

Land Acquisition and Resettlement Plan (Draft)

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Pakistan: Pehur High Level Canal Extension Project

Prepared by the Khyber Pakhtunkhwa Irrigation Department for the Asian Development Bank.

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ASIAN DEVELOPMENT BANK
ADB: TA 8488PAK
PEHUR HIGH LEVEL CANAL EXTENSION PROJECT
(PHLCEP)



FINAL REPORT

Appendix 16
DRAFT LAND ACQUISITION AND
RESETTLEMENT PLAN

June 2016

ICS-HPK Joint Venture



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PEHUR HIGH LEVEL CANAL EXTENSION PROJECT Draft Land Acquisition and Resettlement Plan

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ABBREVIATIONS

ADB	Asian Development Bank
C&W	Communication and Works
CAP	Corrective Action Plan
CCA	Culturable Command Area
CCR	Community Complaints Register
DFO	District Forest Officer
DGSD	Director General Small Dams
DH	Displaced Household
DMS	Detailed Measurement Survey
DPAC	District Price Assessment Committee
DPC	Displaced Persons Committee
DP	Displaced Person
EA	Executing Agency
ERM	External Resettlement Monitor
GPS	Global Positioning System
GRC	Grievance Redress Committee
HPK	Halcrow Pakistan (Pvt) Limited
IA	Implementing Agency
ICS	Integrated Consulting Services (Pvt) Limited
IDC	International Development Consultants
IMR	Internal Monitoring Report
IP	Indigenous People
KP	Khyber Pakhtunkhwa
KPID	Khyber Pakhtunkhwa Irrigation Department
KPWRSP	Khyber Pakhtunkhwa Water Resources Sector Project
LAA	Land Acquisition Act 1894
LAC	Land Acquisition Collector
LAR	Land Acquisition and Resettlement
LARP	Land Acquisition and Resettlement Plan
MIS	Management Information System
NTP	Notice to Proceed
OFWM	On-Farm Water Management
OPL	Official Poverty Line
PC-1	Planning Commission- 1
PHED	Public Health Engineering Department
PHLCE	Pehur High Level Canal Extension
PIU	Project Implementation Unit
PMO	Project Management Office
POL	Petroleum, Oils, & Lubricants
PPTA	Project Preparatory Technical Assistance
PRA	Participatory Rapid Appraisal
PSC	Project Steering Committee
RoW	Right of Way
SIA	Social Impact Assessment
SPS	Safeguard Policy Statement 2009

SSU	Social Safeguard Unit
TOR	Terms of Reference
WAPDA	Water and Power Development Authority
XEN	Executive Engineer

GLOSSARY

Jirga	an assembly of local elders convened to resolve community concerns
Kharif	summer cropping season of the year (15 th April – 15 th September)
Mouza (Village)	a demarcated territory, for which separate revenue record (Cadastral map) is maintained by the Revenue Department
Pacca	structure made of permanent (concrete) construction
Patwari	revenue record keeper at the village level
Qanoongo	officer-in-charge of the patwari
Rabi	winter cropping season of the year (15 September – 15 th April)
Shamlat	communal land
Tehsil	a sub-district

DEFINITION OF TERMS

Displaced Household: All members of a household residing under one roof and operating as a single economic unit who are adversely affected by the Project or any of its components; may consist of a single nuclear family or an extended family group.

Displaced Person: Any person who have full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) or economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Compensation: Payment in cash or in kind at full replacement costs of the acquired or affected assets.

Cut-off-date: Date when people, particularly those who have neither formal legal rights nor recognized or recognizable claims to such lands, are considered eligible to be compensated for their non-land assets and receive rehabilitation assistance.

Squatters¹/ Encroachers: People who have neither formal legal rights nor recognized or recognizable claims to such lands which they occupy or use. If such people arrived before the entitlements cut-off date, they are eligible for compensation for any structures, crops or land improvements that they will lose.

Entitlement: Range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation, which are due to DPs, depending on the nature of their losses, to restore their economic and social base.

Income Restoration: Re-establishment of income sources and livelihoods of DPs.

Involuntary Resettlement: Land and/or asset loss which results in a reduction of livelihood level. These losses have to be compensated for so that no person is worse off than they were before the loss of land and/or assets.

Improvements: Structures constructed (dwelling unit, fence, waiting sheds animal pens, utilities, community facilities, stores, warehouses, etc.) and crops/plants planted by the person, household, institution, or organization.

Land Acquisition: The process whereby a person is compelled by a government agency to alienate all or part of the land a person owns or possesses to the ownership and possession of the government agency for public purpose in return for a consideration.

Market Value: Market value is based on market rates assessed through a survey of prevalent land prices in the project areas. The price assessment will be made by the revenue authority

¹ The SPS requires that DPs without rights to land are compensated for their non-land assets.

(DPAC). Determination of market rates should be backed by authentic legal documents, based on average actual transactions recorded officially by the respective Land Acquisition Collector within one year prior to the issuance of notification under Section-4 in the respective mouzas.

It is more broadly defined as "the price which a willing vendor would reasonably expect to obtain from a willing purchaser. It is the value to the seller of the property in its actual condition at the time of expropriation with all its existing advantages and with all its possibilities excluding any advantage due to the carrying out of a scheme for which the property is compulsorily acquired."

Rehabilitation: Compensatory measures provided under the ADB SPS 2009 other than payment of the replacement cost of acquired assets.

Relocation: The physical resettlement of a DP from his or her pre-project place of residence.

Replacement Cost: The value determined to be fair compensation for various types of agricultural and residential land, crops, trees, and other commodities based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower/client will consult with the displaced persons and host populations to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. Baseline data on housing, house types, and construction materials will be collected. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account.

Vulnerable Groups: Distinct group of people who may suffer disproportionately from resettlement effects. The policy defines vulnerable groups as households below the poverty line, the elderly, those without legal title to assets, landless, women, children and indigenous people.

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PEHUR HIGH LEVEL CANAL EXTENSION PROJECT Draft Land Acquisition and Resettlement Plan

EXECUTIVE SUMMARY

1. The Asian Development Bank (ADB) has entered into a Contract with ICS-HPK Joint Venture (the Consultants) to provide consultancy services for preparation of Khyber Pakhtunkhwa Water Resources Sector Project (KPWRSP) under TA 8488 PAK. Under the TA a separate loan project for Pehur High Level Canal Extension Project has been prepared for increased farm incomes and non-farm incomes of households and domestic water supply requirements in District Swabi and Nowshera.
2. The Project envisages extension of the PHLC through two main pressure pipes offtaking from the Gandaf Tunnel of Tarbela Dam and the downstream canal system to irrigate a gross command area (GCA) of about 14,000 hectare (ha) and culturable command area (CCA) of 10,130 ha. The area to be commanded by the Project comprises two sub-projects: Janda Boka, Malikabad and Maini area towards the right of PHLC with culturable command area (CCA) of about 1,293 ha and Indus Ambar area with CCA of about 8,870 ha.
3. The Khyber Pakhtunkhwa Irrigation Department (KPID) is the Executing Agency (EA) and implementing agency (IA) for the construction of canal infrastructure. The other implementing agency (IA) is the Provincial Agriculture Department (KPAD)/Director General On-Farm Water Management (OFWM).
4. The project involves land acquisition that will result in loss of crops, trees, residential and community structures as well as other community & public infrastructures. This land acquisition and resettlement plan (LARP) has been prepared based on a tentative alignment to identify, in general, the nature and types of social impacts of canal and a rough estimate of the cost of land acquisition and resettlement activities due to the implementation of the PHLCE project. This draft LARP will be updated once the final alignment has been approved during the detail design stage, and will be based on the detailed measurement survey (DMS).
5. The major objective of this draft LARP is to assess the type and magnitude of land acquisition and resettlement (LAR) impacts, eligibility and entitlement of compensation; institutional arrangements for the implementation of LAR activities as well as redress of community complaints, cost, implementation schedule and conducting internal and external monitoring.
6. National and international resettlement specialists prepared this draft LARP based on field survey conducted from 20 Oct 2015 to 11 Nov 2015. The survey included a census of potential DPs, socioeconomic survey (interviews of 400 potential DPs), impact location profile of 10 villages and 24 consultations covering 206 participants comprising of potential DPs and local communities. In addition to maps and drawings, the route alignment was verified using GPS on site. The route alignment covered the main canal, pressure pipeline, minors and distributaries.
7. Approximately 540.86 acres (218.88 ha) of the land will need to be acquired for the PHLCE Project. Out of which, 478.17 acres (193.51 ha) is agriculture land, 28.21 acres (11.42 ha) is barren land, 14.02 acres (5.67 ha) is residential and 9.84 acres (3.98 ha) is hilly land, all of which is privately owned. The remaining 6.23 acres (2.52 ha) existing Nullah bed (non perennial water stream) land will be acquired from village common ownership and 4.39 acres (1.78 ha) is Government land comprising of link canals and roads.
8. It was originally estimated that more than 500 households will be affected by the project. However, based on the survey throughout the alignment and data from Districts Revenue Departments, 400 potential displaced households have been identified. The rest of the potential

DHs will be identified following the notification of Section-IV under the Land Acquisition Act by the Revenue Department and accordingly, the figure of DHs will be updated.

9. A total of 217 structures were found within the limit of RoW of the tentative route for the main canal, pressure pipeline and distributaries/minors. Out of which, 211 are residential and farm houses, 5 public structures, and 1 tubewell. Most of these structures are made of permanent materials (concrete, pacca). A total of 1,110 private trees (wood/timber)² located within the limit of RoW will need to be cut.

10. The compensation and rehabilitation entitlements are summarized in the Entitlement Matrix presented below:

Entitlement Matrix for Compensation

Assets Lost/ Impact	Specification	Affected Persons	Compensation Entitlements
Arable Land (Permanent Impact)	All adverse effects on land use irrespective of severity of impact	Farmers/ Titleholders/ Customary rights	<ul style="list-style-type: none"> - Cash compensation for affected land at replacement cost based on market value plus 15% CAS, free of taxes, registration and transfer fee. - Land for land compensation with plots of equal value and productivity to the plots lost subject to availability of Government Land.
		Leaseholders (registered or not)	<ul style="list-style-type: none"> - Renewal of lease in other plots of equal value/productivity of plots lost, or - Cash compensation equivalent to market value of gross yield of affected land for the remaining lease years (up to a maximum of 3 years).
		Sharecroppers (registered or not)	- Cash compensation equal to the market value of the lost harvest share once (temporary impact) or twice (permanent impact).
		Agricultural workers losing their contract	- Cash indemnity corresponding to their salary (including portions in kind) for the remaining part of the agricultural year.
		Squatters	- 1 rehabilitation allowance equal to market value of 1 gross harvest (in addition to crop compensation) for land use loss.
		Farmer/ Titleholder/ Leaseholder	- 1 severe impact allowance equal to market value of gross harvest of the affected land for 1 year (inclusive of winter and summer crop and additional to standard crop compensation)
	Additional provisions for severe impacts (More than 10% of land loss)	Sharecroppers (registered or not)	- 1 severe impact allowance equal to market value of share of harvest lost (additional to standard crop compensation)
		Squatters	- 1 severe impact allowance equal to market value of gross harvest of the affected land for 1 year (inclusive of winter and summer crop and additional to standard crop compensation)
		Farmer/ Titleholder	<ul style="list-style-type: none"> - Compensation, in cash, for all damaged crops and trees - In case of rental land, the compensation will be paid based on the existing share cropping arrangements/ or terms and conditions between the renters and land owners; - No compensation for land provided that the land is rehabilitated/restored to its former quality following completion of works;
	Arable Land	Leaseholder (registered or not)	<ul style="list-style-type: none"> - Compensation, in cash, for all damaged crops and trees. - No compensation for land provided that the

² The main wood/ timber trees include Kikar, shesham, poplar, timber and eucalyptus.

Assets Lost/ Impact	Specification	Affected Persons	Compensation Entitlements
Residential/ Commercial Land			land is rehabilitated/ restored to its former quality following completion of works;
		Sharecroppers/ renters (registered or not)	<ul style="list-style-type: none"> - Compensation, in cash or kind, for all damaged crops and trees - the share in the compensation for income losses based on their terms and conditions with the owners
		Agricultural workers	<ul style="list-style-type: none"> - Cash indemnity corresponding to their salary (including portions in kind) for the remaining part of the agricultural year.
		Squatters	<ul style="list-style-type: none"> - 1 rehabilitation allowance equal to market value of 1 gross harvest (in addition to crop compensation) for land use loss.
		Titleholder	<ul style="list-style-type: none"> - Land for land compensation through provision of a plots comparable in value/location to plot lost or - Cash compensation for affected land at full replacement cost free of taxes, registration, and transfer costs, plus 15%CAS
		Renter/ Leaseholder	<ul style="list-style-type: none"> - 1-3 months' allowance, depending on the period of transition equal to OPL (i.e. Rs. 15,000/ month/ HH);
		Squatters	<ul style="list-style-type: none"> - One time payment equal to OPL (Rs. 15,000/ HH) or provide space at government owned land to meet his requirement as per pre-project situation.
Houses and Structures		All relevant DPs (including squatters)	<ul style="list-style-type: none"> - Cash compensation at replacement rates for affected structure and other fixed assets free of salvageable materials, depreciation and transaction costs. - In case of partial impacts full cash assistance to restore remaining structure, plus rental assistance of Rs 6,000/month during the transition.
Crops	Affected crops	All DPs (including squatters)	<ul style="list-style-type: none"> - Crop compensation based on full market rate for one year of harvest including both winter and summer season.
Trees	Affected trees (Trees removed)	All DPs/ squatters	<ul style="list-style-type: none"> - Wood/ timber trees: compensation will be the market value of tree's wood content. - Fruit trees: compensation to reflect income replacement; trees grown and/or used.
Business Employment	Temporary or permanent loss of business or employment	All DPs (including squatters)	<ul style="list-style-type: none"> - Business owner: (i) Cash compensation equal to one-year income, if loss is permanent; (ii) cash compensation for the period of business interruption, if loss is temporary. - Worker/ employees: Indemnity for lost wages for the period of business interruption up to a maximum of 3 months.
Relocation	Transport and transitional livelihood costs	All DPs affected by relocation	<ul style="list-style-type: none"> - In addition to the compensation for the partially affected structures at replacement cost, further rental assistance (as transitional support/ or equal to per month rent in the area) for 6 months @ Rs.6,000 per month will be provided..
Community Assets			<ul style="list-style-type: none"> - Rehabilitation/substitution of the affected structures/utilities (i.e. mosques, footbridges, roads, schools, health centers.

Assets Lost/ Impact	Specification	Affected Persons	Compensation Entitlements
Vulnerable affected households and households losing livelihood	Households below poverty line and female headed households, disable persons of HHs, and households losing livelihood	All affected vulnerable households and households losing livelihood	<ul style="list-style-type: none"> - Lump sum one-time livelihood assistance allowance of three months OPL level (Rs. 15,000/month = Rs. 45,000/households) - DHs/ DPs identified below the poverty line will be entitled for cash compensation of Rs. 45,000 (i.e. equal to 3 months with adjusted inflation). - Temporary or permanent employment during construction or operation, where feasible.
Unidentified Losses	Unanticipated impacts	All DPs	<ul style="list-style-type: none"> - Deal appropriately during subproject implementation according to the ADB Social Policy Statement.

11. The Khyber Pakhtunkhwa Irrigation Department (KPID) is the Executing Agency. The office of the Project Director is likely to be in place by June 2016 to deal with all the preparatory activities associated with the LAR activities. The office of the Director PMO will be responsible for the preparation and implementation of LARP and also ensure the availability of funds for LARP's implementation. The PMO headed by a Director will be responsible for project execution and implementation. The Director PMO, with the assistance of social safeguard staff (including resettlement, gender, grievance redress, social mobilizers, LAR database/MIS and M&E) and Grievance Redress Committee (GRC) will be responsible for the timely updating, implementation and monitoring of LAR activities.

12. During the PPTA and till such time that a Project Director is in place, the KPID has appointed Chief Engineer (North) as Project Coordinator to provide overall guidance to project implementation. There will be two implementing agencies (IAs) for PHLCEP, i.e. KPID will be the IA to manage and implement the component relating to increased irrigation water supply capacities in the Project areas and ensuring that efficient and effective project management system is operational in canal extension, while the Khyber Pakhtunkhwa Agriculture Department (KPAD) will be the implementing agency responsible for implementing the component relating to increased water-use and farm-management capacities.

13. The resettlement budget computed to be Rs.1,641 million. LAR activities will be monitored both internally and externally. Internal monitoring will be conducted by the PMO (social safeguard staff), while external monitoring will be carried out by a qualified external resettlement monitor (ERM) to be hired by the PMO after approval by ADB.

1. INTRODUCTION

1.1 Background

1. Asian Development Bank (ADB), has entered into a Contract with ICS-HPK Joint Venture (the Consultants) to provide consultancy services for the preparation of Khyber Pakhtunkhwa Water Resources Sector Project (KPWRSP) under TA 8488 PAK. Under the TA an investment project was to be prepared to increase farm incomes and non-farm incomes of households engaged in agriculture in arid/rainfed areas in Khyber Pakhtunkhwa Province.

2. In March 2015, the ADB and Government of KP agreed to proceed with a stand-alone loan project for Pehur High Level Canal Extension Project. The investment project is being prepared on the basis of updating of feasibility studies carried out earlier. Preliminary engineering designs, cost estimates, and Planning Commission Proforma No.1 (PC-1) of the project will also be reviewed and updated where necessary. The proposed project will create new irrigation system to enhance agricultural production in 10,163 ha in Swabi and Nowshera districts in Khyber Pakhtunkhwa Province. The project will increase crop intensity by 166%, improve crop yield and increase farm related income. It will directly benefit over 13,000 rural people; mostly poor. The project will (i) construct about 77 km new irrigation canals, and (ii) build farmers capacity.

3. The project has involuntary resettlement impacts. As per ADB policy, projects involving land acquisition and resettlement impacts are required to prepare and disclose a Land Acquisition and Resettlement Plan (LARP).

4. The Draft LARP has been prepared based on the social and gender baseline surveys carried out by the sub-consultants, M/s International Development Consultants (IDC) of potentially displaced persons based on the preliminary alignment. Once the detailed design and final alignment is approved, the LARP will be finalized following a census, detailed measurement surveys, follow-up consultations, and valuation of the affected assets. A final/implementation-ready LARP approved by ADB and reflecting final impacts, DP list and official compensation rates; and mobilization of the External Resettlement Monitor (ERM) are conditions for the award of civil works contract, while full implementation of the compensation program described in the updated/final LARP including the full delivery of compensation to the DPs and submission of a compliance report by the ERM will be a condition for issuing the notice-to-proceed with the civil works.

5. The Khyber Pakhtunkhwa Irrigation Department (KPID) is the Executing Agency (EA) and the implementing agency for construction of pressure pipes, main canal and distributaries etc. The other implementing agency (IA) includes the Provincial Agriculture Department (KPAD).

1.2 Project Objectives

6. The investment project aims to increase farm incomes and non-farm incomes of households engaged in agriculture mainly in Swabi District and partly in Nowshera District in KP Province. The indicative outcome of the proposed investment project is increased agriculture productivity and increased farm incomes. The key indicative outputs will include:

- (i) Available water for agriculture production increased (i.e. Output 1);
- (ii) water-use skill and on farm management capacities increased in Project Areas (i.e. Output 2);

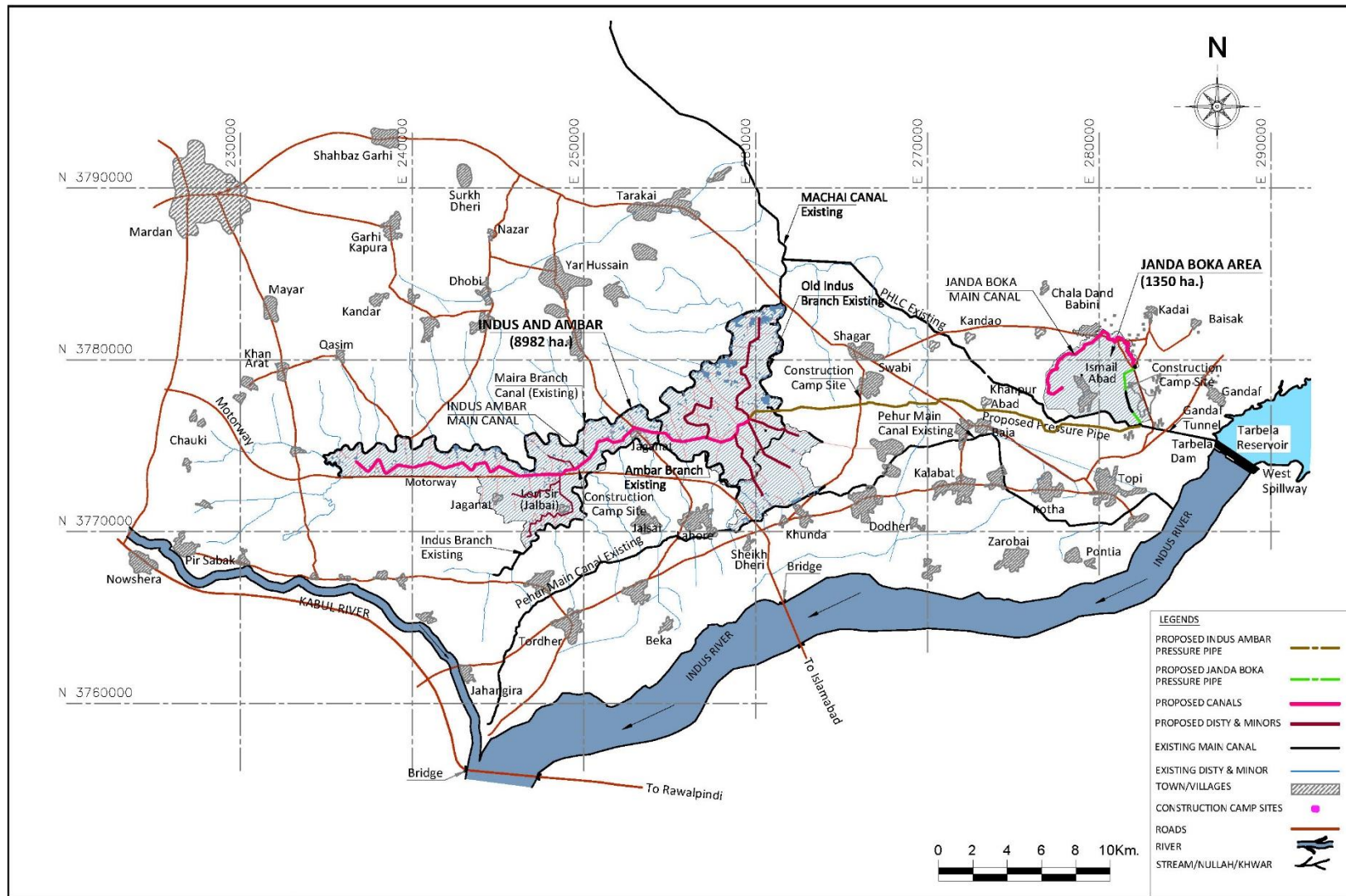


Figure 1-1: Location Map of the Project Area

1.3 Project Description

7. About 96% of the proposed PHLCE project area falls in Swabi district, extending partially at the tail end (4%) in Nowshera district. The whole area is spread in two major chunks i.e. Janda Boka and Indus-Ambar. The proposed Janda Boka area lies near the Gandaf Tunnel outlet from Tarbela reservoir towards the right of Pehur High Level Canal (PHLC), while the Ambar area starts about 5 km to the west of Swabi town, and is spread on the left side of Maira Branch canal. Similarly, the Indus area adjoins the Ambar area towards the west and extends on the left side till the end reaches of Maira Branch. Location map of the Project is presented in Figure 1-1.

8. Access between the project area and the down country is possible by public transport throughout the year. Motorway M-1 passes through the centre of Ambar-Indus area at Jahangira from the main GT Road connecting Swabi to the other parts of the country. Another road from Mardan is connecting Swabi on the other side with Mardan, Peshawar, Swat and Buner.

9. Main components of Janda Boka-Malikabad area include:

- Connection with Gandaf Tunnel
- Pressure pipe and outlet works
- Main Janda Boka Canal
- Canal and drainage structures
- Development of on farm works

10. Main components of Indus Ambar area include:

- Connection with Gandaf Tunnel
- Pressure pipe and outlet works
- Main Indus Ambar Canal
- Distribution canal system in Indus Ambar area
- Development of on farm works

11. The project involves land acquisition, due to which there will be the loss of crops, trees, residential and community and public structures. This LARP has been prepared based on the proposed alignment to identify, in general, the nature and types of social impacts of the irrigation canal and a rough estimate of cost of land acquisition and resettlement activities due to the implementation of the Pehur High Level Canal Extension Project. The final LARP will be prepared based on the finalized alignment during detail design and will include a census of DPs and the detailed measurement survey (DMS).

1.4 Objectives of the Draft LARP

12. The major objective of the draft LARP is to assess the type and magnitude of LAR impacts, eligibility and entitlement of compensation; institutional arrangements for the implementation of LAR activities as well as redress of community complaints, cost, implementation schedule and conducting internal and external monitoring. The following aspects are covered in this draft LARP.

- Background information
- Nature and types of social impacts along the proposed canal alignment
- Area of land needs to be acquired

- Number of structures and community structures located (such as mosques, shrines, graveyards) within the tentative right-of-way (RoW)
- Assessment of the loss of crops, trees (fruit and timber);
- Assessment of the number of vulnerable households (households below the poverty line, the elderly, female headed households, and disabled headed households, those without legal title to assets, landless, women, children and indigenous people.)
- Data on unit prices for land and other potential affected assets
- Socioeconomic information and profile
- Information disclosure, consultation, and participation
- Policy and legal framework
- Consultative meetings with local persons/ general public along the subproject route alignment
- Proposed entitlement for compensation and assistance
- Relocation of structures and infrastructure
- Income restoration and rehabilitation
- Institutional arrangements and grievance redress mechanisms
- Implementation schedule
- Resettlement budget
- Monitoring & evaluation

13. The final LARP will be prepared based on the detailed design and final route alignment expected by November 2017.

1.5 Alternative Options for Minimizing the Resettlement Impacts

14. Appropriate efforts and all possible engineering design options have been considered while identifying the preliminary alignment to avoid, or if not possible, at least minimize LAR impacts. This alignment has been done through review of satellite imagery and topographic surveys carried out during the project. The implementation of this project can cause resettlement issues like clearance of RoW for execution of civil works, demolishing and setting back of permanent structures (residential) and cutting of trees within the RoW.

1.6 Width of PHLCE RoW

15. The tentative PHLCE project route alignment was estimated considering the RoW for main canal, pressure pipeline and minors/ distributaries as below:

i). Maximum Right of Way for Janda Boka Canal:	<u>Total RoW Width19.6m</u>
ii). Maximum Right of Way for Janda Boka Minor:	<u>Total RoW Width19.6m</u>
iii). Maximum Right of Way for Pressure Pipeline for Indus-Ambar:	<u>Total RoW Width12.0 m</u>
iv). Maximum Right of Way for Pressure Pipeline for Janda-Boka:	<u>Total RoW Width11.0 m</u>
v). Maximum Right of Way for Indus – Ambar Main Canal:	<u>Total RoW Width 35.0 m</u>
vi). Maximum Right of Way for Minors/ Distributaries:	<u>Total RoW Width 25.0 m</u>

2. APPROACH AND METHODOLOGY

2.1 General

16. Field visits were conducted along the project route alignment (main canal, pressure pipes and distributaries/minors), assessing the category of land use, structures (residential, commercial and other) and other community structures/infrastructures located within the RoW. Data regarding unit prices for land and other assets found along the project alignment was collected from concerned departments/agencies including Revenue Department, Agriculture Department, Horticulture Department, Public Health Engineering Department (PHED), Forest Department and Communication and Works (C&W) Department.

17. Data was collected from 20-Oct-2015 to 11-Nov-2015 which included a census of 400 potential DPs with basic socio-economic data, impact location profile of 10 villages and 24 consultations covering 206 participants comprising of potential affectees and local communities. In addition to maps and drawings, the route alignment was also verified using GPS on site. The route alignment covered the main canal, pressure pipes distributaries and minors. After entering all collected data on a computer, the required analysis was conducted by the subconsultant and results were provided to Resettlement Specialists and accordingly, the Resettlement Specialists prepared this draft LARP of PHLCE.

2.2 Delineation of Study Area

18. The proposed canal route alignment is designed in a way to minimize the impacts on the surrounding communities.

2.3 Field Survey and Data Collection

19. Primary data was collected through individual interviews of local population, focus group discussion and consultations with local community, and village profiling, while secondary data was collected from the published documents like economic survey of Pakistan, KP crop statistics and prices data from various markets and departments.

20. The following field activities were carried out:

- Census with basic socioeconomic data to identify the potential DPs
- Consultative meetings and focus group discussions
- Impact location profile

21. A set of comprehensive questionnaires for data collection was prepared to collect data on the above four aspects. The methodology applied was as below:

- Interview methods – individual household/DP interviews were conducted for a sample population/ Displaced Persons (DPs).
- Recording/ documentation – A complete census/ enumeration of assets was conducted for all available project displaced persons (DPs).
- Group discussions – Focus group discussions/ scoping sessions were conducted with the DPs.
- Participatory rapid appraisal methods (PRA) – PRA tools and techniques were used for conducting the impact location profile and public consultations.
- Probing, cross questioning and open discussions with the target population/ DPs.

2.4 Stakeholders/ Public Consultation

22. Consultations were carried out with the stakeholders and DPs along the entire project route alignment. Consultative meetings, scoping sessions and focused group discussions helped to learn about the views and concerns of the public on the proposed development works. The concerns raised by the stakeholders have been considered in the resettlement plan to make the project more acceptable on social considerations. The main objectives of the consultation were:

- To share project development strategies with the local communities and providing feedback in respect of survey activities relating to preparation of Land Acquisition and Resettlement Plan with a view of providing a collective sense of ownership of the project.
- To collect public perception about the project and listen to the concerns/views of the people in respect of acquisition of land, built-up properties and other assets. As such, the communities will have a collective sense of ownership for the activities of the project team.

2.5 Data Processing and Analysis

23. After collection of both primary and secondary data from different sources including interviews from community, consultations, physical verification and other documents the data is analyzed. Accordingly, the results were presented using appropriate methods of data presentation such as tables (means, percentage, number etc.), graphical illustrations, and photolog etc.

3. SOCIOECONOMIC INFORMATION AND PROFILE

3.1 General

24. The socioeconomic conditions of DPs were derived from the field survey, and secondary data, i.e. data from Directorate of Agriculture, Economics & Marketing, Forest Department, District Population Census, Economic Survey of Pakistan and relevant websites.

25. The primary data include census survey of all affected families covering the nature and magnitude of the impacts and impact on the livelihood of DPs. The socioeconomic profile of the sub-project affected families was established based on the interviews of 400 DHs. This data would provide the socioeconomic profile of AHs and the baseline information for subsequent monitoring and evaluation studies.

3.2 Administrative Setting

26. The proposed project involves the construction of an irrigation system in two areas i.e., JandaBoka and Indus-Ambar and installation of pressure pipes to connect these with the Gandalf Tunnel. The project area falls in the jurisdiction of Swabi and Topi Tehsils of Swabi district and Chota Lahore Tehsil of Nowshera district in KP Province.

3.3 Settlement Pattern

27. Settlements along the proposed canal route alignment of 97.051 km consist of more than 13,000 farm households. Almost 50% of the population in the project area lives in the rural areas. Major proportion of the DPs belongs to "Yousafzai" ethnic group named as kaka khill Miangaan. The major castes in the project area are Badkhel, Jadoon, Karlani, Mehmood, Mohamand, Shiekhan, Swensi, Syed, Tenool Mughal, Utmanzai, Yousifzai, Khattak and Kular. The names of the villages fall within the project site are Maini, Pabini, Baja, Bamkhel, Jhanda, Panjpir, Ambar, Jalbai and Skinderay. None of these castes may be considered as indigenous people (IPs) based on ADB SPS definition³.

3.3.1 Methods of Decision Making

28. The Jirga is the commonly accepted method in community decision making and conflict resolution (92%) together with court decisions (86%) in the villages of districts Swabi and Nowshera. Both decision making bodies can exist in parallel. A few issues are decided within the caste.

Table 3-1: Methods of Decision Making

Court	Jirga (assembly of local elders)	Within the Caste Group
86.%	92%	2%

³ Distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.

3.4 Demographic Profile of Potentially Affected Households

29. The field survey (including census, interviews, and public consultations) was carried out to collect the socioeconomic data from 400 potentially-affected households.

30. The demographic features include the information on household's profile, gender composition, occupations, and literacy status of the potential DPs residing in the project area belonging to above mentioned villages. The information relating to the demographic profile of DHs is described below.

3.4.1 Family Size and Gender Composition

31. The average family size is 8.9. There are 54% male and 46% female. Detail is shown in Table 3-2.

Table 3-2: Average Family Size and Gender Composition

Average Family Size	Gender Composition	
	Male	Female
8.9	54%	46%

Source: Preliminary DP census, October-November 2015 (n = 400 households)

3.4.2 Educational Attainment and Literacy Status

32. The average literacy rate is estimated as 47%. The percentage of average literacy rate among male and female residing along the proposed project route alignment is 66% and 34% respectively as shown in Table 3-3.

Table 3-3: Educational Attainment and Literacy Rate of Household Members

Educational Attainment/ Literacy Rate	Percent of HH Members		
	Male (n=1269)	Female (n=557)	Combined (n=1825)
Tertiary	5.0	-	5.0
Secondary	11.0	4.0	15.0
Primary	50.0	30.0	80.0
Did not attend school	34.0	66.0	53.0
Overall Literacy Rate	66.0	34.0	47.0

Source: Preliminary DP census, October-November 2015 (n = 400 households)

3.5 Status of Agriculture

3.5.1 Land Ownership and Land Use Pattern

33. Around 13% of DPs have farm size less than 1.0 acre (0.40 ha), 64% have 1 to 5 acres (0.40 to 2.02 ha), 15% have 5 to 12.5 acres (2.02 to 5.06 ha), 4% have 12.5 to 25 acres (5.06 to 10.12 ha) and 3% DPs have farm size greater than 25 acres (10.12 ha). Most of the households are owner-cultivators. The farms may be located at one place or adjacent places and/or fragmented. However, a small proportion (less than 10%) rent lands from other farmers for cultivating purposes. Normally land is rented on a share basis⁴ (share cropping). The minimum rental period is two years renewable based on mutual understanding.

⁴ In the project area, the land is being rented-out/ in on sharing cropping, where the ratio of share is 8:2, i.e. renter and owner respectively.

Table 3-4: Land Ownership, Land Use Pattern and Distribution of Farm Area

Area	Farm less than 1 acre	Farm between 1 and 5 acres	Farm between 5 and 12.5 acres	Farm between 12.5 and 25 acres	Farm Greater than 25 acres
Irrigated Land					
%	12.6%	60.6%	18.9%	3.9%	3.9%
Number	27	132	41	9	9
Non-Irrigated Land					
%	14.8%	69.1%	11.1%	3.7%	1.2%
Number	27	126	20	7	2
Overall					
%	13.5%	64.5%	15.3%	4.0%	2.7%
Number	54	258	61	16	11

Source: Government of Khyber Pakhtunkhwa (2014), Crop Reporting Service, Department of Agriculture, Peshawar

3.5.2 Cropping Pattern

34. The cropping pattern refers to the area sown under various crops during winter and summer season. The major rabi (winter) and kharif (summer) crop is wheat and maize accounting for 70.4% and 19.8%, respectively. The cropping pattern⁵ in the project area is given in Table 3-5. Once irrigation becomes available, there will likely be a shift in cropping pattern in the currently non-irrigated land to at least similar to the adjacent irrigated area, including a possible increase in area to be planted with cash crops (vegetable, tobacco, sugarcane, vegetables & rabi fodder).

Table 3-5: Cropping Pattern in the Project Area

Kharif Crops (Summer: April-Sept)			Rabi Crops (Winter: Sept-April)	
Maize	Groundnut	Millets	Wheat	Oilseeds (mustard)
19.8%	2.0%	0.7%	70.4%	7.1%

Source: Government of Khyber Pakhtunkhwa (2014), Crop Reporting Service, Department of Agriculture

35. Table 3-6 below shows that overall, the average yield of major crops per acre is 1,384 kgs/ ha for wheat and 1,058 kgs/ ha for maize. Once irrigation water becomes available, the crop yield will be increased significantly which will help increase income. This will help to offset the loss of income by households losing marginal portions of their land.

Table 3-6: Average Yield of Major Crops of Farms

(Average Yield of Major Crops of Farms)

Crops	Kharif (Summer) Crops			Rabi (Winter) Crops	
	Maize	Groundnut	Millets	Wheat	Oilseeds (mustard)
(Kgs/ ha/year)	1,058	951	300	1,384	768

Source: Government of Khyber Pakhtunkhwa (2014), Crop Reporting Service, Department of Agriculture, Peshawar.

⁵ Government of Khyber Pakhtunkhwa (2014), Crop Reporting Service, Department of Agriculture.

3.5.3 Cost of Crop Production

36. The reported cropping pattern along the project corridor is comprised of wheat and maize crops, oilseed and groundnut. The average cost of crop production per acre of various crops is presented in table below.

Cost of Production of Major Crops in the Project Area

Crop	Wheat	Maize	Oilseeds (Mustard)	Groundnut
Rs / hectare	32,775	24,505	18,533	38,950
Rs /acre	13,264	9,917	7,500	1,5763

Source: District officer (Agriculture), Swabi District, 2014.

3.6 Income Analysis

37. The income analysis indicates the socioeconomic status of potentially displaced households. This section of income analysis covers the following:

- Occupations of the displaced households (DHs)
- Income by source
- Household expenditure

3.6.1 Occupations

38. Among the surveyed households, around 30% rely mainly on farming. Many (19%) rely mainly on remittances from household members who are working abroad. Others rely mainly on their income from business (15% of the households), labour (11%), private service (10%) or government service (9%). Only a few (1%) rely mainly on livestock raising (including dairy farming). (Table 3-7)

Table 3-7: Major Occupations of Households

Farming	Labour	Govt. Service	Private Service	Employed Abroad	Business	Livestock (including dairy farming)	Others
30%	11%	9%	10%	19%	15%	1%	5%

Source: Preliminary DP census, October-November 2015 (n = 400 households)

3.6.2 Household Income by Source

39. Households with some degree of access to irrigation tend to rely more on agriculture for their income.

40. Table 3-8 shows that 35% of households with irrigated land rely mainly on agriculture for their income, as compared to only 19.4% of the households which only have non-irrigated land. Households with non-irrigated land tend to rely more on business, labour, and livestock compared to households with some portions of irrigated land.

Table 3-8: Household Income by Source

Households	Farming	Labour	Govt. Service	Private Service	Employed Abroad	Business	Livestock (including dairy farming)	Others
With some Irrigated Land (n=218)								
%	35.1	9.9	8.1	10.7	21.8	8.8	0.8	4.8
Only has non-Irrigated Land (n=182)								
%	19.4	13.5	8.9	7.2	20.3	23.1	2.3	5.3

Source: Preliminary DP census, October-November 2015 (n = 400 households)

3.6.3 Household Income

41. The assessment of annual household income is one of the important indicators to measure the well-being/ livelihood of the household. In the field survey, the major sources of income include: income from farming, labour, government service, private service, abroad, livestock (including dairy farm) and business.

42. The average annual household income computed to be Rs. 599,794, while it is Rs. 67,393 on per capita basis. The range of average household income per month is from 27,835 in agriculture to Rs. 117,829 in government service. The range of corresponding figures of household income on per capita per month is Rs. 3,127 in agriculture to Rs. 13,239 in government service respectively.

43. Detail of average income of sample households are shown in Table 3-9.

Table 3-9: Average Annual Household Income of Households

Primary Income Source	Average Household Income (Rs.)		Average Per Capita Income (Rs.)	
	Annual	Monthly	Annual	Monthly
Agriculture	334,017	27,835	37,530	3,127
Remittances	457,162	38,097	51,366	4,281
Business	371,214	30,934	41,709	3,476
Wages from labor	417,088	34,757	46,864	3,905
Private service	605,341	50,445	68,016	5,668
Salaries from government	1,413,943	117,829	158,870	13,239
Overall	599,794	49,983	67,393	5,616

Note: All farmers are the owner of land and they have generally good socioeconomic status as this area is also rich in orchards (citrus).

3.6.4 Household Income by Gender

Table 3-10: Average Annual Income of Household Members by Gender

Gender	No.	Percent	Average Income (Rs./annum)	Income (%)
Female	129	9.0	38,806	2.09 ⁶
Male	1,242	91.0	189,140	97.9
Total	1,371	100.0	174,995	100.0

Source: Preliminary DP census, October-November 2015 (n = 400 households)

3.6.5 Households Living Below the Poverty Line

44. Approximately 10% of the potentially displaced households have income below the poverty line (Table 3.1) which is fixed by the Government (i.e. Rs.15,000/month/ household). Many households (45%) have incomes near the poverty line which are also at risk of becoming poor in case of economic shocks or family emergencies. The remaining 45.3% of the households have monthly incomes above Rs. 20,000 as they are growing some cash crops including orchards (Citrus). In addition, many of the households in the project area rely on remittances from abroad (19%) and business (15%).

Table 3-11: Income Bracket of Surveyed Households

Income Bracket/Month (in Rupees)	Number of Households	Percent
Above 35,000	22	5.5
30,001 - 35,000	47	11.8
25,001 - 30,000	50	12.5
20,001 - 25,000	62	15.5
15,001-20,000	180	45.0
10,001 - 15,000	24	6.0
10,000 and below	15	3.8
Total	400	100.0

Source: Preliminary DP census, October-November 2015 (n = 400 households)

3.6.6 Average Household Expenditure

45. The annual expenditure and pattern of expenditure provides an indication for assessing standard of living of a household. The expenditure on food items include cereals, pulses, flour, sugar, cooking oil/ ghee, milk etc., while the non-food items include education, medical treatment, clothes, shoes, cosmetics, utilities and other.

46. Total average annual household expenditure on both food and non-food items estimated as Rs. 295,438. On the whole, the proportion of expenditure incurred in all districts on food and non-food items is 63% and 37% respectively as given in Table 3-12 below.

Table 3-12: Average Annual Expenditure on Food and Non- Food Items

Total Expenditure on Food & Non-Food & Utility Bills Items (Rs. / annum)	Average Food Expenditure (Rs)	Average % of Food Expenditure	Average Non-Food Expenditure (Rs)	% of Non-Food Expenditure
295,438	187,443	63.45	107,995	36.55

Source: Socioeconomic survey of the project area (2015).

⁶ Mainly from off-farm jobs.

3.7 Housing Conditions

47. The ownership and housing condition is also one of the important indicators for the assessment of living standard/ household's well-being. Based on the survey results shown in Table 3-13 reveals that most of the respondents had their owned houses.

48. As far as the housing condition is concerned, a major proportion of DPs (76.66%) had pacca (concrete) houses, while 6.56% and 16.78% had semi-pacca and katcha (mud) houses, respectively. Details of the housing conditions are shown in Table 3-13. The average size of a house is 30x30 sq. feet used by a joint or extended family in most of the cases.

Table 3-13: Ownership Status and Housing Conditions

Pacca (Concrete)	Semi Pacca	Katcha (mud)
76.66	6.56	16.78

3.8 Access to Social Amenities of the Surveyed Households

49. During the field survey, the access/ availability of the social amenities/ basic infrastructure in the vicinity of the village was asked from the surveyed households as well as physically observed at site.

50. It was noted that facilities such as drinking water, electricity, roads and schools were available in the village or in its vicinity. However, health facilities, filling station and natural gas facilities were deficient. The details are shown in Table 3-14.

Table 3-14: Access to Social Amenities

Road	Electricity	Dispensary/ BHU	School	Natural Gas	Drinking Water	Telephone	Mobile	Internet	Fuel
100%	100%	68%	60%	74%	90%	100%	80%	86%	100%

3.8.1 Major Source of Drinking Water

51. Table 3-15 reveals that many households rely on hand pumps (40%) and own wells (40%) for their source of drinking water. Only a few households rely on other sources such as nullahs (1%), communal wells (1%) and springs (1%).

Table 3-15: Existing Major Sources of Drinking Water

Hand Pumps	Water Supply	Tube well	Water Tank	Nullah	Own well	Communal well	Communal tap/ pond	Springs	Not Known
40%	8%	-	-	1%	40%	1%	-	1%	9.0%

Source: Socioeconomic survey of the project area (2015).

3.8.2 Availability of Education facilities

52. As shown in Table 3-16, 100% villages have the primary schools, while 97% and 82% of the villages have the middle schools for boys and girls respectively. It may be noted that although the schools are available in most of the villages, enrollment is low which results in low literacy rates in the area.

Table 3-16: Availability of Education facilities

Primary school for boys	Primary school for girls	Middle school for boys	Middle school for girls	High school for boys	High school for girls
100%	96%	97%	82%	85%	78%

3.8.3 Gender Issues and Analysis

53. Secondary information was also reviewed to assess gender situation at the district level. Consultations were made with female members of the surveyed households to assess the socio-economic status of women and document gender differences and discussed. It was observed that a nominal number of women involved in agriculture/ farming activities in the field.

3.8.4 Project Impacts on Women's Mobility and Access

54. The women occasionally travel outside their villages, mostly for visiting doctors, shopping and social events. Very few girls travel for education or to access vocational facilities located in the urban centers. Women concerned that, during the project execution, their travel time and privacy as well as their social networking may be affected, although there is nominal number of women involved in agriculture/farming activities in the field as well as outside their houses/ villages.

55. . In this context, a proper mitigation measures need to adopted to avoid/ or minimize their such disturbances, although these will be temporary. There would not be a significant mobility issues for women during this irrigation project execution as no or a minimal number of women are working in farm fields and out of their houses/ villages.

3.8.5 Women's Participation in the Decision making at the Household

56. During consultations, it was found that the majority of decisions are taken by both men and women at the household level. However, the decision for women to work outside home is 100% taken by men. This also indicates restricted mobility of women outside the village. Women shared that women's participation in decision making is more encouraged and common in educated families and younger generation. Educated couples believe in sharing and taking joint decisions.

3.8.6 Economic Situation of Women and Project Impacts

57. Women are also involved in embroidery and stitching but only for their personal/ own uses/ and or gifts for their relatives.

3.9 Household Travelling per Month

58. Based on the data from field survey 98 male DPs responded for mobility per month. The minimum and maximum cost reported for travel per month is Rs.1,000 and Rs. 1,953 respectively. In case of female 10 DPs responded for travel per month and the minimum and maximum cost reported for travel per month is Rs.412 and Rs.339 respectively. Women are confined to houses and normally they are not involved in any labour work/ farm labour. The details are given in Table 3-17 below.

Table 3-17: Household Travelling Per Month

Male / Female	No. of HHs travelled/ month	No. of Visit/ Month		Cost of travelling/ month (Rs.)	
		(min)	(max)	(min)	(max)
Male Members	98	18	30	1,000	1,953
Female Members	10	3.275	4.875	412.25	339.25

3.9.1 Purpose of Travelling

59. Generally, people are travelling in nearby village or town for getting medical treatments, shopping, jobs, outing/ recreation and social gatherings. The data regarding purpose of travelling by the household members is presented in Table 3-18.

Table 3-18: Purpose of Travelling

Medical treatment	Schools/ Educational Institutions	Job/ Service	Social Ceremonies/ gathering	Sports activities	Business	Recreation	Shopping	Other
99%	12%	11%	38%	2%	24%	8%	80%	1%

3.9.2 Mode of Travelling

60. It was reported the mode of travelling mostly used by the DPs is public transport 58%, whereas for taxi, motarbike, own vehicle (car/jeep/van), and other it is 13%, 19%, 8.3% and 1% respectively. The details are given in Table 3-19 below.

Table 3-19: Mode of Travelling

Public Transport	Taxi	Motor bike	Own vehicle (Car/ Jeep/ Van)	Other
58%	13%	19%	8%	1%

3.9.3 Cultural, Religious and Other Structures

61. No cultural, religious and other structures are present next to the alignment of the pressure pipe or the canal. However, it should be noted that the tomb Gaju Khan, the founder and ruler of Pakhtunkhwa is within the vicinity at the start of the canal. It is at a distance from the pressure pipe outlet and main canal alignment. Hence, the Project will have no impact on the tomb.

3.9.4 Vulnerable DPs

62. Based on the socioeconomic data, 9.75% fall below the the Official Poverty Line (OPL), which is Rs.15,000/month/household (i.e. 39 potential DPs) which may be considered as vulnerable⁷. However, the elderly, those without legal title to assets, landless, women, children and indigenous people will also be considered as vulnerable people based on the detailed measurement survey at final design. None of the households covered in the census are headed by a woman. On the notification of Section IV of LAA 1894, the female headed households will be identified.

⁷ The LARP defines vulnerable groups as households below the poverty line, the elderly, those without legal title to assets, landless, women, children and indigenous people.

3.10 Indigenous Peoples (IP)

63. No impacts on Indigenous Peoples (IP) are expected as the subproject will be implemented in Swabi and Nowshera Districts, where none of the population fall in the category of Indigenous Peoples as per the ADB Safeguard Policy.

3.11 Impact on Historical, Cultural and Religious Structures

64. No graveyards, cultural and religious structures are located within the alignment of the proposed system.

4. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

4.1 Impact Assessment

65. During the field survey, assessment of value of various types of lands/assets were made and accordingly the unit rate of compensation for different types of losses, such as land, was determined, in consultation with the community and potentially affected people. Based on these consultations, current market rates as well as replacement value of asset/land was evaluated.

66. The survey was conducted along the alignment of the irrigation system and pressure pipes. On-way side discussions with local community/ general public were also carried out while conducting the field survey.

4.2 Scope of Land Acquisition

67. Around 540.86 acres (218.88 ha) of land will need to be acquired for the PHLCE Project. Out of which, 478.17 acres (193.51 ha) is agricultural land, 28.21 acres (11.42 ha) is barren land, 14.02 acres (5.67 ha) is residential and 9.84 acres (3.98 ha) is hilly land. This land will be acquired from private ownership, while 6.23 acres (2.52 ha) existing Nullah bed (non perennial water stream) land will be acquired from village common ownership and 4.39 acres (1.78 ha) is government land comprising of link canals and roads. This area of land located in the jurisdiction of 2 districts: Swabi and Nowshera. All land to be acquired belongs to various land use categories, i.e. 90% Agriculture, 2% Residential, 5% Barren, 1% Hilly (Private Land), 1% is under nullah land (non-perennial water stream) and 1% is governmentland. Graphic illustration is given in Figure 4-1. Based on initial assessment, approximately 100 DHs will lose more than 10% of their land and 20 to 25 DHs will have fully affected residential structures. The magnitude/ or extent of impact will be verified during the detailed measurement survey (DMS) after the notification under Section IV of the land acquisition act 1894).

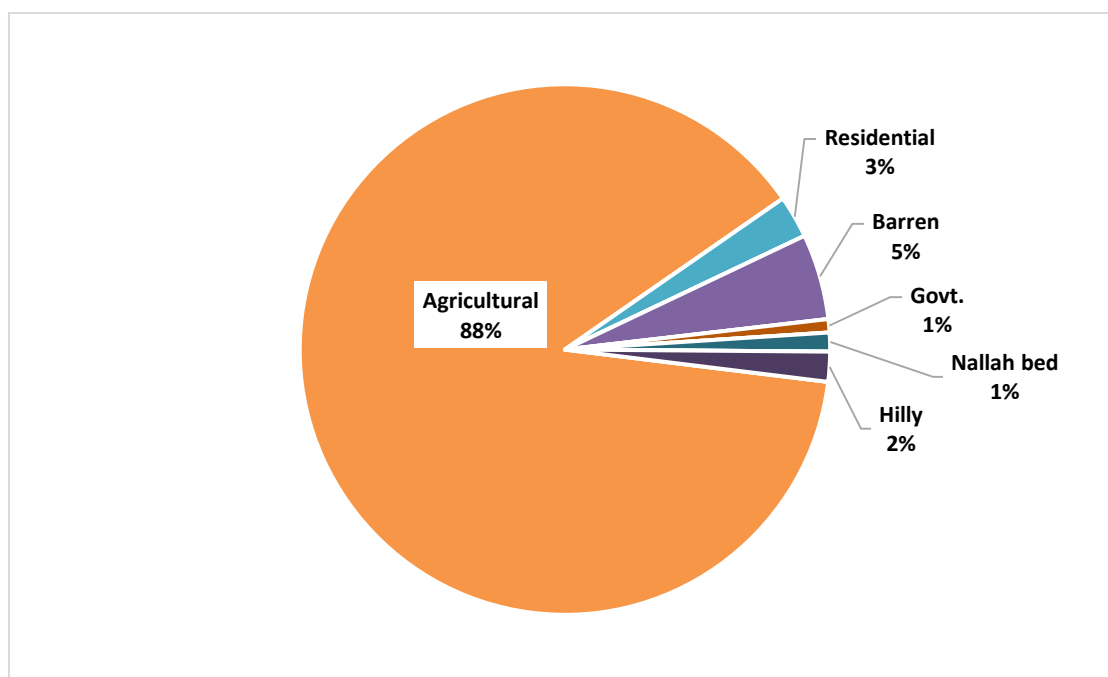


Figure 4-1: Land by Use Category

68. It is initially estimated that more than 500 DHs will be affected by this project. However, based on the survey throughout the alignment and data from Districts Revenue Departments, only 400 potential DHs have been initially identified.⁸ Details of land to be acquired per district is given in Table 4-1 and Table 4-2, while the profile of DHs and RD-wise land use for main canal, pressure pipeline and distributaries/minors is presented in Annex-4.1 & 4.2.

Table 4-1: Land need to be acquired by Land Use Categories (Tentative Estimates)

Sr. No	Canal	Agricultural	Residential	Barren	Govt.	Nallah bed	Hilly	Total
		(Acres)	(Acres)	(Acres)	(Acres)	(Acres)	(Acres)	(Acres)
	Janda Boka							
1	JandaBoka Pressure Pipeline	14.57	-	-	-	-	-	14.57
2	JandaBoka Canal	22.98	5.6	17.7	-	-	4.67	50.95
3	JandaBoka Minor	14.08	-	-	-	-	-	14.08
	Total Janda Boka	51.64	5.60	17.70	0.00	0.00	4.67	79.61
	%	64.9%	7.0%	22.2%	-	-	5.9%	100.0%
	Indus Ambar							
3	Indus - Ambar Pressure Pipe Line	59.58	3	2.40	0.35	6.23	-	71.56
4	Indus-Ambar Main Canal	170.30	2	-	4.04	-	-	176.34
5	Ambar Minor-1	17.44	-	-	-	-	-	17.44
6	Ambar Minor-2	31.66	0.8	8.11	-	-	5.17	45.74
7	Ambar Minor-3	22.70	-	-	-	-	-	22.70
8	Ambar Minor-4	23.57	1.0	-	-	-	-	24.57459
9	Ambar Minor-5	27.59	-	-	-	-	-	27.59
10	Indus Minor-1	9.87	0.75	-	-	-	-	10.62
11	Indus Minor-2	25.41	-	-	-	-	-	25.41
12	Indus Disty-1	38.39	0.87	-	-	-	-	39.27
	Total Indus Ambar	426.53	8.42	10.51	4.39	6.23	5.17	461.26
	%	92.5%	1.8%	2.3%	1.0%	1.4%	1.1%	100.0%
	Total PHLCE	478.17	14.02	28.21	4.39	6.23	9.84	540.86
	%	88.4%	2.6%	5.2%	0.8%	1.2%	1.8%	

Note: Exact number of land owners (DH), who will lose their land will be identified during the detailed measurement survey (DMS) at final design.

Table 4-2: Land needs to be acquired in Tehsil and District

Sr. No	Canal	Tehsil	District	Land Need to be Acquired		Remarks
				(acres)	(hectare)	
A	JandaBoka Canal					
1	JandaBoka Pressure Pipeline	Topi	Swabi	14.57	5.90	-
2	JandaBoka Canal	Topi	Swabi	50.95	20.62	-
3	JandaBoka Minor	Topi	Swabi	14.08	5.70	-
	Total			79.61	32.22	-
B	Indus-Ambar Main Canal					
3	Indus - Ambar Pressure Pipe Line	Topi	Swabi	71.56	28.96	-

⁸ A full census and DMS will be conducted during detail design stage after notification of Section-IV of the Land Acquisition Act by the Revenue Department the LARP will be updated accordingly by Implementation Consultants.

Sr. No	Canal	Tehsil	District	Land Need to be Acquired		Remarks
				(acres)	(hectare)	
4	Indus-Ambar Main Canal	Swabi, Lahore, Jahangira	Swabi, Nowshera	176.34	71.36	-
5	Ambar Minor-1	Swabi	Swabi	17.44	7.06	-
6	Ambar Minor-2	Swabi	Swabi	45.74	18.51	-
7	Ambar Minor-3	Swabi	Swabi	22.70	9.19	-
8	Ambar Minor-4	Swabi	Swabi	24.57	9.95	-
9	Ambar Minor-5	Swabi	Swabi	27.59	11.16	-
10	Indus Minor-1	Lahore	Swabi	10.62	4.30	-
11	Indus Minor-2	Lahore	Swabi	25.41	10.29	-
12	Indus Disty-1	Lahore	Swabi	39.27	15.89	-
	Total			461.26	186.67	-
	G. Total			540.86	218.88	

4.3 Structures located within the RoW

69. Based on the tentative alignment, a total of 217 structures/assets were found within the limit of the RoW for the main canal, pressure pipeline and distributaries/minors. Out of which, 211 are residential/farm houses, 5 are public structures, and 1 tubewell. Most of these structures are permanent (concrete) and semi-permanent. The final assessment will be done during the detail design stage. A total of 217 households will potentially lose structures. Of these, about 20 to 25 DHs will lose significantly or fully their residential structures. Other structures will only be partially affected.

70. Number and types of structures are summarized in Table 4-3, while RD-wise details are given in Annex 4.3.

Table 4-3: Number and Type of Structures located within RoW

Canal	Houses/ Shops	Tubewell/ Well	Public Structure	Total
	(No.)	(No.)	(No.)	(No.)
JandaBoka Pressure Pipeline	-	-	5	5
JandaBoka Canal	80	-	-	80
Indus - Ambar Pressure Pipe Line	78	-	-	78
Indus-Ambar Main Canal	36	-	-	36
Ambar Minor-2	5	-	-	5
Ambar Minor-3	-	-	-	0
Ambar Minor-4	5	1	-	6
Ambar Minor-5	-	-	-	0
Indus Minor-2	4	-	-	4
Indus Disty-1	3	-	-	3
G. Total	211	1	5	217

4.4 Displaced Households (DHs)

71. Based on the field survey and using secondary data from revenue department, 400 potentially displaced households have been identified. The number of DHs will be confirmed once the notification of Section-IV of the Land Acquisition Act 1894 has been done and a detailed measurement survey is conducted,

4.5 Trees located within RoW

72. An exercise was made to estimate the growing stock and count the trees (fruit and wood/ shade) located within the proposed RoW. The number of trees was distributed into two categories i.e. fruit and wood/timber trees. An estimated total of 1,110 private trees were found within the limit of the RoW. These trees were all wood/timber trees⁹. The number of trees is presented RD-wise in Annex-4.4

4.6 Affected Crops

73. A total of 478.17 acres (193.51 ha) agricultural land will need to be acquired. During the survey, it was observed that most agricultural land is being cropped with wheat in winter and summer as its major crop, in addition to other minor crops, such as maize/millet in summer season are cultivated. Thus, it can be concluded that the crops on agricultural land will be affected due to the acquisition of this land.

⁹ The main wood/ timber trees include Kikar, shesham, popular, timber and eucalyptus.

5. LEGAL AND POLICY FRAMEWORK

5.1 General

74. This section describes national and local laws and regulations that apply to the project, identifies gaps between local laws and ADB's policy requirements, and discusses how any gaps will be addressed; describes the methodology for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and describes the land acquisition process and proposes a schedule for meeting key procedural requirements.

5.2 Legal Framework

75. The existing law and regulations on land acquisition and resettlement are described as under:

5.2.1 Pakistan's Law and Regulations on Land Acquisition and Resettlement

76. The Land Acquisition Act of 1894 (LAA) with its successive amendments is the main law regulating land acquisition for public purpose. The LAA has been variously interpreted by local governments, and some provinces have augmented the LAA by issuing provincial legislation. The LAA requires that following an impacts assessment/valuation effort, land and crops are compensated in cash at market rate to titled landowners and registered land tenants/users. The LAA mandates that land valuation is to be based on the median rate over the past 1 year, from the issue date of section-4. Due to widespread land under-valuation by the Revenue Department, current market rates are now frequently applied with an added 15% Compulsory Acquisition Surcharge as provided in the LAA.

77. Based on the LAA, only legal owners and tenants registered with the land revenue department or with formal lease agreements are eligible for compensation/livelihood support. For those without title rights, there are no laws in Pakistan or KP province.

78. The LAA does not openly mandate for specific rehabilitation/ assistance provisions benefiting the poor, vulnerable groups, nor does it overtly provide for rehabilitation of income/livelihood losses or resettlement costs. This, however, is often done in many projects through ad-hoc arrangements negotiated between a specific EA and the DPs.

79. The law deals with matters related to the acquisition of private land and other immovable assets that may exist on it when the land is acquired for public purpose. A listing of the Sections of the Act and their salient features is given in Table 5-1. The right to acquire land for public purposes is established when Section - 4 of the LAA is triggered. The LAA specifies a systematic approach for acquisition and compensation of land and other properties for development projects. It stipulates various sections pertaining to notifications, surveys, acquisition, compensation and apportionment awards along with dispute resolution, penalties and exemptions. Surveys for land acquisition are to be disclosed to the displaced persons.

Table 5-1: Salient Features of the LAA 1894 and Amendments¹⁰

Key Sections	Salient Features of the LAA 1894
Section 4	Publication of preliminary notification and power for conducting survey ¹¹ .
Section 5	Formal notification of land needed for a public purpose.
Section 5a	Enquiry of the concerns or grievances of the affected people related to land prices.
Section 6	Formal declaration of intent to acquire land.
Section 7	The Land Commissioner shall direct the Land Acquisition Collector (LAC) to take order the acquisition of the land.
Section 8	The LAC to direct that the land acquired to be physically marked out, measured and planned.
Section 9	The LAC gives notice to all DPs that the Government intends to take possession of the land and if they have any claims for compensation then these claims are to be made to him at an appointed time.
Section 10	The LAC to record statements of the DPs in the area of land to be acquired or any part thereof as co-proprietor, sub-proprietor, mortgage, and tenant or otherwise.
Section 11	The Collector to make enquiries into the measurements, value and claim and then to issue the final "award". The award includes the land's marked area and the valuation of compensation.
Section 11 A ¹²	Enables the Collector to acquire land through private negotiations upon request of Head of the acquiring department. Upon receipt of any such request the collector is empowered to constitute/notify a committee for assessment of market value of land and verification of title of ownership. On agreement by Head of Acquiring Department, with negotiated market value determined by the committee, the collector shall then direct parties to execute sale deed in favor of acquiring department on stamp paper.
Section 11 B ¹³	Provides time limit of six months to complete land acquisition process from the date of notification under Section-4.
Section 16	The LAC takes possession and the land shall thereupon vest absolutely in the Government, free from all encumbrances.
Section 18	In case of dissatisfaction with the award, DPs may request the LAC to refer the case onward to the court for a decision. This does not affect the Government taking possession of land.

¹⁰ Amendments introduced to the LAA relevant to the KP Province include the North-West Frontier Province Amendment of 19 March 1897, the North-West Frontier Province Second Amendment of 23 June, 1972, and the North-West Frontier Province Guidelines for the Implementation of the Land Acquisition Act (Modified Up to 1992).

¹² Khyber Pakhtunkhwa (KP), Land Acquisition Act amendment Notification No. Legis:1((2)71/II/4258 dated August 22, 2001

¹³ As above.

Section 23	<p>Matters to be considered in determining compensation— <i>first</i>, market-value of the land at the date of the publication of the notification under section 4, sub-section (1) taking into account transfer of land similarly situated and in similar use, and potential-value of the land to be acquired subject to certain conditions <i>secondly</i>, the damage sustained by the person interested to any standing crops or trees which may be on the land; <i>thirdly</i>, the damage (if any) sustained by the person interested for severing such land from his other land; <i>fourthly</i>, the damage (if any) sustained by the person interested to his other property, movable or immovable, in any other manner, or his earnings; <i>fifthly</i>, <i>reasonable expenses (if any) incidental to being compelled to change his residence or place of business</i> <i>sixthly</i>, the damage resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.</p> <p>In addition to the market-value of the land, a 15% premium is added in consideration to the compulsory nature of the acquisition, if the acquisition has been made for a public purpose and a 25% if the acquisition has been made for a Company.</p>
Section 28	Relates to interest premium to be provided in case of insufficient compensation paid as determined by the court.
Section 31	The LAC can, instead of awarding cash compensation in respect of any land, make any arrangement with a person having an interest in such land, including the grant of other lands in exchange.
Section 35	Compensation for temporary occupation and use of any waste or arable land for public purpose, including payment either in a gross sum of money or by monthly or other periodical payments as shall be agreed upon in writing between the Collector and the affected person, and restoration of the land after use.
Section 48A	Additional compensation for damage due to delay in award under Section 11.

5.2.2 ADB Safeguard Policy Statement (2009)

80. ADB Safeguard Policy Statement (SPS) aims to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all economically displaced persons in real terms relative to pre-project levels; and to improve standards of living of the displaced poor and other vulnerable groups. The SPS applies to all ADB-financed and/or ADB-administered sovereign and non-sovereign projects, and their components regardless of the source of financing, including investment projects funded by a loan; and/or a grant; and/or other means, such as equity and/or guarantees.

81. The involuntary resettlement safeguards is triggered in case of physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

82. ADB SPS Policy Principles include the following:

- Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning

through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.

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

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

5.3 Comparison of Key LAA and ADB Policy Principles and Practices

5.3.1 Land Acquisition Act and ADB Policy Principles and Practices

83. The review of land acquisition act and ADB policy principles has been done to identify the differences and gaps between the ADB assessment procedures and the requirements of the government of the KPK-Pakistan. A comparison matrix of Pakistan LAA 1894 and ADB SPS (2009) is given below.

Comparison of Pakistan's LAA and ADB Safeguard Policy Statement

Pakistan Land Acquisition Act (1894)	ADB Safeguard Policy Statement (2009)
Only titled landowners or customary rights holders are recognized for compensation.	Lack of title should not be a bar to compensation. Requires equal treatment of those without clear land titles (e.g., squatters or other informal settlers) in terms of their entitlements for resettlement assistance and compensation for the loss of non-land assets.
Only registered landowners, sharecroppers and lease holders are eligible for compensation of crop losses.	Crop compensation is to be provided irrespective of the land registration status of the affected farmers/ sharecroppers. Crops for two seasons Rabi (winter) and Kharif (summer) for full one year are to be compensated based on existing market rates and average farm produce per unit area.
Tree losses are compensated based on outdated officially fixed rates by the relevant forest and agriculture departments. Generally, the price assessed is significantly less than that of current market rates.	Tree losses are to be compensated according to market rates based on productive age or wood volume, depending on tree type. All the removed trees will remain the property of the owner as salvage.
Land valuation is based on the median registered land transfer rate over the 3 years prior to Section 4 of the LAA being invoked. Total 15% compulsory acquisition charges are paid over and above the assessed compensation. However, recent practice is that prices based on the average over the last one year prior to acquisition of land.	Land valuation is to be based on current market value equivalent to the replacement cost. The valuation for the acquired housing land and other assets is the full replacement costs keeping in view the fair market values, transaction costs and other applicable payments that may be required.
The valuation of structures is based on official rates, with depreciation deducted from gross value of the structure and 15% of the value of salvaged materials.	The valuation of built-up structures is based on current market value but with consideration of the cost of new construction of the structure, with no deduction for depreciation. The DPs can salvage any of their material free of cost and irrespective of compensation payments having been paid.
The decisions regarding land acquisition and the amounts of compensation to be paid are published in the official Gazette and notified in accessible places so that the people affected are well informed.	Information related to the quantification and valuation of land, structures, other immovable assets, entitlements and amounts of compensation and financial assistance are to be disclosed to the displaced persons prior to project appraisal period. This is to ensure that stakeholders are treated in a fair, transparent and efficient manner.

Pakistan Land Acquisition Act (1894)	ADB Safeguard Policy Statement (2009)
There is no provisions for income and livelihood Rehabilitation measures. There are also no special allowances for vulnerable displaced persons including vulnerable groups such as women headed households. There are no requirements to assess opportunities for benefit sharing.	The ADB policy requires rehabilitation for lost income and special DP expenses during the relocation process. There are also provisions for transitional period costs, and livelihood restoration. Particular attention should be given to the poor and vulnerable groups, including women. A guiding principle is that DPs should at least be able to reach a defined minimum livelihood standard. In rural areas, DPs should be provided with legal access to replacement land and resources to the defined minimum livelihood level. In urban areas provision should be made for appropriate income sources and the legal and affordable access to adequate housing.
There is no law or policy that requires preparation of LARPs.	Resettlement plans are prepared in English and disclosed to the displaced peoples in local language (Urdu).
Grievance redress is established through the formal land acquisition process at a point in time or through appeals to the court.	Provide a continuous mechanism/set-up that is accessible locally and available throughout project implementation.
Only compensation is paid but not resettlement allowances, there is no mechanism to ensure payment is made before displacement.	All compensation and allowances to be paid prior to physical or economic dislocation.
No requirements to prepare and disclose monitoring reports.	Prepare and disclose monitoring reports.

5.4 Reconciliation of Difference between the LAA and ADB SPS

84. To reconcile the differences between the LAA (1894) and ADB policy, the Draft LARP has been prepared (to be updated after final design), ensuring that compensation to be provided at replacement cost basis for all direct and indirect losses, so that no one could be worse-off because of the project. The provision of subsidies or allowances will also need to be provided to displaced persons who will be relocated, suffer business losses, or vulnerable.

85. In this context, the following are the safeguard principles applied to the project:

- i). screen the project early for involuntary resettlement impacts at the planning/design stage;
- ii). carry out meaningful consultations with the local community and other stakeholders, with particular attention to vulnerable groups, and establish a fully functional grievance redress mechanism;
- iii). Improve, or at least restore livelihood levels of all DPs to what they were before the project;
- iv). pay prompt compensation at full replacement cost based on (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any;
- v). provide displaced people with adequate assistance/ allowances;
- vi). Lack of title should not be a bar to compensation. Requires equal treatment for those without clear land titles (e.g., squatters or other informal settlers) in terms of their entitlements for resettlement assistance and compensation for the loss of non-land assets and ensure that displaced people who have no statutory rights to the land that they are working and eligible for resettlement assistance and compensation for the loss of non-land assets, including facilitating access to tenured land; and

- vii). Monitor implementation of resettlement and disclose all monitoring reports.

5.5 Legislation relevant to Land Classification

86. For the implementation of the LARP, the identification of land use pattern will be an important step in determining eligibility and entitlements for compensation of land. Rural land includes irrigated land and un-irrigated land, and is governed by the Land Revenue Act (1967) which must be read in conjunction with the LAA 1894, Colonization of Government Lands Act (1912) and the various Land Reform Regulations. Rural land falls under the jurisdiction of revenue districts.

87. Land, other than rural land, is considered urban and includes all permutations there-under, such as residential, commercial, built upon and buildable, and is governed by various regulations and ordinances including the People's Local Government Ordinance (1972) for each province, Cantonments Act (1924), and Land Control Act (1952). Urban land falls under the jurisdiction of Municipal and Local Government Authorities.

88. Thus, during the field survey for the preparation of this draft LARP, the identification of land ownership will be done with the assistance of local revenue staff (Patwari), and landowners.

5.6 Valuation of Assets-Methodology

89. Rates will be determined by the District Collector, taking into account necessary factors in the valuation of assets (e.g., land, structures, etc.).

90. Valuation study will be carried out to establish full replacement cost (RC). The methodology referred under ADB SPS 2009 will be applied. Furthermore, the land prices determined under LAA 1894 and the field investigation methodology will be adopted consisting of the following:

- i). Assessment of Location
- ii). Consideration of value of similar properties in the vicinity and in the immediate neighbourhood
- iii). Consideration for accessibility
- iv). Review of land records and on the spot survey.
- v). Consideration of availability of sources of cultivation and water (including on the field survey)
- vi). Consideration of other amenities (including on the field survey).
- vii). Consideration of distance from the population/nearest town/ village.
- viii). Consideration of market competitiveness and the prevailing economic environment in the country affecting real estate
- ix). Consideration of market rates of structures (business & residential)
- x). Rates of fruit trees considering the investment cost & fruit bearing age; the rate of wood/ timber in case of non-fruit trees;
- xi). Consideration of business losses/ income & livelihood resoration assistance.

91. This draft LARP will be finalized by using the replacement cost estimated by the BOR and other concerned departments. Accordingly, the resettlement budget will be revised. The estimates to ensure replacement cost should include a valuation report that provides the data, basis and references used to justify the estimates. In this context, Section 48 of Standing Order 28 of the LAA is referred, which provides that the acquiring officer (LAC) is required to give in detail all the data from which the market value of the land can be estimated, viz: (a) the prices paid for land recently acquired in that or neighbouring villages, (b) the prices paid in private transactions as discoverable from the register of mutations, etc.

(c) all other information available, especially with regard to the points referred to in section 23 of the LAA. In case of dispute or complaint from the affected landowner on the valuation, a third-party opinion from an independent valuation agency shall also be required in addition to Section 5 & 18.

92. This LARP makes no distinction between statute and customary rights, a customary land owner or a user of state owned land will be compensated for land, assets and investments including loss of access, at replacement costs. Individual and household compensation will be made in kind and/or in cash. Assistance may include moving allowance, transportation and labor.

93. Legally the valuation of land is within the exclusive powers of District Collector to determine the compensation as per the LAA 1894, Sections 7 to 9 (Details are given in Table 5-1). However, to ensure fairness as well as the compliance of SPS principle, a committee for valuation of land, land based assets, infrastructures, crops; trees amenities etc. impacted by the project will assist the District Collector's Office. Thus, the Valuation Committee to be formed shall consist of the members listed in below.

- (i) Collector, Revenue Department
- (ii) Executive Engineer, KPID Office
- (iii) Representative of Social safeguard staff (Deputy Director Resettlement of PMO), implementing the LARP
- (iv) Head (i.e. *Malik*) of the local sub-tribe
- (v) Representative of Local Leading Group (Two from each village)

6. ENTITLEMENTS

6.1 Compensation Eligibility and Entitlements

6.1.1 Eligibility

94. The DPs will be eligible for compensation or rehabilitation assistance/ allowances as discussed below:

- i). All land owning DPs losing land or non-land assets, i.e., crops and trees whether covered by legal title or traditional land rights, whether for temporary or permanent acquisition.
- ii). Tenants and sharecroppers, whether registered or not; for all non land assets, based on prevailing tenancy arrangements.
- iii). DPs losing the use of structures and utilities, including titled and non-titled owners, registered, unregistered, tenants and lease-holders; and encroachers/ squatters.
- iv). DPs losing business, income and salaries of workers, or a person or business suffering temporary effects, such as disturbance to land, crops, and business operations both permanently and also temporarily during construction.
- v). Loss of communal property, lands (shamlat) and public infrastructure.
- vi). Vulnerable DPs identified through the social impact assessment survey/ analysis.
- vii). For relocation, all DPs will receive transitional and other support to re-establish livelihoods.

95. In accordance with the ADB SPS and LARP, the eligibility for compensation will be fixed as of a “cut-off date” in order to avoid an influx of outsiders. Anyone who settled in the affected areas after the cut-off date will not be eligible for compensation. For this Project, the cut-off date will be the date of notification under Section 4 of the LAA.

6.1.2 Entitlement for Compensation

96. The entitlements are applicable for DPs losing land, houses and incurring income losses. These displaced persons are eligible for rehabilitation subsidies and for the compensation of lost land, structures and utilities along with loss of livelihood. Moreover, there will also be special provisions for vulnerable DPs including women/women headed households.

84. The following will be the entitlements applicable for DPs:

i) Agricultural Land Impacts:

- a) **Permanent Losses¹⁴:** Legal/ legalizable landowners including those who have customary rights to their land which could be converted to statutory rights) will be compensated as at replacement value in: (i) cash at current market rates¹⁵ free from

¹⁴ DPs whose access to, and use of, agricultural land is restricted i.e. they cannot continue to cultivate the land.

¹⁵ Market rates will be assessed through a survey of prevalent land prices in the project areas. The price assessment will be made by the revenue authority (DPAC). Determination of market rates should be backed by authentic legal documents, based on average actual transactions recorded officially by the respective Land

taxes & transfer cost, interest accrued, transitional and restoration costs, and other applicable payments plus a 15% compulsory acquisition surcharge, or (ii) through replacement land equal in value/ productivity to the land lost.

- Leaseholders/ share croppers will receive rehabilitation in cash equivalent to the market value of the gross yield of lost land for the remaining lease years (up to a maximum of three years) or renewal of lease/ share cropping arrangements in other plots of equal value/productivity of plots lost.
- Encroachers/ squatters will be rehabilitated for land use loss through a special self-relocation allowance corresponding to one year of agricultural income or through the provision of a free or leased replacement plot comparable in area, productivity and location to the plots lost.
- When >10% of a DP's income or agricultural land is affected, DPs (owners/ leaseholders and sharecroppers) will get an additional allowance for **severe impacts** equal to the market value of one year's gross yield of the land lost (inclusive of both winter and summer harvest).

b) **Temporary Land Loss:** Legal/ legalizable owners and tenants or encroachers¹⁶ will receive cash compensation equal to the average market value of each lost harvest for the duration of the loss, and by the restoration of both, cultivable and uncultivable land, to pre-construction conditions by carrying out restoration work or provide cash to DPs to rehabilitate the land¹⁷. The rental payment will be made to the landowners during the duration of the use as per LAA 1894.

ii) Residential and Commercial Land

97. Residential and Commercial Land will be compensated at replacement value for each category of land based on the assessment made by revenue authority¹⁸. However, there may be the issues when a DP may not lose whole of their residential or commercial land but it is enough to him to relocate as result of land acquisition as will be identified during the detailed measurement survey.

98. In this context, compensation for residential and commercial land will be made as per entitlements as below:

- a). Legal/legalizable owners will be compensated by means of either, i) cash compensation for lost land at replacement cost based on the market value of the lost land plus a 15% CAS, free of taxes and transfer costs; or ii) in the form of replacement land of comparable value/ productivity and location as the lost asset, subject to availability of Government land.
- b). Renters are compensated by means of cash compensation equivalent to three months of rent or a value proportionate to the duration of the remaining lease, including any deposits they may lose.
- c). Encroachers/squatters will be compensated through either, i) a self relocation allowance covering up to six months of income or ii) the provision of a

Acquisition Collector within one year prior to the issuance of notification under Section-4 in the respective mouzas.

¹⁶ Assessment will be made by the DPAC.

¹⁷ Through specification in the contract agreements, contractors will be required to carry out restoration works before handing land back to the original occupiers, or DPs will be provided with cash to rehabilitate the land.

¹⁸ Price assessment by category of land use will be made by the District Price Assessment Committee (DPAC).

leased replacement plot in a public owned land area; iii) compensation will also be made for the loss of immovable assets (if any) other than land.

iii) Buildings and Structures

- a). Houses, buildings, structures will be compensated in cash at replacement cost free of depreciation, salvaged materials, and transaction costs deductions. The compensation for houses/ buildings will also include the cost of lost water and electricity connections.
- b). The partially affected structures (<10%) will be compensated based on the valuation of affected part/portion, including cost of repairs.
- c). House renters: House renters who have leased a house for residential purposes will be provided with a cash grant of 3 months rent at the prevailing market rate in the area and will be assisted in identifying alternative accommodation.

iv) Crops and Trees

- a) Crops - cash compensation at current market rates for the harvest actually lost up to 2 crop harvests (1 year). Compensation will be paid to land owners and tenants/ sharecroppers based on their specific sharecropping agreements.
- b) Cultivators of affected trees will receive cash compensation for perennial tree crops at the current market rate of the crop type and average yield (i) multiplied, for immature non-bearing trees, by the years required to grow such a tree back to productivity, or (ii) multiplied, for mature crop bearing trees, by the average years of crops forgone. In addition, the cost of purchase of seedlings and required inputs to replace these trees will be paid. For timber trees cash compensation will be paid at the current market rate of the timber value of the species at current volume, in addition to the cost of purchase of seedlings and required inputs to replace the trees. The rates and valuation methods will be determined using the accepted methodology in use at the Departments of Agriculture and Forestry.

v) Business

- a) Businesses: compensation for permanent business losses will be in cash up to maximum one-year income based on tax declaration or, if unavailable, based on the official minimum salary; compensation for temporary business will be cash covering the income of the interruption period based on tax declaration or, unavailable, official minimum salary.
- b) Business workers and employees: Indemnity for lost wages for the period of business interruption up to a maximum of 3 months.

vi) Relocation Assistance

- Relocation subsidy: DPs forced to relocate will receive a relocation subsidy sufficient to cover transport costs and living expenses for 1 month or depending upon the severity of impact as determined in the social impact assessment (SIA).

vii) Community Structures and Public Utilities

99. Community structures and public utilities¹⁹ will be fully replaced/relocated or rehabilitated, so as to satisfy their pre-project functions. On the final alignment, detailed measurements will be carried out and strategy for relocation of structures (houses) will be earmarked keeping in view the following:

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

viii) Vulnerable People Livelihood

Vulnerable affected HHs - Households below poverty line and female headed households and disabled persons. A Lump sum one-time livelihood assistance allowance of three months OPL level (Rs. 15,000/month) on account of livelihood restoration support will be paid.

ix) Income Restoration and Rehabilitation

100. The DPs entitled for compensation or, at-least provisions for rehabilitation and livelihood restoration assistance are:

- i). All DPs losing land whether covered by legal title/ traditional land rights or without any legal/ traditional status;
- ii). Tenants and sharecroppers whether registered or not;
- iii). Owners of buildings, crops, plants/ trees, or other objects attached to the land, irrespective of their legal status;
- iv). DPs losing business, income, and salaries;
- v). Rehabilitation all affected private, communal and/or public infrastructure to their original status and usage levels.
- vi). identify livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- vii). income restoration programs, including multiple options for restoring all types of livelihoods;
- viii). special measures to support vulnerable groups;
- ix). gender considerations; and
- x). one week training programs

101. Compensation eligibility will be limited by a cut-off date to be issued of notification of Section-IV of the Land Acquisition Act 1894 and set as the day of the start of conducting the impact assessment survey especially detailed measurement survey (DMS).

¹⁹ Community structures and public utilities include mosques, shrines, graveyards, schools, health centers, hospitals, roads, water supply schemes, sewerage lines, telephone/ electric poles, transmission line, sui-gas lines, culverts etc.

6.2 Entitlement Matrix for Compensation

102. The compensation and rehabilitation entitlements²⁰ are summarized in the Entitlement Matrix presented as Table 6-1 below:

Table 6-1: Entitlement Matrix for Compensation

Assets Lost/ Impact	Specification	Affected Persons	Compensation Entitlements
Arable Land (Permanent Impact)	All adverse effects on land use irrespective of severity of impact	Farmers/ Titleholders/ Customary rights	<ul style="list-style-type: none"> - Cash compensation for affected land at replacement cost based on market value plus 15% CAS, free of taxes, registration and transfer fee. - Land for land compensation with plots of equal value and productivity to the plots lost subject to availability of Government land
		Leaseholders (registered or not)	<ul style="list-style-type: none"> - Renewal of lease in other plots of equal value/productivity of plots lost, or - Cash compensation equivalent to market value of gross yield of affected land for the remaining lease years (up to a maximum of 3 years).
		Sharecroppers (registered or not)	<ul style="list-style-type: none"> - Cash compensation equal to the market value of the lost harvest share once (temporary impact) or twice (permanent impact).
		Agricultural workers losing their contract	<ul style="list-style-type: none"> - Cash indemnity corresponding to their salary (including portions in kind) for the remaining part of the agricultural year.
		Squatters ²¹	<ul style="list-style-type: none"> - 1 rehabilitation allowance equal to market value of 1 gross harvest (in addition to crop compensation) for land use loss.
	Additional provisions for severe impacts (More than 10% of land loss)	Farmer/ Titleholder/ Leaseholder	<ul style="list-style-type: none"> - 1 severe impact allowance equal to market value of gross harvest of the affected land for 1 year (inclusive of winter and summer crop and additional to standard crop compensation)
		Sharecroppers (registered or not)	<ul style="list-style-type: none"> - 1 severe impact allowance equal to market value of share of harvest lost (additional to standard crop compensation)
		Squatters	<ul style="list-style-type: none"> - 1 severe impact allowance equal to market value of gross harvest of the affected land for 1 year (inclusive of winter and summer crop and additional to standard crop compensation)
	Arable Land	Farmer/ Titleholder	<ul style="list-style-type: none"> - Compensation, in cash, for all damaged crops and trees - In case of rental land, the compensation will be paid based on the existing share cropping arrangements/ or terms and conditions between the renters and land owners; - No compensation for land provided that the land is rehabilitated/restored to its former quality following completion of works;
		Leaseholder (registered or not)	<ul style="list-style-type: none"> - Compensation, in cash, for all damaged crops and trees. - No compensation for land provided that the land is rehabilitated/ restored to its former quality following completion of works;
		Sharecroppers/ renters	<ul style="list-style-type: none"> - Compensation, in cash or kind, for all damaged

²⁰ Determination of market rates will also comply with Section 23 of the LAA taking into account damages related to severing of land to remaining land, loss of profit, incidental cost for relocating residence or business, etc. With regard to encroachers, rehabilitation assistance is in addition to compensation for their non-land assets, provided these were established before the cut-off date.

²¹ The SPS requires that DPs without rights to land are compensated for their non-land assets.

Assets Lost/ Impact	Specification	Affected Persons	Compensation Entitlements
Residential/ Commercial Land		(registered or not)	<ul style="list-style-type: none"> crops and trees the share in the compensation for income losses based on their terms and conditions with the owners
		Agricultural workers	<ul style="list-style-type: none"> Cash indemnity corresponding to their salary (including portions in kind) for the remaining part of the agricultural year.
		Squatters	<ul style="list-style-type: none"> 1 rehabilitation allowance equal to market value of 1 gross harvest (in addition to crop compensation) for land use loss.
		Titleholder	<ul style="list-style-type: none"> Land for land compensation through provision of a plots comparable in value/location to plot lost or Cash compensation for affected land at full replacement cost free of taxes, registration, and transfer costs, plus 15% CAS
		Renter/ Leaseholder	<ul style="list-style-type: none"> 1-3 months' allowance, depending on the period of transition equal to OPL (i.e. Rs. 15,000/ month/ HH);
		Squatters	<ul style="list-style-type: none"> One time payment equal to OPL (Rs. 15,000/ HH) or provide space at government owned land to meet his requirement as per pre-project situation.
Houses and Structures		All relevant DPs (including squatters)	<ul style="list-style-type: none"> Cash compensation at replacement rates for affected structure and other fixed assets free of salvageable materials, depreciation and transaction costs. In case of partial impacts full cash assistance to restore remaining structure, plus rental assistance of Rs 6,000/month during the transition.
Crops	Affected crops	All DPs (including squatters)	<ul style="list-style-type: none"> Cop compensation based on full market rate for one year of harvest including both winter and summer season.
Trees	Affected trees (Trees removed)	All DPs/ squatters	<ul style="list-style-type: none"> Wood/ timber trees: compensation will be the market value of tree's wood content. Fruit trees: compensation to reflect income replacement; trees grown and/or used.
Business Employment	Temporary or permanent loss of business or employment	All DPs (including squatters)	<ul style="list-style-type: none"> Business owner: (i) Cash compensation equal to one-year income, if loss is permanent; (ii) cash compensation for the period of business interruption, if loss is temporary. Worker/ employees: Indemnity for lost wages for the period of business interruption up to a maximum of 3 months.
Relocation	Transport and transitional livelihood costs	All DPs affected by relocation	<ul style="list-style-type: none"> In addition to the compensation for the partially affected structures at replacement cost, further rental assistance (as transitional support/ or equal to per month rent in the area) for 6 months @ Rs.6,000 per month will be provided. Rehabilitation/substitution of the affected structures/utilities (i.e. mosques, footbridges, roads, schools, health centers.
Community assets			
Vulnerable affected households and households losing livelihood	Households below poverty line and female headed households, disable persons of HHs, and	All affected vulnerable households and households losing livelihood	<ul style="list-style-type: none"> Lump sum one-time livelihood assistance allowance of three months OPL level (Rs. 15,000/month = Rs. 45,000/household) DHs/ DPs identified below the poverty line will be entitled for cash compensation of Rs. 45,000 (i.e.

Assets Lost/ Impact	Specification	Affected Persons	Compensation Entitlements
Unidentified Losses	households losing livelihood		equal to 3 months with adjusted inflation). - Temporary or permanent employment during construction or operation, where feasible.
	Unanticipated impacts	All DPs	- Deal appropriately during subproject implementation according to the ADB Social Policy Statement.

7. RELOCATION, REHABILITATION AND INCOME RESTORATION

7.1 GENERAL

103. The objectives of income restoration program is to restore the long term income generating capacity of displaced households, to improve livelihoods of vulnerable households ,and to mitigate short term income losses that may be experienced through subsistence support measures. Households experiencing severe impacts on their productive assets or livelihoods will be entitled to participate in the income restoration program. The forms and levels of income restoration assistance vary and will be commensurate with the duration, level and severity of impacts on livelihoods and productive assets as well as vulnerability of the affected persons.

104. The planning of the income restoration program for the severely affected displaced households will be done as a joint undertaking of the executing agency, relevant district offices and the displaced households, and will commence during the updating of LARP, following approval of detailed engineering design. The income restoration program will adopt an approach that will address the immediate needs and sustain the long-term rehabilitation of all severely affected displaced households. All such measures will be identified during the detailed measurement survey after having the final design.

105. The facilitation for land consolidation/swapping to help address fragmentation of land thereby improving productivity/viability of their remaining land will be carried out.

7.2 Relocation of DPs

106. As there are 20 to 25DHs who will have to be relocated their residential structures to another adjacent/ nearby location in the same vicinity.

107. Although, the relocation strategy has been discussed with the DHs during the process of consultation. The owners of the houses showed their willingness to relocate themselves to a new place on their own. However, the following relocation strategy will be adopted.

- In addition to the compensation for the partially affected structures at replacement cost, further rental assistance (as transitional support/ or equal to per month rent in the area) for 6 months @ Rs.6,000 per month will be provided.
- In addition, the owners (DHs) will be given 1 month advance notice for vacation of affected structure after receiving their payment of compensation. The owners of residential structures (DHs) will also get shifting allowance, utility allowance, rent allowance and vulnerability allowance in case they are identified as vulnerable.

7.3 Additional Assistance for Vulnerability

108. As per SPS requirement, additional assistance and support needs to be provided to vulnerable groups. In this context, the rehabilitation / income restoration assistance will be provided to DHs/ DPs identified below the poverty line at the rate of Rs. 45,000 (@ Rs. 15000/ month for 3 months).

7.4 Income Restoration of DPs

109. The livelihood restoration program will be confirmed during the LARP updating based on the Project detailed design. All livelihood and income restoration activities will be implemented as given in the entitlement matrix. The following constitutes the income

restoration strategy for the project for DPs who suffer livelihood losses. There will be a proper mechanism to monitor the LARP implementation process. Monitoring reports will be produced periodically (initially quarterly and later semi-annually) and in case of non-compliance, the implementing agency will consider prompt corrective actions.

7.5 Livelihood Support Intervention Measures

110. The different categories of affected livelihood have been identified with appropriate income restoration measures based on the SPS (2009). Other specific measures, as needed, will also be developed during the updation of land acquisition and resettlement plan after the final design in consultation with the displaced persons and the PMO. Social safeguard specialists (RS/GS & GRS) will also provide support to the PMO to establish appropriate income restoration measures in consultation with those affected and project stakeholders to incorporate during the updation of this draft LARP.

111. For long-term strategy, the focus would be on the following activities:

- Conduct of vocational skills training to fully avail job opportunities that will be generated by the project as well as link it to market demand for possible jobs.
- Enhance food security to ensure food sources and income through provision of improved quality seeds and farm inputs for displaced households to cultivate in their remaining agricultural land.
- Linking livelihood support for vulnerable displaced households with income below poverty line with existing government programs in the area for poverty reduction and livelihood enhancement.

112. Moreover, for the short-term, there will be the provision of livelihood allowance/ assistance of Rs. 45,000/ HH (equal to 3 months OPL) for all DHs whose livelihoods will be affected.

7.6 Special Measures to Support Vulnerable People

113. SPS requires that people losing livelihood (particularly those losing more than 10% of their productive land) are assisted in restoring their livelihood. All vulnerable displaced households (adult DPs) will be given preference to provide jobs in the project-related activities and rehabilitation/ income restoration assistance at the rate of Rs. 45,000/ DH (i.e. Rs. 15000/ month for 3 months).

8. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

8.1 Project Stakeholders

114. There are two types of stakeholders, i.e. primary and secondary stakeholders. In accordance with the ADB guidelines, the primary stakeholders are the initial stakeholders, such as displaced persons (DPs), general public and women located within the project alignment/ or in the vicinity of the project area. Accordingly, the public consultation was made with the local community/ general public along the project alignment to note the general response of the people, although detailed disclosure will be made after final design of the project alignment.

115. Under this project, the secondary stakeholders are the representatives of Government Departments/ agencies involved in the planning, design, implementation and operation of the project, including various government departments such as Irrigation, Revenue, Forest, Agriculture, C&W, PHED, WAPDA and local government authorities.

8.2 Public Consultations along the Project Alignment

116. Total 24 consultative (206 participants) discussions with local community/ general public were made along the project route alignment. The information disclosure to the people kept limited as this is tentative alignment at this stage. However, detailed disclosure of information will be made after the detailed design of the project alignment.

117. During the survey people were asked about their views regarding the proposed project. In general, people have positive thinking and good hopes about the project as according to them it will be beneficial for their agricultural land and eventually this canal will raise the productivity of their land. Some general concerns of the people are as follows:

- The alignment should be in such a way that the loss of agricultural land will be minimal, in order to achieve the maximum area of agricultural land that could be irrigated after completion of the works.;
- Efforts should be made to avoid that social/ religious structures will be affected. The design team will do its utmost to bypass these structures. If this is not possible, the EA will communicate with the community to resolve this issue. Examples of these structures are graveyards/ graves, shrines/ tombs, mosques, and schools.

118. However, almost all the people especially the farming community are very excited after hearing about the actual implementation of the PHLCE project.

119. **Consultative discussions with women along the project alignment:** The feedback regarding the consultations with the women resided in the villages/ settlements along the proposed alignment of PHLCE reveals that most of the women were helping their male members in performing their activities relating to the farming and livestock raising. Moreover, the women pointed out the following main concerns/ feedback associated with this project:

- Livelihood assistance to restore their economic activity.
- Women routine activities/jobs should not be affected due to the implementation of the Project.

- Passage/ crossing at different locations along the canal should not be stopped during implementation of civil works.
- Health and education facilities especially for women should be improved as a benefit to the local population of the project area.
- Organize some vocational training for generating income generating activities for women to increase the overall household income.
- The relocation of affected business structures will have a negative effect for their owners, if proper compensation and relocation/ shifting assistance are not provided.
- Male household members should be employed in the project related jobs so that they can stay in their own community, rather than seeking employment outside the project area. In this way their social safety could be enhanced.

A list of public consultations with the Government officials and DPs/local population is presented below in Table 8-1. A summary of overall concerns/ feedback of the potential DPs have been discussed above, while the proposed action to be taken or arrangements is presented in Table 8-2.

Table 8-2

Table 8-1: Summary of Public/ Stakeholder Consultations

Sr No	Date	Location	Category of Participants	Name of Main Respondent
1	October 21, 2015	Yousafzai, Maini, Tehsil Topi & District Swabi.	DPs/ Local Communities	<ul style="list-style-type: none"> - Mr. Abdul Qayyum S/o Omer Khan - Mr. WaliBahadar S/o Muhammad Akbar - Mr. Fazal Amin S/o Waris Din - Mr. Muhammad Irshad S/o Shah Muhammad - Mr. Muhammad Usman S/o Niaz Din - Mr. Ishtiaq Ahmed S/o Atta Muhammad - Mr. Fiaz Muhammad S/o Taj Muhammad - Mr. UsmanZareen S/o Muhammad Zareen - Mr. Shah Zaman S/o SherFarzand - Mr. Muhammad Saad S/o Gul Muhammad - Mr. Asad Khan S/o SaadAkhtar - Mr. Shaukat Ali S/o Zair Shah - Mr. Sher Nawaz Khan S/o Gul Muhammad - Mr. Badshah S/o Ghulab - Mr. Ali Gohar S/o Azim Khan
2	October 31, 2015	Pabaini, Tehsil & District Swabi	DPs/Local community	<ul style="list-style-type: none"> - Mr. Anwar Saud S/o Shah Said - Mr. Saed Ibrahim S/o Said Ahmed Shah - Mr. Mirza Muhammad S/o Akdar Khan - Mr. SherAzam Khan S/o SherAfzal - Mr. Mir Saqib S/o Rahim Shah - Mr. Muhammad Hanif S/o GulYousaf - Mr. Gulzar Ali S/o Jaffar Khan - Mr. Faris Khan S/o Habib Khan - Mr. Muhammad Azeem S/o Abdul Ghaffar - Mr. Muhammad Shoaib S/o Ilyas Khan - Mr. Muhammad Raza Shah S/o Mir Saqib Shah - Mr. Shani Akbar S/o Abdul Aziz - Mr. GhulamSher S/o Mirdad Khan - Mr. Shireen Muhammad S/o SatarGul - Mr. Muhammad Riaz S/o Sikandar Shah

Sr No	Date	Location	Category of Participants	Name of Main Respondent
3	October 29, 2015	Bam Khel, Tehsil & District Swabi.	DPs /Local Communities	<ul style="list-style-type: none"> - Mr. Siyar Khan S/o Nabiullah - Mr. Zubair Ahmad S/o Sher Jan - Mr. Muhammad Saqib S/o Muhammad Quresh - Mr. Iqbal Muhammad S/o Wali Muhammad - Mr. Muhammad Nabi S/o Ghafoor Khan - Mr. Noor Afzal Khan S/o sherAfzal - Mr. Muhammad Ishaq S/o Muhammad Hassan - Mr. Ijaz Khan S/o Amir Noroos Khan - Mr. Gandal Khan S/o Ramer Khan - Mr. Muhammad Nawaz S/o Hameed Khan - Mr. Hayat Pawar S/o Abdul Ghani - Mr. AbidUllah S/o Shersanam - Mr. Tofeeq Muhammad S/o Nazeer Muhammad - Syed Omar Malik S/o Mohad Omer
4	October 29, 2015	Bam Khel, Tehsil & District Swabi.	DPs /Local Communities	<ul style="list-style-type: none"> - Ms. Rafida - Ms. Husan Huda W/o Noor Muhammad - Ms. BakhtZaiba D/o PirMuhammad - Ms. Farhana w/o FazalWahab - Ms. Wazira W/o Nazar Muhammad - Ms. Norhaaz W/o Hameed Sultan - Ms. Taaj Bibi W/o Nazeer Muhammad - Ms. Omerkhela W/o Meer Bahadar - Ms. Rameem D/o Sheraj
5	October 29, 2015	Baja, Tehsil & District Swabi.	DPs /Local Communities	<ul style="list-style-type: none"> - Malik Noor Muhammad S/o Sher Ahmed - Mr. Khalil-ur-Rehman S/o Ameen Muhammad - Mr. Ayub Khan S/o Safdar - Mr. Musafar Khan S/o Habib - Mr. Safdar Khan S/o Ali - Mr. Ghafoor - Mr. Hakim
6	October 29, 2015	Baja, Tehsil & District Swabi.	DPs /Local Communities	<ul style="list-style-type: none"> - Ms. Shazia - Ms. Nabia - Ms. Iqra - Ms. Shaheen - Ms. Saina
7	October 27, 2015	Ambar, Tehsil Lahore, District Swabi.	DPs /Local Communities	<ul style="list-style-type: none"> - Mr. Muhammad Ayaz S/o Muhammad Jamil - Mr. Khan Badshah S/o RahatGul - Mr. Shah Rehman S/o InzarGul - Mr. Anwar Sher S/o Khanpur - Mr. Imran S/o Shahidrahman - Mr. Hameed Khan S/o Muhammad Wali - Mr. Mukhtiar S/o Ghulam Ali - Mr. Haji Jamal S/o Abdul Ahani Khan - Mr. Riaz S/o Muhammad Jamil
8	October 28, 2015	Ambar, Tehsil Lahore, District Swabi.	DPs /Local Communities	<ul style="list-style-type: none"> - Ms. Rehana D/o Nadeem - Ms. Nusrat - Ms. Shehnaz D/o Riaz - Ms. Haseena D/o Muhammad Afzal - Ms. Kalsoom W/o Ayaz Khan - Ms. Danish W/o Qasim - Ms. Nasrata W/o Ahmed - Ms. Saukata D/o Nushad Khan - Ms. Fozia D/o Riaz Khan
9	October 30, 2015	Sikandary, Tehsil Rajar, District Swabi.	DPs/local community	<ul style="list-style-type: none"> - Mr. Anwar Shah S/o Shah Zaman - Mr. Ajmal Khan S/o Nawaz Khan - Syed Qayyum S/o Totee Khan - Mr. Gulrahman S/o Uzar Ahmed

Sr No	Date	Location	Category of Participants	Name of Main Respondent
				<ul style="list-style-type: none"> - Mr. Pervaiz khan S/o SarZamaan - Mr. Nawaz khan S/o Kalandar baba - Mr. HazratWahab S/o Saud Jan - Mr. Wazir Khan S/o Wahad Khan - Mr. Rasool Shah S/o Muhammad Rahim - Mr. Farman Ali S/o Habib Khan - Mr. SherZamaan S/o Sirtaj - Mr. Imran S/o KistaRahman - Mr. BahadurRehman S/o Nateemullah - Mr. Nizar Ali S/o Kamal Baig
10	November 5, 2015	Panjpir, Tehsil & District Swabi	DPs/Local community	<ul style="list-style-type: none"> - Mr. Pervaiz Khan S/o Shah Wali Khan - Mr. Safdar Ali S/o Jamdad Khan - Mr. ZarRehman S/o Misal Khan - Mr. Qaisar S/o Muza Khan - Mr. Muhammad Saleem S/o Wakeel Khan - Mr. Momin Khan S/o Abdul Qayyum - Mr. Tousif S/o Mehraban Shah - Mr. Misal Khan S/o Khan Wali - Mr. Yaseen Khan S/o Wahdat Khan - Mr. Sattar Muhammad S/o Faqir Muhammad - Mr. Muhammad Irshad S/o Mir Aftab - Mr. BakhtPur Khan S/o Amir Khan - Mr. FazalQadir S/o GhulamHaider - Mr. Muhammad Zia S/o Fawaz Khan
11	November 7, 2015	Chota Lahore , Tehsil Lahore & District Swabi	DPs/ Local community	<ul style="list-style-type: none"> - Mr. Muhammad Bahadur S/o Muhammad Iqbal - Mr. Muhammad Saeed S/oSaeedJohar - Mr. Muhammad Karim S/o MrAftab - Mr. Muhammad Qasim S/o Noor Hassan - Mr. Shahid Khan S/o Abdul Mutlib - Mr. Lazib Khan S/o Mumtaz Khan - Mr. FaizulAnam S/o GulBahadur - Mr. Bilal Khan S/o Rajab khan - Mr. Arshad Khan S/o Ali Abbas - Mr. Ishaq S/o Nobat Khan - Mr. Abzar Khan S/o Nowar Khan - Mr. Sikandar S/o Sarandaz - Mr. Zahir Shah S/o SherifGul - Mr. Nazar S/o Said Asghar - Mr. Ihsanullah S/o Abdullah
12	November 11, 2015	Jalsai, Tehsil Lahore, Districts Swabi	DPs/ Local community	<ul style="list-style-type: none"> - Mr. Saleem Khan S/o Sadar Khan - Mr. Nowroz Khan S/o Mira Khan - Mr. SherWali S/o Mutabar Khan - Mr. Muzarab shah S/o Muhabat Shah - Haji SherGhorri S/o Mursaleen - Mr. Gul Akbar S/o Gulaab - Mr. Aman Khan S/o Nawaz Khan - Mr. Saeed Khan S/o Shaujaal Khan - Mr. Noor ul Islam S/o Shahpur - Mr. Nizar Ali S/o UareemGul - Mr. Mudassir Khan S/o Nadir Khan - Mr. Nizar Ali S/o Afridi - Mr. NizarHussain S/o Muhammad Hussain - Mr. Dufa Khan S/o Nawar Khan - Mr. Inamullah S/o Ali Bahadur

Sr No	Date	Location	Category of Participants	Name of Main Respondent
13	November 8, 2015	Jalbai, Teshsil Lahore, District Swabi	DPs/ Local community	<ul style="list-style-type: none"> - Mr. Shamsheer S/o Saeed - Dr. Shahid Nawaz S/o Sajad - Mr. Ibrahim Shah S/o Saeed Muhammad Ishaq - Mr. Abdul Wahid S/o Mujeeb Khan - Mr. Khan ullah S/o Imanullah - Mr. Ziaullah S/o Itbarullah - Mr. Anwarullah S/o Izirullah - Mr. Hazrat Bilal S/o Mir Abbas - Mr. Jahanzeb S/o Shahroz - Mr. Kashkal S/o Ziarat - Mr. Walayat S/o Saeed - Mr. Muhammad Israr S/o Ihsanullah - Mr. Fazal Muhammad S/o Dost Muhammad - Mr. Abdul Wahab S/o Zar Muhammad - Mr. AwalMian S/o Hayat Mir
14	November 8, 2015	Chontra (Jalbai), Tehsil Lahore, Districts Swabi.	DPs/ Local community	<ul style="list-style-type: none"> - Mr. Waqas Ali S/o Ikramullah - Mr. Nomdor Khan S/o Mukaraf Khan - Mr. Noman Khan S/o GhaniRehman - Mr. Amjad Khan S/o TajMuhamad - Mr. Saifullah S/o Shahzaman - Mr. Subhanullah S/o Mir Khan - Mr. Muzammal S/o Ghulam Khan - Mr. Muntazir S/o Faqeer - Mr. Ali Aghar S/o Ali Haider - Mr. Hayat Khan S/o RaheedGul - Mr. Dawlat Khan S/o Razi Khan - Mr. Zarwas Khan S/o Hihishehroz - Mr. Fazal Rabi S/o Akber Ali - Mr. Sulaiman S/o Furdil Khan - Mr. Khan Zaman S/o Mohibullah
15	January 15, 2016	Irrigation Department, Gohati, District Swabi	Stakeholder	<ul style="list-style-type: none"> - Mr. GulTahir Jan Mahsood (Excutive Engineer Gohati) - Mr. Wisal Muhammad
16	January 15, 2016	PehurHydel Power Station, GadoonAmazai, District Swabi	Stakeholder	<ul style="list-style-type: none"> - Mr. Muhammad Arbi (Sub-Engineer) - Mr. Fazeel Ahmed (Sub-Engineer) - Mr. ShadmanWahuls (Inspector)
17	January 15, 2016	Office of the Assistant Commissioner, Tehsil Swabi	Stakeholder	<ul style="list-style-type: none"> - Mr. Affesir Ali Shah (AC Swabi)
18	January 15, 2016	Office of the Assistant Commissioner, Tehsil Topi	Stakeholder	<ul style="list-style-type: none"> - Mr. Payo Khan (AC Topi)
19	January 15, 2016	Pabini, Tehsil Topi& District Swabi	DPs/ Local community	<ul style="list-style-type: none"> - Mr. Jhangir Khan - Mr. Sad Hayat S/o Muhammad Hayat - Mr. WazirLiaq S/o Sad Liaq - Mr. Shereen Dad S/o Noor Dad - Mr. Shah Faisal S/o WaliZaman - Mr. Numan Ali S/o Shahzada - Mr. WaliZaman S/o Waris Khan
20	January 15, 2016	Maini, Tehsil Topi& District Swabi	DPs/ Local community	<ul style="list-style-type: none"> - Mr. Muhammad Habib S/o Muhammad Rauf - Mr. Sultan Zaib S/o Jhanzaib

Sr No	Date	Location	Category of Participants	Name of Main Respondent
21	January 16, 2016	Chungi Chowk, Jhanda, Tehsil & District Swabi	DPs/ Local community	<ul style="list-style-type: none"> - Mr. Abdul Rauf S/o Razi Akbar - Mr. Shujat Khan S/o Gul Khan - Mr. Ahmed Ali S/o wali Muhammad - Mr. Maskeen Khan S/o Hadi Khan
22	January 16, 2016	Ghulodrea, Tehsil & District Swabi	DPs/ Local community	<ul style="list-style-type: none"> - Mr. Muhammad Sher S/o Said Muhammad - Mr. Habib Shah S/o Umer Shah - Mr. Muhammad Ashfaq S/o Fateh Muhammad - Mr. FazalAzeem S/o FazalRehim - Mr. Rasool Khan - Mr. Kamran Aziz S/o Amin Khan
23	January 16, 2016	Skinderay, Tehsil Rajar & District Swabi	DPs/ Local community	<ul style="list-style-type: none"> - Mr. Haniff Hussain S/o Mohsons - Mr. Mohson Shah S/o Zawar Shah - Mr. Sadiq S/o Wariso - Mr. Rehman Shah S/o Khabat Shah - Mr. Muhammad Yousif S/o Munir Khan - Mr. Perviz Khan S/o Sarzameen Khan
24	January 16, 2016	Shaga, Lakson Medical Complex, Tehsil Lahore & District Swabi	DPs/ Local community	<ul style="list-style-type: none"> - Mr. Muhammad Ibrahim - Mr. Fahim S/o Subadar Ghulam Muhammad - Haji Muhammad S/o Shah Zameer Khan

8.3 Concerns Regarding the Project

120. During the field survey people were asked about their views regarding the PHLCE project. In general, people were pleased to having this project as their rainfed land will come under irrigation.

8.3.1 Consultations with DHs

121. Consultation is a continuous process that started at the project preparatory stage and will continue till project completion. Based on the consultations with the affected persons and general public, a number of concerns were highlighted and accordingly some feedback was also provided. The main concerns include the compensation especially crops & trees should be provided based on current market rates and disbursement should be made prior to the start of civil works; employment to the local peoples should be provided and routine working of local women should not be hindered due to the project construction activities. RoW clearance for undertaking the project activities should be minimized at the best possible extent.

Table 8-2: DPs/ Community Concerns and their Redress

Concerns	Feedback	Remarks/ Actions to be Taken
Compensation for the affected land, houses, shops and other private assets should be fixed in accordance with current market rates/replacement cost.	Compensation rates needs to be assessed based on the replacement cost.	In accordance with the ADB SPS 2009 the valuation of built-up structures is based on current market value but with consideration of the cost of new construction of the structure, with no deduction for depreciation.
The rates of land available in revenue record are very low; therefore, the	Land compensation should be at current market rates.	Current market rates have been taken in to account

Concerns	Feedback	Remarks/ Actions to be Taken
affected persons should be compensated as per market rates.		while calculating the indicative budget
<p>Compensation on the loss of crops and trees should be ensured before to start the project.</p> <p>The permission should be made to local community to collect the wood material from the removed trees.</p> <p>It should be preferred if construction activities should be done after the harvest of the crops</p>	<p>Compensation for the loss of crops and trees will be estimated by the concerned departments considering the current market rates and will be paid before to start of construction work.</p> <p>The local community will be allowed to collect the removed trees.</p> <p>In case of crop losses, crop compensation should be provided.</p>	<p>This is a mandatory as per ADB SPS 2009 to ensure the payment of compensation prior to start civil works.</p> <p>Construction is a continuous activity. However, crop losses will be provided based on the affected cropped area.</p>
Unskilled/ semi-skilled labour should be taken from the local population. This opportunity will help to increase household income of local population of the sub-project area.	Requisite unskilled labor will be engaged from local population preferably DPs.	This will be a Clause of Contarctor's Agreement to redress this issue.
Religious and educational structures like mosques, madrassas and graveyards/shrines should be saved from demolishing as such as possible.	Generally, relocation of Mosques, graves, commercial and residential structures has been avoided except those ones which are unavoidable to relocate. However re-building/ re-settlement of such social, religious structures will be ensured.	This is a mandatory as per ADB SPS 2009 to ensure protection or if not avoidable to relocate or shifting of religious and educational structures.
Women or local's mobility/ passage on selected locations at canal should not be disturbed during the construction activities.	The timing of work will be adjusted in a way to avoid disturbance in women activities/mobility.	Contractor's will take care of this issue.
Relocation of settlements should be minimized by changing the PHLCE design, where possible.	PHLCE will be designed in a way to minimize the impact on settlements.	Design consultants will be responsible to take care of this issue.
Payment of compensation for vulnerable DPs should be ensured.	Allowance should be paid	-
Transport for relocation of assets and timely compensation to all the affected persons must be ensured.	To take care of the land acquisition, relocation and compensation matters, Entitlement Matrix has been developed in consultations with the DPs for the compensation of their affected land, structures and their source of livelihood.	-
In addition to compensation the livelihood assistance to the DPs should also be provided.	Allowance should be paid	
Compensation against all the losses should be provided prior to start of the civil work so that the impact on the livelihood of the DPs could be minimized.	This can be ensured that all payments will be give to the eligible and entitled DPs prior to initiate the civil work.	As per ADB SPS 2009

8.4 Information Disclosure

122. The final LARP will be disclosed after translating into an understandable language (Pashto/ Urdu) to the displaced persons (DPs) and other local community resided in the project area, so that each DP would be able to understand the project activities, i.e. the project, cut-off date, eligibility for entitlement of compensation, methods of measurement, price assessment & valuation of losses, payment of compensation, community complaints redress system, budget and monitoring & evaluation.

123. The office of the PMO, will keep the DPs informed about the impacts, the compensation and assistance proposed for them in this plan and facilitate in addressing grievance (s) of the DPs as well as other locals. Finally, there will be on-site consultations to ensure the entitled disbursement of the compensation to the entitled DPs. A copy of the information disclosure (brochure) will be placed in the offices at field level (PIUs), Revenue Department (office of LAC) and in the office of PMO for ready reference if somebody (DPs/ local community) like to review.

9. INSTITUTIONAL ARRANGEMENTS

124. The institutional arrangements by their roles & responsibilities are discussed in this section of the draft LARP. The institutional arrangements will include an assessment of the capacity of the unit involved in LARP preparation and implementation; as well as training/ capacity building address to gap in capacity.

9.1 Project Steering Committee

125. A Project Steering Committee (PSC) established during the PPTA will continue to review progress and make key decisions for the Project. The PSC is chaired by the Additional Chief Secretary from the Planning and Development Department (P&DD) and includes Secretaries of KPID, KPAD, and Consultants' team leader as members. During Implementation the PSC will be expanded to include a member from Board of Revenue and a District Nazim (Public Representative) from Swabi. The Project Director will be the secretary of the PSC.

9.2 Khyber Pakhtunkhwa Irrigation Department (KPID)

126. The EA will establish an office named as Project Management Office (PMO) at project level headed by a Project Director to deal with all activities associated with the implementation of land acquisition and resettlement. The office of the PMO will be responsible for all activities under the Project including those associated with implementation of this LARP and Corrective Action Plan (if any) and also ensure the availability of funds for the LARP implementation. KPID will be the executing agency (EA) for the Project and thus, will be responsible for management and implementation of the entire project. The EA will nominate a Project Coordinator who would be responsible for project oversight on behalf of the Government. The PMO headed by a Director who will be tasked with day-to-day project activities. The PMO will have a Deputy Director for Resettlement and a Deputy Director for communications to help oversee the land acquisition and resettlement activities, consultations, grievance redress and gender-related activities. Likewise,

9.3 Project Implementation Consultants

127. The PMO will be supported by a Project Implementation Consultant with the required social safeguards team to help prepare, implement and monitor the final LARP based on the detailed design. The Social Safeguards Team shall be composed of a full-time Resettlement Consultant, four social mobilizers including female social mobilizers who will be responsible for the following:

- i). Support the BOR in the conduct of detailed measurement surveys (DMS) and conduct census of all DPs and socioeconomic surveys;
- ii). Orient and coordinate closely with the BOR and relevant departments to ensure that calculation of compensation and assistance follows the policy provisions in the draft LARP;
- iii). Support the PMO in the conduct of regular consultations with DPs in preparing and implementing the LARP;
- iv). Prepare the final LARP for ADB review, including any subsequent update or corrective actions in case of emerging or unforeseen impacts, as required;
- v). Disclose the final LARP to the DPs after translating the summary of LARP in local language (Urdu/ Pashtu) to make it more understandable.
- vi). Update, and maintain the database on the DPs and their assets needed the

- effective implementation and monitoring of LAR activities;
- vii). Prepare an action plan to implement the LARP;
 - viii). Facilitate the formation and orientation of the GrievanceRedressal Committee (GRC) for the community complaints resolution;
 - ix). Help resolve grievances of DPs, monitor and regularly report on the implementation of the grievance redress mechanism, and maintain a grievance log;
 - x). Support the PMO in the effective implementation of the LARP, including the livelihood restoration activities;
 - xi). Distribute the notices to the entitled DPs regarding their payment of compensation;
 - xii). Facilitate the DPs in completion of necessary documentation to receive their entitled payments;
 - xiii). Develop a close interaction with the DPs/ community to address their possible concerns;
 - xiv). Provide proper guidance for the submission of DPs' claims for compensation;
 - xv). Help the DPs to put their complaints (if any) in front of the GRC, if still issue not resolved consult the Court of law.
 - xvi). Explore the possibility and facilitate land swapping and land consolidation to assist DPs in improving the viability of their remaining plots;
 - xvii). Prepare monthly progress report on the LARP implementation for submission to the PMO, and a semi-annualinternal monitoring report for submission to ADB;
 - xviii). Help DPs in other related activities.

9.4 Local Government

128. At provincial level, the concerns relating to the land acquisition will be dealt by the Board of Revenue, and concerns will be addressed by the District Officer (Revenue). Other supporting staffs especially the Patwari²²; will carry out some specific functions like titles identification and verification. The functions pertaining to compensation of assets other than land, such as structures/ buildings, trees & crops; and income rehabilitation/ livelihood assistance, the assessment & valuation will be carried out by the District Officer of concerned department.

9.5 LAR Coordination Committee

85. With the effective coordination of above departments/ agencies, the assessment and payment of compensation will be made to eligible and entitled DPs. By making timely payment to the DPs, a smooth and timely implementation of the project could be ensured. For this purpose, a LAR Coordination Committee (LAR CC) will be in place.

9.7 External Resettlement Monitor

129. An external resettlement monitor (ERM) will be hired by the PMO to conduct semi-annual external monitoring reports regarding the implementation of this LARP. As per SPS 2009, all monitoring reports will be disclosed to the displaced persons including the preparation of corrective action plan (s).

²² Land records keeper.

9.6 Grievance Redress Mechanism

130. This section describes mechanism to receive and facilitate the resolution of displaced persons' concerns and grievances. It explains how the procedures are accessible to displaced persons including women. A grievance mechanism will be available to allow a DP to appeal against any disagreeable decision, practice or activity arising from land or other assets compensation. DPs will be fully informed of their rights and of the procedures for addressing complaints whether verbally or in writing during consultation, survey, and time of compensation. It is preferred that DPs/ local community should submit their complaints/ concerns and issues formally and accordingly the project staff will enter the complaint on Community Complaint Register (CCR) consisting the minimum information of name and address of complainer, description of complaint, action taken, status of resolution of complaints and other necessary information/ record and reasons in case the issue is not satisfactorily resolved. Proper consideration will be given to avoid the grievances rather than going through a redress process. This can be obtained through the practicable LAR design and implementation, by ensuring full participation and consultation with the DPs, and by establishing extensive communication and coordination between the community, the PMO, the DO (Revenue)/ LAC and other line departments.

131. A Grievance Redress Committees (GRC) will be established at both project and field level. GRC at project level will include the Project Director (PMO/ KPID), Social Safeguards staff of PMO (resettlement and social mobilization) and District Officer/ Land acquisition Collector, Revenue Department.

a) The GRC at project level will include the following members:

- i). Director PMO
- ii). DO (Rev)/ LAC
- iii). Social Safeguards staff of PMO (resettlement and social mobilization)

132. This GRC will work both at the project and field level. The District level KPID staff will inform the displaced persons about GRC and mechanism by pasting the information at prominent places. Names and contact numbers of the members of the GRC and PMO staff will be disseminated to DPs through information brochures once these have been designated/recruited. The complaints will be registered by maintaining a community complaints register (CCR), where the name & address of complainer, date, description of complaint and action taken will be entered.

133. The payments relating to the land compensation will be made through the DO (R)/ LAC, while for other assets/ losses and allowances, the payment of compensation will be made directly from the PMO (KPID). Similarly, the issues/ community concerns relating to the land will be addressed by the revenue department (LAC)/ and or can be referred to GRC, while issues other than land will be directly addressed by the PMO and can be placed with GRC at project level to resolve the community issues. Names and contact numbers of the members of the GRC and PMO staff will be disseminated to DPs through information brochures once these have been designated/ recruited.

b) The GRC at field/ district level will include:

- i). Executive Engineer (KPID)
- ii). Social safeguard staff (RS/GRS & SM)
- iii). Patwari/ Qanoongo/ Patwari

Table 9-1: Community Complaints/ Grievance Redress Process

Land Compensation Issues	Other Items Compensation Issues
<ul style="list-style-type: none"> • First, complaint resolution will be attempted on site (field level) through the involvement of the PMO/ informal committee/ and or concerned WUA. • If unsettled, a grievance can then be lodged to the DO (Revenue)/ LAC who has 14 days to decide on the case. • If no solution is reached, a grievance can be lodged to GRC. The GRC will provide the decision within 3 weeks of registering the complaint. The GRC decision must be in compliance with this LARP provision. • In case, the grievance redressal system does not satisfy the DPs, then they can pursue further by submitting their case to the appropriate court of law as per the process set out in Section 18 to 22 of the LAA 1894. 	<ul style="list-style-type: none"> • First, complaints resolution will be attempted at site (field level) through the involvement of the PMO/ informal committee/ and or concerned WUA. • If no solution is reached, a grievance can be lodged to GRC. The GRC will provide the decision within 3 weeks of registering the complaint. The GRC decision must be in compliance with this LARP provision • If the grievance redress system does not satisfy the DPs, they can pursue further by submitting their case to the appropriate Court of law.

9.7 Organogram

134. An Organogram showing the institutional arrangements for the implementation of LARP is illustrated through a diagram presented in Figure 9-1

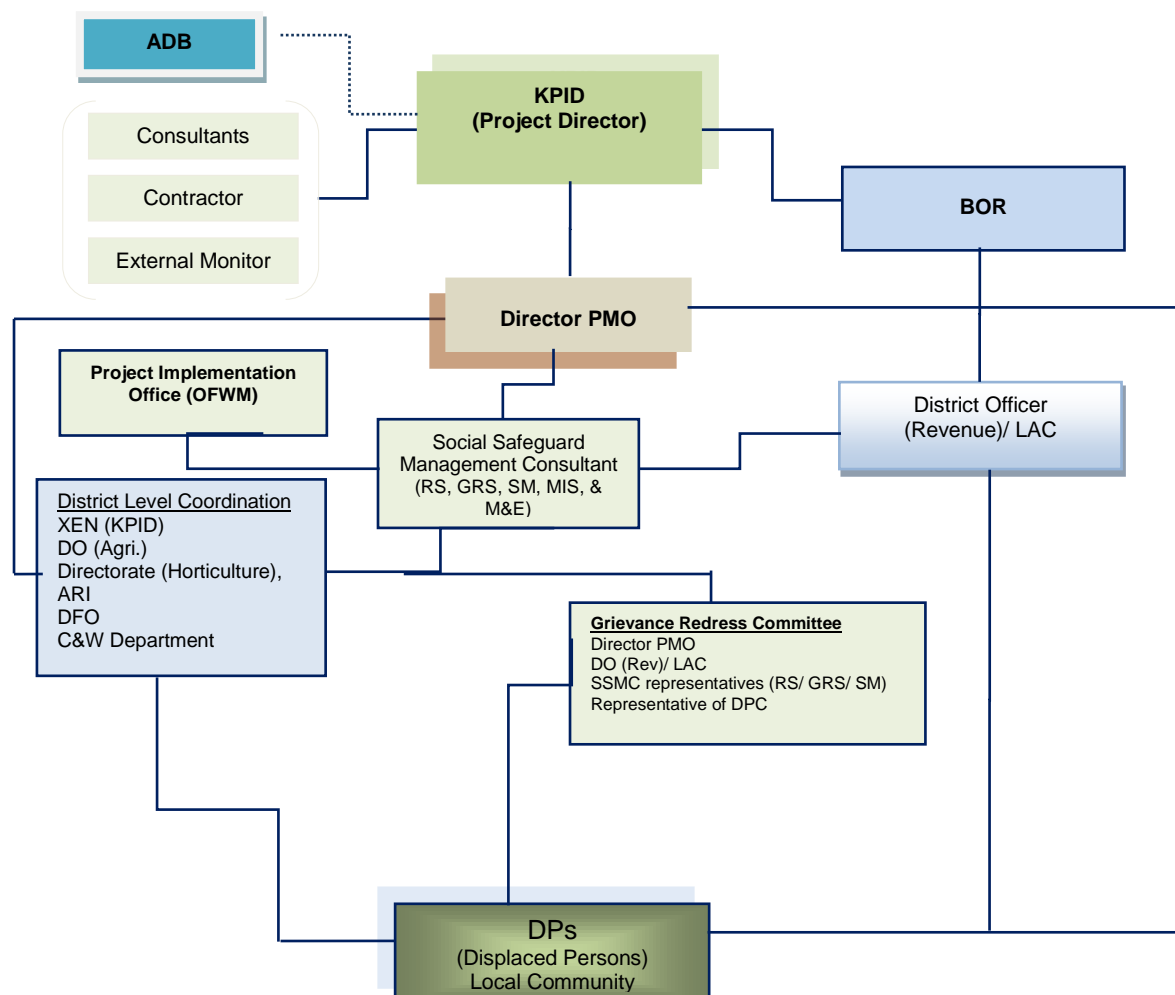


Figure 9-1: Institutional set-up for the Implementation of LARP

----- Coordination

C&W	Communication & Works
DFO	District Forest Officer
DO (R)	District Officer (Revenue)
DO	District Officer
DP	Displaced Person
GRC	Grievance Redress Committee
GS	Gender Specialist
GRS	Grievance Redress Specialist
KPID	Khyber Pakhtunkhwa Irrigation Department
LAC	Land Acquisition Collector
MIS	Management Information System
PD	Project Director
PMO	Project Management Office
RS	Resettlement Specialist
SSMC	Social Safeguard Management Consultant
XEN	Executive Engineer

10. IMPLEMENTATION SCHEDULE OF LARP

135. The commencement of civil work will be subject to the satisfactory implementation of this LARP including payment of compensation of land, structures, crops, trees and allowances/ livelihood restoration and redress of community concerns. Based on previous projects, the implementation of all relevant clauses of the LAA 1894, takes 12 months or more depending upon the complexity of issues. The implementation should be verified by an independent/external monitor. ADB considers LARP implementation to start after the approval of the final/implementation-ready LARP. All activities prior to the approval of the final LARP are considered as part of preparation. The notification under Section 5, physical marking of the land under Section 8, recording of statements and claims from DPs, and assessment of the affected asset up to the period prior to notification of payment needs to be considered as part of LARP preparation.

136. Thus, keeping in view the magnitude of land acquisition and resettlement impact and other resettlement & rehabilitation issues, it is expected that the PMO and social safeguard management consultant in coordination with the Revenue Department (DO Revenue/ LAC), will be able to implement the LARP within 1– 1-1/2 year (till Dec. 2018). Thus, the total payment of land and other compensation will be completed by the end of Dec-2018.

137. However, a tentative timelines for the implementation of LARP (milestones) and its associated activities are given in Table 10-1.

Table 10-1: Implementation Schedule of LARP

Action	Tentative Date	Responsibility	To date Status
Preparation of draft LARP based on the feasibility level canal route alignment	11-March-2016	Consultant/ PMO	Draft LARP submitted
Approval of draft LARP	31-May-2016	ADB	-
Establishment of PMO in Swabi	30 June 2016	KPID	PMO to be established
Placement of Social Safeguard team	30 June 2016	PMO	To be established
Setting-up the Project Implementation Office (PIO) at district Swabi for OFWM activities	31-July-2016	PMO	PMO and PIO will be notified with specific roles and responsibilities as some of the roles & responsibilities are given in this draft LARP.
Establish Grievance Redress Committee (GRC).	31-Nov-2016	PMO	GRC will need to be notified with specific roles and responsibilities as some of the roles & responsibilities are given in this draft LARP.
Deployment of Project Implementation Consultants (PIC)	31-Nov-2016	PMO	PIC will conduct detail design, update LARP and assist PMO in reviewing implementation of LAR activities
Approval of detailed design and final project alignment	30-Nov.-2017	PMO/ Consultant	
Land acquisition publication of notice of intent to acquire land (Section 4, LAA)	30-Nov-2017	DO (R)/ LAC	-
Formal notification of land needed for public purpose (Section 5, LAA)	31-Dec-2017	DO (R)/ LAC	-
Assessment and valuation of affected inventory / assets by concerned Department.	15-Dec-2017	DO (Agri.); DFO; C&W Department in coordination with PMO	
Valuation of affected inventory / assets by the BOR and Independent Validator.	31-Dec-2017	DO (Agri.); DFO; C&W Department in coordination with PMO	Valuation of affected land/ assets will be validated by deploying an independent validator.
Submission of final LARP	15 January 2018	PMO	
Approval of final LARP	31 January 2018	ADB	
LAC formal notification of the DPs that Government intends to take possession of the land (Section 9, LAA).	31-Jan-2018	DO (R)/ LAC& KPID	-
Hiring of External Resettlement Monitor	30-Nov-2017	PMO/ ERM	ERM will be hired on the

Action	Tentative Date	Responsibility	To date Status
			implementation of LARP
Urdu translation and disclosure of final LARP	31-Jan-2018	PMO/ Social safeguard team & LAC	Final LARP will be disclosed in the villages along the tentative alignment once endorsement from the EA has been obtained
Distribution of notices to DPs for payment of compensation.	31-Jan-2018	PMO/ Social safeguard team & LAC	-
Disbursement of payment of compensation for affected assets and allowances.	31-Jan to 31-Jul-2018	PMO/ Social safeguard team & LAC	-
Date of contract award for Construction Contract (expected).	15-April-2018	PMO/ Contractor	-
Start of livelihood restoration activities	1-Aug-2018	PMO/ Social safeguard team	involves, training, access to micro-credit, landswapping, employment in project-related jobs, etc. which cango on until project implementation.
Redress of community complaints	Continuous activity	GRC/ PIU/ PMO	This will be a continuous activity till project completion.
Internal Monitoring reports	Semi-annual	PMO	First IMR due 6 months after approval of final LARP
External monitoring reports	Semi-annual	ERM	a. Baseline/inception by 2 weeks from ERM mobilization b. Compliance monitoring report due prior to NTP for CW c. Subsequent reports due every six months
No objection for issuing Notice to Proceed (NTP) with civil works		ADB	NTP will subject to ADB approval of ERM compliance monitoring report
Commencement of civil works		Contractor	Subject to ADB approval on the satisfactory implementation of LARP.
Post-resettlement evaluation report	6 months prior to project completion	ERM	

11. RESETTLEMENT BUDGET

138. The resettlement budget was estimated considering the potential impacts, which included the loss of land, crops, trees (wood and fruit trees), other assets and allowances/ livelihood restoration. Thus, the total amount of resettlement budget is computed as Rs. 1,641 million as presented in Table 11-1 below. The EA will ensure the timely payment of compensation and allowances, in order that the LARP could be implemented after update on the final design/ alignment with respect to implementation schedule. The budget presented below is therefore provisional and will be finalized in the final LARP. The break-up of resettlement budget by component is presented in Table 11-1.

Table 11-1: Resettlement Budget

Sr. No.	Resettlement Activity	Unit	Quantity	Unit Rate (Rs.)	Pak. Rs.	Source
A	Land Acquisition					
Pehur ADB	High Level Canal Extension TA 8488 PAK	Project				Unit price is based on the price assessment by Revenue Department for year 2014-15
i)	Agriculture land	Hectare	193.51	5,368,139	1,038,788,513	for agricultural land at District Swabi and Nowshera (Annex 9.1 and 9.1 a)
ii)	Barren land	Hectare	11.42	4,852,436	55,414,815	Barren land in the project area. (Annex 9.1 and 9.1 a)
iii)	Residential land	Hectare	5.67	27,004,347	153,114,649	In case of residential land near Abadi at District Swabi and Nowshera (Annex 9.1 and 9.1 a).
iv)	Nullah land (non-perennial water stream)	Hectare	2.52	7,323,726	18,455,790	"
v)	Hilly land	Hectare	3.98	3,704,938	14,745,655	"
vi)	Govt. land (existing road/ track canal, irrigation & others)	Hectare	1.78	-	-	-
	Sub Total		218.88		1,280,519,422	
	Compulsory Acquisition Surcharge (15%)		15%	-	192,077,913	-
	Add 2% District Council Tax		2%	-	29,451,947	
	Sub Total Land (A)					
B	Crops Compensations	Hectare	193.5	44,980	8,704,080	In general, there is 1 crop in a year either during winter or summer or depending upon the rain fall. In general, the major crop is wheat in the project area with an average yield of 1,384 kg/ha and the average price per kg is 32.50 (as per Annex 9.4) making a total value per ha as Rs. 44,980/ ha. (Annex 9.4).
	Sub-Total Crops (B)					
C	Commercial/ Residential Structures					The unit rate of residential structure is Rs. 950/ s.ft. as per building Department, 2014 (Annex 9.2).
i)	Pacca (179 Nos.)	Sq.m	7326	10,222	74,886,372	"
ii)	Semi-Pacca (38 Nos)	Sq.m	2328	7,532	17,534,496	"
	Sub-Total Structures (C)		9,654			
D	Others					
i)	Tubewells	No.	1	250,000	250,000	"
	Sub-Total Other Structures (D)					
E	Trees					
	Private Ownership					
i)	Timber/ Fuel	Nos.	1110	3,500	3,885,000	The average girth of wood trees along the project alignment is between 4-6 feet, the unit price as per Forest Department is Rs. 3500/ tree (Annex 9.3).
ii)	Fruit	Nos.		-	-	
	Sub-Total Trees (E)					
F	Allowances/ Livelihood Restoration (Estimated)					
i)	Business interruption allowance (for 3 months at Rs. 15,000 per month).	Nos.	39	45,000	1,755,000	
ii)	Severity allowance equal to 1 crop year	Hectare	193.51	44,980	8,704,080	
iii)	Shifting/ transport assistance/ allowance Rs.5,000) - 179 house + 38 shops	Nos.	217	5,000	1,085,000	
iv)	Livelihood assistance for the lost of 179 houses - (for 3 months at Rs. 15,000 per month).	Nos.	179	45,000	8,055,000	
v)	Vulnerability allowance (cash allowance for 3 months Rs. 15000 per month as fixed). - 39	Nos.	39	45,000	1,755,000	

	DPs are below poverty line					
	Sub-Total Allowances (F)					
G	Monitoring & Capacity Building (intermittent input)	Lumpsum			12,500,000	
	Sub-Total (G):					
	Grand Total (A to G):				1,641,163,310	
	TOTAL COST (US\$ in Million):				15.679	

One US\$ = Pak Rs. 104.67 as of 12-Mar.-
2016

Sr. No.	Resettlement Activity	Unit	Quantity	Unit Rate (Rs.)	Pak. Rs.	Source
A	Land Acquisition					
Pehur ADB	High Level Canal Extension TA 8488 PAK	Project				Unit price is based on the price assessment by Revenue Department for year 2014-15
i)	Agriculture land	Hectare	193.51	5,368,139	1,038,788,513	for agricultural land at District Swabi and Nowshera (Annex 9.1 and 9.1 a)
ii)	Barren land	Hectare	11.42	4,852,436	55,414,815	Barren land in the project area. (Annex 9.1 and 9.1 a)
iii)	Residential land	Hectare	5.67	27,004,347	153,114,649	In case of residential land near Abadi at District Swabi and Nowshera (Annex 9.1 and 9.1 a).
iv)	Nullah land (non-perennial water stream)	Hectare	2.52	7,323,726	18,455,790	"
v)	Hilly land	Hectare	3.98	3,704,938	14,745,655	"
vi)	Govt. land (existing road/ track canal, irrigation & others)	Hectare	1.78	-	-	-
	Sub Total		218.88		1,280,519,422	
	Compulsory Acquisition Surcharge (15%)		15%	-	192,077,913	-
	Add 2% District Council Tax		2%	-	29,451,947	
	Sub Total Land (A)					
B	Crops Compensations	Hectare	193.5	44,980	8,704,080	In general, there is 1 crop in a year either during winter or summer or depending upon the rain fall. In general, the major crop is wheat in the project area with an average yield of 1,384 kg/ha and the average price per kg is 32.50 (as per Annex 9.4) making a total value per ha as Rs. 44,980/ ha. (Annex 9.4).
	Sub-Total Crops (B)					
C	Commercial/ Residential Structures					The unit rate of residential structure is Rs. 950/ s.ft. as per building Department, 2014 (Annex 9.2).
i)	Pacca (179 Nos.)	Sq.m	7326	10,222	74,886,372	"
ii)	Semi-Pacca (38 Nos)	Sq.m	2328	7,532	17,534,496	"
	Sub-Total Structures (C)		9,654			
D	Others					
i)	Tubewells	No.	1	250,000	250,000	"
	Sub-Total Other Structures (D)					
E	Trees					
	Private Ownership					
i)	Timber/ Fuel	Nos.	1110	3,500	3,885,000	The average girth of wood trees along the project alignment is between 4-6 feet, the unit price as per Forest Department is Rs. 3500/ tree (Annex 9.3).
ii)	Fruit	Nos.		-	-	
	Sub-Total Trees (E)					
F	Allowances/ Livelihood Restoration (Estimated)					
i)	Business interruption allowance (for 3 months at Rs. 15,000 per month).	Nos.	39	45,000	1,755,000	
ii)	Severity allowance equal to 1 crop year	Hectare	193.51	44,980	8,704,080	
iii)	Shifting/ transport assistance/ allowance Rs.5,000) - 179 house + 38 shops	Nos.	217	5,000	1,085,000	
iv)	Livelihood assistance for the lost of 179 houses - (for 3 months at Rs. 15,000 per month).	Nos.	179	45,000	8,055,000	
v)	Vulnerability allowance (cash allowance for 3 months Rs. 15000 per month as fixed). - 39	Nos.	39	45,000	1,755,000	

	DPs are below poverty line					
	Sub-Total Allowances (F)					
G	Monitoring & Capacity Building (intermittent input)	Lumpsum			12,500,000	
	Sub-Total (G):					
	Grand Total (A to G):				1,641,163,310	
	TOTAL COST (US\$ in Million):				15.679	

One US\$ = Pak Rs. 104.67 as of 12-Mar.-
2016

12. MONITORING AND EVALUATION

139. The land acquisition and resettlement activities will be monitored both internally and externally. Internal monitoring will be conducted by the PMO and social safeguard management consultant, while the external monitoring will be carried out by deploying an ERM as the project involves land acquisition and other impact. In this context, a qualified external monitor will be hired by the PMO after approval by the ADB.

140. The ERM will be selected among local consultants/ firms, NGOs, social research organizations or private sector companies. The PMO will prepare the Terms of Reference (ToR) for the external monitor/ agency before implementation of the LARP commences and get clearance from ADB. The baseline socio-economic surveys will provide the basis for subsequently monitoring and evaluation. Under the ADB Safeguard Policy Statement (2009), the external monitoring reports will be disclosed to displaced persons. These reports will be submitted to the ADB for review and approval and to be disclosed on the ADB website.

12.1 Internal Monitoring

141. The Internal monitoring will be prepared by the PMO and social safeguard management consultant on a semi-annual basis. In the case of temporary or permanent relocation of displaced persons, or provision of livelihood support measures, internal monitoring beyond the provision of evidence of payments of cash compensation will be routinely carried out by the PMO. Submission of internal monitoring reports to ADB should be done on a semi-annual basis, separate from the usual progress reporting so these can be uploaded on the ADB website for disclosure. Although the progress reports may contain some general update on resettlement, these are not disclosed.

142. Indicators to be used for internal monitoring will be those directly related to the land acquisition process, including levels of household well-being/ welfare. These indicators need to relate to the change in circumstances before project commencement, during construction and post construction. This information will be collected directly in the field by the social safeguard management consultant and analyzed in order to assess the progress and results of the LARP implementation. The reports will be consolidated quarterly and semi-annual, following the standards of ADB. The following are the specific times for setting of monitoring/ benchmarks data/ reports:

- During the initial information campaign and consultation with displaced persons.
- At the time of assessment of land acquisition entitlements, and also at the time of compensation payment for land, crops and trees.
- At the time of compensation assessment and payment for affected structures and other non land, crop and tree assets.
- Immediately after the relocation of displaced persons.
- At the time of payments for loss of income.
- During the selection and distribution of replacement land areas.
- During and after income restoration activities.

143. Based on the above information, social safeguard management consultant will monitor the day to day resettlement activities related to using the following techniques:

- Review of census information for all displaced persons.
- Consultation and informal interviews with displaced persons.
- In-depth case studies and establishing baseline data
- Sample surveys of displaced persons.
- Key informant's interviews.
- Public community meetings.

12.2 External Monitoring

144. As the project would have an impact due to the acquisition of private agricultural land and both temporary or permanent relocation of displaced persons or provision of livelihood support measures, the external monitoring and review of the LARP will be carried out during the implementation of a LARP. The external monitoring results will be communicated in the form of a monitoring report to the PMO and the ADB.

145. The external monitoring tasks include the review of internal monitoring reports and survey information, as well as the impact monitoring of LARP implementation, including displaced person and stakeholder consultations. The key issue is to ensure that the results of all monitoring are feedback into the decision making process and then allow modifications of procedures to take place in order to address the issues that have been identified. The external monitoring report will be prepared. The external monitoring report the compliance report monitoring that will confirm areas that are already cleared of LAR issues where civil works can be started.

146. The ERM will also assess the situation of affected vulnerable groups, including female-headed households, with selection based upon consideration of appropriate socio-economic indicators and a review of the LARP implementation process. The ERM will be mobilized upon the approval of the final LARP and will prepare an inception report within one month to review the baseline information for resettlement monitoring and prepare the detailed work plan for the monitoring. Subsequent external resettlement monitoring reports will be submitted every six months after the approval of the final LARP. Upon completion of the compensation activities and as a condition for issuance of notice-to-proceed with civil works, the ERM will prepare a compliance monitoring report to verify and confirm that all compensation payments have been made and the sites can be handed over to the contractor. The ERM will carry out a post-implementation evaluation of the LARP about a year after project completion, in order to ascertain whether the objectives of the LARP have been attained. All external resettlement monitoring reports will be submitted to ADB for review and disclosure on its website. Moreover, results of the monitoring will be disclosed to the DPs.

147. The following are the specific aspect to be covered under the external monitoring:

- Review and verify internal monitoring reports prepared by the social safeguard team of PMO;
- Review the socio-economic baseline information during the pre-project conditions;
- Impact assessment through interviews, group discussions/ community consultations using structured and semi-structured data collection formats;
- Review compliance with the compensation matrix;
- Review the mechanism and status of redressal of community complaints;
- Review completion of disbursement of compensation and confirm if site can be handed over to the civil works contractor;

148. Consult DPs, officials, community leaders regarding the implementation of land acquisition and resettlement activities; Identify emerging LAR issues during construction and non-compliance to the LARP provisions and recommend appropriate corrective action measures to address these issues; and,

- Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement policy formulation and planning.

PHOTOLOG AND ANNEXES



OFFICE OF THE CHIEF ENGINEER (NORTH)
IRRIGATION DEPARTMENT PESHAWAR

Phone & Fax No. 091-9212123 Email: irrigation_dev@yahoo.com

No. 2243

North/ADB

Dated Peshawar the

7 -06-2016

To

The Team Leader Integrated Consulting Services (Pvt) Ltd,
HPK Joint Venture 766 G-4 Johar Town, Lahore, Pakistan

Subject:

PROPOSED LOAN FOR PEHUR HIGH LEVEL CANAL EXTENSION PROJECT (PPTA 8448-PAK:AID MEMOIRE FOR LOAN FACT FINDING MISSION.(DRAFT LARP)

Ref:

This office letter No. 2193/North/ADB/PPTA, dated 03-06-2016 addressed to Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department with copies there off to your office & others.

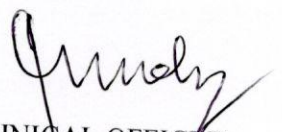
I am directed to draw your attention toward the letter quoted under the above reference wherein factual status of the captioned issue has been highlighted and forwarded to the competent authority for concurrence so that the same could be endorsed after necessary modifications.

I am further directed to intimate that consequent upon the directions received from the competent authority vide No. PMC/ADB/2015, dated 06-06-2016 the captioned draft LARP is hereby endorsed subject to the modifications agreed & communicated vide above letter under reference.

TECHNICAL OFFICER

Copy to the:-

1. Secretary to Govt. of Khyber Pakhtunkhwa Irrigation Department, Peshawar with reference to his office letter as stated above for information please.
2. Chief Foreign Aid Section Planning & Development Department Peshawar
3. Mr. Akmal Siddique Central & West Asia Department Environment Natural Resources & Agriculture Division 6 ADB Avenue-Mandaluyong City 1550, Metro Manila Philippine.
4. Superintending Engineer Swabi Irrigation Circle Swabi for information & necessary action please.
5. Executive Engineer Swabi Irrigation Division-I Swabi for information & necessary action.
6. P.A to Chief Engineer (North) Irrigation Department for information please.


TECHNICAL OFFICER



To:
Cc:
Bcc:
Subject: Fw: UPDATED Draft LARP of PHLCE Project

----- Forwarded by Ryutaro Takaku/CWRD/ADB on 17/06/2016 09:52 AM -----

From: Mujahid Saeed <mujahidsaeed@gmail.com>
To: rtakaku@adb.org,
Date: 16/06/2016 08:51 PM
Subject: Re: Fw: UPDATED Draft LARP of PHLCE Project

Dear Ryutaro TAKAKU

Updated draft LARP of PHLCE project is endorsed by KPID.
Syed Mujahid Saeed

On Jun 16, 2016 4:20 PM, <rtakaku@adb.org> wrote:

Dear Mujahid Saeed saheb,

I appreciate if KPID would send simple endorsement letter to me without any conditions.
Previous KPID letter indicated endorsement subject to the modifications agreed.

Best regards,

Ryutaro TAKAKU

Senior Water Resources Specialist

Environment, Natural Resources and Agriculture Division (CWER)

Central and West Asia Department (CWRD)

Asian Development Bank

Tel (632) 632-5158 / Fax (632) 636-2301

Email: rtakaku@adb.org

ADB Website: www.adb.org

----- Forwarded by Ryutaro Takaku/CWRD/ADB on 16/06/2016 07:17 PM -----

From: Aslam Rasheed <rasheedaslam@yahoo.com>
To: Mujahid Saeed <mujahidsaeed@gmail.com>,
Cc: Mohsin Khan <mohsin_chd@yahoo.com>, Ryutaro Takaku <rtakaku@adb.org>, Muhammad Uzair <uzair@icspk.net>
Date: 16/06/2016 06:15 PM
Subject: Fw: UPDATED Draft LARP of PHLCE Project

Dear Mujahid Saeed saheb

The draft LARP revised in the light of comments from KPID and approved by ADB's department in charge of safeguard category A projects is forwarded herewith. For ease of reference the document is on track changes.

Best Regards
Aslam Rasheed