured that they are eligible for resettlement assistance and compensation for loss of non-land assets.
- A resettlement plan will be prepared elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- The draft resettlement plan, including documentation of the consultation process will be disclosed in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected persons and other stakeholders. The final resettlement plan and its updates will also be disclosed to affected persons and other stakeholders.
- Involuntary resettlement will be conceived and executed as part of a development project or program. Full costs of resettlement will be included in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- All compensation will be paid and other resettlement entitlements will be provided before physical or economic displacement. The resettlement plan will be implemented under close supervision throughout project implementation.

- Resettlement outcomes, their impacts on the standards of living of displaced persons will be monitored; it will be accessed whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Monitoring reports will be disclosed to APs.
- Land acquisition for the project would be done as per LAA,1894 in case of compulsory acquisition or the land can also be purchased through mutual negotiation where possible.
- The uneconomic residual land remaining after land acquisition will be acquired as per the provisions of LAA, if the owner is willing to sell . The owner of such land/property will have the right to seek acquisition of his entire contiguous holding/ property provided the residual land remains unviable.
- People moving in the project area after the cut-off date will not be entitled to any assistance. In case of land acquisition, the date of publication of preliminary notification for acquisition under section 4.1 of the LAA, 1894 will be treated as the cut-off date. For non-titleholders the date of project census survey or a similar designated date declared by the executing agency will be considered as cut-off date.
- All common property resources (CPR) lost due to the project will be replaced or compensated by the project.

20. The project will recognize three types of displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. Additionally, the project will recognize those people who may be temporarily impacted due to loss of crops or other assets during the time of project implementation and construction<sup>1</sup>. The involuntary resettlement requirements apply to all three types of displaced persons.

### **Entitlement Matrix**

21. Compensation for the lost assets to all affected persons (APs) will be paid on the basis of replacement value. Resettlement assistance for lost income and livelihoods will be provided to both title holders and non-title holders. Special resettlement and rehabilitation measures will be made available to vulnerable group comprises of APs living below poverty line (BPL), scheduled tribe (ST), women headed households (WHH), physically handicapped (PH) households and severely affected households (losing more than 10% of the productive asset). An Entitlement Matrix (**Table 1**) has been formulated, which recognizes and lists various types of losses resulting out of the project and specific compensation and resettlement packages

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<sup>1</sup> Such cases (APs having neither formal or nor recognized or recognizable claims having permanent and temporary impact) shall only be entertained for compensation due to loss of land, crops, properties etc. provided it is certified by district revenue authority

**Table 1: Entitlement Matrix**

Type of Losses	Definition of APs	Entitlement	Details
<b>1. Land</b>			
Loss of agricultural land	<ul style="list-style-type: none"> <li>• Titled owners</li> <li>• affected persons (APs) with traditional land rights</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation based on market/replacement value</li> <li>• Resettlement assistance</li> <li>• Additional Assistance to vulnerable<sup>2</sup> APs</li> </ul>	<ul style="list-style-type: none"> <li>• In case of compulsory acquisition of land, Compensation will be based on the Land Acquisition Act (inclusive of 30% solatium and 12% interest)</li> <li>• In case of land to be possessed by the project authority with mutual and voluntary consent of the affected people, compensation will be paid on estimated market price as decided by the revenue department (District Collector) /competent authority</li> <li>• Transaction costs (documentary stamps, registration costs, etc.) Will be borne by the project authority during registration.</li> <li>• If the residual plot(s) is (are) not viable, i.e., the AP becomes a marginal farmer, resettlement assistances will be paid in the form of transitional allowances based on three months of minimum wage</li> <li>• Additional allowances will be paid to vulnerable APs</li> </ul>
	<ul style="list-style-type: none"> <li>• Individual tenant</li> <li>• Sharecropper</li> <li>• leaseholder</li> </ul>	<ul style="list-style-type: none"> <li>• Reimbursement for unexpired lease</li> </ul>	<ul style="list-style-type: none"> <li>• Lease rates will be determined by the project authority with the help of revenue department and based on consultation with landowners</li> </ul>
Loss of residential /commercial land	<ul style="list-style-type: none"> <li>• Titleholder</li> <li>• APs with customary land rights</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation at replacement cost</li> <li>• Additional Assistance to vulnerable APs</li> </ul>	<ul style="list-style-type: none"> <li>• Cash compensation at replacement cost as determined by competent authority</li> <li>• All fees, stamp duties, taxes and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the EA.</li> <li>• Additional allowances will be paid to vulnerable APs</li> </ul>
Loss of access to forestland	Affected household with forestland access	<ul style="list-style-type: none"> <li>• Provision of alternative facilities and technical assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Households losing access to forestland for their basic needs such as fuel, fodder, etc. will be provided access to alternative forest land. Communities will be involved in community social forestry schemes coordinated by the Department of Forests.</li> <li>•</li> </ul>
<b>2. Structures</b>			

<sup>2</sup> women-headed households, scheduled tribe households, below poverty line households, and households headed by physically handicapped or disabled persons

Loss of residential and commercial structure	<ul style="list-style-type: none"> <li>• Titleholder</li> <li>• APs having structure with customary land right</li> <li>• Non titleholders<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Compensation at replacement cost</li> <li>• Shifting assistance</li> <li>• Assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable).</li> <li>• Fees, taxes, and other charges related to replacement structure.</li> <li>• Shifting assistance</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
Loss of rental accommodation	Tenants	a) Rental Assistance b) Compensation at replacement cost c) Shifting assistance	<ul style="list-style-type: none"> <li>• Rental assistance for both residential &amp; commercial tenants as per the prevalent rate in the form of grant to cover maximum three month rentals.</li> <li>• Additional structures erected by tenants will also be compensated and deducted from owner's compensation amount.</li> <li>• Shifting assistance based on type of house and household assets.</li> <li>• Any advance deposited by the tenants will be refunded from owners total compensation package to the tenant on submission of documentary evidences.</li> <li>• Right to salvage material from demolished structure and frontage etc. erected by tenants.</li> </ul>
<b>3. Trees and Crops</b>			
Loss of Trees	<ul style="list-style-type: none"> <li>• Land holders</li> <li>• Share- croppers</li> <li>• Lease holders</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation at Market value to be computed with assistance of horticulture department</li> </ul>	<ul style="list-style-type: none"> <li>• Advance notice to APs to harvest fruits and remove trees</li> <li>• For fruit bearing trees compensation at average fruit production for next productive years to be computed at current market value</li> <li>• For timber trees compensation at market cost based on type of trees</li> </ul>
Loss of Crops	<ul style="list-style-type: none"> <li>• Land holders</li> <li>• Share- croppers</li> <li>• Lease holders</li> </ul>	Compensation at Market value to be computed with assistance of agriculture department	<ul style="list-style-type: none"> <li>• Advance notice to APs to harvest crops</li> <li>• In case of standing crops, cash compensation at current market cost to be calculated of mature crops based on average production.</li> </ul>
<b>4. Income and Livelihood</b>			
Loss of income and livelihood (affected business wage earnings, agricultural income, employees)	<ul style="list-style-type: none"> <li>• Legal titleholder/tenant/leaseholder/n on-titled/employee of commercial structure, farmer/agricultural worker</li> </ul>	Assistance	<ul style="list-style-type: none"> <li>• Assistance for lost income based on three months minimum wage rates.</li> <li>• Additional compensation for vulnerable households.</li> <li>• Consideration for project employment.</li> </ul>
<b>5. Government land and Property</b>			

<sup>3</sup> Subject to verification by the district revenue authority

Government Property (Loss of Land)	Relevant Government Department	<ul style="list-style-type: none"> <li>• Departmental land transfer</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation for required land as per the provision of GoR</li> <li>• Transfer of land through inter government department</li> <li>• Payment of land value by RRVPNL to the concerned government and departmental transfer of ownership.</li> </ul>
<b>6. Community and Cultural Sites</b>			
Religious structures, Community structures, trust, etc.	Affected community	<ul style="list-style-type: none"> <li>• Conservation, protection and compensatory replacement (Schools, community centers, markets, health centers, shrines, other religious sites, places of worship, burial sites, rights to food, medicine, and natural resources)</li> </ul>	<ul style="list-style-type: none"> <li>• Impacts will be documented and mitigated. Cultural properties will be conserved through special measures such as relocation in consultation with the community.</li> </ul>
<b>7. Temporary Loss</b>			
Temporary loss of land and temporary damage on loss of crops during construction	<ul style="list-style-type: none"> <li>• All APs losing land and crops on temporary basis during the construction period of the lines</li> <li>• Farming households</li> <li>• Sharecroppers</li> <li>• Tenants</li> <li>• non-titled households<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Notice to harvest standing crops</li> <li>• Compensation at market value for one season</li> <li>• Restoration</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of rent for period of occupation for legal titleholders.</li> <li>• Compensation for assets lost at replacement value.</li> <li>• Restoration of land to previous or better quality</li> <li>• Additionally, Cash Compensation will be paid for the temporary damage of crop under the RoW during the maintenance and repair after the construction. In case there is a need for repair or maintenance of the transmission lines in the future, the project authorities would consult with land owners land owners for access to the land for maintenance and repairs, when necessary, and that the land owners would continue to use the land for farming activities.</li> </ul>
<b>8. Vulnerable Households</b>			
Impacts on vulnerable APs	All impacts	Vulnerable APs	<ul style="list-style-type: none"> <li>• Additional assistance based on three months of minimum wage</li> <li>• Vulnerable households will be given priority in project construction employment.</li> </ul>
<b>9. Unanticipated Impacts</b>			
Other Impacts Not Identified	Affected households or individuals	<ul style="list-style-type: none"> <li>• Compensation and assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Unforeseen impacts will be documented and mitigated based on the principles agreed upon in the resettlement framework</li> </ul>

<sup>4</sup> Subject to verification by the district revenue authority

### C. SOCIOECONOMIC INFORMATION

22. The EA (RRVPNL) through its PMU, relevant RRVPNL field office and ESC will conduct socioeconomic survey(s) and a census, with appropriate socioeconomic baseline data to identify all persons who will be displaced or affected by the project and to assess the project's socioeconomic impacts on them. Based on this survey, a social impact assessment will be done which will include potential social impacts, income and livelihood of displaced persons and gender-disaggregated information pertaining to the economic and socio-cultural conditions of displaced persons. The project's potential social impacts and risks will be assessed against the requirements presented in this RF and applicable laws and regulations of the jurisdictions in which the project operates that pertain to involuntary resettlement matters.

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

24. The EA will prepare a resettlement plan (RP) for each tranche projects, if the proposed project will have land acquisition, involuntary resettlement impacts and temporary impacts. The resettlement plan will be based on the social impact assessment and through meaningful consultation with the affected persons. A resettlement plan will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the EA will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a Resettlement plan is presented in **Annexure-2**.

25. All lands proposed to be acquired under this project will be compensated as per replacement cost. Land surveys to determine compensation rates will be conducted on the basis current land use and assessment of market value. Records as they are on the cut-off date will be taken into consideration while determining the current use of land. The EA will determine the replacement cost as per market survey and in consultation with APs. After notification for acquisition as per LAA-1894, the EA IA will negotiate with APs for voluntary acquisition and ensure that third party verification is done to comply that the rate is fairly calculated. The EA will ensure that the rates established for the project are sufficient to purchase the same quality and quantity of land in the specific area.

26. The compensation for houses, buildings and other immovable properties will be determined on the basis of replacement cost as on date without depreciation. The EA will determine the replacement cost of structures in consultation with the owners by assessing (i) sources and cost of materials, whether the materials are locally available; (ii) type of shops (private or state-owned); (iii) distance to be traveled to procure materials; (iv) obtaining cost estimates through consultation with three contractors/suppliers in order to identify cost of materials and labor; (v) identifying the cost of different types of houses of different categories and compare the same with district level prices.

27. Cash compensation for properties belonging to the community if opted by the community, will be provided to enable construction of the same at new places through the community/ local self-governing bodies / appropriate authority in accordance with the modalities determined by such bodies / authority to ensure correct use of the amount of compensation.

28. Compensation for trees will be based on their market value. Loss of timber trees will be compensated at their replacement cost while the compensation for the loss of fruit bearing trees will be calculated as annual produce value depending on the nature of crops/trees. The concerned horticulture department will be involved in the calculation of rates for the trees.

#### **D. CONSULTATION, PARTICIPATION, AND DISCLOSURE**

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

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

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

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

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

32. The EA will provide adequate and appropriate replacement land and structure where feasible or cash compensation at full replacement value for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance, as per

applicable according to the Entitlement Matrix. The EA will compensate to the non-title holders for the loss of assets other than land, such as dwellings, and also for other improvements to the land, at full replacement cost. The entitlements to the non-titleholders will be given only if they occupied the land or structures in the project area prior to the cut-off date.

33. In the case of physically displaced persons, the EA will provide (i) relocation assistance, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, and civic infrastructure and community services as required; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) opportunities to derive appropriate development benefits from the project.

34. In the case of economically displaced persons, regardless of whether or not they are physically displaced, the EA will promptly compensate for the loss of income or livelihood sources at full replacement cost. The EA will also provide assistance such as training, and employment opportunities so that they can improve, or at least restore, their income-earning capacity, production levels, and standards of living to pre-displacement levels. The EA will also provide opportunities to displaced persons to derive appropriate development benefits from the project. The EA will compensate economically displaced people belong to non-titleholders for lost assets such as crops, irrigation infrastructure, and other improvements made to the land (but not for the land) at full replacement cost. In cases where land acquisition affects commercial structures, affected business owners are entitled to (i) the costs of reestablishing commercial activities elsewhere; (ii) the net income lost during the transition period; and (iii) the costs of transferring and reinstalling plant, machinery, or other equipment. Business owners with legal rights or recognized or recognizable claims to land where they carry out commercial activities are entitled to replacement property of equal or greater value or cash compensation at full replacement cost.

35. The EA will ensure that no physical displacement or economic displacement will occur until (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan have been provided to displaced persons; and (iii) a comprehensive income and livelihood rehabilitation program, supported by an adequate budget, is in place to help displaced persons improve, or at least restore, their incomes and livelihoods. While compensation is required to be paid before displacement, full implementation of the resettlement plan might take longer. If project activities restrict land use or access to legally designated parks and protected areas, such restrictions will be imposed in accordance with the timetable outlined in the resettlement plan agreed between the EA and ADB. After payment of compensation, APs would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that APs can take away the materials.

36. For any temporary impact especially on loss of crop during the construction, the EA will ensure that construction schedule will follow during the off season and in case of unavoidable impact, compensation on loss of crops will be paid to the APs prior to the start of the construction. The current investment program will be focussing on the transmission components and the permanent impact will be minimal. However, in case of unavoidable temporary impacts, the EA as well as the construction contractor will take necessary steps to minimize the impacts. For future maintenance, the EA will ensure that the APs especially the farmers are informed in advance and any damage during maintenance will be compensated as per the RP.



## F. GRIEVANCE REDRESS MECHANISM

37. There is a need for an efficient grievance redress mechanism, which will assist the APs in resolving queries and complaints. RRVPNL does not have any specific Environment or Social Safeguards Policy currently. ADB procedures require RRVPNL to establish a Grievance Redressal Mechanism (GRM) having suitable grievance redress procedure for the project affected persons. The EA will establish a mechanism to receive and facilitate the resolution of affected persons' concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. The grievance redress mechanism will address affected persons' concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to the affected persons at no costs and without retribution. A Grievance Redress Committee (GRC) will be formed to ensure APs grievances are addressed and facilitate timely project implementation. This GRM consists of a Grievance Redress Committee (GRC) headed by the Project head. The committee consists of the following (**Table 2**):

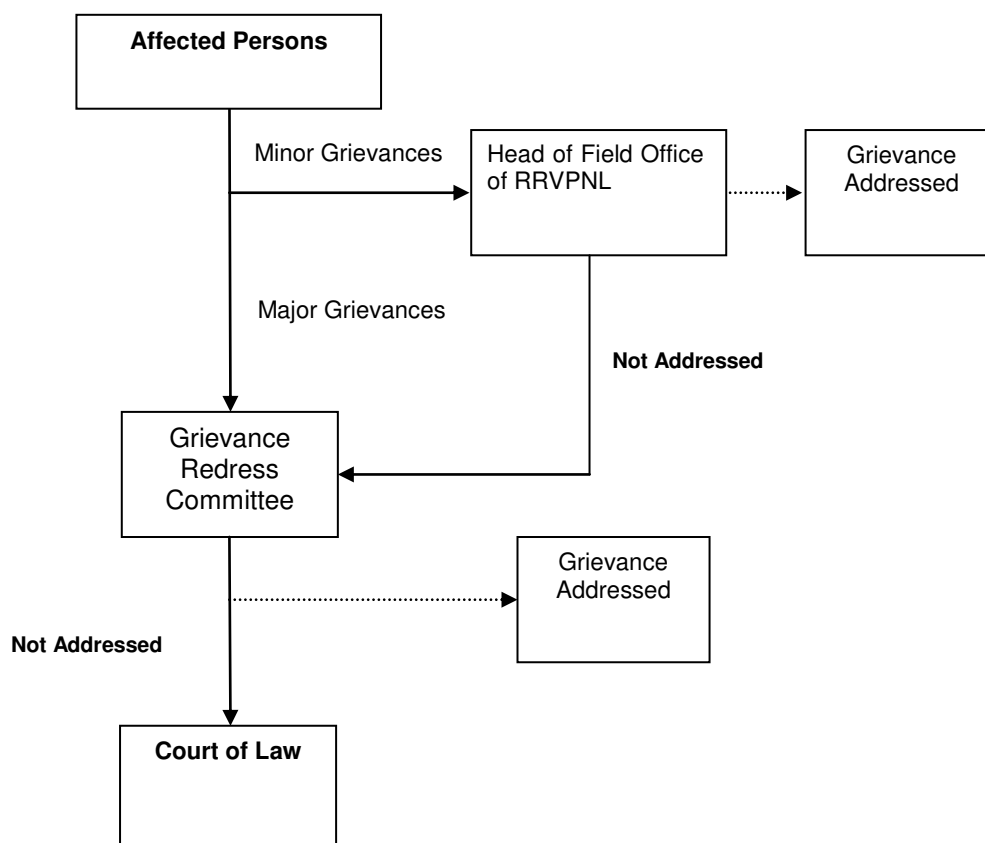
**Table 2: Constitution of Grievance Redress Committee**

1	Project Head / CE (ADB Projects )
2	Sub District Magistrate or nominee of SDM
3	Land acquisition officer / Secretary RRVPNL
4	Head of Finance wing at the project level
5	Representative of APs/local Panchayat/ NGO
6	Representative of contractor
7	Executive Engineer -Environment and Social Cell

38. This Grievance Redress Mechanism (GRM) would provide an effective approach for resolution of complaints and issues of the affected person/community. Project Management Unit (PMU) shall formulate procedures for implementing the GRM. The RRVPNL field office shall undertake GRM's initiatives that include procedures of taking/recording complaints, handling of on-the-spot resolution of minor problems, taking care of complainants and provisions of responses to distressed stakeholders etc. paying particular attention to the impacts on vulnerable groups.

39. Grievances of APs will first be brought to the attention of the Project head of the Project Implementing Unit. Grievances not redressed by the field office of RRVPNL will be brought to the Grievance Redress Committee set up to monitor project Implementation for each project area. The GRC will determine the merit of each grievance, and resolve grievances within three months of receiving the complaint, further grievances will be referred by APs to the appropriate courts of law. The main responsibilities of the GRC are to: (i) provide support to APs on problems arising from land/property acquisition; (ii) record AP grievances, categorize, and prioritize grievances and resolve them; (iii) immediately inform the PMU of serious cases; and (iv) report to APs on developments regarding their grievances and decisions of the GRC and the PMU. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, compensation, relocation, replacement cost and other assistance. The field office of RRVPNL will keep records of all grievances received including: contact details of complainant, date that the complaint was received, nature of grievance, agreed corrective actions and the date these were effected, and final outcome. The GRCs will continue to function during the life of the Project including the defects liability period. The GRC will be formed with the help of higher authority having authority to designate the representatives to the GRC. The Flow chart showing Grievance Redress Mechanism is presented in **Figure 1**.

**Figure 1: Grievance Redress Mechanism**



## G. INSTITUTIONAL ARRANGEMENTS

40. The RRVPNL will be the Executing Agency (EA) as well as the Implementing Agency (IA) for the project. The RRVPNL will constitute a Project Management Unit (PMU) for implementing the ADB loan at the corporate level and field offices of RRVPNL at the sub-project level. The PMU shall be headed by the Chief Engineer (T&C) and the Superintending Engineer (Planning) shall be responsible for coordinating all external functions with ADB. GOI, DEA, GOR as well as the internal functions such as Environment and Social/R&R reporting, Legal, Finance and Accounts, Field Project offices, Procurement and Contracts etc. and other functions from within RRVPNL. One Environment and Social Cell (ESC) shall be designated and headed by one Executive Engineer who shall be designated for monitoring ADB funded projects in areas such as Environment, R&R and Social safeguards. To assist ESC in these specialist functions, RRVPNL may hire appropriate consultants for monitoring purposes.

41. Under PMU, there will be field offices of RRVPNL which will assume primary responsibility for the planning, preparation and implementation of RPs. The Project Head will be assisted by the PMU's Environmental and Social cell (ESC) for social and environmental designing, implementation and monitoring. The relevant field office of RRVPNL will assume primary responsibility for the safeguards assessment on the site as well as implementation of RPs for their respective components in consultation with ESC. Keeping in view the minimal capacity of RRVPNL, it is proposed that this Cell must coordinate with each project divisions to address environmental and social issues.

42. The duties of the ESC Specialists (in-charge of environment and social) will include at a minimum: (i) oversight of field office of RRVPNL for implementing the RPs with timely payment of compensation and assistance to the APs (ii) liaising with the field office and seeking their help to solve any grievance and related issues of project implementation; and (iii) preparation of monitoring reports every 6 months (as required by ADB).

43. For each sub-project RPs, RRVPNL will do the overall coordination, preparation, planning, implementation, and financing of all activities. Additional third-party services may be employed by the RRVPNL as necessary. The EA (RRVPNL) through its PMU will ensure that key institutions including local governments are involved in RP preparation, updation and implementation. Further details on agencies responsible for RP activities are in **Table 3** and the proposed institutional structure is shown in **Figure 2**.

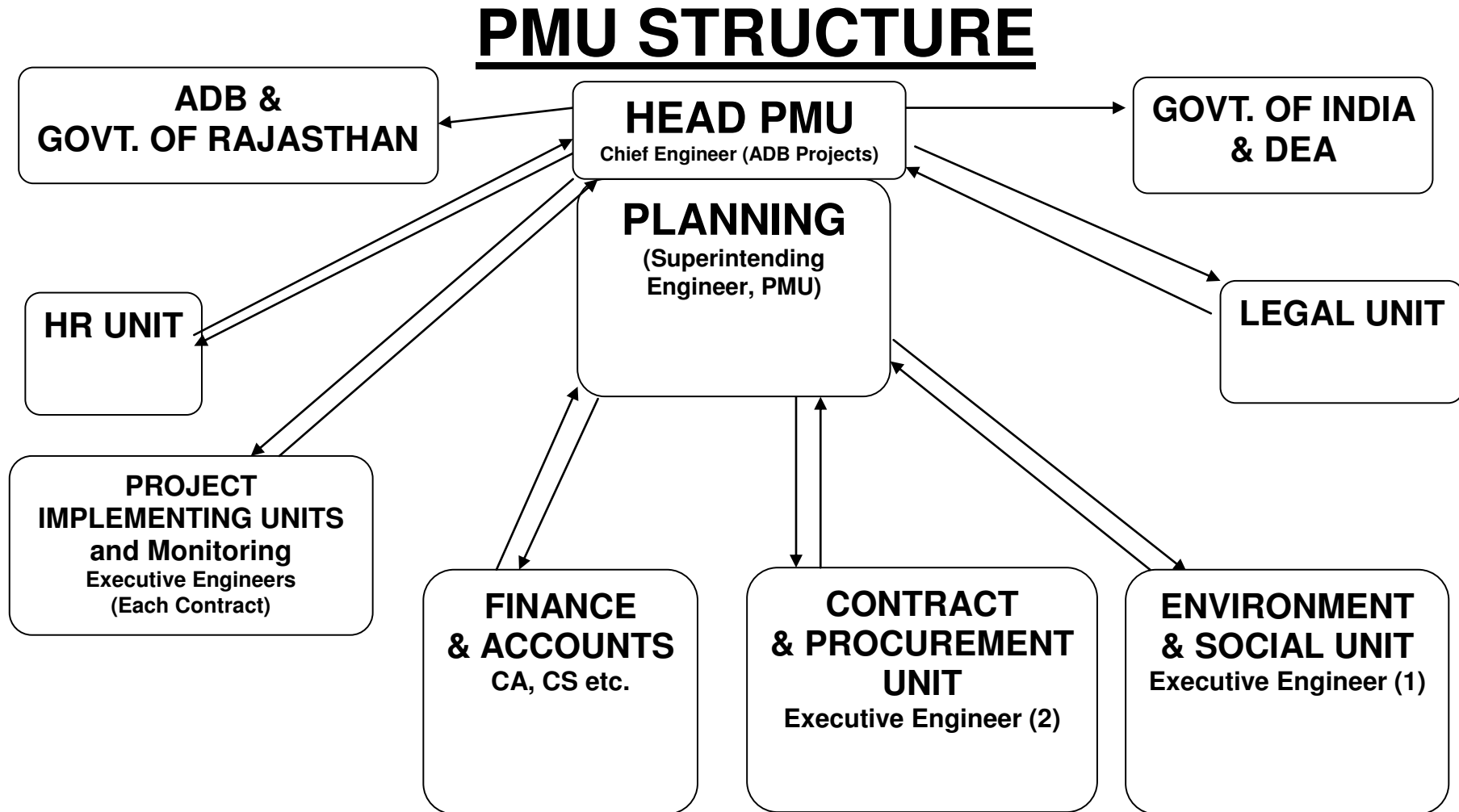
**Table 3: Institutional Roles and Responsibilities for Resettlement activities**

<b>Activity</b>	<b>Responsible Agency</b>
<b>Sub-project Initiation Stage</b>	
Establishing PMU/assign relevant RRVPNL field office	EA (RRVPNL)
Establishing ESC in PMU	EA (RRVPNL)
Designating safeguard Specialist in PMU/ESC	EA (RRVPNL)
Finalization of sites for sub-projects	EA (RRVPNL)/PMU/field office
Disclosure of proposed land acquisition and sub-project details by issuing Public Notice	EA (RRVPNL)/PMU/field office
Meetings at community/household level with APs	PMU/RRVPNL field office
<b>RP Preparation and Updating Stage</b>	
Conducting Census of all APs	PMU/field office/ESC
Conducting consultation/FGDs/meetings	PMU/field office/ESC
Computation of replacement values of land/properties	PMU/field office /ESC/Relevant Authority
Finalizing compensation packages and entitlements	PMU/field office /ESC/ Relevant Authority
Disclosure of final entitlements and rehabilitation packages	PMU/field office/ESC
Approval of RP	EA/ADB
Sale deed execution and payment	EA/PMU/field office /LAO/Appropriate Government Department
Taking possession of land	EA/PMU
<b>RP Implementation Stage</b>	
Sale deed execution and payment	EA/PMU/field office /Appropriate Government Department
Taking possession of land	EA/PMU/field office
Implementation of proposed rehabilitation measures	PMU/field office/ESC
Consultations with APs during rehabilitation activities	PMU/field office/ESC
Grievances redress	PMU/field office/GRC
Internal monitoring	PMU/field office/ESC
External monitoring <sup>5</sup>	External Agency

<sup>5</sup> External monitoring is required for significant IR impact especially for category A project.

ADB-Asian Development Bank, AP-affected person, EA-Executing Agency, ESC- Environment Social Cell, FGD-focus group discussion, GRC-Grievance Redress Committee, PMU- Project Management Unit, RP-Resettlement Plan and RRVNLR-Rajasthan Rajya Vidyut Prasaran Nigan Limited,

Figure 2: PMU structure of RRVPNL



## **H. BUDGET AND FINANCING**

44. Detailed budget estimates for involuntary resettlement will be prepared for each RP, by the EA (RRVPNL) which will be included in the overall subproject estimate. The budget will include i) detailed costs of land acquisition, relocation, and livelihood, income restoration and administrative cost, ii) source of funding, iii) arrangements for approval, and the flow of funds and contingency arrangements. All land acquisition funds will be provided by the EA. All land acquisition, compensation, relocation and rehabilitation of income and livelihood will be considered as an integral component of project costs. The EA will deposit the money to the concerned department for the disbursement of compensation to the affected people for land acquisition and resettlement. The EA will keep provisional money out of its annual plan for the resettlement cost and this provisional amount will be planned at the early stage of their annual plan so that the resettlement process won't get delayed.

## **I. IMPLEMENTATION SCHEDULE**

45. All land acquisition, resettlement, and compensation for a sub-project will be completed before award of civil works contracts. All land required will be provided free of encumbrances to the contractor prior to handing over of sub-project sites and the start of civil works. The implementation of the RP will include: (i) identification of cut-off-date and notification, (ii) verification of losses and extent of impacts, (iii) finalization of entitlements and distribution of identity cards, (iv) consultations with APs on their needs and priorities, and (v) resettlement, provision of compensation and assistance, and income restoration for APs.

## **J. Monitoring and Reporting**

46. Monitoring will be the responsibility of the EA (RRVPNL). The implementation of RP will be closely monitored. Regular monitoring activities will be carried out internally by PMU/field office/ESC. Resettlement plan implementation will be closely monitored by the EA through its PMU and field office to provide ADB with an effective basis for assessing resettlement progress and identifying potential difficulties and problems. The extent of monitoring activities, including their scope and periodicity, will be commensurate with the project's risks and impacts. Monitoring will involve (i) administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis; (ii) socio-economic monitoring during and after any resettlement impact utilizing baseline information established through the socio-economic survey undertaken during project sub-preparation; and (iii) overall monitoring to assess status of affected persons. The EA (RRVPNL) is required to implement safeguard measures and relevant safeguard plans, as provided in the legal agreements, and to submit semiannual monitoring reports on their implementation performance. RRVPNL will (i) monitor the progress of implementation of safeguard plans, (ii) verify the compliance with safeguard measures and their progress toward intended outcomes, (iii) document and disclose monitoring results and identify necessary corrective and preventive actions in the periodic monitoring reports, (iv) follow up on these actions to ensure progress toward the desired outcomes, and (v) submit semiannual monitoring reports on safeguard measures as agreed with ADB.

47. Monitoring will include daily planning, implementation, feedback and trouble shooting, individual affected person file maintenance, community relationships, dates for consultations, number of appeals placed and progress reports. RRVPNL through its PMU will be responsible for managing and maintaining affected person databases, documenting the results of the affected person census. Monitoring reports documenting progress on resettlement implementation and resettlement plan completion reports will be provided by

RRVPNL through its PMU to ADB for review.

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

## **ANNEXURE 1: REVIEW AND COMPARISON OF BORROWERS POLICY AND ADB POLICY**

1. Following sections deals with the detailed review of applicable laws and policies applicable for preparation of the RF and also provides a gap analysis of various policies in comparison to ADB's Safeguard Policy Statement, 2009.

### **A. Land Acquisition Act 1894**

2. The Land acquisition Act (LAA) 1894, as amended in 1984 provides the legal framework for land acquisition for a public purpose in India. It enables the State Government to acquire private lands for a public purpose, and seeks to ensure that no person is deprived of land except under the Act. The general process for land acquisition under LAA is:

- Land identified for a project is placed under Section 4 of the LAA. This constitutes notification with Government's intention to acquire land. Objections must be made within 30 days to the District Collector (DC, highest administrative officer of the concerned District).
- The land is then placed under Section 6 of the LAA. This is a declaration made by the Government for acquisition of land for public purpose. The DC is directed to take steps for the acquisition, and the land is placed under Section 9. Interested parties are then invited to state their interest in the land and the price. Under Section 11, the DC shall make an award within one year of the date of publication of the declarations. Otherwise, the acquisition proceedings shall lapse.
- In case of disagreement on the price awarded, within 6 weeks of the award the parties (under Section 18) can request the DC to refer the matter to the Courts to make a final ruling on the amount of compensation.
- Once the land has been placed under Section 4, no further sales or transfers are allowed.
- 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.

3. 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. The 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. For delayed payments, after placement under Section 9, an additional 9% per annum is paid for the first year and 15% for subsequent years. Under the Land Acquisition Act 1894, compensation is paid only to the legal titleholders and does not provide any compensation package to the non-titleholders like encroachers, squatters etc.

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

4. The National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007) was adopted by the Government of India in 31<sup>st</sup> October, 2007 to address development-induced resettlement issues. The policy provides for the basic minimum requirements, and all projects leading to involuntary displacement of people must address the rehabilitation and resettlement issues comprehensively. The State Governments, Public Sector Undertakings or agencies, and other requiring bodies shall be at liberty to put in place greater benefit levels than those prescribed in the NRRP-2007. The principles of this policy may also apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to



any other reason. The objectives of the National Rehabilitation and Resettlement Policy are as follows:

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

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

- The benefits to be offered to the affected families include; land-for-land, to the extent Government land would be available in the resettlement areas; preference for employment in the project to at least one person from each nuclear family subject to the availability of vacancies and suitability of the affected person; training and capacity building for taking up suitable jobs and for self-employment; scholarships for education of the eligible persons from the affected families; preference to groups of cooperatives of the affected persons in the allotment of contracts and other economic opportunities in or around the project site; wage employment to the willing affected persons in the construction work in the project; housing benefits including houses to the landless affected families in both rural and urban areas; and other benefits.
- 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.
- A special provision has been made for providing life-time monthly pension to the vulnerable persons, such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or persons above 50 years of age (who are not provided or cannot immediately be provided with alternative livelihood).
- Special provision for the STs and SCs include preference in land-for-land for STs followed by SCs; a Tribal Development Plan which will also include a program for development for alternate fuel which will also include a program for development for alternate fuel and non-timber forest produce resources, consultations with Gram Sabhas and Tribal Advisory Councils, protection of fishing rights, land free-of-cost for community and religious gatherings, continuation of reservation benefits in resettlement areas, etc.
- A strong grievance redressal mechanism has been prescribed, which includes standing R&R Committees at the district level, R&R Committees at the project level, and an Ombudsman duly empowered in this regard. The R&R Committees shall have representatives from the affected families including women, voluntary organizations, Panchayats, local elected representatives,

- etc. Provision has also been made for post-implementation social audits of the rehabilitation and resettlement schemes and plans.
- For effective monitoring of the progress of implementation of R&R plans, provisions have been made for a National Monitoring Committee, a National Monitoring Cell, mandatory information sharing by the States and UTs with the National Monitoring Cell, and Oversight Committees in the Ministries/Departments concerned for each major project, etc.
- 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.
- 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.
- Under the new Policy, no project involving displacement of families beyond defined thresholds<sup>6</sup> can be undertaken without a detailed Social Impact Assessment, which among other things, shall also take into account the impact that the project will have on public and community properties, assets and infrastructure; and the concerned Government shall have to specify that the ameliorative measures for addressing the said impact, may not be less than what is provided under any scheme or program of the Central or State Government in operation in the area. The SIA report shall be examined by an independent multi-disciplinary expert group, which will also include social science and rehabilitation experts. Following the conditions of the SIA clearance shall be mandatory for all projects displacing people beyond the defined thresholds.
- 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, NGOs, Panchayats, and local elected representatives, among others.
- The Policy also provides that land acquired for a public purpose cannot be transferred to any other purpose but a public purpose, and that too, only with prior approval of the Government. If land acquired for a public purpose remains un-utilized for the purpose for five years from the date of taking over the possession, the same shall revert to the Government concerned. When land acquired is transferred for a consideration, eighty per cent of any net unearned income so accruing to the transferor, shall be shared with the persons from whom the lands were acquired, or their heirs, in proportion to the value of the lands acquired.
- 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.

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<sup>6</sup> A new project or expansion of an existing project, which involves involuntary displacement of four hundred or more families en masse in plain areas, or two hundred or more families en masse in tribal or hilly areas, DDP blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution.

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

6. ADB has adopted Safeguard Policy Statement (SPS) in 2009 including safeguard requirements for environment, involuntary resettlement and indigenous people. The objectives of the Involuntary Resettlement Safeguard policy is to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

7. The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. The main policy principles of the Involuntary Resettlement Safeguard are:

- Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.

- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

#### D. Comparison of National and State Policies with ADB's IR Policy

8. The NRRP represents a significant milestone in the development of a systematic approach to address resettlement issues in India. LAA, 1894 however gives directives for acquisition of land in public interest and provides benefits only to titleholders. A comparison of ADB's SPS, 2009 with Government policy (NRRP) and LAA 1894 is described in **Table A.1**.

**Table A.1: Comparison of ADB's SPS, 2009 with LA Act,1894 and NR&RP, 2007**

Sl. No.	ADB's SPS 2009	LAA,1894	NRRP 2007	Remarks
1	Involuntary resettlement should be avoided wherever possible	LAA,1894 only gives directive for acquisition of private land in public interest and does not deal with involuntary resettlement	This principle is equally emphasized under NRRP 2007	NRRP 2007 meet SPS, 2009 requirements
2	Minimize involuntary resettlement by exploring project and design alternatives	This principle is not emphasized in LAA, 1894	NRRP 2007 aims to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives (refer Para 2.1a)	NRRP 2007 meets SPS, 2009 requirements

3	Conducting census of displaced persons and resettlement planning	This principle is not emphasized in LAA, 1894. However, under the LAA, the project authority only deals with the details of ownership and names of the owners and type of land etc for the legal titleholders. This does not include the socio-economic details.	Lay out procedure for census survey and resettlement plan (refer Ch-VI, Para 6 and 6.4)	NRRP 2007 meets SPS, 2009 requirements.
4	Carry out meaningful consultation with displaced persons and ensure their participation in planning, implementation and monitoring of resettlement program	This principle is not emphasized in LAA, 1894. Under the LAA there are only provisions for various notifications which needs to be gazetted such as Section-4 notification etc. There is no scope for meaningful consultation.	NRRP 2007 ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the consultation and active participation of the affected families (refer Para 2.1b )	NRRP 2007 meets SPS, 2009 requirements
5	Establish grievance redress mechanism	This principle is not emphasized in LAA,1894. Under the LAA, any dispute arises related to land ownership and compensation etc need to be settled in the appropriate court of law through the help of revenue department.	Project involving involuntary resettlement needs to have Grievance redress mechanisms for affected people (refer Para 8.1.1 and Para 8.3.4)	NRRP 2007 meets SPS, 2009 requirements
6	Support the social and cultural institutions of displaced persons and their host population.	This principle is not emphasized in LAA,1894	This is emphasized in the policy (refer Para 6.10, Para 7.21.6)	NRRP 2007 meets SPS, 2009 requirements.
7	Improve or at least restore the livelihoods of all displaced persons	This principle is not emphasized in LAA,1894	NRRP 2007 emphasizes the same (refer Ch-VII)	NRRP 2007 meets SPS, 2009 requirements
8	Land based resettlement strategy	This principle is not emphasized in LAA,1894	Loss of asset to be compensated to the extent of actual loss (refer Para 7.4.1)	NRRP 2007 meets SPS, 2009 requirements.
9	All compensation should be based on the principle of replacement cost	This principle is not emphasized in LAA, 1894. As per the LAA the compensation rate is derived based on the circle rate.	The compensation award shall take into account the market value of the property being acquired (refer Para 6.22b). However, market value in Indian context is subjective and is not a fair value	NRRP 2007 does not meet SPS, 2009 requirements

10	Provide relocation assistance to displaced persons	This principle is not emphasized in LAA, 1894. LAA only provides eligibility to legal title holders for compensation for land and lost assets. No provision of assistance is covered under LAA.	NRRP 2007 emphasizes the same (refer Ch-VII), (refer Para 7.22.1 and Para 7.22.2)	NRRP 2007 meets SPS, 2009 requirements
11	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	This principle is not emphasized in LAA, 1894. This is a strict deviation from as LAA does not address any of the non-titleholders .LAA provides eligibility only to legal title holders for compensation	NRRP 2007 also recognizes the non-titleholder families and ensure R&R benefits (refer Para 3.1.b.iii). However, the non title holders, under NRRP, are recognized as the people living in the affected area not less than three years after the declaration of the area as affected area	NRRP 2007 does not meet SPS, 2009 requirements as ADB's SPS spells out that any person irrespective of their legal status live prior to the cut-off date ( as decided by the EA) will be eligible for assistance. However, the Resettlement Framework (RF) prepared for the MFF spells out that the date of detailed census will be considered as the cut-off-date and any non titleholders recorded during the detailed census will be considered as AP and will be eligible for resettlement assistance.
12	Disclose the resettlement plan, including documentation of the consultation in an accessible place and a form and language(s) understandable to affected persons and other stakeholders.	This principle is not clearly emphasized in LAA, 1894. Under LAA there is only the provision for gazette notification.	NRRP 2007 ensure this principle (refer point 6 above) also refer Para 6.14.1, Para 6.14.3)	NRRP 2007 meets SPS, 2009 requirements

13	Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits.	This principle is not emphasized in LAA, 1894. LAA deals only with land acquisition and not with involuntary resettlement	NRRP 2007 emphasizes to integrate rehabilitation concerns into the development planning and implementation process (refer Para 2.1e)	NRRP 2007 meets SPS, 2009 requirements.
14	Pay compensation and provide other resettlement entitlements before physical or economic displacement.	This principle is emphasized in LAA, 1894. However, it is only limited to payment of compensation and not to resettlement assistance	Full payment of compensation as well as adequate progress in resettlement shall be ensured in advance of the actual displacement of the affected families. (Refer Para 6.22)	NRRP 2007 meets SPS, 2009 requirements
15	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons.	This principle is not emphasized in LAA, 1894.	The policy equally emphasizes the requirement for monitoring	NRRP 2007 meets SPS, 2009 requirements.

## **ANNEXURE 2: OUTLINE OF RESETTLEMENT PLAN**

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

### **A. Executive Summary**

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

### **B. Project Description**

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

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

4. This section:

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

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

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

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

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

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

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.



**F. Stakeholders Consultation and Participation**

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

**G. Legal Framework**

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

**H. Entitlements, Assistance and Benefits**

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

**I. Relocation of Housing and Settlements**

10. This section:
- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
  - (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
  - (iii) provides timetables for site preparation and transfer;
  - (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
  - (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
  - (vi) describes plans to provide civic infrastructure; and
  - (vii) explains how integration with host populations will be carried out.

**J. Income Restoration and Rehabilitation**

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

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

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

#### **L. Information Disclosure**

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

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

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

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

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

**O. Implementation Schedule**

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

**P. Monitoring and Reporting**

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