

# Resettlement Plan

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Land Acquisition and Resettlement Plan  
Draft  
Project No. 46377  
July 2015

## PAK: Sindh Provincial Road Improvement Project

Prepared by the Works and Services Department, Government of Sindh, Islamic Republic of Pakistan for the Asian Development Bank.

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## CURRENCY EQUIVALENTS

(as of 29 January 2015)

Currency Unit – Pakistan Rupee/s (PKR)

PRs1.00 = \$0.0099  
\$1.00 = PRs 101.13

## ABBREVIATIONS

ADB	–	Asian Development Bank
ADB TA	–	ADB Technical Assistance (Grant for project preparation)
COI	–	corridor of impact
CBO	–	Community Based Organization
DCR	–	district census report
DD	–	Deputy Director
DHs	–	displaced households
DPs	–	displaced persons
DO(R)	–	District Officer (Revenue)
EMC	–	external monitoring consultant
ft.	–	foot / feet (3.28 ft = 1 m)
GOP	–	Government of Pakistan
GRC	–	Grievance Redress Committee
GOS	–	Government of Sindh
IMC	–	independent monitoring consultant
IP	–	indigenous People
km	–	kilometers
LAA	–	land acquisition act
LAR	–	land acquisition and resettlement
LARP	–	land acquisition and resettlement plan
m	–	Meter
M&E	–	monitoring and evaluation
NGO	–	non-governmental organization
PMU	–	project management unit
RFS	–	resettlement field survey
ROW	–	right-of-Way
TL	–	transmission lines
TOR	–	terms of reference
SPS	–	Safeguard Policy Statement
W&SD	–	Works & Services Department, GOS

## GLOSSARY

Compensation	Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.
Cut-off-date	The completion date of the census of project-displaced persons is usually considered the cut-off date. A cut-off date is normally established by the borrower government procedures that establish the eligibility for receiving compensation and resettlement assistance by the project displaced persons. In the absence of such procedures, the borrower/client will establish a cut-off date for eligibility.
Displaced persons	In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) 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.
Economic displacement	Loss of land, assets, access to assets, income sources, or means of livelihood 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.
Eminent domain	The right of the state using its sovereign power to acquire land for public purposes. National law establishes which public agencies have the prerogative to exercise eminent domain.
Entitlement	Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
Expropriation	Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise use.
Host communities	Communities receiving physically displaced persons of a project as resettlers.
Household	Household means all persons living and eating together as a single-family unit and eating from the same kitchen whether or not related to each other.
Implementing agency	Implementing agency means the agency, public or private, that is responsible for planning, design and implementation of a development project.
Income restoration	Assistance to restore and/or improve the incomes of displaced persons through allowances and provision of alternative means of income generation.
Involuntary Resettlement	Development project results in unavoidable resettlement losses that people affected have no option but to rebuild their lives, incomes and asset bases elsewhere.

Katcha	A house is considered katcha, if both the walls and roof of the house are made of material that includes grass, leaves, mud, un-burnt brick or wood.
Land Acquisition	Land acquisition means the process whereby a person is compelled by a public agency to alienate all or part of the land she/he owns or possesses, to the ownership and possession of that agency, for public purposes in return for fair compensation.
Meaningful consultation	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.
Physical displacement	Relocation, loss of residential land, or loss of shelter 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.
Pucca	A house/structure is considered pucca, if both the walls and roof of the house are made of material that includes tiles, cement sheets, slates, corrugated iron, zinc or other metal sheets, bricks, lime and stone or RBC/RCC concrete.
Rehabilitation	Assistance provided to affected persons to supplement their income losses in order to improve, or at least achieve full restoration of, their pre-project living standards and quality of life.
Replacement Cost	Replacement cost involves replacing an asset at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures should not be taken into account for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labor cost for construction, and any transaction or relocation costs.
Relocation assistance	Support provided to persons who are physically displaced by a project. Relocation assistance may include transportation, food, shelter, and social services that are provided to the displaced persons during their relocation. It may also include cash allowances that compensate displaced persons for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost work days.
Semi Pucca/Katcha Pucca	A house/structure is considered Semi Pucca, if both the walls and roof of the house are made of material that includes wood, planks, grass, leaves and wall are made of bricks walls with mud masonry or un-burnt brick.

Squatters	People without legal title to land and/or structures occupied or used by them. ADB's policy explicitly states that such people cannot be denied compensation based on the lack of title.
Vulnerable DPs	Displaced poor and other groups disproportionately affected by land acquisition and resettlement, including the elderly, disabled and female headed households
Security of tenure	Protection of resettled persons from forced evictions at resettlement sites. Security of tenure applies to both titled and non-titled displaced persons

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## EXECUTIVE SUMMARY

### ES-1 Project Description

1. The Government of Sindh (the Government), with assistance from the Asian Development Bank (ADB) plans to rehabilitate the existing provincial highway network in Sindh to develop an affordable, safe, and sustainable transport system. The Government has as one of its highest priorities the improvement of the highway network to provide as much of its population as possible with access to the national road network for increased socio-economic growth and poverty alleviation.

2. The Ministry of Finance (MOF), Government of Sindh is Project Executing Agency (EA) for the TA while the Works & Services Department (W&SD) is the Implementing Agency (IA). The project involves the rehabilitation of six major provincial roads in Sindh covering about 400km of the provincial highway network. These six sub-projects, presented in this draft LARP include: i) Sanghar to Mirpurkhas (ii) Khyber to Sanghar (iii) Hyderabad to Badin (from Tando Muhammad Khan) (iv) Mirpurkhas to Mithi (between Mirwah and Naukot) (v) Khandhkot to Jacobabad (vi) Jacobabad to Ratodero.

3. The project road rehabilitation work will be limited to the existing right of way (ROW), which is 110 feet wide. The Works & Services Department (W&SD-Implementing agency) owns the ROW and no land acquisition is needed for the project. The construction limit between toes of embankment on either side comprises maximum 7.3 m (23.95 ft.) carriageway with 2.5 m (8.20 ft.) shoulders on either side (total 12.3 m (39.37 ft.) formation width).

4. A draft LARP has been developed covering the land acquisition and resettlement aspects in the six sub-project areas. ADB's SPS 2009 has been the governing safeguards document that has been completely followed for the preparation of this draft LARP.

5. The expected LAR impacts have been described for each sub-project in the following table.

S. #	Project	Length (km)	Existing RoW	Existing Carriageway	Expected LAR Impacts (Yes / No)				
					Land	Structures	Trees	Crops	Remarks
1	Sanghar–Mirpurkhas	66	110 feet (33.528 m)	5.5–7.3 m (18.0– 23.9 ft.)	No	No	No	No	No Impact
2	Khyber–Sanghar	63	110 feet (33.528 m)	5.5– 7.3 m (18.0– 23.9 ft.)	No	No	No	No	No Impact
3	TMK–Badin	67	110 feet (33.528 m)	5.5– 7.3 m (18.0–23.9 ft.)	No	No	No	No	No Impact
4	Mirwah–Naukot	64	110 feet (33.528 m)	5.5–7.3 m (18.0 – 23.9 ft.)	No	No	No	No	No Impact
5	Kandhkot–Jacobabad	78	110 feet (33.528 m)	5.5–7.3 m (18.0–23.9 ft.)	No	Yes (05)	Yes (01)	No	01 mature tree will be cut to pave way for the required width of carriageway;

S. #	Project	Length (km)	Existing RoW	Existing Carriageway	Expected LAR Impacts (Yes / No)				
					Land	Structures	Trees	Crops	Remarks
									02 small shops (commercial structures) and 03 mosques will be affected.
6	Jacobabad–Ratodero	78	110 feet (33.528 m)	5.5–7.3 m (18.0– 23.9 ft.)	No	Yes (03)	Yes (05)	No	i. 05 mature trees will be cut to pave way for the required width of carriageway ii. 02 small shops (commercial structures) and 01 mosque will be affected.

## ES-2 Assessment of Impacts

6. The survey conducted for the six sub-projects shows that no land acquisition is needed for this roads rehabilitation/improvement project, as the ROW of 110 feet (33.53 m) wide is owned by W&SD. However the ROW has been noted to be encroached at different locations where few structures were recorded to have some impacts. These include 8 structures comprising 4 commercial (small shops) and 4 religious structures (mosques). A total of 28 APs are expected to be impacted including: 04 structure owners, 20 employees, 02 tenants and 02 vulnerable DPs.

7. There is ‘No’ residential structure/dwelling unit to be affected due the project. Similarly, there are no Public Buildings (e.g. Schools, hospitals) affected due to project.

8. **There will be ‘No physical displacement’ on the following roads:**

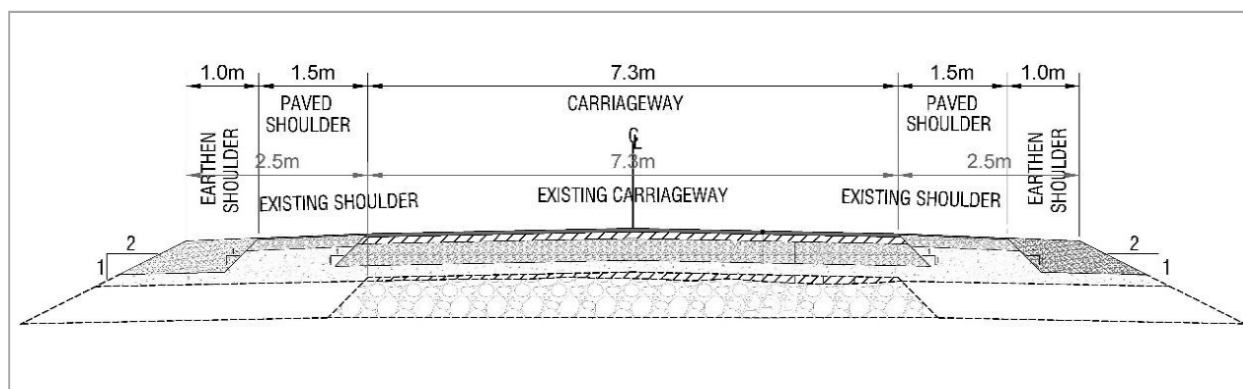
- Sanghar–Mirpurkhas
- Khyber–Sanghar
- TMK–Badin
- Mirwah–Naukot

9. Details of affected structures and Displaced Persons (DPs) are provided in the following table below:

S. #	Project Impacts	No. of affected structures	No. of APs	Proposed Entitlement /compensation
1	Loss of Commercial structures: <ul style="list-style-type: none"> <li>▪ 04 Shops (mud and cement)</li> <li>▪ 02 Shops (cement)</li> </ul>	04	04	Compensation at full replacement cost including cash compensation and assistance for business interruption / income loss.
2	Mosques	04		Reconstruction
3	Loss of employment (permanent)	-	20	Cash compensation of Rs.15,000 per month to each employee for 6 months
4	Loss of employment (temporary)	-	04	Cash compensation of Rs.50,000 per month to each owner/tenant for 3 months
5	Tenants (loss of business)	-	02	Cash compensation of Rs.20,000 per month to each tenant for 3 months
6	Vulnerable DPs	-	02	Cash compensation of Rs.20,000 per month to each vulnerable DPs for 3 months
7	<b>Total</b>	<b>08</b>	<b>28</b>	

10. Design changes have been considered during the TA to minimize/avoid resettlement impacts. The construction limits the of project (toe of embankment) has been restricted to minimum 12 m (39.37 ft.) formation width, including 7.3 meters (23.95 ft.) carriageway and 2.5 meters (8.20 ft.) shoulders on either side. The width of the shoulders and the carriageway has been reduced at critical locations where residential / commercial/community structures were located. 181 structures were found in ROW, which have been avoided through design changes in such a way that in the final design (12 m (39.37 ft.) formation width) only 8 structures will require compensation. Rest of the structures has been avoided from coming under any impact. These structures will be further protected through the provision of concrete guard rail.

### Boundaries of the study area



### ES-3 Cut-off Date

11. Compensation eligibility will be limited by a cut-off date i.e. 24th October, 2014, for each sub-project on the stating day of the DPs census and impact assessment. Any person occupying or encroaching the right of way after this cut-off-date will not be eligible for compensation. Cut-off date was communicated to the DPs during the consultation process.

#### **ES-4 Socioeconomic Profile of Project Areas**

12. The six sub-projects span ten districts of Sindh, of which seven are in lower and central Sindh (Sanghar, Mirpurkhas, Tando Muhammad Khan, Badin, Hyderabad, Matiari, and Tharparkar) and three are in upper Sindh (Jacobabad, Kashmore, and Larkana). These districts are dominated by a rural agrarian based economy. With 31% of Sindh's population below the poverty line and a provincial poverty rate of 26.5%, there is a significant need to improve essential social services including basic education and medical facilities. The percentage of the population in the project districts suffering from calorific poverty range from 33.9% in Badin to 72.4% in Tharparkar.

13. The 04 DPs identified in the two roads are running small shops in the affected area. The type of construction of the structures is Kutcha Pucca or Pucca. In terms of years of running shops, 02 DPs were doing business for 30 years and 02 for above 50 years. The average monthly income of DPs from these small businesses is above Rs. 20,000.

#### **ES-5 Consultation and Disclosure**

14. A consultative process was undertaken from July to December, 2014 collating the views of a wide range of stakeholders.

15. A total of 16 FGDs were conducted community including DPs. The communities were apprised of the project and consultation objectives, expected project impacts and resettlement aspects. Stakeholders overwhelmingly supported the project and expressed the desire to see the project serve as a trigger for more development projects and poverty alleviation interventions in the project areas. Stakeholders assigned the availability of safe drinking water and establishment of health care centers as the most significant expected positive impact of the project. Local area residents also demanded the employment of their community members in the construction activities.

16. The local people were informed about the project's positive features. They were told that the project construction phase is expected to generate employment opportunities for local communities. Affordability is taken into account as the road improvements will reduce transport cost and accident risk, and increase the mobility of the local population. The proposed tolls are significantly less than the projected operating cost savings. For other social risks and vulnerabilities such as HIV/AIDs and human trafficking, project will develop mechanisms to address the social issues identified during the social and poverty assessment.

#### **ES-6 Grievance Redress Process**

17. A Grievance Redress Committee (GRC) will be established as a permanent body of the PMU. The mandate of this important functional unit is to deal with cases relating to any discrepancies and irregularities leading to disputes and grievances due to the award of compensations and claims.

18. The GRC will consist of the following: a W&SD officer with authority to make decision about grievance resolution, representative from DPs, Resettlement specialist of consultants/WSD and respective project director.

19. The grievance officer will place a complaint register at an accessible location (Union Council office, mosque, or at camp site) for respective community so anyone can register their complaint in this register and on weekly basis, it will be checked by the GRC.

## **ES-7 Compensation and Rehabilitation Framework**

20. Comparison of LAA (1894) and the ADB policy principles in regard to key land acquisition and resettlement aspects are done in this draft LARP. This comparison identifies if and where the two sets of procedures are in conformity with each other and more importantly where there are differences and gaps. The key issue is if ADB assessment procedures are followed then the requirements of the Pakistan's LAA and Sindh regulatory systems are in compliance. Conversely, if the Government of Pakistan and also the Sindh systems are followed then there are likely to be shortfalls in comparison to the ADB requirements. The key ADB Policy Principles are (i) the need to screen the project early on in the planning stage; (ii) carry out meaningful consultation; (iii) at the minimum restore livelihood levels to what they were before the project, improve the livelihoods of affected vulnerable groups; (iv) prompt compensation at full replacement cost is to be paid; (v) provide displaced people with adequate assistance; (vi) ensure that affected people who have no statutory rights to the land that they are working are eligible for resettlement assistance and compensation for the loss of no-land assets; and (vii) disclose all reports.

21. To reconcile the inconsistencies between the LAA (1894) and ADB policy, IA has prepared and endorsed this draft LARP for its implementation, ensuring that compensation is provided at replacement cost for all direct and indirect losses so that no one is worse off as a result of the project. Provision of subsidies or allowances will need to be given for affected households that may be relocated, suffer business losses, or may be vulnerable.

22. The entitlement matrix devised in this draft LARP is summarized as follows:

- (i) Commercial Units: Cash compensation at current replacement rate without depreciation and any transaction costs with DPs allowed salvaging the material.
- (ii) Community Structures (i.e. Mosques): Reconstruction of affected Mosque with same plot area but RCC construction.
- (iii) Trees: Trees affected are property of W&SD, however due to ecological loss, 5 trees will be planted per a tree removed.
- (iv) Loss of Business: Owner for permanent loss of income: (i) Cash compensation equal to actual monthly business income or monthly minimum wage (whichever is higher) for a period not exceeding 6 months (ii) 3 months actual or minimum wage based income (whichever is higher) if the loss is temporary and a lump

sum allowance equal to Rs. 20,000/ as livelihood restoration allowance during transition period. Worker/employee for permanent loss of income (i) cash compensation equal to 6 months' salary or wages paid (evidence to be obtained) or cash compensation based on inflation adjusted official poverty line (whichever is higher); (ii) 3 months cash compensation equal to actual salary or inflation adjusted monthly amount (whichever is higher).

## ES-8 Resettlement Budget

No.	Compensation for	No.	Unit	Per Unit Cost in PKR	Impacted Area / Period	Total Cost in PKR
A	Structures <sup>1</sup>					
A1	Shops (Semi Pucca)	02	Sq. Ft.	900	390 Sq. Ft	702,000
A2	Shops (Pucca)	02	Sq. Ft.	1,200	40 Sq. Ft	96,000
A3	Tenant	02	Month	20,000	3 months	120,000
A3	Mosques (RCC)	04	Sq. Ft.	2,000	400 Sq. Ft	3,200,000
B	Allowances					
B1	Business interruption transition Allowance to owners /tenants	06	No.	50,000	3 months	900,000
B2	Livelihood restoration allowance	05	No.	20,000	6 months	600,000
B2	Lost wages indemnity to employee <sup>2</sup>	20	Per month wage	15,000	6 months	1,800,000
B3	Allowance to vulnerable DPs	02	No.	20,000	3 months	120,000
C	Subtotal (A+B)					7,538,000
D	Monitoring and Evaluation <sup>3</sup>					4,000,000
E	Administration Costs (15% of C)					1,130,700
F	Contingency (10% of C)					753,800
	<b>Total Amount in Pakistani Rupees: In words: Pak Rupees Twelve Million Two Hundred Ninety One Thousand and Eight Hundred Only</b>					<b>12,291,800</b>

## ES-9 Institutional Arrangements

23. The Project Management Unit (PMU), W&SD is the focal organization based in Sindh responsible for the development and rehabilitation of provincial roads, for keeping liaison with the Government of Pakistan and Asian Development Bank (ADB), and taking care of disbursement of funds (including ADB loan) and technical assistance through Consultants to, and coordination of the Program planning and management activities.

24. An Environmental and Safeguards Unit (ESU) will be established within the PMU to provide technical guidance and lead implementation for social safeguard issues. A Resettlement Specialist and Social Mobilizers for each sub-project will be part of the ESU.

25. Project Management Consultant under W&SD will appoint Resettlement specialist (RS) to monitor the implementation of LARP internally and externally required for the project. External

<sup>1</sup> Current construction prices and scheduled rates have been taken into consideration.

<sup>2</sup> Considering minimum wage.

<sup>3</sup> For all six projects with 3 monitoring reports for each subproject.

monitor acceptable to ADB will commence monitoring of LARP upon start of LARP implementation. The external monitor will verify the LARP implementation based on the information (internal monitoring report) prepared for WSD by project consultants (PMC). The PMC resettlement specialist will be hired with technical guidance of WSD and ADB.

#### **ES-10 Implementation Schedule**

26. The LARP implementation schedule consists of 04 months for the proposed subproject includes LARP preparation, disclosure, disbursement of compensation with its internal and external monitoring and reporting.

#### **ES-11 Monitoring and Evaluation**

27. The PMU will be responsible for internal monitoring. The Resettlement Specialist will provide necessary technical assistance in implementing and monitoring the resettlement activities.

28. External monitor will be engaged intermittently to undertake external monitoring and validation of LARP implementation. Since the LARP implementation is limited to 4 months, monthly independent external monitoring reports will be required to ensure LARP is fully implemented as planned.



## **SECTION 1 PROJECT DESCRIPTION**

### **1.1 Project Background and Scope**

29. The Government of Sindh (the Government), with assistance from Asian Development Bank (ADB) plans to rehabilitate the existing provincial highway network in Sindh to develop an affordable, safe, and sustainable transport system. The Government has as one of its highest priorities the improvement of the provincial highway system to provide as much of its population as possible, access to the national road network. It is believed that an improved road network will not only bring social and economic development to the adjoining areas, but also enhance economic development in the entire province through increased connectivity and communication. Access to education and health facilities, creation of jobs and opportunities for non-formal education and skills enhancement are some of the essential socio-economic parameters that will contribute to poverty reduction and livelihoods improvement in the project areas.

30. For the province of Sindh, 2,830 km of the road network have been identified as provincial highways, 11,630 km as secondary roads and 9,900 km as access roads. A road density of 0.17 km/sq.km (excluding municipal roads) for the province is one of the lowest in the country. The Governments' efforts to improve, widen and rehabilitate the provincial highways are being complemented by the National Highway Authority's steps to undertake immediate improvement of national highways located within the province. The Government will use a major part of its own development funds for improvement of these roads. Any financial shortfall will be met with assistance from donor agencies.

31. The Ministry of Finance (MOF), Government of Sindh is the Project Executing Agency (EA) for the TA while the Works & Services Department (W&SD) is the Implementing Agency (IA). The project involves the rehabilitation of six major provincial roads in Sindh covering about 400 km of the provincial highway network. These six sub-projects, presented in this draft LARP include: (i) Sanghar to Mirpurkhas, (ii) Khyber to Sanghar, (iii) Hyderabad to Badin (from Tando Muhammad Khan), (iv) Mirpurkhas to Mithi (between Mirwah and Naukot), (v) Khandhkot to Jacobabad, and (vi) Jacobabad to Ratodero.

32. The Project Preparation Technical Assistance (PPTA) will focus on improvement of the existing provincial highway network in Sindh. The consultant will help W&SD to: (i) prepare a project to rehabilitate about 400 km of provincial roads; (ii) renew and upgrade the established road asset management system (RAMS); (iii) prepare provincial road safety framework and action plan; and (iv) assess the capacity of W&SD for managing social risks, including involuntary settlement.

33. The project road rehabilitation work will be limited to the existing right of way (ROW), which is 110 feet wide. The Works & Services Department (W&SD-Implementing agency) owns the ROW and no land acquisition is needed for the project. The construction limit between toe of

embankment on either side comprises maximum 7.3 m (23.95 ft.) carriageway with 2.5 m (8.20 ft.) shoulders on either side (total 12m (39.37 ft.) formation width).

34. The expected LAR impacts have been described for each sub-project in the following table.

**Table 1.1: Summary of Expected LAR Impacts**

S. #	Project	Length (km)	Existing RoW	Existing Carriageway	Expected LAR Impacts (Yes / No)				
					Land	Structures	Trees	Crops	Remarks
1	Sanghar-Mirpurkhas	66	110 feet (33.528m)	5.5 - 7.3 m (18.0 – 23.9 ft.)	No	No	No	No	No Impact
2	Khyber-Sanghar	63	110 feet (33.528m)	5.5 - 7.3 m (18.0 – 23.9 ft.)	No	No	No	No	No Impact
3	TMK-Badin	67	110 feet (33.528m)	5.5 - 7.3 m (18.0 – 23.9 ft.)	No	No	No	No	No Impact
4	Mirwah to Naukot	64	110 feet (33.528m)	5.5 - 7.3 m (18.0 – 23.9 ft.)	No	No	No	No	No Impact
5	Kandhkot-Jacobabad	78	110 feet (33.528m)	5.5 - 7.3 m (18.0 – 23.9 ft.)	No	Yes (05)	Yes (01)	No	01 mature tree will be cut to pave way for the required width of carriageway; 02 small shops (commercial structures) & 03 mosques will be affected.
6	Jacobabad-Ratodero	78	110 feet (33.528m)	5.5 - 7.3 m (18.0 – 23.9 ft.)	No	Yes (03)	Yes (05)	No	05 mature trees will be cut to pave way for the required width of carriageway 02 small shops (commercial structures) & 01 mosque will be affected.

## 1.2 Description of Project Roads

35. The following is a brief description of six roads, hereinafter referred to as the project area.

### 1.2.1 Sanghar to Mirpurkhas (66km)

36. This road is shown in the database as having a mixture of 5.5 and 7.3m wide pavements with shoulders varying between 2 and 3 m, although in many places the edges were so deteriorated it was hard to determine the original width. The last 23 km between Sindhri and Mirpurkhas has been recently rehabilitated and has a 7.3m pavement, but the shoulders are

completely washed out in places. Traffic volumes are around 3,500 vehicles/day, of which approximately 10% are trucks. The expected cost of rehabilitation is PKR 2.8 billion.

### **1.2.2 Khyber to Sanghar (63 km)**

37. This road is shown in the database as parts of several different secondary roads. Road widths are recorded as varying from 6.9 to 7.3m but some narrower sections were observed. Shoulders vary from 2.3 to 3 m. The condition of the road varies with the worst section being the bypass around Tando Adam. The surface from Tando Adam to Sanghar is good except for a few kilometres. For the parts in good condition, treatment should be limited to pavement repairs and shoulder strengthening where required followed by a thin overlay producing a uniform 7.3m running surface. Where the pavement has seriously deteriorated, it will be rebuilt with 7.3 m carriageway and 1m shoulders. The expected cost of rehabilitation is PKR 2.1 billion.

### **1.2.3 Hyderabad to Badin (from Tando Muhammad Khan) (67 km)**

38. This road is shown in the database as being 7.3 m wide near Tando Muhammad Khan reducing slightly to 6.2m for 22 km and reducing further to 5.5m for the last 22 km. Traffic volumes are 6,200 vehicles/day for the first 10 km, of which approximately 30% are trucks. This reduces to 5,000 vehicles of which 20% are trucks for the next 20 km. There is no traffic data for the last 35 kilometers. The road is mostly in good condition, but an estimated 17 km near the southern end requires renewal. It is proposed that for the majority of the road, treatment is limited to pavement repairs and shoulder strengthening where required followed by a thin overlay producing a uniform 7.3m running surface. Where the pavement width is currently 5.5m this will reduce the shoulder width to 1 -2 m each side. The failed section will be rebuilt with 7.3 m carriageway and 1m shoulders. The expected cost of rehabilitation is PKR 1.9 billion.

### **1.2.4 Mirpurkhas to Mithi between Mirwah and Naukot (63km)**

39. This road is predominantly 7.3m wide with 2.3m shoulders. There is one 10km section shown in the database as 5.8m wide. Traffic volumes are around 1,000 vehicles/day of which 30% are trucks. The road is in reasonable condition as far as Digri (18 km) and between Naukot and Mithi (47 km) but the middle 45 km is mostly in poor condition. If the full length of the road is rehabilitated, it is proposed that for the section in good condition, treatment should be limited to pavement repairs and shoulder strengthening, followed by a thin overlay producing a uniform 7.3m running surface. The worst section of the road will be rebuilt with 7.3 m carriageway and 1m shoulders. The expected cost of rehabilitation is PKR 3.55 billion and if the Naukot to Mithi section is excluded, this reduces to PKR 2.8 billion.

### **1.2.5 Khandhkot to Jakobabad (78 km)**

40. This road is a short cut between the N55 and N65 for traffic to and from Punjab and beyond. It will also provide a more direct connection between the N5 and the N65 once the

proposed Ghotki – Khandhkot Bridge over the Indus and link roads are constructed. It was repaired between Saiful and Jakobabad (53 km) leaving only the Khandhkot –Saiful and Thul bypass sections in bad condition. However, the pavement on the Saiful-Jakobabad section was designed as an emergency repair to restore the serviceability of the road and is likely to be inadequate for anticipated future traffic. Current traffic on the route is around 550 vehicles/day of which 45% are heavy vehicles. The expected cost of rehabilitation would be 1.4 billion.

### 1.2.6 Jakobabad to Ratodero (61 km)

41. This road is a shortcut between N55 and N65 for traffic to and from southern Sindh. The section between Jakobabad and Shir M Thahim (22km) was rebuilt in 2013-14 with 5.5 m carriageway and 2m unsealed shoulders. It is generally in satisfactory condition although the pavement on this section was designed as an emergency repair to restore the serviceability of the road and may be inadequate for anticipated future traffic. The Thahim-Rotodero section is mostly 5.5m carriageway with 2m shoulder and is mostly in bad condition. There is no traffic data for the Jakobabad –Shir M Thahim section. The data for Thahim-RatoDero indicates a total daily count of 900 vehicles of which about 70% are heavy vehicles. Only the Thahim-Rotodero section requires rehabilitation, at an estimated cost of PKR 2.1 billion.

## 1.3 Analysis of Alternatives Considered

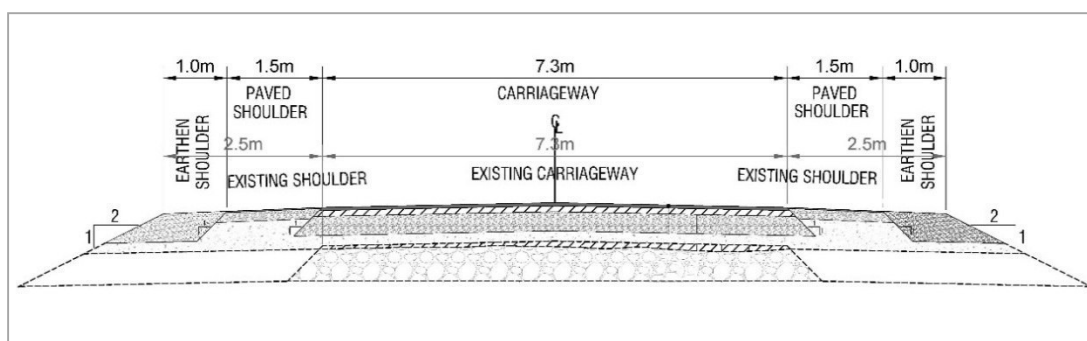
<b>Option-1: No Project</b>	Without the project, the existing 6 project roads will continue to be the main means of transportation of the areas. Currently, the road condition in some sections of the project roads is poor (as described in section 1.2) and damaged severely due to floods and rains. The existing roads are insufficient to cater to the traffic load and traffic jams are common at population centers. These conditions have increased the travel time significantly and contributed to stress for all road users. The No-project scenario will continue to increase the negative impacts generated by increased traffic loads on the existing road, including traffic jams, noise pollution, low speeds, higher emissions, and accidents. Facing a steady rise in road users, increased residential infrastructure and rains and floods will continue to deteriorate the existing road conditions.
<b>Option-2: Construction and Rehabilitation of Existing Alignment (Project Implementation)</b>	This option involves the construction and rehabilitation of the existing alignments, which have deteriorated. The reconstructed roads will not only meet the local needs in context with routine travelling activities but will bring about a socio-economic uplift in the project areas. The LAR would be developed only for those sections of the roads which need to be reconstructed or rehabilitated such as pavement repairs and shoulder strengthening. Consequently, the project will have impact on 181 structures that lie inside existing ROW of project roads. Out of 181 structures, 172 structures lie at the shoulders or embankments of roads. If the existing cross-section will be taken as a whole for reconstruction and rehabilitation, 181 structures are eligible for compensation according to ADB's SPS 2009, regardless of their title of land.
<b>Option-3: Construction and Rehabilitation of Existing Alignment with Design changes</b>	Design changes have been considered during the TA to minimize / avoid resettlement impacts. The construction limits the of project (toe of embankment) has been restricted to minimum 12 m (39.37 ft.) formation width, including 7.3 meters (23.95 ft.) carriageway and 2.5 meters (8.20 ft.) shoulders on either side. The width of the shoulders and the carriageway has been

<p><b>to avoid Major LAR impacts (Most preferred option)</b>  <i>(This is the preferred option as the impact of LAR is reduced from 181 structures to 09 structures)</i></p>	<p>reduced at critical locations where residential / commercial / community structures were located. 181 structures were found in ROW, which have been avoided through design changes in such a way that in the final design (12 m (39.37 ft.) formation width) only 9 structures will require compensation. Rest of the structures has been avoided from coming under any impact. These structures will be further protected through the provision of concrete guard rail.</p> <p>The design changes applied which are detailed in section 2.2, are summarized as follows:</p> <ol style="list-style-type: none"> <li>i. Shoulder width can be reduced (from 2.5 m to 1 m) to avoid the structures</li> <li>ii. Width of carriageway will be reduced up to 2.75 m from center line to avoid the structure</li> <li>iii. Concrete guardrail will be provided at places where structure is close to the road and possibility of vehicle hitting the structure is high</li> </ol> <p>If this option is considered, the need for expropriation of private structures under ADB's SPS 2009 ensures that people affected with resettlement due to the development of a public project funded by the ADB are adequately compensated for their losses. Regardless of the fact that a LARP is needed, the affected population showed their willingness for the project as long as appropriate mitigation measures are planned to minimize the negative impacts and compensate DPs where impacts cannot be avoided.</p>
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#### 1.4 Need for a LARP

42. The social impact assessment carried out for the Provincial Roads Improvement Project, Sindh revealed that several commercial structures and religious sites will be affected by the planned road rehabilitation interventions. Therefore, as per ADB's SPS 2009, a draft LARP has been developed covering the land acquisition and resettlement aspects in the six sub-project areas.

43. This draft LARP explains the magnitude and volume of impacts and outlines a detailed resettlement plan for the removal and/or alteration of affected structures and compensation to DPs.



**Figure 1.1: Boundaries of the Study Area**

## **SECTION 2 ASSESSMENT OF IMPACTS**

44. In preparation for the LARP, fieldwork was conducted to ascertain details on land acquisition and resettlement requirements. The impact assessment involved quantification and costing of the affected area and assets and collection of socioeconomic data on DPs. Surveys were carried out for all 6 roads from October to November, 2014. The DPs and affected communities during the community consultation sessions were communicated about the project activities and potential impacts. The affected communities were clearly informed that no subsequent changes made in design or cross-section of roads will be entertained by W&SD for any compensation or assistance.

### **2.1 Project Impacts**

45. There are 181 structures in total on the Right of Way of the six roads. These include commercial structures (shops, hotels, huts), Religious and Cultural sites (Mosques, Imambargah, Tombs), and Government properties (Bus stops, Police Check Posts).

46. The survey conducted for the six sub-projects shows that no land acquisition is needed for this roads rehabilitation/improvement project, as the ROW of 110 feet (33.53 m) wide is owned by W&SD.

47. There are 'No' residential structures/dwelling units to be affected due the project. Similarly, there are no Public Buildings (e.g. schools, hospitals) and crops that will be affected.

48. However the ROW has been noted to be encroached at different locations where few structures were recorded to have some impacts. These include 8 structures comprising 4 commercial (small shops) and 4 religious structures (mosques). A total of 28 APs are expected to be impacted including: 04 structure owners, 20 employees, 02 tenants and 02 vulnerable DPs.

49. Table 2.1 shows the structures which will be affected partially or completely and eligibility for compensation according to ADB SPS 2009.

50. Table 2.2 gives details of the DPs (owners/tenants), the losses they will incur and the severity of impact.

**Table 2.1: Affected Structures, Status of Loss and Severity of Impact**

Sub-Projects	Structures encroaching ROW but not affected by the project rehab/reconstruction works	Affected Structures			Impacts	Remarks
		Residential Structures	Commercial Structures	Religious & Cultural Sites		
Sanghar to Mirpurkhas	31	0	0	0	Bus Stop will be removed and reconstructed.	Not entitled for compensation.
Khyber to Sanghar	17	0	0	0	Bus Stop and Police Check post will be removed and reconstructed.	Not entitled for compensation.
TMK to Badin	15	0	0	0	N/A	N/A
Khandhkot to Jacobabad	43	0	2	3	Bus Stops and Police Check post will be removed and reconstructed.	Not entitled for compensation.
					Mosques will be removed and reconstructed. Courtyard of one mosque will be pushed back.	Mosques will be reconstructed and budget will be allocated for reconstruction.
					Shelter of a shop will be removed. One godown (Hut/storage yard) will be removed.	Entitled for compensation /resettlement assistance.
Mirwah to Naukot	47	0	0	0	N/A	N/A
Jacobabad to Ratodero	20	0	2	1	One Check post and an ablution area will be removed/ relocated.	Not entitled for compensation.
					Courtyard of a Mosque will be affected.	Mosque will be reconstructed and budget will be allocated for reconstruction.
					One shop and one godown/storage yard will be affected.	Entitled for compensation /resettlement assistance.
<b>Total</b>	172	0	4	4		

**Table 2.2: Name of Respondent, Status of Loss and Severity of Impact**

S#	Name of Respondents	Father Name	Type of Structure	CNIC No	Area affected (sq. ft)	Status of Loss	Type of Construction	Ownership Status	No of Employees working
1	Attaullah Khan	Gulzar Ahmed	Commercial	43502-0404154-2	20	Only Shelter will be removed	Pucca	Tenant	-
2	Manthar Solangi	-	Commercial	-	120	Complete Structure will be removed	Semi Pucca	Tenant	4
3	Aziz Rehman Gopang	Mohd Sadber Gopang	Commercial	43301-7757564-8	120	Complete Structure will be removed	Semi Pucca	Owner	8
4	Aziz Rehman Gopang	Mohd Sadber Gopang	Commercial	43301-7757564-9	150	Complete Structure will be removed	Semi Pucca	Owner	8



### **2.1.1 Impact on Structures**

51. A total of four commercial structures and four mosques will be partially or completely affected by the planned project interventions.

52. Two commercial structures located on the Jacobabad to Ratodero section will be completely removed and compensation will be paid. Two commercial structures on the Kandhkot to Jacobabad section will be affected, one will be completely removed, while the other will be partially affected (shelter to be removed).

53. A courtyard will be removed and reconstructed for one mosque on the Jacobabad to Ratodero section. Three mosques on the Khandhkot to Jacobabad section will be affected; one will be partially affected, while the other two will be completely removed and relocated.

### **2.1.2 Impact on Displaced Persons**

54. There are a total of 28 APs that will face the impacts of the project. A total of 20 individuals working at the affected commercial structures as permanent employees will become unemployed. Another four individuals who are owners of the commercial structures will temporarily lose their employment. Moreover, two tenants will have to close their shops and face a business loss.

### **2.1.3 Impact on Vulnerable Displaced Persons**

55. Of the total of five displaced persons, two are considered vulnerable DPs as they are living on or below the poverty line and live in a joint family system with few breadwinners and many dependents.

### **2.1.4 Impact on Trees**

56. A total of 06 mature trees will be affected. If the affected trees do not belong to the local community, they may be replanted in the ratio of 5 trees for every 1 affected tree. If tree(s) belong to local community persons, person will be compensated according to entitlement matrix.

### **2.1.5 Impact on Electric Installations**

57. There exist 7 electric installations on the earthen shoulders and require relocation. Electric installations include poles and transformers can be relocated to a safe distance from road carriageway.

## **2.2 Methodology for Minimization of Impacts**

58. In order to ensure least disturbance to the project corridor communities, flexibility is retained in the road design; the Right of Way will be adjusted to the extent possible to avoid a

particular structure falling on the ROW. Although this rule applies to all the structures within the ROW, emphasis will be maintained on those structures having commercial, residential, or cultural value.

59. Subject to the nature of a particular structure falling on ROW, following key strategies have been adopted for minimization of impacts:

- i) Reduction in Right of Way
- ii) Removal of Structure
- iii) Protection from traffic hazard

### **2.2.1 Reduction in Right of Way (ROW)**

60. Right of Way will be reduced at places where a structure has to be avoided due to any of the following reasons:

- i) Social resistance; the structure is a religious or cultural site (e.g. Mosque)
- ii) Reduction in Right of Way does not have a major implication on the overall road design
- iii) Scope of Resettlement as a result of removal of a particular structure is large

### **2.2.2 Removal of Structure**

61. Partial Removal of Structure: This strategy will be adopted where only a small or relatively insignificant part of the structures is coming within the ROW. In this case, ROW will be maintained and the part of structure on ROW will be removed.

62. Complete Removal of Structure: If Reduction in ROW is not practically feasible (significant reduction in ROW is required to protect the structure), the structure will be relocated and compensation in full replacement cost will be paid to the owner of the structure.

### **2.2.3 Protection from Traffic Hazard**

63. At places, where structures are lying close to the roadside, protection will be required to prevent road accidents. For this purpose, following three types of protections will be ensured at risk areas.

64. Signage: Warning signs will be displayed to intimate the driver of sensitive/populated areas.

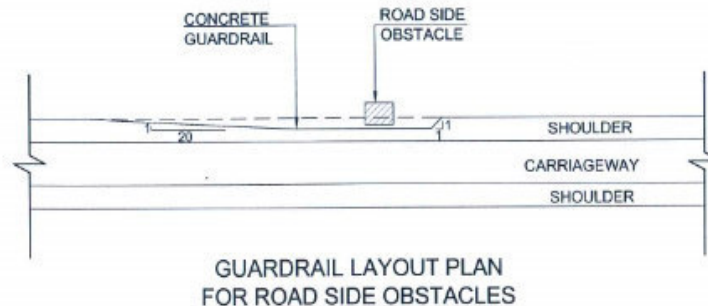
65. Rumble Strips: also known as sleeper lines are a road safety feature to alert inattentive drivers of potential danger, by causing a tactile vibration and audible rumbling transmitted through the wheels into the vehicle interior. Rumble strips will be given at places to inform the driver of populated area.



**Fig. 2.1: Rumble Strips**

66. Concrete guardrail: Guardrails are installed to reduce the severity of run-off-road collisions. It is the most common traffic safety system found on the major intercity roads and highways all around the world. Guardrail may direct an errant vehicle and dissipate energy from collision in some, but not for all cases depending upon the sequence of events during the collision. Although guardrail is itself a fixed object, it may reduce collision severity in situations where it is determined that striking the guardrail is less severe than striking fixed objects or slopes behind the guardrail.

67. Concrete guardrail will be provided at places where structure is close to the road and possibility of vehicle hitting the structure is high.



**Figure 2.2: Guardrail Layout Plan for Road Side Obstacle**

### 2.3 Cut-Off Date

68. Compensation eligibility will be limited by a cut-off date i.e. 24th October, 2014, for each sub-project on the stating day of the DPs census and impact assessment. Any person occupying or encroaching the right of way after this cut-off-date will not be eligible for compensation. Cut-off date was communicated to the DPs during the consultation process.

## **SECTION 3 SOCIO-ECONOMIC PROFILE OF PROJECT AREAS**

### **3.1 Scope**

69. A socio-economic profile has been developed that provides an overview of the key social and economic characteristics of the six sub-project areas. The methodology adopted for data collection and the key findings are presented here. This broad socio-economic baseline will provide a basis for monitoring the implementation and impacts of the LARP.

### **3.2 Data Collection Methodology**

70. Primary and secondary data have been collected for preparation of this draft LARP. During the secondary data collection process, official government documents (such as the District Population Census 1998, Board of revenue records), socio-economic research reports by well-known research organization/experts (such as Social Policy Development Center) and international experiences of LARP were consulted. For primary data collection, a team of experts conducted sites surveys for all the six sub- project areas Consultations were conducted with residents, commercial entities, relevant line department representatives, local NGOs and vulnerable groups that included women and minorities.

### **3.3 Census of DPs**

71. A 100% census of DPs was carried out using a structured questionnaire to clarify the number of DPs, their land ownership status, existing assets and entitlement to compensation. The key parameters that were discussed during consultations with DPs were:

- i) Demographic Profile
- ii) Nature of business / occupation
- iii) Type and value of affected land
- iv) Type and value of affected structures / assets owned
- v) Replacement costs of affected structures / assets
- vi) Ownership documentation, if any
- vii) Income from affected source and other sources
- viii) Vulnerable groups (identified below the poverty line)
- ix) Identification of loss of income sources

### **3.4 Socio-economic Baseline Survey (SEBS)**

72. Socio-economic Baseline Survey (SEBS) of the settlements (villages and goths) located along the highways was undertaken to develop a general socioeconomic profile of the study area.

73. The socioeconomic survey was conducted by an experienced team together with community members. The information gathered regarding the population around the project areas included:

- i) Ethnicity, religion and occupation
- ii) Skills and education levels
- iii) Income levels and sources of income and expenditure.
- iv) Access to health & education services
- v) Social infrastructure available to the affected communities
- vi) Identification of vulnerable groups
- vii) Requirements for socio-economic uplift of the area from a community perspective
- viii) Other socio-economic data and information

### **3.5 Description of the Project Area**

#### **3.5.1 Administrative Setup**

74. The six sub-projects span ten districts of Sindh, of which seven are in lower and central Sindh (Sanghar, Mirpurkhas, Tando Muhammad Khan, Badin, Hyderabad, Matiari, Tharparkar) and three are in upper Sindh (Jacobabad, Kashmore and Larkana). The District Governments are set up as per the injunctions in the Sindh Local Government Ordinance-1979. Each district is headed by a District Administrator. Municipal corporations run the big cities such as Hyderabad and Larkana.

#### **3.6 Ethnic Diversity and Languages**

75. The majority of the people in the project areas are Sindhi belonging to various tribes. There are also small pockets of Mahajirs, Seriaikis and Balochis concentrated in different parts of the project area. Sindhi is clearly the most widely spoken amongst the residential settlements, but a small portion of people also speak Urdu, Seaiki and Balochi.

##### **3.6.1 Religion**

76. Islam is the predominant religion followed by 97% of the area inhabitants. Of the remaining 3%, the majority are Hindus, while very few numbers of Christians are found in the project area.

##### **3.6.2 Housing & Family**

77. Few settlements and towns are located also in the vicinity of the roads. The housing structures are the same as generally found in Sindh which include pucca and semi-pucca homes. The majority of the families live in a joint family system, with few bread-winner and many dependents in each household.

### 3.6.3 Characteristics of the Project Corridor

78. Since the most part of the study area is an agro-based rural district where more than 70% of the population resides in rural areas, the sources of livelihood are not widely diversified for the resident population. Agriculture and livestock is the main source of employment for the rural population. In the urban areas of the districts people are engaged in various other economic activities like trade, services, personal business, and government and private jobs.

### 3.6.4 Education

79. The current statistics of Sindh<sup>4</sup> shows that the ratio of boy's enrolment is significantly higher than the girl's in primary schools; however, the situation does improve in the middle and elementary schools. In fact, in elementary schools, the girl's enrolment ratio is better than the boy's (but the proportion of elementary schools in the system is only 1%). Similarly, the percentage of male staff is much higher (triple and double) than the female staff in primary and middle schools respectively. Both of the indicators show that there are huge gender disparities in the system; especially, the proportion of female staff is quite alarming. The provision of female staff has a positive relationship with the enrolment of girls, as in the rural culture of Sindh, communities are generally reluctant to send their girls to the schools where male teachers are teaching in the classes.

**Table 3.1: Literacy Rate**

Gender	Districts				
	Sanghar	Mirpurkhas	Matiari	Hyderabad	TM Khan
Male	69 %	64 %	65 %	75 %	49.00%
Female	30 %	39 %	33 %	62 %	23.00%
Gender	Badin	Tharparkar	Kashmore	Jacobabad	Larkana
Male	35%	65 %	57 %	58%	68 %
Female	12.9%	25 %	19 %	15 %	35 %

Source: Pakistan Emergency Situational Analysis ,2013 by USAID

### 3.6.5 Health

80. Basic Health Units (BHUs) and Rural Health Centers (RHCs) are available in each district but mostly at town level. According the Health Profile of Sindh<sup>5</sup>, the number of BHUs and RHCs in each of the district is given in the following table:

**Table 3.2: BHUs and RHCs**

Facilities	Districts				
	Sanghar	Mirpurkhas	Matiari	Hyderabad	TM Khan
BHUs	37	38	21	18	15
RHCs	5	5	4	3	3
Facilities	Badin	Tharparkar	Kashmore	Jacobabad	Larkana

<sup>4</sup> Sindh Education Sector Plan 2013 – 2016

<sup>5</sup> Bureau of Statistics, Planning and Development Department, Government of Sindh, March 2014

BHUs	37	33	24	27	30
RHCs	11	2	4	3	3

81. The healthcare services are not available in the Project area. The people are compelled to go nearby towns depending on the severity of incidence of the disease. These places are at considerable distances and not within the reach of the farming community in the Project area. Cost of treatment is unbearable to the people particularly because of travel, fee that has to be paid to the doctor, and medicine that has to be purchased. Some of women expire during delivery cases. Many women are malnourished usually being the last ones to eat their meals in the family. Water borne diseases are common in the villages particularly during the rainy season. Incidence of following diseases is reported from villages in the surrounding of Project site.

- i) Water borne diseases
- ii) Malaria
- iii) Cough
- iv) Skin Diseases
- v) Typhoid
- vi) Hepatitis
- vii) Tuberculosis

### 3.6.6 Housing

82. Most houses in the project area's villages are made of clay and mud, and are locally referred to as 'Katcha' (which means, roughly, temporary). Major towns have a higher number of 'pakka' (i.e. permanent) houses which are made of bricks and cement and which generally have a brick tiled roof held up by steel bars. Many houses are a combination of the two types. The average household size in the project area is six.

**Table 3.3: Average Household Size**

	<i>Districts</i>				
	<b>Sanghar</b>	<b>Mirpurkhas</b>	<b>Matiari</b>	<b>Hyderabad</b>	<b>TM Khan</b>
Average Household Size	5.8	6.1	5.7	5.7	6.0
	<b>Badin</b>	<b>Tharparkar</b>	<b>Kashmore</b>	<b>Jacobabad</b>	<b>Larkana</b>
	5.3	5.6	6	6.2	5.8

Source: Pakistan Emergency Situational Analysis ,2013 by USAID

### 3.6.7 Poverty

83. Poverty is a dominant characteristic of the largely rural population resident in the 10 districts of the project area. This observation is in line with the Development Index based on the urban: rural population ratio, which was 22.13:77.87 in the year 1998.

84. The key estimates for Sindh from the Social Policy Development Centre (SPDC) study<sup>6</sup> shows that overall, poverty incidence in the province, or proportion of population falling below the poverty line, was estimated at 31 percent, as opposed to an estimated national average of 33 percent<sup>7</sup>. The poverty incidence for rural areas was considerably higher relative to urban areas across all categories of asset ownership, and in particular for rural population with no land ownership (41.26 percent). Surprisingly, however, poverty incidence among the rural population with house ownership is actually higher than those with no house ownership.

### **3.7 Socio-economic Profile of Displaced Persons**

#### **3.7.1 Ownership Status**

85. There are 4 Shops that will be completely or partially affected by loss of structures due to reconstruction of project roads. Out of a total of 4 DPs, 2 (50%) are landowners and 2 (50%) are Tenants. All the DPs are doing businesses in the affected structures. Out of 4, only one respondent has authorized permit of place. All the respondents said that they have the permit of place of private owner. At least 20 employees are working in 04 shops.

#### **3.7.2 Livelihood**

86. In terms of years of doing business, 02 of them are doing business for 30 years and 02 for above 50 years. The type of business of all respondents is mostly related to trading and agriculture.

#### **3.7.3 Poverty & Income**

87. In Pakistan the official poverty line is 1.25 \$ per person per day – 2014. Based on the data, there are 02 (50%) DPs that fall on or below the national poverty line. 2 (50%) respondents say their household income is around PKR 35,000 per month. 50% of the respondents said that they earned from shops is more than PKR 20,000.

#### **3.7.4 Structure Type**

88. Some of the DPs commercial structures are constructed of thatch, sack, bamboo, clay or earth (Katcha Pucca). Some are medium size shops constructed of baked bricks with mud or concrete masonry (Pucca). Mostly the type of construction of all 05 structures is Kutcha Pucca or Pucca.

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<sup>6</sup> Social Policy Development Center (SPDC). 2004. Combating Poverty: Is Growth Sufficient? Annual Report, 2004.

<sup>7</sup> The national average was heavily skewed because of the estimated poverty incidence in Balochistan which was exceptionally high at 48 percent.



## **SECTION 4 CONSULTATION AND DISCLOSURE**

### **4.1 General**

89. Experience indicates that involuntary resettlement generally gives rise problems for the Displaced Persons (DPs). The problems get reduced when people are properly informed and consulted about the project and given the opportunity of being heard. In this matter Non-Governmental Organizations (NGOs) have been seen coming forward to take up issues on behalf of the stakeholders. By making them party to the decision making process, future litigation at later stage could be avoided.

90. The ADB Safeguard Policy Statement (2009) highlights that consultation and participation, and in particular consultation, is central to achieving safeguard policy objectives. “ADB requires borrowers/clients to engage with communities, groups, or people affected by proposed projects, and with civil society through information disclosure, consultation, and informed participation in a manner commensurate with the risks to and impacts on affected communities.”

91. Meaningful consultation refers to 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.

### **4.2 Objectives of the Consultation Process**

92. The objectives of the consultation process conducted for this draft LARP are:

- i) To solicit the views of DPs and affected communities on socioeconomic aspects of impacts of the project. This will serve as an important tool for collection of information on both natural and human environment, which would not be possible through traditional approach of data collection
- ii) Create awareness among local people about the project in general and its potential impacts (both positive and negative) on the community, involve them in the decision making process from the very inception of the project with a view to build trust.
- iii) To identify public concerns with a view to reduction of public resistance during implementation of the project. Make them feel that they are not ignored. Take them in confidence by providing them a role in decision making process.
- iv) Educate potentially affected communities/persons about the proposed course of action and viable project alternatives.

- v) To produce a suitable plan by incorporating the felt needs and preferences of DPs as evolved through community interactions.

### **4.3 Methodology for Consultation Process**

#### **4.3.1 Key Stakeholders**

93. The key stakeholders selected for FGDs in this case were:

- i) DPs (shop owners) identified in RFS
- ii) Vulnerable group (e.g. peasant women)
- iii) Neighboring communities
- iv) Relevant Govt. Officials (Union Councils Officials)
- v) NGOs

#### **4.3.2 Focus Group Discussions (FGDs)**

94. The reconnaissance consultative process undertaken for the preparation of the draft LARP has included not only DPs, but also the local communities and Govt. officials of the area. Special attention was paid to identify the needs of vulnerable groups (such as the poor, women, and elderly), to ensure that their views have been considered in the formulation of the LARP.

95. Number of semi-structured qualitative discussions (also referred to as Focus Group discussions Ref: Strengthening participation for development results: ADB Guide to participation) (Major – 10-15 people and Minor – 5-10 people) aiming at community awareness and consultations regarding the project's likely impacts were held with the small groups of men and women along the project roads. Reason of being conducting FGDs was to create comfortable environment for the members those not used to formal meetings like housewives and peasant women.

96. The details of dates and venues of the FGDs for each sub-project are summarized in Table 4.1.

#### **4.3.3 Information Dissemination During FGDs**

97. A stakeholder communication strategy was developed for information sharing during FGDs. The following key details were shared with the stakeholders:

- i) Project details and plans
- ii) Disclosure of ROW to DPs
- iii) Involuntary resettlement will be avoided as possible
- iv) Entitlement matrix; compensation and disbursement procedure
- v) Income restoration and rehabilitation
- vi) Grievances redress mechanism
- vii) Cut of date for compensation eligibility

- viii) Disclosure of Project timeline
- ix) Key project benefits due to the project

**Table 4.1: Summary of FGDs conducted for each project road**

Project Road	Date	FGD Type	Main Location	Local Area Venue	Coordinates	No. of Participants
Sanghar – Mirpurkhas	23 <sup>rd</sup> June 2014	Major	District Mirpurkhas	Tando Adam Naka at Khipro Road / Small Hotel	N 25 31 54.6 E 68 59 52.2	15
		Minor	Tehsil Hussain Bakhsh Mari – Khipro Road - District Mirpurkhas	Panwar Goth / Local's House	N 25 33 39.3 E 69 03 28.2	06
		Minor	Mirpurkhas-Sanghar & Mirpurkhas-Khipro Roads	Sindhre Town / Small Hotel	N 25 42 30.1 E 69 07 41.1	06
Khyber Sanghar	25 <sup>th</sup> June 2014	Major (with Females)	Sindhre	Goth Khan Deen Muhammad Junejo / Basic Health Unit	N 25 43 21.4 E 69 06 50.4	16
		Major	Jhol Town	Jhol / Shell Petrol Station	N 25 57 33.3 E 68 53 29.1	10
		Minor	Odero Lal Town	Odero Lal Village / Outside Shop	N 25 42 02.4 E 68 33 50.4	05
TM Khan - Badin	13 <sup>th</sup> August 2014	Major	Badin	Badin Development & Research Organization Office, Badin	N 24 38 .888 E 68 50.111	21
		Major	Tando Muhammad Khan	Tando Muhammad Khan Press Club, TMK City	-	13
		Minor	Tando Muhammad Khan	Tea Hotel, Ayub Kandhra Goth, near project start point, TMK - Badin Rd	N 25 07.652 E 68 33.809	06
Mirwah Naukot	20 <sup>th</sup> August 2014	Major	Naukot	Gul Mooree, Naukot	N 25 50.797 E 69 25 .029	19
		Minor	Jhuddo	Railway Colony, near Railway Track, Jhuddo	N 24 57.924 E 69 17.933	09
		Minor (with Rural Women)	Jhuddo	Goth, UC Roshanabad, Taluka Jhuddo	N 24 55.292 E 69 19.254	06
Khandhkot -	5 <sup>th</sup> September	Major	Khandhkot at Kashmore	Shaikh Muhalla ,Tangwani,	N 28 15.077 E 69 10.381	07

Jacobabad	2014			Khandhkot		
		Major	Saifal Road	Saifal	N 28 14.467 E 68 59.752	10
Jacobabad - Ratodero	8 <sup>th</sup> September 2014	Major	Larkana	Near Raja Petrol pump ,Jacobabad to Ratodero Road	N 27 48.454 E 68 17.688	12
	14 <sup>th</sup> September 2014	Minor	Jacobabad City	Human Right Community Development Foundation Office at Jacobabad City	-	07

**Figure 4.1: Stakeholder Consultation Sessions**





#### 4.4 Outcome of Consultation Meetings

98. The major opinions & concerns of the stakeholders identified during consultation meetings are detailed below:

- i) Some of the resident communities already knew about the project, but did not know the specific details, particularly about the environmental issues involved. The communities generally welcomed the plan for improving provincial highway network. The community members/participants were prompt in their reply that since they are rightful owners, having documents to support their ownership, they would expect to be compensated for their holding provided alternative land of better value than the present.
- ii) The communities were informed that there are 06 highways being considered for improvement at this stage. There are total 181 structures identified within the right of way of above 06 roads; however only 9 structures will face partial or complete impacts. Rest of the structures will be protected by applying appropriate engineering solution and thus will be accommodated within the Right of Way.
- iii) The communities were informed that the loss of property will be compensated at full replacement cost according to the entitlement matrix.
- iv) The village representatives were convinced that designing the project will spare them with all negative aspects of the Project and see to it that their rights & assets are provided due safeguard.
- v) Construction phase of the project may affect the physical environment to some degree but careful planning and adoption of appropriate mitigation measures will reduce the impact.

- vi) Participants in the consultation meetings raised issues of road accidents, as well as vulnerable communities.
- vii) There were observations that ecological resources, including the land & vegetation were being depleted at a rapid rate while subsistence farming was unable to meet the day-to-day needs of the local population. Employment opportunities were low & the younger generation was not prepared to remain in poverty.
- viii) Locals also demanded that project executers should prefer locals for the jobs in road construction work so that they may improve their livelihood.
- ix) The consulted community members also demanded that project construction should not be prolonged or delayed as this might hinder their mobility and commuting.

99. Another concern raised by the locals was that the construction activities might damage the nearby crops and demanded that the construction work should be programmed in a way so as to prevent its impacts on the crops in nearby fields. They were also worried about their cattle which often cross the roads to reach the grazing areas or water sources on the other side of the road. They requested that responsible authority should consider this aspect seriously and make necessary arrangements.

## **SECTION 5 GRIEVANCE REDRESS PROCESS**

### **5.1 General**

100. It is very common that the affectees have the grievances in a development project, especially where the LAR is involved. Although, a legal mechanism is available in the form of Land Acquisition Act, 1894 to address the concerns of affectees related to land acquisition but there is no provision for resettlement and rehabilitation or livelihood restoration available for DPs in the act. This leaves gaps in LAA and ADB policy as far as compensation and resettlement and rehabilitation aspects are concerned. In order to address these gaps and resulting concerns or grievances of DPs, a grievance redress mechanism is required. Such mechanism is fundamental to achieving transparency in the resettlement process. It is ensured that DPs will know the procedure to approach and have full access to a grievance redress committee (GRC) that can investigate charges of irregularities/ ambiguities and complaints received from them and provide an early resolution. The main objective of the grievance redressed procedure will be to provide a mechanism to mediate conflict and cut down on lengthy litigation, which often delays such infrastructure projects.

101. The recruited grievance officer will place a complaint register at an accessible location (Union Council office, mosque, or at camp site) for respective community so anyone can register their complaint in this register and on weekly basis, it will be checked by the GRC.

102. Before invoking formal grievance redress system at the project level, the concerns of the aggrieved DPs will be examined at the village level through involvement of the Affected Persons Committees APCs, formed at village level. The social mobilizers will, act as focal person in their respective territorial limits to get the grievances recorded, investigated and discussed.

### **5.2 First Level of GRM**

103. If the grievance is not resolved at local level it shall be raised to formal grievance redress mechanism which is first level of GRM. A formal complaint will be tendered with the Project Grievance Redress Committee through the Social Mobilizers. Once the complaint is submitted with the Project GRC, it shall record it in the complaints register, without delay, and initiate the process of investigation through its technical and resettlement field teams. The complaint register is being maintained by the Assistant Director Land in project office.

### **5.3 Second Level of GRM**

104. In case of dissatisfaction of the DP, he/she will be referred by GRC to second level of GRM i.e. Environmental Safeguards Unit (ESU) of W&SD within 07 days after communication of decision by the GRC. The ESU will acknowledge the complainant about his complaint, scrutinize the record of the GRC, investigate the remedies available and request the complainant to produce any record in favor of his claim. After thorough review and scrutiny of the available record on complaint visit the field and collect additional information if required.

Once the investigations are completed the ESU shall forward recommendations to the Project Director and the complainant accordingly within 15 days of receipt of the complaint. If the complainant is still dissatisfied with the decision, he can go to the local ombudsmen. At head quarter level, GRC will be headed by GM headquarter, Resettlement Expert, Environmentalist, Director Land and Assistant Director Land.

#### 5.4 Constitution and Function of the GRC

105. The GRC will consist of a specially recruited grievance officer – selected from W&SD, a jirga member or notable person, a representative from the DPs, locally present NGO representative, the resettlement specialist or environment specialist (depending on nature of grievance) from IMC and 1 revenue staff. Women will be members of the GRC. The GRC will be formally notified and established at the project sites. The GRC's will function as open forums for hearing complaints and exploring quick resolutions to conflicts. The GRC will be required to develop an outreach program including links to the provincial ombudsman's office. Each GRC will record its deliberations and inform the concerned parties of a resolution within 2 weeks of its findings and recommendations.

#### 5.5 Information Dissemination and Community Outreach

106. To ensure women have access to the grievance mechanism, separate Focus Group Discussions (FGDs) will be held with them to design protocols that are suited to their needs including procedures and mechanisms to enable their access to the mechanism, including, access to the provincial ombudsman's office. Outreach programs will be tailored to women's needs to ensure information is communicated to them.

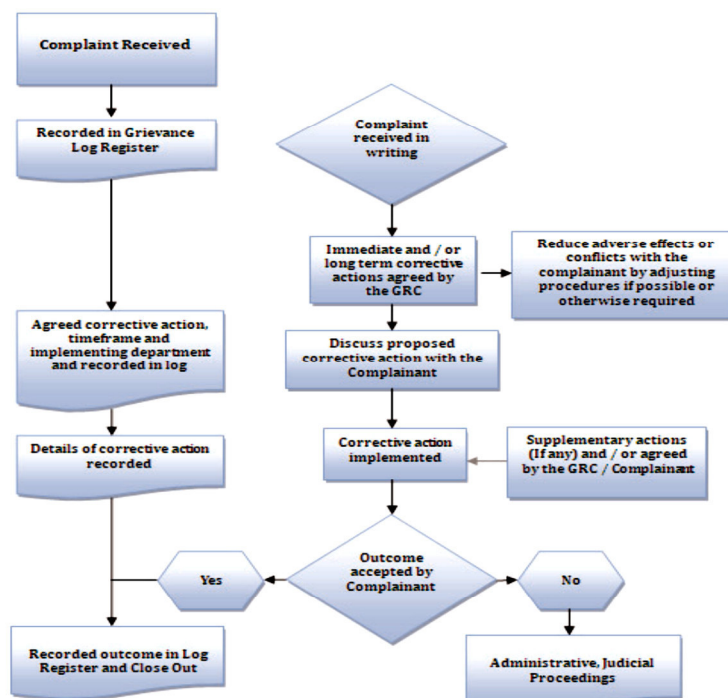


Figure 5.1 shows the flow chart of Grievance Redress process



## SECTION 6 LEGAL AND POLICY FRAMEWORK

### 6.1 General

107. This section 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 the gap will be addressed; describe methodology for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

### 6.2 Legal Framework

108. The existing laws and regulations on land acquisition are described as under:

#### 6.2.1 Pakistan's Land Acquisition Act (LAA) of 1894

109. The 1894 Land Acquisition Act (LAA) with its successive amendments is the main law regulating land acquisition for public purpose. The LAA has been variously interpreted by local governments, and some province has augmented the LAA by issuing provincial legislations. The LAA requires that following an impacts assessment/valuation effort, land and crops are compensated in cash at market rate to titled landowners and registered land tenants/users, respectively. The LAA mandates that land valuation is to be based on the latest 5-3 years average registered land sale rates, though, in several recent cases the median rate over the past 1 year, or even the current rates, have been applied with an added 15% Compulsory Acquisition Surcharge as provided in the LAA. In the LAA, only legal owners and tenants registered with the Land Revenue Department or with formal lease agreements are eligible for compensation/livelihood support.

110. The law deals with matters related to the acquisition of private land and other immovable assets that may exist on it when the land is required for public purpose. A listing of the Sections of the Act and their salient features is given in Table 2.1. The right to acquire land for public purposes is established when Section 4 of the LAA is triggered. The LAA specifies a systematic approach for acquisition and compensation of land and other properties for development projects. It stipulates various sections pertaining to notifications, surveys, acquisition, compensation and apportionment awards, along with disputes resolution, penalties and exemptions. Surveys for land acquisition are to be disclosed to the displaced persons.

**Table 6.1: Salient Features of LAA 1894 and its sections**

Key Sections	Salient Features of the LAA (1894)	Tentative Dates
Section 4	Publication of preliminary notification and power for conducting survey.	Dec 25, 2010
Section 5	Formal notification of land needed for a public purpose. Section 5a covering the need for enquiry	Jan 5, 2011
Section 6	The Government makes a more formal declaration of intent to acquire land.	Feb 10, 2011
Section 7	The Land Collector shall direct the Land Acquisition Collector (LAC) to take	

	order the acquisition of the land.	
Section 8	The LAC has then to direct that the land required to be physically marked out, measured and planned.	
Section 9	The LAC gives notice to all DPs that the Government intends to take possession of the land and if they have any claims for compensation then these claims are to be made to him at an appointed time.	
Section 10	Delegates power to the LAC to record statements of DPs in the area of land to be acquired or any part thereof as co-proprietor, sub-proprietor, mortgagee, and tenant or otherwise.	
Section 11	Enables the Collector to make enquiries into the measurements, value and claim and then to issue the final "award". The award includes the land's marked area and the valuation of compensation.	Feb 22, 2011
Section 16	When the LAC has made an award under Section 11, he will then take possession and the land shall thereupon vest absolutely in the Government, free from all encumbrances.	
Section 17	Section 17 that is about acquisition of land in urgency. However section 17/4 (urgency/emergency clause) will not be applied.	
Section 18	In case of dissatisfaction with the award, DPs may request the LAC to refer the case onward to the court for a decision. This does not affect the Government taking possession of the land.	
Section 23	The award of compensation for the owners for acquired land is determined at its market value plus 15% in view of the compulsory nature of the acquisition for public purposes.	Feb 28, 2011
Section 28	Relates to the determination of compensation values and interest premium for land acquisition	
Section 31	Section 31 provides that the LAC can, instead of awarding cash compensation in respect of any land, make any arrangement with a person having an interest in such land, including the grant of other lands in exchange.	
	<b>Award of Contract</b>	Mar 8, 2011

## 6.2.2 ADB's Involuntary Resettlement Objective and Principles

111. The ADB's Involuntary Resettlement Policy is based on the following objectives: avoid involuntary resettlement wherever possible; where involuntary resettlement cannot be avoided, minimize by exploring project and design alternatives to enhance, or at least restore, the livelihoods of all affected persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups. The following principles are applied to reach these objectives:

- i) Involuntary resettlement is to be avoided where feasible, or at least minimized, exploring all viable alternative project designs.
- ii) Compensation must ensure the maintenance of the DPs' pre-project living standards.
- iii) DPs should be fully informed and consulted on LAR compensation options.
- iv) DPs' socio-cultural institutions should be supported /used as much as possible.
- v) Compensation will be carried out with equal consideration of women and men.
- vi) Lack of formal legal land title should not be a hindrance to rehabilitation.
- vii) Particular attention should be paid to households headed by women and other vulnerable groups, such as disabled and old-aged, and appropriate assistance should be provided to help them improve their status.

- viii) LARP should be conceived and executed as a part of the project, and the full costs of compensation should be included in project costs and benefits.
- ix) Compensation/rehabilitation assistance will be paid prior to ground leveling, demolition, and in any case, before an impact occurs. The compensation under domestic law must be supplemented by additional measures, where domestic law does not meet the standard of compensation at full replacement cost.

### **6.2.3 Remedial Measures to Reconcile Gaps between the LAA and ADB Policy**

112. Project specific resettlement issues have been addressed to assist non-titled persons and bridge the gap between existing practice and the main guidelines of the ADB policy with regard to involuntary resettlement. To reconcile the inconsistencies between the LAA (1894) and ADB policy, IA has prepared and endorsed this LARP for its implementation, ensuring that compensation is provided at replacement cost for all direct and indirect losses so that no one is worse off as a result of the project. Provision of subsidies or allowances will need to be given for affected households that may be relocated, suffer business losses, or may be vulnerable.

- i) All possible efforts have been/will be made to avoid or minimize the land acquisition and resettlement impacts i.e. (a). Maximum ROW of provincial roads 11 feet wide but the road rehabilitation and improvement works will be confined within construction limit of 12 meters from toes of both sides of the existing carriageway.
- ii) Land for land” option will not be applied on this subproject as no land acquisition is involved in this project.
- iii) All DPs will be fully compensated for their lost assets, incomes and businesses, and provided with rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income levels and productive capacity.
- iv) The absence of formal legal title to land by some DPs is not a bar to compensation and they will also be compensated for their losses. The squatters if recorded on cut-off date are also being compensated. Particular attention is paid to the needs of the poorest and vulnerable.
- v) DPs have been fully informed and closely consulted on resettlement and compensation options. The LARP will be made available in both English and Urdu languages to the affected persons and communities. The consultative process is ongoing and includes not only those affected, but also the adjacent communities, representatives of the local governments of the areas, community leaders, local government (district/tehsil), and community-groups.
- vi) Adequate budget support by the PMU is fully committed and has been made available to cover the compensation and resettlement with the agreed implementation period. The full costs of resettlement and compensation have been included in the budget and necessary resources will be provided by PMU headed by the Project Director for timely disbursement of compensation to the DPs as scheduled in this LARP.
- vii) Payment of compensation will be completed prior to the commencement of civil works on the subproject. Resettlement and rehabilitation measures will also be in place, but not necessarily completed, as these may be on-going activities. Compensation and

resettlement will be satisfactorily completed before a No- Objection Certificate can be provided by ADB for commencement of civil works.

- viii) PMU will ensure that if the contractor takes land or assets on temporary basis for the civil works, the respective DPs will be fully compensated by the contractor who will also be responsible for returning the land and structures in their pre-project state.

### **6.3 Methodology for Determining Valuation and Compensation Rates at Replacement Basis**

#### **6.3.1 Houses/ Buildings/Structures**

113. Buildings / Shops falling within the RoW, as per final design of roads, have been assessed through RFS. During the survey, different types of building structures were identified and these are classified into two categories Pucca and Semi Pucca keeping in view the type of materials used in the construction of these structures.

114. The rates have been used based on current market value. The owners of structure are allowed to take the salvaged material of their structures and no depreciation has been charged.

**Table 6.2: Unit Rates of Structures**

<b>S #</b>	<b>Type of Structure</b>	<b>Unit</b>	<b>Rate (Rs.)</b>
1.	Pucca Construction	Sq. Ft.	1,200
2.	Semi Pucca	Sq. Ft.	900

#### **6.3.2 Mosques**

115. 04 Mosques will be completely reconstructed with RCC structure and the unit rate of RCC is Rs.2,000 per Sq. ft. based on current market rates.

#### **6.3.3 Trees**

116. Trees are property of W&SD, however due to ecological loss, 5 trees will be planted per a tree removed. Plantation cost will be part of the Environmental Budget.

## **SECTION 7 ENTITLEMENTS, COMPENSATION AND BENEFITS**

### **7.1 General**

117. This section defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures in terms of an entitlement matrix; identify and document the households who will be eligible for transitional livelihood support, specifies all assistance to

vulnerable groups, including women, and other special groups; and outlines opportunities for affected persons to derive appropriate development benefits from the project.

## 7.2 Land Classification

118. In terms of application of the LARP prepared for the program, identifying the type of land affected is an important step in determining whether land is to be compensated or not. According to the LARP, the land classification, as well as, land use will be the basis for identifying the affected lands. They are: (i) urban versus rural lands; and, (ii) residential/commercial versus agricultural lands.

119. Urban or residential/commercial land affected by road re-construction both in rural and urban areas will be considered as acquired permanently and land compensation will be paid to the displaced structures.

120. For the Project Urban and Rural areas will be identified based board of revenue records. Also for the Project residential, commercial and agricultural plots will be identified based on the classification provided by district revenue records or based on the actual use of the affected land prior to the entitlements cut-off-date. In case of discordance between revenue records and actual the land will be treated on the basis of actual land use.

## 7.3 LAR Approaches for the Subproject

121. As specified in the LARF, the re-construction of provincial highways will have to be carried based on the exercise of the right of Eminent Domain and will trigger the application of the ADB SPS. Impacts reparation for these items under the subproject will be carried out based on the compensation eligibility and entitlements framework presented in the next sections of this chapter.

## 7.4 Compensation Eligibility and Entitlements for the Project

122. Resettlement tasks will be implemented according to a compensation eligibility and entitlements framework in line with both Pakistan’s law/regulation and the ADB SPS Policy.

**Table 7.1: Entitlement Matrix**

Asset	Specification	Affected Units	Compensation Entitlements
Residential/ Commercial Land affected by Road construction	Future usage of the land will get restricted permanently	Titleholder	Land for land through provision of plots comparable in value/location to plot lost; or cash for affected land at full replacement cost free of taxes, registration, transfer costs plus 15% compulsory acquisition surcharge.
		Tenant	3 months allowance based on current monthly rent

			(Rs.10,000 per month).
		Squatters	Self-relocation allowance
Houses, Commercial Units / Structures	Structures totally and partially demolished.	04	Cash compensation at replacement rate for affected structure/other fixed assets free of depreciation and transaction costs. Full cash compensation to restore remaining structure.
Community structures (Mosques)	Structures totally and partially demolished.	04	Mosques will be reconstructed to the new locations with the same plot area with RCC construction.
Trees	Trees removed	06	Trees are property of W&SD, however due to ecological loss, 5 trees will be planted per a tree removed.
Business Employment	Loss of business or employment	All DPs/squatters	Owner: (i) Cash compensation equal to 1 year income, if loss permanent; (ii) Transition allowance of Rs.50,000 cash compensation for the period of business interruption, if loss is temporary. Worker/employee: lost wages indemnity for the business interruption period up to a 3 months maximum i.e. Rs.15,000 per month.
Vulnerable DPs		02 DPs below poverty	Rs.10,000 per DP as assistance to Vulnerable people. Employment priority in project-related jobs.

## 7.5 Eligibility

123. The DPs entitled to compensations are:

- (i) Owners or tenants of Structures lie inside the ROW (after applying engineering solutions), and
- (ii) All DPs owners or tenants and sharecroppers whether registered or not affected by crop and tree damage.

124. Compensation eligibility will be limited by a cut-off date i.e., 24 October, 2014, for each road project on the stating day of the DPs census and impact assessment. DPs who settle in the affected areas after this cut-off date will not be eligible for compensation. They will, however, be given sufficient advance notice, requested to vacate premises and dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated and they will not pay any fine or sanction. Forced eviction will only be considered when all other efforts are exhausted.

125. Cut-off Date: Compensation eligibility was limited by the cut-off date i.e., October 24, 2014 fixed by W&SD on completion of RFS. The DPs (that settle in the affected areas and/or make changes in the land use patterns) after this cut-off-date will not be eligible for compensation. There will be responsibility of IA to protect the RoW from squatters and DPs.

126. However, the cut-off date was communicated to the DPs during the consultation process. DPs will be allowed to reuse their salvaged material for free. Forced eviction will only be considered if all other efforts are exhausted.

## **7.6 Compensation Entitlements**

127. Since all the commercial structures lie inside the existing ROW, they are classified as non-titleholders or squatters and will not be provided the land as compensation as the land belongs to the Government of Sindh.

128. Based on the impact, entitlement provisions for DPs include replacement value compensation partial damage to 01 commercial structure, complete removal of 03 commercial structures and affected mosque. These entitlements are detailed below:

- (i) Commercial Units: Cash compensation at current replacement rate (year of damage) for affected structure/other fixed assets free of depreciation or transaction costs. Salvaged materials may be removed by the DPs.
- (ii) Community Structures (i.e., Mosques): Reconstruction of affected Mosque with same plot area but RCC construction.
- (iii) Trees: Trees affected are property of W&SD, however due to ecological loss, 5 trees will be planted per a tree removed.
- (iv) Loss of Business: Owner: (i) Cash compensation equal to 1 year income, if loss permanent; and (ii) Transition allowance of Rs.50,000 cash compensation for the period of business interruption, if loss is temporary. Worker/employee: lost wages indemnity for the business interruption period up to a 3 months maximum i.e., Rs.15,000 per month.

## **7.7 Assessment of Compensation Unit Values based on Replacement Cost**

129. The methodology for assessing unit compensation values of different items is as follows:

- (i) Shops/buildings will be valued at replacement value based in the year of damage based on cost of materials, type of construction, labor, transport and other construction costs. No deductions will be applied for depreciation, salvaged materials and transaction costs.
- (ii) Fruit trees will be valued based on age category (a. seedling; b. not yet productive; c. productive). Productive trees will be valued at gross market value of one year income multiplied by the number of years needed to grow a new tree with the productive potential of the lost tree.
- (iii) Wood trees will be valued based on the market rates.

## **SECTION 8 RELOCATION, REHABILITATION AND INCOME RESTORATION**

### **8.1 General**

130. This section describes options for relocating commercial and religious structures, including replacement cash compensation, and self-relocation; describes income restoration programs, including multiple options for restoring all types of livelihoods and describes special measures to support vulnerable groups.

### **8.2 Relocation of DPs**

131. Since the 03 commercial structures that will be completely removed from the carriageway are non-titleholders, they will not be provided the land as the land belongs to the Government of Sindh. Hence they will be provided replacement value in the form of money for their affected structures and will be self-relocated. Case will be different for the Mosques which are completely affected and which will be accommodated around the ROW after the completion of the construction activities.

132. The relocation strategy was discussed with the owner of the affected business structures during consultation process. The owners of the shops preferred cash compensation for the losses of their structures. They will rebuild the structure at their own convenience in the same vicinity to re-establish their business. The following relocation strategy has been adopted.

133. The owner of the commercial structures will be compensated for the loss of total structure at current market prices. Additionally, they will be paid business interruption transition allowance equal to Rs.50,000. A three month's lost wages indemnity of Rs.15,000 per month to every employees (23 no.) will be paid. The owner will be given sufficient advance notice for vacation of affected structure at the time of payment of compensation amount.

### **8.3 Rehabilitation of DPs**

134. Entitlement provisions for the APs losing income losses and rehabilitation subsidies include provisions for structures losses, a relocation subsidy, and a business losses allowance based on lump sums.

#### **8.3.1 Owners of Built-Up Property (Commercial)**

135. As per field investigation, 04 commercial structures will be impacted by the project. The owners are entitled to cash compensation for the loss of their built-up structures or partially affected structures, on a replacement-cost basis plus the cost of shifting. The W&SD is responsible for disbursing all compensation payments and the contractor will not be allowed to demolish the structure until the compensation amount has been paid to the affectees.



### **8.3.2 Tenants of Commercial Units**

136. As per field investigation, 02 tenants of 02 commercial structures will be impacted by the project. The tenants are entitled for 3 months' rent to find other rental structures. The W&SD is responsible for disbursing all compensation payments and the contractor will not be allowed to demolish the structure until the compensation amount has been paid to the affectees.

### **8.3.3 Additional Assistance for Vulnerable**

137. The income analysis of DPs has revealed that the number of vulnerable households comes to 02. Their incomes are below the National Poverty Line. These include two (2) owners of the commercial. Such people are considered as vulnerable. These DPs will be paid at the rate of Rs.10,000.

## **8.4 Income Restoration of DPs**

### **8.4.1 Transitional Allowance**

138. Owners of commercial structures will be paid business interruption transition allowance equal to Rs.50,000. A three month's lost wages indemnity of Rs.15,000 per month to every employees (23 no.) will be paid.

### **8.4.2 Project Related Employment: (for unskilled and semi-skilled tasks during construction)**

139. DPs and vulnerable will be given priority for project-related employment opportunities as drivers, carpenters, masons, clearing and digging work. To this end, W&SD will incorporate such clause in the contracts of the civil works contractors that they will give preference to DPs and vulnerable in recruiting personnel, skilled and unskilled labor for project related works.

## **SECTION 9 BUDGET FOR LAND ACQUISITION AND RESETTLEMENT PLAN**

### **9.1 Basis for Compensation**

140. According to the project's LARP, replacement cost is the amount of cash or kind needed to replace an asset in its existing or better condition, and is the value determined as compensation for the current market price without depreciation or deduction of the costs of any transaction or for any material salvaged. The processes for establishing the rates used for this subproject followed the methodology set out in the project's LARP.

### **9.2 Total Resettlement budget**

141. This LARP includes the cost of compensation, rehabilitation entitlements, with a breakdown by shops, mosques and trees, and other associated costs. The cost estimate has been based on the rates derived through consultation and survey as described in Section 8.2 above. The rates for compensation and rehabilitation costs will be adjusted annually, based on the actual annual inflation rate.

142. Total compensation for the affected assets (small shops and mosques) is assessed at PKR12,291,800/(see Table 8.2).

143. The administrative charges have been estimated as 15% of the total of compensation for trees. These charges are to cover the costs of implementing the plan (producing and distributing the PIB, holding individual and group consultations and public meetings as required, verifying the Census Survey, revising the LARP if required (to reflect any minor changes), organizing and arranging for the compensation payments), and internal monitoring of the plan and its implementation.

144. A contingency of 10% of the subtotal of the compensation and administrative charges has been included in the cost estimate.

**TABLE 9.1: RESETTLEMENT AND COMPENSATION BUDGET**

No.	Compensation for	No.	Unit	Per Unit Cost in PKR	Impacted Area / Period	Total Cost in PKR
A	Structures <sup>8</sup>					
A1	Shops (Semi Pucca)	02	Sq. Ft.	900	390 Sq. Ft	702,000
A2	Shops (Pucca)	02	Sq. Ft.	1,200	40 Sq. Ft	96,000
A3	Tenant	02	Month	20,000	3 months	120,000
A3	Mosques (RCC)	04	Sq. Ft.	2,000	400 Sq. Ft	3,200,000
B	Allowances					
B1	Business interruption transition Allowance to owners /tenants	06	No.	50,000	3 months	900,000
B2	Livelihood restoration allowance	05	No.	20,000	6 months	600,000
B2	Lost wages indemnity to employee <sup>9</sup>	20	Per month wage	15,000	6 months	1,800,000
B3	Allowance to vulnerable DPs	02	No.	20,000	3 months	120,000
C	Subtotal (A+B)					7,538,000
D	Monitoring and Evaluation <sup>10</sup>					4,000,000
E	Administration Costs (15% of C)					1,130,700
F	Contingency (10% of C)					753,800
	<b>Total Amount in Pakistani Rupees:</b>					
	<b>In words: Pak Rupees Twelve Million Two Hundred Ninety One Thousand and Eight Hundred Only</b>					<b>12,291,800</b>

<sup>8</sup> Current construction prices and scheduled rates have been taken into consideration.

<sup>9</sup> Considering minimum wage.

<sup>10</sup> For all six projects with 3 monitoring reports for each subproject.

## **SECTION 10 INSTITUTIONAL ARRANGEMENTS**

### **10.1 Works & Services Department, GOS**

145. Works & Services Department, GOS bears the entire responsibility for the LARP being the sole executing agency. The Project Management Unit (PMU), W&SD is the focal organization based in Sindh responsible for the development and rehabilitation of provincial roads, for keeping liaison with the Government of Pakistan and Asian Development Bank (ADB), and taking care of disbursement of funds (including ADB loan) and technical assistance through Consultants to, and coordination of the Program planning and management activities.

146. Project Management Unit (PMU) will be created in W&SD to oversee the planning and implementation and monitoring of LARP. The PMU is also responsible for overall coordination with all the stakeholders.

147. The unit will be headed by the Project Manager who shall be responsible for executing the resettlement and rehabilitation component. The PMU shall liaise as independent supervisory body with APs, NGOs and other stakeholders and shall coordinate with independent consultant for the implementation of all specified activities in the LARP.

### **10.2 Works and Engineering unit**

148. Works and Engineering department formed under PMU and will be responsible for relocation schemes of affected Mosques and Government structures including electric and trees.

149. Any maintenance work during relocation and rehabilitation will also be a responsibility of Works and Engineering Unit.

### **10.3 Environmental and Safeguards Unit (ESU)**

150. An Environmental and Safeguards Unit (ESU) will be established within the PMU to provide technical guidance and lead implementation for social safeguard issues. A Resettlement Specialist and Social Mobilizers for each sub-project will be part of the ESU.

### **10.4 Resettlement specialist (RS)**

151. Project Management Consultant under W&SD will appoint Resettlement specialist (RS) to monitor the implementation of LARP internally required for the project. He will commence monitoring of LARP and prepare monitoring reports with the aid of PMC, every six months (in case of projects with long duration) and post-project reports (for shorter projects), to be delivered to ADB.

## **10.5 Fund Management unit**

152. The unit formed under PMU will be responsible for the management and complying with budgetary allocations of the financial sources for the running of the unit and all its activities so that all its related functions could be executed smoothly with balance and the objectives of the project are achieved without compromising on financial constraints.

153. Revenue staff of W&SD will also be part of this unit and estimate compensation and assistance.

154. Payments made to DPs shall also be the responsibility of this unit.

## **10.6 Project Management Consultant**

155. A Project Management Consultant will be appointed to closely observe the proceedings and the overall transparency of LARP in its implementation and monitoring phases.

156. This will also increase confidence in DPs to trust the functioning of the system and they will have an access and freedom to express and point out any discrepancy or irregularity that they might experience in the process of award of compensation and the fulfillment of the commitment that proponent had promised during the PCMs.

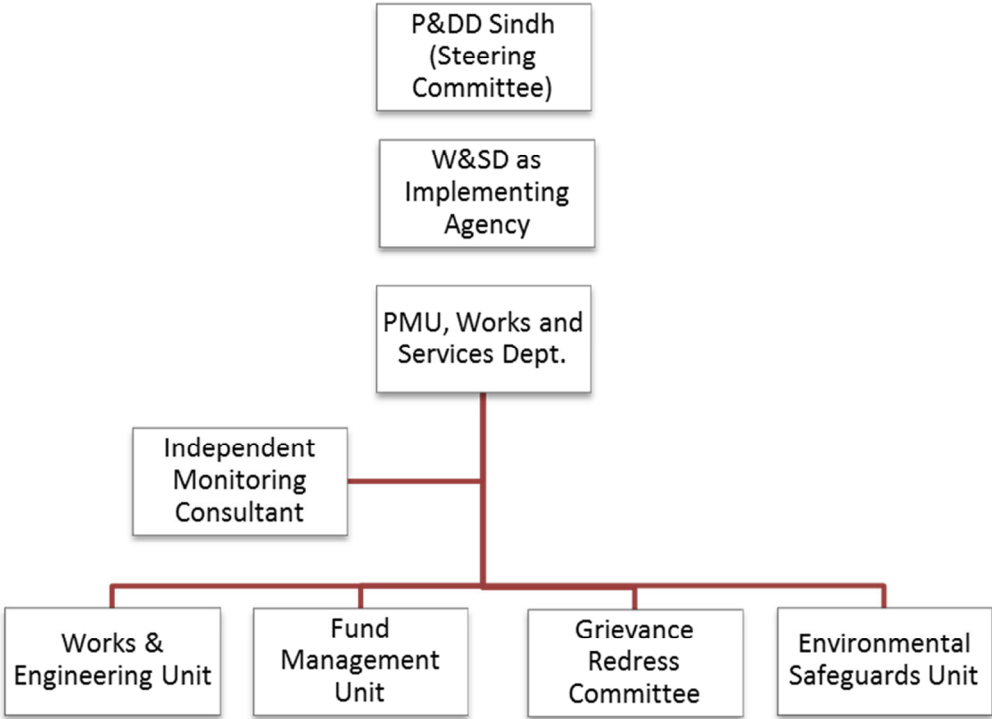
157. The PMC resettlement specialist will be hired with technical guidance of W&SD and ADB.

## **10.7 External Monitor**

158. External monitor acceptable to ADB will commence monitoring of LARP upon start of LARP implementation. The external monitor will verify the LARP implementation based on the information (internal monitoring report) prepared for WSD by project management consultant.

159. The organogram for implementation of LARP is presented in figure 10.1.

**Fig. 10.1: Organogram of Implementation of LARP**



## **SECTION 11 IMPLEMENTATION SCHEDULE**

### **11.1 Introduction**

160. Implementation of draft LARP consists of compensation to be paid to the DPs for affected structures and rehabilitation and resettlement activities including Mosques construction. The time for implementation of LARP will be scheduled as per the overall project implementation. All activities related to the land acquisition and resettlement are planned to ensure that compensation is paid prior to displacement and commencement of civil works. Accordingly new mosques will be constructed prior to the removal of existing mosque structure. Public consultation, internal monitoring and grievance redress will be undertaken intermittently throughout the project duration. However, the schedule is subject to modification depending on the progress of the project activities. The civil works contract for the subproject will only be awarded/land handed over for construction work, after all compensation and relocation has been completed for subproject and rehabilitation measures are in place.

### **11.2 Schedule for LARP Implementation**

161. The LARP implementation schedule consists of 04 months for the proposed subproject includes LARP preparation, disclosure, disbursement of compensation with its internal and external monitoring and reporting.

#### **11.2.1 Preparation Phase**

162. For LARP implementation the procurement of requisite institutional arrangement like PMU and Project Management Consultant, will also be initiated and the project based GRC will be established during the LARP preparation phase. However, the information campaign and community consultation process about affected assets, compensation delivery and grievance redress will be initiated from this stage and shall continue till the end of the project.

#### **11.2.2 Implementation and Monitoring Phase**

163. After the LARP preparation, the draft and final LARP will be disclosed to DPs and uploaded on ADB and project websites. After ADB approves, implementation will commence which will be monitored both internally and externally. Monitoring and reporting requirement starts immediately with LARP implementation process and continues till end of the LARP implementation is completed in all respects. So, in this phase the Resettlement Specialist will monitor the LARP implementation progress on daily basis and compile and share monthly internal monitoring reports with W&SD and ADB.

164. The external monitoring of the LARP implementation will be the responsibility of a External Monitor procured as such for the sub project. W&SD will start internal monitoring from start of implementation and submit periodic reports on quarterly basis till complete implementation of LARP.

### 11.3 Implementation Schedule

165. Schedule for the draft LARP activities is prepared, however sequence of activities may change or delays may occur due to circumstances beyond the control of the project and accordingly the time can be adjusted for the implementation of the plan.

**Table 11.1: Implementation Schedule of LARP**

Activity	Progress			
	April 2015	May–June 2015	July–Sep 2015	Oct–Dec 2015
1. Draft LARP submission to ADB				
a. Review and comments of ADB on draft LARP				
b. Revision of draft LARP as per ADB comments				
c. Finalization of LARP				
2. Establishment of PMU and its sub units incl. ESU, GRC				
a. Hiring of PMC, RS, and other staff in W&SD				
3. Public consultation and information disclosure				
a. Disclosure of Resettlement Plan to DPs				
4. Grievance redressal				
5. Payment of compensation for commercial structures				
6. Construction of Mosques				
7. Notice to DPs for eviction				
8. Demolition of affected structures				
9. Internal monitoring of overall LARP implementation				
10. External monitoring and reporting				



## **SECTION 12 MONITORING AND EVALUATION**

166. Monitoring and Evaluation (M&E) provide a framework for periodic assessment of the LARP activities and ensures commitments made to DPs are fulfilled by the IA. Monitoring involves planned reviews to ascertain whether activities are progressing as per schedule while evaluation is essentially to sum up, at the end of the subproject, assessment of actual achievement in comparison to those aimed at during the implementation. The draft LARP implementation will be monitored both internally as well as externally.

167. The PMU will be responsible for internal monitoring. The Resettlement Specialist will provide necessary technical assistance in implementing and monitoring the resettlement activities.

### **12.1 Internal Monitoring**

168. The LARP includes indicators and benchmarks for achievement of the objectives under the resettlement program, which can be categorized as follows:

- (i) Process indicators, which include project inputs, expenditures, staff deployment;
- (ii) Output indicators or results in terms of numbers of Displaced Persons compensated for their Affected assets (land, crops and/or trees), and
- (iii) Impact indicators related to the long-term effect of the subproject on people's lives in the subproject-affected area.

169. The first two types of indicators, related to process and immediate outputs and results, will be monitored internally by PMU and PMC. This information will be collected from the subproject site and assimilated in the form of a monthly progress report to assess the progress and results of LARP implementation, and adjust the work program, where necessary. In case of any delays or problems in implementation of LARP, the following specific activities will be monitored:

- (i) Information campaign and consultation with APs on a continued basis;
- (ii) Status of payments/ compensations of lost assets;
- (iii) Status of restoration of damaged community infrastructure; and
- (iv) Grievances redress activities.

170. The GRC will be responsible for monitoring the day-to-day resettlement activities of the subproject. The socio-economic, census and land acquisition data will provide the necessary benchmark for field level monitoring.

171. A performance data sheet will be developed to monitor the subproject at the field level.

172. Quarterly reports will be received from the field offices and PMU will be responsible for overall subproject level monitoring.

## **12.2 External Monitoring**

173. As mentioned earlier, an External Monitor will be engaged to carry out independent monitoring and evaluation of the LARP implementation.

174. Independent evaluation will be undertaken on monthly basis till the end of the subproject. The External Monitor will be selected by the PMU, with advice and concurrence of the ADB. S/he will review the status of the resettlement implementation in light of the targets, budget and duration that had been laid down in this LARP.

175. The major tasks expected from the external monitor include the following:

- (i) Provide guidance to the Works and Services Department to improve the management information system (MIS), recommend improvements and review and verify internal monitoring systems and findings;
- (ii) Identify, through field verification, any gaps in the resettlement baseline data and suggest steps to update the data;
- (iii) Conduct independent monitoring of the implementation of LARP and assess the efficiency and adequacy compensation assessed before the acquiring the land and assets, adequacy of allowances provided to the vulnerable groups and timeliness of compensation disbursement, and efficiency of consultation and grievance redress mechanisms with focus on how the concerns of affected persons, especially the female and other vulnerable groups are recorded and addressed;
- (iv) Prepare independent reports based on monitoring visits;
- (v) Suggest recommendations for remedial actions;
- (vi) Identify lessons learned;
- (vii) Maintain a database of independent surveys;
- (viii) Suggest remedial actions with time-based outputs;
- (ix) Support capacity development efforts and
- (x) Share the major lessons from the process both in terms of success and failure.

## **12.3 Resettlement Database**

176. All information concerning resettlement issues related to socio-economic condition of affected persons and inventory of the losses of individual DPs, information regarding compensation and entitlements and disbursement of payments will be collected by field staff and the Consultants. This database will be digitized and will aid in implementation, monitoring and reporting purposes and facilitate efficient resettlement management.

## **12.4 Reporting Requirements**

177. The PMU will be responsible for supervision and implementation of LARP and will prepare monthly progress reports on resettlement activities and submit the same to the ADB for

review and approval. The Resettlement Specialist (Consultant) will also conduct internal monitoring of the LARP implementation independently and submit monthly reports to the PMU and ADB. He/she submit a one-time consolidated review report directly to ADB and determine whether or not resettlement goals have been achieved, more importantly whether livelihoods and living standards have been restored/enhanced and will suggest suitable recommendations for improvement. He/She will also provide a copy of the same report to the RPMU Headquarters for information and successive action.