

# Resettlement Framework

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## IND: ASSAM URBAN INFRASTRUCTURE INVESTMENT PROGRAM—TRANCHE 2

Prepared by the Government of Assam for the Asian Development Bank.

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## CURRENCY EQUIVALENTS

(as of 2 August 2017)

Currency unit	–	Indian rupees (₹)
₹1.00	=	\$0.01562
\$1.00	=	₹64.04000

## ABBREVIATIONS

ADB	–	Asian Development Bank
AUIIP	–	Assam Urban Infrastructure Investment Program
BPL	–	below poverty line
BRT	–	bus rapid transit
BSR	–	basic schedule of rates
DMSC	–	Design, monitoring and Supervision Consultants
GRC	–	Grievance Redress Committee
GRM	–	Grievance Redress Mechanism
IPP	–	indigenous people plan
JICA	–	Japan International Coordination Agency
MFF	–	multitranches financing facility
MOU	–	memorandum of understanding
NGO	–	non-government organization
PIU	–	public implementation unit
	–	project monitoring unit
PMU	–	Right to Fair Compensation and Transparency in Land
RFCTLARRA	–	Acquisition, Rehabilitation and Resettlement Act
	–	right-of-way
ROW	–	safeguards compliance and monitoring unit
SCMU	–	social impact assessment
SIA	–	Safeguard Policy Statement
SPS	–	solid waste management
SWM	–	urban local body
ULB	–	waste treatment plant
WTP		

## GLOSSARY

**Displaced Persons (Affected Persons)** – In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of 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.

**Assistance** – refers to the support provided to displaced persons in the form of ex-gratia payments, loans, asset services, training and skills development, etc. to improve the standard of living and reduce the negative impacts of the Investment Program.

**Below Poverty Line Households** – are house hold whose monthly income is less than a designated sum as determined by the Government of Assam (₹52,260 per annum) will be considered below poverty line.

**Vulnerable Persons**– are those below the poverty line, the elderly—above 60 years of age, female headed households, children (persons below 18 years of age are considered as minors or children in India), physically handicapped, indigenous people, scheduled castes and scheduled tribes, households with disabled persons, landless, and those without legal title.

**Compensation** – refers to the amount paid under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 for private property, structures and other assets acquired for the Investment Program. Compensation refers to payments made by the government to those persons with legal title to their property.

**Cut-off Date** – The date of notification under Section 11 under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 will be considered as cut-off date for Displaced Persons who have legal title to the land or property, proposed for acquisition. In the case of non-titleholders and unauthorized occupants the date of census or socio-economic survey conducted by the implementation agency will be considered as the cut-off date for entitlements under the Investment Program.

**Non-titleholders** – including encroachers or persons who have extended their building, agricultural lands, business premises or work places into government lands and squatters non-titleholders who have illegally occupied lands for residential, business and or other purposes.

**Poverty Line** – is based on the poverty indicators identified by Government of Assam at ₹52,260 per annum per family.

**Titleholders** – are those who have legal title to land, structure and other assets.

**Replacement Cost of Land** – The rate of compensation for acquired land will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value, (ii) transaction costs, (iii) interest accrues, (iv) transitional and restoration costs, and (v) other applicable payments, if any.

**Valuation of Structure:** The latest prevailing basic schedule of rates will be used for computation of structure cost, without depreciation. The BSR costs will be adjusted to the current year for inflation, to arrive at the structure cost.

**Requisitioning Authority** – shall mean any company, a body corporate, an institution, or any other organization for whom land is to be acquired by the appropriate government agency, and includes the appropriate government agency if the acquisition of land is for such government agency either for its own use or for subsequent allotment of such land in public interest to a body corporate, institution, or any other organization or to any company under lease, license or through any other system of transfer of land to such company, as the case may be.

**Tenants and Sharecroppers** – are those persons having bona fide written or unwritten tenancy agreements, with a private property owner having clear property titles, to occupy a structure or land for agricultural use, residence and business or have a receipt from the Panchayat or other government body for the use of government land.

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## I. INTRODUCTION

### A. Overview of Project

1. The Assam Urban Infrastructure Investment Program (AUIIP) is a key urban infrastructure initiative of the Government of Assam. The impact of the Project will be an improved access to water supply, sanitation,<sup>1</sup> and urban infrastructure facilities<sup>2</sup> by urban population in Guwahati and Dibrugarh. The expected outcome will be improved and sustainable water supply, sanitation, and urban transport system in Guwahati and Dibrugarh. The Project uses a multitranche financing facility (MFF) modality, in accordance with the Asian Development Bank's (ADB) Safeguard Policy Statement (SPS, 2009), and requires the preparation of a Resettlement Framework.<sup>3</sup>

2. The major outputs of the project include (i) for Guwahati, improved water supply and sanitation; and (ii) for Dibrugarh, improved drainage and comprehensive solid waste management (SWM). A summary of the project urban infrastructure and services improvement components are shown in Table 1.

**Table 1: Summary of Subprojects and Tranches**

Tranche	Details
Tranche 1	
Guwahati	Construction of Water Supply Transmission Main Pipelines and Allied Works in Guwahati
Guwahati	Construction of Storage Reservoirs of Various Capacities at Three Locations Approach Road and Allied Works in South East Guwahati Water Supply Project. (Package 02A)
Guwahati	Construction of Storage Reservoirs of Various Capacities at Three Locations Approach Road and Allied Works in South East Guwahati Water Supply Project. (Package 02B)
Dibrugarh	Construction of Dibrugarh Town Project Drain, Box Culvert and Allied Works in Dibrugarh from Chainage 00 m to 9500 m
Dibrugarh	Build and Operate 100 MT Solid Waste Processing Plant and 60 MT Sanitary Landfill and Allied Works at Dibrugarh
Dibrugarh	Procurement of Equipment for Primary, Secondary Collection and Transportation Vehicles for Municipal Solid Waste Management at Dibrugarh
Dibrugarh	Construction of Compound Wall, River Protection Wall, Access Roads, Security Guard Room and Allied Works of Landfill Site at Dibrugarh.
Tranche 2	
Guwahati	Design, Build and Operation of Intake Works, Raw Water Rising Main, Water Treatment Plant, Clear Water Pumping Stations, Distribution Network and Allied Works in Guwahati
Dibrugarh	Construction of Dibrugarh Town Project Drain Out Fall, Secondary Drains and Allied Works at Dibrugarh
Guwahati	Tranche 2 may support improved drainage system for Guwahati subject to conditions in para 109 and Table 2. <sup>4</sup>

<sup>1</sup> The project will also contribute to achieving Millennium Development Goal 7, Target 10, which calls for halving, by 2015, the proportion of people without access to safe drinking water and improved sanitation.

<sup>2</sup> SWM, drainage infrastructure improvement and a sustainable urban transport system including a BRT corridor.

<sup>3</sup> The preparation of safeguard frameworks aims to clarify safeguard principles and requirements governing screening and categorization, social assessment, and preparation and implementation of resettlement plans of subprojects to be prepared after MFF approval.

<sup>4</sup> Guwahati Smart City Limited is developing flood control plans for Guwahati city under Smart Cities Mission. The priority works for drain intercepts and pumping will be identified by end-2017, after completion of initial study being undertaken by Tata Consulting Engineers appointed by Guwahati Smart City as project consultants.

## B. Purpose of the Resettlement Framework

3. This resettlement framework for AUJIP outlines the objectives, policy principles and procedures for land acquisition, if any, compensation and other assistance measures for displaced persons<sup>5</sup> or affected persons, if any. A detailed description of compensation measures and assistance is provided in the entitlement matrix. This resettlement framework is prepared based on ADB's SPS, 2009, Operational Manual Section D 14/BP on MFF,<sup>6</sup> ADB's Operation Manual Section F1/BP<sup>7</sup> on SPS, and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA). Any component included in the project shall comply with the requirements as outlined in this Framework. All resettlement planning documents will be endorsed and approved by the executing agency and ADB.

4. Under the technical assistance, the resettlement framework of the Project has been prepared in 2011, this is an updated version, which has taken into consideration the new RFCTLARRA, which replaces the earlier National Resettlement and Rehabilitation Policy (NRRP), 2007 and the Land Acquisition Act 1894. An entitlement matrix, consistent with the existing norms and guidelines of the country and the state government, and ADB's SPS has been prepared to cover losses identified in this Project. The matrix recognizes that the lack of title or customary rights recognized under law will not be a bar to entitlement and has special provisions for non-titled persons. The eligibility for compensation will be determined through a cut-off date. People moving into the subproject area after the cut-off date will not be entitled to compensation or other assistance.

## C. Scope of Involuntary Resettlement Impacts

5. The Project aims to provide better access to infrastructure facilities in Dibrugarh and Guwahati through investments in urban infrastructure (water supply, wastewater management, solid waste management, urban drainage and transport and roads up gradation). Focus group discussions, meetings, and individual interviews were held involving stakeholders, particularly affected households and local communities to incorporate their views on the proposed subproject interventions. These consultations brought forth projects that were essential for the well-being of the people, especially water supply as this is a major issue in Guwahati and flooding problem in Dibrugarh. No major resettlement impacts have been identified, except for land acquisition in the Dibrugarh Town Project (DTP) drainage project. Overall resettlement impacts have been further avoided or minimized through careful site selection of all the subprojects and alignment during the detailed design and implementation stages. Table 2 lists the identified resettlement impacts for the subprojects under this Project.

**Table 2: Resettlement Impacts for the Subprojects**

	Subproject	Components	Impacts	Involuntary Resettlement Category
Tranche 1				
Guwahati	Water supply	Construction of intake structure, water treatment	(i) For the water treatment plant 3.88 of encumbrance free,	Category C

<sup>5</sup> In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of 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.

<sup>6</sup> Issued on 1 February 2014.

<sup>7</sup> Issued on 1 October 2013.



	<b>Subproject</b>	<b>Components</b>	<b>Impacts</b>	<b>Involuntary Resettlement Category</b>
		plant, raw water pumping mains	government land has been identified Indian Oil Corporation Ltd. at Chunchali. (ii) For the pumping station for the Intake point 0.14 ha of government land has been identified near the gate. (iii) No other resettlement or livelihood impacts identified	
	Water supply	Transmission mains	15 vendors will be affected temporarily at Beltola market, during construction.	Category B
	Water supply	Six numbers water storage reservoirs	All the reservoirs and the approach roads identified are on government land. Approach road leading to Naba Jyoti Nagar and North Jyoti Nagar reservoirs is narrow; finalization of alternate option or probable mitigation measure (i) Gopal nagar- 0.88 ha (nine affected persons) (ii) Jonaki nagar – To be confirmed (iii) Nabojoyotinagar – 0.23 ha (iv) North Jyotinagar – 0.156 ha (v) Kenduguri – 0.139 ha (vi) Basistha – 0.36 ha	Category B
Dibrugarh	Drainage	Construction of Reinforced Cement Concrete DTP Drain, Widening of Culverts and allied works in Dibrugarh.	(i) Private land to be acquired – 0.06 ha (ii) Titleholder Project Affected Households losing partial property – 41 (iii) Tenants – 9 (iv) CPR – partial impacts- 4	Category B
	Solid Waste Management	Supply of equipment and vehicles for solid waste collection and construction of solid waste treatment plant	(i) Land acquisition - .28 ha (ii) Project Affected Household – two Non-titleholder households (iii) One private school adjacent to the solid waste site to be	Category B

	Subproject	Components	Impacts	Involuntary Resettlement Category
			shifted. Land acquisition 2 ha (approximately)	
Tranche 2				
Guwahati	Water supply	(i) distribution pipelines in southeast zone, and (ii) Supply of water meters	Government land required for booster station (Vet college) – 0.10 ha	Category C
Dibrugarh	Secondary Drains	Drainage improvement	(i) Land acquisition – 4.54 sqm (ii) Project Affected Households- two titleholder households (iii) Temporary disruption to local shops is anticipated during construction work.	Category B
Guwahati	Guwahati Drainage	Improved Drainage System for South Guwahati	These works may be included in scope of the tranche only after the design is finalized based on the recommendations of the drainage master plan which is currently being prepared by Guwahati Smart City Limited under the smart cities mission (footnote 4). The social safeguards impact assessment will be conducted subsequently., this sub-project will not be funded under the MFF if assessment reveals significant resettlement impacts (no Category A sub-project is eligible for financing under the MFF).	

## II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

6. The resettlement framework has been prepared for all the subprojects under AUIIP. This resettlement framework has been prepared to ensure: (i) all tranches comply with all relevant social safeguards requirements of the Government of India, State Government of Assam, and ADB SPS, 2009. The resettlement framework applies to all subprojects where the resettlement process or land acquisition has not been awarded before 1 January 2014.

7. The resettlement framework outlines the objectives, policy principles, and procedures for land acquisition, compensation, and other assistance measures for affected persons, under the AUIIP project. The framework includes guidance on screening and categorization, assessment, planning, institutional arrangements, and processes to be followed for all subprojects.

8. Involuntary resettlement safeguards objectives governing resettlement planning and implementation under the Project are to: (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by identifying non-displacing or least displacing subproject and design alternatives; (iii) improve, or at least restore, the livelihoods of all displaced persons; (iv) improve the standards of living of the affected persons including vulnerable groups and (v) ensure all compensation and resettlement assistance is paid prior to displacement.

9. The implementing agency will be responsible for conducting the social assessment and formulating resettlement plans for subprojects which are screened to be category B, as per the procedures outlined in this resettlement framework. The draft resettlement plans and due diligence reports (for land acquisition and resettlement) will be disclosed to the affected persons and submitted to ADB for review and approval prior to commencement of any civil works. Compensation and other assistance should be paid to affected persons prior to any physical or economic displacement of affected households.

### **A. Policy and Legal Frameworks**

10. The policy framework and entitlements for AUIIP are based on the RFCTLARR Act (Appendix 1a) and ADB's SPS 2009. As per the provisions laid down in section 10 of RFCTLARR Act, 2013, Government of Assam proposed draft rules for carrying out the provisions of the Act which was notified on 19 June, 2015. It was made available to the public from 20th June, 2015 for objections and suggestions. The Government accepted objections and suggestions made by the public on the draft rules and made the state rules that is stated in the Gazette Notification dated 31st July, 2015 by the Revenue and Disaster Management department of the state government. Gazette Notifications added as Appendix 1b and 1c. The salient features of the RFCTLARR Act, 2013 are summarized below:

#### **1. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013<sup>8</sup>**

11. 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. RFCTLARRA came into force on 1 January 2014 to replace the Land Acquisition Act (1894). Some of the key features of the new Act which is different from the Land Acquisition Act 1894 are:

##### **(i) Acquisition for public purpose**

12. The Land Acquisition Bill of 1894 facilitated the government to acquire private land for use for public purposes, or acquire land for companies proposing to utilize the land towards a public purpose. The new Act defines public purpose more specifically as compared to the earlier Act thereby reducing scope for different interpretations. The new Act does not allow any change in purpose after acquisition.

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<sup>8</sup> As passed by the Lok Sabha on 29 August 2013.

**(ii) Social Impact Assessment mandatory**

13. In the new Act the Social Impact Assessment (SIA) is mandatory. It prescribes the need for a Social Impact Assessment by the Gram Sabha or an equivalent body in urban areas as part of the preliminary investigations for the land acquisition. The SIA will assess public purpose, minimum extent of land required, estimation of displacement and social impact on affected families including costs. The SIA will be appraised by an Expert Group. No land acquisition shall be initiated unless SIA is approved by the Expert Group.

**(iii) Specific time lines for Social Impact Assessment**

14. The new Act provides specific timelines for implementation. The timelines are: (i) Social Impact Assessment – 6 months (ii) Appraisal by Expert Group – 2 months (iii) Examination by Appropriate Government and Preliminary Notification – 12 months from the time of submission of Expert Group Report. (iv) Objections to be given within 60 days of Preliminary Notification (v) Public hearing to be conducted after Preliminary Notification (vi) Draft Declaration and R&R Scheme to be done after public hearing, time taken from Preliminary Notification draft declaration –12 months (vii) Compensation amount to be paid 3 months from award and R&R amount within 6 months (viii) infrastructure amenities to be provided within 18 months from award.

15. The process will lapse in case no land acquisition notification happens after twelve months of the EG report. Further, the R&R award should be made within twelve months from public declaration of the R&R scheme. Such a timeline is however extendable by the appropriate Government by another twelve months if deemed necessary.

**(iv) Retroactive Clause**

16. The new act protects those losing land under the retroactive payment under Clause 24. In case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, (a) where no award under section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation, rehabilitation and resettlement shall apply; or (b) where an award under said section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

17. In case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act.

18. Also, where an award has been made and compensation in respect of a majority of land holdings has not been accepted, then, all beneficiaries specified in the notification for acquisition under section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act.

19. The benefit of the retroactive clause will ensure that projects are implemented with minimum delays.

**(v) Consent of affected persons**

20. The Act stipulates that private entities and PPPs carrying out public purpose projects may approach the government to acquire land on their behalf after receiving the consent of 80% of the landowners for public projects and 75% for public-private projects.

**(vi) Calculation of market price**

21. Under the new Act the entitlements and procedure of calculation of the compensation will ensure that compensation for land will be based on the calculation of market value. The highest of the 3 calculations as given below will be adopted.

- (i) the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated;
- (ii) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or
- (iii) consented amount of compensation as agreed upon in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher.

22. The date for determination of market value shall be the date on which the notification has been issued under Section 11. The market value would be multiplied by a factor of, at least one to two times the market value for land acquired in rural areas and at least one times the market value for land acquired in urban areas.

**(vii) Payment of solatium**

23. The Act stipulates a solatium equal to 100 percent of the market value of the property including value of assets.

**(viii) Payment of Resettlement and Rehabilitation assistance**

24. The new Act provides resettlement assistance for all those who are losing livelihood due to land acquisition. The Act in Clause 100 proposes the given resettlement entitlements as minimum. The state governments of India, or private companies, may choose to set and implement a policy that pays more than what is proposed in the Act.

**(ix) Restrictions on acquisition of irrigated multi-cropped land**

25. In order to safeguard food security, the Act restricts any acquisition of irrigated multi-cropped land except for exceptional circumstances. An equivalent area of culturable wasteland or land value has to be deposited with government in the case of such an acquisition.

**(x) Formal and transparent mechanism for R&R implementation prescribed**

26. The Act has outlined a structured institutional framework at the Centre, State and Project level to carry out the acquisition and R&R: (i) at the Central level is the National Monitoring Committee (ii) at the State level there the State LA and R&R Authority, Committee constituted by appropriate Government and State Commissioner R&R (iii) at the Project level is the District Collector, Administrator R&R and R&R Committee.

27. Overall, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act provides a framework in which the interest of the land looser is protected. The Act also empowers the government to some extent for defined purposes to support infrastructure development and industrialization. The new Act also increases the overall cost and time required for land acquisition, thereby compelling project owners towards more efficient utilization of land. How the Act will work is yet to be seen.

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

28. The ADB's Safeguard Policy Statement 2009, recognizes and addresses Involuntary Resettlement impacts and requires the preparation of RP in every instance where involuntary resettlement occurs. The ADB policy requirements are:

- (i) avoid or minimize impacts where possible;
- (ii) consultation with the affected people in project planning and implementation;
- (iii) payments of compensation for acquired assets at the replacement cost;
- (iv) ensure that no one is worse off because of resettlement and would maintain at least their original standard of living;
- (v) resettlement assistance to affected persons, including non-titled persons; and
- (vi) special attention to vulnerable people/groups.

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

30. The three elements of the Involuntary Resettlement policy of ADB are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. Some or all of these elements may be present in a project involving involuntary resettlement. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle. The SPS gives special attention to poor and vulnerable households to ensure their improved well-being as a result of project interventions.

31. The main policy principles of the SPS are:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and reporting of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary

- resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
  - (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
  - (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
  - (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
  - (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
  - (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
  - (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
  - (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
  - (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
  - (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

**B. Comparison of the RFCTLARRA 2013 with key indicators of ADBs Safeguard Policy Statement 2009**

32. A comparison of the key indicators has been made, and how the gaps will be addressed through this Framework is given.

**Table 3: Comparison of the RFCTLARR Act, 2013 with key indicators of ADB's Safeguard Policy Statement 2009 and Gaps**

	<b>ADB SPS 2009</b>	<b>RFCTLARR Act, 2013</b>	<b>Gaps to be filled</b>
1	Compensation at Replacement Cost	The new bill provides the market value with a detailed calculation of market value which, includes: (i) value of land to be determined as provided under section 26 plus; (ii) Factor by which the land value based on calculation under Section 26 is to be multiplied in the case of rural area is 1 – 2 based on distance of the of the project from urban area, as may be notified by the appropriate Government. And by a factor of 1 for urban areas, plus; (iii) Value of assets attached to land or building under section 3, plus; and (iv) Solatium Equivalent to 100% of the market value of Land, multiplied by the factor specified for urban & rural areas.	
2	Provision of full compensation without any deduction	Under Section 31 there is 100% solatium, which is amount equivalent to 100% of the compensation amount.	Not specifically mentioned for structures, but will be specified so as there is no ambiguity
3	Compensation to squatters and other non-title holder including tenants and land users.	Under second schedule it is mentioned resettlement entitlement will benefit families whose livelihood is primarily dependent on land acquired	
	Cut -off Date	Those living 3 years prior to acquisition will be considered for benefits.	The date of census survey is considered as the cutoff date
4	Social Impact Assessment (SIA) to identify the impacts, risks and views of potential project-affected persons and communities	The bill proposes preparation of SIA study under Chapter 2, Section 4.	
5	Preparation of a resettlement plan and Census Survey to address adverse IR impacts.	Provision for preparation of Rehabilitation and Resettlement Scheme under section 16, which is similar to Resettlement Plan.	
6	Consultation with affected persons	Proposed in different sections throughout the bill, Section 17, para. 4, Section 4 para. 1 to give a few instances.	
7	Disclosure of involuntary Resettlement information to stakeholders	Provisions for disclosure is there -Publication of SIA study under Section 6, Publication of the Rehabilitation and Resettlement Scheme under section 18 and 19	



	<b>ADB SPS 2009</b>	<b>RFCTLARR Act, 2013</b>	<b>Gaps to be filled</b>
8	All compensation to be paid prior to displacement and the commencement of civil work.	Possession of land is after the collector ensures full payment of compensation as well as resettlement benefits to be paid within 3 months for compensation or 6 months for other benefits from the date of award.	All compensation to be paid before start of civil works
9	Special assistance for vulnerable households.	There are specific provisions for scheduled Castes and Scheduled Tribes under Section 41 and 42, plus additional benefits as given in Second Schedule	Covers the landless, women-headed households, elderly, children, disabled, scheduled caste and scheduled tribe, BPL and households without legal title.
10	Other Allowance such as subsistence/transit on, shifting allowance	Provisions for all allowance given in Second Schedule.	
11	Livelihood restoration	Provides for training and livelihood restoration measures under Second Schedule which also includes a job in the project activities if the scope is available.	
12	Grievance Redressal Mechanism.	The bill has a detailed grievance mechanism proposed at all levels starting from the gram sabha up to the Government level.	Gap in establishing a project-level GRM for projects that do not have significant resettlement impacts. The Project will establish a project-level GRM.
13	Monitoring	Monitoring is only proposed at the national level.	Regular monitoring at the project level is proposed.

### **C. Criteria for Screening and Selecting Subprojects**

33. ADB's Involuntary Resettlement Impact Screening Checklist (Appendix 2) will be adopted for the subproject. Screening will be conducted immediately after identification of project site. If the screening is done simultaneously when the project site is being identified, then the magnitude of impacts can be estimated and if required alternative options can be examined. This will be done by Design Consultants and submitted to the project monitoring unit (PMU). Based on the Operational Manual Section F1/Operational Procedures<sup>9</sup> the following criteria for screening and categorization of subprojects will be followed:

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including assessment of social impacts, is required.

<sup>9</sup> Issued on 1 October 2013.

- (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.
- (iii) **Category C.** A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.

34. The sub project'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. No Category A sub-projects will be eligible for financing under the MFF. For category B subprojects, a resettlement plan is required. For category C project a Due Diligence Report is required. For Category FI the Project should have Environmental and Social Management Systems in place.

35. Measures will be undertaken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternative 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. This is also consistent with the site selection criteria given in the Environmental Assessment and Review Framework (EARF). 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.

#### **D. Involuntary Resettlement Safeguard Principles for the Program**

36. Based on the ADBs SPS 2009 and the RTFLARRA 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 subproject 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 groups, including households headed by women, the elderly, the disabled, and indigenous groups, those without legal title to land and property, and those living below poverty line (BPL) will be given special assistance to improve their socioeconomic status.
- (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 will be facilitated with adequate resources, and with a time-bound action plan in coordination with civil works.

- (viii) Displaced persons 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.
- (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.
- (xi) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of the project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (ix) Monitor and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.
- (x) Category A sub-projects will not be eligible for financing under any tranche.

37. The Project will involve three types of impacts that will require 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.

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.

## **E. Negotiated Settlement**

39. In line with ADB SPS 2009, this framework does not apply to negotiated settlements. The policy encourages acquisition of land and other assets through a negotiated settlement where ever possible based on consultation<sup>10</sup> with affected persons including those without title to assets. A negotiated settlement will offer adequate and fair price for land and other assets. Also, in case of negotiated settlement, an independent external party will be engaged by the implementing agency to document the negotiation and settlement processes. The principles of this framework with regard to meaningful consultation processes, mechanisms for calculating the replacement cost of land and other assets affected and record-keeping requirements will be followed during the negotiated settlement. Any government regulations with regards to negotiated settlement will also need to be reviewed and followed.

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<sup>10</sup> A process that (i) begins early in the project preparation stage and is carried out throughout the project cycle; (ii) provides timely disclosure of information that is understandable and accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design and mitigation measures.

40. The process of Negotiation involves the following steps: (i) negotiation will take place when there is a willing buyer – willing seller; (ii) verification of the voluntary status of land acquisition will have to be carried out, by a third party preferably NGO; (iii) consultation with the affected person has to be carried out and documented; (iv) the minimum negotiated price to start negotiations will be not below the valuation of land based on the market value of land as given in the Entitlement Matrix; (v) all the safeguards as mentioned in the Resettlement Framework has to be followed (vi) all negotiations has to be carried out in a transparent manner and validated by a Third Party (NGO) or in the absence of the NGO, it may be the DMSC or any other party as decided by the project monitoring unit (PMU); (vii) in case of failure of negotiations compensation will be paid according to the RFCTLARRA, as outlined in the Entitlement Matrix of the Resettlement Framework and (viii) the entire process has to be documented.

#### **F. Voluntary Land<sup>11</sup> Donation**

41. In many cases ADB funded projects are based on the concept of land donation. In the case of land donation, the community or affected person agrees to donate a part of their land for the project. an independent external party will have to be engaged to ensure and validate these requirements: (i) The donation will not cause significant impacts on the livelihood of the donor(s) and the donor(s) is fully understood on the value of their donated land(s); (ii) the donation does not come from the land owner categorized as poor or vulnerable family; (iii) the donation will not cause any economical or physical displacement (legal or illegal); (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 (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The above information must be included in a due diligence report to be prepared by the external party for ADB review and approval.

#### **G. Process of Preparation of Social Impact Assessment or Social Impact Management Plan and Land Acquisition under RFCTLARRA**

42. The steps to be followed for the preparation of the Social Impact Study and the Social Impact Management Plan and Land Acquisition under the RFCTLARRA has been outlined here.
- (i) **Preparation of Social Impact Assessment Study.** Whenever the appropriate government intends to acquire land for public purpose, it shall consult the concerned Panchayat, Municipality, Corporation, at the village level or ward level as the case may be, carry out a Social Impact Assessment (SIA) study in consultation with them as specified under the Act.
  - (ii) **Public Hearing for Social Assessment.** The Government shall ensure that a public hearing is held at the affected area after giving adequate publicity about the date, time and venue for public hearing, to ascertain the views of the affected households to be recorded and included in the SIA report.
  - (iii) **Publication of Social Impact Study.** The government shall ensure that the SIA and the Social Impact Management Plan is prepared and made available in the local language to the Panchayat, Municipality or the Municipal Corporation, as the case may be and the offices of the District Collector, the Sub – Divisional magistrate and the Tehsil shall be published in the affected areas and uploaded in the website of the appropriate government.
  - (iv) **Appraisal of Social Impact Assessment report by Expert Group.** The government shall ensure that the SIA is evaluated by an independent multi-

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<sup>11</sup> This includes all other assets attached to the land.

disciplinary Expert Group. The recommendation of the Expert Group shall be published in the local language in the Panchayat, Municipality or the Municipal Corporation, as the case may be and the offices of the District Collector, the Sub-Divisional magistrate, the Tehsil and shall be published in the affected areas and uploaded in the website of the appropriate government.

- (v) **Appraisal by the Government.** The proposal for land acquisition and SIA report shall be examined by the government.
- (vi) **Publication of preliminary notification for acquisition.** The notification shall include the statement of nature of public purpose involved, reasons necessitating the displacement of affected persons, summary of SIA report and the particulars of Administrator appointed for resettlement and rehabilitation.
- (vii) **Preliminary survey of land:** The Government will conduct survey to determine the extent of land to be acquired.
- (viii) **Hearing of Objections:** Any person whose land has been notified for acquisition can raise objections as laid down under the Act within 60 days from the date of publication of preliminary notification.
- (ix) **Preparation of Rehabilitation and Resettlement Scheme by the Administrator:** After the publication of the preliminary notification by the Collector, the Administrator for Rehabilitation and Resettlement shall undertake a survey and census of the affected households.
- (x) **Review of the Rehabilitation and Resettlement Scheme.** The Collector shall review the Rehabilitation and Resettlement Scheme (RRS) and submit to the Commissioner Rehabilitation and Resettlement for approval.
- (xi) **Approval of the Rehabilitation and Resettlement Scheme to be made public:** The Commissioner Rehabilitation and Resettlement shall make available the approved RRS in the local language in the Panchayat, Municipality or the Municipal Corporation, as the case may be and the offices of the District Collector, the Sub-Divisional Magistrate, the Tehsil and shall be published in the affected areas and uploaded in the website of the appropriate government.
- (xii) **Publication of Declaration and summary of Rehabilitation and Resettlement Scheme.** After the Government is satisfied that the land is needed for public purpose a declaration shall be made and the collector shall publish a summary of the RRS.
- (xiii) **Land to be marked out and measured:** The Collector will mark and measure the land to be acquired.
- (xiv) **Notice to interested persons:** After marking of the land the collector shall publish the public notice on his website and at convenient locations where land is being acquired, stating that Government intends to take possession of land and claims to compensation and rehabilitation and resettlement may be made to him.
- (xv) **Enquiry and Land Acquisition award by the Collector:** On a fixed date, the Collector shall enquire into the objections raised on compensation and the land to be acquired.
- (xvi) **Award:** The Collector will make an award within a period of 12 months from the date of publication of Declaration and summary RRS. And if no award is made within that period the entire proceeding of acquisition shall lapse.
- (xvii) **Determination of market value of land by the Collector:** In determining the amount of compensation to be awarded for land acquired under this Act, the Collector shall take into consideration—(i) the market value as determined under section 27 and the award amount in accordance with the First and Second Schedules; (ii) the damage sustained by the person interested, by reason of the taking of any standing crops and trees which may be on the land at the time of the

Collector's taking possession thereof; (iii) the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other and; (iv), the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings; (v) in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; (vi) the damage (if any) bona fide resulting from diminution of the profits of the land between the time of the publication of the declaration under Section 20 and the time of the Collector's taking possession of the land; and (viii) any other ground which may be in the interest of equity, justice and beneficial to the affected households.

- (xviii) The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.
- (xix) The Collector having determined the total compensation to be paid, shall, to arrive at the final award, pay a Solatium amount equivalent to one hundred per cent of the compensation amount
- (xx) **R & R Award:** The Collector shall pass Rehabilitation and Resettlement Award for each of affected family based on the entitlements provided in Schedule II of the Act.

#### **H. Appointment of Commissioner for Rehabilitation and Resettlement**

43. The State Government appointed an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act, called the Commissioner for Rehabilitation and Resettlement. The Commissioner is responsible for supervising the formulation of rehabilitation and resettlement schemes or plans, its proper implementation and conducting post-implementation social-audit in consultation with the appropriate Government. The Commissioner shall also establish a Rehabilitation and Resettlement Committee at project level to monitor and review the progress, under the chairmanship of the Collector, if involves land acquisition of more than 100 acres.

#### **I. Appointment of Administrator for Rehabilitation and Resettlement**

44. As per legal stipulations, if involuntary displacement of persons is involved then the State Government shall, by notification appoint an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department to be the Administrator for Rehabilitation and Resettlement. Formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Administrator.

#### **J. Eligibility Status of the Displaced Person**

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

- (i) persons who lost land/assets in their entirety or in part, who have formal legal rights to the land;

- (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 (such as customary right over land by tribal people);
- (iii) persons occupying land over which they neither have legal title nor have claims recognized or recognizable under national law; and
- (iv) vulnerable households, defined as poor households BPL—as determined by the state, women-headed households, physically handicapped, scheduled castes, and schedule tribes as determined by the Government of Assam.

## K. Entitlements, Assistance and Benefits

46. The Project Entitlement policy addresses the direct and indirect impacts of project construction and operation on displaced persons, households and communities. The most direct and immediate impacts are those associated with project construction, mainly land acquisition, loss of livelihood and loss of residences. 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 based on this policy framework adopted by the project. The policy provides mitigation for:

- (i) loss of assets, including land and house or work place;
- (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 disruptions due to project construction work.

47. Compensation eligibility is limited by a cut-off date. The cutoff date for non-title-holders, is the date of the start of the census survey, during preparation of the Draft Resettlement Plan. 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 4) identifies and lists various types of losses resulting out of the project and specific compensation and resettlement packages for each category.

**Table 4: Entitlement Matrix**

Type of Loss	Identification of Affected Persons/Households	Details
A. LOSS OF LAND		
A.1. Loss of land <sup>12</sup>	Titleholders/ those with traditional titles/occupancy rights, <sup>13</sup>	1. Compensation at replacement value <sup>14</sup> //market value as specified in the RFCTLARRA or land-for-land where feasible; also includes compensation for any additional investment made to the affected land. 2. Solatium to be paid at 100% of the compensation amount. 3. If the residual plot(s) is (are) not viable, any of the following two options are to be given to the affected person, subject to acceptance:

<sup>12</sup> Households whose livelihood is primarily dependent on the land acquired are included in these entitlements.

<sup>13</sup> Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to titleholders.

<sup>14</sup> The calculation of full replacement cost for affected land will be based on the following elements: (i) fair market value, (ii) transaction costs, (iii) interest accrues, (iv) transitional and restoration costs, and (v) other applicable payments, if any.

Type of Loss	Identification of Affected Persons/Households	Details
		<p>•Option 1 - The affected person remains on the plot, and the compensation and assistance are paid only for the required amount of land to be acquired.</p> <p>•Option 2 - 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.</p> <p>4. A monthly subsistence allowance equivalent to ₹3,000.00 per month for a period of one year from the date of award will be provided.</p> <p>5. Compensation for affected plants and trees (refer section D of the Matrix).<sup>15</sup></p> <p>6. Notice to harvest standing seasonal crops; compensation for affected standing crops will be provided at market value. (refer section D of the Matrix).<sup>16</sup></p> <p>7. 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 executing agency.</p> <p>8. One-time Resettlement Allowance of ₹50,000.00 for those become marginal<sup>17</sup> framers or landless due to acquisition.</p> <p>9. Choice of annuity or employment – the following options are to be provided:</p> <p>(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 ₹50,000 per affected family;<sup>18</sup> 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.</p> <p>10. 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 landowner is compelled to change his place of residence or business due to proposed land acquisition</p> <p>11. Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to ₹50,000.</p> <p>12. A lump sum transfer grant/shifting assistance per household for shifting household assets and other belongings to the new area.</p>
A.2. Loss of private land	Tenants and leaseholders /	1. Reimbursement of rental deposit or unexpired lease.

<sup>15</sup> To be valued by persons experienced in the field of agriculture, horticulture forestry, etc. as necessary.

<sup>16</sup> Valued by an experienced person in the field of agriculture.

<sup>17</sup> Marginal farmers are those who are left with one hectare of unirrigated land and half hectare of irrigated land holding after acquisition.

<sup>18</sup> As per Census of India, a 'household' is usually a group of persons who normally live together and take their meals from a common kitchen. This RF defines an affected family as a group of persons who share a common kitchen and 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.



Type of Loss	Identification of Affected Persons/Households	Details
(agriculture, homestead, or vacant plot)	sharecroppers (whether having written tenancy/lease documents or not)	<p>2. Compensation at replacement cost for any investment made to the land.</p> <p>3. One time resettlement allowance of ₹50,000 or those who become marginal framers or landless or those who need to relocate due to acquisition.</p> <p>4. Choice of annuity or employment – the following options are to be provided:            (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 ₹50,000 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.</p> <p>5. 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 landowner is compelled to change his place of residence or business due to proposed land acquisition.</p> <p>6. A monthly subsistence allowance equivalent to ₹3,000 per month for a period of one year from the date of award will be provided.</p> <p>7. Notice to harvest standing seasonal crops. If notice cannot be given, compensation for loss of crops will be provided.</p> <p>8. One-time financial assistance of ₹50,000 as transportation cost for shifting.</p> <p>9. Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to ₹50,000.</p> <p>10. Transitional allowance based on minimum wage rates for semi-skilled labor for 3 months.</p>
A.3. Loss of government land (vacant plot, homestead land)	Leaseholder	<p>1. Compensation for rental deposit or unexpired lease.</p> <p>2. Compensation for any investment made to the land.</p> <p>3. One-time resettlement allowance of ₹50,000.</p> <p>4. Choice of annuity or employment – the following options are to be provided:            (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 ₹50,000 per affected family; or (iii) annuity policies that shall pay not less than ₹2,000 per month per family for 20 years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <p>5. All affected household 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</p>

Type of Loss	Identification of Affected Persons/Households	Details
		<p>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.</p> <p>6. Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to ₹3,000 per month for a period of 1 year from the date of award.</p> <p>7. Notice to harvest standing seasonal crops. If notice cannot be given, compensation for loss of crops will be provided.</p> <p>8. One-time financial assistance of ₹50,000 as transportation cost for shifting.</p> <p>9. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to ₹50,000.</p> <p>10. Transitional allowance based on minimum wage rates for semi-skilled labor for 3 months.</p>
	Non-titleholders on government land and ROW	<p>1. Non-titleholders will be notified and given 60 days' advance notice to remove their assets and/or crops/fruits.</p> <p>2. Compensation for affected structures will be at replacement value, which will be calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation.<sup>19</sup> Additional assistance to vulnerable<sup>20</sup> households.</p> <p>3. One-time financial assistance of ₹50,000 as transportation cost for shifting, in case shifting is required.</p>
<b>B. LOSS OF STRUCTURES</b>		
B.1. Loss of residential structure	Legal Titleholder of affected structure/ those without homestead land <sup>21</sup>	<p>1. If a house is lost in rural area a constructed house shall be provided as per the Indra Awas Yojana specifications OR equivalent cost of the house.</p> <p>2. In urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area OR a one-time financial assistance for house construction, which shall not be less than ₹150,000.</p> <p>3. The replacement value of the structure, will be provided, calculated as per the latest prevailing BSR without depreciation.<sup>22</sup></p> <p>4. Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section.</p>

<sup>19</sup> The BSR costs will be adjusted for inflation upto the current year to arrive at the structure cost.

<sup>20</sup> The vulnerable affected people in this project are defined as those below poverty line (those households whose annual earning is less than INR86,180 (adjusted to present value from 2011-2012 rates, classified as BPL), landless, elderly, woman-headed households, children, disabled, scheduled castes, scheduled tribes, and those without legal title to land. The actual identification of below poverty line (BPL) households is done by a survey, known as the BPL or IRDP (Integrated Rural Development Program) survey, carried out by the Rural Development Department of all the state governments. Generally, the poverty line is multiplied by an assumed household size (usually five) and used as a cut-off for the household as a whole. In addition, this survey also uses certain exclusion criteria such as the type of the house, ownership of a minimum amount of land, ownership of certain consumer durables, etc. The poverty line in INR. per month per head for the year 2011-2012 was INR828 for rural areas and INR1008 for urban areas. To identify the BPL households, the above poverty line (i.e. INR1008/person/month) was used for this project. This was multiplied by an average household size of five, thereby bringing the monthly household income to INR5,040 and annual household income to INR60,480 adjusted to INR 86,180 is present day prices. All those with that much or less income have been identified as poor.

<sup>21</sup> Who have been residing in the area continuously for a period of not less than 3 years preceding the date of notification.

<sup>22</sup> The BSR costs will be adjusted for inflation upto the current year to arrive at structure costs.

Type of Loss	Identification of Affected Persons/Households	Details
		<ol style="list-style-type: none"> <li>5. One-time financial assistance of ₹50,000 as shifting allowance.</li> <li>6. A monthly subsistence allowance equivalent to ₹3,000.00 per month for a period of one year from the date of award will be provided.</li> <li>7. Right to salvage material from the demolished structure at no cost.</li> <li>8. Rental assistance at ₹5,000 per month till alternative house is ready.</li> <li>9. Each affected family shall be given a one-time Resettlement Allowance of ₹50,000 only.</li> <li>10. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by executing agency.</li> <li>11. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to ₹50,000.</li> </ol>
	Tenants and leaseholders	<ol style="list-style-type: none"> <li>1. Rental assistance at ₹5,000 per month for 3 months.</li> <li>2. One-time financial assistance of ₹50,000 as shifting allowance.</li> <li>3. A monthly subsistence allowance equivalent to INR3,000 per month for a period of one year from the date of award will be provided</li> <li>4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount;</li> <li>5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences.</li> <li>6. Right to salvage material from demolished structure, erected by tenants.</li> <li>7. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to ₹50,000.</li> </ol>
B.2. Loss of commercial structure and other assets	Legal titleholder	<ol style="list-style-type: none"> <li>1. The replacement value of the structure, calculated as per the latest prevailing BSR without depreciation.</li> <li>2. One-time Resettlement Allowance of ₹50,000.</li> <li>3. A monthly subsistence allowance equivalent to ₹3,000 per month for a period of one year from the date of award will be provided.</li> <li>4. Right to salvage material from the demolished structure at no cost.</li> <li>5. One-time financial assistance of ₹50,000 as shifting allowance.</li> <li>6. Rental assistance at ₹60 per sq feet for 3 months, equivalent to the space lost.</li> <li>7. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the executing agency. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to ₹50,000.</li> </ol>

Type of Loss	Identification of Affected Persons/Households	Details
	Tenants and leaseholders	<ol style="list-style-type: none"> <li>1. Rental assistance at INR60 per sq feet for 3 months, equivalent to the space lost.</li> <li>2. One-time financial assistance of ₹50,000 as shifting allowance.</li> <li>3. A monthly subsistence allowance equivalent to ₹3,000 per month for a period of one year from the date of award will be provided.</li> <li>4. Each family will be provided with Resettlement Allowance of ₹50,000, in case of relocation.</li> <li>5. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount.</li> <li>6. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences.</li> <li>7. Right to salvage material from demolished structure, erected by tenants.</li> </ol>
B.3. Impact on market place/area with a minimum of 20 shops/businesses	Titleholder <sup>23</sup> owners	<ol style="list-style-type: none"> <li>1. Affected enterprises will be provided with the following options:               <ol style="list-style-type: none"> <li>(i) self-managed reconstruction of shops by the shop operators with all benefits as per the entitlement matrix; or</li> <li>(ii) project assisted relocation option will be provided to those whose commercial structures are significantly affected and thereby can no longer be used as a commercial enterprise because of the project impact. The allotment of the shops in the market complex will be based on the ownership status of those affected.</li> </ol> </li> <li>2. A lump sum transfer grant/shifting assistance will be given per household for shifting household assets and other belongings to the new area.</li> <li>3. Right to salvage material from demolished structure.</li> </ol>
<b>C: LOSS OF OTHER ASSETS</b>		
C.1. All other assets such as bore wells, cattle shed etc.	Titleholders/leaseholders	<ol style="list-style-type: none"> <li>1. The replacement value of the structure, calculated as per the latest prevailing BSR without depreciation.</li> <li>2. Right to salvage material from demolished structure.</li> <li>3. For loss of cattle shed a one - time assistance of ₹25,000 to be provided.</li> </ol>
<b>D: LOSS OF CROPS AND TREES</b>		
D.1. Loss of crops and trees	Legal titleholder/sharecropper/leaseholders	<ol style="list-style-type: none"> <li>1. Affected person will be notified and given 60 days' advance notice remove trees. For seasonal crops and fruit trees 6 months' notice is to be given.</li> <li>2. Compensation for cash crops at prevalent market rates,<sup>24</sup> to be calculated as annual net product value multiplied by number of productive years remaining.</li> <li>3. Compensation for one year net harvest for seasonal crops at prevalent market rates.</li> <li>4. Compensation at market value of timber in case of timber-bearing trees (footnote 19).</li> <li>5. For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years.<sup>25</sup></li> </ol>
<b>E: ASSETS LOST BY NON-TITLEHOLDERS</b>		

<sup>23</sup> In case of affected title owners, the affected title owners will be allotted a shop in the market in lieu of compensation. No additional compensation will be paid to them. However, they will be entitled to transitional allowance and shifting assistance as applicable and provided for in the entitlement matrix.

<sup>24</sup> Valued by an experienced person in the field of agriculture.

<sup>25</sup> To be valued by persons experienced in the field of agriculture, horticulture forestry etc. as necessary.

Type of Loss	Identification of Affected Persons/Households	Details
E.1 Loss of structure (immovable assets constructed by non-titleholders)	Non-titleholders	<ol style="list-style-type: none"> <li>1. Non-titleholders will be notified and given 60 days' advance notice to remove their assets.</li> <li>2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. Additional assistance will be provided to vulnerable households (Section H).</li> <li>3. Right to salvage material from the demolished structure at no cost.</li> <li>4. A lump sum transfer grant/shifting assistance will be given per household in case shifting is required.</li> </ol>
E.2. Loss of crops and trees		<ol style="list-style-type: none"> <li>1. Non-titleholders will be notified and given 60 days' advance notice to remove trees and 6 months' notice to harvest seasonal crops and fruit trees.</li> <li>2. In case of standing crops/trees planted by non-titleholders, compensation will be given as outlined in section D.</li> <li>3. Additional assistance to vulnerable households (Section H)</li> </ol>
<b>F: LOSS OF LIVELIHOOD</b>		
F.1. Loss of primary source of income for the titleholders	Titleholders/leaseholders/share croppers losing income through agriculture	<ol style="list-style-type: none"> <li>1. Choice of annuity or employment – the following options are to be provided:               <ol style="list-style-type: none"> <li>(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; (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> </ol> </li> <li>2. Transitional allowance equivalent 1,000 days of minimum agricultural wage in the state at the time of Section 4 notification under Land Acquisition Act if the residual land is not viable, or equivalent to 750 days of minimum agricultural wage income when the residual land is viable</li> <li>3. In case of households losing 10% or more of their productive assets (income generating), training would be provided for income generating vocational training and skill improvement options as per affected persons choice @ ₹10,000 per family. This cost would be directly paid by the project to the training institute.</li> </ol>
	Titleholders/tenants/leaseholders losing income through business	<ol style="list-style-type: none"> <li>1. One time grant of a minimum of ₹25,000<sup>26</sup> for self-employed persons, artisans, traders etc.</li> <li>2. Choice of annuity or employment – the following options are to be provided:               <ol style="list-style-type: none"> <li>(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> </ol> </li> <li>3. In case of households losing 10% or more of their productive assets (income generating), training would be provided for</li> </ol>

<sup>26</sup> Based on the RFCTLARRA.

Type of Loss	Identification of Affected Persons/Households	Details
		income generating vocational training and skill improvement options as per affected persons' choice @ ₹10,000 per family. This cost would be directly paid by the project to the training institute.
F2. Loss of primary source of income for tenants and leaseholders	Tenants/ leaseholders	1. Transitional allowance based on minimum wage rates for semi-skilled labor for 3 months. 2. Training would be provided for income generating vocational training and skill improvement options as per affected person's choice @ ₹10,000 per family. This cost would be directly paid by the project to the training institute.
F.2. Loss of primary source of income for the non-titleholders	Agriculture/non-agricultural labour/share croppers/leaseholders/s quatters losing primary source of income	1. One-time resettlement assistance of ₹50,000 for lost income. 2. Preference for employment opportunity for affected persons in the project construction work, if so desired by them. 3. Training would be provided for income generating vocational training and skill improvement options based on the choice of the affected person at ₹20,000 <sup>27</sup> 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>
	Wage-earning employees indirectly affected due to displacement of commercial structure (those working in businesses of non-titleholders such as petty shops, eateries, daily non-agricultural labourers)	1. One-time financial assistance for lost income based on months subsistence allowance at ₹18,000 <sup>29</sup> per affected person. 2. Preference for employment opportunity for affected persons in the project construction work, if so desired by them. 3. Training would be provided for income generating vocational training and skill improvement options as per affected person's choice @ INR10,000 per family. This cost would be directly paid by the project to the training institute.
	Non-titleholders losing primary source of income including vendors and hawkers	1. Vulnerable households will be given priority in employment as unskilled labor in the project construction activities. 2. Training would be provided for income generating vocational training and skill improvement options as per affected person's choice @ INR10,000 per family. This cost would be directly paid by the project to the training institute. 3. Alternate location for vendors along the feeder roads, or at the vendors' market developed, on rental/lease basis. 4. One-time financial assistance for lost income based on minimum wage rate for semi-skilled labor for 3 months or period of disruption. Enrolment in vocational training courses, based on assessment of skill sets. 5. Organizational/logistical support to establish displaced persons in alternative income generation.
<b>G: LOSS OF COMMON PROPERTY RESOURCES</b>		

<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, Government of India. The cost for training is INR25 per hour. Minimum hours for female is 150 hours and for male it is 180 hours. The list of trades and details are provided in [www.dget.gov.in](http://www.dget.gov.in) and [www.sdi.gov.in](http://www.sdi.gov.in). Industrial Training Institute is at Rehbari in Guwahati and for Dibrugarh the nearest one is at Tinsukia. The cost of ₹. ₹20,000 has been estimated assuming a training period of 3 months, and any incidental charges such as transportation, materials, etc.

<sup>28</sup> This is only an estimate. The income generating asset will be skill related. However, assuming that the affected person has learnt computers, the cost of purchasing a computer is estimated at ₹25,000 and a multi-function printer at ₹15,000. However, the assets will be decided on a case to case basis.

<sup>29</sup> Based on 6 months of subsistence allowance. In the RFCTLARRA the subsistence allowance for titleholders is ₹36,000 for a year. In this case 50% of given amount is provided for non-titleholders.

Type of Loss	Identification of Affected Persons/Households	Details
G.1. Loss of common property resources	Affected community/government institution responsible for the structure.	1. Replacement or restoration of the affected community assets/facilities (including temples, shrines, public water stand posts, etc.) in consultation with the affected community.
<b>H: ADDITIONAL SUPPORT TO VULNERABLE</b>		
H.1. Additional assistance to all vulnerable groups	Households categorized as vulnerable <sup>30</sup>	<ol style="list-style-type: none"> <li>1. Additional one-time lump sum assistance of INR18,000 (calculated for 6 months' subsistence allowance) per vulnerable family will be paid. This will be over and above the other assistance given in this framework.</li> <li>2. Vulnerable households will be given priority in employment in the project construction activities.</li> <li>3. All Scheduled Castes and Scheduled Tribes relocated outside the district will be provided at an additional 25% of the resettlement benefits to which they are entitled along with a one-time resettlement entitlement of INR50,000 per the provisions of the RFCTLARRA.</li> <li>4. Provision for project operation related training and employment, OR, skill training for displaced vulnerable persons, including assistance for purchase of income generating assets and initial capital of INR10,000.</li> </ol>
<b>I: TEMPORARY IMPACTS</b>		
I.1. Temporarily affected agricultural land	Legal titleholder/traditional land rights/non-titleholders	<ol style="list-style-type: none"> <li>1. In case of standing crops, cash compensation for loss of agricultural crops at current market value.</li> <li>2. Compensation for loss of trees at current market value.</li> <li>3. Restoration of land to its previous or better quality.</li> <li>4. Contractor must negotiate a rental rate with the owner for temporary use of land.</li> <li>5. Affected households will be notified and given 60 days' advance notice to remove trees and 6 months' notice to harvest crops and fruit trees.</li> </ol>
I.2. Structures temporarily required for project activities	Legal titleholders/non-titled holders/building owners	<ol style="list-style-type: none"> <li>1. Compensation for assets lost at replacement value without depreciation.</li> <li>2. Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities</li> <li>3. One-time financial assistance of INR25,000.00 as shifting allowance.</li> <li>4. Subsistence allowance at INR3,000 per month for 3 months.</li> <li>5. Provision of alternative sites for continued economic activity</li> </ol>
I.3. Temporary loss of livelihood	Business owners, tenants, leaseholders, employees, hawkers/vendors	1. For shops on streets experiencing full closure or experiencing significant income impacts because of the project, <sup>31</sup> a one-time assistance for lost net income for the actual period of disruption based on income/tax statement, minimum wage rates, or actual income (whichever is higher) verified through incomes of comparable businesses in the area
<b>J. OTHER UNANTICIPATED IMPACTS</b>		
J.1. Temporary impact during construction like disruption of normal traffic, damage to adjacent parcel of land/assets due to movement of machinery and	All affected persons	<ol style="list-style-type: none"> <li>1. The contractor shall follow the provisions in this entitlement matrix for any impact on structure or land due to movement of machinery during construction or establishment of construction plant. The impact mitigation should be as per the environmental management plan stipulated in the contract.</li> <li>2. Compensation for standing crops and trees as per the market rate.</li> <li>3. Time bound restoration of land to its previous or better quality.</li> </ol>

<sup>30</sup> Refer footnote 20.

<sup>31</sup> Significant income impacts are those businesses losing more than 10% of their daily income.

Type of Loss	Identification of Affected Persons/Households	Details
plant site for contractor, etc.		4. The contractor will maintain access to businesses (e.g., planks, keeping traffic flow, pedestrian access, no full street closures, etc.). 5. The contractor will negotiate a rental rate with the owner for all temporary use of land outside proposed ROW.
J.2. Any unanticipated adverse impact due to project intervention		Any unanticipated impacts of the project will be documented and mitigated based on the spirit of the principles agreed upon in this Resettlement Framework and the RFCTLARRA.

Note: All entitlements indicated in rupees will be adjusted for inflation from the year of RP preparation to the year in which compensation is paid.

### III. RESETTLEMENT PLAN PREPARATION-SOCIOECONOMIC INFORMATION

#### A. Surveys (Socio-economic information)

48. Social Impact Assessment (SIA) surveys of the affected persons will be undertaken in each subproject to determine the magnitude of displacement and prospective losses, better identification of vulnerable groups, ascertain costs of resettlement, and prepare a rehabilitation program for implementation. The socioeconomic surveys will be based on preliminary technical designs of the sub-project (which may include any or a combination of the following: water supply, sewerage, drainage, solid waste management and road improvement) identified. The socioeconomic survey will help assessing the Investment Programs socioeconomic impacts on the affected community and people. The methodology for conducting socioeconomic surveys and database management (to be used for Resettlement Plan preparation) is indicated in Appendix 3. The SIA surveys will comprise of:

- (i) **Baseline socioeconomic sample survey.** The purpose of the baseline socioeconomic sample survey of affected persons is to establish monitoring and evaluation parameters. It will be used as a benchmark for monitoring the socioeconomic status of affected persons. The survey will cover 10 percent of affected persons and 20 percent of significantly affected persons.<sup>32</sup> The survey will also collect gender-disaggregated data to address gender issues in resettlement. The survey will carry out the following: (i) preparation of accurate maps of the subproject area; and (ii) analysis of social structures and income resources of the population.
- (ii) **Census survey.** The purpose of the census is to: (i) register who the potentially affected persons are; (ii) assess their income and livelihoods; (iii) make an inventory of assets affected by the project, and (iv) collect gender-disaggregated information pertaining to the economic and socio-cultural conditions of displaced persons. The census will cover 100% of affected persons.

#### B. Resettlement Plan

49. The Resettlement Plan will be prepared based on the results of the census, and from information drawn from the baseline socioeconomic sample survey; the database on affected persons is to be completed before Resettlement Plan preparation. It will include the results and findings of the census of affected persons and their entitlements to restore losses, institutional

<sup>32</sup> ADB OM Section F1/OP March 2010 defines significant/major impact as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income-generating).



mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and results monitoring mechanisms. The outline of the Resettlement Plan is given in Appendix 4.

50. Resettlement Plans will comply with the principles outlined in this resettlement framework and will have to be approved by the Executing Authority and ADB prior to contract award. Disbursement of compensation payments and entitlements will be made prior to displacement.

51. The Resettlement Plan comprising of the entitlement matrix, compensation, rehabilitation options among others shall be brought to the notice of the displaced persons and host communities. The specific resettlement-related activities to be performed, such as social impact assessment, census and socioeconomic survey, resettlement planning, public consultation, development of mitigation and income restoration measures, implementation of Resettlement Plan, and monitoring and evaluation, and their subproject implementation schedule, will all be detailed in the resettlement planning document. The Resettlement Plan will be prepared and notified to the public, through information disclosure workshops and other means such as posters and/or resettlement booklets, notices in the local government offices, etc.

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

52. Female-headed households are considered a vulnerable group as per the resettlement framework. Any negative impacts of a subproject on female-headed households will be given priority. The Resettlement Plan will formulate measures to ensure that socioeconomic conditions, needs, and priorities of women are identified, and that the process of land acquisition and resettlement does not disadvantage women. It 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. Gender issues are further addressed through the gender action plan prepared for the program, and will be implemented by the NGO.

### **D. Impacts on Indigenous People and Mitigation Measures**

53. During the socio-economic census survey conducted for draft Resettlement Plan preparation, any indigenous people getting impacted by the project will be identified. Any impact on Indigenous People will trigger the development of an Indigenous Peoples Plan based on the Indigenous Peoples Framework for the project. Based on the census surveys for the subprojects, no indigenous persons have been identified. This Resettlement Framework covers any impact on Schedule Tribes specifically, providing additional assistance to them.

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

### **A. Valuation of Lost and Affected Assets**

54. Land acquisition and resettlement impacts of the program will be compensated in accordance with the entitlement matrix.

#### **1. Compensation for land**

55. Compensation for land will be based on the RFCTLARRA as follows:

## 2. Calculation of Market Value

56. The market value of the proposed land to be acquired shall be set as the higher of:
- (i) the minimum land value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds in the area, where the land is situated; or
  - (ii) the average of the sale price for similar type of land being acquired, ascertained from the highest fifty per cent of the sale deeds registered during the preceding three years in the nearest village or nearest vicinity of the land being acquired; or
  - (iii) the consented amount in case the land is acquired for private companies or public-private partnership projects.

57. The market value would be multiplied by a factor of, at least one to two times the market value for land acquired in rural areas and at least one times the market value for land acquired in urban areas. The Act stipulates that the minimum compensation to be a multiple of the total of above ascertained market value, value to assets attached to the property, plus a solatium equal to 100 percent of the market value of the property including value of assets. Whichever is higher, will be taken and the date for determination of market value shall be the date on which the notification has been issued under section 11.

58. Compensation will also be calculated 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 landowner is compelled to change his place of residence or business due to proposed land acquisition.

## 3. Valuation of lost assets

59. The valuation of immovable properties, including structures, assets, trees and crops is as follows:

- (i) **Houses/buildings/structures.** The valuation of the houses, buildings, and other immovable properties will be based on the latest Basic Schedule of Rates published by the Government of Assam, plus the cost of labor and transfer of the construction materials. The Public Works Department (PWD) will determine the valuation of structures.
- (ii) **Standing crops/perennial crops.** If notice for harvest of standing/perennial crops cannot be given, then valuation will be done at prevalent market rates, to be calculated as annual net product value multiplied by number of productive years remaining, Valued by an experienced person in the field of agriculture.
- (iii) **Trees/Fruit/Timber:** Compensation at market value of timber in case of timber-bearing trees. For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years, to be valued by persons experienced in the field of agriculture, horticulture forestry etc. as necessary.
- (iv) **All other assets:** All other assets such as irrigation units, boundary wall etc. will be valued based on the latest basic schedule of rates (BSR) published by the Government of Assam.
- (v) **Common Property Resources:** In case of loss of community infrastructure or any common property resources, the same will be restored or re-installed, by the

Project Authority, at a new place in consultation with the community or local self-governing bodies or appropriate authority.

60. All compensation and assistance will be paid to affected persons prior to displacement or commencement of civil works. In case there are loans on acquired land and properties, such amounts will be adjusted from the total compensation based on mutual agreement between the affected person and the Acquiring Body. Affected persons will be provided with an advance notice of 60 days prior to possession being taken of the land or properties. Affected persons will be allowed to take the materials salvaged from their dismantled houses and shops.

## **B. Income Restoration**

61. Each affected person whose income or livelihood is affected by a subproject will be assisted to improve or at least restore this income to pre-project level. Income restoration schemes will be designed in consultation with affected persons, and considering their resource base and existing skills. The Project Implementation Unit (PIU) with support from the DMSC and NGO, will identify the number of eligible affected persons based on the 100 percent census of the affected persons and will conduct a training need assessment in consultation with the affected persons to develop appropriate income restoration programme. The PIU with support from the DMSC and NGO, will examine local employment opportunities and identify possible income restoration options. Suitable trainers or local resources will be identified by the DMSC/NGO. Vulnerable households will get special assistance in this regard. The PIU will facilitate affected persons' access to government schemes that could help them restore income and livelihood. The Vocational Training Programme by the Industrial Training Institute provides training on several trades, under the Directorate General of Employment and Trade, Ministry of Labour and Employment, GOI. The cost for training is INR25 per hour. Minimum hours for female is 150 hours and for male it is 180 hours. The list of trades and details are provided in [www.dget.gov.in](http://www.dget.gov.in) and [www.sdi.gov.in](http://www.sdi.gov.in). ITI training institute is at Rehabari in Guwahati and for Dibrugarh the nearest one is at Tinsukia.

62. Long term restoration measures also include Choice of annuity or employment, where options include: (i) jobs created through the project, after providing suitable training and skill development in the required field, making 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 INR500,000 per affected family; or (iii) annuity policies that shall pay not less than INR2,000.00 per month per family for 20 years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.

63. In addition, the entitlement matrix provides for short-term income restoration activities intended to restore the income of the affected person immediately before and after relocation, and providing short-term allowances such as a transitional allowance and shifting assistance.

64. Compensation for loss of primary source of income, in the case of employees of business or agricultural laborers, will be as indicated in the entitlement matrix.

65. Temporary income loss – Businesses will be compensated for lost income on fully closed street where customer access to shops is disrupted.<sup>33</sup> Once the contractor submits the work

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<sup>33</sup> Compensation is only applicable to fully closed roads where customer access is disrupted or force closure of the shops/business activity, leading to income loss. To the extent possible, contractors will identify these types of roads

schedule based on the final designs and confirms a road is likely to be fully closed (with disruption to customer access), the DMSC will conduct an income survey of businesses along the relevant sections. The census survey will serve as the eligibility cut-off date. All businesses identified in the project-impacted areas (sections ready for construction) on the cut-off date will be entitled to compensation for their lost income based on the tax record or in their absence, comparable rates from registered businesses of the same type with tax records. For shops not qualifying under these categories (hawkers, vendors, etc.), there will be the option of using the actual income based on survey, followed by a verification of the income data based on comparable incomes in the project area.

66. Payment of compensation due loss of income due to temporary impacts requiring full street closure will consist of the following steps:

- (i) Step 1. Conduct public awareness and information dissemination prior to construction works. This is to be done by the NGO in coordination with the DMSC and Project Implementation Units (PIUs).
- (ii) Step 2. In collaboration with the contractor, the DMSC is to identify the roads which will experience full closure, and estimated period of closure. Two types of disturbances are anticipated from full closure of roads will be (i) partial disturbance, where there is no vehicular access but pedestrian access is maintained, or (ii) full disturbance, where there is no vehicular or pedestrian access.
- (iii) Step 3. The DMSC will (i) conduct an income survey<sup>34</sup> of shops along sections of road identified for full closure, (ii) update the Resettlement Plan, identifying income and potential loss based on actual income losses, and (iii) send the updated Resettlement Plan to ADB for review and approval after detailed designs are complete.
- (iv) Step 4. After approval from ADB the DMSC will distribute identity cards (Appendix 5) with compensation amount to the affected persons.<sup>35</sup>
- (v) Step 5. PMU will issue cheques to affected persons based on survey records and identity cards prior to construction. All payments will be recorded for accounting purposes with the signature of the affected person.

67. **Vendor assistance.** Vendors requiring temporary shifting during the construction period will be notified in advance, and will be allowed to salvage all materials for temporary shifting to an alternative location. They will be allowed to return to the original location after construction is declared complete. Vendor assistance will consist of the following steps:

- (i) Step 1. Identify impacted vendors based on detailed design by DMSC/PIU safeguards officers, in coordination with contractor;
- (ii) Step 2. Notify vendors at least 2-3 weeks in advance. Consult with local vendor associations, if they exist;
- (iii) Step 3. Identify alternative locations nearby for affected vendors to continue their business;

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prior to construction. However, if during construction a road not previously identified for full closure is unexpectedly required to be fully closed, inhibiting customer access, the contractor is to immediately notify the DMSC safeguards compliance specialist and PIU so that a rapid income survey can be conducted and compensation paid for period of disruption.

<sup>34</sup> Compensation is based on lost income based on the tax paid or, in its absence, comparable rates from registered businesses of the same type with tax records. For shops not qualifying under these categories (hawkers, vendors, etc.), there is the option of using the actual income based on survey, followed by a verification of the income data based on comparable incomes in the project area.

<sup>35</sup> For large stretches of businesses, the DMSC may enlist the help of the NGO's resettlement specialist.

- (iv) Step 4. Assistance will be given by contractor to vendors to shift to new location; and
- (v) Step 5. Assistance will be given by contractor to return to original location after construction works are completed.

### **C. Relocation**

68. The Project will, to the extent that is possible, avoid any physical displacement/ relocation of the affected peoples. In the event that physical relocation is required the project will ensure that (i) shifting assistance, resettlement assistance and subsistence allowance, as required, will be provided to all relocated/physically displaced households (ii) relocations sites will be disclosed to the affected people for endorsement, along with their facilities; (iii) options are available for the affected householdsto choose for independent or assisted relocations by the project; and (iv) alternate houses have to be provided to the affected persons before demolition, in event the houses are not ready, rental assistance will have to be provided till the alternate house is ready. Relocation must be completed before the start of civil works. Security of tenure for all affected persons facing relocation will be ensured by the project implementing agency and monitored by ADB. The PIU/PMU/DSMC will monitor the relocation process with NGO support. Adequate budgetary allocation must be provided for timely relocation implementation and included in the final Resettlement Plan.

69. In every resettlement area/ village/colony, the project shall ensure the provision of all the 25 listed infrastructural facilities specified in the III Schedule under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act. All the 25 infrastructural amenities mentioned must be complied with.

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

### **A. Consultation and Participation Process**

70. Consultations with various stakeholders will be carried out through-out the project cycle. The Consultations will be conducted by the Public Relation, Awareness and Gender Specialist of DMSC and NGOs . Stakeholders in the project are both primary and secondary. The primary stakeholders are project displaced persons and PIU/PMU. Additionally, the concerned Deputy Commissioner and the revenue officials are also considered to be the primary stakeholders. Other stakeholders in the project include elected representatives and officials of local administrative bodies, local community groups, women's groups and people of the project area.

71. The consultation program will be conducted at several levels that will include: (i) Heads of households/members likely to be impacted; (ii) Community Members, elected representatives and officials of local administrative bodies, Gram Sabhas, Ward level members; (iii) and Implementing Agency and line Departments. Several rounds of consultations will be conducted during Resettlement Plan implementation. As a follow-up of the local-level consultations held during project preparation, further consultations will be conducted by the NGO during implementation. In the first round of consultations information on RP and Entitlement policy and options will be disseminated. This will involve explaining the Entitlement Framework and resettlement options to the affected persons and soliciting their support and co-operation. This will help finalize agreement on the various entitlements provided in the entitlement framework. Next round of consultation involves agreements on compensation and assistance options and entitlements with the affected persons and completion of distribution of identity card indicating the accepted entitlement package. The next round of consultations will occur when

compensation and assistance are provided and actual resettlement begins and the NGO must facilitate relocation.

72. The methodology followed for public consultations will include (i) Informing all the likely affected persons regarding the meeting including displaced persons and at village level. Panchayat leaders, gram sabha members, officers from PIU/PMU any local NGOs and (ii) documenting the minutes of the meetings, noting the list of participants for each of the meeting along with the signature and having photographs of consultations taken.

73. Attention will be paid to the needs of the disadvantaged or vulnerable groups, especially those below poverty line, landless, elderly, female-headed households, women, indigenous people/scheduled tribes, and those without legal title to land. Implementing NGOs/DSMC will ensure that any views of the affected persons particularly vulnerable people, related to the resettlement process are considered and addressed. The implementing NGO/DSMC will ensure that groups and individuals consulted are informed about the outcome of the decision-making process and confirm how their views were incorporated.

74. Each subproject Resettlement Plan will be prepared and implemented in close consultation with key stakeholders. Women's participation will be ensured by involving them in public consultation at various stages of project preparation and by arrangement, which would enhance their ability to attend such meetings.

75. The executing agency will ensure that views of the affected persons related to the resettlement process, particularly those from vulnerable groups, are considered and addressed. The NGO will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated.

## **B. Information Disclosure and Resettlement Plan Disclosure**

76. Information will be disseminated to affected persons at various stages, including project implementation period. For the benefit of the community in general and affected persons in particular, a summary of the resettlement framework and each Resettlement Plan will be made available in Assamese during consultation meetings and will be disclosed in public places prior to project appraisal. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contract.

77. Each subproject Resettlement Plan will be disclosed to the affected community, detailing information including measurement of losses, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments, and displacement schedule by the PMU/PIU. This will be done through public consultation and brochures, leaflets in Assamese. Copies of the Resettlement Plan in Assamese will also be made available at: (i) offices of the PMU and PIU; (ii) the Deputy Commissioners Office; and (iii) local level offices. A report of disclosure, giving details of date and location will be shared with ADB. The template for project information and disclosure of the Resettlement Plan and grievance procedures is given in Appendix 6.

78. The Resettlement Framework and the Resettlement Plans will be placed on the official website of the State Government and the official website of ADB after approval and endorsement of the Resettlement Framework and Resettlement Plan by PMU and ADB. Furthermore, there will be a notification on the start date of subproject implementation. The notice will be issued by the PIU in local newspapers a month ahead of the implementation works. Table 5 provides a summary of the consultation and disclosure activities to be undertaken.

**Table 5: Summary of Consultation and Disclosure Activities**

<b>Subproject Phase</b>	<b>Activities</b>	<b>Details</b>	<b>Responsible Agency</b>	<b>Audience and Target</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.	DSMC/PIU in coordination with district collector's office and other local bodies.	Urban local bodies, planning department, Local committee member, survey and land revenue department
	Stakeholder identification	Cross-section of stakeholders to be identified to facilitate their participation in the subproject.	DSMC/NGO/PIU along with officials from the district collector's office to identify all stakeholders.	All likely stakeholders i.e., affected persons, implementation agencies, line departments
	Subproject information dissemination; disclosure of proposed land acquisition and subproject details	Leaflets containing information on subproject to be prepared. Public notice will mention the names and survey nos. of titleholders of land/property proposed for acquisition along with subproject details. Notice will be issued in local newspapers.	PIU/DSMC will approach district collector with required details and will be involved in information dissemination. PIU will be assisted by DMSC/NGO for leaflet preparation. Notice will be issued from the District collector's Office.	District Collector, Revenue Department
	Stakeholder meetings	Meetings at community/household level with titleholders of affected land/property and their family members during project scoping.	PIU will be assisted by DMSC/NGO with officials from District collector's office. Local revenue officials will facilitate meetings to disclose the information to affected persons.	Officer of District Collector's Office, affected persons, NGOs and community-based organizations.
Resettlement plan preparation phase	Socioeconomic impact assessment and 100% census surveys	Surveys and individual consultations to be conducted. Summary Resettlement Plan to be disclosed in local language through printed materials in accessible locations to affected persons, particularly those who are vulnerable, and other stakeholders.	PIU will be assisted by DSMC/NGO to conduct consultations and surveys.	Local committee member, affected persons' representatives and other local level organizations.
	Formulating compensation measures and rehabilitation measures	Based on census surveys, the entitlements will be shared through discussions, and sharing Resettlement Plans with affected persons.	PIU will be assisted by DSMC/NGO, who will conduct all required discussions/meetings/workshops and will invite all secondary stakeholders.	Local committee members, affected person representative, women's groups, NGO, community-based organization.
	Disclosure of final entitlements and	Web disclosure of the Resettlement Plan.	NGO appointed by PMU will undertake all	DMSC/IPMO/NGO

Subproject Phase	Activities	Details	Responsible Agency	Audience and Target
	rehabilitation packages	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 Plans approval by affected persons.	activities related to circulation of Resettlement Plan. NGO/DSMC will arrange public meeting of all stakeholders with affected persons for Resettlement Plan approval. All the comments and suggestions made by affected persons will be documented.	
Resettlement Plan Implementation Phase	Disclosure of final Resettlement Plan approved by ADB to all important stakeholders	Final Resettlement Plan endorsed by government and reviewed and approved by ADB, to be updated/disclosed on the executing agency's website. Ensure the availability of copy of the approved Resettlement Plan at PMU and district collector's office.	Executing agency to provide ADB with Resettlement Plan for review and approval prior to contract award. PMU and PIU to disclose on the web.	All affected people
	Relocation and rehabilitation, livelihood restoration (including consultation with APs)	Addressing any issues which arise during shifting, or relocation or deciding on the choices of training programs or availing eligible assistance	NGO/DMSC will continue the process of consultation.	Project affected persons.

## VI. GRIEVANCE REDRESS MECHANISM

79. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate, and facilitate the resolution of affected people's concerns, complaints, and grievances about the social and environmental performance of the project. 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 grievance redress mechanism and procedure are depicted in Figure 1 below. The project-specific GRM is not intended to bypass the government's own redress process; rather it is intended to address affected people's concerns and complaints promptly, making it readily accessible to all segments of the affected people, and is scaled to the risks and impacts of the project.

80. The PMU and PIUs will make the public aware of the GRM through public awareness campaigns. Grievances can be filed in writing using the complaint register and complaint forms (Appendix 7) available at the office of PMU/PIU/DSMC. All the documents made available to the public will include information on the contact number, address and contact person for registering grievances, and will be widely disseminated throughout the project area by the safeguards officers in the PMU and PIUs with support from the NGO/DSMC.

### C. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority

81. For speedy disposal of disputes relating to land acquisition, compensation and rehabilitation and resettlement, the Government of Assam has established by notification (dated



19 June 2015), the Land Acquisition Rehabilitation and Resettlement Authority. The GoA with the consent of the Guwahati high court has declared courts of the respective district judges to act as Land Acquisition, Rehabilitation and Resettlement Authority. The authority consists of one person called the Presiding Officer of the Authority who is appointed by the GOA in consultation with the Chief Justice of Guwahati High Court through notification in official gazette. He shall hold the officer for 3 years and shall be supported by Registrar and other officers.

82. The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908. The Authority shall dispose any matter received within six months. All proceedings before Authority shall be judicial proceedings and shall take place in public. No civil court (other than High Court or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter. Applications first go to Collector and within 30 days he can refer (if required) to the Authority. Such application can be made within six weeks by the applicant (if he or representative is personally present) after the date of award, and in other cases within six months. Collector may also accept any application within one year if feels appropriate. Interests are payable for delayed and excess payments. All proceedings shall take place in public.

83. **First tier.** When grievances arise complainant will need to contact DMSC Construction Supervisor to file complaints (contractor must provide contact if needed). The address and contact number of the DMSC office will be provided in the project information leaflet. The PIU is the first tier of GRM which offers the fastest and most accessible mechanism for resolution of grievances. The resettlement officer and environmental officer in each PIU will be designated as the key officers for grievance redress. Resolution of complaints will be done within 7 working days. At this stage, the resettlement officer and environmental officer will inform the PMU's safeguards compliance and monitoring unit (SCMU) for additional support and guidance in grievance redress matters. Investigation of grievances will involve site visits and consultations with relevant parties (e.g., affected persons, contractors, traffic police, etc.). Grievances will be documented and personal details (name, address, date of complaint, etc.) will be included, unless anonymity is requested. A tracking number will be assigned to each grievance.

84. **Second tier.** The Resettlement Officer and Environmental Officer in each PIU will activate the second tier of GRM by referring the unresolved issue (with written documentation) to the PMU's SCMU who will pass unresolved complaints upward to the Grievance Redress Committee (GRC).<sup>36</sup> The GRC will be established by the PMU's Environment and Social Safeguard Unit before commencement of site works. A hearing will be called with the GRC, if necessary, where the affected person can present his/her concern/issues. The process will facilitate resolution through mediation. The local GRC will meet as necessary when there are grievances to be addressed. The local GRC will suggest corrective measures at the field level and assign clear responsibilities for implementing its decision within fifteen (15) working days. The contractor will

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<sup>36</sup> The GRC will consist of the following persons: (i) Project Director; (ii) representative of the affected person(s); (iv) representative of the local Deputy Commissioners office (land); and (v) representative of APCB (for environmental-related grievances). The functions of the local GRC are as follows: (i) resolve problems quickly and provide support to affected persons arising from various environmental issues and including dust, noise, utilities, power and water supply, waste disposal, traffic interference and public safety as well as social and resettlement related issues such as land acquisition (temporary or permanent); asset acquisition; and eligibility for entitlements, compensation and assistance; (ii) reconfirm grievances of displaced persons, categorize and prioritize them and aim to provide solutions within a month; and (iii) report to the aggrieved parties about developments regarding their grievances and decisions of the GRC.

have observer status on GRC. If unsatisfied with the decision, the existence of the GRC will not impede the complainant's access to the Government's judicial or administrative remedies.

85. **Third tier.** If a grievance cannot be resolved directly by the PIUs (first tier) or GRC (second tier), the case will be escalated to the land acquisition and resettlement and Rehabilitation authority which will give a decision within 6 months. Alternatively, the affected person can also seek alternative redress through the appropriate court of law. If the affected persons are still dissatisfied after making good faith attempts to resolve the grievance through the project GRM process they may approach the Accountability Mechanism.<sup>37</sup>

86. **Grievance Redressal Committee (GRC).**<sup>38</sup> The GRC will be established before commencement of works. The GRC will meet if issues cannot be resolved at the level of PMU. The GRC will suggest corrective measures and assign clear responsibilities for implementing its decision within 15 working days. The contractor will have observer status on the GRC. If the affected person is not satisfied with the decision of the GRC, the complainant can approach the court of law and/or use ADBs Accountability Mechanism.<sup>39</sup> At any point in the redressal process the aggrieved person can approach the Land Acquisition and Resettlement and Rehabilitation Authority.

87. At the first tier, grievances will be documented and personal details (name, address, date of complaint, etc.) will be included unless anonymity is requested. A tracking number will be assigned to each grievance, including the following elements:

- (i) initial grievance sheet (including the description of the grievance) with an acknowledgement of receipt given to the complainant when the complaint is registered;
- (ii) grievance monitoring sheet with actions taken (investigation, corrective measures); and
- (iii) closure sheet, one copy of which will be handed to the complainant after he/she has agreed to the resolution and signed off.

88. The updated register of grievances and complaints will be available to the public at the PMU/DMSC offices. Should the grievance remain unresolved, the person can seek alternative redress through the appropriate court of law which will be the last level recourse or the ADBs redressal mechanism.

89. The PMU, with the assistance of the DMSC will be responsible for processing, maintaining database of complaints, recording decisions, issuing minutes of the meetings, and monitoring to see that formal orders are issued and the decisions carried out.

90. The monitoring reports of the Resettlement Plan implementation will include the following aspects pertaining to progress on grievances: (i) number of cases registered with the

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

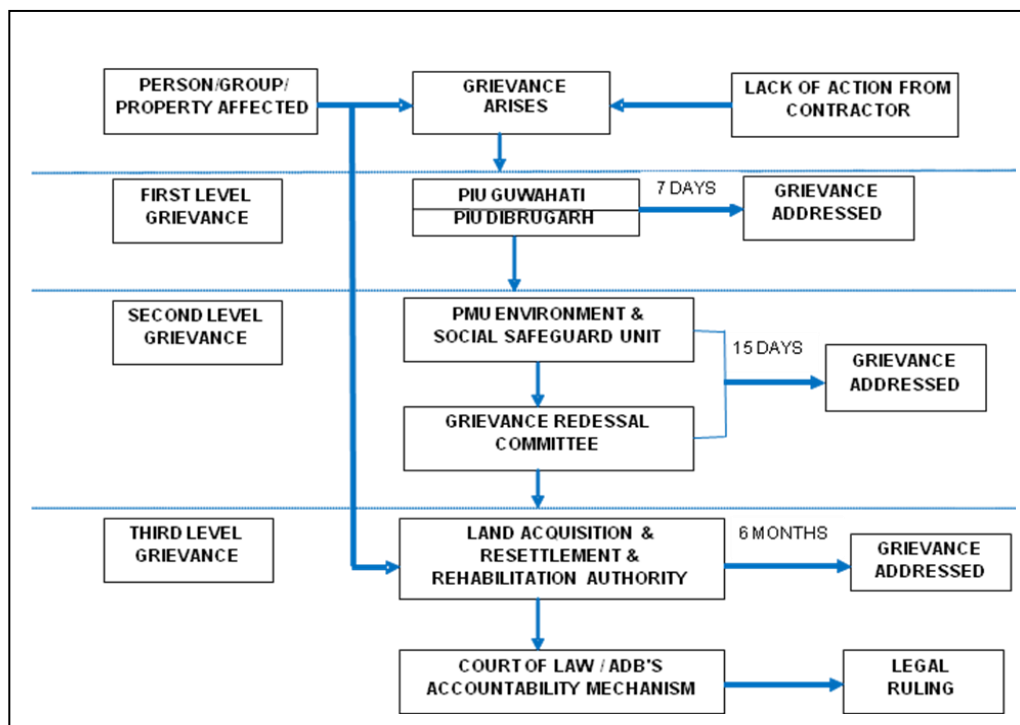
<sup>38</sup> The members proposed for the GRC as per the Notification issued on 16.4.2013 (which is yet to approved by GOA) are Project Director AUIIP, Chairman; Assistant Project Director AUIIP, Member; Deputy Secretary Guwahati Development Authority, Member; Nominee of Principle Secretary, Urban Development Department, Member; Representative of Guwahati Municipal Corporation, Member; Representative of the affected persons.

<sup>39</sup> The Asian Development Bank (ADB) Accountability Mechanism provides an independent forum for people adversely affected by ADB-assisted projects. It allows project-affected people to voice their concerns and seek solutions to their problems. They can also request compliance review of alleged noncompliance by ADB with its operational policies and procedures. ADB, through its project design and implementation procedures, makes every effort to prevent problems and ensure compliance from the outset. The Accountability Mechanism is a last resort.

PMU/DMSC, at what level of jurisdiction, number of hearings held, decisions made, and the status of pending cases; and (ii) lists of cases in process and already decided upon may be prepared, with details such as name, ID with unique serial number, date of notice, date of application, date of hearing, decisions, remarks, actions taken to resolve issues, and status of grievance (i.e., open, closed, or pending).

91. All costs involved in resolving the complaints (meetings, consultations, communication, and information dissemination) will be borne by the PMU.

**Figure 1: Social and Environmental Grievance Redressal Process**



## VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

92. The Government of Assam's Guwahati Development Department and Urban Development Department (UDD) will be the executing agencies. A state-level PMU, headed by a full-time project director, will be established as the implementing agency, which will oversee overall execution and technical supervision, monitoring, and financial control of the project.

93. Project implementation units (PIUs) dedicated exclusively to the project will be set up in Guwahati and Dibrugarh. The PIUs will be headed by a senior technical officer and assisted by qualified and experienced officers seconded from urban local bodies (ULBs), finance, and other line departments. The PIUs will be responsible for the day-to-day activities of project implementation in the field and will be under the direct administrative control of the PMU. The PIU in Guwahati will have synergies and a coordination mechanism with the PIUs for the Jawaharlal Nehru National Urban Renewal Mission and Japan International Cooperation Agency (JICA) projects.

94. The PMU will have a safeguard compliance and monitoring unit (PMU SCMU) to ensure mitigation of environmental and social impacts due to the subproject, if any. The PMU will be responsible for the following:

- (i) appointing community awareness consultants, and an R&R implementing NGO, where required;
- (ii) implementation of Resettlement Plan;
- (iii) providing support to the office of the District Commissioner for land acquisition;
- (iv) ensuring availability of budget for rehabilitation and resettlement activities;

- (v) ensuring timely disbursement of compensation and assistance to the affected persons in close coordination with the concerned line department;
- (vi) liaison with district administration for land acquisition and implementation of Resettlement Plan;
- (vii) addressing grievances; and
- (viii) ensuring disclosure of Resettlement Framework, Resettlement Plans and monitoring documents.

95. The PMU SCMU will have a safeguard compliance and monitoring officer (PMU SCMO) who will have the following responsibilities: (i) addressing social safeguards issues; (ii) implementing the resettlement framework/IPF; (iii) liaising with district administration for land acquisition and resettlement plan implementation; (iv) monitoring implementation of safeguards plans (resettlement plan/IPPs); (v) guiding the PIUs as and when necessary; and (vi) endorsing and submitting periodic monitoring reports<sup>40</sup> received from DMSC to the PMU PD, who will then submit these to ADB. The SCMU will also be staffed by a land acquisition officer, (if deemed necessary, based on the extent of land acquisition) who will mainly be responsible for the following: (i) liaising with the district administration for land acquisition; (ii) addressing any problems and/or delays in the land acquisition process; and (iii) monitoring physical and financial progress on land acquisition activities and updating the SCMO and PMU on the same.

96. The PMU will seek government clearance for submission and disclosure of the social and resettlement monitoring report to ADB. It will also coordinate with national and state agencies to resolve interdepartmental issues, if any.

97. The PMU will be assisted by a DMSC safeguards compliance specialist (DMSC SCS). The DMSC Safeguard Compliance Specialist will (i) review and finalize all reports in consultation with the PMU SCMO; (ii) provide project management support; (iii) assure the technical quality of design and construction; (iv) prepare Resettlement Plan/IPP reports; and (iv) provide advice on policy reforms. In addition, the DMSC SCS will assist the PMU in procurement needs and other project implementation aspects, and shall play a central role in ensuring capacity building on resettlement management of the PMU, NGO, and line departments through capacity development support and training.

98. The PIUs will each have a resettlement officer who will be responsible for implementation of the Resettlement Plan/IPP. The resettlement officer will undertake internal monitoring and supervision and record observations throughout the project period to ensure that the safeguards and mitigation measures are provided as intended. He or she will be responsible for (i) implementing and monitoring safeguards compliance activities, public relations activities, gender mainstreaming activities, and community participation activities; (ii) coordinating with district administration and NGO for land acquisition and R&R aspects and addressing any problems and/or delays; (iii) monitoring physical and financial progress on land acquisition and R&R activities; and (iv) organizing monthly meetings with the NGO to review the progress on R&R. PIUs will be adequately staffed within 2 months of loan approval.

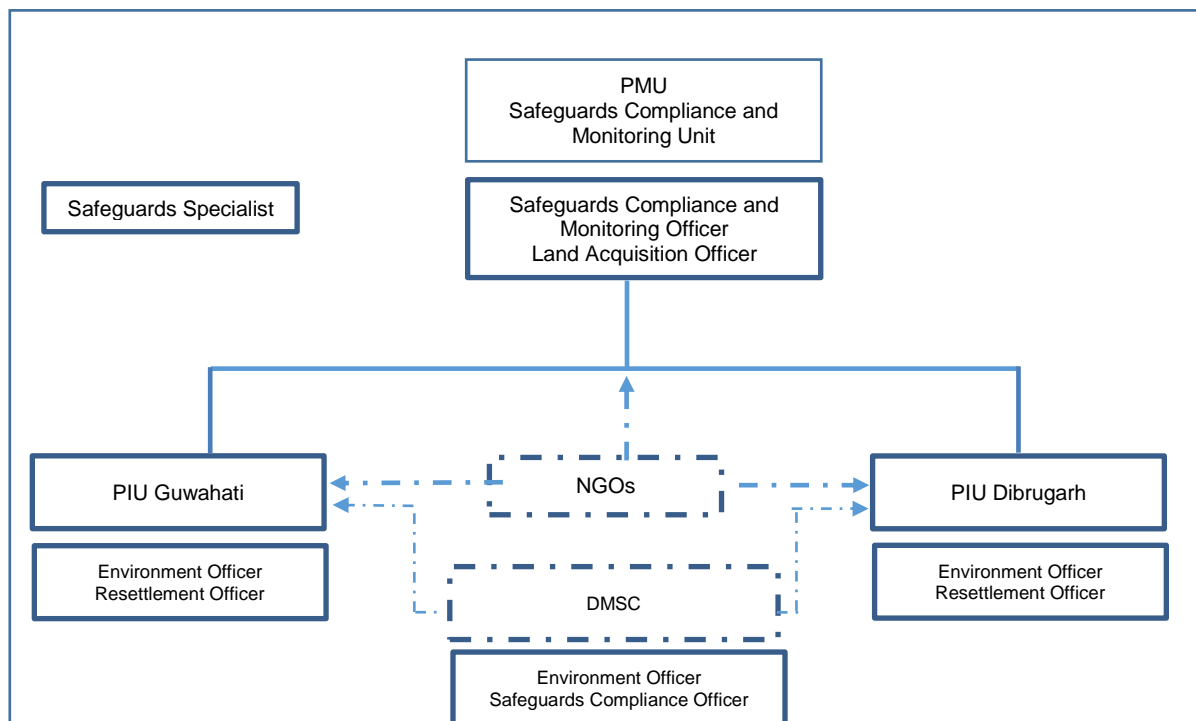
99. A resettlement specialist will also be appointed as part of the DMSC team to (i) update the existing Resettlement Plans based on the detailed design; (ii) assist in the monitoring and

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<sup>40</sup> The semiannual monitoring report will focus on the progress of implementation of the IEE/EIA and EARF, resettlement plan/resettlement framework and IPP/IPF, issues encountered and measures adopted, follow-up actions required, if any, as well as the status of compliance with subproject selection criteria and relevant loan covenants.

supervision of ongoing subprojects and Resettlement Plan and IPP implementation; (iii) prepare Resettlement Plan and/or IPPs for new subprojects, where required to comply with national law and/or ADB procedure; and (iv) ensure all subprojects meet safeguard requirements as agreed in the loan covenant and in line with this resettlement framework. Figure 2 shows the implementation arrangement for environment and resettlement safeguards.

**Figure 2: Implementation Arrangement for Environmental and Social Safeguards**



100. **Role of Nongovernment Organization.** A NGO will be hired to assist the PIU/DMSC to implement the Resettlement Plans, to conduct consultations and create public participation in the project and conduct surveys where necessary. Key activities of the NGO in relation to resettlement planning and implementation include: (i) conducting detailed survey of physically and economically displaced persons based on detailed design, and identifying poor, female-headed, and vulnerable households affected by land acquisition and resettlement; (ii) preparing the list of the potential affected persons and issue identification cards; (iii) facilitating the process of disbursement of compensation to the affected persons, coordinating with the revenue department and informing the affected persons of the compensation disbursement process and timeline; (iv) assisting affected persons in opening bank accounts, explaining the implications, rules, and obligations of a joint account and how he or she can access the resources he or she is entitled to; (v) assisting the executing agency in ensuring a smooth transition (during the partial or full relocation of the affected persons), helping them to take salvaged materials and shift. In close consultation with the affected persons, the NGO shall inform the PMU about the shifting dates agreed upon in writing and the arrangements they desire with respect to their entitlements; (vi) organizing training programs for income restoration (after conducting a training, the DMSC/NGO will ensure training through ITIs, if the affected person so desires); (vii) conducting meaningful, ongoing consultation and ensuring disclosure of Resettlement Plans in an accessible manner to the affected persons; (viii) assisting PIUs in establishing a grievance redress mechanism; (ix) assisting PIUs in keeping detailed records of progress and establishing monitoring and reporting systems of resettlement; (x) acting as the information source for

community interaction with the project, and liaising between community, DMSC contractors, and project management and implementing units during the execution of the works; and (xi) providing advice and other support to PIUs as required.

### **A. Institutional Capacity Development Program**

101. This is the first ADB urban project in Guwahati UDD and Dibrugarh Town Municipality; thus capacity development programs needs to be conducted to facilitate implementation of the Project in accordance with ADB safeguard requirements.<sup>41</sup> The executing agencies/ULBs do not have social safeguards officers, nor the capacity to handle IR/IP impacts, gender, and vulnerability issues. The DMSC will be responsible for training PMU and PIUs staff on resettlement planning and implementation, social protection, addressing grievances, addressing gender issues, monitoring, reporting and disclosure requirements.

102. The DMSC resettlement specialist (RS) will provide a training and capacity building program on resettlement management for the PMU and PIU staff on issues concerning: (i) principles and procedures of land acquisition; (ii) public consultation and participation; (iii) entitlements and compensation disbursement mechanisms; (iv) grievance redressal; (v) monitoring of resettlement operation and (vi) disclosure methods. Specific modules customized for the available skill set shall be devised after assessing the capabilities of the target participants and the requirements of the project. Institutional capacity building programs will involve trainings on environmental and social safeguard (ESS) for the PMU/PIU staff and the Contractor's employees. Capacity development technical assistance is in the process of developing training modules and materials on environmental and social safeguard. DMSC is also developing a training program with separate modules for social safeguards, which will be integrated with the one developed by the capacity development technical assistance. DMSC will provide trainings to PMU staff on ESS work including ADB's requirements in preparation and implementation of required documentation (e.g. IEEs, Resettlement Plans) and the RFCTLARRA. PMU or DMSC will train up the PIU staff and Contractor's employees on ESS.

### **B. Implementation Schedule**

103. The program will be implemented for 10 years, from 2012 to 2021 (June). The RP 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, and rehabilitation of APs. 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.

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<sup>41</sup> At present, the ULBs do not have dedicated officers to handle resettlement and social issues, and it is mostly the technical team which handles involuntary resettlement issues. Other gaps identified include: i) limited capacity building and opportunities for capacity building on resettlement; and ii) social and resettlement issues handled in a project-centric manner, and limited resource allocation that is not institutionalized.

## VIII. BUDGET AND FINANCING

104. Detailed budget estimates for each Resettlement Plan will be prepared by the PIU and DMSC, which will be included in the overall tranche project budget. The budget shall include: (i) detailed costs of land acquisition and livelihood and income restoration and improvement; (ii) source of funding; (iii) administrative and staff training; (iv) cost for GRM and consultation/disclosure and (iv) monitoring costs. All land acquisition and resettlement costs will be borne by the government and provided in a timely manner to ensure payment of all entitlements prior to displacement.

105. The disbursement of compensation for land and acquisition of assets will be carried out by the Deputy Commissioners office, and calculated as per the basis given in the Entitlement Matrix. In the case of assistance, the PIU will directly pay into the individual accounts of affected persons. The implementing NGO will be involved in facilitating the disbursement process and rehabilitation program, and will facilitate opening bank accounts for the affected persons who do not have bank accounts.

106. All entitlements and costs given in the entitlement matrix will be increased annually by 10% on the 1<sup>st</sup> of April of every year. The rates given in this Resettlement Framework will be applicable till March 2018.

## IX. MONITORING AND REPORTING

### A. Internal Monitoring

107. Internal monitoring will be undertaken by the PMU with assistance from the DMSC. Internal monitoring will ensure all land acquisition and resettlement activities are implemented per the approved Resettlement Plans in accordance with this resettlement framework.

108. The PIU resettlement officers will prepare quarterly progress reports and submit to the PMU. The PMU will prepare semi-annual monitoring reports and submit to ADB. All monitoring reports will be disclosed on ADB website. The NGO/DMSC will submit quarterly progress reports to PIUs and PMUs to inform them of Resettlement Plan implementation activities. These reports 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. At an absolute minimum the payments of entitlements as per the EM and changes in livelihoods/incomes will be monitored in any resettlement plans prepared. Sample monitoring indicators are in Appendix 8.

### B. Significant impacts

109. Under Tranche 1, due diligence shows that resettlement impacts are not significant. Due diligence for Tranche 2 also shows that there are no significant resettlement impacts. However, if the GOA will subsequently include the Guwahati drainage works<sup>42</sup> within the scope of Tranche 2, additional due diligence will need to be conducted to assess the cumulative resettlement impacts of Tranche 2. The tranche and MFF will not finance any category A sub-projects which will have significant resettlement impacts. For potential inclusion of Guwahati drainage project please refer Table 6: Resettlement Impacts for the Subprojects.

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<sup>42</sup> The scope of works under Guwahati drainage will be finalized based on the recommendations of the Guwahati Drainage master plan which is currently being undertaken by the GOA under the smart cities mission.



**APPENDIX 1: COMPARISON BETWEEN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT 2013 AND ADB SAFEGUARDS POLICY STATEMENT 2009**

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

<b>ADB SPS Policy Principle</b>	<b>LARR Act</b>	<b>Remarks</b>
Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	Followed	
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.	Followed	
Prepare a Resettlement Plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound	Prepared	The LARR Act refers to the RR scheme

ADB = Asian Development Bank, LARR = Land Acquisition, Rehabilitation and Resettlement, SPS=Safeguard Policy Statement.

**Gazette Notification on Draft Rules, Government of Assam on  
RFCTLARR Act, 2013, 19 June 2015**

পঞ্জীয়ন নম্বৰ - ৭৬৮/৯৭

Registered No.-768/97

  
**অসম ৰাজপত্ৰ**  
**THE ASSAM GAZETTE**  
 অসাধাৰণ  
**EXTRAORDINARY**  
 প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত  
**PUBLISHED BY THE AUTHORITY**

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 No. 163 Dispur, Saturday, 20th June, 2015, 30th Jaistha, 1937 (S.E.)

GOVERNMENT OF ASSAM  
 ORDERS BY THE GOVERNOR  
 REVENUE & DISASTER MANAGEMENT DEPARTMENT

**NOTIFICATION**

Dated the 19th June, 2015

**No. RLA.300/2013/Pt-II/10.**- The following draft Rules, which the Government of Assam proposes to make in exercise of the powers conferred by Section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) is hereby published, as required by Section 112 of the said Act, for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules shall be taken in to consideration after expiry of a period of fifteen days from the date on which the copies of this notification as published in the Assam Gazette are made available to the public. Any objection or suggestion which may be received from any person with respect to the said draft rules within the period so specified shall be considered by the State Government.

Objections or suggestions, if any, may be sent to the Additional Chief Secretary to the Government of Assam, Revenue & D.M. Department, 3rd Floor, C.M. Block, Assam Secretariat, Dispur, Guwahati-781006.

**APPENDIX 2: INVOLUNTARY RESETTLEMENT IMPACT ORGANIZATION CHECKLIST**

<b>Probable Involuntary Resettlement Effects</b>	<b>Yes</b>		<b>No</b>	<b>Not Known</b>	<b>Remarks</b>
<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? If yes, approximately how many? _____					[ ] No [ ] Yes
Are any of them poor, female heads of households, or vulnerable to poverty risks?					[ ] No [ ] Yes
Are any displaced persons from indigenous or ethnic minority groups?					[ ] No [ ] Yes

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

## APPENDIX 3: CENSUS AND BASELINE SOCIO-ECONOMIC SURVEY GUIDELINES

### A. Cut-Off Date

1. The cut-off date for those who have legal title is the date of Notification under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement and Rehabilitation Act 2013. The date of census is the cut-off date for those who do not have legal standing for eligibility of assistance under the project. People moving into the project area after this cut-off date will not be entitled to support. Persons, who were not enumerated during the census but can show documentation or evidence that he/she is rightfully an affected person, will be included. The ULB is responsible for such verification. Only those displaced persons within the project affected area will be considered eligible for support under the subproject.

### B. Census Requirement and Contents

2. Census of households and individuals located within the project must be undertaken to register and document the status of potentially affected population within the project impact area. It will provide a demographic overview of the population served by the Resettlement Plan and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected population within the project impact area.

- (i) **Resource Base.** The resource base including land, water, and forest, etc., with an assessment of its development and ecological potential in the pre-project conditions. During the conduct of the census, legal boundaries of affected properties and the right-of-way (ROW) are to be verified. Structures, trees and other assets are to be recorded.
- (ii) **Economy Base.** The economy base of the affected people including the modes and magnitude of production, consumption pattern, related economic institutions and allocation of various productive resources.
- (iii) **Household Census.** Household census covering immovable property owned by the displaced persons and other resources in their possession/use. These surveys would be carried out in association with local and host communities as well as with the local representatives.
- (iv) **Social Structures.** The social structure, norms, customs, cultural centers, traditions, patterns of leadership and institutions of social network.
- (v) **Affected Persons.** The census will identify tenants, sharecroppers, non-titleholders and agricultural day labourers. During such census, those displaced persons who are dependent on the acquired land for their livelihood, shall also be identified and listed along with their identified income. Besides this, the census will also identify displaced persons who are the scheduled tribes and scheduled caste populations in accordance with the scheduled tribes and scheduled caste lists of GoA, and all other vulnerable displaced persons.

### C. Census Procedures

3. The following procedure is to be adopted in carrying out the census:

- (i) Preliminary screening to provide minimum information on social impacts;
- (ii) Verification of legal boundaries of project area, to document existing structures, land plots, and others physical assets. This involves:
  - (a) Identification of suitable resettlement sites, near the affected area if

- required;
- (b) All encroachments, private land holdings and others assets in the project area is to be documented;
- (c) Assets, structures, land holdings, trees, etc. to be recorded; and
- (d) All information is to be computerized; photography/video recordings to be used to document existing structures.
- (iii) The baseline socio-economic survey shall cover information on the various categories of losses and other adverse impacts likely under the project;
- (iv) The census shall identify potentially affected populations with special attention to vulnerable groups; and
- (v) Assessment on the value of various assets to be made.

#### **D. Data Management**

4. **Data Sources.** As a pre-requisite for conducting the primary household surveys, relevant information is to be collected from secondary sources. These include:

- (i) Revenue records maintained at the ULB, with regard to land particulars for facilitating acquisition of properties and resettlement;
- (ii) Census records for demographic information;
- (iii) Development agencies to get information on various developmental programs for specific sections of population like those living below poverty line, Scheduled Tribes, Scheduled Castes, etc.; and
- (iv) Local organizations including NGOs to involve them and integrate their activities in the economic development programs of the displaced population.

5. **Data Collection.** Household level contacts and interviews with each affected family for completing the household socio-economic profile. Each of the households surveyed and the structure/land likely to be affected by the project must be numbered, documented and photographed. Public consultation exercises in different project areas to be conducted with the involvement of affected persons. In these exercises, women among the affected persons are to be involved to elicit their views and opinions on the overall planning of resettlement activities. Discussions with a cross-section of affected population will help towards understanding the problems and preferences of the displaced persons.

6. **Data Analysis.** The analysis would cover the following: population, population density, age, sex ratio, literacy rates/education, gender issues, tribal issues, religious groups, income, occupation and poverty line.

7. **Data Update.** Since there is generally a time gap between the census and land acquisition procedure, which will take at least one year, it implies that actual physical relocation of displaced persons may be delayed by a year. Therefore, it is suggested that NGOs responsible for implementation of Resettlement Plan along with the ULB, would conduct a rapid appraisal to continuously update information.

## **APPENDIX 4: OUTLINE OF A RESETTLEMENT PLAN**

1. This outline is part of the ADB SPS Safeguard Requirements 2. A Resettlement Plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the Resettlement Plans, although not necessarily in the order shown.

### **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. It includes a table with quantified data and provides 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 (provides 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. Socioeconomic Information and Profile**

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

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

### **E. Information Disclosure, Consultation, and Participation**

6. 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) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (iv) 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;
- (v) confirms disclosure of the draft Resettlement Plan to affected persons, and includes arrangements to disclose any subsequent plans; and
- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

## **F. Grievance Redress Mechanisms**

7. 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.

## **G. Legal Framework**

8. This section:
- i) describes national and local laws and regulations that apply to the project, identifies gaps between local laws and ADB's policy requirements, and discusses how any gaps will be addressed;
  - ii) describes the legal and policy commitments of 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 sets out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; and
  - iv) describes the land acquisition process, and prepares a schedule for meeting key procedural requirements.

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

9. This section:
- i) Defines entitlements and eligibility of displaced persons, 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 (ensuring 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,



- iii) environmental assessment of sites, and development needs;
- iv) provides timetables for site preparation and transfer;
- v) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- vi) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- vii) describes plans to provide civic infrastructure; and
- viii) explains how integration with host populations will be carried out.

## **J. Income Restoration and Rehabilitation**

11. This section:
- i) identifies livelihood risks and prepares disaggregated tables based on demographic data and livelihood sources;
  - ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (e.g. project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, while discussing sustainability and safety nets);
  - iii) outlines measures to provide a 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 on the source of funding for the Resettlement Plan budget.

## **L. Institutional Arrangements**

13. This section:
- i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the Resettlement Plan;
  - ii) includes institutional capacity building programs, including technical assistance, if required;
  - iii) describes the 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.

## **M. Implementation Schedule**

14. 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.

**N. Monitoring and Reporting**

15. 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 6: TEMPLATE FOR RESETTLEMENT AND REHABILITATION INFORMATION DISCLOSURE

### Government of Assam Assam Urban Infrastructure Improvement Program Project Information Brochure Resettlement and Rehabilitation

THIS IS ONLY A TEMPLATE AND MUST INCLUDE INFORMATION AFTER FINALIZATION OF THE UPDATED RESETTLEMENT PLAN AND APPROVAL OF FINAL RESETTLEMENT PLAN OF THE SUBPROJECTS. THIS WILL HAVE TO BE TRANSLATED IN ASSAMESE.

#### PROJECT BACKGROUND

The Assam Urban Infrastructure Investment Program is a key urban infrastructure initiative of the Government of Assam. The impact of the investment program will be an improved access to water supply, sanitation, and urban infrastructure facilities by urban population in Guwahati and Dibrugarh. The expected outcome will be improved sustainable water supply, sanitation, and urban transport system in Guwahati and Dibrugarh. The project uses a multi tranche financing facility (MFF) modality and, in accordance with ADB's Safeguard Policy Statement (SPS, 2009), requires the preparation of a Resettlement Framework.

The major outputs of the project include (i) for Guwahati, improved water supply, sanitation, and urban transport through a BRT corridor; and (ii) for Dibrugarh, improved drainage and comprehensive SWM.

#### PROJECT COMPONENTS OF AUIMP

Summary of Infrastructure and Tranches	Details
Tranche 1	
Guwahati	Construction of Water Supply Transmission Main Pipelines and Allied Works in Guwahati
Guwahati	Construction of Storage Reservoirs of Various Capacities at Three Locations Approach Road and Allied Works in South East Guwahati Water Supply Project. (Package 02A)
Guwahati	Construction of Storage Reservoirs of Various Capacities at Three Locations Approach Road and Allied Works in South East Guwahati Water Supply Project. (Package 02B)
Dibrugarh	Construction of Dibrugarh Town Project Drain, Box Culvert and Allied Works in Dibrugarh from Chainage 00 m to 9500 m
Dibrugarh	Build and Operate 100 MT Solid Waste Processing Plant and 60 MT Sanitary Landfill and Allied Works at Dibrugarh
Dibrugarh	Procurement of Equipment for Primary, Secondary Collection and Transportation Vehicles for Municipal Solid Waste Management at Dibrugarh
Dibrugarh	Construction of Compound Wall, River Protection Wall, Access Roads, Security Guard Room and Allied Works of Landfill Site at Dibrugarh.
Tranche 2	

<b>Summary of Infrastructure and Tranches</b>	<b>Details</b>
Guwahati	Design, Build and Operation of Intake Works, Raw Water Rising Main, Water Treatment Plant, Clear Water Pumping Stations, Distribution Network and Allied Works in Guwahati
Dibrugarh	Construction of Dibrugarh Town Project Drain Out Fall, Secondary Drains and Allied Works at Dibrugarh
Guwahati	Tranche 2 may support improved drainage system for Guwahati subject to conditions in para 109 and Table 2. <sup>43</sup>

## **SPECIFIC PROJECT COMPONENTS**

Include the specific component of the subproject for this section.

## **LEGAL FRAMEWORK**

Any impact to land, assets and livelihood by the project activities will be compensated by the Investment Program based on the Resettlement Framework and the Indigenous Peoples Plan Framework.

The Resettlement Framework has been prepared based on ADB's Safeguard Policy Statement 2009, ADBs Operational Manual Section D 14/BP on MFF,<sup>44</sup> ADBs Operation Manual Section F1/BP<sup>45</sup> on SPS, and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA). Any component included in the project shall comply with the requirements as outlined in this Framework. All resettlement planning documents will be endorsed and approved by the executing agency and ADB.

Under the Technical Assistance, the Resettlement Framework of the Project has been prepared in 2011, this is in updated version, which has taken into consideration the new Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, which replaces the earlier National Resettlement and Rehabilitation Policy (NRRP), 2007 and the Land Acquisition Act 1894.

## **ENTITLEMENT MATRIX**

All affected persons of the project will be assisted based on the compensation and assistance provided under the various categories mentioned in the Entitlement Matrix. This matrix is a part of the Resettlement Framework.

**THE ENTITLEMENT MATRIX AFTER APPROVAL BY GoA IS TO BE ADDED HERE.**

## **GRIEVANCE REDRESSAL PROCEDURE**

<sup>43</sup> Guwahati Smart City Limited is developing flood control plans for Guwahati city under Smart Cities Mission. The priority works for drain intercepts and pumping will be identified by end-2017, after completion of initial study being undertaken by Tata Consulting Engineers appointed by Guwahati Smart City as project consultants.

<sup>44</sup> Issued on 1 February 2014.

<sup>45</sup> Issued on 1 October 2013.

For registering grievances related to resettlement, rehabilitation, payment of compensation, the following process is to be followed. Any costs related with filing grievances will be borne by the PMU:

- (i) Grievance register is available at the office of the DMSC/PMU;
- (ii) Fill-up the form;
- (iii) Ensure you get a receipt, with date of complaint registration, or an identification number for follow up;
- (iv) Resolution to the problem must be provided within 7 days;
- (v) If not resolved after 7 days, the grievance must be forwarded by the DMSC to the PMU;
- (vi) The PMU has 7 days to address the problem;
- (vii) If within 7 days it is not resolved by PMU, the matter of the complaint will be taken by the PMU to executing agency (UDD) and grievance redress committee maybe called to resolve the problem (up to 15 days); and
- (viii) If not resolved the complainant can go to court of law and/or use ADBs Accountability Mechanism,<sup>46</sup> as a last option.

## **DISCLOSURE**

All social safeguard documents for the project will be posted on the project website [www.auiip.nic.in](http://www.auiip.nic.in) and the ADB website [www.adb.org](http://www.adb.org)

## **CONTACT FOR GRIEVANCE**

Safeguards compliance OFFICER -DMSC  
SHAH TECHNICAL CONSULTANTS PVT.LTD.  
3<sup>rd</sup> FLOOR, TRIPTI TOWER,  
GANESHGURI  
GUWAHATI, ASSAM - 781005  
CONTACT NO: 03812345051

OFFICE OF THE DMSC  
SHAH TECHNICAL CONSULTANTS PVT.LTD.  
2<sup>ND</sup> FLOOR, ADITYA COMPLEX,  
KHALIHAMARI  
DIBRUGARH, ASSAM-786001  
CONTACT NO: 03732323838

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<sup>46</sup> The Asian Development Bank (ADB) Accountability Mechanism provides an independent forum for people adversely affected by ADB-assisted projects. It allows project-affected people to voice their concerns and seek solutions to their problems. They can also request compliance review of alleged noncompliance by ADB with its operational policies and procedures. ADB, through its project design and implementation procedures, makes every effort to prevent problems and ensure compliance from the outset. The Accountability Mechanism is a last resort.

## APPENDIX 7: SAMPLE GRIEVANCE REGISTRATION FORM

*(To be available in Assamese)*

1. The Assam Urban Infrastructure Investment 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.

2. 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.

<b>Date</b>	<b>Place of Registration</b>		
<b>Contact Information/Personal Details</b>			
<b>Name:</b>	<b>Gender:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female		<b>Age:</b>
<b>Home Address</b>			
<b>Village / Town</b>			
<b>District</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>			
<b>FOR OFFICIAL USE ONLY</b>			

<b>Registered by:</b> (Name of Official registering grievance)			
<b>Verified through:</b>	<input type="checkbox"/> Note/Letter	<input type="checkbox"/> E-mail	<input type="checkbox"/> Verbal/Telephonic
<b>Reviewed by:</b> (Names/Positions of Official(s) reviewing grievance)			
<b>Action Taken:</b>			
<b>Whether Action Taken Disclosed:</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>Means of Disclosure:</b>			

**APPENDIX 8: MONITORING INDICATORS AND SAMPLE FOR STATUS REPORT**

<b>S. N.</b>	<b>Resettlement and Rehabilitation Activities</b>	<b>Progress</b>	<b>Remarks</b>
<b>Preconstruction activities and R&amp;R activities</b>			
1	Assessment of resettlement impacts due to changes in project design (if required)		
2	Preparation/updating of resettlement plan based on changes in project design		
3	Approval of updated resettlement plan from ADB		
4	Disclosure of updated resettlement plan		
5	Establishment of Grievance Redressal Committee		
6	Capacity building of PMU and PIUs		
	Verification of APs census list; finalization of compensation and assistance		
7	Land acquisition completed		
<b>Resettlement plan implementation</b>			
1	Payment of compensation as per replacement value of land and assets to APs		
2	Disbursement of assistance to title holders		
3	Disbursement of assistance to non-title holders		
4	Disbursement of special assistance to vulnerable groups		
5	Replacement/shifting of community property resources		
6	Reinstallation of public utilities		
7	Records of grievance redressal		
8	Temporary relocation of hawkers and vendors		
9	Income restoration measures through training		
<b>Social measures during construction as per contract provisions</b>			
1	Prohibition of employment or use of children as labor		
2	Prohibition of forced or compulsory Labor		
3	Ensure equal pay for equal work to both men and women		
4	Implementation of all statutory provisions on labor like health, safety, welfare, sanitation, and working conditions		
5	Maintenance of employment records of workers		



## **APPENDIX 9: TERMS OF REFERENCE FOR MONITORING AND EVALUATION CONSULTANTS**

(Only a tentative outline)

### **A. Background**

1. The AUHIP intends to hire the services of an independent consultant to monitor and evaluate implementation of the RP being carried out by the PIU with the support of the NGO/s deployed.

### **B. Objectives of the Assignment**

2. The objectives of the M&E consultancy services are (i) to assess the implementation of the RP; (ii) to monitor the schedules and the achievement of targets; and (iii) to evaluate whether the outcomes of social development objectives of the project are being achieved.

### **C. Scope of Services**

3. The Consultant will undertake to do the following assignments:

- (i) Undertake the supervision of RP implementation to ensure the delivery of entitlements to APs in accordance with the provisions and procedures of R&R Policy;
- (ii) Advise and guide the NGOs to implement the RP in accordance with their Terms of Reference;
- (iii) Assist the PIU and field units to oversee the implementation of RP;
- (iv) Participate in periodical meetings held between PIU and NGOs/district administration to assist the PIU for successful outcomes of the meetings;
- (v) Undertake reviews on behalf of PIU of all documents and reports related to land acquisition and resettlement received from the NGOs and consultants and advise the PIU for taking appropriate decisions on such reports;
- (vi) Assist the PIU to respond to the World Bank on any matters related to the implementation of RP and related matters;
- (vii) Provide certification prior to invitation of bid of the milestone confirming the completion of land acquisition, payment of compensation, mitigation of resettlement impacts and reconstruction of community properties in the respective stretches;
- (viii) Ensure synchronization of R&R implementation with civil works timetable to avoid time and cost over runs. This should be done in close co-ordination with the construction supervision consultants;
- (ix) Assist PIU in reviewing any additional reports submitted by the consultants or NGOs during the implementation;
- (x) Prepare annual reports on the implementation of resettlement plan including land acquisition and payment of compensation;
- (xi) Organization of periodical training in the implementation of RP and delivering of entitlements, consultations etc. to PIU staff and NGOs as necessary.

4. The consultant will carry out impact assessment four times during the contract period, one at the end of each year of the contract period. Each evaluation will cover all AFs who have spent more than 6 months after receiving compensation or assistance or both.

5. For concurrent Impact Evaluation the M& E Consultant shall:
- (i) Verify whether the objectives of resettlements have been realized, particularly the changes in the in the living standards;
  - (ii) Impact assessment is to be compared with the baseline values for key socioeconomic as given in the RP. If such information is not available information based on the same time of survey, has to be collected on recall basis;
  - (iii) to assess whether the compensation is adequate to replace the lost assets;
  - (iv) to assess how the compensation has been utilized;
  - (v) assess the perceived benefits and losses of resettlement
  - (vi) Assess the level of satisfaction of the various assets provided as part of R&R implementation;
  - (vii) Based on the impact assessment, suitable remedial measure are to be proposed for any shortcomings and;
  - (viii) Remedial measure if APs are not able to improve their living standards.

#### **D. Reporting**

6. The Consultant shall submit the following reports:
- (i) Inception Report with mobilization details
  - (ii) Quarterly Monitoring Reports
  - (iii) Evaluation Reports (four)
  - (iv) Annual progress Reports
  - (v) Final Completion Report containing implementation experience and lessons learned.
7. All reports should be submitted in hard copy and soft copy in MS Word for easy transmission.

#### **E. Methodology**

8. As a part of the proposal, the consultants will propose the methodology to carry out the assignment. The methodology shall describe briefly (3-5 pages) the approach the consultant will adopt in carrying out the assignment and realize the objectives of the assignment.

#### **F. Time line**

9. The Consultant shall be hired for the period of project implementation that is 4 years.

#### **G. Team for the Assignment**

10. The Consultant shall deploy a team of which the positions and minimum qualification are stated in the following, with least one woman professional:

11. Team Leader: S/he should be a post-graduate in social sciences with at least 10 years of experience in the field of social development and projects requiring land acquisition. (Experience in land Acquisition is mandatory) S/he should have monitoring and evaluation experience of more than 5 projects, and should have held responsible positions in the previous assignments including as team leader. S/he should have adequate managerial skill and should be conversant with the region and the regional language.

12. Sub-Professional I: S/he should be a graduate in social sciences with at least 7 years of experience in the field of social development and participating rural appraisal. S/he should have adequate knowledge of computers and should be conversant with the region and the regional language.

13. Sub-Professional II: S/he should be a graduate in statistics with good knowledge of computerized database development and management and should be conversant with the region and the regional language.

14. Sub-Professional III: S/he should be a graduate in civil engineering with at least 7 years of experience in construction/maintenance of infrastructure projects. S/he should have good knowledge of land measurement and should be conversant with the region and the regional language.

15. Support Staff: There should be an adequate number of support staff. They should be able to perform as asked by the members of the team. There should be a good mix of women and men.

**H. Location of office**

16. The Consultant is required to have an office in Guwahati and Dibrugarh.

**I. Payment Schedule**

17. The payment schedule will be made against outputs as decided by the PMU.