

Resettlement Plan

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IND: SASEC Road Connectivity Investment Program – Tranche 2

Mechi River Bridge - India Section

Prepared by the National Highway and Infrastructure Development Corporation Limited, Ministry of Road Transport and Highways, Government of India for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 01 March 2017)

Currency unit		Indian rupee (Rs)
INR1.00	=	\$ 0.01496
\$1.00	=	INR 66.8349

ABBREVIATION

ADB	–	Asian Development Bank
BL&LRO	–	Block Land and Land Reforms Officer
BPL	–	Below Poverty Line
DH	–	Displaced Household
EA	–	Executing Agency
GRC	–	Grievance Redress Committee
GRM	–	Grievance Redress Mechanism
GoWB	–	Government of West Bengal
LA Act	–	Land Acquisition Act, 1894
L&LRO	–	Land and Land Reforms Officer
LARR	–	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
MoRTH	–	Ministry of Road Transport and Highways
NH	–	National Highway
NHIDCL	–	National Highways and Infrastructure Development Corporation Ltd
PIU	–	Project Implementation Unit
PMU	–	Project Management Unit
RF	–	Resettlement Framework
RO	–	Resettlement Officer
RP	–	Resettlement Plan
R&R	–	Resettlement and Rehabilitation
RoB	–	Road over Bridge
RoW	–	Right of Way
SASEC	–	South Asia Subregional Economic Cooperation
SH	–	State Highway
SPS	–	Safeguard Policy Statement
SRCIP	–	SASEC Road Connectivity Investment Program
ST	–	Scheduled Tribe
WHH	–	Women Headed Household

WEIGHTS AND MEASURES

1 hectare	=	2.47 acre
1 kattha	=	720 sq.ft
20 kattha	=	1 bigha
1 bigha	=	0.3306 acre = 1338 sq.m

NOTE

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

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EXECUTIVE SUMMARY

A. Project Description

1. The SASEC Road Connectivity Investment Program (“SRCIP”) will improve road connectivity and efficiency of the international trade corridor, by expanding about 500km of roads in the North Bengal and Northeastern Region (NB-NER) of India. The project area under SRCIP is a key strategic thoroughfare integrating South and South East Asia, bordering Bangladesh, Bhutan, Myanmar and Nepal. It will enable efficient and safe transport within India and regionally with other South Asia Subregional Economic Cooperation (SASEC) member countries¹. Ultimately, SRCIP will pave the way from India and other South Asian countries to Myanmar, and further afield to other member countries of the Association of South East Asian Nations (ASEAN). The proposed investment program will upgrade national highways (NH), and state highways (SH) connecting five countries: Bangladesh, Bhutan, India, Myanmar and Nepal in the northeastern part of India including North Bengal. A Multitranche Financing Facility modality is financing the program given the large scale of the program and the Mechi River Bridge will be financed under Tranche 2 of SRCIP.

2. NHIDCL, MoRTH has prepared this Resettlement Plan (RP) for Mechi Bridge Section of the Asian Highway 02 (AH-02), a new bridge across Mechi River along SH-02 connecting India and Nepal is being proposed under SASEC road connectivity investment program. This RP, addresses social issues arising out of acquisition of land and other assets, eviction of squatters and removal of encroachments, in the section of the project falling within the Indian boundary, resulting in social and / or economic displacement to households / individuals / community, either direct or indirect and is in compliance with ADB's Safeguard Policy Statement 2009 and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. The subproject involves construction of a new bridge across Mechi River on the northern side of the existing bridge and approach road to the bridge from the proposed Panitanki bypass. The six lane major bridge of 675m long is proposed to connect Indian side border with the Nepal side border, from the proposed Panitanki bypass of Asian Highway AH 02 on Indian side to Kakarvitta on Nepal side.

B. Scope of land Acquisition and Resettlement

4. The subproject will involve transfer of tea garden land measuring 1.00.24 ha, will impact 6 private structures involving 9 households (including 3 tenants) and there is no impact to any community structures.

5. Majority (67%) of the structures getting affected belong to squatters and 33 percent structures are owned. Fifty percent of the private structures getting affected are temporary in nature and remaining 50 percent are semi permanent in nature. Sixty seven percent of the structures getting affected are used as residential structures and remaining 33 percent are used as both residence and commercial. In all, about 33 percent of the structures getting affected will cause loss of livelihood.

¹ Comprising Bangladesh, Bhutan, India and Nepal.

C. Socioeconomic Information and Profile

6. The census socio-economic survey identified 9 households and 1 employee who would be affected. Of the 9 households, 1 household could not be enumerated as their whereabouts were not known. However, the absentee household was identified based on information provided by neighbors.

D. Consultation, Participation and Disclosure

7. Consultations and discussions were held during project preparatory stage with both primary and secondary stakeholders. The primary stakeholders include project displaced persons (DPs), project beneficiaries and implementing agency. The secondary stakeholder includes district magistrates, sub divisional magistrates, land and land revenue officials and elected representatives of local bodies.

8. The consultations have been taken up at the time of alignment option study report for the bridge and approaches. After finalisation of alignment for bridge and approaches consultations with various stakeholders were carried out in December 2015. In the initial phase consultations were carried out to finalise the alignment of bridge and its approaches. The state level consultations have been done with West Bengal Pollution Control Board and State Forest department and revenue department. Consultations have also been done with the Siliguri Jalpaiguri Development Authority (SJDA). Consultations were held on December 2015 involving 60 persons comprising of DPs, traders, key opinion makers.

9. The resettlement framework principles and entitlements matrix and the RP will be translated in Bengali and English, and the Bengali versions will be made available to the public and in particular to the affected people by the implementing agency. The disclosure plan will include uploading of the resettlement planning documents in ADB and EA websites.

E. Policy and Legal Framework

10. The policy framework and entitlements for the Program are based on national laws: The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the National Highways Act, 1956; State laws and regulations and ADB's SPS, 2009.

11. Alienation of tea garden land is governed by the provisions of the of the West Bengal Estates Acquisition (WBEA) Act, 1953.

F. Entitlements, Assistance and Benefits

12. Displaced persons meeting the cut-off date requirements will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. For title holders, the date of notification under Section 3A(1) of NH Act, 1956 will be treated as the cut-off date, and for non-titleholders the start date of project census survey i.e. December 26, 2015 will be the cut-off date. Unforeseen impacts will be mitigated in accordance with the principles of the RF prepared for this investment program.

G. Relocation of Housing and Settlement

13. The PIU will provide compensation at replacement cost for structures in accordance with the eligibility and entitlements elucidated in Chapter-VI of this report. Further, compensation for partially damaged structures and shifting assistance has also been provided for the displaced households in the entitlement matrix. Compensation to the non-title holders for the loss of assets other than land, such as dwellings and shops have been provided for in the entitlement matrix. The entitlements to the non-titleholders will be given only if they were in occupation of the land or structure in the project area prior to the cut-off date, the date of commencement of census survey i.e. December 26, 2015.

14. With the small number of resettlement impacts a subproject based resettlement option is difficult. However, efforts will be made by PIU to provide housing by adopting the guidelines of housing for the poor under the *Pradhan Mantri Awas Yojana* scheme, a Government of India programme for providing housing for women and economically and socially backward category, being implemented by the Ministry of Housing and Urban Poverty Alleviation in coordination with the State.

H. Income Restoration and Rehabilitation

15. The subproject will cause loss of livelihood to 2 DH losing their place of residence cum business and 1 commercial tenant, in all totaling 3 DH will be losing their livelihood. Further, there is 1 employee engaged in the shop who would also lose his livelihood.

16. The entitlement proposed for this subproject has adequate financial provisions for restoration of livelihood of the affected communities. Suitable income restoration schemes will be identified and implemented by the PIU with the assistance of the implementing NGO. Efforts will be made to provide employment to the DPs during the construction phase by facilitating their engagement by the civil works contractor.

I. Resettlement Budget and Financing Plan

17. The resettlement cost estimate for this subproject includes compensation for private structure at replacement cost without depreciation, resettlement assistances in accordance with the RF, and cost of RP implementation. The total resettlement cost for the subproject is INR 32.10 million.

18. The MoRTH, the executing agency (EA) for this subproject, will provide necessary funds for compensation for tea garden land and structure and the cost of resettlement assistances and RP implementation. The EA will ensure timely availability of funds for smooth implementation of the RP. The NGO will facilitate disbursements, but the responsibility of ensuring full and timely payment to displaced persons will be that of EA.

J. Grievance Redressal Mechanism

19. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate and facilitate the resolution of displaced persons concerns, complaints and grievances about the social and environmental performance at the level of the subproject.

20. GRC will be constituted at MoRTH level headed/chaired by Executive Director. At the PIU level comprising of the General Manager (NHIDCL), Resettlement Officer, a representative

from local NGOs or a local person of repute and standing in the society, elected representative from Zilla Parisad/District Council, two representatives of affected persons including vulnerable groups and women in the committee. The GRC will continue to function, for the benefit of the DPs, during the entire life of the project including the defects liability periods. The decision of the GRCs is binding, unless vacated by the court of law. The complainant can access the jurisdictional LARR authority or any alternative redressal system at any time and not necessarily go through the GRC.

K. Institutional Arrangement

21. MORTH will be the EA and the IA will be the NHIDCL, Gangtok and the IA will establish Project Implementation Unit (PIU) and will be responsible for joint verification, updating the RP for the subproject and RP implementation. For resettlement activities, the IA will do the overall coordination, planning, implementation, and ensure that adequate finances are allocated for costs related to land acquisition and resettlement for the project.

22. The PIU will depute one full-time official as the Resettlement Officer (RO) for the duration of resettlement activities, with relevant experience in land acquisition and resettlement issues. A qualified and experienced firm, NGO, will be engaged by the PIU to assist in the implementation of the RP.

L. Implementation Schedule

23. Implementation of RP mainly consists of compensation to be paid for structures, compensation for tea bushes and assistance for loss of homestead resulting in physical displacement, loss of livelihood resulting in economic displacement, and additional assistance to vulnerable household.

24. In stretches where there is no land acquisition and all improvements are proposed with the right-of-way, all assistances should be paid to the DP prior to giving clearance for civil works.

M. Monitoring and Reporting

25. The Project Implementation Unit will carry out concurrent monitoring of RP implementation through the NGO and prepare monthly and quarterly progress report in terms of physical and financial indicators. In addition, the monitoring process will also look into: the communication and reactions of PAPs; use of grievance procedures; information dissemination to PAPs on benefits; and options and implementation time table.

26. This subproject will have to be monitored by an experienced external expert/agency and submit semiannual monitoring reports to EA/ADB

I. PROJECT DESCRIPTION

A. Background

1. The SASEC Road Connectivity Investment Program (“SRCIP”) will improve road connectivity and efficiency of the international trade corridor, by expanding about 500km of roads in the North Bengal and Northeastern Region (NB-NER) of India. The project area under SRCIP is a key strategic thoroughfare integrating South and South East Asia, bordering Bangladesh, Bhutan, Myanmar and Nepal. It will enable efficient and safe transport within India and regionally with other South Asia Subregional Economic Cooperation (SASEC) member countries². Ultimately, SRCIP will pave the way from India and other South Asian countries to Myanmar, and further afield to other member countries of the Association of South East Asian Nations (ASEAN). The proposed investment program will upgrade national highways (NH), and state highways (SH) connecting five countries: Bangladesh, Bhutan, India, Myanmar and Nepal in the northeastern part of India including North Bengal. A Multitranche Financing Facility modality is financing the program given the large scale of the program and the Mechi River Bridge will be financed under Tranche 2 of SRCIP.

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B. Subproject

3. The subproject involves construction of a new bridge across Mechi River on the northern side of the existing bridge and approach road to the bridge from the proposed Panitanki bypass. The six lane major bridge of 675m long is proposed to connect Indian side border with the Nepal side border, from the proposed Panitanki bypass of Asian Highway AH 02 on Indian side to Kakarvitta on Nepal side.

² Comprising Bangladesh, Bhutan, India and Nepal

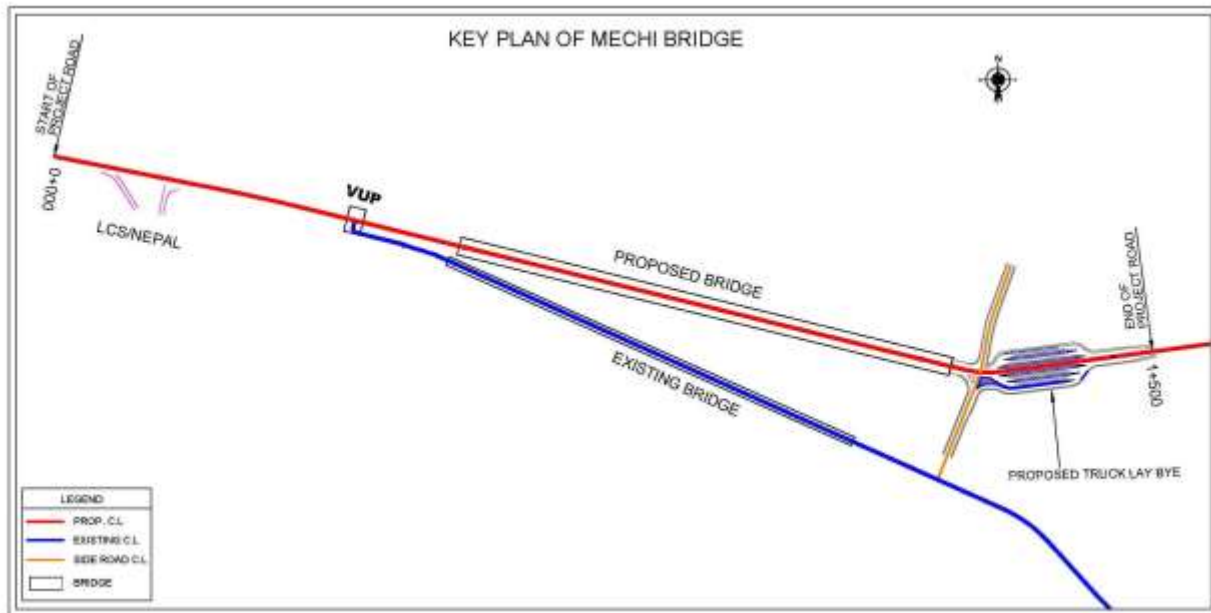


Figure 1: Key Plan of Mechi Bridge

C. Profile of Subproject Area

4. The subproject bridge and the approach road on AH-02 passes through the district of Darjeeling of West Bengal State.

5. Darjeeling, the northernmost district of the Jalpaiguri Division, roughly resembles an inverted wedge with its base resting on Sikkim, its sides touching Nepal, Bhutan and the Jalpaiguri District of West Bengal. The district is situated between 27° 13' N to 26° 27' N Latitude and 88° 53' E to 87° 59' E Longitude. The district is spread over an area of 3149 sq.km. and 4 sub-divisions, 12 blocks and 134 gram panchayat. It also comprises of 1 corporation and 5 municipalities. The population³ of Darjeeling district is 18,46,823 consisting of 57.7 percent males and 49.3 percent females. There are 3,91,234 households and the average size of family is 4.7. In 0-6 age group, male account for 51.2 percent and female 48.8. Scheduled caste account for 17.2 percent and schedule tribe account for 21.5 percent. The literacy rate is 71.2 percent and workers account for 37 percent of the population.

D. Subproject Impacts

6. The subproject apart from improving trade and tourism between India and Nepal will provide the local community living in the region improved access to markets, health care facilities, and educational institutions due to the wider bridge and better designed approach roads. However, transfer of tea garden land and removal of encroachments and squatting will become necessary for the construction of the bridge, resulting in negative impacts to some people living along the corridor.

7. The subproject will involve transfer of tea garden land measuring 1.0024 ha, will impact 6 private structures involving 9 households (including 3 tenants) and there is no impact to any community structures. The subproject will cause physical displacement to 4 households, physical and economic displacement to 2 households and 3 tenants, comprising of 1-commercial tenant and 2-residential tenant. Further, one employee with the commercial tenant will face loss of

livelihood. The involuntary resettlement impacts are summarised in Table 1.

Table 1: Summary of Involuntary Resettlement Impacts

Impact	Improvements to Mechi Bridge
Permanent Land Acquisition (ha)	Nil
Government Land Required	2.0749 ha
Tea Garden Land Required	1.0024 ha
Temporary Land Acquisition (ha)	Nil
Total Displaced Households (DHs)	9
Physically Displaced Households (Loss of Residence)	4
Economically Displaced Households (Loss of Shop)	-
Physically and Economically Displaced Households (Loss of Residence cum Shop)	2
Tenant	3
Displaced Persons (DPs)	34
Titled DPs	10
Non-titled DPs	24
Affected employees	1
Women Headed Household (WHH)	2
Scheduled Tribe (ST) headed household	5
BPL household	5
Disabled Headed Households (DHH)	-
Vulnerable households (WHH, ST, SC, BPL & DHH- Mutually exclusive)	8
Affected Structures	6
Affected Private Trees	Nil
Affected Common Property Resources	Nil

Source: Census and Social Survey, December 2015

E. Minimizing Involuntary Resettlement

8. This being a new formation tea garden land will be required for the approach road to the bridge on the Indian side. The proposed bridge across Mechi River does not involve any private land acquisition. The proposed rotary in the Panitanki side has been dropped and instead additional lanes have been provided for truck parking and this has resulted in reduction of 0.32 ha of tea garden land.

F. Scope and Objective of Resettlement Plan

9. The objective of this Resettlement Plan (RP) is to mitigate involuntary resettlement impacts identified during census and socio-economic surveys carried out in December 2015 based on detailed design. The survey revealed that 2-DH were headed by women, 3 DHs belonged to scheduled caste and 5 DHs belonged to scheduled tribe. The average size of the family was 3.75 having 50 percent uneducated members in the family. Ten percent each are managing petty/repair shops and are self-employed, and with 13 percent working in tea gardens. The average monthly family income was Rs.3,838. This RP complies with National and State laws and policies and is also in compliance with ADB Safeguards Policy Statement.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Introduction

10. The subproject involves construction of a new bridge across Mechi River and formation approach road on either side. This chapter describes the land acquisition and resettlement impacts arising out of the improvements proposed in the Indian side of the subproject bridge.

B. Scope of Land Acquisition

11. The village maps were obtained and the alignment was superimposed on the village maps to identify the land parcels required for the proposed subproject. A field verification was also undertaken to establish the land parcels involved.

12. The subproject involves transfer of government and tea garden lands for construction of the bridge across Mechi River and the approach road on the Panitanki side aligning it with the proposed Panitanki bypass. The total land required for the improvements proposed is 3.0773 ha comprising of 2.0749 ha of government land classified as river/nala and 1.0024 ha of tea garden land. The subproject does not involve acquisition of any private land. The land requirement in this subproject is summarized in Table 2.

Table 2: Land Requirement

Subproject Component	Extent of Land (in hectares)				Number of owners Private Land
	Private Land	Government Land	Tea garden Land	Total	
Bridge of 675m	-	2.0191	-	2.0191	-
Approach Road in Indian Side	-	0.0558	1.0024	1.0582	-
Total	-	2.0749	1.0024	3.0773	Nil

Source: Census and Social Survey, December 2015

C. Impact to Structures

13. The improvements proposed will impact 6 private structures and the subproject does not cause impact to any community structure. Further, there are 3 tenants and 1 employee who would be displaced due to this project. The summary of displaced households is presented as Appendix-I.

D. Loss of Private Structures

14. Two third (67%) of the structures getting affected belong to squatters and remaining 33 percent structures are owned. The ownership details of the private structures getting affected is presented in Table 3.

Table 3: Ownership of Private Structures

Tenure	Number of Structures	Percentage
Owner ³	2	33.3
Encroacher	-	-
Squatter	4	66.7
Total	6	100.0

Source: Census and Social Survey, December 2015

15. Fifty percent each of the private structures getting affected are semi-permanent and temporary in nature. The type of construction of the affected structures is presented in Table 4.

Table 4: Type of Construction of the Affected Structures

Type of Structure	Number of Structures	Percentage
Permanent	-	-
Semi permanent	3	50.0
Temporary	3	50.0
Total	6	100.0

Source: Census and Social Survey, December 2015

16. Sixty seven percent of the affected structures are used as residence and 33 percent are used as both residence and commercial. The use of the affected structure is presented in Table 5.

Table 5: Use of the Affected Structures

Use of Structure	Number of Structures	Percentage
Residential	4	66.7
Residential & Commercial	2	33.3
Total	6	100.0

Source: Census and Social Survey, December 2015

E. Loss of Livelihood

17. The subproject causes impact to 2 residence cum commercial establishments (33.3%) [see Table 5] resulting in loss of livelihood. Further, there is 1 commercial tenant (33% of the tenants) and 1 employee who works for the commercial tenant would also face economic displacement. The employee manages the petty shop for the owner and supports a family of 5-memebers with his income. The employee will be able to seek employment from other shops in the Panitanki junction. The category of impacts causing loss of livelihood is presented in Table 6.

Table 6: Loss of Livelihood

Category of Loss	Number of Displaced Households	Number of Displaced Persons
Owners of Business	2	6
Commercial Tenants	1	4
Employees	1	
Total	4	10

Source: Census and Social Survey, December 2015

³ Though the DPs claim ownership, they do not have any record to establish it.

F. Loss of Community Assets

18. The project does not impact any common property resources and wherever required, the PIU will ensure that utilities are relocated, in accordance to ADB SPS, prior to commencement of civil works in that stretch of the approach road in accordance with the civil works schedule.

G. Loss of Trees

19. The subproject will not impact any private trees. All other trees being affected in this project belong to Government. The re-establishment of non-private trees will be done in accordance with the Forest Act. For this project, the replanting will be done at the ratio of 1:10.

III. SOCIOECONOMIC INFORMATION AND PROFILE

A. Census Survey

20. The draft RP is based on the census and socioeconomic survey carried out in December 2015 based on detailed design drawing. The census survey identified 9 households and the salient findings are discussed in the following sections.

B. Methodology Adopted

21. The census survey enumerated all private assets/properties within the Corridor-of-Impact (Col) and verified if any community assets were getting affected. The private assets were marked with distinct numbers, photographed, measured and type and use of structure was recorded.

22. For every displaced household, a pretested structured questionnaire was administered during the census survey. The draft questionnaire prepared was pretested in the locality to remove any ambiguity and then after pretest the questionnaire was finalized. The survey recorded identity details and gathered information regarding type and extent of loss, household characteristics including social, economic and vulnerability status. Further, for all commercial activities, nature of business activity and the impact to employees was collected.

23. In addition to recording the above information, detailed household characteristics, including demographic profile of members of the household, standard of living, inventory of physical assets, indebtedness level, health and sanitation, and ascertaining perceptions about subproject, resettlement options and compensation, was collected from all the households. All assets were photographed and numbered for reference and record. Details of common property resources within the Col were also recorded.

24. The census socio-economic survey identified 9 households and 1 employee who would be affected. Of the 9 households, 1 household could not be enumerated as the household was absent during the enumeration. However, the household that was absent during enumeration was identified based on information provided by neighbors. The summary of Displaced Households is presented as Appendix-I.

25. The census survey identified all the 9 DHs. Out of these 9 DHs, the socio-economic survey was carried out amongst 8 DHs accounting for 89 percent of the DHs. The findings of the survey are discussed in the following sections.

C. Demographic Profile of Project Displaced Households

1 Household by Sex

26. Seventy five percent of displaced households are headed by men and the remaining households (25%) are headed by women. Males account for just 30 percent and female account for 70 percent amongst Displaced Persons (DPs).

Table 7: Head of Household by Sex

	Number	Percentage
Male	6	75.0
Female	2	25.0
Total	8	100.0

Source: Census and Social Survey, December 2015

2. Household by Religion

27. All the affected households are Hindus.

Table 8: Household by Religion

Religion	Number	Percentage
Hindu	8	100.0
Muslim	-	-
Christian	-	-
Buddhist	-	-
Total	8	100.0

Source: Census and Social Survey, December 2015

3. Household by Social Group

28. Sixty three percent of the displaced households belong to the scheduled tribe followed by 37 percent scheduled caste. The percentage of Scheduled Tribe (ST) amongst the displaced households is significant and is higher than the district average⁴ of 22 percent. The STs are Hindus, speak the local language and involved in mainstream occupation. The 63 percent scheduled tribe are part of the mainstream and do not maintain distinct culture or custom.

Table 9: Household by Social Category

Social Category	Number	Percentage
General	-	-
Other Backward caste	-	-
Scheduled caste	3	37.5
Scheduled tribe	5	62.5
Total	8	100.0

Source: Census and Social Survey, December 2015

4. Household by Size of Family

29. The socio-economic survey was carried out amongst 8 households and the family details were provided by all the households and the details of the same are analyzed and presented in the following sections.

30. Family of size 3 and 4 members account for 50 percent, followed by 25 percent each with a family of size 5 and 6 members and with 1 and 2 members. The average size of the displaced household is 3.75 members.

Table 10: Size of the household

Size of the Family	Number	Percentage
≤ 2	2	25.0

⁴ Census 2011, Registrar General and Census Commissioner of India

Size of the Family	Number	Percentage
> 2 and ≤ 4	4	50.0
> 4 and ≤ 6	2	25.0
> 6 and ≤ 8	-	-
> 8	-	-
Total	8	100.0
Average size of the family is 3.75		

Source: Census and Social Survey, December 2015

5 Age group of DPs

31. There are 5 percent women aged above 65 years and amongst the men are none in the same age group. In the 21 and below age group there are more women than men. In all, 43 percent of the displaced persons are in the age group of 21 and below, followed by 30 percent in the age group of 22 and 35, 13 percent in the age group of 36 and 45, 10 percent in the age group of 46 and 55 and 3 percent in the above 65 age group.

Table 11: Age Group of DPs

Age Group	Male		Female		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
5 21	2	22.2	11	52.4	13	43.4
> 21 and 5 35	5	55.6	4	19.0	9	30.0
> 35 and 5 45	-	-	4	19.0	4	13.3
> 45 and 5 55	2	22.2	1	4.8	3	10.0
> 55 and ≤ 65	-	-	-	-	-	-
> 65	-	-	1	4.8	1	3.3
Total	9	100.0	21	100.0	30	100.0

Source: Census and Social Survey, December 2015

D. Socio-economic Profile

1. Educational level of DPs

32. Fifty seven percent amongst females and 33 percent amongst males are uneducated. High school is the highest level of educational attainment for the females with no females having studied beyond high school compared to males, where at least there is one DP who has studied up to higher secondary. Overall the educational attainment is poor.

Table 12: Educational level of DPs

Educational level	Male		Female		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Primary (up to 5th)	3	33.3	2	9.5	5	16.7
Upper primary (7-8th)	2	22.2	5	23.8	7	23.3
High School (9-10th)	-	-	2	9.5	2	6.7
Higher Secondary (11-12th)	1	11.1	-	-	1	3.3
Graduate	-	-	-	-	-	-
Post Graduate	-	-	-	-	-	-
Technical Education	-	-	-	-	-	-
Uneducated	3	33.3	12	57.1	15	50.0
Total	9	100.0	21	100.0	30	100.0

Source: Census and Social Survey, December 2015

2 Occupation of DPs

33. Seventy one percent amongst females and 33 percent amongst males are not in workforce, comprising largely of children, students, elderly, housewives and females who do not go for work. Twenty two percent of the male manage petty shop/repair shop followed by 11 percent who are self-employed. Women are mostly into managing shops. The livelihood of majority of the households are non-land based except the 13.3 percent who are tea garden laborers.

Table 13: Occupation of DPs

Occupation	Male		Female		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Petty / Tea shop	1	11.1	1	4.8	2	6.7
Eatery / Daba	-	-	-	-	-	-
Repair / Spare part	1	11.1	-	-	1	3.3
Business / Trade	-	-	-	-	-	-
Self employed	1	11.1	2	9.5	3	10.0
Salaried / Pension	-	-	-	-	-	-
Professional	-	-	-	-	-	-
Industrial worker	1	11.1	-	-	1	3.3
Casual laborer	-	-	-	-	-	-
Cultivator	-	-	-	-	-	-
Agricultural laborer	-	-	-	-	-	-
Tea Garden laborer	1	11.1	3	14.3	4	13.3
Unemployed	1	11.1	-	-	1	3.3
Not in workforce	3	33.3	15	71.4	18	60.0
Total	9	100.0	21	100.0	30	100.0

Source: Census and Social Survey, December 2015

3. Income of Household

34. Fifty percent of the households are earning between Rs.2001 and Rs.3000 per month followed by 25 percent who earn between Rs.5001 and 6000 and 12 percent each earn between Rs.1001 and Rs.2000 and above Rs.6000. The average monthly family income is Rs.3,838 and the BPL⁵ households account for 62 percent of the DHs.

Table 14: Monthly Household Income of DHs

Monthly Family Income Range	Number	Percentage
> 0 and ≤ 1000	-	-
> 1000 and ≤ 2000	1	12.5
> 2000 and ≤ 3000	4	50.0
> 3000 and ≤ 4000	-	-
> 4000 and ≤ 5000	-	-
> 5000 and ≤ 6000	2	25.0
> 6000	1	12.5
Not disclosed / absentee	-	-
Total	8	100.0

Source: Census and Social Survey, December 2015

⁵ As per Planning Commission of India, the state specific poverty line for rural West Bengal is Rs.934.10 per capita per month for the year 2011-12 and the same updated for December 2015 based on CPIAL is Rs.1216.58. This is based on 'Dr. C. Rangarajan committees' proposed methodology.

4. Indebtedness of Household

35. None of the households reported of having taken a loan either from banking institutions or from private financial sources.

5. Impact to Vulnerable HH

36. The percentage of displaced households qualifying as BPL households as per planning commission of India definition is 62.5 percent (5 DHs out of 8 DHs).

37. Sixty two percent are scheduled tribe (5 DHs out of 8 DHs), 37.5 percent are scheduled caste (3 DHs out of 8 DHs) and 25 percent are women headed households (2 DHs). In this subproject, all the 8 DHs are vulnerable households. The mutually exclusive vulnerable households in the order of priority is presented in the following table.

Table 15: Vulnerable (mutually exclusive)

Vulnerability Type	Number of HH impacted	Percentage
Women headed household	2	25.0
Scheduled Tribe	3	37.5
Scheduled caste	3	37.5
Below poverty line	-	-
Total Vulnerable	8	100.0

Source: Census and Social Survey, December 2015

6. Assets Owned

38. Sixty two percent each of the households have a colour television and own a mobile phone, 37 percent each have bicycle and have a cooking gas connection.

Table 16: Assets Owned

Asset Type	Number	Percentage
Television - B&W	-	-
Television - Color	5	62.5
Cycle	3	37.5
Motor cycle	-	-
Car	-	-
Telephone	-	-
Mobile phone	5	62.5
Cooking gas	3	37.5

Source: Census and Social Survey, December 2015

7. Livestock

39. Fifty percent possess goat/sheep and 37 percent own cattle.

Table 17: Livestock Ownership

Type of Livestock Owned	Number	Percentage
Cow	3	37.5
Goat / Sheep	4	50.0

Source: Census and Social Survey, December 2015

E. Health Seeking Behavior

1. Disease in Family

40. Sixty two percent reported that a family member suffered from a disease requiring treatment. Amongst those families (5 out of 8 DH) that reported illness, 60 percent had bought medicine off the counter and 20 percent each had taken allopathic treatment either from government run clinics or from private practitioners.

Table 18: Health Seeking Behavior

Place/Source of Treatment	Number	Percentage
Primary Health Centre	1	20.0
Private Clinic	1	20.0
Traditional healing	-	-
Medical Shop	3	60.0
Total	5	100.0

Source: Census and Social Survey, December 2015

2. Institutional Delivery

41. Thirty seven percent of the displaced household reported of having utilized government institutional facility during delivery of the child, followed by 25 percent who had utilized the assistance of a village elder and 12 percent had delivered with the assistance of the midwife.

Table 19: Maternal Delivery

Place/Source of Treatment	Number	Percentage
Govt Hospital	3	37.5
Private Hospital	-	-
Midwife at home	1	12.5
Village elder at Home	2	25.0
Other	-	-
Not disclosed	2	25.0
Total	8	100.0

Source: Census and Social Survey, December 2015

3. HIV-AIDS

42. Sixty two percent of the displaced households reported of having heard about HIV-AIDS. Amongst those who were aware of HIV-AIDS, television had been the source of information about its spread and its prevention methods to all those who were aware of HIV AIDS. During project implementation, HIV-AIDS awareness raising sessions will be carried out amongst project affected communities to strengthen awareness.

Table 20: Awareness to HIV AIDS

Source of HIV Awareness	Number	Percentage
Print media	-	-
Radio	-	-
Television	5	100.0
Government Campaign	-	-
NGO Campaign	-	-
Total	5	100.0

Source: Census and Social Survey, December 2015

F. Role of Women

1. Participation in Economic Activity

43. Almost three-fourth (71%) of the women are primarily involved in household work and are not into any economic activity, except 15 percent who manage a shop/business and 14 percent who work as tea garden laborers.

2 Decision making

44. All the households reported that the women play an active role in financial decisions of the household. Further, it is the lady of the household (100%) who fetches drinking water for the household.

Table 21: Fetching Drinking Water

Person fetching water	Number	Percentage
Lady of the house	8	100.0
Girl child	-	-
Others (servants, hired, etc.)	-	-
Total	8	100.0

Source: Census and Social Survey, December 2015

G. Key Socio-economic Indicators

45. The key socio-economic indicators established based on the socio-economic survey carried out amongst the DHs in December 2015 are presented below. These indicators would form the baseline indicators that would be compared with the evaluation carried out by the independent external evaluation agency.

Table 22: Key Socio-economic Indicators

S. No	Indicator	Unit	Value/Figure
a)	Income (N = 8)		
1	Monthly family income	Average	Rs.3,838
2	Number of earners	Average	1.4
3	Business establishment	%	33.3
b)	Housing (N = 8)		
4	Permanent	%	-
5	Semi-permanent	%	100.0
6	Temporary houses	%	-
7	Owned	%	75.0
8	Rented	%	25.0
9	Having separate kitchen	%	62.5
10	Having separate toilet	%	75.0
11	Having separate bath	%	12.5
12	Houses electrified	%	87.5
13	House with piped water supply	%	-
14	LPG as fuel for cooking	%	37.5
c)	Demographic Details (N = 8)		
15	Family size	Average	3.75
16	Women headed household	%	25.0
d)	Standard of Living (N = 8)		

S. No	Indicator	Unit	Value/Figure
17	B&W Television	%	-
18	Color Television	%	62.5
19	Cycle	%	37.5
20	Motorcycle	%	-
21	Car	%	-
22	Phone	%	-
23	Mobile phone	%	62.5

Source: Census and Social Survey, December 2015

H. Perceived Benefits / Negative Impacts

46. Seventy five percent consider increased transport facility as a benefit of this sub-project, followed by 12 percent who consider that they will have better access to markets. The opinion of the displaced household to the perceived benefits from this subproject is presented in the following table.

Table 23: Perceived Benefits (mutually inclusive)

Benefits	Number	Percentage
Increased transport facility	6	75.0
Access to employment	-	-
Access to markets	1	12.5
Access to health care	-	-
Reduced travel time	-	-
Lesser accidents / safety	-	-
Increase in land value	-	-

Source: Census and Social Survey, December 2015

47. Fifty percent of the displaced households consider that there could be more accidents due to increased speed and 12 percent are of the opinion that this subproject will have negative impact in terms of loss of assets and structure to people. The opinion of the displaced households to the negative impacts of the subproject is presented in the following table. Based on this information, road safety audit have been undertaken for the road by the technical team, and road safety measures and awareness raising campaign will be undertaken. Raised sidewalks will be constructed in urban areas.

Table 24: Negative Impacts (mutually inclusive)

Negative Impacts	Number	Percentage
Loss of assets / structure to people	1	12.5
Accident due to increased speed	4	50.0

Source: Census and Social Survey, December 2015

I. Resettlement Preferences

48. Among the total displaced households (9), the resettlement preferences of 8 displaced households excluding absentee DH is presented in the following table. Sixty two percent of the displaced households preferred cash assistance to enable them to manage their relocation and/or rehabilitation. However, 38 percent wanted the subproject to assist them in getting an alternate shop/residence.

Table 25: Resettlement Preferences

Preference	Number	Percentage
Self-managed - Cash assistance	5	62.5
Project assisted - House / shop	3	37.5
Undecided	-	-
Total	8	100.0

Source: Census and Social Survey, December 2015

49. The displaced households who wanted the project assisted house/shop (3 DHs) were asked to indicate their preferred place for relocation if the subproject were to assist them. All the households who wanted a project assisted house/shop preferred to be in the same settlement. The preferred relocation place of the displaced household is given in the following table.

Table 26: Project Assisted Preferences

Preference	Number	Percentage
Same settlement	3	100.0
Any where	-	-
Total	3	100.0

Source: Census and Social Survey, December 2015

IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

A. Stakeholders

50. Consultations and discussions were held during project preparatory stage with both primary and secondary stakeholders. The primary stakeholders include project displaced persons (DPs), project beneficiaries and implementing agency. The secondary stakeholder includes district magistrates, sub divisional magistrates, land and land revenue officials and elected representatives of local bodies.

B. Consultation in the Project

51. The consultations have been taken up at the time of alignment option study report for the bridge and approaches. After finalization of alignment for bridge and approaches consultations with various stakeholders were carried out in December 2015. In the initial phase consultations were carried out to finalize the alignment of bridge and its approaches. The state level consultations have been done with West Bengal Pollution Control Board and State Forest department and revenue department. Consultations have also been done with the Siliguri Jalpaiguri Development Authority (SJDA).

52. Detailed consultations regarding the extent of involuntary resettlement impact and mitigation measures proposed in the RP were discussed with the DPs and general public in December 2015. A brief summary of the discussions is presented Section-E in this chapter.

C. Methods of Consultation

53. Consultations and discussions were held along the corridor with the displaced households during census and socio-economic survey. Focus group discussions were held during the survey with groups of traders, owners of residential houses and women's group. During the focus group discussions, women members of the survey enumeration team were asked to interact with the women members of the DHs to understand their concerns and were encouraged to participate in the formal consultation, which had larger women participation. Most of the DHs being vulnerable, the participation of these DHs in the consultations were assured. The consultation methods followed and proposed are detailed below in the following table.

Table 27: Methods of Public Consultations

Stakeholders	Consultation Method
DPs	Census & Socioeconomic Survey
Representative of DPs	Focus Group Discussions
Local communities	Focus Group Discussions
Women's groups	Focus Group Discussions
EA / PIU / Panchayat leaders	Individual interview, discussion, joint field visit
Line Departments (Revenue / L&LRO)	Individual meeting/interview, discussion


D. Consultations at District and Institutional Level

54. The consultations at district level have been done with Revenue authorities at Siliguri and Khoribari.

E. Summary of Consultations

55. In addition to the focus group discussions during the census and socio-economic survey, a formal consultation was held in December 2015 involving 60 people comprising of DPs, traders, key opinion makers, amongst whom only some signed the attendance sheet which is provided in Appendix-V. Advance intimation through individual notices was given to the people in the locality and at the start of the consultation, details of the proposed project including efforts made to minimize land acquisition and impact to people and structures was explained to the participants. The consultation was held in Korsing Jote, Panitanki on December 28, 2015.

Table 28: Locations of Consultations

SNo	Place	Date	Number of participants	Photo
1	Korsing Jote	28.12.2015	19 (including 90% women)	

56. The participants enquired about the start date of the project and the amount of compensation that would be paid for the structure. It was explained to them that the project work is likely to commence sometime in mid-2016 and compensation for building would be at replacement cost. Participants were concerned about the house and shops being affected. They were informed that the project would provide compensation for structure, resettlement allowance and assistance for loss of livelihood wherever livelihood is affected. The summary of the consultation outcome is presented in the following table.

Table 29: Summary of Consultation Outcome

SNo	Location	Date	Issues Raised	Response / Remedial Measures Proposed
1	Panitanki	28.12.2015	<ul style="list-style-type: none"> The participants enquired about location of new bridge site. The participants suggested that most of affected families on India side are Tea workers. The project should properly rehabilitate them. The participants demanded that compensation should be paid in advance before dismantling of their structures and adequate advance notice should be given. In the proposed RoW of bridge approach there are some houses of Tea workers and the apprehension of these workers is that they will not get plot to construct the house as they are on Tea estate land. 	<ul style="list-style-type: none"> The consultants replied that new bridge location is about 150 m upstream of the existing bridge. The Consultants' replied that R&R compensation will be provided as per approved entitlement framework of the project. The consultants replied that compensation shall be paid in advance and sufficient time for shifting will be provided as per law. The consultants replied that project will pay cash compensation as per approved entitlement framework for the project.

SNo	Location	Date	Issues Raised	Response / Remedial Measures Proposed
			<ul style="list-style-type: none"> • Participants suggested that tree cutting in the project should be compensated. • Participants demanded drinking water and sanitation facilities from the project as they are getting drinking water from the river and there are no sanitation facilities. • The participants told the consultants that they are facing air and noise pollution problem at present and this will increase in future during construction. This should be taken care. 	<ul style="list-style-type: none"> • The consultants replied that project has planning to provide compensatory plantation in the 1: 10 ratio i.e. 10 trees for every tree to be cut. • The consultants replied that they have noted the suggestion and will convey to the project authorities. • The consultants replied that for air and noise pollution during the construction phase mitigation measures such as water spray and no construction during night hours near habitations have been planned. These will be elaborated in Environmental Management Plan (EMP) and will be implemented by Construction Supervision Consultants.

57. The EM, implementation arrangement, structure and process of GRC and project information brochure will be distributed once the government approval of RP which is expected by Mid 2016.

F. Plan for further Consultation in the Project

58. The extent and level of involvement of stakeholders at various stages of the project from design to throughout implementation will open the line of communication between the various stakeholders and the project implementing authorities, thereby aiding the process of resolving conflicts at early stages of the project rather than letting it escalate into conflicts resulting in implementation delays and cost overrun. Participation of the local community in decision- making will help in mitigating adverse impacts.

59. Further, successful implementation of the RP is directly related to the degree of continuing involvement of those affected by the subproject. Consultations with DPs has been proposed during RP implementation and the PIU and the implementing NGO will be responsible for conducting these consultations. The proposed consultation plan will include the following.

- ii)
 - i) In case of any change in subproject design the DPs and other stakeholders will be consulted regarding the factors that necessitated the change, efforts taken to minimize resettlement impacts and mitigation measures available in accordance with the principles of the RF.
- iii) The PIU with the assistance of the NGO will carry out information dissemination sessions in the project area and solicit the help of the local panchayat / community leaders and encourage the participation of the DP's in RP

- implementation.
- iv) During the implementation of RP, NGO will organize public meetings, and will appraise the communities about the progress in the implementation of project works, including awareness regarding road construction and safety.
 - v) Consultation and focus group discussions will be conducted with the vulnerable groups like WHH and ST to ensure that the vulnerable groups understand the process and their needs are specifically taken into consideration in the implementation.

60. A Public Consultation and Disclosure Plan will be finalised by PIU/NGO for the subproject as per the tentative format given in the following table.

Table 30: Format for Public Consultation and Disclosure Plan

Activity	Task	Period	Agencies	Remarks
Stakeholder identification	Mapping of the project area	Aug-Dec 2015	PIU Officials / TA Consultant	
Census and Socio-economic survey	Identified DPs and collected socioeconomic information on DP's	Dec 2015	TA Consultants	
Consultative meetings on resettlement mitigation measures	Discuss entitlements, compensation rates, grievance redress mechanisms	Dec 2015	TA Consultants	
Project information dissemination	Distribution of information leaflets to displaced persons (DPs)	Mid 2016	PIU	After RF/RP approval
Public Notification	Publish list of affected lands/sites in a local newspaper; project commencement details	Mid 2016	PIU / NGO	
Publicize the resettlement plan (RP)	Distribute leaflets or booklets in local language	Mid 2016	PIU / NGO	
Full disclosure of the Final RP to DPs	Distribute RP in local language to DPs	Mid 2016	PIU / NGO	
Internet disclosure of the RP	RP posted on ADB and EA website	Mid 2016	ADB / EA / PIU	

G. Information Disclosure

61. The resettlement framework principles and entitlements matrix and the gist of the RP will be translated in Bengali and English; Bengali versions will be made available to the public and in particular to the affected people by the implementing agency. The disclosure plan will include uploading of the resettlement planning documents in ADB and EA websites. The following documents will be made available by EA to ADB for uploading them in the website.

- i) the final resettlement plan endorsed by the EA after the census of displaced persons has been completed;
- ii) an updated resettlement plan, and a corrective action plan prepared during project implementation, if any; and
- iii) the resettlement monitoring reports.

62. The EA will provide relevant resettlement information, including information from the above mentioned documents in a timely manner, in an accessible place and in a form and

language(s) understandable to displaced persons and other stakeholders. Towards this, the IA/PIU will make available the RP and the above mentioned documents in the local body representative's office and also make available the gist of the RP translated in the local language to all DPs. This would be done soon as the RP is reviewed and cleared by the IA/EA.

V. POLICY AND LEGAL FRAMEWORK

63. Recognizing the social issues that can arise in transport projects, MORTH has prepared a Resettlement Framework (RF) and indigenous peoples planning framework in line with National and State Laws and Policies, and ADB Safeguards Policy Statement. The frameworks provide an overview of subproject selection, screening for social impacts, categorization based on significance of the potential impacts, information disclosure and consultations required through planning to implementation, assessment of potential social impacts, planning to minimize and mitigate impacts, institutional arrangement required and the processes to be followed in the formulation and implementation of subproject plans during project implementation.

64. The policy framework and entitlements for the Program are based on national laws: The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the National Highways Act, 1956; State laws and regulations and ADB's SPS, 2009.

A. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013)

65. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013) has been effective from January 1, 2014 after receiving the assent of the President of Republic of India. The Act replaced the Land Acquisition Act, 1894.

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

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

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

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

69. From the effective date of 1st January 2015, the existing National Highways Act will adopt the; (i) compensation for land owners (First Schedule); (ii) rehabilitation and resettlement entitlements (Second Schedule); and (iii) provision of infrastructure amenities (Third Schedule), while the procedure for and acquisition will be as per National Highways Act.

C. Legal and Policy Framework of West Bengal State

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

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

2 West Bengal Land and Land Reforms Manual, 1991

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

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

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

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

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

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

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

76. ADB's SPS (2009) covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of; (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers displaced persons whether such losses and involuntary restrictions are full or partial, permanent or temporary.

77. The three important elements of ADB's SPS (2009) are: (i) compensation at replacement

cost for lost assets, livelihood, and income prior to displacement; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. The SPS gives special attention to poor and vulnerable households to ensure their improved well-being as a result of project interventions.

E. Comparison of Government and ADB Policies

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

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

80. Therefore, the RFCTLARR Act, 2013 has established near equivalence of the government's policies with those of ADB's SPS, 2009. Adoption of the below principles for the project has ensured that both are covered in their application to this project. Appendix-II provides a gap analysis. However, the Act does not recognize squatters and encroachers in Government land but are covered under this RP complying with ADB SPS requirement. Wherever there are gaps between the National/State laws and policies in comparison to ADB SPS requirement, ADB SPS will prevail.

F. Involuntary Resettlement Safeguard Principles for the Project

81. Based on the analysis of government provisions and ADB policy, the following resettlement principles are adopted for this sub-project:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks. Measures to avoid and minimize involuntary resettlement impacts include the following: (i) explore alternative alignments or locations which are less impacting, (ii) ensure the appropriate technology is used to reduce land requirements, (iii) modify the designs, cross sections, and geometrics of components to maximize the ROW and ensure involuntary resettlement is avoided or minimized.

⁶ ADB SPS 2009 (Safeguards Requirements 2) does not apply to negotiated settlements. The policy is encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, an independent external party will be engaged to document the negotiation and settlement processes. In cases where the failure of negotiations would result in expropriation through eminent domain or the buyer could acquire the property regardless of its owner's decision to sell it or not, will trigger ADB's involuntary resettlement policy. The Safeguard Requirements 2 will apply in such cases, including preparing a resettlement plan.

- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, women headed households, scheduled tribe, and disabled headed household, and indigenous peoples, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the concerns of affected persons. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through; (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement cost for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement⁷ to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. This resettlement plan will be approved by ADB prior to contract award.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs

and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

G. Valuation of Assets

82. Compensation for land, if any will be determined by the Competent Authority in accordance with provisions of RFCTLARR Ac while ensuring replacement cost of land is determined in line with ADB SPS.

83. The value of houses, buildings and other immovable properties will be determined on the basis of Current Schedule of Rates (Buildings) or by the latest fiscal year, updated for current tear without depreciation. While considering the Schedule of Rates (SoR), project-implementing agency will ensure that it uses the latest SoR for the residential and commercial structures in the urban and rural areas of the region. Compensation for properties belonging to the community or common places of worship will be provided to enable construction of the same at new places through the local self-governing bodies like Municipalities/Village Panchayat in accordance with the modalities determined by such bodies to ensure correct use of the amount of compensation. The replacement cost for places of worship will also include the cost involved in the rituals in establishing these places of worship.

84. Compensation for trees will be based on their replacement cost. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops fruit bearing trees will be decided by the EA/PIU in consultation with the concerned departments.

85. Even after payment of compensation, DPs would be allowed to take away the materials salvaged from their dismantled houses and shops, and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that DPs can take away the materials so salvaged within 15 days of their demolition, otherwise, the same will be disposed by the project authority without giving any further notice.

86. Trees standing on the land owned by the government will be disposed off through open auction by the concerned department. DPs will be provided with an advance notice of one month prior to relocation. Further, all compensation and assistance will be paid to DPs at least 1 month prior to displacement or dispossession of assets.

H. Procedure for Land Acquisition under the Project

87. There is no land acquisition involved in this subproject, however in the event of any private land is involved, the land will be acquired in accordance with the principles of RFCTLARR Act, 2013.

I. Procedure for alienation of Tea Garden Land

88. Alienation of tea garden land is governed by the provisions of the West Bengal Estates Acquisition (WBEA) Act, 1953. All the tea gardens are leased out for a term of thirty years as per the provisions of the lease deed (Form I, Schedule F) in accordance with Section 6(3) of the West Bengal Estates Acquisition (WBEA) Act, 1953. This section also provides for realization of revenues in the form of land rent, penalty and fines, payable by a tea garden to the District Collector. The WBEA Act provides for penalizing for felling of trees or extending the boundaries of the leased land. Further, the District Collector is also empowered to grant permission: (i) for bringing virgin land under tea plantations; (ii) uprooting tea bushes; (iii) felling shade trees for the fuel wood; (iv) repair and construction of labor lines; and (v) putting land under various other uses, based on BL&LRO enquiry report.

VI. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Introduction

89. The project recognizes three types of displaced persons i.e.: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of displaced persons.

90. In accordance with the R&R measures suggested for the project, all affected households and persons will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets and scope of the impacts including socio-economic vulnerability of the affected persons and measures to support livelihood restoration if livelihood impacts are envisaged. The affected persons will be entitled to the following five types of compensation and assistance packages:

- i) Compensation for the loss of land, crops/ trees at their replacement cost;
- ii) Compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- iii) Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- iv) Assistance for shifting and provision for the relocation site (if required), and
- v) Rebuilding and/ or restoration of community resources/facilities

B. Cut-off Date for Entitlements

91. Displaced persons meeting the cut-off date requirements will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. For title holders, if any, the date of notification under Section 3A(1) of NH Act, 1956 will be treated as the cut-off date, and for non-titleholders the start date of project census survey i.e. December 26, 2015 will be the cut-off date. A formal communication to this effect was made to the DPs during the consultations. Unforeseen impacts will be mitigated in accordance with the principles of the RF prepared for this MFF.

92. Persons who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however will be given sufficient advance notice (30 days), requested to vacate premises and dismantle affected structures prior to project implementation. The project will recognize both licensed and non-licensed vendors, and titled and non-titled households.

C. Entitlement Matrix

93. The Entitlement Matrix in the following table summarizes the main types of losses and the corresponding entitlements in accordance with the Indian Acts and Policies and ADB SPS. All compensation and assistance will be made prior to dispossession of assets and relocation and no civil works will start until all payments are made.

Table 31: Entitlement Matrix

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
Land						
1-a	Loss of private land	Agricultural land ⁷ , homestead land or vacant plot	Legal titleholders/ Family with traditional titleholders ⁸	<ul style="list-style-type: none"> • Compensation at replacement cost or land-for-land where feasible.⁹ If land-for-land is offered, titles will be in the name of original landowners. • One time Resettlement allowance¹⁰ of Rs. 50,000 per affected family¹¹ • Each affected family shall be eligible for one-time payment of Rs. 500,000 per affected family. • Displaced families¹² belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. • Additional assistance to Vulnerable Households 	<ul style="list-style-type: none"> • Compensation accounts for all taxes and fees, and does not account for any depreciation. • Vulnerable households will be identified during the census. • Re-titling to be completed prior to project completion • For option of choosing job created through project, job will be 	District Collector/Deputy Commissioner shall determine the market value of the land and multiply by the factors and add 100% solatium as specified in LARR Act. PIU will ensure provision of notice. PIU will verify the extent of impacts through a 100% survey of APs, determine assistance, and identify vulnerable households.

⁷ The LARR, 2013 Act says no irrigated multi cropped land shall be acquired under this Act, except in exceptional circumstances, as a demonstrable last resort. Wherever such land is acquired, an equivalent area of cultivable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. Such costing shall also reflect while preparing Resettlement Budget.

⁸ Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to titleholders. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 defines "Forest Dwelling Scheduled Tribes" as the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests and forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities. The act provides right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement or rehabilitation prior to the 13th of December 2005.

⁹ Including option for compensation for non-viable residual portions.

¹⁰ The LARR Act-2013 specifies that each affected family shall be given one time Resettlement Allowance of Rs.50,000/- only. This is to cover transport and shifting.

¹¹ 'Family' includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him. Widows, divorcees and women deserted by families shall be considered separate family. An adult of either gender with or without spouse or children or dependents shall be considered as a separate family – as defined under LARR Act-2013.

¹² Displaced family" as defined by the LARR Act-2013, means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. According to ADB SPS-2009, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Thus, under this RF, the subsistence allowance is applicable for all affected families losing land irrespective of their nature of physical or economic displacement.

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
					paid at living wage and monitored by CSC.	
1-b	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not / Sharecroppers)	<ul style="list-style-type: none"> • Compensation for rental deposit or unexpired lease (such amount will be deducted from the compensation of land owners). • Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance • Additional assistance to Vulnerable Households 	<ul style="list-style-type: none"> • Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease • Vulnerable households will be identified during the census. 	PIU will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to PIU. PIU will ensure provision of notice.
2-a	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholders	<ul style="list-style-type: none"> • Compensation for rental deposit or unexpired lease (such amount will be deducted from the compensation of the lessee). • Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. • Additional assistance to Vulnerable Households 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census. 	PIU will ensure provision of notice and identify vulnerable households.
2-b	Loss of Government land	Vacant plot, Agricultural land, homestead land, RoW of road	Non Title Holders/Squatters ¹³ , Encroachers ¹⁴	<ul style="list-style-type: none"> • At least 60 days advance notice to shift from occupied land. • Notice to harvest standing seasonal crops and compensation. • Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census. 	PIU will ensure provision of notice. PIU will identify vulnerable households.

¹³ Squatters are those who have no recognizable rights on the land that they are occupying.

¹⁴ Encroachers are those who build a structure which is in whole or is part of an adjacent property to which he/she has no title.

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				additional one-time Rs. 50,000 as subsistence allowance <ul style="list-style-type: none"> • Additional assistance to Vulnerable Households 		
Residential Structures¹⁵						
3-a	Loss of residential structure	Residential structure and other assets ¹⁶	Legal titleholders Family with traditional land right	Each affected family shall be eligible for choosing one time assistance option from: (i) Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable) without depreciation; or (ii) In Rural area, the displaced family will be provided with the option of constructed house as per Indira Awaas Yojana specifications in lieu of cash compensation; (iii) In Urban area, the displaced family will be provided with the option of constructed house of minimum 50 sq. m. plinth area in lieu of cash compensation. <ul style="list-style-type: none"> • Fees, taxes, and other charges related to replacement structure. • Right to salvage materials from structure and other assets with no deductions from replacement value. 	<ul style="list-style-type: none"> • Compensation accounts for all taxes and fees, and does not account for any depreciation. • Vulnerable households will be identified during the census. • Wherevers DPs opt for self-construction, land and structures will be compensated at replacement cost • Assessment of viability of remaining structure will be made in consultation with DPs 	District Collector/Deputy Commissioner shall determine the market value of the structure and add 100% solatium as specified in LARR Act. Valuation committee will verify replacement value. PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

¹⁵ Some of the entitlements under section are the same as previous rows as it is structured separately for each affected category and should not be duplicated in reading

¹⁶ Other assets include, but is not limited to walls, fences, sheds, wells, etc.

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

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> All displaced families will receive one time Shifting assistance of Rs. 50,000 towards transport costs etc Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. Additional assistance to Vulnerable Households 		
3-c	Loss of residential structure	Residential structure and other assets	Non-Title Holders/ Squatters, Encroachers	<ul style="list-style-type: none"> Replacement cost of structure constructed without depreciation Right to salvage materials from structure and other assets One time Resettlement allowance of Rs. 50,000 per affected family All displaced families will receive one time Shifting assistance of Rs. 50,000 towards transport costs etc. Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. Additional assistance to Vulnerable Households 	Vulnerable households will be identified during the census.	PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
Commercial Structures						
4-a	Loss of commercial structure	Commercial structure and other assets	Legal titleholders Family with traditional land right	<ul style="list-style-type: none"> Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable) without depreciation Fees, taxes, and other charges related to replacement structure. 	<ul style="list-style-type: none"> Compensation accounts for all taxes and fees, and does not account for any depreciation. 	Valuation committee will determine replacement value. PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> • Right to salvage materials from structure and other assets with no deductions from replacement value. • One time Resettlement allowance of Rs. 50,000 per affected family • One time financial assistance of Rs. 25,000 to the families losing shop for reconstruction of shop. • All physically displaced families will receive one time Shifting assistance of Rs. 50,000 towards transport costs etc. • Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. • Additional assistance to Vulnerable Households 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census. 	identify vulnerable households.
4-b	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> • Replacement cost of part/whole of structure constructed by the tenant/leaseholder without depreciation, and this will be deducted from the compensation amount of the owner. • Compensation for rental deposit or unexpired lease. • Right to salvage materials (of the portion constructed by tenants or leaseholders) from structure and other assets • One time Resettlement allowance of Rs. 50,000 per affected family • All displaced families will receive both: (i) One time Shifting 	<p>Land/structure owners will reimburse tenants and leaseholders land rental deposit or unexpired lease.</p> <p>Vulnerable households will be identified during the census.</p>	Valuation committee will determine replacement value. PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award</p> <ul style="list-style-type: none"> Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. Additional assistance to Vulnerable Households 		
4-c	Loss of commercial structure	Commercial structure and other assets	Non-Title Holders/Squatters , Encroacher	<ul style="list-style-type: none"> Replacement cost of structure constructed without depreciation Right to salvage materials from structure and other assets One time Resettlement allowance of Rs. 50,000 per affected family All displaced families will receive one time Shifting assistance of Rs. 50,000 towards transport costs etc. Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) in the Scheduled Area will receive additional one-time Rs. 50,000 as subsistence allowance. Additional assistance to Vulnerable Households 	Vulnerable households will be identified during the census.	PIU will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.
Livelihood						
5	Loss of livelihood	Livelihood	Legal titleholder losing business/ commercial establishment	<ul style="list-style-type: none"> One time financial assistance of minimum Rs. 25,000. Skill up-gradation training to APs opted for (one member of the affected family) income restoration. 	Vulnerable households will be identified during the census.	PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

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

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
					standing crops will be compensated at market value. • Market value of trees/crops has to be determined.	
Vulnerable						
7	Impacts on vulnerable APs	All impacts	Vulnerable APs	<ul style="list-style-type: none"> • One time lump sum assistance of Rs. 25,000 to vulnerable households. This will be paid above and over the other assistance provided in items 1-a, 1-b, 2-a, 2-b, 3-a, 3-b, 3-c, 4-a, 4-b, 4-c, and 5. • Receive preferential in income restoration training program under the project. • Preference in employment under the project during construction and implementation. • Access to basic utilities and public services 	Vulnerable households will be identified during the census and implementation of project.	<p>PIU will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.</p> <p>The PIU with support from the CSC and NGO¹⁷ will conduct a training need assessment in consultations with the displaced persons so as to develop appropriate income restoration schemes.</p> <p>Suitable trainers or local resources will be identified by PIU and NGO in consultation with local training institutes.</p>
Temporary Loss						

¹⁷When suitable NGO is not available, the PIU will be staffed with qualified and experienced social workers to assist the IA in RP implementation

S.N.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
8	Temporary loss of land ¹⁸	Land temporarily required for sub-project construction	Legal titleholders Family with traditional land right	<ul style="list-style-type: none"> Any land required by the Project on a temporary basis will be compensated in consultation with the landholders. Rent at market value for the period of occupation Compensation for assets at replacement cost Restoration of land to previous or better quality¹⁹. Location of construction camps will be fixed by contractors in consultation with Government and local community. 	<p>Assessment of impacts if any on structures, assets, crops and trees due to temporary occupation.</p> <p>Site restoration.</p>	Valuation Committee will determine rental value and duration of construction survey and consultation with APs. PIU will ensure compensation is paid prior to site being taken-over by contractor. Contractor will be responsible for site restoration.
9	Temporary disruption of livelihood		Legal titleholders, non-titled APs	<ul style="list-style-type: none"> 60 days advance notice regarding construction activities, including duration and type of disruption. Cash assistance based on the minimum wage/average earnings per month for the loss of income/livelihood for the period of disruption, and contractor's actions to ensure there is no income/access loss consistent with the EMP.²⁰ Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity.²¹ 	Identification of alternative temporary sites to continue economic activity.	Valuation Committee will determine income lost. Contractors will perform actions to minimize income/access loss.
Common Resources						

¹⁸Temporary possession of land for project purpose can be taken only for three years from the date of commencement of such possession/occupation.

¹⁹ If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under the Act to acquire the land as if it was needed permanently for a public purpose.

²⁰ This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.

²¹ For example assistance to shift to the other side of the road where there is no construction.

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

94. Compensation for land and structure, in accordance with the eligibility and entitlement, will be paid prior to commencement of civil works. One-time rehabilitation assistances and shifting assistances paid as cash will also be disbursed prior to civil works. However, any long term rehabilitation measures like training for skill development and pension for life will continue for a longer period and such rehabilitation measures will not be a bar to commence civil works.

VII. RELOCATION OF HOUSING AND SETTLEMENTS

A. Provision for Relocation

95. The PIU will provide compensation at replacement cost for affected land and structure in accordance with the eligibility and entitlements elucidated in Chapter-VI of this report. Further, compensation for partially damaged structures and shifting assistance has also been provided for the displaced households in the entitlement matrix. Compensation to the non-title holders for the loss of assets other than land, such as dwellings and shops have been provided for in the entitlement matrix. The entitlements to the non-titleholders will be given only if they were in occupation of the land or structure in the project area prior to the cut-off date, the date of commencement of census survey i.e. December 26, 2015.

B. Need for Relocation

96. This being a liner project the impact to livelihood (includes significant impacted residence cum commercial) is about 33 percent (see Table 5) and all of them are non-titleholders. The displaced persons and communities will be supported in their relocation and provisions have been made to restore their income to pre-project levels.

2. The subproject will also cause residential loss to about 66 percent excluding those DPs facing loss of residence cum commercial.

C. Relocation and Compensation Option by DPs

97. To understand and know the relocation options, DPs were consulted during the census survey and 62 percent of households losing structures have opted for self-relocation and wanted cash assistance. However, there were 38 percent of the DP who preferred project assisted residence or shop, as the case may be.

D. Relocation Strategy

98. With the small number of resettlement impacts involved in this subproject, a subproject based resettlement option is difficult. However, efforts will be made by PIU to provide housing by adopting the guidelines of housing for the poor under the *Pradhan Mantri Awas Yojana* scheme, a Government of India program for providing housing for women and economically and socially backward category, being implemented by the Ministry of Housing and Urban Poverty Alleviation in coordination with the State.

99. All the structures affected in the subproject will be entitled for the following assistances in accordance with the entitlement matrix.

- i) Compensation of structure will be paid at the replacement cost to be calculated as per latest prevailing basic schedules of rates (BSR) without depreciation. If the BSR for financial year of RP implementation is unavailable, the latest available BSR will be updated to current prices.
- ii) Shifting assistance to each household requiring relocation.
- iii) Right to salvage material from demolished structure and frontage etc.
- iv) Resettlement allowance as per the type of loss and as defined in the entitlement matrix.

100. To help the DPs losing structures, in getting all the above entitlements and facilitate self-relocation, following relocation strategy will be adopted in the subproject:

- i) All compensation and resettlement entitlements will be provided before physical displacement.
- ii) At least one month advance notice before demolition of structure.
- iii) The DP will be entitled to salvage the material from their dismantled structure.
- iv) The NGO engaged for RP implementation will assist DPs during verification of assets and will provide necessary counseling on effective utilisation of the compensation and assistances.
- v) The NGO will assist the project authorities in ensuring a smooth transition (during the part or full relocation of the DPs), helping the DPs to take salvaged materials and shift.
- vi) In close consultation with the DPs, the NGO will fix the shifting dates agreed with the DPs in writing and the arrangements desired by the DPs with respect to their entitlements.
- vii) In case of self relocation also, the NGO will assist the DPs in finding alternative land within the village if so desired by the DPs in consultation with village committee and other beneficiaries in the villages.
- viii) The NGO will assist the APs to get benefits from housing scheme and various Credit-cumSubsidy Scheme for Rural Housing (CSRH).

VIII. INCOME RESTORATION AND REHABILITATION

A. Loss of Livelihood in this Subproject

101. The subproject will cause loss of livelihood to 2 DH losing their place of residence cum business and 1 commercial tenant, in all totalling 3 DH will be losing their livelihood. Further, there is 1 employee engaged in one of the shops who would also lose his livelihood (Table 6).

B. Entitlements for Loss of Livelihood

102. The displaced persons losing livelihood will be assisted to improve or at least restore their income levels to pre-project level. The subproject entitlements for loss of livelihood include the following entitlements in accordance with the RF.

- i) Loss of livelihood to business owner:
 - a) cash compensation at replacement cost for affected land and replacement cost for structure at scheduled rates without depreciation,
 - b) right to salvage affected materials,
 - c) shifting assistance to the business owner, who loses the complete structure and require to relocate, and
 - d) resettlement allowance to the business owner
 - e) subsistence allowance
- ii) Commercial squatters:
 - a) resettlement allowance to the business owner-squatter,
 - b) compensation at scheduled rates without depreciation for structure with 1-month notice to demolish affected structure,
 - c) right to salvage the affected materials, and
 - d) shifting assistance
 - e) subsistence allowance
- iii) Commercial tenants:
 - a) 1-month notice to vacate
 - b) shifting assistance
 - c) resettlement assistance
 - d) subsistence allowance
- iv) Employees of commercial establishments:
 - e) subsistence allowance
 - f) one time financial assistance
 - g) economic rehabilitation assistance consisting of training and preference in employment in the project

103. PIU with the support of the NGO will assist the DP in their effort to restore their income. In addition to existing government schemes, the various assistances will be utilised to deliver suitable income restoration activities by leveraging the existing skills of the DP.

C. Income Restoration Measures

104. The entitlement proposed for this subproject has adequate financial provisions for restoration of livelihood of the affected communities. Suitable income restoration schemes will be identified and implemented by the PIU with the assistance of the implementing NGO. Efforts will be made to provide employment to the DPs during the construction phase by facilitating their engagement by the civil works contractor. The PIU with the assistance of the implementing NGO will make the training need assessment and will impart training to the eligible DPs, in

particular to the vulnerable DPs, for income restoration and skill up-gradation as necessary.

IX. RESETTLEMENT BUDGET AND FINANCING PLAN

A. Introduction

105. The resettlement cost estimate for this subproject include compensation for tea garden land, compensation for structure at replacement cost without depreciation, resettlement assistances in accordance with the RF, and cost of RP implementation. The total resettlement cost for the subproject is INR 32.10 million. The major heads of budget items are listed below.

- compensation for tea bush,
- compensation for structure (residential/commercial/residence cum commercial),
- assistance for loss of residence,
- assistance for loss of income / wages / livelihood,
- shifting assistance for those who have to relocate,
- additional assistance for vulnerable displaced households,
- rental allowance for tenants,
- cost of NGO for RP implementation support to PIU,
- cost of monitoring and evaluation consultant,
- cost of dissemination of entitlement matrix, gist of RP, etc., and
- administrative cost for RP implementation

B. Compensation

106. **Government Land and Tea Garden land:** Provisional sum has been provided, calculated as an average of replacement cost of land in rural and semi-urban area adjoining the road corridor. For budgetary purpose, the replacement cost for private land has been taken as the rate for Government / Tea Garden land as Rs.748/- per sq.m. No solatium is provided.

107. **Structure:** The compensation for structures have been estimated based on provisional lumpsum amount. For temporary structures such as Kiosks and Shacks the replacement cost has been taken as Rs.75,000 per unit/structure. For semi-permanent structure, a provisional lumpsum amount of Rs.2,25,000 has been considered and permanent structures a lumpsum amount of Rs.10,00,000 has been considered. However, during implementation each and every structure will be assessed for replacement value by a professional valuer/engineer.

C. RP Implementation Cost

108. The cost of hiring NGO or qualified research assistants in PIU for assisting PIU in RP implementation has been provided with a budget of Rs.5,00,000/- and the RP implementation is expected to be completed in 12 months. Cost for external monitoring and evaluation has also been envisaged and a budgetary provision of Rs.3,00,000/- has been made available for hiring of a consultant for the same. A lump sum budgetary provision of Rs.3,00,000/- has been made to meet administrative expenses. Further, a lump sum provision of Rs.50,000/- to meet disclosure expenses and a lump sum provision of Rs.40,000/- for staff training, in particular the social unit of the PIU, has also been budgeted.

D. Source of Funding and Fund Flow

109. The MoRTH, the executing agency (EA) for this subproject, will provide necessary funds for compensation for tea garden land and structure and for the cost of resettlement assistances and RP implementation. The EA will ensure timely availability of funds for smooth

implementation of the RP. The NGO / research assistants in the social unit of the PIU will facilitate disbursements, but the responsibility of ensuring full and timely payment to displaced persons will be that of EA.

E. Resettlement Budget Estimates

110. The budget for this sub-project is based on data and informed collected during census and socio-economic surveys conducted in December 2015 and the unit rates are provisional sums. The total budget for the proposed subproject RP is estimated at Rs. 32.10 million. A detailed budget estimate is given in Table 32.

Table 32: Resettlement Cost

Ref.No	Component	Unit	Unit Rate (in lakhs)	Quantity	Amount Rs in Lakhs
1	Land & Building				
1.1	Private Land with 100% Solatium	Sq.m	0.015	-	-
1.2	Tea garden (for Tea Bush)	Sq.m	0.003	10024	27.87
1.3	Tea garden land (Provisional sum)	Sq.m	0.007	10024	74.98
1.4	Government Land (Provisional sum)	Sq.m	0.007	20749	155.20
1.3	Temporary Structures	LS	0.750	3	2.25
1.4	Semi-permanent Structures	LS	2.250	3	6.75
1.5	Permanent structure	LS	10.000	-	-
2	R&R Assistance				
2.1	Resettlement allowance for residential squatters/tenants	One Time	0.500	6	3.00
2.2	Resettlement allowance for commercial squatters	One Time	0.500	3	1.50
2.3	Subsistence allowance for commercial squatters	One Time	0.360	3	1.08
2.4	Shifting allowance	One time	0.500	9	4.50
2.5	Livelihood assistance for employees	One time	0.360	1	0.36
2.6	Assistance for vulnerable households	One Time	0.250	8	2.00
3	General				
3.1	Training for staff	LS	-	-	0.40
3.2	NGO Recruitment	LS	-	-	5.00
3.3	Monitoring and Evaluation consultants	LS	-	-	3.00
3.4	Administrative expenses	LS	-	-	3.00
3.5	Dissemination of Entitlement matrix, RP, etc.	LS	-	-	0.50
3.6	Staff Training	LS	-	-	0.40
	Sub Total				291.79
	Contingency @ 10%				29.18
	Total				320.97
	Rounded off to				321
	In Million INR				32.10

X. GRIEVANCE REDRESSAL MECHANISM

A. Introduction

111. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate and facilitate the resolution of displaced persons' concerns, complaints and grievances about the social and environmental performance at the level of the subproject. The GRM is aimed to provide a trusted way to voice and resolve concerns linked to the project, and to be an effective way to address displaced persons' concerns without allowing it to escalate resulting in delays in project implementation.

B. Grievance Redressal Mechanism

112. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the subproject. The project-specific GRM is not intended to bypass the government's inbuilt redressal process, rather it is intended to address displaced persons' concerns and complaints promptly, making it readily accessible to all segments of the displaced persons and is scaled to the risks and impacts of the project.

C. Grievance Redressal Committee

113. The EA will establish a mechanism to receive and facilitate the resolution of displaced persons' concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. The grievance redressal mechanism will address displaced persons' concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to the affected persons at no costs and without retribution. The GRC will be established as soon as Government gives approval to project.

114. The RP will have a mechanism to ensure that the benefits are effectively transferred to the beneficiaries and will ensure proper disclosure and public consultation with the affected population. The GRCs are expected to resolve the grievances of the eligible persons within a stipulated time. The decision of the GRCs is binding, unless vacated by the court of law. The GRC will be constituted at MoRTH level headed/chaired by Executive Director, NHIDCL. At the PIU level comprising of the General Manager (NHIDCL), Resettlement Officer, a representative from local NGOs or a local person of repute and standing in the society, elected representative from Zilla Parishad/District Council, two representatives of affected persons including vulnerable groups and women in the committee. The GRC will continue to function, for the benefit of the DPs, during the entire life of the project including the defects liability periods.

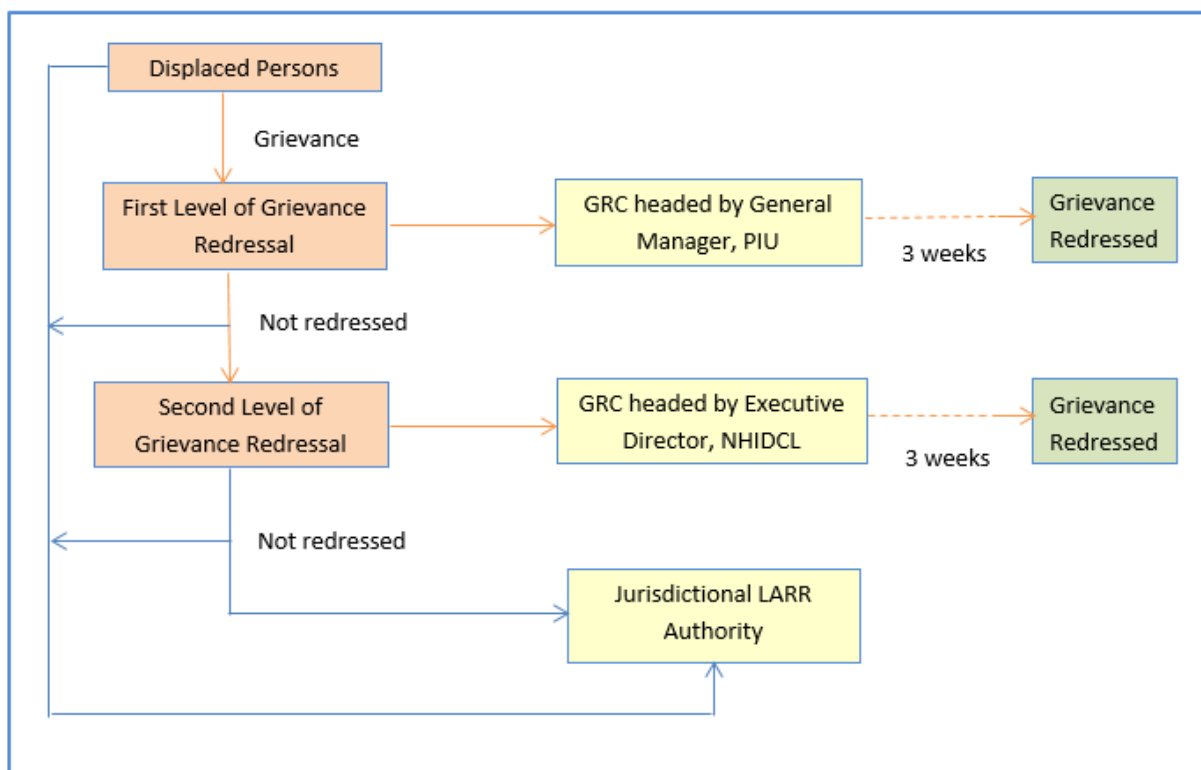
D. Operational Mechanism

115. The response time prescribed for the GRCs would be three weeks. Since the entire resettlement component of the project has to be completed before the construction starts for the whole project, the GRC, at PIU level, will meet at least once in three weeks to resolve the pending grievances and at PIU level as and when required. Other than disputes relating to ownership rights and apportionment issues under the court of law, GRC will review grievances involving all resettlement benefits, relocation, payment of compensation and other assistance.

116. Grievances related to RP implementation will be taken to GRC at PIU level and the NGO/research assistant of the social unit of PIU will facilitate displaced persons in registering their grievances and being heard. The complaint / grievance will be redressed in 3 weeks time

and written communication will be sent to the complainant. A complaint register will be maintained at PIU with details of complaint lodged, date of personal hearing, action taken and date of communication sent to complainant. If the complainant is still not satisfied s/he can approach the appellate authority and/or the jurisdictional LARR Authority. The complainant can access the appropriate LARR Authority at any time and not necessarily go through the GRC. The grievance redressal procedure is shown in Figure 2.

Figure 2: Grievance Redressal Procedure



117. People who are, or may in the future be, adversely affected by the project may submit complaints to ADB's Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-assisted projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB's operational policies and procedures. Before submitting a complaint to the Accountability Mechanism, affected people should make an effort in good faith to solve their problems through the GRC and also by working with the concerned ADB operations department. Only after doing that, and if they are still dissatisfied, should they approach the Accountability Mechanism²².

²² <http://www.adb.org/contact?target=Hmzj1zfKqMSRDKA0C6/kg==&name=Complaint%20Receiving%20fficer&referrer=node/81970>

XI. INSTITUTIONAL ARRANGEMENT

A. Institutional Requirement

118. MORTH will be the EA and the IA will be the NHIDCL, Gangtok and the IA will establish Project Implementation Unit (PIU) and they will be responsible for joint verification and updating the RP for the subproject and RP implementation. For resettlement activities, the IA will do the overall coordination, planning, implementation, and ensure that adequate finances are allocated for costs related to land acquisition and resettlement for the project.

B. Executing Agency

119. EA will coordinate with IA/PIUs for project level RP related activities. The institutional framework and the roles and responsibilities of various institutions to be involved in the R&R activities of the project and implementation of RP are described in the following sections.

C. Project Implementation Unit

120. PIU will be established at subproject level headed by a General Manger/Project Director (GM/PD) responsible for the overall execution of this subproject. The GM/PD will be responsible for (i) overall implementation of R&R activities according to the Plan including responsible for land acquisition and R&R activities in the field; (ii) ensure availability of budget for R&R activities; (iii) liaison with district administration for support for land acquisition and implementation of R&R; (iv) and selection and appointment of staff in the RP implementing unit and consultants/firms for monitoring and evaluation.

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

122. The RO will work closely with the jurisdictional land acquisition officer to expedite the payments of compensation for land acquisition. Further, the RO will ensure timely disbursement of assistances to DPs. Some of the specific tasks to be performed by PIU are: (i) translation of RP and the structure and process of GRC in local language and dissemination to DPs and other stakeholders; (ii) liaison with district administration for timely completion of land acquisition and payment of compensation; (iii) maintain the database of DPs; (iv) facilitate opening of bank accounts for DPs in nationalised banks to transfer assistances to DPs; (v) monitor physical and financial progress of RP implementation; (vi) convene GRC periodically and facilitate resolving grievances; and (vii) conduct monthly meetings with the implementing team to review the progress on R&R and submit monthly progress report to EA and quarterly progress report to ADB.

D. Non Governmental Organisation

123. A qualified and experienced agency/NGO will be engaged by the PIU to assist in the implementation of the RP. The RP implementing unit would play the role of a facilitator and will work as a link between the PIU and the affected community. Key activities of the RP implementing unit in relation to resettlement planning and implementation include: (i) verify and update, if required, the detailed census and socio-economic survey of physically and economically displaced persons carried out during DPR preparation based on detailed design,

and verify the identity of poor, female-headed, and vulnerable households affected by land acquisition and resettlement; (ii) prepare the list of the potential DPs and issue ID cards; (iii) facilitate the process of disbursement of compensation to the DPs - coordinating with the revenue department, informing the affected persons of the compensation disbursement process and timeline; (iv) assist DPs in opening bank accounts explaining the implications, the rules and the obligations of a joint account and how s/he can access the resources s/he is entitled to; (v) assist the DPs in ensuring a smooth transition (during the part or full relocation of the affected persons), helping them to take salvaged materials and shift, in close consultation with the affected persons, the RP implementing unit shall inform the PIU about the shifting dates agreed with them in writing and the arrangements they desire with respect to their entitlements; (vi) organize training programs for income restoration; (vii) conduct meaningful consultations throughout the RP implementation and ensure disclosure of resettlement plans in an accessible manner to the affected persons; (viii) assist PIUs in grievance redressal; (ix) assist PIUs in keeping detailed records of progress and establish monitoring and reporting system of RP implementation; (x) act as the information resource center for community interaction with the project and maintain liaison between community, contractors and project management and implementing units during the execution of the works; and (xi) provide advice, capacity building and other supports to PIU as required. The Terms of Reference for the NGO is provided as Appendix III.

E. Capacity Building of PIU

124. PIU has been created under NHIDCL (Indian side) and the staff in the PIU and RO, familiar with land acquisition policies and procedure, will also be familiarised in relevant rules, acts and ADB SPS. In order to build the capacity of the PIU and the RO, an orientation and training in resettlement management at the beginning of the project will be undertaken by EA. The capacity development training inputs would include ADB resettlement policy and principles. The training activities will focus on issues concerning (i) principles and procedures of land acquisition, (ii) public consultation and participation, (iii) entitlements and compensation disbursement mechanisms, (iv) Grievance redressal, and (v) monitoring of resettlement operation. The training would specifically focus on the differences between provisions of ADB SPS and State Acts. The awareness of these differences and the need to follow the provisions of the ADB policy are critical for successful implementation of the RP.

125. The roles and responsibilities of the institution involved in RP planning and implementation is summarised in the following table.

Table 33: Agencies Responsible for RP Planning and Implementation

Activity	Agency Responsible
Census and socio-economic survey based on final design	TA Consultants
Preparation of RP	TA Consultants
Preparation of land acquisition plan	TA Consultants
Establishment of Social and Resettlement Unit in PIU and appointment of Resettlement Officer (RO)	NHIDCL / Ministry of Roads
Organizing resettlement training workshop	NHIDCL Consultant
Hiring of NGO / Research Assistants in PIU	PIU
Public consultation and disclosure of RP	PIU / NGO
Co-ordination with district administration for land acquisition	PIU
Declaration of cut-off date	PIU
Review and obtaining of approval of resettlement plan form ADB	EA / PIU
Submission of land transfer proposals to the Competent	PIU

Activity	Agency Responsible
Payment of replacement cost and resettlement assistances	PIU / NGO
Taking possession of tea garden land	PIU
Handing over the land free of encumbrance to contractors for construction	PIU
Notify the date of commencement of construction to DPs	PIU / NGO
Assistance in relocation, particularly for vulnerable groups	PIU / NGO
Internal Monitoring of RP Implementation	PIU / NGO External Monitoring Firm / External Monitoring Expert

XII. IMPLEMENTATION SCHEDULE

A. Introduction

126. Implementation of RP mainly consists of compensation to be paid for structures, compensation for tea bushes and assistance for loss of homestead resulting in physical displacement, loss of livelihood resulting in economic displacement, and additional assistance to vulnerable household. Since there is no land acquisition in this subproject and all improvements are proposed with the right-of-way, all assistances should be paid to the DP prior to giving clearance for civil works.

127. Public consultation, monitoring and grievance redressal will be undertaken intermittently throughout the project duration. The civil works contract for a particular package of the subproject will be awarded only after all resettlement assistances and rehabilitation measures are implemented for the package.

B. Schedule for Project Implementation

128. The proposed RP implementation activities are divided into three broad phases viz. project preparation phase, RP implementation phase, and monitoring and reporting phase, and the activities envisaged in each phase is discussed below.

129. **Project Preparation Phase:** The activities to be performed in this phase include establishment of PIU with a designated officer (RO) in charge of safeguards; submission of RP to ADB for approval; appointment of NGO; and establishment of GRC. The information dissemination and stakeholder consultations will commence in this stage and continue till the end of the project.

130. **RP Implementation Phase:** In this phase, key activities will be carried out including payment of compensation for structure; payment of other resettlement assistances; and issuing site clearance certificate to enable commencement of civil works.

131. **Monitoring and Reporting Phase:** Internal monitoring will commence as soon as RP implementation begins and continue till end of RP implementation. External monitoring will also commence from the beginning of RP implementation.

C. RP Implementation Schedule

132. An implementation schedule for land acquisition, payment of compensation and resettlement activities in the project including various sub tasks and time line matching with civil work schedule is provided in Table 34.

Table 34: RP Implementation Schedule

Activity	Progress (Year/Quarter)							
	2015	2016		2017				2018
	Q4	Q3	Q4	Q1	Q2	Q3	Q4	Q1
Project Preparation Phase								
Screen sub-project impact								
Carry out Census Survey								
Public consultation with DPs / Stakeholders								

XIII. MONITORING AND REPORTING

A. Introduction

133. The objective of monitoring is to provide the PIU with an effective tool for assessing rehabilitation progress, identifying potential difficulties and problems areas and provide an early warning system for areas that need correction. Continuous supervision and periodic monitoring are an integral part of successful implementation. Monitoring is a warning system for project managers and a channel for the PAPs to express their needs and reactions to the programme.

B. Monitoring Process

134. The Project Implementation Unit will carry out concurrent monitoring of RP implementation through the NGO, and prepare monthly and quarterly progress report in terms of physical and financial indicators. In addition, the monitoring process will also look into: the communication and reactions of PAPs; use of grievance procedures; information dissemination to PAPs on benefits; and options and implementation time table. The PIU will interact with the DPs and record their assessment of the RP implementation process and concerns if any. The progress report will be reviewed by MoRTH and comments if any, will be communicated to PIU for immediate action. A copy of the quarterly report will be made available to ADB. In view the significance of resettlement impacts, the monitoring mechanism for this project will have both monitoring by PIU and monitoring by an external agency / expert.

C. Internal Monitoring by PIU

135. PIU will be responsible for the timely implementation of all activities in RP. The monitoring will include: (i) monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis; (ii) monitoring the standard of living during and after the rehabilitation process utilising the baseline information established by the socio-economic survey of DPs undertaken during project preparation to ensure that people are rehabilitated and are recovering; (iii) assess whether recovery from loss due to project has indeed taken place successfully and in time; (iv) data from the baseline socio-economic surveys undertaken during the project preparation stage will provide the benchmark for the monitoring process to assess the progress and success of the resettlement and rehabilitation programme.

136. Further, monitoring process will also include the following: (i) communication and reactions from DPs; (ii) valuation of properties; (iii) usage of grievance redress mechanism; and (iv) disbursement of compensation and assistance amounts.

D. External Monitoring

137. This subproject will have experienced external expert/agency to submit semi annual monitoring reports to EA/ADB. The main objective of this monitoring is to supervise overall monitoring of the subproject to determine whether RP goals have been achieved, more importantly whether livelihoods and living standards have been restored/ enhanced and suggest suitable recommendations for improvement. The external monitoring consultant will be selected within three months of loan approval and the monitoring will be carried out intermittently during the RP implementation. A sample ToR for External monitoring agency/expert is attached as Appendix-IV.

138. The external monitoring will include: (i) review and verify the monitoring reports prepared by PIU; (ii) review of socio-economic baseline census information of displaced persons; (iii)

identification and selection of indicators for monitoring and impact evaluation; (iv) impact assessment through sample surveys amongst displaced persons; (v) consultation with DPs, officials, community leaders for preparing review report; (vi) assess the resettlement efficiency, effectiveness and efficiency of PIU, impact and sustainability, and drawing lessons for future resettlement policy formulation and planning.





E. Reporting Requirements


139. The RO in PIU responsible for RP implementation will prepare monthly and quarterly progress reports on resettlement activities and submit to PIU. The quarterly progress report will be submitted by PIU to MoRTH and ADB for review.


140. The external monitoring expert/agency responsible for monitoring of the RP implementation will submit a semi annual review report to PIU and ADB to determine whether resettlement goals have been achieved, more importantly whether livelihoods and living standards have been restored/ enhanced and suggest suitable recommendations for improvement.

141. All the resettlement monitoring reports will be disclosed to DPs in line with the procedure followed for disclosure of resettlement documents by the EA. The monitoring reports will also be disclosed in ADB website.

APPENDIX I: SUMMARY OF DPS

Asset No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
24	Right	Korsing Jote	Darjeeling		Semi Permanent	Residential	Squatter	28,800	
25	Right	Korsing Jote	Darjeeling		Temporary	Residential	Squatter	24,000	
25.1	Right	Korsing Jote	Darjeeling		Temporary	Residential	Tenant	36,000	
25.2	Right	Korsing Jote	Darjeeling		Temporary	Residential	Tenant	72,000	

Asset No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
26	Left	Korsing Jote	Darjeeling		Semi Permanent	Residential	Squatter	28,800	
27	Left	Korsing Jote	Darjeeling		Temporary	Residence cum Commercial	Squatter	28,800	
27.1	Left	Korsing Jote	Darjeeling		Temporary	Commercial	Tenant	-	
28	Left	Korsing Jote	Darjeeling		Semi Permanent	Residence	Owner	84,000	

Asset No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
29	Left	Korsing Jote	Darjeeling		Temporary	Residence cum Commercial	Owner	66,000	

**APPENDIX II: COMPARISON BETWEEN NATIONAL / STATE LAWS AND POLICIES AND
ADB'S SPS**

	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
1	Screen the project	Screen the project to identify past, present, and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement	4 (l) it is obligatory for the appropriate Government intends to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concern Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6. The requirement of SIA is now not required for infrastructure projects.	Screening of all sub-projects in line with the IR checklist of ADB, towards enabling identification of the potential resettlement impacts and associated risks.
2	Consultation with stake holders and establish grievance redress mechanism	Carryout consultations with displaced persons, host communities and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options	Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report. The Land Acquisition Rehabilitation and Resettlement Authority shall be established in each State by the concerned State Government to hear disputes arising out of projects where land acquisition has been initiated by the State Government or its agencies.	No gap between SPS and FCTLARR. Given that the Resettlement Impacts are not envisaged to be significant, a project level GRM is included.

3	Improve, or at least restore, the livelihoods of all displaced, and payment at replacement cost	Improve or restore the livelihoods of all displaced persons through: (i) land-based resettlement strategies; (ii) prompt replacement of assets with access to assets of equal or higher value,(iii) prompt compensation at full replacement cost for assets that cannot be restored, and(iv) additional revenues and services through benefit sharing schemes where possible.	The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.	No gap between SPS and FCTLARR. Assets to be compensated at replacement cost without depreciation
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	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
4.	Assistance for displaced persons	Provide physically and economically displaced persons with needed assistance	Schedule I, provides market value of the land and value of the assets attached to land. Schedule II provides R&R package for land owners and for livelihood losers including landless and special provisions for Scheduled Tribes.	No gap between SPS and FCTLARR. Entitlement Matrix outlines compensation and assistance for DPs.
5.	Improve standard of living of displaced vulnerable groups	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards	Special provisions are provided for vulnerable groups.	No gap between SPS and FCTLARR. Entitlement Matrix outlines assistance for vulnerable groups.
6.	Negotiated Settlement	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status	FCTLARR only apply in case of land acquired/purchased for PPP projects and for Private Companies. Section: 2. (2), and 46.	Provisions outlined in ADB SPS will be followed for the project.
7.	Compensation For non-title holders	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	This is included	No gap between SPS and FCTLARR. Entitlement Matrix outlines compensation and assistance for DPs.
8.	Requirement of RP	Prepare a resettlement plan / indigenous peoples plan elaborating on displaced persons' entitlements, the	Preparation of Rehabilitation and Resettlement Scheme including time line for implementation. <i>Section: 16. (1) and (2).</i> Separate development plans to be prepared. <i>Section 41</i>	No gap between SPS and FCTLARR. RP will be prepared for subprojects with impact.

	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
		income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.		
9.	Public disclosure	Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders	Under clause 18, the Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the <i>Panchayat</i> , Municipality or Municipal Corporation. As the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the <i>Tehsil</i> , and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government.	In addition to the publishing of the approved resettlement plan, the RF includes provision for disclosure of the various documents pertaining to RP implementation.
10.	Cost of resettlement	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits. For a project with significant involuntary resettlement impacts and / or indigenous peoples plan, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	16. (I) Upon the publication of the preliminary notification under sub-section (/) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include: (a) particulars of lands and immovable properties being acquired of each affected family; (b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired; (c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and(e)	No gap between SPS and FCTLARR. Cost of resettlement will be covered by the EA.

	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
			details of any common property resources being acquired'	
11.	Taking over possession before Payment of compensation	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	38 (I) The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30.	No gap between SPS and FCTLARR.
12.	Monitoring	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	48 (I)The Central Government may, whenever necessary for national or inter-State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.	For project, monitoring mechanism and frequency will follow ADB SPS based on categorization.

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

A. Project Background

1. Government of India and Government of Nepal have proposed a new bridge across *Mechi* river along SH-02 connecting India and Nepal that is being proposed SASEC road connectivity investment program.

2. NHIDCL, MoRTH has prepared this Resettlement Plan (RP) for *Mechi Bridge* Section of the Asian Highway 02 (AH-02). This RP addresses social issues arising out of acquisition of land and other assets, eviction of squatters and removal of encroachments resulting in social and / or economic displacement to households / individuals / community, either direct or indirect and is in compliance with ADB's Safeguard Policy Statement 2009 and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. To assist in the implementation of the RP for *Mechi* bridge Section of the Asian Highway 02 (AH-02), NHIDCL now invites the services of eligible NGO.

B Objectives of the Assignment

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

C. Scope of Work

a) Administrative Responsibilities of the NGO

5. The administrative responsibilities of the NGO will include:
- Working in co-ordination with the Resettlement Officer (RO) in the PIU;
 - Assist the RO in carrying out the implementation of the RP;
 - To co-ordinate with the GRCs in redressing grievances;
 - Assist the RO in conducting all public meetings, information campaigns at the commencement of the project and give full information to the affected community;
 - Translate the summary RP in local language for disclosure and disseminate to

- DPs;
 - To assist the PIU to ensure that the Contracts comply with the applicable labour laws (including prohibition of child labour) and gender issues;
 - To assist the PIU in ensuring compliance with the safety, health and hygiene norms, and the conduct HIV/AIDS and Human Trafficking awareness/prevention campaigns;
 - Submit monthly and quarterly progress report to the RO including both physical and financial progress. The report should cover implementation issues, grievances and summary of consultations
 - Assist PIU in the management of the data base of the DPs.
 - Assist PIU in providing training to DP, wherever required in the implementation of RP.
- b) Responsibilities for Implementation of the RP
- NGO shall verify the information already contained in the RP and the individual losses of the DPs. They should validate the data provided in the RP and make suitable changes if required and wherever changes are made it should be supported by documentary evidence.
 - The NGO shall establish rapport with DPs, consult and provide information to them about the respective entitlements as proposed under the RP, and distribute entitlement cum Identity Cards to the eligible DPs. The identity card should include a photograph of the DP, the extent of loss suffered due to the project, and the choice of the DP with regard to the mode of compensation and assistance.
 - The NGO shall develop rapport between the DPs and the Project Authority, particularly the RO. This will be achieved through regular meetings with both the RO and the DPs. Meetings with the RO will be held at least fortnightly, and meetings with the DPs will be held monthly, during the entire duration of the assignment. All meetings and decisions taken shall be documented by the NGO.
 - Prepare monthly action plans with targets in consultation with the RO.
 - The NGO shall display the list of eligible DPs in prominent public places like villages, Panchayat Offices, Block/Tehsil headquarters, and the District Headquarters.
 - During the verification of the eligible DPs, the NGO shall ensure that each of the DPs are contacted and consulted either in groups or individually. The NGO shall specially ensure consultation with women from the DP families especially women headed households.
 - Participatory methods should be adopted in assessing the needs of the DPs, especially with regard to the vulnerable groups of DPs. The methods of contact may include village level meetings, gender participation through group's interactions, and Individual meetings and interactions.
 - The NGO shall explain to the DPs the provisions of the policy and the entitlements under the RP. This shall include communication to the roadside squatters and encroachers about the need for their eviction, the timeframe for their removal and their entitlements.
 - The NGO shall disseminate information to the DPs on the possible consequences of the project on the communities' livelihood systems and the options available, so that they do not remain ignorant.
 - NGO will monitor the involvement of child labour in the civil construction work in each package.

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

health, hygiene, women's issues, and child labour issues) provisions of these laws should be brought to the notice of the RO.

- The NGO shall assist the PIU to implement HIV/AIDS awareness measures, including collaboration with the line agencies.

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

D Documentation and Reporting by NGO

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

E. Timeframe for Services

- The NGO will be contracted for a period of 15 months from the date of commencement, with a withdrawal methodology built in to the proposals from the NGO.

F. Data, Services and Facilities to be provided by the Client

- The PIU will provide to the NGO the copies of the RP/ DPs' Census, the strip plan of final design and any other relevant reports/data prepared by the TA consultants. All facilities required in the performance of the assignment, including office space, office stationery, transportation and accommodation for staff of the NGO, etc., shall be arranged by the NGO.

G. Team for the Assignment

7. The NGO shall assign a team of professionals for assisting PIU in RP implementation.

APPENDIX IV: TERMS OF REFERENCE FOR AN EXTERNAL MONITORING AGENCY/EXPERT

A. Project Description

1. NHIDCL, MoRTH has prepared this Resettlement Plan (RP) for *Mechi Bridge* Section of the Asian Highway 02 (AH-02). The subproject includes a provision for monitoring and evaluation of the implementation of the subproject resettlement plan by an external monitor. Therefore, the NHIDCL, which is the IA for this project in the Indian side, requires services of a reputed individual/consultancy firm for monitoring and evaluation of RP implementation.

B. Scope of work ± Generic

2. The scope of work include:
- To review and verify the progress in resettlement implementation as outlined in the RP;
 - To monitor the effectiveness and efficiency of PIU, and NGO in RP implementation;
 - To assess whether resettlement objectives, particularly livelihoods and living standards of the Displaced Persons (DPs) have been restored or enhanced;
 - To assess resettlement efficiency, effectiveness, impact and sustainability, drawing both on policies and practices and to suggest any corrective measures, if necessary; and
 - To review the project impacts on Indigenous People and groups and assess the effectiveness of the mitigative actions taken.

C. Scope of work- Specific

3. The major tasks expected from the external monitor are:
- To develop specific monitoring indicators for undertaking monitoring for RP implementation;
 - Review results of internal monitoring and verify claims through random checking by adopting suitable sampling method at the field level to assess whether land acquisition/resettlement objectives have been generally met;
 - Involve the affected people and community groups in assessing the impact of land acquisition for monitoring and evaluation purposes;
 - Evaluate and assess the adequacy of compensation given to the DPs and the livelihood opportunities and incomes as well as the quality of life of DPs of project-induced changes; and
 - To evaluate and assess the adequacy and effectiveness of the consultative process with DPs, particularly those vulnerable, including the adequacy and effectiveness of grievance procedures and legal redress available to the displaced persons, and dissemination of information about these.

D. Time Frame and Reporting

4. The independent monitoring agency/expert will be responsible for overall monitoring of the RP implementation and will submit quarterly review directly to EA/ADB.

E. Qualifications

5. The monitoring agency/expert will have significant experience in resettlement policy analysis and RP implementation. Further, work experience and familiarity with all aspects of resettlement operations would be desirable. Candidates with postgraduate degree in social science will be preferred. Interested agencies/consultants should submit proposal for the work with a brief statement of the approach, methodology, and relevant information concerning previous experience on monitoring of resettlement implementation and preparation of reports.

6. The profile of agency/expert along with full CV of monitors to be engaged must be submitted along with the proposal.

F. Budget and Logistics

7. Copies of the proposal - both technical and financial - should be submitted and the budget should include all cost and any other logistics details necessary for resettlement monitoring.

APPENDIX V: PARTICIPANTS' ATTENDANCE SHEETS


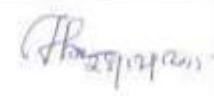
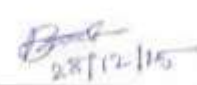
ADB TA-8116:IND

Detailed Design of the Sub Regional Road Connectivity Project

Public Consultations

Attendance Sheet

Date : 25/12/2015
Venue: Kersing Tole

S.No	Name	Address and Phone number	Signature
1	Shree narayan	Shelendra Kumar 02-111	
02	Handu Oza	9953186885	
3	Babli's Oman	9933062781	
4	Saile's Oman	9679277664	Saile's
5	Pooja Oman	9932878319	Pooja

6/ Somarsi Korus

7, Anita Korus

 Somarsi
Korus
 Anita
Korus








8/1st	Menna Rai	^{vill} Gourahing site	Menna Rai
9/1st	Rima Onam	Suchanrao T.E Pvt Ltd	Rima Onam
10/1st	Gita Onam	50	Gita Onam
11/1st	Bishu Onam	50	Bishu Onam
12/1st	Ratio Korva		Ratio Korva

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Detailed Design of the Sub Regional Road Connectivity Project

Public Consultations

Attendance Sheet

Date :
 Venue :

S.No	Name	Address and Phone number	Signature
13	^{Ms} Phukli Onaon	Vill - Suktawan Pvt Ltd	 Phukli Onaon
14	^{Ms} Uraila Onaon	80	 Uraila Onaon
15	^{Ms} Sunita Onaon	80	 Sunita Onaon
16	^{Ms} Marijam Onaon	80	 Marijam Onaon
17	^{Ms} Rubanti Onaon	80	 Rubanti Onaon
18	Sunita Onaon	80	 Sunita Onaon
19	Dhukni Koraa	80	 Dhukni Koraa

APPENDIX VI: VILLAGE MAP SUPERIMPOSED WITH THE ALIGNMENT

