

# Resettlement Framework

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## India: Himachal Pradesh Rural Drinking Water Improvement and Livelihood Project

Prepared by the Jal Shakti Vibhag (JSV) Government of Himachal Pradesh for the Asian Development Bank.

## CURRENCY EQUIVALENTS

(as of 29 September 2021)

Currency unit	–	Indian rupee (₹)
₹ 1.00	=	\$ 0.0135
\$ 1.00	=	₹ 74.215

## ABBREVIATIONS

ADB	-	Asian Development Bank
AESEO	-	Assistant Engineer (Safeguard/Environment) Officer
BBMB	-	Bhakra Beas Management Board
INRM	-	India Resident Mission
BSR	-	Basic Schedule of Rates
CBO	-	Community Based Organization
CDO	-	Community Development Officer
CDS	-	Community Development Specialist
CRO	-	Complaint Receiving Officer
DBO	-	Design-Build-Operate
DDR	-	Due Diligence Report
DEA	-	Department Of Economic Affairs
DLFC	-	District Land Price Fixation Committee
DMS	-	Detailed Measurement Survey
DNC	-	District Negotiation Committee
EHS	-	Environment Health and Safety
EMP	-	Environmental Management Plan
ESS	-	Environment Safeguard Specialist
FGD	-	Focus Group Discussions
GOHP	-	Government Of Himachal Pradesh
GRC	-	Grievance Redressal Committee
GRM	-	Grievance Redress Mechanism
IPP	-	Indigenous Peoples Plan
JSV	-	Jal Shakti Vibhag
LARRA	-	Land Acquisition, Rehabilitation and Resettlement Authority
LPCD	-	Liters Per Capita Per Day
NGO	-	Non-Government Organization
NOC	-	No Objection Certificates
PDMSC	-	Project Design Management and Supervision Consultant
PMU	-	Project Management Unit
RFCTLARR	-	Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
HPRDWILP	-	Himachal Pradesh Rural Water Supply Improvement and Livelihood Project
ROW	-	rights-of-way
RRS	-	Rehabilitation And Resettlement Scheme
SEC	-	State-Level Empowered Committee
SIA	-	Social Impact Assessment
SIMP	-	Social Impact Management Plan
SMP	-	Social Management Plan
SPS	-	Safeguard Policy Statement, 2009

SSGO	-	Social Safeguard and Gender Officer
SSS	-	Social Safeguard Specialist
SSGS	-	Social Safeguard and Gender Specialist
TOR	-	terms of reference

## **WEIGHTS AND MEASURES**

cm	-	centimeter
dB	-	decibels
ha	-	hectare
kg	-	kilogram
km	-	kilometer
l	-	liter
m	-	meter
m <sup>2</sup>	-	square meter
m <sup>3</sup>	-	cubic meter
mg/l	-	milligrams per liter
ml	-	milliliter
MLD	-	million liters per day
mm	-	millimeter
km <sup>2</sup>	-	square kilometers
µg/m <sup>3</sup>	-	micrograms per cubic meter

## **NOTE**

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## GLOSSARY

**Affected Person:** includes all persons with legal rights on land (titleholders) and persons without legal rights (non-titleholders) who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

**Affected Household:** means (i) a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for a project or involuntary displacement due to any other reason; (ii) any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land in the affected area or otherwise, has been involuntarily displaced from such land or other property; (iii) any agricultural or non-agricultural labourer, landless person (not having homestead land or agricultural land) rural artisan, small trader or self-employed person; who has been residing or engaged in any trade, business, occupation or vocation in the affected area, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntarily displaced for any other reason.

**Assistance:** means support, rehabilitation and restoration measures extended in cash and / or kind over and above the compensation for lost assets.

**Compensation:** means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost at current market value.

**Cut-off date:** means the date after which eligibility for compensation or resettlement assistance will not be considered is the cut-off date. Date of notice under Section 4 of the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is considered to be the cut-off date for affected persons titleholders. The date of census survey is considered as the cut-off-date for eligibility of resettlement benefits to the non-titleholders.

**Displaced Person:** As per ADB Safeguard Policy Statement (SPS) 2009, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

**Entitlement:** means the range of measures comprising cash or in-kind compensation, relocation cost, income restoration assistance, transfer assistance, vulnerability assistance, income substitution, and business restoration which are due to affected households, depending on the type and degree /nature of their losses, to restore their social and economic base.

**Eminent Domain:** means the regulatory authority of the Government to obtain land for public purpose/interest or use as described in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 .

**Inventory of loss:** means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.

**Non-titled:** means those who have no legal/legalizable rights or claims to the land that they are occupying and includes people using private or public land without permission, permit or grant i.e. people without legal/legalizable title to land and/or structures occupied or used by them. ADB's policy explicitly states that such people cannot be denied resettlement assistance.

**Relocation:** means physical displacement of the affected persons. A relocation site is a designated area for building homes, infrastructure, provision of assets, employment and re-establishing income, livelihoods, quality of life and social systems.

**Replacement cost:** is the amount of cash or kind needed to replace an asset in its existing condition, without deduction of transaction costs or cost of any material salvaged.

**Involuntary Resettlement:** means all the impacts associated with land acquisition including restriction of access to, or use of land, acquisition of assets, or impacts on income generation as a result of land acquisition.

**Significant impact:** means where 200 or more displaced persons suffer a loss of 10% or more of productive assets (income generating) or physical displacement.

**Vulnerable Households:** means households that are comprised of (i) below poverty line households, (ii) female-headed households, (iii) elderly-headed household, (iv) landless household, (v) household with no legal title / tenure security, (vi) households with out-of-school/working children and (vii) scheduled castes and scheduled tribe households.

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## I. INTRODUCTION

### A. Background

1. Himachal Pradesh is the least urbanized state in India, where 1.7 million households (or 90%) live in rural areas across the state. Most of these rural populations live in small villages with population below 25,000 people. The state has a total land area of 55,673 square kilometers (km<sup>2</sup>) and has a low population density, at 123 per km<sup>2</sup> compared against the national average of 382 per km<sup>2</sup>.<sup>1</sup> From 2001 to 2011, the annual total population growth rate was 1.29%. At this rate, the population is expected to be 7.9 million by 2041—which is likely to remain predominately rural.

2. Approximately 75.5% of the state's rural population has access to drinking water from improved sources (i.e., a functional tap connection of piped drinking water supply), substantially higher than the national average of 33.6%.<sup>2</sup> Despite a relatively high access rate, the existing rural water supply infrastructure is in poor condition and the service level is low. This is a result of aging infrastructure and the absence of an overall asset management framework, further exacerbated by a lack of operation and maintenance (O&M) funding. The existing water supply is intermittent at 6–8 hours per day, with an average of 40 liters per capita per day (LPCD). With small schemes located in remote and steep terrain, data gathering is subject to physical field inspections, making the rural systems difficult to manage. The current monthly tariff is fixed at ₹ 34.54 and is insufficient for operation and maintenance (O&M) cost recovery.

3. Himachal Pradesh's Jal Shakti Vibhag (JSV), formerly the Irrigation and Public Health Department, receives annual federal transfers. However, fiscal improvements for long-term and sustainable service delivery are urgently needed. JSV is responsible for delivering bulk water to villages. At the village level, village bodies or gram panchayats manage the village schemes. Gram panchayats are constrained by their dependence on intergovernmental transfers—the unpredictability of funds makes reliable water supply and universal sanitation a challenge. JSV plans to optimize its rural water supply operations to ensure end-to-end delivery system across the state, resulting in improved and equitable access to quality drinking water and better sanitary conditions. The coronavirus disease (COVID-19) pandemic poses an additional challenge. Measures to combat COVID-19 pandemic include the COVID-19 vaccination drive recently launched; however, to curb the spread of the disease, safe management of drinking water and sanitation services, and hygiene practices are fundamental to protect human health.<sup>3</sup>

4. In 2019, the Government of India launched the Jal Jeevan Mission, which aims to provide piped water supply to all rural households by 2024, ensuring 100% coverage. To enhance O&M for adequate and safe drinking water supply, the Government of India decentralized service delivery responsibilities to local bodies. In 2013, the state's Water Policy was approved, advocating that “adequate, safe, and sustainable drinking water facilities will be provided” and safe disposal of sewage promoted.<sup>4</sup> The policy acknowledged that tariffs needed to be

<sup>1</sup> Government of India, Office of the Registrar General & Census Commissioner. 2011. *Census*. Delhi.

<sup>2</sup> *Jal Jeevan Mission*. The mission follows on from the National Rural Drinking Water Programme, 2009–2019. Government of India, Ministry of Jal Shakti, Department of Drinking Water and Sanitation. 2019. *Jal Jeevan Mission*. Delhi. The Jal Jeevan Mission vision states: “Every rural household shall have assured drinking water supply in adequate quantity of prescribed quality on regular and long-term basis at affordable service delivery charges leading to improvement in living standards of rural communities.”

<sup>3</sup> ADB. 2020. *Technical Assistance for Accelerating Sanitation for All in Asia and the Pacific*. Manila. The regional technical assistance promotes the concept of citywide inclusive sanitation. It will complement the pilot inclusive sanitation component through development and implementation support.

<sup>4</sup> Government of Himachal Pradesh, Department of Irrigation and Public Health. 2013. *Himachal Pradesh State Water Policy 2013*. Shimla.



restructured. To achieve the state's vision—Drishti Himachal Pradesh 2030: Sustainable Development Goals (SDG): “providing adequate, safe, and wholesome water and sanitation services”—the Government of Himachal Pradesh (GOHP) is committed to ensuring that 100% of the rural population has access to drinking water at 70 LPCD, including nonrevenue water reduction from 30% to 10%, and universal coverage of improved sanitation facilities (from 69.7%) by 2030<sup>2</sup>.

5. In view of the above, the Government of Himachal Pradesh (GOHP) approached Department of Economic Affairs (DEA) to request a loan of \$96.33 million for the renovation of old rural water supply schemes across the state. On 14 June 2018, DEA's Screening Committee approved the request and subsequently, proposed it to Asian Development Bank (ADB) on 6 July 2018 for financial assistance to support the state's initiative. The objective for the Project is to ensure end-to-end delivery system of rural water supply across the state, resulting in overall equitable access to quality drinking water and better sanitary conditions.

6. The proposed Himachal Pradesh Rural Water Improvement and Livelihood Project of (HPRDWILP) project aligns with ADB Strategy 2030 operational priorities (OP) for (i) addressing remaining poverty and reducing inequalities by providing poor and vulnerable households with access to water and sanitation services (OP1); (ii) accelerating progress in gender equality through gender-sensitive training and providing access to water supply services (OP2); (iii) tackling climate change, building climate and disaster resilience, and enhancing environmental sustainability by incorporating these features in project design (OP3); (iv) promoting rural development through the provision of adequate water supply and sanitation infrastructure and services (OP5); and (iv) strengthening governance and institutional capacity to enhance sustainability (OP6).<sup>5</sup> The project is included in ADB's country operation business plan for India, 2021–2023 and is consistent with pillar 2 (inclusive provision of infrastructure networks and services) and pillar 3 (address climate change and increase climate resilience) of ADB's country partnership strategy for India, 2018–2022.<sup>6</sup> The project will contribute to SDG 1 (no poverty); SDG 5 (gender equality); SDG 6 (clean water and sanitation); and SDG 13 (climate action).<sup>7</sup>

## B. Project Outputs

7. The project will be aligned with the following impact: water and sanitation services in Himachal Pradesh sustainably managed. The outcome of the project will be safe, reliable, efficient, and sustainable drinking water and sanitation services provided in project districts.<sup>8</sup> The project will have the following two outputs.

8. **Output 1: Rural water supply and sanitation systems in project districts improved.** Water services will be improved to meet the minimum 70 liters per capita per day (LPCD) of potable, uninterrupted water supply of 400,000 rural residents, across 2,800 habitations through single and multi-village schemes in the selected project districts. The output will include 11 subprojects to upgrade 187 water supply schemes, comprising components such as groundwater wells, surface-water intake facilities, water treatment plants, storage tanks, overhead and ground-level reservoirs, pumping stations and construct 2,000 kilometers of bulk water supply and distribution pipelines, and household service connections. The JSV will use extended O&M contracts with a 5-year operation service period for the water supply schemes. Both the bulk water

<sup>5</sup>ADB. 2018. *Strategy 2030: Achieving a Prosperous, Inclusive, Resilient and Sustainable Asia and the Pacific*. Manila.

<sup>6</sup>ADB. 2020. *Country Operations Business Plan: India, 2021–2023*. Manila; and ADB. 2017. *Country Partnership Strategy: India, 2018–2022*. Manila.

<sup>7</sup>United Nations. *Sustainable Development Goals*.

<sup>8</sup> The targeted districts comprise Bilaspur, Chamba, Hamirpur, Kangra, Kullu, Mandi, Shimla, Sirmaur, Solan, and Una.

supply system, the distribution system, and associated customer services will be monitored by supervisory control and data acquisition and geographic information systems and managed by a management information system. These measures incorporate climate resilience by assuring the system's capacity to adapt to a changing climate. Households will be fitted with volumetric water meters. Smart water management (SWM) will provide frequent, continuous, accurate, and reliable monitoring to ensure sustainability. A pilot inclusive sanitation program will be implemented in Sirmaur district covering 424,270 beneficiaries across 970 rural villages to ensure fecal sludge is safely managed, treated, and disposed, with consideration of resource recovery and re-use. The learnings from this pilot program will be taken into consideration when designing future sanitation programs.

**9. Output 2: Institutions and capacity of stakeholders for rural water supply and sanitation services strengthened.** The project will (i) strengthen institutional capacity of the JSV and *gram panchayats*, for improved efficiency and sustainable service delivery by (a) introducing a SWM system for monitoring and benchmarking of household water consumption as basis for tariff adjustments, (b) approval of state-level asset management framework and district specific asset management plans, and (c) endorsement of relevant amendments to the state water tariff policy; (ii) train key project stakeholders on financial management, water conservation, billing and collection, customer services, and O&M of water supply facilities, including SWM; and (iii) mainstream participation of women in capacity development and awareness-raising. The output will promote inclusive sanitation through improving capacity of the Rural Development Department (RDD) and *gram panchayats*. Activities supported under this output for enhancing rural FSM and sustainable non-networked sanitation solutions includes (i) water and sanitation safety planning; (ii) preparing FSM guidelines;<sup>9</sup> (iii) developing and implementing guidelines and standard operating procedures on gender mainstreaming; and (iv) raising public awareness on the health benefits of improved water supply, sanitation, and hygiene practices to prevent disease and the spread of COVID-19. Consultations with civil society organizations have been carried out with interested parties where the project will be implemented.

## **C. Implementation Arrangements**

10. Himachal Pradesh's JSV will be the executing and implementing agency. A project management unit (PMU) has been established, headed by a project director and resourced with qualified staff. The PMU will also include a representative of the Rural Development Department as the key focal for the Swachh Bharat Mission and *gram panchayats*. Four project implementation units (PIUs) will be established at the four zonal offices. The PMU and PIUs will be supported by Project Design Management and Supervision Consultant (PDMSC) in project management and implementation. State-level empowered committee and district-level committees are also proposed to guide PMU. JSV will supervise the overall work and upon commissioning of the distribution network, the distribution network will be transferred to the *gram panchayats* for O&M. The state-level committee will be responsible for oversight of the overall project implementation progress and provide policy, reform and implementation guidance. District-level committee will focus on day-to-day project implementation issues and ensure effective coordination between JSV and *gram panchayats*. The project implementation units will include *gram panchayat* representatives for implementation support, capacity development, and community mobilization activities.

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<sup>9</sup> ADB support may extend to state policy, guidelines on liquid waste, and/or non-networked sanitation management.

## **D. Resettlement Framework**

11. This Resettlement Framework for HPRDWILP outlines the objectives, policy principles and procedures for land acquisition (if any) and involuntary resettlement, compensation and other assistance measures for affected persons. This framework is guided by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR) and Rules 2015 and ADB's Safeguard Policy Statement (SPS) 2009. A detailed description of compensation measures and assistance is provided in the entitlement matrix. This framework will be applicable to any land acquisition/donation/purchase and any involuntary resettlement undertaken in anticipation of the project, and will be applicable to projects identified after ADB board approval under the sector loan.

12. An entitlement matrix, consistent with the existing national laws and ADB SPS, 2009 has been prepared to cover losses identified in this Project. The matrix recognizes that the lack of title/customary rights recognized under law will not be a barrier to entitlement and has special provisions for non-titleholder persons. The eligibility for compensation will be determined through a cut-off-date. People moving into the project area after the cut-off-date will not be entitled to compensation or other assistance. This resettlement framework will be the reference document for preparation of resettlement planning documents for subprojects proposed under the project.

## **II. PROJECT DESCRIPTION**

### **A. Existing water supply situation**

13. The rural water supply schemes are sourced from local sources such as springs, khads, nallahs and tube wells located near the villages. Due to hilly topography, water is being supplied through lift and gravity mechanisms. Over time water demand has increased due to increased population and in some cases existing water supply schemes do not match the increased demand for water. The lack of maintenance has also resulted in repair and rehabilitation being deferred. The risks of increased drought and reduced dry season flows have also made these systems less efficient. In rural areas, house connections are available for about 54% of households with the remain depending on standpipes. It is expected to achieve 100 % coverage through this project.

#### **1. Water Production**

14. Currently, 40 liters per capita per day (LPCD) of water is being supplied at household level. Most of the existing sources are not having sufficient discharge to cater the continuous water supply with desired rate of 70 LPCD at the household level.

#### **2. Transmission and Distribution Services**

15. Most of the transmission and distribution lines were laid over 20 years ago and have now past their design life. The pipes were initially designed with a peak factor of 1 and do not have sufficient capacity as per 70 LPCD requirement at household level. Most of the pipes are in extremely poor condition with leakages. Approximately 5,100 km of existing pipe network is being used to supply water from source to households.

#### **3. Objectives**

16. Under ADB supported project, Himachal Pradesh Rural Drinking Water Improvement and Livelihood Project (HPRDWILP) approximately 468,693 people will directly benefit from water

infrastructure improvements. The HPRDWILP project will cover 10 districts out of total 12 districts in the state.

17. The objectives of the HPRDWILP Project include the following: (i) identify reliable and sustainable drinking water sources for rural water supply schemes; (ii) automate the operation and telemetry system from source to reservoirs including water quality monitoring; (iii) ensure that all project household beneficiaries have a metered water connection; (iv) construct water treatment plant sat all new source; (v) prepare works contract to include operation and maintenance for up to 5 years of the service period; and (vi) introduce energy-efficient mechanisms to reduce operating costs.

18. JSV has identified 187 water supply schemes commissioned before year 2000 which are included in the ADB supported HPRDWILP Project scope for renovation and remodeling schemes in 10 districts in Himachal Pradesh. The project cost of approximately ₹ 8.45 billion (equivalent of \$114.4 million) for renovation and remodeling cost-sharing between ADB (80%) and Government of India (20%).

## **B. Scope of Work**

19. As indicated above, 187 schemes have been identified, and therefore, clustering of schemes into grids and packages could provide an economy of scale (e.g., mobilization of capital by the contractor and financial feasibility). The clustering could be done using two criteria (i) geographical proximity, and (ii) administrative division of schemes.

20. Grids are formed by the integration of various small water supply schemes. Similarly, the package is an integration of grids falling under the respective circles of each zone. The details are mentioned below.

**Table 1: Structure of the packages**

Zone	Package Number	Name of Circle	District	Grids	Schemes
Mandi	1	Sundernagar	Mandi	8	33
	2			7	28
	3	Kullu	Kullu	6	28
	Total			21	89
Hamirpur	1	Hamirpur	Hamirpur	6	17
	2	Bilaspur	Bilaspur	6	13
	3	Una	Una	6	20
	Total			18	50
Dharamshala	1	Dharamshala	Kangra	6	8
	2	Chamba	Chamba	2	2
	Total			8	10
Shimla	1	Kasumpti	Shimla	3	6
		Rohru	Shimla	4	10
	2	Solan	Solan	3	15
	3	Nahan	Sirmaur	3	7
	Total			13	38
Grand Total				60	187

Table 2: Proposed works under HPRDWILP

Zone		Mandi Zone	Hamirpur Zone	Dharamshala Zone	Shimla Zone
No. of Packages		3	3	2	3
No. of Grids		21	18	8	13
No. of Schemes		89	50	10	38
No. of Habitations		933	893	315	196
Total Population (2042)		1,42,639	1,95,131	72,829	58,094
Total Water demand (2042 KLD)		13,551	18,538	6,919	5,523
House Service Connection		23,436	32,032	11,960	10,085
Proposed Sources (PW/TW/SP/KHAD/River/Dam)	Number	54	38	11	34
WTP	Number	38	36	10	31
	Capacity (KLD)	18,978	15,785	10,040	6,507
Pump house	No.	29	53	13	31
	Total Area of PH (m2)	1,483	2,663	685	1,420
PUMPS	Number	172	378	86	228
	Capacity (HP)	5,449	3,683	3,020	3,474
Length of pumping main	50 mm	15,150	27,702	2,171	26,420
	65 mm	8,621	21,434	2,616	17,406
	80 mm	15,055	41,893	526	27,972
	100 mm	13,276	20,513	3,151	14,774
	125 mm	5,011	18,738	7,671	230
	150 mm	10,062	3,722	32,718	-
	200 mm	9,462	-	-	-
	250 mm	-	-	-	-
	Total	76,637	1,34,002	48,853	86,802
Length of Gravity main	50 mm	76,361	19,240	31,369	36,740
	65 mm	1,83,616	68,432	60,734	23,191
	80 mm	45,717	22,924	46,315	6,070
	100 mm	38,441	25,333	28,558	-
	125 mm	15,301	9,191	14,498	-
	150 mm	3,146	1,465	2,384	-
	200 mm	35,007	-	7,152	-
	250 m	7,729	-	-	-
	300 mm	-	-	-	-
	Total	4,05,318	1,46,585	1,91,010	66,001
	25 mm	28,503	13,296	21,545	52,097
	32 mm	63,564	19,475	24,862	45,195

Zone		Mandi Zone	Hamirpur Zone	Dharamshala Zone	Shimla Zone
Length of Distribution main	40 mm	1,45,709	45,975	83,372	71,096
	50 mm	1,92,003	1,24,919	1,28,898	70,086
	65 mm	2,70,099	2,96,964	1,63,817	95,010
	80 mm	29,300	78,340	15,933	8,768
	100 mm	8,675	39,286	5,807	11,137
	125 mm	2,555	17,024	1,461	3,846
	150 mm	1,696	6,122	-	-
	<b>Total</b>	<b>7,42,104</b>	<b>6,41,401</b>	<b>4,45,695</b>	<b>3,57,235</b>
Reservoirs (MBR/SR) KL	<b>Number</b>	280	177	99	84
	<b>Capacity</b>	10,307	8,440	4,200	6,650
<b>Automation</b>		2,461	2,682	1,028	1,197

Table 3: Land details for HZ-PK-1 and MZ-PK-2

Zone	Package	Total area required for proposed components approx. (m <sup>2</sup> )	Land required for proposed component on Government land approx.(m <sup>2</sup> )				Land required for proposed component coming on private land Approx.(m <sup>2</sup> )	
			Owned by JSV	Owned by Revenue Dept. GOHP	Owned by Forest	Owned by BBMB**	Private Land Donation	Remarks
Hamirpur	1	15,542	6,647	6,156	NA	NA	2,739	All private land is being donated voluntarily as per the 26 landowners' consent forms
Mandi	2	26,741	NA	936	19,737	5,390	678	All private land is being donated voluntarily as per the 9 landowners' consent forms
<b>Total</b>		<b>42,283</b>	<b>6,647</b>	<b>7,092</b>	<b>19,737</b>	<b>5,390</b>	<b>3,417</b>	

\*\* Bhakra Beas Management Board

### III. APPLICABLE POLICY FRAMEWORK

21. This section of the report outlines the laws, policies and regulations that are applicable for this project and will guide the project activities. The legal framework and principles adopted for addressing resettlement issues for this project is guided by the existing legislation and policies of the GOHP and ADB SPS, 2009. A brief review of applicable acts and policies is presented in the following paragraphs.

22. The resettlement principles adopted for this resettlement framework document are based on the RFCTLARR Act 2013, GOHP Standing Order on Private Negotiations, and ADB SPS, 2009.

#### A. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

23. This Act repeals the Land Acquisition Act, 1984 and is applicable to all states in India including Rajasthan. RFCTLARRA, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement collectively. RFCTLARRA regulates land acquisition and provides rules for granting compensation, rehabilitation and resettlement to the affected persons in all projects in India. RFCTLARRA provides for fair compensation to those whose lands are acquired and brings transparency to the process of land acquisition and assures rehabilitation of those affected. It empowers the government to define purposes to support infrastructure development and industrialization. RFCTLARRA increases the overall cost and time required for land acquisition, thereby compelling project owners towards more efficient utilization of land. Step wise salient features of RFCTLARRA, 2013 are furnished below.

- (i) **Preliminary Investigations/Preparation of Social Impact Assessment/Social Impact Management Plan.** It is mandatory under the Act to conduct a time bound social impact assessment (SIA) and social impact management plan (SIMP).<sup>10</sup> No land acquisition shall be initiated unless SIA/SIMP is approved by the Expert Group. SIA shall also be conducted in a participatory manner and with all necessary public hearings, dissemination etc., duly followed;
- (ii) **Preliminary Notification, Objections and Hearing.** Under the Act, Preliminary Notification<sup>11</sup> shall be issued only after the approval of SIA and within 12 months from the date of SIA approval, failing which a fresh SIA/SIMP will be prepared. Preliminary Notification shall allow appropriate Government to undertake various surveys and update records, which needs to be compulsorily completed within two months. Within this period (60 days), all affected landowners/families shall be given right to raise objections in writing to the district collector and shall get a chance to be heard in person;
- (iii) **Preparation of Rehabilitation and Resettlement Scheme and its Declaration.** Following preliminary notification, administrator appointed for rehabilitation and

<sup>10</sup> SIA shall confirm: (i) the proposed acquisition is for the public purpose and extent of land proposed is the absolute bare minimum extent needed for the project; (ii) number of affected families, displaced families; details of extent of loss and other associated social impacts; and (iii) costing for addressing estimated losses and social impacts. The SIMP shall form a part of SIA and include each component wise ameliorative measures to address land acquisition and social impacts. SIA/SIMP shall be evaluated by independent multi-disciplinary Expert Group who reserves the right to approve it.

<sup>11</sup> The preliminary notification shall include: (i) statement on project/ public purpose; (ii) reasons necessitating the land acquisition; (iii) summary of SIA; and (iv) particulars of the Administrator appointed for the purpose of rehabilitation and resettlement.



resettlement shall conduct a survey, census of the affected families and prepare a draft rehabilitation and resettlement scheme (RRS).<sup>12</sup> Administrator first submits RRS to the district collector and district collector then to the commissioner-rehabilitation and resettlement who approves the RRS in the last. The district collector shall publish a summary of RRS along with Declaration under the hand and seal of secretary to such Government or any other official duly authorized.<sup>13</sup> Declaration shall be published only after the requiring body deposits amount towards the cost of land acquisition.<sup>14</sup> RRS summary and declaration shall be compulsorily made within the 12 months after the issue of preliminary notification. If not complied, such notification shall be considered rescinded unless land acquisition was held up on account of any stay or injunction by the order of court; and

- (iv) **Public Notice and Award.** Following declaration and requiring body deposits amount towards the cost of land acquisition; the district collector shall issue a public notice and hear objections (if any) within 6 months from the date of its issue. The district collector shall make an award within a period of twelve months from the date of publication of the Declaration and if award is not made within that period, the entire proceedings of the acquisition of the land shall lapse.

24. Some of the key features related to estimation of project induced losses include: (i) multiplying market value of a land by factor up to two, depending upon its distance from the urban area, to match it with the prevailing market values; (ii) providing 100% solatium on total compensation amount (instead of 30%); (iii) compensation for damage incurred during surveys/investigations etc.; (iv) compensation of expenses/or any change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition; (v) compensation for loss of profits (if any) from the date of declaration; (vi) compensation for livelihood losses of families (other than landowner) who are dependent on the land for minimum three years prior to the acquisition; and (vii) increased allowance/assistance for livelihood losses, travel, additional assistance for vulnerable families, artisans etc.<sup>15</sup>

25. It is also mandatory under the Act to make land acquisition payment within 3 months and resettlement and rehabilitation (R&R) payment within 6 months from the date of the award. The collector shall acquire land only after such payment. It is also necessary (at state level): (i) to appoint an officer of the rank of commissioner or secretary of that government for rehabilitation and resettlement of affected families under this Act, to be called the commissioner for rehabilitation and resettlement; and (ii) establish Land Acquisition, Rehabilitation and Resettlement Authority (LARRA) for the purpose of speedy disposal of disputes relating to land acquisition, compensation and R&R. The decisions made by Authority on disputes can only be challenged in high court/supreme court.

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<sup>12</sup> Draft RRS shall include: (i) particulars of land and immovable property to be acquired of each affected family; (ii) livelihood losses of landowners as well as dependent landless families; (iii) list of government/public buildings and details of utilities and/or infrastructure facilities where resettlement of affected families is involved; (iv) details of common property resources being acquired; and (v) particulars of the rehabilitation and resettlement entitlements of each affected landowner and landless family and list/details of government buildings, utilities, infrastructure facilities to be provided in the area. The Administrator shall also set implementation timeline in draft RRS.

<sup>13</sup> Summary RRS shall not be published unless it is published along with Declaration.

<sup>14</sup> In full or part, as prescribed by the appropriate Government.

<sup>15</sup> These are reflected in entitlement matrix.

## B. State Government Policies and Practices

26. **Acquisition of Land by Private Negotiation (Standing Order No. 28)** is an additional guideline to support the existing Standing Order on private negotiations to execute for infrastructure projects by Financial Commissioner, Government of Himachal Pradesh, January 2018. As the acquisition of land often takes considerable time and execution of the projects gets delayed and for speedier acquisition of land, the process of acquisition by private negotiations with the interested landowners have proved to be beneficial to both the parties i.e., landowners as well as acquiring department too. In case, it is found that acquisition of land is imminent for a public purpose, following two options will be available with the concerned department, which is contained in Himachal Pradesh Financial Commissioner Standing Order No.28. –

- (i) Acquisition by private negotiation.
- (ii) Compulsory acquisition under the provisions of the new Land Acquisition Act “Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.”

27. In order to facilitate the process for land acquisition through private negotiation, there are two committees i.e., District Negotiation Committee (DNC) and District Land Price Fixation Committee (DLFC). The DNC constitute of the following members, who examine and recommend the cases of land acquisition under private negotiation to the Government.

Deputy Commissioner of the respective District	Chairman
Superintending Engineer of Civil Circle	Member
Sub-Divisional Magistrate	Member
Executive Engineer, HPPWD Circle	Member
Tehsildar of concerned Tehsil	Member
Land Acquisition Collector	Member Secretary

28. The District land price fixation committee (DLFC)'s role is to determine market prices for land at the district level with the following members. The DLFC's role in the process is to help arrive at the replacement cost of land and other assets and assist DNC in its negotiations with the PAPs on the proposed values. The DLFC fix the replacement cost of land and other immovable assets as per the provision of Section 26, 27, 28, and 29 and Schedule I of RFCTLARR Act 2013.

Deputy Commissioner	Chairman
Sub Divisional Magistrate	Member
Tehsildar	Member
District Revenue Officer	Member

29. Key features and approach under the Standing order for private negotiations are as follows:

- (i) The decision of land acquisition by negotiation or by compulsory acquisition shall be taken by the Head of the Department;
- (ii) Under the procedure of private negotiations, all statutory benefits are given and it is as good as an Award to the satisfaction of the land owners. This includes 100% solatium on determined value provided on all assets on land, structures are valued as per Basic Schedule of Rates including depreciation.

- (iii) The DLFC fixes price as per provisions under Section 26-29 of the RFCTLARR Act and Schedule I on multiplier.
- (iv) Publication of preliminary notification under Section 11 of the RFCTLARR Act 2013; it is desirable so that in the event of failure of negotiation, land may be acquired under compulsory provision;
- (v) Project authorities issue Section 11 (1) preliminary notification directly which includes: 1) details of land to be acquired in rural and urban area, 2) a statement of the nature of the public purpose involved, reasons necessitating the displacement of affected persons etc.;
- (vi) Notices are issued in official gazette, local dailies and uploaded on website etc. as specified in Act;
- (vii) The land owner and the co-sharers who have been shown as the land owners in the updated land records should be called for negotiation and will be given the opportunity of being heard;
- (viii) The negotiation exercise should be carried out carefully and properly documented:
  - (a) Record of services made to each interested land owner, i.e. date of issuing of summons, obtaining signature of the land owners; (b) informing the land owners about the date, time and venue of conducting the meeting; (c) record attendance of the land owners; (d) information to be made available to the office of the Chairman of negotiation committee, land acquisition office and office of the Executive Engineer; and (e) in case of minor land owners, he should be represented through his guardian, properly authorized or civil court.
- (ix) Demarcation of land proposed for acquisition in presence of land owners and Land Acquisition Controller as per the provision of Section 20 of the RFCTLARR Act 2013 or under the Section 3 B of N.H. Act 1956, to reduce any kind of litigation and confirm correctness of boundaries.
- (x) When the negotiation committee constituted for the purpose by the Govt. successfully concludes the market value of the land with the owners as per the general instructions and further acceptance by the land owners, the detailed proceedings to this effect would be drawn and sent to the Govt. for approval of the negotiated rates through the Deputy Commissioner concerned without any delay.
- (xi) The statement of landowners in context of acceptance of the negotiated rates are recorded and retained as evidence in the record.
- (xii) Approval of negotiated rates and transfer of land in favor of the department by taking possession from the land owners and getting the mutations attested. No reference is allowed against the award (under Section 23) as it is done on mutual consent negotiation basis.
- (xiii) The entire negotiated amount will be paid in a single installment within one month of negotiations either by electronic transfer (routine mode) or by cheque if affected persons request.
- (xiv) Assessment of structures and buildings within the right of way must be done carefully with proper evidence and records; photographs of structures and buildings to be retained for future reference.

30. The procedure for negotiated purchase of land will be carried out as specified under Section 46 of the RFCTLARR Act 2013. There shall be no income tax deductions in line with Sec 96 of the RFCTLARR Act. In the event any deductions are made toward taxes, such amounts will be reimbursed.

31. The standing order has (i) no provision for conducting social impact assessment (SIA); (ii) there are no special provisions for vulnerable groups/persons, (iii) no loss of livelihood is compensated either through job, annuity or cash compensation; and (iv) does not have provision of grievance redress mechanism, and (v) District Land Price Fixation Committee (DLFC) does not consider allowances in schedule II of the Act

### **C. ADB's Safeguard Policy Statement, 2009**

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

33. The involuntary resettlement safeguards cover 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. Following are the basic policy principles of ADB's SPS, 2009:

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

34. The project will recognize three types of displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they

occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all 3 types of displaced persons.

**D. Comparison of the RFCTLARRA 2013 and the Standing Order No. 28 Acquisition of Land by Private Negotiation, January 2018 with Key Indicators of ADBs Safeguard Policy Statement 2009**

35. The RFCTLARR Act, 2013 represents a significant milestone in the development of a systematic approach to address land acquisition, rehabilitation and resettlement collectivity in India. RFCTLARRA, 2013 has also laid down similar principles like ADB's SPS, 2009 and focus on avoiding or minimizing involuntary impacts, if not restoring and enhancing the quality of life of affected families irrespective of title to the land. Table below presents a comparison of the Government of India policies (RFCTLARRA, 2013), the state policies vis-à-vis ADB's SPS, 2009, and identifies gaps and gap filling measures.

36. A comparison of the key requirements has been made, and how the gaps will be addressed through this resettlement framework in case of any instance of involuntary land acquisition is given in Table 4. The resettlement framework addresses the following identified gaps, namely: (i) screening past, present and future involuntary resettlement impacts and risks, the Project will undertake screening of all subprojects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks; (ii) gap in establishing a project-level GRM for projects that do not have significant resettlement impacts. The Project will establish project-level GRM. (iii) define vulnerable group as per SPS, policy principle 2. The Entitlement Matrix outlines assistance for vulnerable groups, as defined by ADB policy; (iv) third party monitor of negotiated settlement and voluntary land donation: to ensure a fair and transparent process, a third party independent monitor will be hired to certify the process the volunteer land donation was undertaken in a transparent, consistent and equitable manner; (v) non-titled users of project locations identified in accordance with the cut-off date will be eligible for compensation; (vi) disclosure of resettlement plan and resettlement framework to affected persons; (vi) frequency of resettlement plan monitoring: frequency of monitoring will be semi-annual, as per ADB SPS.

**Table 4: Detailed Policy Comparison**

<b>S. No</b>	<b>Involuntary Resettlement Policy Principle</b>	<b>ADB Safeguard Policy Statement (SPS)</b>	<b>Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)</b>	<b>Acquisition of Land by Private Negotiation (Standing Order No. 28)</b>	<b>Measures to Bridge Gaps</b>
1	Screen project	Screen the project to identify past, present and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically Related to resettlement	<p>Section 4 (l) it is obligatory for the appropriate Government that intend to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concerned Panchayat, Municipality or Municipal Corporation, as the case maybe, at village level or ward level in the affected area.</p> <p>The Social Impact Assessment study report shall Be made available to the public in the manner prescribed Under section 6.</p>	No provision for conducting SIA	<p>There is no gap between RFCTLARR and ADB SPS for conducting SIA. However, there is a gap in the requirement for screening past, present and future involuntary resettlement impacts and risks.</p> <p>The Standing Order No. 28 on private negotiation has no provision for conduct SIA.</p> <p>The Project will undertake screening of all subprojects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks.</p> <p>SIA will be carried out for all landowners from whom land is being procured through land acquisition, negotiated purchase or land donation.</p>
2	Consult stakeholders and establish grievance redress mechanism (GRM)	Carryout consultations with displaced persons, host communities and concerned NGOs. Informally displaced persons of their entitlements and resettlement options	Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report. The Land	Private negotiations provide the opportunity to affected persons to put forth their views and objections.	<p>Negotiation for land purchase is a consultative process and allows the landowners to voice their concerns.</p> <p>There is however a gap between ADB SPS and RFCTLARRA in establishing a project-level GRM for projects that do not have significant resettlement impacts.</p> <p>The Project will establish project- level</p>

S. No	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)	Acquisition of Land by Private Negotiation (Standing Order No. 28)	Measures to Bridge Gaps
			Acquisition Rehabilitation and Resettlement Authority shall be established in each State by the concerned State Government to hear disputes arising out of projects where land acquisition has been initiated by the State Government or its agencies.		GRM.
3	Improve or at least restore, the livelihoods of all displaced, and payment at replacement cost	Improve or restore the livelihoods of all displaced persons through:(i) land- based resettlement strategies; (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and(iv) additional revenues and services through benefit sharing schemes where possible.	The Deputy Commissioner (DC) having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the landowner (whose land has been acquired) by including all assets attached to the land.	The Standing Order provides guidelines that the DLFC will fix the cost of land and other immovable assets as per the provision of Section 26, 27, 28, and 29 and Schedule I of RFCTLARR Act 2013. Also, structures are valued as per Basic Schedule of Rates including depreciation.	<p>There is a gap between government policy and ADB SPS. RFTCLARRA does not recognize loss of livelihoods to non-titled users of government land.</p> <p>Moreover, RFCTLARRA does not recognize non-titleholders present on private land for less than three years; and the Standing Order no. 28 is silent on the issue of livelihood impacts to non-titled users of private land being purchased through negotiation.</p> <p>The entitlement matrix ensures compensation against livelihood impacts to restore the livelihoods of permanently and temporarily affected persons, including non-titleholders.</p> <p>Assets to be compensated at replacement cost without depreciation.</p>
4	Assistance for displaced persons	Provide physically and economically displaced persons with needed assistance	Schedule I, provides market value of the land and value of the assets attached to land. Schedule II provides resettlement and rehabilitation package for landowners and for livelihood losers	Not specified	<p>No gap between ADB SPS and RFCTLARR.</p> <p>Entitlement Matrix outlines compensation and assistance for affected persons.</p>

S. No	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)	Acquisition of Land by Private Negotiation (Standing Order No. 28)	Measures to Bridge Gaps
			including landless and special provisions for Scheduled Tribes.		
5	Improve standard of living of displaced vulnerable groups	Improve the standards of living of the displaced poor and other vulnerable groups, especially those below the poverty line, the landless, the elderly, women, children, indigenous peoples, and those without title to land, to at least national minimum standards	Special provisions are provided for vulnerable groups.	The Standing Order has no special provisions for vulnerable groups/persons.	No gap between SPS and RFCTLARR. However, there is no provision for vulnerable persons in the Standing Order No. 28.  Entitlement Matrix outlines assistance for vulnerable groups, as defined by ADB SPS.
6	Negotiated settlement	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihoods status	Section 46 of RFCTLARR Act, 2013 permits direct purchase of land and undertaking direct negotiation with the landowner.	The GOHP has issued a Standing Order for acquisition of private land by negotiation. The negotiation committee constituted for the purpose by the Government successfully concludes the market value of the land with the owners as per the general instructions and further acceptance by the land owners, detailed proceedings are drawn and sent to the Government for approval of the negotiated rates through the Deputy Commissioner. The entire negotiated amount is to be paid in a single installment within	There is a gap between ADB SPS and government policies.  To bridge the gap and ensure a fair and transparent process, a third- party independent monitor will be hired to certify the process the negotiated purchase was undertaken in a transparent, consistent and equitable manner.  The third-party independent monitor will confirm that an adequate agreed amount is received by the landowner. All other SPS requirements pertaining to negotiated settlement are included in this resettlement framework.  Negotiation is allowed under section 46



S. No	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)	Acquisition of Land by Private Negotiation (Standing Order No. 28)	Measures to Bridge Gaps
				one month of negotiations either by electronic transfer (routine mode) or by cheque if so requested by affected persons.	of the RFCTLARR Act, and the amount paid is subject to income tax. In the event of any such deduction made toward taxes, the project will reimburse such amounts.  In case of failure of negotiation, the Safeguard Requirements 2: involuntary resettlement including preparing a resettlement plan will apply.
7	Compensation for nontitle holders	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. In the rural area, provide them with access to resources. In the urban area, provide them with access to housing.	Schedule II provides benefits to families whose livelihood is primarily dependent on land acquired	Not specified.	There is a gap between ADB SPS and government policies on compensation and assistance to non-titleholders on government land and those using private land for less than 3 years under RFCTLARRA and all non-titleholders using private land under the Standing Order No. 28. Entitlement Matrix outlines compensation and assistance for nontitle holders, including squatters, encroachers, sharecroppers and businesses.
8	Prepare resettlement plan	Prepare a resettlement plan/indigenous peoples plan on displaced persons' entitlements, the income and livelihood restoration strategy, institutional	Preparation of Rehabilitation and Resettlement Scheme including timeline for implementation. Section: 16. (1) and (2). Separate development plans to be prepared. Section 41	Not specified	No gap between ADB SPS and RFCTLARR.  Resettlement plan will be prepared for subprojects with involuntary resettlement impacts.  If negotiated settlement affects

S. No	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)	Acquisition of Land by Private Negotiation (Standing Order No. 28)	Measures to Bridge Gaps
		arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.			vulnerable person(s), a resettlement plan will be prepared and will include support and assistances to ensure that the income and livelihood status of such vulnerable person(s) is improved.
9	Disclose Resettlement Plan	Disclose a draft resettlement plan, including documentation of the consultation processing a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plans/DDR's and its updates to displaced persons and other stakeholders.	Under clause 18, the Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation. As the case maybe, and the offices of the District Commissioner (DC), the Sub- Divisional Magistrate and the Taluka, and shall be published in the affected areas, in such manner as maybe prescribed and uploaded on the website of the appropriate Government.	Not specified	The draft and final resettlement plans will be disclosed to affected persons.
10	Cost of resettlement	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the	Section 16. (I) Upon the publication of the preliminary Notification under sub-section(/) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include: (a) particulars of lands and immovable properties being	Not specified	No gap between ADB SPS and RFCTLARR. Cost of resettlement will be covered by the Executing Agency.  If negotiated settlement affects vulnerable person(s), a resettlement plan will be prepared by the executing agency and will include adequate

S. No	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)	Acquisition of Land by Private Negotiation (Standing Order No. 28)	Measures to Bridge Gaps
		involuntary resettlement component of the project as a stand-alone operation.	acquired of each affected family;(b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;(c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and(e) details of any common property.		budget to ensure that the income and livelihood status of such vulnerable person(s) is improved.
11	Taking over possession before payment of compensation	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	Section 38 (I). The Collector shall take possession of Land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30.	Not specified	No gap between ADB SPS and RFCTLARR.  The Standing Order No. 28 does not touch upon the requirement for payment of compensation prior to taking over possession. The project will ensure full payment of negotiated amount prior to taking over possession.
12	Monitoring	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives	Section 48 (I)The Central Government may, whenever necessary for national or inter- State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and	Not specified	RFCTLARRA does not specify the frequency of monitoring. The Project will prepare monitoring reports semi-annually as per ADB SPS.  In case of negotiated settlement

S. No	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)	Acquisition of Land by Private Negotiation (Standing Order No. 28)	Measures to Bridge Gaps
		of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	resettlement schemes or plans under this Act.		affecting vulnerable person(s), resettlement plan implementation will be monitored, and such monitoring results reported in the semi-annual social monitoring report for the project.

## **E. Involuntary Resettlement Safeguard Principles for the Project**

37. Based on RFCTLARRA, state policies and regulations, and the ADB SPS, the following resettlement principles are adopted for this project:

- (i) Screening of the project to identify involuntary resettlement impacts and risks. Minimizing and avoiding resettlement impacts of each sub project by exploring all viable alternative designs;
- (ii) Carrying out consultations with affected persons, host communities and non-government organizations; informing all displaced persons of their entitlements and resettlement options; ensuring their participation in planning, implementation, and monitoring and evaluation of resettlement programs;
- (iii) Where the resettlement impacts are unavoidable, the Displaced Persons should be assisted in improving or at least regaining their standard of living;
- (iv) Vulnerable households, those affected by the project will be given special assistance to improve their socioeconomic status. Vulnerable households comprise of below poverty line households, female-headed households, elderly-headed household, landless household, household with no legal title / tenure security, households with out-of-school/working children and schedule castes and scheduled tribe households;
- (v) The absence of formal title to land is not a bar to policy entitlements;
- (vi) Compensation for all lost assets acquired or affected is based on the principle of replacement cost;
- (vii) Restoration of livelihoods and residences of the displaced persons (DPs) will be facilitated with adequate resources and with a time-bound action plan in coordination with civil works;
- (viii) DPs are to be assisted in integrating economically and socially into host communities where physical displacement takes place, so that adverse impacts on the host communities are minimized and social harmony are promoted;
- (ix) All payments, including compensation for loss of land, assets, structures, trees, income, and common properties will be made prior to physical or economic displacement and commencement of civil construction work; and
- (x) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders. Disclose the final resettlement plan and other documents such as the monitoring reports to affected persons and other stakeholders.

38. In accordance with the involuntary resettlement principles of this resettlement framework, all affected persons will be entitled to compensation/resettlement assistance. Compensation and assistance will be based on the nature of ownership rights on lost assets and the impacts, including vulnerability status of the affected persons.

39. **Negotiated settlement.** ADB SPS, 2009 in principle recommends use of negotiated settlement to obtain land for project requirements. This helps avoid expropriation and eliminates the need to use force by governmental authority. This approach to obtain land through negotiated settlement is supported by the ADB SPS, 2009 provided there is no coercion or perception (held by the affected person/ land seller) of eminent domain being applied, should the negotiated settlement fail and where direct negotiations with land owners are conducted in a fair and transparent manner and land is purchased upon agreement of a negotiated price. This resettlement framework and the policy guidelines encourage acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultations with the

affected people including non-title holders. In a negotiated settlement both the parties (each affected person/family including non-titled) agree on a fair price for all losses incurred. In such settlement, in line with ADB policy, government will however ensure that any negotiation with affected persons openly addresses the risks of asymmetry of information and bargaining power of the parties involved in such transactions. If an expropriation results upon the failure of negotiation, all safeguard requirements as per the ADB SPS, 2009 will be applied and resettlement plan will have to be prepared in line with this resettlement framework. In this project, the process of negotiation will ensure the following steps:

- (i) Negotiation will take place when there is a willing seller;
- (ii) Consultation with the affected person must be carried out and documented;
- (iii) The minimum negotiated price to start negotiations will not be below the valuation of land based on the market value of land;
- (iv) All negotiations must be carried out in a transparent manner and validated by an independent external party (eminent citizen/any party without any interest in the process, appointed by the PMU. Third party will document the negotiation and settlement process (refer **Appendix 3** for terms of reference [TOR] for engaging a third party); The third party will also verify whether any person (e.g. tenants/users of the land or asset) will be rendered vulnerable as a result of the negotiated settlement.
- (v) The government will also agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements. PMU/PIU will document and keep record of all processes undertaken in the negotiated settlement;
- (vi) In case of failure of negotiations, compensation will be paid as outlined in the Entitlement Matrix of the resettlement framework and the entire process has to be documented. The third party will have to submit reports during and on conclusion of negotiations; costs related to third party certification will be borne by the project proponent;
- (vii) The land transfer and updated records of the purchased lands will have to be completed prior to the start of civil works. Land transfer costs for registering new land titles should be borne by the government; and
- (viii) People who enter into a negotiated settlement will maintain the same or better income and livelihood status.

40. **Voluntary Land Donation.**<sup>16</sup> The project may accept voluntary donation of land. Such offer would be considered only if donated land does not (i) bring any significant impact/impoverishment to the donor(s) and/or tenants/laborers/informal users; (ii) the donation does not come from the land owner categorized as poor or vulnerable; (iii) the donation will not cause any economic or physical displacement (to legal titleholders and/or formal or informal land users); (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s) and any non-titled affected

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<sup>16</sup> Donation also refers to other assets attached to the land (i.e. trees, structures etc.). Voluntary land donation will ensure that: i) full consultation with landowners and any non-titled affected people on site selection are undertaken; (ii) voluntary donations do not severely affect the living standards of affected people, and are linked directly to benefits for the affected people, with community sanctioned measures to replace any losses that are agreed to through verbal and written record by affected people; and (iii) any voluntary "donation" will be confirmed through verbal and written record and verified by an independent third party such as a designated nongovernment organization or legal authority.

persons; and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The third-party assessment will ensure that the land donation process has been undertaken in an atmosphere free of coercion, either from the government or from the community who would benefit from the project, and any losses that are agreed upon through verbal and written record by affected people are replaced. Due diligence for cases of voluntary donation, based on consultations and third party certification will confirm this. The project will provide both options – donation and payment of market price, for a transparent process. Community consultations undertaken for sample subprojects indicate that the land donation process was free from coercion or intimidation.

41. The process and steps to be followed for assessing eligibility of voluntary donation and documentations are given below:

- (i) **Step 1:** The project will be open to the possibility of voluntary land donation from any interested person/community. The land requirement will be explained to the interested donor(s). ADB's SPS, 2009 social safeguard requirements will also be explained to the people willing to donate land. An independent third party will be engaged in case of land donation, who shall assess if land parcel under consideration for donation meets the stipulated criteria (as described in paragraph above);
- (ii) **Step 2:** After donation of land is decided by the donor(s), the government (gram panchayat or appropriate government authority) will initiate formalization of land donation by issuing a letter to the willing donor(s) with details of public purpose for which land is required and the donor(s). Then requiring government body (gram panchayat/appropriate government authority) will take necessary legal steps to formalize the donation of land. PIU/PMU will facilitate the entire donation process and maintain its documentation; and
- (iii) **Step 3:** Gift Deed will be executed and the ownership transfer for land parcels will be registered in the name of the land (gift) receiving department/agency (as designated by government) and all necessary fees, stamp duties will be borne by this department/agency. Henceforth, the land ownership and related land record will be revised/amended with Record of Rights showing the changed ownership.

42. In case of consent to allow pipe laying without land transfer, a legal agreement will be signed between the landowner and project proponent specifying that no land compensation and/or transfer of land ownership will be involved. The agreement will also specify that any damage to crops, trees, assets and land will be compensated at replacement cost and/or restored as per the project's entitlement matrix. Consent to allow such pipe laying through private property will be certified by a third party. The land will be available to the landowner after pipe laying work is complete. Pipe laying through residential plots will be avoided by the project. A due diligence report will be prepared in case of land donation and will include such agreement, consultations with landowner, third party certification and a budget for any compensation required as per the agreement.

43. A mechanism will be established ensuring transparent process is followed and coercion was not used for donation of land and in case of consent to allow pipe laying without land transfer. The whole process will be verified and validated by an independent third party for all voluntary offer of land for the project. The above information has to be included in a report to be prepared by the external third party, preferably from reputed and qualified agencies/non-government organization (NGO)/firms/individuals. The concerned PIU shall submit due diligence report to ADB

for review and approval including information on impact assessment, voluntary donation process and report of independent third party.

44. The resettlement framework broadly defines three types of involuntary resettlement impacts that are eligible to have mitigation measures. The types of impacts are (i) loss of assets, including land and structures; (ii) loss of income or livelihood; and (iii) collective impacts on groups, such as loss of common property resources and loss of access or limited access to such resources. Every effort will be made during the preparation of detailed design to minimize acquisition of land and other assets and to reduce any involuntary resettlement impacts. Other unforeseen impacts, including relocation,<sup>17</sup> will also be compensated and addressed in accordance with the principles of this resettlement framework.

45. A detailed description of each compensation measure and assistance is provided in the entitlement matrix (Table 5). Affected persons will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons.

## **F. Subproject Screening Criteria and Checklists**

46. The PMU of HPRDWILP will be responsible for resettlement planning and implementation. For the preparation of new resettlement plans or any other safeguard reporting (due diligence, corrective action plan etc.), the following check list can be used to identify land acquisition and resettlement impacts.

- (i) Where is the proposed subproject located? What is the ownership status of land? Is the land identified adequate to accommodate proposed facilities? If not, whether it requires additional government/private land acquisition? Whether this land acquisition is permanent/temporary?
- (ii) If it involves private land acquisition, what is the number and profile of affected people? What is the extent of losses and other socio-economic impacts? Does proposed land acquisition involves permanent displacement of people?
- (iii) What are the impacts of permanent/temporary land acquisition on public utilities, common property resources, encroachers/squatters and other non-titled users of the land?
- (iv) Are there any impacts on indigenous peoples or ethnic communities?

47. The Social, Gender and Community Development Specialist of Project Design Management and Supervision Consultant (PDMSC) will prepare ADB's involuntary resettlement checklist (**Appendix 4**) along with Social Safeguard and Gender Officer (SSGO), PMU for each proposed subproject, based on the above information/inventory. Screening will be conducted immediately after identification of project site. If the screening is done simultaneously when the project site is being identified, the magnitude of impacts can be estimated at the same time, and if required, alternative options can be examined. This will be done by the PDMSC team under guidance from PMU and submitted to PMU. ADB's Operational Manual Section F1/Operational Procedures defines the criteria for screening and categorization of subprojects, which will be adopted. PMU will submit completed checklists to the ADB for review.

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<sup>17</sup> Should relocation be required, consultations will be carried out with affected persons in terms of the choice of their relocation options. affected persons requiring relocation of residential or commercial structures will be assisted by the PMU in identifying sites that minimizes social disruption and have access to similar services and facilities. Tenant affected persons will be assisted by the PMU in finding suitable rental accommodations.



48. The above inventory shall also help to screen the subprojects into following categories. To ensure that the project meets ADB's social safeguard requirements, as stipulated in the SPS 2009, projects will be screened. The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks.

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts.<sup>18</sup> A resettlement plan, including an assessment of social impacts, is required;
- (ii) **Category B.** A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required; and
- (iii) **Category C.** A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.

49. The subproject's involuntary resettlement category is determined by the magnitude of involuntary resettlement impacts. The involuntary resettlement impacts of ADB-supported projects are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks. For category A and B subprojects, a resettlement plan is required. For category C project a due diligence report (DDR) is required. Category A subprojects will not be considered and/or allowed by the project.

50. Measures will be undertaken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternatives for subproject designs and alternative sites or locations for subproject components to ensure that land acquisition and other involuntary resettlement impacts are avoided or minimized. These measures and criteria will be applied and rehabilitation within existing facility premises will be prioritized over new construction so as not to require land acquisition and result in resettlement impacts. Based on thorough survey of all possible site alternatives, subproject components will be proposed on vacant government land, where available.

#### IV. ELIGIBILITY, ENTITLEMENTS AND BENEFITS

##### A. Eligibility

51. The following displaced persons are eligible for compensation, assistance, and benefits under the project. All persons described in the definition of a family as given in the RFCTLARRA will also be eligible for assistance/compensation in addition to those mentioned in this section. Eligible persons include:

- (i) persons who will lose land/assets/income in their entirety or in part, and have formal legal rights to the land;
- (ii) persons who will lose the land they occupy in its entirety or in part, and have no

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<sup>18</sup> The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income-generating).

- formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws, e.g., tenants and leaseholders;
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g., sharecroppers, squatters, encroachers, wage labour without formal contracts; and vulnerable households.<sup>19</sup>

## **B. Entitlements, assistances and benefits**

52. The project entitlement policy addresses potential direct and indirect impacts of project construction and operation on displaced persons, households and communities due to involuntary acquisition, including those that will be acquired through RFCTLARRA. The most direct and immediate impacts are those associated with project construction, mainly land acquisition, loss of livelihood and loss of shelter. Other losses include loss of other assets such as cattle sheds, water sources etc. and common property resources. Mitigation is provided through compensation and assistance to project-displaced persons, households, and group on the basis of this policy framework adopted by the project. The policy provides mitigation for:

- (i) loss of assets, including land and house or workplace;
- (ii) loss of livelihood or income opportunities;
- (iii) Collective impacts on groups, such as loss of community assets, common property resources, and others; and
- (iv) Temporary impacts or disruptions due to project construction work.

53. Compensation eligibility is limited by a cut-off-date. The cut-off-date for non-titleholders, is the date of the start of the census survey. The date of Land Acquisition Notification under Section 11 of the RFCTLARRA will be the cut-off-date for all titleholders losing land and structures. The project Entitlement Matrix (Table 5) identifies and lists various types of losses resulting out of the project and specific compensation and resettlement packages for each category.

54. Damages/unanticipated losses caused during construction, if any will be eligible for compensation. Such issues will be identified and closely monitored by the safeguard monitoring unit of the PMU and PIUs. Compensation for unanticipated temporary impacts and damage during construction will be borne by the contractor. Unanticipated losses, if any, will be mitigated/ compensated as per the Entitlement Matrix of this resettlement framework. Loss of drinking water, sanitation and/or any other facility due to damage of existing infrastructure during construction will be mitigated through provision of alternate facilities (e.g., alternate means of water supply). The time gap between transfer from old system to new in certain areas will be minimized to avoid inconvenience to the public.

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<sup>19</sup> Vulnerable households comprise below poverty line households, female-headed households, households with children who have dropped out of school/ children working in hazardous occupations such as mines, factories etc., disabled person-headed household, elderly-headed household or elder, landless household, household with no legal title / tenure security, and scheduled castes and scheduled tribe households.

**Table 5: Entitlement Matrix<sup>20</sup>**

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
<b>1. Loss of Private Land</b>						
1.a	Loss of private land	Agricultural land, <sup>a</sup> homestead land or vacant plot	Legal titleholders/ traditional titleholder <sup>b</sup>	<ul style="list-style-type: none"> <li>• Compensation at replacement cost (as per RFCTLARRA, 2013) or land-for-land where feasible.<sup>c</sup> If land-for-land is offered, titles will be in the name of original landowners. Joint titles in the name of husband and wife will be offered in the case of married affected persons;</li> <li>• Compensation at replacement cost for any investment made to land;</li> <li>• Solatium to be paid at 100 of the compensation amount;</li> <li>• One-time resettlement allowance<sup>23</sup> of ₹50,000 per affected family;<sup>24</sup></li> <li>• If the residual plot(s) is (are) not viable, any of the following three options are to be given to the affected person, subject to acceptance: <ul style="list-style-type: none"> <li><u>Option 1</u> - The affected person remains on a portion of the plot and compensation is paid only for the amount of land acquired.</li> <li><u>Option 2</u>- The affected person remains on a portion of the plot, and the compensation is paid for all the remaining land, which will be acquired if the AP so desires.</li> <li><u>Option 3</u> - Compensation to be provided for the entire plot including residual part, if the owner of such land wishes that the residual plot should also be acquired by the executing agency.</li> </ul> </li> </ul>	<p>Fees, taxes, and other charges should be completed within a year of compensation payment and for land of equivalent size.</p> <p>Vulnerable Households will be identified during the census survey.</p>	<p>The Valuation Committee will determine replacement cost as per the procedures outlined in the subsequent sections of this document.</p> <p>PMU will ensure provision of notice PDMSC<sup>26</sup> with support of DBO contractor will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households</p>

<sup>20</sup> All entitlements in rupees (other than those provided under RFCTLARRA) will be adjusted for inflation till the year of compensation payment.

<sup>21</sup> Transportation costs, monthly subsistence allowance and resettlement costs are not incremental. For example, if an affected household loses land, shelter and commercial business in one lot, the family will get each of these allowances only once.

<sup>22</sup> For design, build and operate (DBO) contracts, the DBO contractor undertakes design tasks.

<sup>23</sup> The LARR Act, 2013 specifies that each affected family shall be given a one-time resettlement allowance of Rs. 50,000.

<sup>24</sup> Affected Family' includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on the household head. Widows, divorcees and women deserted by families shall be considered a separate family. An adult of either gender with or without spouse or children or dependents shall be considered as a separate family – as defined under LARR Act, 2013.

<sup>26</sup> PDMSC may hire services of any agency/NGO for verification survey, census/socio-economic survey, DMS survey as part of their contract provisions.

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
				<ul style="list-style-type: none"> <li>All displaced families<sup>d</sup> will receive monthly subsistence allowance of ₹ 3,000<sup>25</sup> for one year (total ₹ 36,000) from the date of award.</li> <li>Choice of annuity or employment: Each affected family shall be eligible for choosing one time assistance option – (i) where jobs are created through the project, after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (ii) one-time payment of ₹500,000 per affected family; or (iii) annuity policies that shall pay not less than ₹2,000 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers;</li> <li>All displaced families will receive both: (i) One time Shifting assistance of ₹ 50,000 towards transport costs etc.; and (ii) affected Scheduled Castes/Scheduled Tribes households will receive additional ₹50,000 towards the same;</li> <li>All affected families<sup>e</sup> will receive: (i) compensation for damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place.</li> <li>Compensation for affected plants and trees to be provided at market rate;</li> <li>Compensation for affected standing crops to be</li> </ul>		

<sup>25</sup> The LARR Act, 2013 provides for monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award.

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
				<p>provided at market value;</p> <ul style="list-style-type: none"> <li>All fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the implementing agency.</li> <li>Additional compensation for vulnerable households as specified in row # 7.a.<sup>f</sup></li> </ul>		
1.b	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not)	<ul style="list-style-type: none"> <li>Compensation for rental deposit or unexpired lease.</li> <li>One-time resettlement allowance of ₹ 50,000 per affected family, those who need to relocate due to acquisition;</li> <li>Choice of annuity: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of ₹ 500,000 per family; (iii) Annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. (iii) affected Scheduled Castes/Scheduled Tribes households will receive additional ₹ 50,000 towards the same.</li> <li>All affected families will receive: (i) Compensation for damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</li> </ul>	<p>Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease</p> <p>Vulnerable households will be identified during the census survey.</p>	<p>PIU and PDMSC will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to PMU.</p> <p>PIU to initiate and PMU to ensure provision of notice.</p>



Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
2.a	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholders	<ul style="list-style-type: none"> <li>• Reimbursement of unexpired lease.</li> <li>• All displaced families will receive monthly subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award</li> <li>• One-time Resettlement allowance of ₹50,000 per affected family</li> <li>• All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) compensation incidental to such change if affected leaseholder is compelled to change his place of residence or business due to proposed land acquisition;</li> <li>• Notice to harvest standing seasonal crops or perennial crops, fruit trees, (if any) and timber trees. If notice cannot be given, compensation for loss of seasonal or perennial crops and fruit bearing trees will be provided at annual net product market value multiplied by the remaining productive years to be determined by Horticulture Department and/or Agriculture Department. Compensation value of timber trees will be determined at market price in consultation with the Forest Department.</li> <li>• One-time financial assistance of ₹50,000 as shifting allowance;</li> <li>• In the event of permanent livelihood impact to leaseholder, choice of annuity or employment;</li> <li>• Additional compensation for vulnerable household as specified in row # 7.a.</li> </ul>	Vulnerable households will be identified during the census survey.	PIU to initiate and PMU to ensure provision of notice. PDMSC will identify vulnerable house
2.b	Loss of Government land	Vacant plot, Agricultural land, homestead land,	Non-titleholders	<ul style="list-style-type: none"> <li>• Encroachers will be given 60 days advance notice to remove their assets</li> <li>• Compensation at replacement cost for any investment made to the land;</li> <li>• Notice to harvest standing seasonal crops. If notice</li> </ul>	The date of the census survey will serve as cut-off date for non-titleholders.	Valuation committee will verify replacement cost of any invest made on the land and share

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
		ROW of road		cannot be given, compensation for loss of crops will be provided; Additional compensation for vulnerable household as specified in row # 7. a.	Vulnerable households will be identified during the census survey.	with PIU and PMU. PIU PIUs will identify vulnerable households with the assistance of PDMSC.
<b>3. Loss of Structures</b>						
3.a	Loss of residential structure	Residential structure and other assets <sup>h</sup>	Legal titleholders, Family with traditional land rights	<ul style="list-style-type: none"> <li>Replacement cost of the structure (calculated on latest prevailing Basic Schedule of Rates adjusted for inflation from the year of publication) and other assets (or part of the structure and other assets, if remainder is viable) without any depreciation cost applied.</li> <li>If house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 square meters (m<sup>2</sup>) plinth area. This benefit should be extended irrespective of title if the affected family is residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one-time financial assistance of at least ₹150,000. In rural areas, the actual cost of house construction shall be offered in such cases.</li> <li>Fees, taxes, and other charges related to replacement structure.</li> <li>Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>One-time resettlement allowance of ₹50,000 per affected family</li> <li>All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. Scheduled Castes/Scheduled Tribes from scheduled areas will receive additional ₹ 50,000 towards the same;</li> <li>Additional compensation for vulnerable households.</li> </ul>	Vulnerable households will be identified during the census survey.	<p>Valuation committee will verify replacement cost of structures and other assets.</p> <p>PIU and PDMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households.</p>



Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
3.b	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>Replacement cost of the structure (calculated on latest prevailing Basic Schedule of Rates adjusted for inflation from the year of publication) and other assets (or part of the structure and other assets, if remainder is viable) constructed by the affected person without any depreciation cost applied.</li> <li>Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount;</li> <li>If the lease holders are residing for minimum three years prior to acquisition, if house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 m<sup>2</sup>. plinth area. This benefit should be extended irrespective of title if the affected family is residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one-time financial assistance of at least ₹ 150,000. In rural areas, the actual cost of house construction shall be offered in such cases.</li> <li>The tenants will receive a monthly rental assistance of ₹ 4000 for rural areas and ₹ 7000 for urban areas for six months;</li> <li>Fees, taxes, and other charges related to replacement structure.</li> <li>Compensation for rental deposit or unexpired lease.</li> <li>Right to salvage materials (of the portion constructed by affected person) from structure and other assets with no deductions from replacement value.</li> <li>Additional compensation for vulnerable households.</li> <li>One-time resettlement allowance of ₹ 50,000 per affected family, in case of relocation;</li> <li>For the loss of cattle shed a one-time assistance payment of ₹ 25,000 to be provided</li> <li>All displaced families will receive one time shifting assistance of ₹ 50,000 towards transport costs etc.; and</li> <li>Additional compensation for vulnerable household as</li> </ul>	<p>Land/structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.</p> <p>Vulnerable households will be identified during the census survey.</p>	<p>Valuation committee will verify replacement cost of structures and other assets.</p> <p>PIU and PDMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households.</p>

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
				specified in row # 7.a.		
3.c	Loss of residential structure or other minor structure	Residential structure, other minor structures other assets	Non-titleholders	<ul style="list-style-type: none"> <li>Squatters and encroachers will be given 60 days advance notice to remove their assets</li> <li>Replacement cost of structure constructed by the non-titleholder without any depreciation cost applied;</li> <li>Right to salvage materials from structure and other assets;</li> <li>One-time resettlement allowance of ₹ 50,000 per affected family, in case of relocation;</li> <li>A lump sum shifting assistance of ₹15,000 will be provided.</li> <li>Additional compensation for vulnerable household as specified in row # 7.a.</li> </ul>	<p>Non-titleholders will be eligible for compensation when they are found residing at the land on the date of the census / cut-off date</p> <p>Vulnerable households will be identified during the census survey.</p>	PIU with support of PDMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households.
<b>4. Loss of Commercial Structures</b>						
4.a	Loss of commercial structure	Commercial structure and other assets <sup>i</sup>	Legal titleholders and those with traditional land rights	<ul style="list-style-type: none"> <li>The replacement cost of the structure, calculated as per the latest prevailing Schedule of Rates without depreciation (Basic Schedule of Rates adjusted for inflation from the year of publication) without any depreciation cost applied;</li> <li>One-time grant of a minimum of ₹ 25,000 for self-employed persons, artisans, traders etc.</li> <li>Fees, taxes, and other charges related to replacement structure;</li> <li>Right to salvage materials from structure and other assets with no deductions from replacement cost;</li> <li>One-time resettlement allowance of ₹ 50,000 per affected family;</li> <li>All displaced families will receive both: (i) One time shifting assistance of ₹50,000 towards transport costs etc., (ii) monthly Subsistence allowance of ₹ 3,000 per month for one year (total ₹36,000) from the date of award and (iii) Scheduled Castes/Scheduled Tribes from scheduled areas will receive additional ₹ 50,000 towards the same;</li> <li>Additional compensation for vulnerable household as</li> </ul>	<p>Vulnerable households will be identified during the census survey.</p>	<p>Valuation committee will determine replacement cost of structures.</p> <p>PIU and PDMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households.</p>

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
				specified in row # 7.a.		
4.b	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the affected person without any depreciation cost applied.</li> <li>Compensation for rental deposit or unexpired lease.</li> <li>Right to salvage materials from structure and other assets with no deductions from replacement cost;</li> <li>One-time Resettlement allowance of ₹50,000 per affected family;</li> <li>All displaced families will receive both: (i) One time shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of INR 3,000 for one year (total ₹36,000) from the date of award.</li> <li>Additional compensation for vulnerable household as specified in row # 7.a.</li> </ul>	<p>Land/structure owners will reimburse tenants and leaseholders the residual land/structure rental deposit or unexpired lease.</p> <p>Vulnerable households will be identified during the census survey.</p>	<p>Valuation committee will determine replacement cost of the structures.</p> <p>PIU and PDMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households.</p>
4.c	Loss of commercial structure	Commercial structure and other assets	Non-titleholders	<ul style="list-style-type: none"> <li>Squatters and encroachers will be given 60 days advance notice to remove their assets</li> <li>Replacement cost of structure constructed by the non-titleholder without any depreciation cost applied;</li> <li>Right to salvage materials from structure and other assets;</li> <li>One-time assistance equivalent to resettlement allowance of ₹50,000 per affected family, in case of relocation and reestablishment of business;</li> <li>A lump sum shifting assistance of ₹15,000 will be provided.</li> <li>Additional compensation for vulnerable household as specified in row # 7.a.</li> </ul>	Vulnerable households will be identified during the census.	PIU and PDMSC will verify the extent of impacts through 100% surveys of affected households determine assistance, issue identity cards and identify vulnerable households.
<b>5. Livelihood Loss</b>						
5.a	Loss of livelihood	Permanent loss of livelihood to business owners/op	All APs facing loss of livelihood, irrespective of title	<ul style="list-style-type: none"> <li>Choice of annuity or employment – the following options are to be provided:               <ul style="list-style-type: none"> <li>(a) where jobs are created through the project, 'after providing suitable training and skill</li> </ul> </li> </ul>	Non-titleholders will be eligible for compensation. Vulnerable	PIU/PDMSC will verify the extent of livelihood impacts through a 100%

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
		erators or self-employed persons	(owners/tenants and leaseholders, with or without written tenancy/lease documents	<p>development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or</p> <p>(b) onetime payment of ₹5,00,000 per affected family; or</p> <p>(c) annuity policies that shall pay not less than ₹2000.00 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <ul style="list-style-type: none"> <li>• Subsistence allowance of ₹3,000 per month for a period of one year from the date of award (total ₹36,000);</li> <li>• Scheduled Caste/Scheduled Tribe families from scheduled areas will receive additional ₹ 50,000.</li> <li>• Preference for employment opportunity for affected persons in the project construction work, if so desired by them.</li> <li>• One time grant of a minimum of ₹ 25, 000<sup>27</sup> for self-employed persons, artisans and small traders.</li> <li>• Training would be provided for income generating vocational training and skill improvement options based on the choice of the affected person at ₹ 20,000 per family. This cost would be directly paid by the project to the training institute; or purchase of income generating assets up to ₹40,000.<sup>28</sup></li> </ul>	households will be identified during the census survey.	<p>survey of APs.</p> <p>PMU will ensure coordination with government departments and convergence with government social security schemes, skill trainings.</p>
5.b	Loss of livelihood	Permanent loss of employe	Wage-earning employees affected due to	<ul style="list-style-type: none"> <li>• The employees will receive compensation equivalent to their net income for the duration of twelve months based on the payment/salary/wage receipts. If income</li> </ul>	Determination of income loss during detail census and	PIU/PDMSC will verify the extent of livelihood impacts through a

<sup>27</sup> The Vocational Training Programme by the Industrial Training Institutes provides training on a number of trades, under the Directorate general of Employment and Trade, Ministry of Labour and Employment, GOI or additional cash assistance. The cost for training/additional cash assistance will be calculated based on prevailing minimum wage rates for semi-skilled labor in Himachal Pradesh for 26 working days a month for three months.

<sup>28</sup> This is an estimate. The income generating asset will be skill related. However, the assets will be decided on a case-to-case basis.

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
		nt	permanent displacement of commercial structure (those working in businesses such as petty shops, eateries etc.)	documents are not available then the person will receive compensation calculated as per the minimum wage rate. <sup>29</sup> (Appendix 8)  • Preference for employment opportunity for Affected Persons in project construction work, if so desired by them.	socio-economic survey conducted and part of final resettlement plan preparation.	100% survey of APs.
<b>6. Loss of Crops and Trees</b>						
6.a	Loss of trees and crops	Standing trees and crops	Legal titleholder/tenant/leaseholder/sharecropper / non-titled affected person	<ul style="list-style-type: none"> <li>• Notice to harvest standing/seasonal crops or perennial crops, fruit trees. For seasonal crops notice should be given at least 6 months in advance.</li> <li>• If timely notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers), compensation for loss of perennial crops and fruit bearing trees will be provided at annual net product market value multiplied by the remaining productive years to be determined by Horticulture Department and/or Agriculture Department.</li> <li>• Compensation for trees based on timber value at market price, to be determined in consultation with the Forest Department for timber trees</li> </ul>	<p>Harvesting prior to acquisition will be accommodated to the extent possible. Work schedules will avoid harvest season.</p> <p>Market value of trees/crops has to be determined.</p>	<p>PIU to initiate PMU to ensure provision of notice.</p> <p>Valuation Committee will undertake valuation of standing crops, perennial crops and trees, and finalize compensation rates in consultation with affected persons.</p>
<b>7. Impact on Vulnerable Affected Persons (APs)</b>						
7.a	Impacts on vulnerable affected persons (endnote f)	Permanent impact	Vulnerable affected persons <sup>j</sup>	<ul style="list-style-type: none"> <li>• In addition to the compensation benefits mentioned in row # 1,2,3,4,5 and 6, the vulnerable affected families will receive:</li> <li>• Preferential employment in the project construction;</li> <li>• Provision of skill training for alternate livelihood for the affected person or any member of the household as specified in # 5a.</li> <li>• Assistance to converge with any appropriate government schemes;</li> <li>• Additionally, each vulnerable affected family will</li> </ul>	<p>Vulnerable households will be identified during the census.</p> <p>Skill training need assessment will be carried out during socio-economic survey.</p>	PIU and PDMSC will verify the extent of impacts through 100% surveys of AHs and determine assistance, verify and identify vulnerable households.

<sup>29</sup> Rates of daily wage workers as issued by Finance (Pay-Revision Department), Government of Himachal Pradesh, dated 16 April 2021.

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
				receive one-time vulnerability assistance of amount ₹ 25000.		PIU and PDMSC will monitor and ensure receipt of entitlement by vulnerable APs.
<b>8. Temporary Impact</b>						
8.a	Temporary loss of land <sup>k</sup>	Land temporarily required for subproject construction	Legal titleholders, tenants, leaseholders, sharecroppers, non-titled affected persons	<ul style="list-style-type: none"> <li>Provision of rent for period of occupation, to the legal titleholders for use of land;</li> <li>Restoration of land to previous or improved condition.</li> <li>Compensation for assets lost at replacement cost, and trees and crop loss in accordance with item.</li> <li>30 days advance notice regarding construction activities, including duration and type of disruption.</li> <li>In case the land has become permanently unfit for the purpose it was used before, it shall be acquired, and compensated in accordance with item # 1.</li> </ul>	<p>Assessment of impacts if any on structures, assets, crops and trees due to temporary occupation.</p> <p>Site restoration.</p> <p>Contractor's actions to ensure there is no income/access loss consistent with the initial environmental examination. This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work.</p>	Valuation Committee will determine rental value and duration of construction survey and consultation with affected persons. A pre-subproject photograph should be taken by PIU and PDMSC. PMU will ensure compensation is paid prior to site being taken-over by contractor. Contractor will be responsible for site restoration.
8.b	Structures temporarily required for project activities	Structures in the right of way	Legal titleholders/ non-titled holders including	<ul style="list-style-type: none"> <li>30 days advance notice;</li> <li>Assistance to shift to nearby alternate sites for continued daily activities (if feasible);</li> <li>Assistance to shift back once construction completed;</li> </ul>	PIU and contractor will identify alternative site and help in shifting to the alternative site and	PMU/PIU will be responsible for assistance and monitoring.

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
			building owners, tenants, informal settlers, licensed or non-licensed vendor	<ul style="list-style-type: none"> <li>• Compensation for damaged assets at replacement cost without depreciation</li> <li>• Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities</li> <li>• Subsistence/relocation allowance at ₹3000 per month for 3 months, if temporarily displaced for more than 1 month.</li> </ul>	<p>back to the original place.</p> <p>Replacement cost for damaged assets as determined by the PIU, with the assistance of PMC will be provided by the contractor.</p>	
8.c	Temporary disruption of livelihood		Legal titleholders, tenants, leaseholders; non-titled affected persons, sharecroppers, wage labours	<ul style="list-style-type: none"> <li>• 30 days advance notice regarding construction activities, including duration and type of disruption.</li> <li>• Cash compensation equivalent to net income from the affected business for the period of disruption on producing relevant income or income tax return documents; in absence of proper income documents, the income will be assessed by PMU.</li> <li>• The employees will receive compensation equivalent to their net income for the duration of disruption based on the payment/salary/wage receipts or as reported during socio-economic survey. If income documents are not available then the person will receive compensation calculated as per the minimum wage rate.</li> <li>• Contractor's actions to ensure access, consistent with the environmental management plan (EMP)/initial environmental examination (IEE).<sup>1</sup></li> <li>• Assistance to vendors/hawkers to temporarily shift for continued economic activity. After the construction is completed, the affected persons will be allowed to come back to their original place of work. One-time shifting allowance<sup>m</sup> of ₹10,000 to be provided (which will include labour charges, and transportation to move out and to move back to the original place).</li> </ul>	<p>Identification of alternative temporary sites to continue economic activity. Contractor's actions to ensure access consistent with the initial environmental examination. This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.</p>	<p>Valuation Committee will determine income loss and structure damage during shifting if any.</p> <p>Contractors will perform actions to minimize income/access loss.</p>

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>21</sup>	Implementation Issues <sup>22</sup>	Responsible Agency
					<p>Any damage to temporary structures during shifting will be compensated at replacement cost.</p> <p>The start date of census survey will be the cut-of-date for identification of the non-titleholders and they will be intimated about the same.</p>	
<b>9. Loss of Common Property Resources (CPR)</b>						
9.a	Loss of common resources	Common resources	Communities/ user groups (formal/informal)	<ul style="list-style-type: none"> <li>• Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, bus shelters, community water bodies/ponds, playgrounds, etc.</li> <li>• Restoration of access / provision of alternative access to common facilities/resources.</li> <li>• Enhancement of community resources in areas with major impacts on common resources (if applicable)</li> </ul>	The scope of work of the contractor should include the restoration of common sources if affected during project implementation	PMU and PIU through Contractor.
<b>10. Any Other Unanticipated Impact</b>						
10.a	Any other loss not identified	Any other loss not identified in the matrix	Any affected person or affected entity	Any unanticipated involuntary impacts will be documented and mitigated based on principles agreed in this resettlement framework and in spirit of ADB's Safeguard Policy (SPS), 2009.	-	PIU and PDMSC will review and ascertain the nature and extent of loss. PMU will finalize the entitlements in line with resettlement framework and ADB's SPS, 2009.



PDMSC = project design and management supervision consultant, EMP = environmental management plan, PMU = project management unit, ROW = right-of-way, RFCTLARRA = Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, SPS = Safeguard Policy Statement, m<sup>2</sup> = square meter.

- <sup>a</sup>The RFCTLARR, 2013 Act says no irrigated multi cropped land shall be acquired under this Act, except in exceptional circumstances, as a demonstrable last resort. Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. Such costing shall also reflect while preparing resettlement budget. Similarly, the Act says, as far as possible, no land acquisition shall be made in scheduled areas and where such acquisition takes place, it shall be done only as a demonstrable last resort.
- <sup>b</sup> Traditional land rights refer to households with customary rights to land and shall be treated equivalent to titleholders.
- <sup>c</sup> Including option for compensation for non-viable residual portions. Land for land will be the preferred option for compensation in case of land loss to scheduled tribes or scheduled caste.
- <sup>d</sup> "Displaced family" means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. This also includes affected people that lose their agricultural land but not the houses. But they still have to relocate for economic reasons.
- <sup>e</sup> These compensations will be appropriately distributed among various eligible candidates (if any) (such as between owner, tenant, sharecropper etc.).
- <sup>f</sup> Vulnerable households comprise below poverty line households, female-headed households, households with out of school/working children, disabled person-headed household, elderly headed household, landless household, household with no legal title/tenure security, and schedule castes and scheduled tribe households.
- <sup>g</sup> Non-titleholders are those without legal title to land and without any recognizable rights to land occupied by them.
- <sup>h</sup> Other assets include, but is not limited to walls, fences, sheds, wells, etc. Detailed entitlements will be finalized after detailed measurement survey when all impacts are known, and all impacts will be mitigated with appropriate compensation based on ADB's Safeguard Policy (SPS), 2009.
- <sup>i</sup> Detailed entitlements will be finalized after detailed measurement survey when all impacts are known, and all impacts will be mitigated with appropriate compensation based on ADB's SPS, 2009.
- <sup>j</sup> Vulnerability benefits are incremental, i.e., in addition to other entitlements and benefits
- <sup>k</sup> Temporary possession of land for project purpose can be taken only for three years from the date of commencement of such possession/occupation.
- <sup>l</sup> This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.
- <sup>m</sup> For example, assistance to shift to the other side of the road where there is no construction. Such assistances will be given only to non-movable businesses (which are not on wheels).

## **V. SOCIO ECONOMIC INFORMATION AND RESETTLEMENT PLAN PREPARATION**

### **A. Surveys**

55. Social impact assessment (SIA) surveys will be undertaken in each subproject location. The PIUs with support from PDMSC and along with design-build-operate (DBO) contractor will undertake detail measurement and socio-economic census surveys for each identified subproject based on technical design. The PIUs will be guided by the PMU which will have a Social Safeguard and Gender Officer. The SIA will determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeted interventions, ascertain costs of resettlement, and prepare a resettlement plan for implementation. As part of the social impact assessment, Social, Gender and Community Development Specialist (SGCDS) placed with PDMSC will guide PMU to identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the project will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development.

56. The purpose of the census and detailed measurement survey (as part of the SIA) is to register and document the status of potentially affected persons<sup>30</sup> within the subproject impact area. The census will cover 100% of affected persons. The census will provide a demographic overview of the population and will cover people's assets and main sources of livelihood. SIA or any other surveys for the project must be undertaken following the COVID-19 safety protocols of government and ADB.<sup>31</sup>

57. The detailed measurement survey (DMS) and inventory of loss surveys will be conducted for each of the subproject sites and alignments based on detailed design, before implementation at each stretch of distribution/sewer network lines. The DMS will establish the number of affected persons/businesses along each proposed pipe/road stretch with potential impacts (both temporary and permanent). It will collect only essential information for determining entitlements. The DMS will gather personal information on the affected person, type of business, type of structure, number of persons employed, income and profits per day, vulnerability, if any of the owner or employees, and will record the type of distress likely.

58. The SIA for permanent impacts shall also comply with all requirements specified under RFCTLARRA, 2013 and should be completed within six months from its date of commencement. The PIU shall also get it appraised and approved by the expert group. The SIA for temporary impacts should also comply with the requirements specified under RFCTLARRA, 2013 however will not be require an independent exert group approval.

59. SIA will be conducted for those landowners from whom land will be procured either through negotiated purchase or voluntary land donation, to assess the socio-economic profile of the land owners and to assess whether the land donation or land selling process would render them landless/vulnerable.

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<sup>30</sup> The potentially affected persons will include both the titleholders and the non-titleholders within the subproject construction zone. The identification of non-titleholders will be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, information from the community will be considered.

<sup>31</sup> <https://www.adb.org/documents/series/covid-19-asia-pacific-guidance-notes>

## **B. Resettlement Plan Preparation**

60. The PMU with the support of PIU will prepare a resettlement plan, if the proposed subproject will have involuntary resettlement impacts. The resettlement plan will be based on the SIA and through meaningful consultation with the affected persons. The resettlement plan will be prepared based on the results of the census and socio-economic survey; the database on affected persons should be completed before resettlement plan preparation. Some of the key steps to be followed during resettlement plan preparation include: (i) screening of subprojects and subproject involuntary resettlement categorization; (ii) conducting SIA covering 100% census and socio-economic surveys; (iii) preparation of draft resettlement plan including extent of loss, list of affected persons, entitlements, budget, implementation schedule and other institutional, consultation and grievances etc., requirements for resettlement plan implementation; (iv) disclosure of draft resettlement plan with various stakeholders including with affected persons and the ADB; (v) addressing various grievances (if any) in line with the procedures outlines in the resettlement framework/resettlement plan; (vi) preparation of final resettlement plan incorporating suggestions/outcome of consultations from various stakeholders; (vii) submission and approval of final resettlement plan from the ADB and its final disclosure.

61. PMU Social Safeguard and Gender Officer (SSGO), with the help of Assistant Engineer, Safeguard/Environment Officer, AE(SEO), PIU's will carry out preliminary investigations and field visits to understand the extent of impacts due to proposed subprojects. An inventory of key indicators such as extent of land/structure loss, number of affected persons, broad social-economic profile of affected persons etc. will be collected and based on this involuntary resettlement checklist and indigenous people checklist will be prepared. The involuntary resettlement and Indigenous People checklists will specify the safeguard category of the subproject in line with the resettlement framework/ADB SPS, 2009 and identified impacts. It will also specify the requirement for appropriate plan to mitigate the identified impacts. These checklists along with category suggested will be reviewed and approved by the ADB prior to the preparation of actual resettlement plan or indigenous peoples plan (IPP).

62. A resettlement plan will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the PMU/PIU will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a resettlement plan is presented in **Appendix 6**.

63. The draft resettlement plan will also be shared with affected persons and host communities and revised to reflect their views. The entitlements and the grievance redressed mechanism will be prepared in local language or translated and disclosed to affected persons and the public through posters and/or resettlement information handouts. The completed resettlement plan based on detailed design and the detailed measurement survey will include the census of affected persons, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress

mechanisms, and participatory results monitoring mechanisms. As per the ADB's SPS, 2009, the resettlement plan should be broadly structured in the following manner:

- (i) Executive summary;
- (ii) Project description;
- (iii) Scope of land acquisition and resettlement;
- (iv) Socioeconomic information and profile;
- (v) Information disclosure, consultation and participation;
- (vi) Grievance redress mechanisms;
- (vii) Legal framework;
- (viii) Entitlements, assistance and benefits;
- (ix) Relocation of housing and settlements;
- (x) Income restoration and rehabilitation;
- (xi) Resettlement budget and financing plan;
- (xii) Information disclosure;
- (xiii) Institutional arrangements;
- (xiv) Implementation schedule; and
- (xv) Monitoring and reporting

64. The draft resettlement plan will be revised as the final resettlement plan incorporating the outcomes of final census of affected persons, final involuntary resettlement impacts upon completion detail design and final consultations and resettlement plan disclosure activities (suggestions made by various stakeholders including the affected persons).

### **C. Gender Impacts and Mitigation Measures**

65. Any negative impacts of a subproject on female-headed households will be taken up on a case-to-case basis and assistance to these households will be treated on a priority basis. The resettlement plan will formulate measures to ensure that socio-economic conditions, needs, and priorities of women are identified, and the process of land acquisition and resettlement does not disadvantage women. The resettlement plan will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. During disbursement of compensation and provision of assistance, priority will be given to female-headed households. Joint ownership in the name of husband and wife will be provided in cases of non-female-headed households.

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

66. Consultation, participation, and disclosure constitute an integrated process in the preparation and implementation of a resettlement plan. As required by ADB SPS, 2009; JSV will disseminate information to affected persons and consult with them in a manner that is commensurate with the anticipated project impacts on the affected communities. JSV will inform and consult with the affected persons on resettlement and compensation options and provide them with project-related information during resettlement planning and implementation. Disclosing information should precede consultation. All consultations to be conducted in line with Covid 19 guidelines of the government and ADB.<sup>32</sup>

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<sup>32</sup> <https://www.adb.org/documents/series/covid-19-asia-pacific-guidance-notes>

67. Comprehensive planning is required to ensure that affected persons, communities, local government, project staff and other key stakeholders interact regularly and meaningful consultation is conducted at all stages of the Project through focus group discussions (FGD), public community meetings, key informant interviews and participation in census and survey. The following are the key stakeholders who will be consulted with at various stages of the program implementation:

- (i) all affected persons, project beneficiaries, including representatives of various sectors such as women, youth, indigenous peoples, elderly, persons with disabilities and other vulnerable groups;
- (ii) decision makers, policy makers, elected representatives of people, community members, eminent citizens etc.;
- (iii) staff of JSV who will constitute the PMU, PIU;
- (iv) CSOs, CBOs, faith-based organizations, policy makers, elected local officials, community leaders and members; and
- (v) representatives from concerned local government authority and various government departments, as required.

68. It is envisaged that during program implementation, this consultative process will be carried forward to ensure that the affected population and other stakeholders are informed, consulted, and allowed to participate actively in the development process. This will be done throughout the Program, during preparation, implementation, and monitoring of project results and impacts. During implementation and monitoring, information will be disseminated to affected persons and other key stakeholders in appropriate ways. This information will be prepared in the local language, as required, describing the main Program features including the entitlement matrix.

## **A. Consultation**

69. The objectives of involuntary resettlement safeguards are to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels and to improve the standards of living of the affected persons and other vulnerable groups. Achieving these objectives requires engaging the affected persons, communities, and key stakeholders in a transparent, public, and deliberative process of participation in planning resettlement. In addition, resettlement plans prepared in consultation with and participation of the affected persons help ensure fewer complaints and potential for legal actions which can slow down project implementation and elevate costs.

70. JSV will carry out meaningful consultations with the affected persons, communities, vulnerable groups, and other key stakeholders. The consultation process established for the Project will employ a range of formal and informal consultative methods such as focus group discussions (FGD), public community meetings, and key informant information (KII). To understand the socioeconomic profile of city residents, questionnaires are designed to collect information from individuals. The consultations will be held with special emphasis on vulnerable groups. The key informants during the project preparation phase and resettlement plan implementation are the following:

- (i) heads and members of households likely to be affected;
- (ii) groups/clusters of affected persons;
- (iii) local CSOs and CBOs;
- (iv) government agencies and departments; and

- (v) key project stakeholders, such as women and trader's associations.

71. Resettlement Plans for subprojects will be prepared and implemented in close consultation with stakeholders, particularly with affected households. All affected persons and households will participate in the census of households and individuals located within the Project to register and document the status of the potentially affected population within the impact area for the preparation of resettlement plan. The census will provide basic demographic and socioeconomic data, such as household size, age, gender, (especially of the head of household), ethnicity, occupation, household income, vulnerability and profiles of household assets. It will cover 100% of the potentially affected population within the project impact area. Consultations with affected persons during resettlement plan preparation will ensure that views of affected persons on compensation and rehabilitation measures are fully incorporated while consultations conducted during resettlement plan implementation will further identify assistance required by the affected persons. The most important thing is that the affected households and communities are taken into confidence and meaningful consultation is carried out with them during resettlement plan preparation, implementation, and monitoring resettlement activities.

72. The effectiveness of the resettlement and rehabilitation process is directly related to the degree of continuing involvement of those affected by the project. The Social Safeguards and Gender Officer of PMU and PIUs with assistance of PDMSC safeguards staff will ensure that affected persons and other stakeholders are informed and consulted about the project, its impact, their entitlements and options, and allowed to participate actively in the development process. This will be done particularly in the case of vulnerable individuals and groups, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the project life during preparation, implementation, and monitoring of sub-project results and impacts.

## **B. Information Disclosure**

73. JSV will disclose relevant information in a timely manner, in an accessible place, and in a form and language that the affected persons can understand. This information can be made available as brochures, leaflets, or booklets in local languages, can be broadcasted in local radio and posted in the local newspapers. The relevant information includes the details of compensation and resettlement options, detailed asset valuation, entitlements and special provisions, timing of payments, displacement schedules and GRM details. For illiterate persons, other suitable communications methods may be used, including pictorial messages and announcements in public places, such as a weekly market. Also, small group meetings will be organized with all shopkeepers at all the project locations. Traffic management and the likely construction schedule as well as impact avoidance and mitigation measures will be discussed with them. Impact minimization measures will also be disclosed. Any suggestions regarding avoidance of peak season/festival season and peak sale hours will be recorded and taken into consideration. In addition to disclosure to the affected persons, JSV will submit to ADB the resettlement documents such as draft and final resettlement plan/framework, new or updated resettlement plan (if there is a change in scope or there are unanticipated impacts), corrective action plan (if any) and social safeguards monitoring reports (SSMR) for disclosure on the ADB website.

74. The approved Entitlement Matrix and Resettlement Plans will be placed in the JSV Office and offices of local authority, accessible to affected persons. Further, the electronic version of resettlement framework/resettlement plans will be placed in the official website of the PMU. The PMU, PIU along with PDMSC will continue the consultations, information dissemination and disclosure. The updated and final Resettlement Plans will be disclosed on the website of JSV.

Project information will be continually disseminated through disclosure of resettlement planning documents, as and when updated. Information relating to resettlement planning, management, and entitlements for loss of income will be made available in local language and the same will be distributed to affected persons. The consultation process will be continuous, through the project cycle. The project information disclosure leaflet containing the executive summary of the resettlement plan and the entitlement matrix, together with the contact numbers of PMU, PIU, contractor, project engineer and social safeguards personnel and concerned engineer, and grievance redress hotline number will be distributed among affected persons and beneficiaries.

### **C. Continued Consultation and Participation**

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

76. Further, successful implementation of the resettlement plans is directly related to the degree of continuing involvement of those affected by the Project. Consultations with affected persons have been proposed during resettlement plan implementation and the JSV will be responsible for conducting these consultations.

77. Public consultation and disclosure activities to be followed by JSV for the Project as per the following Table 6.

**Table 6: Public Consultation and Disclosure Plan**

<b>Subproject Phase</b>	<b>Activities</b>	<b>Details</b>	<b>Responsible Agency</b>
Subproject Initiation Phase	Mapping of the subproject area	Subproject area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition	Project implementation unit (PIU) in co-ordination with local land record/revenue office, under the overall supervision of the Project management unit (PMU).
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the subproject.	PIUs, under the overall supervision of the PMU.
	Subproject information dissemination; Disclosure of proposed land acquisition and sub-project details	Leaflets containing information on sub-project to be prepared. Public notice will mention the names and survey nos. of titleholders of land/property proposed for acquisition along with sub-project details. Notice will be issued in local newspapers. Web disclosure on website also proposed.	PIUs in coordination with local government authorities will be involved in information dissemination, under the overall supervision of the PMU. PIUs will be assisted by consultants for leaflet preparation.
	Stakeholder Meetings	Meetings at community/household level	Respective PIUs with local government authorities

Subproject Phase	Activities	Details	Responsible Agency
		with titleholders of affected land/property and their family members during project scoping.	handling land acquisition or land pooling will facilitate draft land pooling plan to the affected land owners. At least two such meetings should be conducted.
Resettlement Plan Preparation Phase	Socio-economic surveys and social impact assessment	Resettlement framework will be made available in the local government office handling land acquisition / land pooling and PMU office, to be translated in local language.	PMU and PIUs will ensure the availability of resettlement framework.
	Formulating compensation measures and rehabilitation measures	Conducting discussions/ meetings/workshops with all affected persons and other stakeholders	PIUs under overall supervision of PMU will conduct all required discussions/ meetings/ workshops and will invite all secondary stakeholders.
	Disclosure of Resettlement Framework and Resettlement Plan with entitlements and rehabilitation packages	Web disclosure of the resettlement plan. Circulating copies of resettlement plans to All Stakeholders Including Affected Persons, Translating Summary Resettlement Plan in Local Language Before Conducting Final Disclosure Meeting. Conducting Public Meetings for resettlement plan approval by affected persons.	PIU will undertake all activities related to circulation of Resettlement Plan. PIU will arrange public meeting of all Stakeholders With affected Persons for resettlement plan Approval. DBO contractor will document all the comments and suggestions made by affected persons and will send it to the PMU along with the resettlement plan.
Resettlement Plan Implementation Stage	Disclosing final resettlement plans Approved by ADB to all important stakeholders	Final resettlement plans reviewed and approved by ADB, to be updated/disclosed on the implementing agency/executing agency's website. The final plans will be disclosed to affected persons and other stakeholders. Ensuring the availability of copy of the approved resettlement plans and ADB Involuntary resettlement policy at PMU, PIU offices.	Executing agency/PMU and PIUs
	Consultation with Affected persons during rehabilitation activities	Meetings/discussions will be arranged with Affected persons. Households to identify help required by Affected persons during rehabilitation	PIUs will arrange required meetings/discussions. Designated staff from the PMU and PDMSC will participate while the PIU/PMU will monitor consultation activities.



## VII. GRIEVANCE REDRESS MECHANISM

### A. Common Grievance Redress Mechanism

78. The project will adopt a three-tier Grievance Redress Mechanism (GRM) in implementing the project. The GRM will receive, evaluate, and facilitate the resolution of social, environmental or any other project related grievances. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The GRM described below has been developed in consultation with stakeholders. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated and shared with affected persons and other stakeholders. The campaign will ensure that the poor, vulnerable and others are made aware of the need for and process in availing the GRM.

79. The GRM provides an accessible, inclusive, gender-sensitive and culturally appropriate platform for receiving and facilitating resolution of affected persons' grievances related to the project. A sample grievance/complaint register template is provided in **Appendix 7**. The three-tier GRM for the project is outlined below, each tier having time-bound schedules and with responsible persons identified to facilitate and address grievances at each stage, as required. Public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the campaign. The Environmental Safeguard Officer and Social Safeguard and Gender Officer, PMU will have the overall responsibility for timely grievance redress on environmental and social safeguards concerns. The CSOs/NGOs engaged by the PMU will have a few specific responsibilities to raise awareness on the GRM established by the project and to hold consultations in the habitations of the project area including Indigenous Peoples' communities to identify community concerns, if any.

80. **Who can file a complaint:** A complaint may be registered by stakeholders who may be, directly or indirectly affected by the project. A representative can register a complaint on behalf of the affected person or group, provided that the representative is identified by the affected person or group and submits evidence of the authority to act on their behalf.

81. **What type of grievance/complaint.** Any comments, complaints, queries and suggestions pertaining to safeguard compliance - environment, involuntary resettlement, and indigenous people, design related issues, compensation, service delivery or any other issues or concerns related to the project can be registered. The complaint must indicate the name, date, address/contact details of the complainant, location of the problem area, along with the problem.

82. **Where and how to file a complaint:** The contractor's site office will be the primary point for receiving and lodging any complaint. Apart from that, grievances/suggestions/queries from affected persons can be dropped into suggestion boxes or conveyed through phone or e-mails. Affected persons or any complainant will also be able to register grievances on social, environmental or other related issues, personally to the Complaint Cell at PIU level.

83. **Process and Timeframe:** The grievance redress process and timeframe involved in the GRM<sup>33</sup> is described below:

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<sup>33</sup> The existing grievance redress mechanism of government of Himachal Pradesh, such as Mukhyamantri Seva Sankalp Helpline and similar helplines will be integrated to the project GRM. Any project-related complaints received through the government's helplines will be routed through the project GRM.

- (i) **1st Level grievance (Field Level).** In case of grievances that are immediate and urgent in the perception of the complainant, concerned officer (Junior Engineer, Civil) of PIU will direct the contractor to resolve the complaint and ensures that it is resolved. If the grievance is not under the contractor's scope, PDMSC (PIU level) safeguard personnel will resolve this issue with the support of respective PIU (Junior Engineer, Civil). Efforts will be made to resolve all grievances within seven days from the date of receipt of a complaint / grievance. Relevant government representatives from the respective districts and sub-districts, where the subproject will be implemented, can be consulted as and when required.
- (ii) **2nd Level grievance (PIU Level).** Grievances that cannot be redressed at first level within seven days will be brought to the notice of PIU. The Project Manager will try to resolve the grievance/ complaint within a timeframe of seven days of receiving the complaint from the first level with the support of Safeguards/Environment Officer, PIU and Environmental Safeguards Specialist or Social, Gender and Community Development Specialist, PDMSC. Government representatives from the respective districts and sub-districts (Tehsils/ Development Blocks) where the subproject will be implemented can be consulted as and when required. Any unresolved complaint at the second level will be taken up to the third level.
- (iii) **3rd Level Grievance (PMU Level):** All the grievances that are not addressed at 2nd level by PIU will be brought to the third level, Grievance Redressal Committee (GRC) at the PMU level. The GRC will meet once a month and determine the merit of each grievance/s brought to the committee. The third level grievance redress committee will resolve the grievance within fifteen days of receiving the complaint from the second level. The GRC<sup>34</sup> will be chaired by the Project Director and will have the following members: Social Safeguard and Gender Officer, Environmental Safeguard Officer and Community Development Officer from the PMU, the concerned Project Manager from the PIU, the Environmental Safeguard Specialist and Social, Gender and Community Development Specialist of PDMSC, women representative from a Civil Society Organization (CSO), a local elected representative (if required) and Indigenous Peoples representative..

84. In case of any inter-departmental or inter-jurisdictional coordination required for resolution of specific grievances, the PIU will refer the matter directly to the PMU for state-level or inter-departmental coordination and resolution, instead of the District-level GRC. The project GRM notwithstanding, an aggrieved person shall have access to the country's legal system at any stage and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM. Alternatively, if the grievance is related to land acquisition, resettlement and rehabilitation, the Affected Persons can approach the Land Acquisition, Rehabilitation and Resettlement Authority (LARRA) of Himachal Pradesh,

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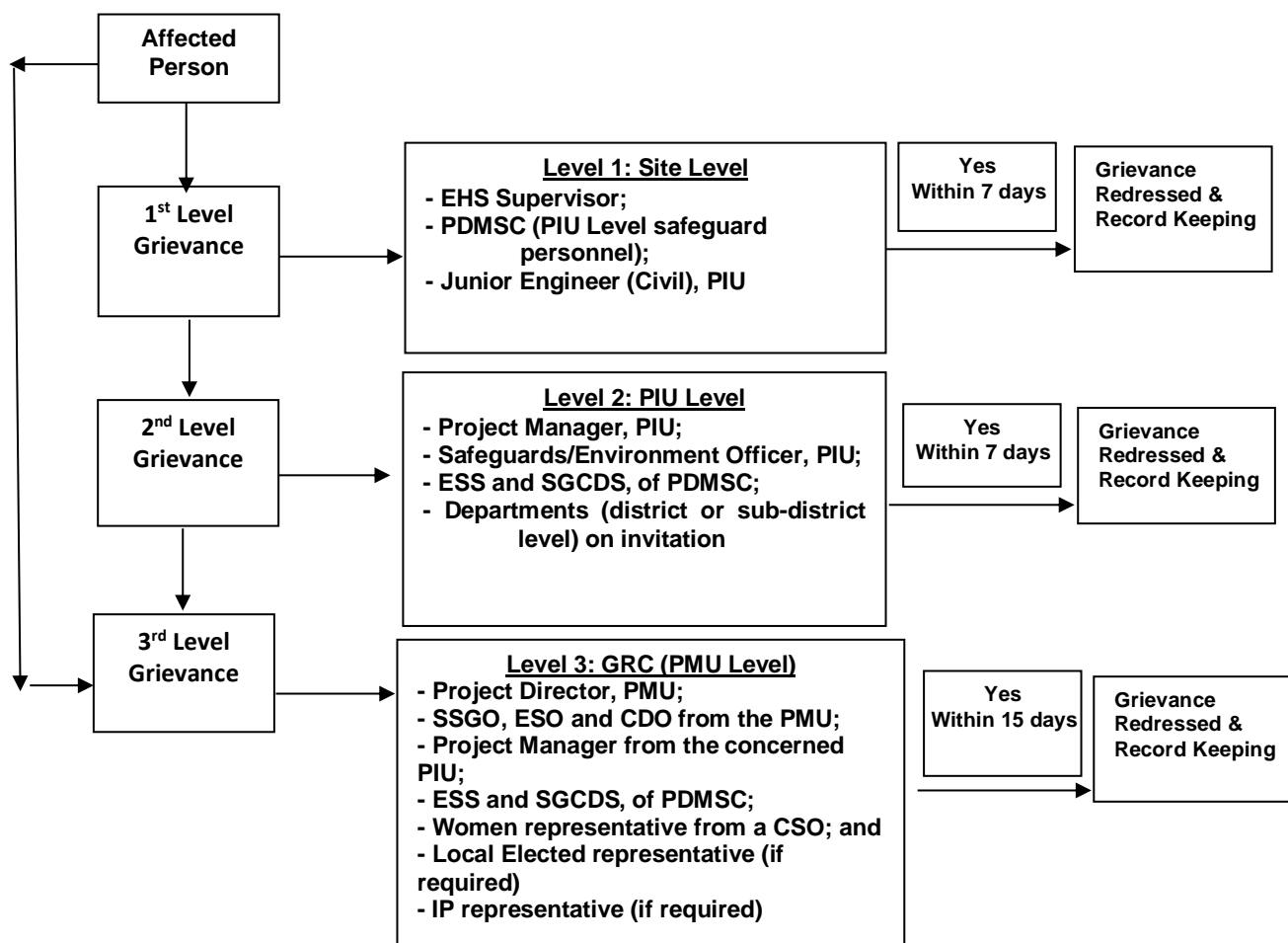
<sup>34</sup> Indigenous People representations at GRC 3<sup>rd</sup> level (PMU level) will be ensured in case of any indigenous peoples impacts (positive or negative) in the subproject area or if a subproject is implemented in any scheduled areas or Integrated Tribal Development Projects (ITDP) blocks/tribal clusters or tribal villages or if presence of particularly vulnerable tribal groups (PVTGs) is reported in the project area. The Indigenous Peoples even if they benefit from the project will be treated as affected. The Indigenous Peoples representative can be a leader of indigenous peoples groups, or representative suggested by the indigenous peoples' community, and/or a representative member of a CSO working with indigenous peoples' communities, to be decided by PMU.

established under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013.<sup>35</sup>

85. The GRM notwithstanding, an aggrieved person shall have access to the country's legal system at any stage. This can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

86. The process of the project GRM is given in Figure 1.

**Figure 1: Grievance Redressal Mechanism - (HPRDWILP)**



CDO = Community Development Officer; CSO = Civil Society Organization; ESO = Environmental Safeguard Officer  
 ESS = Environmental Safeguard Specialist; GRC= Grievance Redressal Committee; IP = indigenous people; PDMSC  
 - Project Design, Management and Supervision Consultant; PIU = Project Implementation Unit; PMU = Project  
 Management Unit; PM = Project Manager; SGCDs = Social, Gender and Community Development Specialist; SSGO  
 = Social Safeguard and Gender Officer.

\*\* Departments may include Public Works Department, Forest Department, Agriculture Department, Tribal  
 Development Department, or any other department of the state government as and when required.

<sup>35</sup> The Authority admits grievance only with reference to the Land Acquisition and R&R issues under the RFCTLARRA, 2013.

87. The timeframes within which to resolve the issues may be adjusted (to a maximum of 7 additional days at each level) accordingly during extraordinary circumstances, such as lockdowns or travel restrictions imposed by local or national governments due to the ongoing COVID-19 pandemic. The adjustment will depend on the period of interruption during these events and will be decided upon by the PMU.

88. **Information Dissemination Methods about GRM.** Periodic community meetings will be held by PIUs, and PDMSC with affected communities to understand their concerns and help them through the process of grievance redress (including translation from local dialect/language, recording, and registering grievances of non-literate affected persons and explaining the process of grievance redress) if required. The above Grievance Redress Process will be discussed with the different stakeholders during stakeholder consultation meetings. These meetings will be held with affected persons and community members (beneficiaries) and the concerned local government representatives where civil works are proposed. The process and timelines for grievance redress and contact details of the persons responsible for grievance redress will be shared in the stakeholder meetings. Action taken in respect of all complaints will be communicated to the complainant by letter, over phone or e-mail or text messaging.

89. **Consultation Arrangements for GRM.** This will include group meetings and discussions with affected persons, to be announced in advance and conducted at the time of day agreed on with affected persons and conducted to address general/common grievances; and if required with the Environment/Social Specialist of PMU/PIU for one-on-one consultations. Non-literate affected persons/vulnerable affected persons will be assisted to understand the grievance redress process, at the site office of the contractor and at PIU level, the official appointed to receive grievances will assist the non-literate affected persons to register complaints and follow-up with actions at different stages in the process.

90. **Record Keeping.** Records of all grievances received, including contact details of complainant, date of receiving complaint/grievance, nature of grievance, agreed actions and measures, the date these were affected, and outcome will be kept by PIU. The number of grievances recorded and resolved, and the outcomes will be displayed/disclosed in the PIU office, and on the website of PMU, as well as reported in the semiannual social and environmental monitoring reports to be submitted to ADB. The Environmental Officer and the Social Safeguard Officer will be responsible for maintaining the grievance record.

91. **Periodic Review and Documentation of Lessons Learned.** The PMU, and PIUs, supported by the PDMSC specialist will periodically review the functioning of the GRM and record information on the effectiveness of the mechanism, especially on the PIU's ability to prevent and address grievances.

92. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication, and reporting/information dissemination) will be borne by the PMU. Cost estimates for grievance redress are included in resettlement cost estimates.<sup>36</sup>

93. **ADB Accountability Mechanism.** If the established GRM is not able to resolve the issue, the affected person can use the ADB Accountability Mechanism<sup>37</sup> through directly contacting (in

<sup>36</sup> Reimbursement of the transportation cost to GRC members to participate in the meeting will be provided by PMU and will form part of the GRM cost.

<sup>37</sup> Accountability Mechanism. <http://www.adb.org/Accountability-Mechanism/default.asp>.

writing) the Complaint Receiving Officer (CRO) at ADB headquarters. Before submitting a complaint to the Accountability Mechanism, it is recommended that affected people make effort in good faith effort to resolve their problems by working with the concerned ADB operations department (in this case, the India Resident Mission (INRM)). Only after doing that, and if they are still dissatisfied, they could approach the Accountability Mechanism. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

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

### **A. Compensation**

94. The proposed HPRDWILP does not involve acquisition of any private land; voluntary land donation is observed for private lands in Hamirpur package 1 and Mandi Package 2. Apart from that vacant government land parcels that belong to JSV, Revenue Department, GOHP, Forest Department, GOHP and Bhakra Beas Management Board (BBMB) is proposed for construction of subproject components. However, land acquisition and resettlement impacts (if required after DMS) will be compensated in accordance with the provisions of the entitlement matrix. Compensation for loss of land will be determined on the basis of market price or replacement cost whichever is higher. A valuation committee will be constituted comprising land acquisition/revenue officers, accounts officers of the collectorate, PIU representative, affected persons, and NGOs to determine replacement values.

95. The replacement cost for land will be determined by the valuation committee in consultation with affected persons, local administrative bodies and PIU/PMU. The valuation committee will finalize the replacement cost by undertaking a land market survey with the objective of ascertaining prevailing market values<sup>38</sup> of land. In line with the RFCTLARRA, 2013, for assessing and determining the market value of the land, a highest among these shall be considered as a part of land market survey:<sup>39</sup> (i) market value of land, specified as per Indian Stamp Act, 1899 for registration of sale deeds or agreements to sell;<sup>40</sup> (ii) average sale price of similar type of land situated in the nearest village/vicinity (for this purpose, immediate preceding three years with highest sale deed prices/agreements to sell shall be referred); and (iii) consented amount compensation as agreed upon in case of acquisition of lands for private companies or for public private partnership projects. As specified in RFCTLARRA 2013, a multiplier factor up to two shall also be applied to arrive at replacement value. Vulnerable households will be provided additional assistance in the form of land-for-land replacement options. As per entitlement matrix, in case of private land acquisition, RFCTLARR Act will be applicable to determine the market value. But in case of non-titleholders, replacement cost for affected structure will be as per SOR, determined by the valuation committee formed by PIU (team of engineers), while the loss of crop or fruit bearing tree etc. will be determined by concerned revenue and horticultural department/local administration respectively. The valuation committee of the PIU will finalize the replacement cost without any depreciation cost.

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<sup>38</sup> The prevailing market values are influenced by various factors such as location of land, connectivity, and classification/land use, type of soil, crops grown, available irrigation and other facilities, and other plus and minus points such as frontage to road, proximity to developed areas, regularity of shape, unevenness of land, etc.

<sup>39</sup> The date of determination of market value shall be the date on which preliminary notification has been issued as per LARR, 2013

<sup>40</sup> The Collector shall update these prices to date, if they are not, at the time of acquisition.

96. The valuation committee will facilitate the valuation of immovable properties,<sup>41</sup> including structures and assets, as follows:

- (i) **Residential and Commercial Structures.** The replacement cost of structures and other immovable properties will be finalized by the Valuation Committee through verification that the basic schedule of rates (BSR) published for the State is up to date. If the BSR is not up to date, the valuation committee will undertake a market survey to determine replacement value;
- (ii) **Trees and Crops.** Compensation for trees will also be based on the current market value of timber for timber trees, the annual net product market value multiplied by remaining productive years for perennial crops and fruit trees, and the market value of standing crops. These values will be finalized by the valuation committee in consultation with the Department of Forest, Horticulture, and/or Agriculture; and
- (iii) **Other Assets.** Compensation for assets such as (wells, irrigation units, etc.), will be based on replacement value. The valuation committee will estimate this through detailed market surveys.

97. Compensation and assistance to affected persons must be made prior to possession of land/assets and prior to the award of civil works contracts.<sup>42</sup>

## **B. Income Restoration and Relocation**

98. Income restoration schemes will be designed in consultation with affected persons. The strategy for income restoration will be prepared prior to land acquisition. Based on the information collected from the census and the socio-economic surveys, income restoration strategies will be framed, and activities planned. Social, Gender and Community Development Specialist, PDMSC will consider the resource base of affected persons and their socio-economic characteristics and preferences to develop appropriate income restoration schemes.

99. The objective of income restoration is to ensure that each affected person will have at least the same or improved income after the subproject. PDMSC through its PIU level support staff will identify the number of eligible affected persons based on the census of affected persons and will conduct training need assessment in consultations with the affected persons. The PIU/PDMSC will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by the PDMSC in consultation with local training institutes.

100. The project will provide short-term income restoration activities intended to restore affected person incomes in the period immediately before and after relocation focusing on relocation and providing short-term allowances such as (i) transitional allowance and (ii) shifting assistance. Medium-term income restoration activities such as provision of longer-term training will also be provided. Longer-term training will be developed based on the degree of disruption to livelihood activities. These will be derived from detailed socio-economic survey information,

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<sup>41</sup> Vulnerable households will be provided additional assistance in the form of preference for employment in subproject construction activities, and skills training

<sup>42</sup> The affected persons will hand over land and properties acquired free from all encumbrances such as mortgage, debt, etc. after compensation. However, in case there are loans on acquired land and properties such amounts will be deducted from the total compensation. The acquired land and properties shall vest in the Competent Authority paying compensation for such lands/properties. If the Competent Authority fails to pay decided compensation to affected persons within a year after the date of notification, additional amount by way of interest (12%) will apply on final compensation payable to each affected person, unless and except in cases where the affected person has approached the judiciary for grievance redress.

conducted as a part of the resettlement plan. The time frame will be decided based on training to be provided and will also be outlined in the resettlement plan. The resettlement plan budget will reflect the cost of providing training. The PIU/PDMSC with the support from PMU will facilitate affected person access to Government schemes that could help them to restore income and livelihood.

101. Key steps to be undertaken in livelihood skills training by the PDMSC for vulnerable households are:

- (i) Identification of affected, vulnerable households<sup>43</sup> through the census and socio-economic survey of affected persons;
- (ii) Identification of potential trainees and training needs assessment for vulnerable households, which would require a detailed survey and assessment of the literacy, educational level, and/or skill sets of one member of the household nominated for skill training. The needs assessment will also document income from various sources, assets, resources, and coping strategies currently used by the household. The strategy will improve/maximize returns from present occupation of the principal earning member or introduce a new/supplementary occupation aimed at achieving the right mix of activities in order to enable the household to improve/maintain its living standards. Baseline details will be documented for post-training impact assessment;
- (iii) Identification of requirements for credit support and assistance in accessing employment;
- (iv) Identification of local trainers, resource persons or training institutes by PDMSC. A maximum time frame of 3 months is planned for training;
- (v) Internal monitoring of training and submission of progress reports; and
- (vi) Post-training impact assessment will be conducted by an external agency engaged for external monitoring, 1 year after project implementation. Indicators would be developed during detailed design stage.

### **C. Assistance for Temporary Impacts**

102. Temporary loss of land and common resources is expected to be minimal. Should there be temporary losses, affected persons will be provided with:

- (i) Rent for the period of occupation for legal titleholders;
- (ii) Compensation for assets lost at replacement value/cost, including trees and crop loss in accordance with the entitlement matrix;
- (iii) Restoration of land to previous or better quality; and
- (iv) Restoration or replacement of common resources.

103. Proposed subprojects requiring work on rights-of-way (ROW) such as rehabilitation or construction of water supply components are not expected to require land acquisition nor affect permanent structures. However, there are possible minimal impacts on access and livelihood. Affected persons will be provided with:

- (i) 30 days advance notice regarding construction activities, including duration and

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<sup>43</sup> Vulnerable households comprise below poverty line households, female-headed households, households with out of school/working children, disabled person-headed household, elderly-headed household or elder, landless household, household with no legal title / tenure security, and schedule castes and scheduled tribe households.

- type of disruption;
- (ii) Contractor's actions to ensure there is no income/access loss consistent with the initial environmental examination. This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time;
- (iii) Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity. For example, assistance to shift to the other side of the road where there is no construction or ₹1, 0000 as one-time cash shifting assistance; and
- (iv) For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance for a minimum of 14 days or for the period of disruption whichever is greater. Compensation rate will be based on average daily income of affected persons (based on income loss survey) which in no case shall be less than prevailing minimum wage rate applicable (as on cutoff date) in the state.

104. Some of the temporarily affected persons/businesses in project towns have seasonal and migrant nature. Such affected persons though surveyed are sometimes not traceable during the distribution of identity cards or actual compensation. Therefore, it is suggested that census/socioeconomic surveys for temporary impacts should include specific questions on place of business, its seasonal variation and affected person's migrant nature. A separate list of such affected persons should be made to suggest that they may not be present at the same location during construction time/compensation. These affected persons however will be still entitled for compensation (if affected due to the project). However, such list will tentatively indicate PMU/PIU/ADB the extent of missing affected persons during implementation. It is also suggested that affected persons under temporary impacts whose identity is not traceable for more than 36 months after the start of compensation disbursement, or those who do not claim their entitlement within 36 months, will be assumed to have not been affected by the project and hence will not be considered for compensation upon lapse of the said period. It is also suggested that separate lists of affected persons will be prepared for those suffering temporary and permanent impacts.

#### **D. Relocation**

105. Affected persons facing loss of residential structures, including encroachers and squatters will be entitled to a minimum of 60 days advance notice to remove their assets, meant to minimize damage/loss and ensure that they incur none or minimal livelihood disruption. Affected persons will be provided compensation and other R&R benefits as per the entitlement matrix. Vulnerable families will be provided additional benefits as prescribed in the entitlement matrix. Project shall consult with affected families/persons facing relocation in selection of relocation sites and consider their preferences in site selection, as applicable.

106. Implementing Agency shall provide written assurance stating that all displaced poor and vulnerable households will be accorded priority in training/skill building conducted under the project and their placement in project operation related job opportunities, if desired by them. The project (PIU, PDMSC, contractor) shall facilitate affected families/persons facing relocation in finding suitable rental/temporary accommodation (if desired) in the vicinity and also facilitate in availing government schemes in housing and other such benefits.



107. PIU and PDMSC safeguards personnel will be responsible for maintaining contact with each displaced poor/vulnerable household, throughout the project implementation period, to ensure that their socio-economic and housing status is monitored, and they are enabled to attain the anticipated rehabilitation outcome of improved standard of living.

## **IX. BUDGETING AND FINANCING**

108. Detailed budget estimates for involuntary resettlement will be prepared for each resettlement plan, by the PMU and PDMSC. It will be included in the overall subproject estimate. The budget will include (i) detailed costs of land acquisition, relocation, and livelihood and income restoration and improvement, (ii) source of funding, (iii) arrangements for approval, and (iv) the flow of funds and contingency arrangements. Funds for land acquisition (including land acquisition for non-titled affected persons) if any, compensation for all assets lost, related resettlement assistance, and relocation and transfer will be provided by the PIU/project ULB. Administrative and implementation costs, including engagement of the PDMSC, cost of census and survey of affected persons and inventory of assets, cost of information and consultations, training and monitoring (including evaluation by independent agency), and rental of office space and required physical facilities and materials will be funded under the project. Land acquisition and resettlement costs will be considered as an integral component of subproject costs.

109. The disbursement of the money for titleholders will be made by the office of district collector through the district treasury by issuing bank cheque or through direct deposit in the affected person's account, when such affected persons are duly certified as titleholders by the office of district collector.. The PMU/PIU will deposit appropriate amount with the district treasury for the same which will be sourced from R&R budget, kept aside as the state share, for this project. PMU will ensure required money for R&R support is made available to PIU well in advance. PDMSC, with the support of PIU will be responsible for surveys (e.g. for temporary impacts) which will be conducted after final detailed design is in place. The PIU (with PDMSC support staff at PIU level) will be involved in facilitating the disbursement process and will facilitate opening bank accounts for the affected persons who do not have bank accounts. PIU will prepare compensation details including names of affected persons, bank account details, compensation amount, and submit to the district treasury at least 10 days prior to start of civil work. This mechanism will be applicable for compensation to titleholders. PIU, through regular follow ups, will ensure that transfer of money by district treasury is done prior to start of civil work. Disbursement of compensation to non-titleholders will be the responsibility of the concerned PIUs, while allocation of such compensation amounts to PIUs will be the responsibility of the PMU. Construction work will be taken up only after compensation payments have been received by affected persons – whether titleholders or non-titleholders. PIU with support from PDMSC field staff will monitor compensation payment to affected persons. PDMSC will confirm timely receipt of payments and document evidence of payments, to be maintained in PIU's records. Zonal PIU will monitor all town level PIUs for compliances in this respect.

## **X. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION**

### **A. Institutional Arrangements**

110. Jal Shakti Vibhag (JSV) of the Government of Himachal Pradesh (GOHP) is the Executing and Implementing Agency for the Program, responsible for management, coordination and execution of all activities funded under the loan. A central Project Management Unit (PMU) is established under Jal Shakti Vibhag and will be responsible for implementing the project. The PMU shall function as a central project management coordination mechanism based in the zonal

headquarter office in Mandi. A total of four Project Implementation Units (PIUs) will be established at the zonal offices to support the project implementation.

111. State-level Empowered Committee and 10 district level committees are proposed. The state-level committee will be responsible for oversight of the overall project implementation progress and provide policy and reform guidance, while the district-level committee will focus on day-to-day project issues including resolving any major issues or bottlenecks that impede smooth efficient and effective project implementation.

112. The PMU and PIUs will be supported by Project Design Management and Supervision Consultant (PDMSC) and two CSOs.

113. Project Design Management and Supervision Consultant (PDMSC) centrally located in PMU and with field teams located at PIU level shall be responsible for implementation of the project. All infrastructure contracts will be procured through performance-based contracts (PBCs) and include build-operate (BO) framework. Based on the preliminary designs prepared by Design Consultants, the DBO (design-build-operate) Contractor will design, construct, commission and operate for 5 years, after which it will be transferred to the JSV. The preparation, review, and approval of project design and due diligence studies including bidding process is centralized at the PMU. PIUs will provide necessary support to PMU in preparation and will play main role in supervising the construction process.

114. **Project Management Unit (PMU).** The PMU is headed by a Project Director (PD) of Chief Engineer rank from JSV. The Project Director will be supported by two Deputy Project Directors (1 and II) for procurement and contract management. Deputy Project Director – I (DPD-I) of Executive Engineer rank will be responsible for procurement and contract management of Hamirpur zone and Dharamshala zone and DPD-II will be responsible for Shimla zone and Mandi zone. The Project Director will be supported by a third Deputy Project Director (DPD -III), of Deputy Controller rank from Finance and Administration Department for finance management of the project. The PMU will have a position of Social Safeguard and Gender Officer (SSGO) responsible for implementation of social safeguard, resettlement, and gender related activities. The PMU will also have a position of Environmental Safeguard Officer, responsible for environmental safeguards and a Community Development Officer for community mobilization activities.

115. **Project Implementation Units (PIUs), Zonal Level.** Four PIUs will be established at each of the subproject District Head Quarters (Hamirpur, Dharamshala, Shimla and Mandi). Each PIU at the zonal level will be headed by a Project Manager of Executive Engineer rank. The Project Manager will be supported by Safeguard/Environment Officer of Assistant Engineer rank responsible for social (including issues and concerns related to indigenous people) and environmental safeguard implementation. The PIUs will be supported by the Safeguards and gender team of PDMSC.

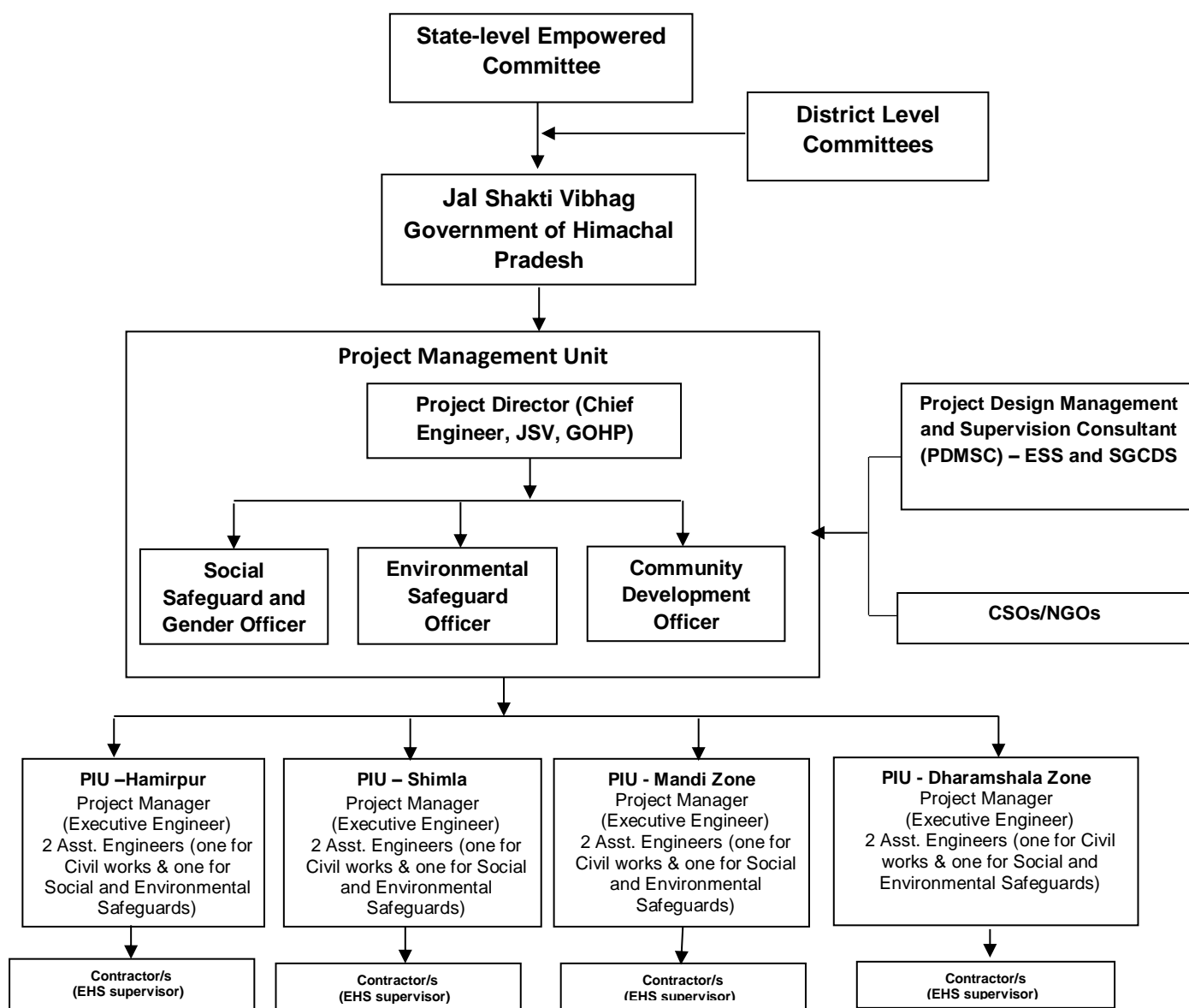
116. **Safeguards Compliance Responsibilities.** At PMU, there will be three safeguard officers: (i) Environment Safeguard Officer (ESO) (ii) Social Safeguard and Gender Officer (SSGO), and (iii) Community Development Officer (CDO) who will be responsible for compliance with the environmental, social safeguards and community related issues in program implementation respectively. Environment Safeguard Officer (ESO) and Social Safeguard and Gender Officer (SSGO) will have overall responsibility of safeguard implementation in compliance with ADB SPS 2009. At individual subproject level, Environment Safeguard Officer and Social Safeguard and Gender Officer will ensure that environmental assessment and social impact

assessment is conducted, and a project-specific Environmental Management Plan (EMP) and Social Management Plan (SMP) and Resettlement Plans (RP), due diligence reports (DDR), indigenous peoples plan (IPP) are prepared and implemented, and the compliance, and corrective actions, are undertaken. Environmental Safeguard Specialist (ESS) and Social, Gender and Community Development Specialist (SGCDS) of the PDMSC will have primary responsibility of /preparing the safeguard documents and supervising the EMP and resettlement plan implementation, while the Safeguards Officers at PMU will review, approve and oversee the compliance. At each PIU, a Safeguard/Environment Officer of Assistant Engineer rank, AE (SEO), will be responsible for safeguard implementation. AE(SEO) will oversee the safeguards implementation at PIU level and will be responsible for reporting to Environment Safeguard Officer and Social Safeguard and Gender Officer at PMU. The AE(SEO) will coordinate public consultation, information disclosure, regulatory clearances and approvals, EMP and resettlement plan implementation and grievance redress. Contractor will appoint an Environment, Health and Safety (EHS) supervisor to implement EMP; EHS supervisor of DBO Contractor will have responsibilities related to environmental and social safeguards compliance and grievance redress and management at field level.

## **B. Institutional Arrangement for Safeguard Implementation**

117. Figure below depicts the implementation arrangement for safeguards (environmental and social), including gender-related aspects of the project.

**Figure 2: Implementation Arrangement for Safeguard Implementation**



**118. Social Safeguard Tasks of SSGO at PMU Level.** Detailed tasks and responsibilities at the PMU level are as follows:

- (i) ensure subprojects conform to the agreed subproject selection criteria for the project;
- (ii) review and finalize subproject involuntary resettlement and indigenous people category;
- (iii) oversee preparation of resettlement plans/resettlement and indigenous peoples plans (RIPPs)/due diligence reports (DDRs) including specific action plans for indigenous peoples if/as required; confirm existing resettlement plans/RIPPs/DDRs are updated based on detailed designs, and that new subproject resettlement plans/RIPPs/ DD Rs are prepared in accordance with the

- resettlement framework and indigenous peoples planning framework prepared in compliance with ADB SPS 2009 and policies, regulations of GOHP for the project;
- (iv) be part of consultation activities with affected persons, indigenous peoples and other relevant stakeholders from time to time organized by PIUs to ensure free, fair and meaningful consultation are conducted and meeting minutes with signatures of all attendees, photographs of the consultations are maintained;
  - (v) responsible for issuing the public notice(s) to acquire a particular land/property (if applicable) along with project information/details as well as to declare the project cut-off-date;
  - (vi) ensure that resettlement plans/resettlement and indigenous peoples plans (RIPP)/DDRs/PPs are included in bidding documents and civil works contracts;
  - (vii) provide oversight on social safeguard management aspects of subprojects and ensure resettlement plans/RIPPs/specific action plans for indigenous peoples and impact avoidance measures outlined in the resettlement framework/environmental management plan/resettlement plans / /DDR/ are implemented by PIUs and contractors;
  - (viii) ensure and monitor the provision in the contract to include the vulnerable affected persons and groups during the project construction work as semi-skilled or unskilled workers;
  - (ix) facilitate and ensure compliance with all government rules and regulations regarding No Objection Certificates, third party certificates for negotiated settlement or donation, land ownership and transfer details etc. Sale or gift deeds etc. for each site, as relevant;
  - (x) supervise and guide the PIUs to properly carry out the social safeguard and gender monitoring (resettlement plans/RIPP) as per the resettlement framework, indigenous peoples planning framework and GESI Action Plan monitoring matrix
  - (xi) review, monitor, and evaluate the effectiveness with which the resettlement plans/ RIPPs provisions of DD Rs are implemented, and recommend corrective actions to be taken as necessary;
  - (xii) consolidate monthly social safeguard and gender monitoring reports from PIUs and with the support of PDMSC submit quarterly progress reports (QPR) and semi-annual social safeguard monitoring reports (SSMR) to ADB;
  - (xiii) ensure timely disclosure of final resettlement plans/RIPP DD Rs/ in locations and form accessible to the public and affected persons;
  - (xiv) address any grievances brought about through the GRM in a timely manner;
  - (xv) oversee training needs assessment of affected persons and vulnerable persons by PIUs, coordinate training activities with the support of PDMSC;
  - (xvi) ensure that induction course for the training of contractors is conducted regularly. Prepare contractors (with consultants' support) on resettlement plans/RIPP DDR/ implementation, social safeguard and gender monitoring requirements related to mitigation measures, health and safety and on taking immediate action to remedy unexpected adverse impacts or ineffective mitigation measures found during the course of implementation;
  - (xvii) identify training needs and coordinate training activities for the PIUs/ PDMSC/contractors for capacity building to implement the resettlement plans RIPP/DDR/ and GRM;
  - (xviii) coordinate database management for social safeguards implementation and monitoring; and
  - (xix) coordinate public awareness campaigns by the PIUs including resettlement provisions with the help of print and electronic media.

119. **Social Safeguard and Gender Tasks at PIU Level.** The key social safeguard roles and tasks of the PIU are listed below. These tasks will be the primary responsibility of the Safeguard/Environment Officer at PIU:

- (i) Provide field data to fill up involuntary resettlement/indigenous peoples impact checklist and classify the project;
- (ii) Ensure compliance with government and ADB requirements on social safeguards; including concerns related to indigenous people;
- (iii) Conduct regular site visits, including spot checks, to ensure compliance with social safeguards (involuntary resettlement and indigenous peoples safeguards) requirements of the project
- (iv) Oversee and conduct census and socio-economic surveys, detailed measurement surveys, and verification surveys of affected persons together with PDMSC during detailed design, conduct consultations with affected persons, prepare list of affected persons and inventory of loss and ensure all data required to prepare/update resettlement plans/,RIPPs /DDRs including specific action plans for indigenous peoples if /as required with the assistance of Social, Gender and Community Engagement Specialist of PDMSC. Ensure updated information is submitted to PMU for preparation/updating of documents with PDMSC and contractor's support;
- (v) Inform affected persons about tentative schedule of land acquisition/occupation, entitlement matrix and compensation packages against different categories of loss, and cut-off date;
- (vi) Coordinate valuation of assets, such as land, trees of various species, etc. based on proper due diligence and assessment, prepare compensation packages;
- (vii) Coordinate, supervise and monitor disbursement of compensation;
- (viii) Obtain no objection certificates (NOCs), land documents, third party certifications (if required) for the project;
- (ix) Support to PMU in preparing/updating RPs/RIPPs/DDRs;
- (x) Oversee day-to-day implementation of impact avoidance and mitigation measures in resettlement plans /DDRs and EMPs by contractors, including compliance with all government rules and regulations particularly health and safety;
- (xi) Oversee maintenance of data for monitoring, by consultants and contractors;
- (xii) Implement corrective actions when necessary to ensure no adverse social impacts;
- (xiii) Submit monthly social monitoring reports to PMU;
- (xiv) Conduct continuous public consultation and awareness with the support of PDMSC safeguard and gender specialists;
- (xv) Set up GRM at field/site/PIU level and ensure it is fully functional. Address any grievances brought about through the grievance redress mechanism in a timely manner;
- (xvi) Ensure that contractors are aware about resettlement plans/RIPP DDR implementation, social safeguard and gender monitoring requirements as well as requirements related to mitigation measures, health and safety and on taking immediate action to remedy unexpected adverse impacts or ineffective mitigation measures found during the course of implementation;
- (xvii) Liaise with the district/sub-district administration and line departments as and when required;
- (xviii) Supervise the work of all consultants at town (field) level;

- (xix) Oversee day-to-day implementation and monitoring of final resettlement plans RPPs/ specific action plans for indigenous peoples/impact avoidance and mitigation measures in social safeguards documents, if any ;
- (xx) Provide field level information required to prepare periodic safeguard monitoring reports in a format acceptable to ADB provided in PAM;
- (xxi) Extend support in carrying out awareness campaigns in project towns.

120. **Project Design Management and Supervision Consultant (PDMSC).** The PMU and PIUs will be supported by Project Design Management and Supervision Consultant (PDMSC) in project management and implementation. The Social, Gender and Community Development Specialist of PDMSC will assist PMU and PIUs in implementing resettlement plans, ensure social safeguard compliance at all subproject locations, including review and updating of all resettlement plans, DDRs. PDMSC Social, Gender and Community Development Specialist (SGCDS) will oversee project implementation, support on policy reform related issues and compliance of all the reporting requirements of GOHP, other statutory regulatory bodies and ADB SPS, 2009.

- (i) Carry out (a) social baseline data collection, (b) assessment of social risks, and (c) meaningful consultations with affected persons;
- (ii) Ensure the contractors comply with the agreed social safeguards frameworks, resettlement plans, and due diligence reports on social safeguards for the project;
- (iii) Prepare any additional draft resettlement plans resettlement and indigenous peoples plans/due diligence repots, update the existing resettlement plan/RIPP/DDR (based on revalidation and DMS, before start of construction work), and prepare any new safeguard documents as and when required;
- (iv) Assist the PIUs in the implementation of final resettlement plans RPPs/PPs/community action plans and gender action plan;
- (v) Assisting with any capacity building activities for stakeholders including PMU, PIUs and contractors
- (vi) Prepare periodic safeguard monitoring reports as per the format acceptable to ADB and quarterly gender action plan updates in format provided in PAM;
- (vii) Collect relevant data on implementation of gender action plan and design gender sensitive communication strategy and IEC materials illustrating key social and behavioral messages related to hygiene, sanitation and health jointly with the communication specialist and in accordance with the gender action plan;
- (viii) Extend assistance to PMU, JSV in carrying out awareness campaigns focused on title rights, operation and maintenance of the residential units and common areas, access to basic civic facilities, health and education facilities, etc.

121. **Civil Society Organizations.** Two civil society organizations will also be contracted to support the PMU in the successful implementation of the project. The CSOs/NGOs will be responsible for GESI action plan and CAPP implementation, provide specific support to implement community development and awareness raising activities, support the PIUs in holding consultations with the community and support the project-GRM. The CSOs/NGOs will have the following specific tasks:<sup>44</sup>

### **Coordination support**

- (i) Coordinate with elected representatives, district administration, JSV, line departments, PIUs, Contractor, PDMSC, and community for project activities;

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<sup>44</sup>The detailed tasks are outlined in the TOR attached in the Project Administration Manual.

- (ii) Provide necessary field level information to PIU and PDMSC for reports preparation and other documentation;
- (iii) Coordinate with contractor's representatives to promptly address community grievances and avoid undue escalations;
- (iv) Coordinate with the Contractor for collecting and reporting sex disaggregated data of labour engaged in construction activity at the project sites;
- (v) Coordinate with experts in PDMSC and ADB TA consultants for effective implementation of GESI AP and community development and public participation activities.

### **Grievance redressal**

- (i) Conduct awareness in the community and among affected persons on grievance redressal mechanism established under the project;
- (ii) Assist PIU in the dissemination of entitlement matrix among affected persons as per the resettlement plan;
- (iii) Hold consultations in the habitations of the project area including Indigenous Peoples' communities to identify community concerns if any, document such consultations, and inform PIU and concerned officials appropriately.

122. **Design Build and Operate (DBO) Contractors.** The resettlement plans/DDR's will be included in bidding and contract documents and verified by the PIUs and PMU. All contractors will be required to designate an Environment Health and Safety (EHS) Supervisor to ensure social safeguard compliance / EMP during civil works and operation and maintenance, who will also have the responsibility for communication with the public under the guidance of PMU/PIUs and grievance registration. Contractors are to carry out all compliances as mentioned in their contract.

123. The DBO Contractor shall comply with: (i) all applicable labour laws and core labour standards on (a) prohibition of child labour as defined in national legislation for construction and maintenance activities; (b) equal pay for equal work of equal value regardless of gender, ethnicity, or caste; and (c) elimination of forced labour; and with (ii) the requirement to disseminate information on, COVID-19 safety protocols, sexually transmitted diseases, including HIV/AIDS, to employees and local communities surrounding the project sites. The key responsibilities of social safeguard supervisor on social compliance are as follows:

- (i) Work in close coordination with the PIU, design engineers and social safeguards personnel to finalize detailed design keeping the safeguard principles adopted for the project in view.
- (ii) Ensure that all design-related measures (e.g., special considerations for the vulnerable related to facility locations or design, mitigation measures for affected persons) are integrated into project designs before approval.
- (iii) Conduct joint walk-throughs with PIU, design engineers and social safeguards personnel from PDMSC at sites/sections ready for implementation; identify the need for DMS and conduct DMS to arrive at the final inventory of loss.
- (iv) Ensure strict adherence to ADB and government policy on social safeguards and the agreed entitlement matrix during implementation.
- (v) Review the resettlement plan including the entitlement matrix, category and the EMP, and conduct site visits to understand the environmental and social sensitivity of the project sites.
- (vi) Make sure that that induction course for the training of contractors is conducted regularly. Prepare contractors (with consultants' support) on resettlement



- plans/DDR/IPP/RIPP/GESI implementation, social safeguard and gender monitoring requirements related to mitigation measures, health and safety and on taking immediate action to remedy unexpected adverse impacts or ineffective mitigation measures found during the course of implementation;
- (vii) Assist with grievance redress and ensure recording, reporting and follow-up for resolution of all grievances received.
  - (viii) Understand the regulatory compliance requirements related to labour welfare, environmental and social safeguards, and occupational health and safety.
  - (ix) Ensure that all imported laborer screened for HIV/AIDS and other infectious and transmissible diseases before being deployed at work sites. Besides, the Contractor must conduct an orientation on the health, occupational safety, movement and citizenship laws of the country before the work can start and from time to time to avert any issues resulting in conflict with local law and law keepers.
  - (x) Assist PIU in disclosing relevant information on construction timelines, GRM to beneficiaries and affected persons including the vulnerable groups.
  - (xi) Ensure COVID-19 safety protocols are regularly monitored and followed at each of the construction site.<sup>45</sup>

124. The above institutional arrangement will ensure that:

- (i) Social safeguard issues are addressed.
- (ii) Resettlement framework is followed in all resettlement issues.
- (iii) Approved resettlement plans and impact avoidance and mitigation measures in resettlement planning documents are implemented.
- (iv) Implementation of resettlement plans is monitored.
- (v) Periodic monitoring reports are prepared in a timely manner and submitted to Project Director, PMU for onward submission to ADB for approval.
- (vi) Database on resettlement monitoring and due diligence is updated and maintained.

### **C. Social Safeguards Implementation**

125. The PIUs will be responsible for implementation of the resettlement plans/RIPPs/IPPs and the PMU for monitoring of the resettlement plans. The PIU will undertake surveys and record observations throughout the construction period to ensure that safeguards and mitigation measures are provided as intended. The PMU through the PIUs will arrange for disbursement of compensation to affected persons, implementation and monitoring of safeguards compliance activities, stakeholder consultation and public awareness activities, and ensure gender mainstreaming activities. It will also arrange for obtaining statutory clearances and obtaining no objection certificates from government agencies and/or other entities, as/if required. It will also coordinate for obtaining ROW clearances with related state and national agencies. The PDMSC Social, Gender and Community Development Specialist and Safeguard and Environment Officer of PIUs will supervise data collection for resettlement plan /IPP due diligence report updating, preparation and implementation and prepare progress reports with respect to resettlement plan RIPPs/IPPs implementation. They will record IR/IP impacts at field level during implementation, need to update resettlement plans/DDRs/IPPs and need to prepare resettlement plans where earlier no impacts were envisaged and only DD Rs prepared.

<sup>45</sup> <https://www.adb.org/documents/series/covid-19-asia-pacific-guidance-notes>

126. The PIU/PDMSC will finalize the micro-plans on entitlements for each affected person, disclose with affected persons, and will receive approval from PMU. The PIU along with PDMSC will ensure disbursement of compensation to affected persons prior to start of the construction work.

127. The PIU will assist the PMU in implementing and monitoring the resettlement plans (duly approved by ADB prior to implementation). PMU and PIU staff capacity needs to be built to ensure that they are fully conversant with public awareness generation activities, consultations and field surveys and an understanding of data entry and quality control.

**Table 7: Institutional Roles and Responsibilities**

<b>Activities</b>	<b>Agency Responsible</b>
<b>Subproject Initiation Stage</b>	
Finalization of sites/alignments for project (on ground)	PMU/PIUs/Contractors
Meetings at community/household level with affected persons and beneficiaries	PMU/PIUs/PDMSC
<b>Resettlement Plan Preparation/ Updating Stage</b>	
Conducting DMS and Survey/Census of all affected persons	PIUs/PDMSC/Contractor
Conducting FGDs/meetings/workshops during census surveys	PIUs/PDMSC/Contractor
Verification of survey results, vulnerable households	PMU/PIU/PDMSC
Computation of compensation	PMU/ PIU assisted by PDMSC
Conducting discussions/FGD/meetings/workshops with all affected persons and other stakeholders	PIUs/PDMSC
Finalizing entitlements	PMU/PIUs with support of PDMSC
Disclosure of final entitlements and compensation packages	PIUs/PDMSC
Approval of Resettlement Plan Budget	JSV and SEC
Approval of Resettlement Plan	ADB
<b>Resettlement Plan Implementation Stage</b>	
Payment of compensation	PMU/ PIUs
Consultations with affected persons during rehabilitation activities	PIUs/PDMSC
Grievances Redressal	PMU/PIUs/PDMSC/ Contractor
Internal Monitoring	PMU/PIU

DMS= detail measurement survey; FGD= focus group discussion; GRC = Grievance Redress Committee; MOF= Ministry of Finance; PMU = project management unit; PDMSC= project design management and supervision consultant; PIU= project implementation unit; SEC=state-level empowered committee

128. The above institutional arrangement will ensure that:

- (i) Social safeguard issues are addressed;
- (ii) Resettlement framework and Indigenous Peoples Planning Framework is followed in all resettlement and indigenous peoples issues;
- (iii) Approved Resettlement and Indigenous Peoples Plan (RIPP)s and impact avoidance and mitigation measures in Resettlement and Indigenous Peoples Plan (RIPP) are implemented;

- (iv) Implementation of Resettlement and Indigenous Peoples Plan (RIPP)s and impact avoidance and mitigation measures is monitored;
- (v) Periodic monitoring reports are prepared in a timely manner and submitted to Project Director, PMU for onward submission to ADB for approval;
- (vi) Database on Resettlement and Indigenous Peoples Plan (RIPP) and indigenous peoples specific action plan monitoring and due diligence is updated and maintained;
- (vii) Project grievance redress mechanism established and functional.

#### **D. Institutional Capacity Development**

129. Capacity to handle environmental / involuntary resettlement / indigenous people impacts, gender and vulnerability issues, etc., needs to be built in the Project. Training of PMU / PIU staff on aspects such as environmental planning/resettlement planning/implementation, social protection and gender, including the specific recording, reporting, and disclosure requirements therefore need to be planned separately.

130. For the capacity building of designated safeguard officers and engineers, PMU will organize training programs on safeguards. The PDMSC Social, Gender and Community Development Specialist will be responsible for training the PMU's safeguards officers (environmental and social), and PIU's engineers and other staff.

131. Owing to the complexity of Projects spread across a large area, there is a need to specially focus on capacity building on social (distinct social, economic and cultural traits and traditions of people and the importance of preserving these, including indigenous knowledge systems, etc.), legal (traditional rights over land and land tenure issues) and technical aspects in such Projects with an adequate budgetary provision. Training on provisions of EARF/resettlement framework.

132. The specific capacity development program, which will include but will not be limited to:

- (i) sensitization on ADB's policies and guidelines on social and indigenous peoples safeguards (ADB's Safeguard Requirement 2 and 3: Involuntary Resettlement and Indigenous Peoples) including meaningful consultation, GRM and accountability mechanism;
- (ii) introduction to the assessment of involuntary resettlement and indigenous peoples impacts and mitigation measures, including best practices, in the design, construction, operation and maintenance of water supply, sewerage, roads, and drainage subprojects;
- (iii) preparation and review of RPs/DDR/PPs based on preliminary design, and updating of the documents based on the final design;
- (iv) Effective communication with stakeholders including elected representatives, media and general masses;
- (v) improved coordination within nodal departments;
- (vi) disbursement of compensation, consultation; and
- (vii) monitoring and reporting requirements.

### **XI. IMPLEMENTATION SCHEDULE**

133. The project will be implemented over a period of 5 years. The resettlement plan implementation schedule will vary from subproject to subproject. In general, the project

implementation will consist of the three major phases, namely project preparation, land acquisition (if required), and rehabilitation of affected persons and construction and operational phase. In line with the principles laid down in this resettlement framework, the executing agency and implementing agency will ensure that project activities are synchronized between the resettlement plan implementation activities and the subproject implementation. The executing agency and implementing agency will ensure that no physical or economic displacement of affected households will occur until: (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan are provided to the displaced persons; and (iii) a comprehensive income and livelihood rehabilitation program, supported by adequate budget, is in place to help displaced persons improve, or at least restore, their incomes and livelihoods.

134. All land acquisition, resettlement, and compensation for a subproject will be completed before award of civil works contracts. All land required will be provided free of encumbrances to the contractor prior to handing over of subproject sites and the start of civil works. The implementation of the resettlement plan will include: (i) identification of cut-off date and notification;<sup>47</sup> (ii) verification of losses and extent of impacts; (iii) finalization of entitlements and distribution of identity cards; (iv) consultations with affected persons on their needs and priorities; and (v) resettlement, provision of compensation and assistance, and income restoration for affected persons. The expected implementation schedule for a subproject is given in Table 8.

Table 8: Implementation Schedule

Activities	2021 (Qtr)		2022 (Qtr)				2023 (Qtr)				2024 (Qtr)				2025 (Qtr)				2026 (Qtr)				2027 (Qtr)			
	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Safeguard Implementation																										
Setting up of project level GRM																										
Prepare a community awareness and participation plan (CAPP) and submit it to ADB for review by the end of the first quarter after loan effectiveness																										
Awareness campaign among affected persons on entitlements, impact avoidance and mitigation measures to be implemented by the contractor																										
Conduct DMS, census surveys and issuance of ID cards in sections ready for construction																										
Identification of vulnerable affected persons, (if any)																										
Update draft resettlement plan to reflect surveys, consultations, design changes, and due diligence results																										
Consultations and disclosure																										
Review and approval of updated resettlement plan (ADB)																										
Training/capacity building of PMU and PIU safeguards officers, engineers, and other staff, PDMSC supervision staff and contractor's staff																										
Payment of compensation																										
Handover of sites and alignments to contractors																										
Start of civil works																										
Internal monitoring, including surveys of affected persons on entitlements, satisfaction surveys																										
Repair/reconstruction of affected facilities, structures, utilities, if any							Immediately, in consultation with other departments, as required																			

ADB = Asian Development Bank, GRM = grievance redress management, CAPP= Community awareness and participation plan, PDMSC= Project Design Management and Supervision consultant, PIU = project implementation unit, PMU = project management unit, SSGO = social safeguard and gender officer, ID=Identity card

## **XII. MONITORING AND REPORTING**

### **A. General**

135. The Executing Agency, through the Project Management Unit, will establish a monitoring system with pre-designed, discussed and approved indicators for monitoring social and gender safeguards prior to approval of the project. Later, during implementation monitoring will involve an assigned officer for collecting, analyzing, reporting and use of information about the progress of resettlement, based on the resettlement policy. PMU will be responsible for monitoring the progress of all aspects of resettlement and income generation. The EA will report to the ADB on resettlement and income regeneration by APs in semi-annual reports, including identification of significant issues. At the end of the project a Project Completion Report describing all significant activities and outcomes will be prepared and submitted to the ADB by the PD/PMU.

136. The resettlement plan implementation monitoring will be done internally to provide feedback to PMU through monitoring and evaluation reports and other relevant data, to identify any action needed to improve resettlement performance or to respond to changing circumstances. Evaluation of the resettlement activities will be undertaken during and after implementation of each resettlement plan to assess whether the resettlement objectives were appropriate and whether they were met, including specifically whether livelihoods and living standards have been restored or enhanced. The evaluation will also assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement planning. Budgetary provisions shall be kept in the RP for independent monitoring and review.

137. Monthly monitoring reports will be submitted by assigned officer to PMU. The PMU will consolidate monthly reports into quarterly monitoring reports for submission to ADB. These reports will form a part of the project progress reports submitted by PMU to ADB. The major objectives of monitoring are to: (i) ensure that the standards of living of affected/displaced persons are restored to the original condition or improved; (ii) ascertain whether activities are progressing as per schedule and the specified timelines are being met; (iii) assess if compensation, rehabilitation measures are sufficient; (iv) identify problems or potential issues; and (v) identify methods to rapidly mitigate any problems. The above information will be collected by Executing Agency through its PMU, which is responsible for monitoring the day-to-day resettlement activities of the project through the following instruments:

- (i) Review of census information for all Affected Persons/ Displaced Persons;
- (ii) Consultation and informal interviews with Affected Persons/ Displaced Persons;
- (iii) In-depth case studies;
- (iv) Sample survey of Affected Persons/ Displaced Persons;
- (v) Key informant interviews; and
- (vi) Community public meetings.

### **B. Internal Monitoring**

138. Monitoring shall be undertaken by the PMU through the assigned officer supported by Project Consultant. They will gather information on RP implementation covering relevant activities as per the schedule. All activities listed will be illustrated showing the target dates for completing resettlement activities. Monitoring reports on resettlement plan implementation shall be included in each quarterly Project Progress Report (PPR). The report of the Consultant will contain: (i) accomplishment to-date, (ii) objectives attained and not attained during the period, (iii) challenges encountered, and (iv) targets for the next quarter. The internal monitoring report will then be

integrated by the PMU with the overall PPR submitted to ADB. The reports submitted to ADB will describe the progress of the implementation of resettlement activities and any compliance issues and corrective actions. These reports will closely follow the involuntary resettlement monitoring indicators agreed at the time of resettlement plan approval. Outline of semi-annual monitoring report is in **Appendix 5**. Table 9 below shows the monitoring indicators that will require to be reported.

139. No subproject that leads to significant impacts resulting in a change in project categorization to Category A will be taken up.

140. The following Table 9 tentatively lists the impact indicators to be studied to evaluate impacts after the program is completed.

**Table 9: Monitoring Indicators**

<b>Monitoring Issues</b>	<b>Monitoring Indicators</b>
Budget and Timeframe	<ul style="list-style-type: none"> <li>• Have all resettlement concerned officer/staff been appointed and mobilized for field and office work on schedule?</li> <li>• Has capacity building and training activities been completed on schedule?</li> <li>• Are resettlement implementation activities being achieved against agreed implementation plan?</li> <li>• Are funds for resettlement being allocated to resettlement agencies on time?</li> <li>• Have resettlement offices received the scheduled funds?</li> <li>• Have funds been disbursed according to RP?</li> <li>• Has the land made encumbrance free and handed over to the contractor in time for project implementation?</li> </ul>
Delivery of DP Entitlements	<ul style="list-style-type: none"> <li>• Have all DPs received entitlements according to numbers and categories of loss set out in the entitlement matrix?</li> <li>• How many affected households relocated and built the new location?</li> <li>• Are income and livelihood restoration activities being implemented as planned?</li> <li>• Have affected businesses received entitlements?</li> <li>• Have the squatters, encroachers displaced due to the project, been compensated?</li> <li>• Have the community structures (e.g., Mosque, etc.) been compensated for and rebuilt at new site?</li> <li>• Have all processes been documented?</li> </ul>
Consultations, grievances & Special issues	<ul style="list-style-type: none"> <li>• Have resettlement information brochures/leaflets been prepared and distributed?</li> <li>• Have consultations taken place as scheduled including meetings, groups, community activities?</li> <li>• Have any DPs used the grievance redress procedures?</li> <li>• What are grievances were raised?</li> <li>• What were the outcomes?</li> <li>• Have conflicts been resolved?</li> <li>• Have grievances and resolutions been documented?</li> <li>• Have any cases been taken to court?</li> </ul>
Benefit Monitoring	<ul style="list-style-type: none"> <li>• What changes have occurred in patterns of occupation compared to before?</li> <li>• What changes have occurred in income and expenditure patterns compared to pre-project situation?</li> <li>• Have DPs income kept pace with these changes?</li> </ul>

Monitoring Issues	Monitoring Indicators
	What changes have occurred for vulnerable groups?

### C. Compliance Monitoring

141. Compliance monitoring of resettlement plan implementation shall cover (i) project compensation and entitlement policies, (ii) adequacy of organizational mechanism for implementing the resettlement plan, (iii) restoration of incomes of affected persons, (iv) settling complaints and grievances, and (v) provisions for adequate budgetary support for implementing the resettlement plan. The Project Management Unit Team will assess if the affected persons: (i) have been paid proper compensation and resettlement benefits; (ii) have re-established their structures; (iii) have re-established their business; and (iii) were extended assistance to restore their incomes from pre-project levels. It will also appraise the accounting documents used in recording the payments of compensation to affected persons by the Executing Agency.

#### Reporting Requirements

142. ADB will monitor and evaluate the resettlement plan implementation and economic rehabilitation activities during entire project period. The monitoring report will contain evaluation of the resettlement plan implementation, its efficacy and provide valuable insight into the constraints in the way of implementation of resettlement plan.

143. The Project Director shall prepare and send status reports to ADB on RP implementation periodically through the semi-annual social safeguard monitoring reports (the start of SSMR report is six months from date of loan effectiveness) and a final report upon completion of the resettlement program.

144. During project implementation, PMU will establish a monthly monitoring system involving staff at the PIU/PDMSC level who will prepare monthly progress reports on all aspects of resettlement operations.

145. The assigned officer (PMU) will conduct periodic reviews and supervision missions during the implementation stage and will report to on the progress of all aspects of resettlement activities. It is understood that a post-evaluation of resettlement plan activities will be carried out by ADB to assess the resettlement impact and the efficacy of the resettlement plan policy.

146. The monitoring indicators for evaluation of the objectives achieved under the resettlement and rehabilitation program are of three kinds:

- (i) Process indicators, indicating project inputs, expenditure, staff deployment, etc.;
- (ii) Output indicators, indicating results in terms of numbers of affected people compensated/assisted and resettled, skill development training organized, and number of displaced persons capable of reorganizing their economic livelihood; and
- (iii) Impact indicators, related to the long-term effects of the project on people's lives, including economic standard sustained or improved, and alternative employment provided to contractual employees on muster roll etc.



### Appendix 1: Details of Volunteer Land Donors of Two Priority Packages

#### Hamirpur Package 1: 26 Land Donors

S. No	Name of the Landowner/donor	Khasara No.	Required area (m <sup>2</sup> )	Proposed component	Consent Obtained/ In process
1	Mr.Sravan Kumar Sharma	494	81	Prop. SR Bali Devi	Yes
2	Mr. Binhanlitali	193-207	81	Prop. SR Lower Dhanpur	Yes
3	Mr. Sunil ram	351	81	Prop. SR Bhardiyar	Yes
4	Mr. Anil Kumar	372	81	MBR Patlander	Yes
5	Mr. Bedhi Chand	413	81	Proposed MBR Chail	Yes
6	Mr. Ashwani Kumar	1546	81	Proposed SR Jol	Yes
7	Mr. Satish Kumar	357	81	Proposed SR Lohar Basti	Yes
8	Mr. Satish Kumar	1080	81	Proposed SR Kashmir-1,2	Yes
9	Mr. Sarwan Kumar	1602, 1608	63.15	Proposed Pumping Station at Mansai	Yes
10	Yet to be received	367	63.15	Proposed Pumping Station at Baloh	In process
11	Mr. Satpal	8	81	Proposed MBR Baloh-1	Yes
12	Yet to be received	766	81	Proposed SR Gandiyana	In process
13	Yet to be received	379/1	81	Proposed SR Mowal Ghat	In process
14	Yet to be received	117	81	Proposed SR Gauna tank	In process
15	Yet to be received	436	81	Proposed SR Khutharli	In process
16	Yet to be received	495	81	Proposed SR Chowki huraan tank	In process
17	Yet to be received	327/33	81	Proposed SR Badhrol	In process
18	Mr. Naresh Kumar	59	81	Proposed MBR HAAR-2	Yes
19	Ms. Nirmla Devi	121	100	Proposed SR Ropa	Yes
21	Mr. Pavan Kumar	255/187	64	Proposed SR Baranda	Yes
22	Mr. Thamkayan	214	64	Proposed SR Tikker	Yes
24	Mr. Surinder Kumar	563	0	Proposed Pump House at Gallian	Yes
25	Mr. Kapil Kumar Singh	904	81	Proposed MBR Ghallian	Yes
26	Mr. Gork Singh	397	48	Proposed Pump House Sarwin at Man Khad	Yes

**Mandi Package 2: 9 Land Donors**

<b>S. No</b>	<b>Name of landowners</b>	<b>Khasara No.</b>	<b>Area Required (m<sup>2</sup>)</b>	<b>Proposed Components</b>	<b>Documents Obtained (Yes/In process)</b>
1	Mr. Krishan Singh	35	64	Proposed SR Samon	Yes
2	Mr. Jeet Ram	23	81	Proposed SR Khanokhar	Yes
3	Mr. Barstu Ram	100	64	Proposed SR Mahla	Yes
4	Mr. Lal Singh	339	81	Proposed SR Manjera	Yes
5	Mr. Paras Ram Garg	606	81	Proposed SR Hawani 3	Yes
6	Mr. Suresh Kumar	80	81	Proposed SR Chamukha	Yes
7	Mr. Jagadish	759-507	81	Proposed SR Malwana	In process
8	Mr. Lachman Singh	750/1	64	Proposed SR Suketi	Yes
9	Mr. Mayaram & Mastram	488	81	Proposed SR Khamrar	Yes

## Appendix 2: Consent form of Voluntary Land Donation from Land Owners for Project Components and Pipe Laying

I, \_\_\_\_\_ son/daughter of \_\_\_\_\_  
 am a permanent Resident of Ward no \_\_\_\_\_ Tehsil and District  
 \_\_\_\_\_ Himachal Pradesh, do hereby solemnly affirm and declare that I jointly own land  
 comprising of Khasra Nos. \_\_\_\_\_ I hereby give my  
 consent to donate \_\_\_\_\_ m<sup>2</sup> of Land to the Jal Shakti Vibhag Himachal Pradesh for  
 construction of \_\_\_\_\_ component under **Renovation and Remodelling**  
 of Rural Water supply schemes commissioned prior 01.01.2000.

Signature of Landowner

Gram Pradhan

1. \_\_\_\_\_

\_\_\_\_\_ Panchayat

2. \_\_\_\_\_

\_\_\_\_\_

(Sign and Stamp)

Executive Engineer

\_\_\_\_\_ Division

Jal Shakti Vibhag

(Sign & Stamp)

Note:

- (i) For linear (pipelaying components), this consent form will be followed by a legal agreement between the landowner and project proponents specifying that pipelaying will be allowed and no land compensation and/or transfer of land ownership will be involved. The agreement will also specify that any damage to assets of the landowner during pipelaying will be compensated at replacement cost or restored. In addition, a third-party certificate will be obtained.
- (ii) For non-linear components, this consent form will be followed by a Gift Deed, third party certification and formal transfer of ownership reflected in the land records.

### **Appendix 3(a): Terms of Reference For Independent Third Party For Voluntary Land Donation/Negotiated Settlement**

1. For any voluntary donation of land, an external independent entity will supervise and document the consultation process and validate the negotiated purchase/ land donation process as per legal requirement.

#### **A. Terms of Reference for Independent Third-Party Witness**

2. An independent third party is sought to be appointed to oversee and certify the process of negotiated purchase/ land donation. The third party shall be briefed about his/her expected role and deliverables by the PMU/PIU/PDMSC (safeguard officer/assistant safeguard officer/SSS).

3. **Eligibility.** The third party shall be a representative of the community (for example, a leader of the community with formal/legal standing, a representative of a local NGO/CBO with formal and legal standing) or an institution, without any direct interest in the negotiation process or subproject activity, who is acceptable to each of the concerned parties (PMU/PIU and concerned land owner/donor).

4. **Scope of Work.** The role of the third party shall be to ensure a fair and transparent process of negotiation/donation. The envisaged scope of work shall entail the following:

- (i) witness and keep a record of meetings held with the concerned parties;
- (ii) ensure there is no coercion involved in the process of negotiated purchase/land donation;
- (iii) ensure that the donor(s) are not coming from vulnerable groups/poor families;
- (iv) ensure that the preferences and concerns of the land owner/donor related to access, selection of site within lands held, etc. are recorded and any stipulated conditions met;
- (v) ensure that the negotiated purchase/land donation agreement is drafted in a fair and transparent manner;
- (vi) confirm that the offered/agreed price is fair and meet the market price of the land with similar value and condition in the area;
- (vii) ensure the negotiated purchase/donation does not result any negative impacts to the third party associated with the purchase/donation activity;
- (viii) identify and recommend mitigation measures to land owner/donor/affected third party, if required;
- (ix) ensure that taxes, stamp duties and registration fees for purchased/donated land are borne by government; and
- (x) submit a report and signed certificate as witness to the purchase/ donation and transfer process.

5. **Deliverables:** The details of the meetings, socio economic background of the land/ assets owner(s) and a certificate/report as witness to the purchase/donation process and mitigation measures to owner/donor, if any, shall be submitted by the third party to PMU/PIU and owner/donor in the local language and share with ADB for review.

### Appendix 3(b): Sample Certification Formats

This is to certify that Mr./Mrs. XXXXXXXXXXXXXXXXXXXX, (profession, designation, address) is appointed as independent third party to certify the process of negotiated purchase/donation of plot no..... area .....owned / donated by XXXXXXXXXXXX (names of owner), who is a signatory to this certificate. It is also placed on record that none of the signatories to this certificate have any objection to appointment of xxxx as third party witness.

Date \_\_\_\_\_

Officers JSV and land donor/seller

1. \_\_\_\_\_

2. \_\_\_\_\_

I, \_\_\_\_\_ of \_\_\_\_\_ (address) certify that I was witness to the process of negotiated purchase / land donation (details of plot \_\_\_\_\_ from XXXXXXXXXXX land owners' names). I certify that:

1. The process of purchase / donation of the said land was transparent; the landowner(s) was/were happy to sell/donate the land for the welfare of the community.
2. No coercion was used in the purchase/donation process.
3. Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
4. All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
5. The following mitigation measures were identified and implemented / provided to the land owner/donor.
6. Attached are the minutes of meetings held between project proponents and the land owner/donor, which I was witness to.

Signed/ Name \_\_\_\_\_

XXXXXXXXXXXXXXXXXXXXX

Date: \_\_\_\_\_ Place: \_\_\_\_\_

Encl: Minutes of meetings held between land owner/donor and project proponents

## Appendix 4: Involuntary Resettlement Impact Assessment with COVID-19 Screening Checklist

### A. Introduction

1. Each subsection/section needs to be screened for any involuntary resettlement impacts which will occur or have already occurred. This screening determines the necessary action to be taken by the project team.

### B. Information on subsection/section:

- a. District/administrative name: \_\_\_\_\_  
 b. Location (km): \_\_\_\_\_  
 c. Civil work dates (proposed): \_\_\_\_\_  
 d. Technical description: \_\_\_\_\_

### C. Screening Questions for Involuntary Resettlement Impact

2. Below is the initial screening for involuntary resettlement impacts and due diligence exercise. Both permanent and temporary impacts must be considered and reported in the screening process.

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
<b>Involuntary Acquisition of Land</b>				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing right of way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
<b>Information on Displaced Persons:</b>				
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes				
If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				

Are any displaced persons from indigenous or ethnic minority groups?	[ ] No [ ] Yes
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#### D. COVID-19 Risk Screening for Involuntary Resettlement Impact Assessments

Risk screening questions	Yes	No	Not sure	Remarks
1. Will project preparation be affected by the inability of experts/consultants, to visit the project site because of the pandemic?				
2. Is the project likely to face challenges in achieving meaningful consultation because of the pandemic? If yes, please clarify the types of consultations to be affected and at what stages in social safeguards planning and implementation.  <i>Examples: Project consultants are unable to travel to the project site and meet with affected people for RP planning; the project will face challenges in conducting with communities, etc.</i>				
3. Is the project likely to face challenges in preparing safeguards assessments/planning instruments and/or implementing social safeguards plans because of the pandemic? Please be as specific as you can in the remarks section.  <i>Example: The project might face challenges in conducting inventory of assets/DMS, arranging for adequate valuations, or conducting other related due diligence (e.g., cadastral mapping or title search) due to COVID-19 restrictions.</i>				

Note: The project team may attach additional information on the project, as necessary.

## **Appendix 5: Outline Of Social Safeguards Monitoring Report During Project Implementation Period**

1. Under the ADB Safeguard Policy Statement (2009) and the *Operations Manual* section on safeguard policy (OM F1), borrowers/clients are required to establish and maintain procedures to monitor the status of implementation of safeguard plans and ensure progress is made toward the desired outcomes. For projects categorized as A or B in involuntary resettlement and/or indigenous people, the borrowers/clients are required to submit semiannual monitoring reports for ADB review. The level of detail and comprehensiveness of a monitoring report is commensurate with the complexity and significance of social safeguards impacts (involuntary resettlement and indigenous people) and with the current status of the project implementation phase.

2. This outline can be used for periodic monitoring report (semiannual) and resettlement plan/indigenous peoples plan (IPP)/combined resettlement and indigenous peoples plan (RIPP) completion report to start the civil works in the impacted areas. A safeguard monitoring report may include the following elements:

### **A. Executive Summary**

3. This section provides a concise statement of project scope and impacts, key findings and recommended actions.

### **B. Background of the Report and Project Description**

4. This section provides a general description of the project, including:
- (i) Background and context of the monitoring report, which includes the information on the project, project components, safeguards categorizations and general scope of the social safeguards impacts;
  - (ii) Information on the implementation progress of the project activities, scope of the monitoring report and requirements, reporting period, including frequency of submission, and changes in project scope and adjusted safeguard measures, if applicable; and
  - (iii) Summary table of identified impacts and the mitigation actions.

### **C. Scope of Impacts**

5. This section outlines the detail of
- (i) Scale and scopes of the project's safeguards impacts;
  - (ii) Vulnerability status of the affected people and/or communities; and
  - (iii) Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final resettlement plans and IPPs.

### **D. Compensation and Rehabilitation**

6. This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan, including:<sup>46</sup>

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<sup>46</sup> Depending on the status of the final detail design during the submission of the report, this activity might not yet have started. Provide instead the information on the expected date the activity will be conducted.



- (i) Payment of compensation for the affected assets, allowances and/or loss of incomes to the entitled persons; and
- (ii) Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.
- (iii) Specific provisions or beneficial and mitigation measures identified for indigenous peoples.

7. Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

#### **E. Public Participation and Consultation**

8. This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with affected people/indigenous peoples during resettlement plan/IPP/RIPP finalization after the completion of the detail design, the numbers of activities conducted, issues raised during consultations, and responses provided by the project team, implementing nongovernment organizations, project supervision consultants, and/or contractors.

#### **F. Grievance Redress Mechanism**

9. This section described the implementation of the project's grievance redress mechanism (GRM) as designed in the approved resettlement plan/IPP. This includes evaluations of its effectiveness, procedures, complaints received, timeliness to resolve issues and complaints, and resources provided to solve the complaints. Special attention should be given if there are complaints received from the affected people or communities.

#### **G. Institutional Arrangement**

10. This section describes the actual implementation or any adjustment made to the institutional arrangement for managing the social safeguards issues in the projects. This includes the establishment of safeguards unit or team and appointment of staff in the executing agency and/or implementing agency, implementation of the GRM and its committee, supervision and coordination between institutions involved in the management and monitoring of safeguards issues, and the roles of nongovernment organizations including indigenous peoples organizations and women's groups in the monitoring and implementation of the plan, if any.

#### **H. Monitoring Results – Findings**

11. This section provides a summary and describes the key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of involuntary resettlement compensation rates and timeliness of payments, adequacy and timeliness of involuntary resettlement rehabilitation measures including livelihood support measures, and training; budget for implementing EMP, resettlement plan, or IPP or RIPP, timeliness and adequacy of capacity building.). The section also compares the findings against the objectives of safeguards or desired outcomes documented (e.g., involuntary resettlement impacts avoided or minimized; livelihood restored or enhanced; indigenous peoples' identity, human rights, livelihood systems, and cultural uniqueness fully respected; indigenous people not suffering adverse impacts, environmental impacts avoided or minimized.). If noncompliance or any major gaps are identified, include the

recommendation of corrective action plan.

## **I. Compliance Status**

12. This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR 2 and SR-3 and the approved final resettlement plan(s)/IPPs/RIPPs.

## **J. Follow up Actions, Recommendations, and Disclosure**

13. This section describes recommendations and further actions or items to focus on for the remaining monitoring period. It also includes lesson learned for improvement for future safeguards monitoring activities. Disclosure dates of the monitoring report to the affected communities should also be included. A time-bound summary table for required actions should be included, with the following:

- (i) List of affected persons and entitlements;
- (ii) Summary of resettlement plan/IPP/RIPP with entitlement matrix
- (iii) Copies of affected people's certification of payment (signed by the affected peoples);
- (iv) Summary of minutes of meetings during public consultations; and
- (v) Summary of complaints received and solution status.

## **Appendix 6: Outline of Resettlement Plan**

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

### **A. Executive Summary**

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

### **B. Project Description**

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

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

4. This section:

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

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

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

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

### **E. Socio-economic Information and Profile**

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

- (i) define, identify, and enumerate the people and communities to be affected;

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

## **F. Stakeholders Consultation and Participation**

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

## **G. Legal Framework**

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

## **H. Entitlements, Assistance and Benefits**

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

## **I. Relocation of Housing and Settlements**

## 10. This section:

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

**J. Income Restoration and Rehabilitation**

## 11. This section:

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

**K. Resettlement Budget and Financing Plan**

## 12. This section:

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

**I. Information Disclosure**

## 13. This section:

- (i) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;

- (ii) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- (iii) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) during project implementation.

#### **J. Grievance Redress Mechanisms**

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

#### **K. Institutional Arrangements**

15. This section:

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

#### **L. Implementation Schedule**

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

#### **M. Monitoring and Reporting**

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

## Appendix 7: Sample Grievance Registration Form

(To be made available in Local language(s) and English)

The \_\_\_\_\_ Project welcomes complaints, suggestions, queries, and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback.

Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing \*(CONFIDENTIAL)\* above your name. Thank you.

<b>Date</b>	<b>Place of registration</b>	<b>Project Town</b>			
		<b>Project:</b>			
<b>Contact information/personal details</b>					
<b>Name</b>		<b>Gender</b>	* Male * Female	<b>Age</b>	
<b>Home address</b>					
<b>Place</b>					
<b>Phone no.</b>					
<b>E-mail</b>					
<b>Complaint/suggestion/comment/question</b> Please provide the details (who, what, where, and how) of your grievance below:					
If included as attachment/note/letter, please tick here:					
<b>How do you want us to reach you for feedback or update on your comment/grievance?</b>					

### FOR OFFICIAL USE ONLY

<b>Registered by:</b> (Name of official registering grievance)	
<b>Mode of communication:</b> Note/letter E-mail Verbal/telephonic	
<b>Reviewed by:</b> (Names/positions of officials reviewing grievance)	
<b>Action taken:</b>	
<b>Whether action taken disclosed:</b>	Yes No
<b>Means of disclosure:</b>	

**Appendix 8: Minimum Daily Wage Rate, Government Of Himachal Pradesh**

No. FIN-(PR)B(7)-33/2010  
Government of Himachal Pradesh  
Finance(Pay-Revision) Department

From

Additional Chief Secretary (Finance) to the  
Government of Himachal Pradesh.

To

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. All Heads of Departments in Himachal Pradesh.
3. All Divisional Commissioners/Deputy Commissioners in Himachal Pradesh.

Dated: Shimla-171002, the 16<sup>th</sup> April, 2021.

Subject: Revision of rates of wages of daily wage workers and workers engaged on part time basis in Himachal Pradesh.

Sir/ Madam,

In partial modification of this Department's letter of even number dated: 24<sup>th</sup> March, 2020, on the subject cited above, I am directed to say that the rates of daily wages in respect of various categories of workers engaged on daily wages in Himachal Pradesh are revised w.e.f. 1<sup>st</sup> April, 2021, as shown in Annexure-"A".

2. The per hour rate of part-time workers is also revised from ₹34.50 per hour to ₹38.00 per hour w.e.f. 1<sup>st</sup> April, 2021.

3. All those engaged on daily wage basis/ part-time basis in the Scheduled Tribal Areas of the State shall be allowed 25% enhancement on the revised daily wages as per Finance Department's Office Memorandum No. FIN(PR)B(7)-1/95-II dated 17.04.1998.

4. These rates will be applicable to all those working in various Government Departments. As far as the PSUs/Universities/ Autonomous Bodies/ Boards, etc. are concerned, these enhanced rates shall be applicable to them only if the managements of those PSUs/ Universities/ Autonomous Bodies/ Boards etc. take a decision in this regard, considering the availability of resources in their organization.



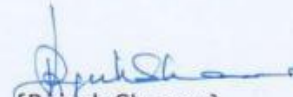
*Continued Page No. 2/-*



-2-

5. All the Heads of Departments/ Controlling Officers are directed to ensure that the payment(s) of wages of daily wagers as well as Part Time Workers for the month of April, 2021, to be paid in the month of May, 2021, be also made during the first week of April, 2021, in advance.

Yours faithfully,

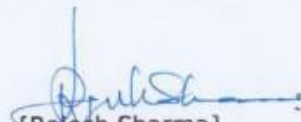
  
{Rajesh Sharma}

Special Secretary (Finance) to the  
Government of Himachal Pradesh.

Endst. No. As above. Dated: Shimla-171002, the 16<sup>th</sup> April, 2021.

Copy forwarded to the following for information and necessary action:-

1. The Principal Accountant General (Audit), Himachal Pradesh, Shimla-3.
2. The Accountant General (A&E), H.P., Shimla-171003.
3. The Registrar General, High Court of Himachal Pradesh, Shimla-1.
4. The Resident Commissioner, H.P., Himachal Bhawan, Sikandra Road, New Delhi-110001.
5. The Secretary, H.P. Vidhan Sabha, Shimla-171004.
6. The Secretary, H.P. Public Service Commission, Nigam Vihar, Shimla-2.
7. The Secretary, H.P. Staff Selection Commission, Hamirpur.
8. The Resident Commissioner, Pangi, District Chamba, Himachal Pradesh.
9. All District Treasury Officers/ Treasury Officers in Himachal Pradesh.
10. All Sections of Finance Department, H.P. Secretariat.

  
{Rajesh Sharma}

Special Secretary (Finance) to the  
Government of Himachal Pradesh.

Annexure-"A"

Sr. No.	Designation	Revised Per Day Rate Effective From 1 <sup>st</sup> April, 2021 (In Rupees)
A.	1. Beldar (Mazdoor)/ Casual labourer	300.00
	2. Mate	
	3. Cook	
	4. Mali	
	5. T. Mate (Electrical)	
	6. Chowkidar	
	7. Helper	
	8. Sweeper	
	9. Cleaner Sewereman	
	10. Khalasi	
	11. Electrical Beldar	
	12. Bhisti	
	13. Store Attendant	
	14. Laboratory Attendant (Under Matric)	
	15. Pump Attendant	
	16. Boat Man	
	17. Process Server	
	18. Whiter Washer	
	19. Syce	
	20. Peon	
	21. Frash	
	22. Chainman	
	23. Unskilled Labourer	
	24. Quarry Man	
	25. Jumper Man	
	26. Driller	
	27. Sprayman	
	28. Assistant Saw Mill Operator	
	29. Feller (Garani)	
	30. Logger Dresser (Pachani)	
	31. Climber (Looper)	
	32. Zoo Animal Attendant	
	33. Fire Watcher	
	34. Grinder for Chips Flooring	
	35. Calliperman	
	36. Miscellaneous Labourer	
	37. Charcoal Burning Labourer	
	38. Pipe Lineman	
	39. Survey Khalasi	
	40. Bill Distributor	
	41. Ferro Khalasi	
	42. Water Guard	
	43. Stone Dresser Keyman	
	44. Assistant Fitter	
	45. Valueman	
	46. Library Attendant (Class-IV)	
	47. Luskar	
	48. Gauge Reader	
	49. Dhobi	
	50. Dai	



	51.	Hostel Attendant	300.00
B.	52.	Upholster	313.00
	53.	Fireman	
	54.	Pump Operator-cum-Helper	
	55.	Plumber 2 <sup>nd</sup> Class	
	56.	Field Assistant-cum- Operator	
	57.	Carpenter (Grade-IV)	
C.	58.	Painter 2 <sup>nd</sup> Class	317.00
	59.	White Washer	
	60.	Bar Binder	
	61.	Sawyer (Charani)	
	62.	Muleteer	
D.	63.	Caneman	330.00
E.	64.	Security Guard	333.00
F.	65.	Telephone Attendant	346.00
	66.	Electrical Mistry	
	67.	Refrigerator Mechanic	
	68.	Fitter Grade-II	
	69.	Fitter Grade-I	
	70.	Turner	
	71.	Fitter Structural	
	72.	Black Smith	
	73.	Welder	
	74.	Mechanic	
	75.	Electrical Chargeman	
	76.	Pump Operator	
	77.	Sand Plant Operator	
	78.	Driver Oxygen Plant	
	79.	Hot Mix Plant Operator	
	80.	Plumber Grade-II	
	81.	Plumber Grade-I	
	82.	Mason Grade-II	
	83.	Mason Grade-III	
	84.	Painter Grade-I	
	85.	Blastman Grade-II	
	86.	Floor Finisher	
	87.	Pipe Fitter Grade-II	
	89.	Mortar Mate Grade-I	
	90.	Earth Work Mistry	
	91.	Work Inspector	
	92.	Ferry Inspector	
	93.	Store Munshi	
	94.	Forest Guard	
	95.	Receptionist	
	96.	Lab Assistant	
	97.	Electrician-II	
	98.	Electrician Auto	
	99.	Air Compressor Operator	
	100.	Operator	

*Signature*

	101.	Carpenter Grade-III	
	102.	Complaint Clerk	
	103.	Assistant Operator	
	104.	General Operator	
	105.	Telephone Operator	
	106.	Road Inspector	
	107.	Work Supervisor	
	108.	Store Clerk	
	109.	Store Keeper	
	110.	Water Works Clerk	
	111.	Patwari	
	112.	Cinema Projector Operator	
	113.	Computer	
	114.	Plumber	
	115.	Data Entry Operator	
	116.	Tailor	
	117.	Clerk	
	118.	Saw Mill Operator	
	119.	Work Mistry	
	120.	Wireman	
	121.	Assistant Pump Operator	346.00
	122.	Price Store Ledger Clerk	
	123.	Bill Clerk	
	124.	Meter Reader	
	125.	Assistant Store Keeper	
	126.	Laboratory Technician	
	127.	Instrument Mechanic	
	128.	Fitter Mechanic	
	129.	Loader Operator	
	130.	Chargeman	
	131.	Gatekeeper	
	132.	Steno-typist	
	133.	Library Assistant	
	134.	Book Binder	
	135.	Tabla Master	
	136.	Dark Room Assistant	
	137.	Library Attendant (Class-III)	
	138.	Canal Inspector	
	139.	Irrigation Booking Clerk	
	140.	Complaint Attendant	
	141.	Ferro Printer	
	142.	Proof Reader	
	143.	Photographer	
	144.	Ledger Booking Clerk	
	145.	Laboratory Attendants (Matriculate)	
	146.	Conductor	
G.	147.	Driver (Tractor/Jeep/Car/Truck/ Buldozer/ Road Roller)	
	148.	Driver Shawal	
	149.	Stone Chisler	
	150.	Carpenter 2 <sup>nd</sup> Class (Forest Department)	361.00
	151.	Mason 2 <sup>nd</sup> Class (Forest Department)	
	152.	Painter 1 <sup>st</sup> Class (Forest Department)	

*Superintendent*



	153.	Distemperer (Forest Department)	361.00
	154.	Lineman	
H.	155.	Junior Draftsman (Tracers)	433.00
	156.	Junior Scale Steno	
	157.	Agriculture Extension Officer	
	158.	Ship Modeling Instructor	
	159.	Surveyor	
	160.	Electrician Grade-I	
	161.	Driller	
	162.	Assistant Driller	
	163.	Pipe Fitter Grade-I	
	164.	Mason Grade-IV	
	165.	Diesel Auto Mechanic	
	166.	Black Smith Grade-IV	
	167.	Carpenter Grade-II	
	168.	Junior Tailoring Mistress	
	169.	Mason 1 <sup>st</sup> Class (Forest Department)	
	170.	Carpenter Grade-I	
	171.	Assistant Chemist	464.00
	172.	Foreman	
	173.	Assistant Foreman	
	174.	Carpenter (1 <sup>st</sup> Class) (Forest Department)	
I.	175.	Investigators	464.00
	176.	Auction Recorder	
	177.	Computer Operator	
J.	178.	Instructors	498.00
K.	179.	Junior Engineer	531.00
	180.	Draftsman	
	181.	Draftsman (Arch. Wing)	
	182.	Coach	
L.	183.	Hydro Geologist	597.00

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## Appendix 9: Survey Safety Protocol on Covid-19

### Himachal Pradesh Rural Drinking Water Improvement and Livelihood Project (HPRDWILP)

#### Socio-Economic Surveys

#### SURVEY SAFETY PROTOCOL ON COVID-19

##### A. Introductions

1. The Government of Himachal Pradesh has requested support from Asian Development Bank for the Himachal Pradesh Rural Drinking Water Improvement and Livelihood Project (HPRDWILP) Project to improve universal and equitable access to safe and affordable drinking water, and access to adequate and equitable sanitation and hygiene for all ending open defecation. The outcome of the project is reliability and efficiency of water supply in targeted districts enhanced. As a part of the social safeguard documents (resettlement plans), and detail measurement surveys, socio-economic survey will require to be conducted for the project locations. As the COVID-19 situation is prevailing, safety protocol for survey work has been developed addressing COVID-19. The COVID-19 protocols of the government and ADB (as updated from time to time) will be followed for all project activities.<sup>47</sup>

##### B. About the Corona Virus Disease

2. Coronavirus disease (COVID-19) is an infectious disease caused by a newly discovered coronavirus. Most people infected with the COVID-19 virus will experience mild to moderate respiratory illness and recover without requiring special treatment. Older people and those with underlying medical problems like cardiovascular disease, diabetes, chronic respiratory disease, and cancer are more likely to develop serious illness. The COVID-19 virus spreads primarily through droplets of saliva or discharge from the nose when an infected person coughs or sneezes. At this time, there are no specific vaccines or treatments for COVID-19.<sup>48</sup> However, precautions can be implemented to prevent and slow down the transmission of the virus.

##### C. Common Symptoms of Corona Virus Disease<sup>49</sup>

3. COVID-19 affects different people in different ways. Most infected people will develop mild to moderate illness and recover without hospitalization.

Most common symptoms:

- (i) fever;
- (ii) dry cough;
- (iii) tiredness.

Less common symptoms:

- (i) aches and pains;
- (ii) sore throat;
- (iii) diarrhea;

<sup>47</sup> <https://www.adb.org/documents/series/covid-19-asia-pacific-guidance-notes>

<sup>48</sup> World Health Organization. [https://www.who.int/health-topics/coronavirus#tab=tab\\_1](https://www.who.int/health-topics/coronavirus#tab=tab_1)

<sup>49</sup> World Health Organization. [https://www.who.int/health-topics/coronavirus#tab=tab\\_1](https://www.who.int/health-topics/coronavirus#tab=tab_1)

- (iv) conjunctivitis;
- (v) headache;
- (vi) loss of taste or smell;
- (vii) a rash on the skin, or fingers or toes become pale.

Serious symptoms:

- (i) difficulty breathing or shortness of breath;
- (ii) chest pain or pressure;
- (iii) loss of speech or movement.

#### **D. Personal Protective Equipment that should be worn by survey team of HPRDWILP**

4. While in the field, all the members of the survey team shall use or wear proper personal protective equipment (PPE) at all times. These PPEs may be removed on certain circumstances only, such as, but not limited to, eating, drinking, and any other task or activity that the PPE may inhibit the action. However, during these times, strict observance of social distancing is required.

5. The most common type of PPEs that should be worn by the field surveyors and enumerators are the following:

- (i) **Reusable mask or surgical mask.** Reusable masks should be maintained clean per the manufacturer's instruction. Surgical masks should not be reused.
- (ii) **Face shield.** This PPE is especially useful for the field workers especially when talking to various people in a relatively confined space or indoors.
- (iii) **Gloves.** This is especially useful in situations in the field where items are being passed around from one hand to another, and no available hand sanitizers, or water and soap for handwashing after the activity.

#### **E. Safety Protocol for Survey Work**

##### **1. The survey team of HPRDWILP should ensure the following:**

- (i) Before undertaking the survey, ensure that the respective Garm Panchayats and other local administrative bodies has been informed by HPRDWILP about the survey.
- (ii) Never carry out survey activities in containment zone, if any, and undertake surveys in such areas after restrictions are lifted and necessary approvals are obtained for survey work.
- (iii) Maintain adequate stock of masks and sanitiser for survey team; and single-use surgical mask for respondents.
- (iv) The team should have handheld contactless temperature scanner and pulse oximeter (minimum 3-sets).
  - a) To test all members of the survey team every morning before starting of survey to ensure no persons are having a fever (above 100 F or 38 C) and oxygen saturation level (should be above 95).
  - b) Once in the field, the head of the team should test the temperature of every respondent before assigning a team member to a particular respondent.
    - The temperature of the respondent should be below above 100 F or 38 C.

- If the temperature is high, then advise such respondents to take a rest and consult a doctor.
6. FGDs should be held only if allowed by District administration and situation permits. Otherwise, avoid FGDs.
    - (i) If FGDs are conducted, ensure it is held in the open, ensuring that participants are seated at least 1-meter apart.
    - (ii) Ensure there is no handshaking or any physical contact between participants and provide surgical mask to all participants.
    - (iii) Participants with fever, if any, should be asked to stay at home and not join the FGD.
  7. Check daily the latest information on areas where COVID-19 is spreading and ensure no survey work is undertaken in any area declared as a containment zone.
  8. Ensure no member of the survey team is in the high-risk category, those with medical conditions such as diabetes, heart, lung disease, etc. If any, counsel them and exclude them from the survey activity.
  9. Ensure that no respondent with fever, cough, and cold is included in the enumeration, and collect information from some other member of the family who is in good health. If all members of the family are unwell, skip enumerating such families.
  10. Mobile phones of the survey team, laptop, etc. need to be wiped with disinfectant daily on return from the field.
  11. The safety protocol will be implied for the entire survey team of HPRDWILP.

**1. Every enumerator/Interviewer of the survey team should strictly adhere to the following safety measures**

12. HPRDWILP will provide an adequate number of branded N95 masks (single use only). At the end of each day, upon reaching home/place of stay, cut the mask into 2-pieces (to prevent recycling) and safely dispose of it in a separate wrapper as per Municipal Corporation guidelines.
13. The enumerator/ interviewer should have a shoulder bag for carrying the hand sanitiser, single-use surgical masks, hand towel, survey tablet, identity card, water bottle, etc.
14. S/he should use N95 mask before setting out of his place to survey location and should use it throughout the day, till he completes the day's survey work and returns to his place.
  - a) Before putting on the mask, clean hands with alcohol-based hand sanitise or soap and water.
  - b) Cover mouth and nose with mask and make sure there are no gaps between the face and the mask.
  - c) Avoid touching the mask while using it; if it is touched, clean hands with alcohol-based hand sanitise immediately after touching the mask.
  - d) To remove the mask: remove it from behind (do not touch the front of the mask); clean hands with alcohol-based hand rub or soap and water; and wash the mask with washing soap and dry it in sunlight.



15. Before and after every household survey, clean hands thoroughly with an alcohol-based hand sanitiser, which will be provided by HPRDWILP.
  - a) Avoid touching eyes, mouth, and nose immediately after using the hand sanitiser, as it can cause irritation.
  - b) Under no circumstance, drink or let children at home or survey-place, swallow the hand sanitizer. It can be poisonous.
  - c) Hand sanitizers recommended to protect against COVID-19 are alcohol-based and therefore can be flammable, be careful.
16. Wash hands with soap and water or using alcohol-based hand sanitiser before having tea and lunch.
17. Carry a freshly washed hand towel every day to dry your hands after washing.
18. Maintain at least 2 metre (6 feet) distance between yourself and the respondent and others during the enumeration.
  - a) Since the place of the respondent to be surveyed, may be congested and it may be difficult to maintain the minimum 6-feet distance, ensure that the respondent wears a mask throughout the enumeration.
  - b) Collect and keep some single-use surgical masks from your supervisor for giving to respondents.
  - c) Request respondents to avoid crowding of other family members when the enumeration is in progress.
19. After collecting and handing over the identity cards for taking photographs, ensure that hands are cleaned using alcohol-based hand sanitiser.
20. Avoid going to crowded places during and after enumeration.
21. Avoid touching eyes, nose, and mouth until reaching home and have taken a bath.
  - a) Use shampoo and wash hair thoroughly.
  - b) Wash clothes and dry them in sunlight.
  - c) All gadgets and materials used during survey should be disinfected, put in one bag and keep away from any family member, to ensure no virus is brought into the households of enumerators/surveyors.
  - d) Dispose off used face masks properly as described above. Face shields should be properly washed or disinfected as well.
22. Consume only cooked hot food and avoid consuming any packaged food.
  - a) Carry drinking water and keep the body hydrated.
  - b) Drink hot water, wherever possible
23. Avoid public transport for local travel and use vehicle/motorcycle of HPRDWILP (if possible) to reach survey places (settlements).
  - a) If auto-rickshaw is used ensure only 2-persons travel and in taxi, 3-persons. As much as possible, avoid auto and taxi, and use motorcycle or cycle instead.

24. If someone has any minor symptoms such as cough, headache, mild fever, inform HPRDWILP, and stay at home. Do not come for the survey work.

- a) At home, be isolated from others.
- b) call the nearest government COVID-19 health care contact person and give details of your symptoms and places that is visited for survey work.

**F. Important**

25. HPRDWILP will facilitate testing of the members for COVID-19, once they reach the destination town and the supervisors should be in self-quarantine till results come. Only after the result is known and is Negative, the survey activities should commence. If anyone tests Positive, then such a person should immediately contact the hospital and take treatment as recommended.