

Resettlement Planning Document

Resettlement Framework
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The resettlement framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

ABBREVIATIONS

ADB	—	Asian Development Bank
CBO	—	Community Based Organizations
DSC	—	Design and Supervision Consultants
EIA	—	Environmental Impact Assessment
EKW	—	East Kolkata Wetlands
FGD	—	Focus Group Discussion
FHH	—	Female headed household
GoWB	—	Government of West Bengal
GRC	—	Grievance Redressal Committee
GRM	—	Grievance Redress Mechanism
GRU	—	Grievance Redress Unit
INRM	—	India Resident Mission
IPP	—	Indigenous Peoples Plan
KMC	—	Kolkata Municipal Corporation
LARR	—	Land Acquisition, Rehabilitation and Resettlement
LLRD	—	Land and Land Reforms Department
NGO	—	Nongovernmental Organizations
NRRP	—	National Rehabilitation and Resettlement Policy
PMU	—	Project Management Unit
PPP	—	Public Private Partnership
R&R	—	Rehabilitation & Resettlement
RCFTLARR	—	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement
SCADA	—	Supervisor Control and Data Acquisition
SIA	—	Social Impact Assessment
SIMP	—	Social Impact Management Plan
SMU	—	Safeguard Management Unit
SPS	—	Safeguards Policy Statement

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I. INTRODUCTION

1. On 26 September 2013, the Asian Development Bank (ADB) approved the provision of loans under a multitranche financing facility for the Kolkata Environmental Improvement Investment Program (KEIIP or the Investment Program) for an aggregate amount not to exceed \$400 million. The impact of the Investment Program will be improved access to water supply and sanitation in Kolkata Municipal Corporation (KMC). The outcome will be improved water supply, sewerage and drainage service quality and operational sustainability in selected areas of KMC. KEIIP has three outputs: (i) inefficient water supply assets rehabilitated; (ii) sewerage extension to peripheral areas continued;¹ and (iii) financial and project management capacity further developed. KMC is KEIIP's executing agency. A project management unit (PMU) created under KMC is implementing KEIIP.

2. The first loan under it, Tranche 1 or Loan 3053-IND, amounting to \$100 million, was approved by ADB on 22 October 2013, signed on 3 March 2014 and made effective on 30 May 2014. Project 1, supported by tranche 1, included subprojects for improvement of infrastructure, operations and sustainability in sewerage, drainage and water supply in KMC.

3. The proposed Project 2, supported by the proposed tranche 2 of KEIIP, will include physical and non-physical investments in water supply and sanitation improvement in KMC. Project 2 is aligned with improved access to water supply and sanitation in KMC as defined by the Investment Program.

4. This Resettlement Framework for KEIIP outlines the objectives, policy principles and procedures for land acquisition, if any, compensation and other assistance measures for displaced persons² and affected persons, if any. This framework reflects the borrower's new law on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act 2013, state government policies, ADB's Safeguard Policy Statement (SPS), 2009 and other social safeguard guidelines. It also takes into account state policies on negotiated land purchase and guidelines for transfer of land from one government department to another. A detailed description of compensation measures and assistance is provided in the entitlement matrix.

5. 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 Program. 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 sub-project area after the cut-off date will not be entitled to compensation or other assistance.

¹ The 1899 Calcutta Municipal Act defined the administrative domain of the municipal authority as covering 25 wards and having an areal extent of 48.5 square kilometers. Many boundary changes followed, the latest one in January 1984 when Boroughs XI, XII, XIII, XIV and XV were annexed to KMC. These boroughs in the peripheral areas are popularly known as "added areas".

² 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

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

6. The policy framework and entitlements for KEIIP Project 2 are based on the RFCTLARR Act 2013, state policies and regulations and ADB's SPS 2009. The salient features of RFCTLARRA 2013 and ADB's SPS have been summarized below. These policies are reviewed in the following sections.

A. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013³

7. This is an Act which will regulate land acquisition and provide rules for granting compensation, rehabilitation and resettlement to the affected persons in all projects in India. The Act 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. The Act replaces the Land Acquisition Act, 1894 and has come into force since 1 January 2014. Some of the key features of the new Act which is different from the Land Acquisition Act 1894 are:

- (i) specific definition of acquisition for public purpose, and disallowing of change in purpose after acquisition;
- (ii) social impact assessment (SIA) by the Gram Sabha or equivalent body in urban areas is mandatory, and the Act provides detailed guidelines for conduct of SIA and its appraisal by an Expert Group;
- (iii) it provides for specific timelines for each activity in the process: SIA, appraisal by Expert Group, objections, public hearing, preliminary notification, draft declaration and rehabilitation and resettlement (R&R) scheme, compensation and R&R payment, provision of infrastructure amenities; the process lapses in case no land acquisition notification happens after twelve months of the EG report. Further, the R&R award should be made within 12 months from public declaration of the R&R scheme. Such a timeline is however extendable by the appropriate Government by another 12 months, if deemed necessary;
- (iv) it provides for retroactive payment under Clause 24, in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where no award under section 11 of the said Land Acquisition Act has been made; it also allows for 5 years old or more land acquisition proceedings wherein award is made but physical possession of the land has not been taken to be deemed as lapsed, and to be taken up under RFCTLARRA; and has similar provisions in cases where compensation for a majority of land holdings has not been accepted; to ensure minimum delays;
- (v) mandates consent of 80% landowners for private entities acquiring land and 75% for public private projects;
- (vi) provides guidelines for calculation of market value; it also states that the date for determination of market value shall be the date on which the notification has been issued under Section 11. The market value so determined 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) the Act stipulates a solatium equal to 100 percent of the market value of the property including value of assets;

³ As passed by the Lok Sabha on 29 August 2013.

- (viii) payment of R&R assistance under Section 100, for all those losing livelihoods; the Act specifies the minimum to be paid but governments or private companies may pay higher compensation; Restrictions on acquisition of irrigated multi-cropped land) ;
- (ix) the Act restricts any acquisition of irrigated multi-cropped land except for exceptional circumstances. An equivalent area of cultivable wasteland or land value has to be deposited with government in the case of such an acquisition;
- (x) the Act prescribes a formal and transparent mechanism for R&R implementation, with a structured institutional framework at the Centre, State and Project level for Land Acquisition and R&R implementation and monitoring.

8. The RCFTLARR Act provides a framework in which the interest of the land looser is protected. The Act also empowers the government to define purposes to support infrastructure development and industrialization. The new Act increases the overall cost and time required for land acquisition, thereby compelling project owners towards more efficient utilization of land.

B. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Amendment) Bill, 2015

9. This is a bill and hence not a binding law or document, but shows the direction in which the government was moving. The RFCTLARR Amendment Bill, 2015 seeks to amend the Act of 2013. It creates five special categories of land use: (i) defense, (ii) rural infrastructure, (iii) affordable housing, (iv) industrial corridors, and (v) infrastructure projects including Public Private Partnership (PPP) projects where the central government owns the land. The Bill exempts the five categories from provisions of the Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013 which requires the consent of 80 percent of land owners to be obtained for private projects and that of 70 percent of land owners for PPP projects. The Bill allows exemption for projects in these five categories from preparing SIA to identify those are affected and from the restrictions on the acquisition of irrigated multi-cropped land imposed by LARR Act 2013. The Bill brings provisions for compensation, rehabilitation, and resettlement under other related Acts such as the National Highways Act, the Electricity Act and the Railways Act in consonance with the LARR Act. The Bill changes acquisition of land for private companies mentioned in LARR Act, 2013 to acquisition for 'private entities'. A private entity could include companies, corporations and nonprofit organizations. The Bill is pending approval of the upper house of the Indian Parliament.

10. The State government had to frame the rules under the RFCTLARR Act and was in the process of doing so. In the meantime, the Central government was bringing in several changes to the 2013 Act, through ordinance or bill, as mentioned above. In view of the time taken to bring in various amendments by the Central Government, the Government of West Bengal (GoWB) decided to avoid the practice of forcible land acquisition, and adopt a negotiated land purchase policy. Presently, the Centre is encouraging states to formulate their own land acquisition policies.

C. State Government Policies and Practices

11. State policies and guidelines related to land acquisition, negotiated purchase and transfer of land from one government department to another include:

- (i) **West Bengal Land Acquisition Manual 1991**, which provides guidelines on determination of market price for compensation, but has not been revised post passage of LARR 2013. GoWB has now taken a policy decision to adopt

negotiated purchase and not land acquisition as the mode of procurement of land for public purpose;

- (ii) **Memorandum for direct (negotiated) purchase of land for public purpose:** GoWB issued a Memorandum in 2014 allowing all state government departments to go in for direct (negotiated) purchase land for public purpose, mainly involving commissioning of infrastructure projects.⁴ It provides for constitution of a Purchase Committee, process of determination of value of land, buildings, and structures. It provides an incentive on the price of land finally determined if land registration is accomplished within defined time frames. GoWB has also exempted the stamp duty for such purchase of land.
- (iii) **The West Bengal Land and Land Reforms Manual, 1991** deals with management of lands owned by GoWB. Chapter XV of the Manual provides the principles and procedures for settlement of lands for non-agricultural purposes (which include urban development work). In case of long-term settlement, it provides in detail the process of determining the market value of land from the records of recent sales of similar categories of land in the vicinity, using figures from the sub-registration offices and carefully checking the same against the valuation in land acquisition cases in the locality.⁵ Further, it specifies that in giving the long-term lease for the first time, rent shall be fixed at 4 percent of the market value of the land proposed for settlement and *salam*⁶ charged at 10 times the rent equalling forty percent of market price. With reference to KEIIP, all lands for inter-departmental transfer shall be first transferred by the department which is the present owner, in favour of the Land and Land Reforms Department, GoWB for subsequent transfer to KMC.
- (iv) **The West Bengal Estates Acquisition Act, 1953 and the West Bengal Land Reforms Act of 1955 and amendments** are important land-related laws of the State regulating land holding (ceiling) for various purposes including change in character and ownership and use of the land and the right of the sharecroppers. There are, however, no specific provisions in the Acts that will have a direct bearing on involuntary resettlement under the Project.

D. ADB's Safeguard Policy Statement, 2009

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

13. The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to

⁴ Memorandum No. 3145-LP/1A-03/14 dated 24 November, 2014.

⁵ The Directorate of Registration and Stamp Revenue, Government of West Bengal has introduced transparent, online procedures for updating of market value of any land parcel in the state. Market values of land for different locations are updated every three to six months and published online. This helps ensure a fair price to the landowner/seller in case of purchase, and affected person (in case of land acquisition); it also ensures that the State does not lose out on taxes and stamp duties due to under-reporting of land value.

⁶ This is a local terminology for a cost/fee to be given from the lessee to the lessor in the context of leasing arrangement between government entities.

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. Followings are the basic policy principle of ADB's SPS, 2009:

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

14. The project will recognize three types of physically displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of physically displaced persons. It also applies to all types of economically displaced persons – those facing permanent income loss as well as those facing temporary income losses.

E. Comparison of the RFCTLARRA 2013 with key indicators of ADB's SPS 2009

15. A comparison of the key indicators has been made, and how the gaps will be addressed through this Framework in case of any instance of involuntary land acquisition is given.

Table 1: Comparison of Key Indicators of ADBs Safeguard Policy Statement 2009

Sl. No.	ADB's SPS	RFCTLARRA	Gaps to be filled
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 31 plus (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	Does not specify assistance to squatters and encroachers
4	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
5	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.	
6	Preparation of an RP and Census Survey to address adverse involuntary resettlement impacts.	Provision for preparation of R&R scheme under section, which is similar to RP.	
7	Consultation with affected persons	Proposed in different sections throughout the bill, Section 17, para 4, Section 4 para 1 to give a few instances.	
8	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 19	
9	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

Sl. No.	ADB's SPS	RFCTLARRA	Gaps to be filled
10	Special assistance for vulnerable households.	There are specific provisions for scheduled Castes and Scheduled Tribes under Section 42, plus additional benefits as given in Second Schedule	Covers other groups such as women headed house holds
11	Other Allowance such as subsistence/ transition, shifting allowance	Provisions for all allowance given in Second Schedule.	
12	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.	
13	Grievance Redressal Mechanism.	The bill has a detailed grievance mechanism proposed at all levels starting from the gram sabha up to the Government level.	
14	Monitoring	Monitoring is only proposed at the national level.	Regular monitoring at the project level is proposed.

ADB = Asian Development Bank; SPS = Safeguard Policy Statement; R&R = rehabilitation and resettlement; RFCTLARRA = Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act; RP = Resettlement Plan; SIA = social impact assessment.

F. Bridging the Gap between the State Government's Negotiated Land Purchase Policy and ADB's SPS 2009

16. The State Government's policy of avoiding involuntary and/or forcible land acquisition and adopting a negotiated land purchase policy is in line with ADB policy. The process to be followed for negotiated purchase is clearly delineated in the government's guidelines (a scanned copy of the Memorandum is presented Appendix 3). In line with ADB's transparency requirements, in addition to the Government's processes, a third party certification of negotiation and settlement is recommended in this Resettlement Framework. Appendix 10 provides suggested terms of reference for identification of the independent third party, and a typical template for certification.

III. INVOLUNTARY RESETTLEMENT SAFEGUARD PRINCIPLES FOR THE PROGRAM

17. Based on the ADB's SPS 2009 and the RTFLARR Act, 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 (NGOs); 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, comprising those living below the poverty line, including those with specific vulnerabilities, will be given special assistance to improve their socioeconomic status.⁷
- (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.

18. In accordance with the involuntary resettlement principles of this Resettlement Framework, all affected persons will be entitled to compensation and/or 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.

IV. SCREENING AND CATEGORIZATION OF SUBPROJECTS

19. Following the RFCTLARR Act 2013, state policies and regulations and incorporating ADB's SPS, 2009, the basic principles for the Program will include these elements with respect to each sub-project, namely (i), land acquisition, and other involuntary resettlement impacts would be minimized as much as possible; (ii) any land acquisition and/or resettlement will be carried out and compensation provided in order to improve or at least restore the pre-Project income and living standards of the affected people; (iii) consultation with affected people on compensation options; (iv) payment of compensation for acquired assets at market/replacement rates; (v) payment of compensation for lost land, housing, assets and resettlement allowances in full prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vi) resettlement assistance to affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vii) income restoration and rehabilitation; (viii) establishment of appropriate grievance redress mechanisms to ensure speedy resolution of disputes; (ix) special attention to vulnerable groups; and, (x) involvement of women in all activities related to resettlement planning, implementation, and monitoring.

⁷ In line with ADB SPS and in the Kolkata context, this RF defines vulnerable households as below poverty lines households, including poor female-headed, poor disabled-headed, poor, elderly-headed households, and poor households without tenure security on land.

20. The sub-projects to be taken up for implementation in the Program will have broadly two types of impacts that will require mitigation measures. The types of impacts are (i) loss of land and related assets; and (ii) loss of livelihood or income opportunities.

21. Displacement under the sub-projects will be limited to the area required for the sub-projects and their safety zones, referred to as the direct impact zone. Only structures and other encumbrances within this zone will be removed for the Program. Every effort will be made during the preparation of the detailed design to minimize acquisition of land and other assets and to reduce negative socio-economic impact. The structures and assets falling outside the direct impact zone will be left undisturbed. Impacts, unforeseen to the structures or assets outside will also be compensated in accordance to the principles of this Resettlement Framework.

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

23. ADB's Involuntary Resettlement Impact Screening Checklist (Appendix 8) 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 Supervision Consultants (DSC) and submitted to PMU. Based on the ADB's Operational Manual Section F1/Operational Procedures⁸ 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.
- (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.
- (iv) **Category FI.** A proposed project is classified as category FI if it involves the investment of ADB funds to, or through, a financial intermediary.

24. 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. For Category A and B subprojects, a resettlement plan is required. For category C project, a Due Diligence Report (DDR) is required.

25. 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

⁸ Issued on 1st October 2013.

impacts are avoided or minimized. These measures and criteria will be applied and rehabilitation within existing facility premises will be prioritized over new construction so as not to require land acquisition and result in resettlement impacts. Based on thorough survey of all possible site alternatives, subproject components will be proposed on vacant government land, where available.

V. NEGOTIATED SETTLEMENT

26. 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 consultation⁹ with affected persons including those without title to assets, in line with state government policy. A negotiated settlement will offer adequate and fair price for land and other assets. Failure of negotiation will not lead to expropriation, and alternate sites will be identified. In accordance with State policy, involuntary or forcible land acquisition is avoided through negotiated settlement. Also, in case of negotiated settlement, in line with ADB requirements, 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.

27. The process of Negotiation involves the following steps: (i) negotiation will take place when there is a willing buyer – willing seller; (ii) consultation with the affected person has to be carried out and documented; (iii) the minimum negotiated price to start negotiations will be not below the valuation of land based on the market value of land; (iv) all the safeguards as mentioned in the Resettlement Framework has to be followed (v) all negotiations has to be carried out in a transparent manner and validated by a Third Party (eminent citizen / any party without any interest in the process, appointed by the PMU); (vi) in case of failure of negotiations compensation will be paid as outlined in the Entitlement Matrix of the Resettlement Framework; and (vii) the entire process has to be documented. The third party will have to submit reports during and on conclusion of negotiations; costs related to third party certification will be borne by the project proponent.¹⁰ The land transfer and updated records of the purchased lands will have to be completed prior to the start of civil works. Negotiated settlement with vulnerable households shall be avoided unless the settlement will significantly improve the social and economic status of the land owners.

VI. VOLUNTARY LAND DONATION¹¹

28. In many cases, ADB funded projects are based on the concept of land donation. In the case of land donation which 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 is fully understood on the value of their donated land(s); (ii) the

⁹ 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.

¹⁰ The sample TOR of third independent external party is in the appendix 10 of this document.

¹¹ This includes donation of other type of assets attached to the land.

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) of the current land users; (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s); and (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 has to be included in a DDR to be prepared by the external party, preferably from reputed and qualified NGO, for ADB review and approval. The GoWB, Finance (Taxation) Department has exempted all lands donated to the government from stamp duty on registration.¹² The land transfer and updated records of the donated lands will have to be completed prior to the start of civil works. No land donation by vulnerable households shall be undertaken for the project.¹³

VII. ELIGIBILITY, ENTITLEMENTS AND BENEFITS

A. Eligibility

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

- (i) persons who lost land/assets/income 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, e.g. tenants and leaseholders;
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g. squatters, encroachers, wage labour without formal contracts; and
- (iv) vulnerable households, defined as poor households including women-headed households and households below the poverty line as determined by the state.¹⁴

B. Entitlements, Assistance and Benefits

30. 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 on the basis of this policy framework adopted by the project. The policy provides mitigation for:

- (i) loss of assets, including land and house or work place;
- (ii) loss of livelihood or income opportunities;

¹² Order No. 3260 F.T dated 25 November 1994, of the Government of West Bengal, Finance (Taxation) Department.

¹³ The TOR of third independent external party is in the Appendix 10 of this document

¹⁴ Vulnerable Groups comprise below poverty lines households, including poor female-headed, poor disabled-headed, poor, elderly-headed households, and poor households without tenure security on land. As per a report published by the Planning Commission, Government of India, the state-specific poverty line for West Bengal in 2012 was INR 981 per capita per month (Press Note on Poverty Estimates 2011-12, Gol, Planning Commission, July 2013). On adjusting for inflation, the poverty line in 2016 is estimated as INR 1464 per capita per month.

- (iii) Collective impacts on groups, such as loss of community assets, common property resources, and others; and
- (iv) Temporary impacts or disruptions due to project construction work.

31. Compensation eligibility is limited by a cut-off date. The cut-off 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 RFCTLARR Act will be the cut-off date for all titleholders losing land and structures. The project Entitlement Matrix (Table 2) identifies and lists various types of losses resulting out of the project and specific compensation and resettlement packages for each category.

32. Damages and unanticipated losses caused during construction, if any, will be eligible for compensation. Such issues will be identified and closely monitored by the Safeguards Monitoring Unit (SMU) of the PMU. Compensation for damages during construction will be borne by the contractor. Unanticipated losses, if any, will be mitigated and/or compensated as per the Entitlement Matrix of this Resettlement Framework. Loss of drinking water, sanitation and/or any other facility due to damage of existing infrastructure during construction will be mitigated through provision of alternate facilities (e.g. alternate means of water supply). The time gap between transfers from old system to new in certain areas will be minimized to avoid inconvenience to the public.

Table 2: Entitlement Matrix

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
1	Loss of private land	Homestead or mixed use land or vacant plot	Titleholders	<ol style="list-style-type: none"> 1. Compensation at replacement value and/or market value as specified in the RFCTLARRA or land-for-land where feasible; 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: <ul style="list-style-type: none"> • Option 1 - The AP remains on the plot, and the compensation and assistance are paid only for the required amount of land to be acquired. • 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. 4. A monthly subsistence allowance equivalent to Rs3,000.00 per month for a period of 1 year from the date of award will be provided. 5. Compensation for affected plants and trees will be provided at market value.(refer to #6 of the Matrix)¹⁵ 6. 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. 7. One-time shifting assistance based on Resettlement Allowance of Rs .50, 000. 8. All affected families will receive compensation for: (i) damage to 	<ul style="list-style-type: none"> • If land-for-land is offered, (i) ownership will be in the name of original landowners, (ii) joint ownership in the name of husband and wife will be offered in case of non-FHHs. • Charges will be limited to those for land purchased within a year of compensation payment and for land of equivalent size. • Vulnerable households will be identified during the census conducted by the SMU of the PMU, and DSC. 	<p>The market value and/or replacement value will be confirmed by the District Magistrate in case of land outside KMC jurisdiction, and by the First LA Collector of Kolkata.</p> <p>The SMU will verify the AHs determine assistance, and identify vulnerable households.</p>

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

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				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 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		
1-a	Loss of private land	Homestead or mixed use land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not)	<ol style="list-style-type: none"> 1. Reimbursement of rental/lease deposit or unexpired lease; 2. Compensation at replacement cost for any investment made to the land; 3. One-time resettlement allowance of Rs 50,000. 4. A monthly subsistence allowance equivalent to Rs. 3,000.00 per month for a period of 1 year from the date of award will be provided. 5. One-time financial assistance of Rs. 50,000 as transportation cost for shifting. 	<ul style="list-style-type: none"> • Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease • Harvesting prior to acquisition will be accommodated to the extent possible. • Work schedule will avoid harvest season. 	<p>SMU/DSC will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to SSO and AO, PMU.</p> <p>Vulnerable households will be identified during the census conducted by the SMU/DSC.</p>
1-b	Loss or private land	Homestead or mixed use land or vacant plot	Encroachers/	<ol style="list-style-type: none"> 1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing BSR without depreciation. 3. Right to salvage material from the demolished structure at no cost. 4. Additional assistance for vulnerable households (refer to #7 in this matrix). 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted as part of the RP. 	<p>PMU will ensure provision of notice. SMU/DSC will identify vulnerable households.</p>
1-c			Squatters	<ol style="list-style-type: none"> 1. Squatters will be notified and given 60 days advance notice to remove their assets. 	<ul style="list-style-type: none"> • 	

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				2. Compensation for affected structures at replacement value calculated as per the latest prevailing BSR without depreciation. 3. Right to salvage material from demolished structure at no cost. 4. A lump sum shifting assistance of Rs10,000 will be provided 5. Additional assistance for vulnerable households (refer to #7 in this matrix).		
2	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholder	1. Compensation for unexpired lease; 2. Compensation for any investment made to the land; 3. One time resettlement allowance of Rs. 50, 000. 4. Choice of annuity or employment as referred in #5 of the Matrix. 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 6. Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to Rs.3,000 per month for a period of 1 year from the date of award. 7. One-time financial assistance of Rs50,000 as transportation cost for shifting 8. Additional assistance for vulnerable	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the SMU, under supervision of DSC. 	

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				households (refer to #7 in this matrix).		
2-a	Loss of Government land	Vacant plot, RoW of road	Encroachers	<ol style="list-style-type: none"> 1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation at replacement cost for any investment made to the land; 	<ul style="list-style-type: none"> • Vulnerable households will be identified and provided assistance as required (see entitlement # 7 of this matrix). 	PMU will ensure provision of notice. SMU/DSC will identify vulnerable households.
2-b	Loss of Government land	Vacant plot, RoW of road	Squatters	<ol style="list-style-type: none"> 1. Squatters will be notified and given 60 days advance notice to remove their assets. 2. A lump sum shifting assistance of Rs 10, 000 will be provided. 	<ul style="list-style-type: none"> • Vulnerable households will be identified and provided assistance as required 	PMU will ensure provision of notice. SMU/DSC will identify vulnerable households.
3	Loss of residential structure	Residential structure and other assets ¹⁶	Legal Titleholder of affected structure/ those without homestead land ¹⁷	<ol style="list-style-type: none"> 1. If a house is lost in rural area a constructed house shall be provided as per the Indira Awas Yojana specifications OR equivalent cost of the house. 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 Rs150, 000. 3. The replacement value of the structure, will be provided, calculated as per the latest prevailing BSR without depreciation; 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. 5. One-time financial assistance of Rs 50,000 as shifting allowance; 6. A monthly subsistence allowance equivalent to Rs.3,000.00 per month for a period of 1 year from the date of award will be provided 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the SMU/DSC. 	<p>The concerned District Magistrate and First LA Collector of Kolkata as applicable to the case will confirm the market value and/or replacement value.¹⁸</p> <p>The SMU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.</p>

¹⁷ Who have been residing in the area continuously for a period of not less than three years preceding the date of notification

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				7. Right to salvage material from the demolished structure at no cost; 8. If relocation required, rental assistance at Rs5,000 per month till alternative house is ready; 9. Each affected family shall be given a one-time Resettlement Allowance of Rs 50, 000 only. 10. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by executing agency.		
3-a	Loss of residential structure		Tenants and leaseholders	1. Rental assistance at Rs 5,000 per month for 3 months. 2. One-time financial assistance of Rs 50,000 as shifting allowance. 3. A monthly subsistence allowance equivalent to Rs.3,000.00 per month for a period of one year from the date of award will be provided 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount; 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; and 6. Right to salvage material from demolished structure, erected by tenants. 7. Additional compensation for vulnerable households (item # 7)	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the SMU/DSC. Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	The SMU/DSC will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.
3-b	Loss of residential structure	Residential structure and other assets	Encroachers, Squatters, and informal settlers	1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing BSR without depreciation. 3. Right to salvage material from the demolished structure at no cost.	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the SMU/DSC. 	The SMU/DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				4. A lump sum shifting assistance of Rs 10,000 will be provided 5. Additional compensation for vulnerable squatter households (item # 7)		
4	Loss of commercial structure	Commercial structure and other assets	Legal titleholders	1. The replacement value of the structure without depreciation, subject to a minimum of Rs. 25,000; 2. One-time Resettlement Allowance of Rs. 50,000. A monthly subsistence allowance equivalent to Rs. 3,000.00 per month for a period of one year from the date of award will be provided. 3. Right to salvage material from the demolished structure at no cost; 4. One-time financial assistance of Rs. 50,000 as transportation allowance. 5. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 6. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the executing agency. 7. Additional compensation for vulnerable households (item # 7)	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the SMU/DSC. 	The market value and/or replacement value will be confirmed by the District Magistrate and First LA Collector, as applicable to the case. The SMU/DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4-a	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	1. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 2. One-time financial assistance of Rs. 50,000.00 as transportation/shifting allowance. 3. A monthly subsistence allowance equivalent to Rs. 3,000.00 per month for a period of one year from the date of award will be provided 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount; 5. Any advance deposited by the tenant to the landlord will be deducted from land	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the SMU/DSC. Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	The SMU/DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				lord/owner's total compensation package on submission of documentary evidences; 6. Right to salvage material from demolished structure, erected by tenants 7. Additional compensation for vulnerable households (item 7)		
4-b	Loss of commercial structure		Encroachers and squatters	1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value without depreciation. 3. Right to salvage material from the demolished structure at no cost. 4. A lump sum shifting and transitional assistance of Rs.10,000 will be provided 5. Additional compensation for vulnerable squatter households (item # 7).	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the SMU/DSC. 	The SMU/DSC will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.
5.	Loss of individual utilities such as drinking water, sanitation, telephone lines, cable lines etc.	Utilities	Residents, businesses	1. Immediate replacement and restoration of affected facilities.		The PMU will coordinate/liaise with the concerned department(s) for quick restoration of utilities/facilities.
6a	Loss of livelihood	Permanent loss of livelihood to business owners/operators or self-employed persons	All APs facing loss of livelihood, irrespective of title (owners/tenants and leaseholders, with or without written tenancy/lease documents	1. Choice of annuity or employment – the following options are to be provided: (a) 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 (b) onetime payment of Rs.5,00,000 per affected family; or (c) annuity policies that shall pay not less than Rs.2000.00 per month per family for	<ul style="list-style-type: none"> Vulnerable households will be identified during the census/business survey conducted by the SMU/DSC. Additional assistance to vulnerable households as per item 7 in this EM. 	The SMU/DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <p>2. Preference for employment opportunity for affected persons in the project construction work, if so desired by them.</p> <p>3. One time grant of a minimum of Rs. 25,000¹⁹ for self-employed persons, artisans and small traders.</p> <p>4. Training would be provided for income generating vocational training and skill improvement options based on the choice of the affected person at Rs 20,000²⁰ per family. This cost would be directly paid by the project to the training institute OR purchase of income generating assets up to Rs.40,000.²¹</p>		
6-b	Loss of livelihood	Permanent loss of employment	Wage-earning employees affected due to permanent displacement of commercial structure (those working in businesses such as petty shops, eateries etc.)	<p>1. One-time financial assistance for lost income based on 6 months subsistence allowance at Rs. 18,000²² per affected person.</p> <p>2. Preference for employment opportunity for APs in the project construction work, if so desired by them.</p>	<ul style="list-style-type: none"> Vulnerable households will be identified during the census/income survey and provided additional assistance as per item 7 in this EM. 	
7a	Loss of trees	Standing trees	Legal titleholder, Leaseholder	1. Affected person will be notified and given 60 days advance notice cut/clear the affected trees. For fruit trees 6 months' notice is to be given.	<ul style="list-style-type: none"> Harvesting prior to acquisition will be accommodated to the extent possible 	PMU will ensure provision of notice. The valuation of trees and compensation rates

¹⁹ Based on the RFCTLARRA

²⁰ The Vocational Training Programme by the Industrial Training Institutes provides training on a number of trades, under the Directorate general of Employment and Trade, Ministry of Labour and Employment, GOI or additional cash assistance. The cost for training/additional cash assistance is will be calculated based on prevailing minimum wage rates for semi-skilled labor in Kolkata for 26 working days a month for three months

²¹ This is an estimate. The income generating asset will be skill related. However the assets will be decided on a case to case basis.

²² Based on 6 months of subsistence allowance. In the RFCTLARRA the subsistence allowance for titleholders is Rs.36,000 for a year. In this case 50% of given amount is provided for non-titleholders.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				2. Compensation for trees at prevalent market rates, ²³ to be calculated as annual net product value multiplied by number of productive years remaining. 3. Compensation for one-year net harvest for seasonal fruit trees at prevalent market rates. 4. Compensation at market value of timber in case of timber-bearing trees. 5. For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years. ²⁴	<ul style="list-style-type: none"> • Work schedules will avoid harvest season. • Market value of trees has to be determined. • Vulnerable households will be identified and provided assistance as required 	will be finalized on the basis of market survey or on the basis of valuation by the Horticulture/Forest Department and in consultation with APs
7-b	Loss of trees		Encroachers/squatters	1. Encroachers and squatters will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest seasonal crops and fruit trees. 2. In case of trees planted by non-titleholders, compensation will be given	<ul style="list-style-type: none"> • Harvesting prior to acquisition will be accommodated to the extent possible • Work schedules will avoid harvest season. • Market value of trees/crops has to be determined. • Vulnerable households will be identified and provided assistance as required 	
8	Impacts on vulnerable APs	All permanent impacts	Vulnerable APs ²⁵	1. Additional one-time lump sum assistance of Rs 36,000 (calculated for 12 months subsistence allowance) per vulnerable family will be paid. This will be over and above the other assistance given in this framework. 2. Vulnerable households will be given priority in employment in the project construction activities. 3. All Scheduled Castes and Scheduled	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census survey / business survey conducted by the SMU/DSC. • The list of vulnerable persons will be given to Project Director and contractor by the SMU. 	The SMU/DSC will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.

²³ Valued by an experienced person in the field of horticulture/forestry etc.

²⁴ To be valued by persons experienced in the field of horticulture forestry etc. as necessary.

²⁵ Vulnerable households in the context of Kolkata comprise below poverty lines households, including poor female-headed, poor disabled-headed, poor, elderly-headed households, and poor households without tenure security on land.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				Tribes relocated outside the district will be provided an additional 25% of the resettlement benefits to which they are entitled along with a onetime resettlement entitlement of Rs 50,000 per the provisions of the RFCTLARRA. Provision for skill training for displaced vulnerable persons including assistance for purchase of income generating assets and initial capital of INR40,000/ -	<ul style="list-style-type: none"> If land-for-land is offered, ownership in the name of original landowner(s). 	
9	Temporary loss of land	Land temporarily required for project activities	Legal titleholders Legal titleholder/ traditional land rights/ non-titleholders	<ol style="list-style-type: none"> 1. Compensation for loss of trees at current market value. 2. Restoration of land to its previous or better quality. 3. Affected households will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest fruit trees. 4. Provision of rent for the period of occupation 5. Compensation for damaged assets at replacement cost 6. Restoration of land to its previous or better quality. 	<ul style="list-style-type: none"> Arrangement by the contractor on the activities to be taken up. Impacts if any on the structures, assets and plantation due to the temporary occupation. Extent of rehabilitation, restoration of the site. 	<p>The rental value and duration of lost income will be determined through survey and consultation with APs.</p> <p>A photograph of the pre occupation to be made by the SMU.</p> <p>SSO SMU and DSC will ensure that the compensation is paid prior to handing over of site to the owner.</p> <p>The site will be taken up by the contractor after consent of SSO.</p>
9-a	Structures temporarily required for project activities	Structures in the right of way	Legal titleholders/ non-titled holders including building owners, tenants, informal settlers, licensed or non-licensed vendors	<ol style="list-style-type: none"> 1. Advance notice of at least 4 weeks 2. Assistance to shift to nearby alternate sites for continued daily activities e.g. economic activity, children's schooling, etc. 3. Assistance to shift back once construction completed 4. Compensation for damaged assets at replacement cost without depreciation 5. Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities 6. Subsistence/relocation allowance at Rs.3000 per month for 3 months, if temporarily displaced for more than 1 month. 	<p>PMU and contractor will identify alternative site and help in shifting to the alternative site and back to the original place.</p> <p>Replacement cost for damaged assets as determined by the PMU, with the assistance of DSC will be provided by the contractor.</p>	SMU of PMU will be responsible for assistance and monitoring.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
10	Temporary disruption of livelihood	Commercial and agricultural activities	Self-employed persons, business / farm owners / operators, and their employees	<ol style="list-style-type: none"> 1. 30 days advance notice regarding construction activities, including duration and type of disruption. 2. Cash assistance based on the net average income from each type of affected business or minimum wage for the loss of income/livelihood for the period of disruption 3. For construction activities involving disruption for a period of more than a month, provision of alternative sites for hawkers and vendors for continued economic activities. If not possible, allowance based on the net average income of the type of affected business/employment or minimum wage rate up to 3 months or the actual period of disruption whichever is more. 4. Additional 25% cash assistance for vulnerable APs over and above item 2 or 3, whichever is applicable. 	<ul style="list-style-type: none"> • A business/income survey prior to construction will serve as the cut-off date. • During construction, the PMU will identify alternative temporary sites to the extent possible, for vendors and hawkers to continue economic activity. • PMU will ensure civil works will be phased to minimize disruption through construction scheduling in co-ordination with the contractors and the DSC 	Alternative locations, if any will be identified for the said duration of disruption. Assistance mechanism will be part of the construction contract.
11	Loss and temporary impacts on common resources	Common resources	Communities, Government Agencies	<ol style="list-style-type: none"> 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. 2. Compensation for trees as per the market rate. 3. Time bound restoration of land to its previous or better quality. 4. The contractor will maintain access to businesses (e.g., planks, keeping traffic flow, pedestrian access, no full street closures, etc.). 5. Replacement or restoration of the affected community facilities – including public water stand posts, temples, shrines, bus shelters etc. in areas identified in consultation with affected communities and relevant authorities, to the levels of pre-disturbance or better 	-	PMU and Contractor.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				6. Enhancement of community resources		
12	Any other loss not identified	-	-	1. 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 2. Unanticipated involuntary impacts will be documented and mitigated based on the principles provided in the ADB IR Policy.	-	The SMU/DSC will ascertain the nature and extent of such loss. The SSO PMU will finalize the entitlements in line with ADB IR policy. The RP will be updated and sent to ADB for review and approval.

AHs = affected households; AO = Administrative Officer; APs = affected persons; BSR – basic schedule of rates; DSC = design supervision consultant; EM = Entitlement Matrix; FHH = female headed household; IR = involuntary resettlement; KMC = Kolkata Municipal Corporation; LA = land acquisition; PMU = project management unit; RCFTLARRA = Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act; RoW = right of way; RP = resettlement plan; SMU = Safeguard Management Unit; SSO = social safeguard officer.

VIII. SOCIO-ECONOMIC INFORMATION AND RESETTLEMENT PLAN (RP) PREPARATION

A. Surveys

33. For proper rehabilitation of affected persons, social impact assessment (SIA) surveys will be undertaken in each sub-project. The SMU of the KEIIP PMU, under guidance of the DSC, will undertake surveys for each identified sub-project, based on preliminary technical design. The SIA surveys will be based on technical designs of the sub-project identified. The SIA will help in determining the magnitude of displacement, prospective losses, better targeting of vulnerable groups, ascertaining actual costs of resettlement, preparing and implementing a rehabilitation program. As part of the SIA, the executing agency will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the executing agency will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development. The purpose of the census is to register and document the status of the potentially affected population²⁶ within the sub-project impact area and/or impact zone. The census will cover 100 percent of affected persons. The census will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood.

34. Socio-economic surveys of persons facing negotiated settlement or those donating land will be undertaken as part of due diligence, to establish their socio-economic profile and willingness. Such surveys will be undertaken by the SMU of KEIIP PMU under the guidance of the DSC RS.

35. Since mainly temporary impact is anticipated during pipe-laying work along minor roads, and construction of pits for micro-tunnelling, the census survey will be undertaken for every 500 metres of stretches ready for construction. Detailed measurement of road width, marking of proposed pipe alignment or pit location, as applicable, and extent of excavation will be undertaken to ascertain impact/loss and identify affected persons to be surveyed.

B. Formulation of Resettlement Plans

36. The PMU with the assistance of DSC will prepare a resettlement plan, if the proposed project will have involuntary resettlement impacts. The resettlement plan will be based on the SIA and through meaningful consultation with the affected persons. A resettlement plan will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the executing agency will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households (FHHs), gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if

²⁶ The potentially affected population will include both the titleholders and the non-titleholders within the project impact zone. The identification of non-titleholders would be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, the information by the community, village councils or dorbars will be considered.

required, as well as assistance to restore and improve their incomes and living standards. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a Resettlement Plan is presented in Appendix 5.

37. Resettlement Plans will be prepared based on the results of the census and socio-economic survey; the database on affected persons should be completed before Resettlement Plan preparation. Resettlement Plans will be prepared by the PMU through project consultants (DSC), and in consultation with affected persons, local representatives, and community based organisations (CBOs). The DSC team should include a resettlement specialist familiar with ADB policy and procedures for preparing Resettlement Plans and with experience in preparing a Resettlement Plan document in a similar ADB project.

38. The Resettlement Plan will be brought to the notice of the affected persons and host communities, with the help of the staff in the SMU of the PMU, for their suggestions. The Resettlement Plan will be summarized and translated in local language (Bengali) and notified to the public, by posters and/or resettlement booklets.

C. Gender Impacts and Mitigation Measures

39. Any negative impacts of a sub-project on female headed households will be taken up on case-to-case basis and rehabilitation of these households will be treated on a priority basis under the sub-projects. The Resettlement Plan will formulate measures to ensure that socio-economic conditions, needs and priorities of women are identified and the process of land acquisition and resettlement does not disadvantage women. The Resettlement Plan will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions (FGDs) will be conducted to address specific women's issues. Any direct negative impacts of the sub-project on FHHs will be taken up on a case-to-case basis and rehabilitation of these households will be treated as a priority under the sub-project. During disbursement of assistance and compensation, priority will be given to FHHs. Joint ownership in the name of husband and wife will be offered in case of non-FHHs. The gender action plan is for the Program Administration Manual for Project 3.

40. A participation framework during the subsequent stages of project design and implementation has been worked out towards ensuring the participation of women. FHHs wherever impacted due to the proposed improvements, are covered by adequate compensation based on the entitlement matrix.

IX. CONSULTATION PARTICIPATION AND DISCLOSURE

41. Comprehensive planning is required to assure that local government, communities, host population and project staff interacts regularly and purposefully in all stages of the Program. Aiming at promotion of public understanding and fruitful solutions to address the local needs of the communities and issues pertaining to resettlement, various sections of affected persons and other stakeholders were consulted through FGDs, meetings and individual interviews. The opinions of the stakeholders and their perceptions were obtained during these consultations. This approach adopted towards the formulation of the framework would be continued during the program implementation. The following will be the key stakeholders who will be consulted with at various stages of the program implementation:

- (i) All affected persons, program beneficiaries, including representatives of vulnerable households;

- (ii) decision makers, policy makers, elected representatives of people, community members, eminent citizens etc.;
- (iii) staff of KMC, KEIIP PMU etc.;
- (iv) officials of the revenue department, Land and Land Reforms Department (LLRD), Social Welfare Department etc.; and
- (v) representatives of the various state government departments, as required.

42. Towards enhancing public awareness on the improvement of infrastructure services and the potential benefits in the quality of life, awareness campaigns are proposed. These will be campaigns at the community level, door-to-door dissemination of information and promotion of neighbourhood groups to take up public health and environmental improvement initiatives in their localities.

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

A. Consultation

44. The consultation process established for the Program will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders are proposed during project preparation: in-depth interviews, public meetings, group discussions etc. To understand the socioeconomic profile of city residents, questionnaires were designed and information collected from individuals on a one-to-one basis. The consultations will be held with special emphasis on vulnerable groups. The key informants during the project preparation phase and during Resettlement Plan implementation will include stakeholders such as:

- (i) Heads and members of households likely to be affected,
- (ii) Groups/clusters of affected persons,
- (iii) Local voluntary organizations and CBOs,
- (iv) Government agencies and departments, and
- (v) Major project stakeholders, such as women, trader's associations, CBOs, etc.

45. Public participation has been generated through the use of various methods, such as, stakeholder consultation meetings, FGDs with different groups (including women), key informant interviews etc. This also helped people in different areas within the cities to (i) know about the Program, and (ii) express their opinion regarding project priorities.

46. Each Resettlement Plan will be prepared and implemented in close consultation with stakeholders and will involve FGD and meetings, particularly with affected households. Census of households and individuals located within the Program will be undertaken to register and document the status of the potentially affected population within the 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. Consultations with affected persons during Resettlement Plan preparation will ensure that views of affected persons on compensation and rehabilitation measures are fully incorporated while consultations conducted during

Resettlement Plan implementation will identify help required by affected persons during rehabilitation.

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

48. The PMU/DSC specialist will ensure that any views of affected persons, particularly vulnerable affected persons, related to the resettlement process are looked into and addressed. The SMU team will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. Since resettlement and rehabilitation is a continuous process and a baseline data/information is available, the SMU in consultation with DSC will update the baseline information as and when required.

B. Disclosure

49. Information will be disseminated to affected persons at various stages. In the sub-project initiation phase, the Social Safeguard Officer (SSO) of the SMU at PMU will be responsible for issuing the public notice to acquire a particular land/property for the sub-project along with program information/details. The notice will be published in local newspapers, twice with a one-week interval. The SSO of the PMU along with local revenue officials/officials responsible for negotiated settlement/land donation will also conduct meetings with affected persons in addition to public notification to ensure that information is given to all affected persons.

50. For the benefit of the community in general and affected persons in particular, the Resettlement Plan will be translated into local language and made available²⁷ at: (i) Main Office of KMC and concerned Borough offices; (ii) District Magistrate Office/First Land Acquisition Collector Office; and, (iii) KEIIP PMU. Hard copies of the Resettlement Plan will be kept in the city library, accessible to citizens as a means to disclose the document and at the same time creating wider public awareness.

51. Electronic version of the Resettlement Frameworks and Resettlement Plans will be placed in the official website of the PMU/State Government and the official website of ADB after approval of the Resettlement Plan by the Government and ADB. The PMU will issue notification on the locality-wise start date of sub-project implementation. The notice will be issued by the PMU in local newspapers one month ahead of implementation works. This will create public awareness on program implementation. The PMU offices will provide information on resettlement principles and features of the Resettlement Plan. The basic information in the Resettlement Plan including sub-project locations, impact estimations, entitlements, implementation schedule etc. will be presented in the form of a brochure that will be circulated among affected persons. Posters designed to disseminate basic tenets of the Resettlement Plan will be distributed in different localities to generate mass awareness. Copies of the

²⁷ In accordance with Operations Manual Section F2/BP on involuntary resettlement.

summary of the Resettlement Plan will be kept in the PMU office and will be distributed to any affected person wanting to understand the Resettlement Plan.

52. The Resettlement Framework will be made available in local language(s) during public meetings. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contract.

53. An intensive information dissemination campaign for affected persons will be conducted by the PMU/KMC with assistance of the SMU and DSC, at the outset of Resettlement Plan implementation. All the comments made by affected persons will be documented in the sub-project records and summarized in sub-project monitoring reports. Copies of the ADB's Safeguard Policy Statement (SPS), 2009 and the Resettlement Plan will be made available, in both English and local language, at the urban local body office for reference and study by the public.

Table 3: Summary of Consultation and Disclosure Activities

Sub-project Phase	Activities	Details	Responsible Agency
Sub-project Initiation Phase	Mapping of the sub-project area	Sub-project area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition	PMU in co-ordination with local land revenue office and KMC's local ward office.
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the sub-project.	PMU.
	Sub-project information dissemination; Disclosure of proposed land acquisition and sub-project details	Leaflets containing information on sub-project to be prepared. Public notice will mention the names and survey no's of titleholders of land/property proposed for acquisition along with sub-project details. Notice will be issued in local newspapers. Web disclosure on website also proposed.	PMU in coordination with local land revenue office will be involved in information dissemination. PMU will be assisted by consultants for leaflet preparation. Notice will be issued from the DC's office. EA to post notice on its website.
	Stakeholder Meetings	Meetings at community/household level with titleholders of affected land/property and their family members during project scoping.	PMU with officials from DC's /First LA Collector's office/local revenue officials will facilitate meetings to disclose the information to each AP.
RP Preparation Phase	SIA surveys	RF will be made available in DC/First LA Collector office and PMU office, to be translated in local language	PMU will ensure the availability of RF.
	Formulating compensation measures and rehabilitation measures	Conducting discussions/meetings/workshops with all APs and other stakeholders	PMU will conduct all required discussions/meetings/workshops and will invite all secondary stakeholders.

Sub-project Phase	Activities	Details	Responsible Agency
	Disclosure of final entitlements and rehabilitation packages	Web disclosure of the RP. Circulating copies of RPs to all stakeholders including APs, translating summary RP in local language before conducting final disclosure meeting. Conducting public meetings for RP approval by APs.	Social Safeguard Officer appointed by PMU will undertake all activities related to circulation of RP. PMU will arrange public meeting of all stakeholders with APs for RP approval. Consultant will document all the comments and suggestions made by APs and will send it to the PMU along with the RP.
RP Implementation Stage	Disclosing final RP approved by ADB to all important stakeholders	Final RP reviewed and approved by ADB, to be updated/disclosed on the IA/EA's website. Ensuring the availability of copy of the approved RP and ADB IR policy at PMU and DC office.	EA/PMU
	Consultation with APs during rehabilitation activities	Meetings/discussions will be arranged with APs. Households to identify help required by APs during rehabilitation.	SMU along with KMC ward level officials will arrange required meetings/discussions. Designated staff from the PMU will participate while the SSO will monitor consultation activities.

ADB = Asian Development Bank; AP = affected person; DC = Deputy Commissioner; EA = executing agency; IA = implementing agency; IR = involuntary resettlement; KMC = Kolkata Municipal Corporation; LA = land acquisition; PMU = project management unit; RF = Resettlement Framework; RP = Resettlement Plan; SIA = social impact assessment; SMU = Safeguard Management Unit; SSO = social safeguard officer.

X. GRIEVANCE REDRESS MECHANISM

54. Project grievance redress mechanism (GRM) will be established to evaluate, and facilitate the resolution of affected persons' concerns, complaints, and grievances related to social and environmental issues 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.

55. A common GRM will be in place for social, environmental, or any other grievances related to the project. Every grievance shall be registered and careful documentation of process with regard to each grievance undertaken, as explained below. The State Investment Programme Management and Implementation Unit environmental and social safeguards officers will have the overall responsibility for timely grievance redress on environmental and social safeguards issues.

56. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The PMU environment and social safeguard officers will be assisted by DSC safeguards specialists with information/collateral/awareness material etc. and in conducting project awareness campaigns. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per project Resettlement Framework, and PMU will ensure that their grievances are addressed.

57. Affected persons will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes that have already

been installed by PMU or through telephone hotlines at accessible locations, by e-mail, by post, or by writing in a complaints register in KMC's Borough office or PMU office. Appendix 7 has the sample grievance registration form. Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken. PMU safeguard officers will have the overall responsibility for timely grievance redressal on environmental and social safeguards issues and for registration of grievances, related disclosure, and communication with the aggrieved party.

58. **Grievance redress process.** In case of grievances that are immediate and urgent in the perception of the complainant, the contractor and DSC on-site personnel will provide the most easily accessible or first level of contact for quick resolution of grievances. Contact phone numbers and names of the concerned PMU safeguard officers and contractors will be posted at all construction sites at visible locations. The PMU safeguard officers will be responsible to see through the process of redressal of each grievance.

- (i) **1st Level Grievance.** The first point of contact for people filing complaints will be the SMU field workers assigned to the ward (who will be available at an appointed time at the sites(s) and borough office) and the contractor's personnel. The phone number of the KMC Borough office should be made available at the construction site signboards. Registers for writing complaints will be available at borough offices. The contractors and SMU safeguard monitors can immediately resolve grievances on-site in consultation with each other and the area engineer and borough engineer, as required, and will be required to do so within 7 days of receipt of a complaint/grievance. Record of grievances received at field level will be conveyed once a week to the SSO/Environment Safeguard Officer and Administrative Officer at PMU, to enable tracking.
- (ii) **2nd Level Grievance.** All grievances that cannot be redressed within 7 days at field/ward level will be reviewed by the Grievance Redress Unit (GRU) at PMU, headed by the Administrative Officer, assisted by the Safeguard Officers and concerned Deputy Chief Engineer, who will seek the advice of the Project Director, and Director General of PMU as necessary, and attempt to resolve the grievances within 15 days from the date of registration of complaint. The GRU of the PMU is already formed. If the PMU feels that the matter is beyond its jurisdiction, it will escalate the same to the Grievance Redress Committee (GRC).
- (iii) **3rd Level Grievance.** All grievances that cannot be resolved at PMU level will be referred to the GRC with support from PMU and DSC. GRC will attempt to resolve grievances within 30 days from date of receipt of complaint.²⁸ The GRC for the project needs to be formally set up.

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

²⁸ The GRC will have the following members: KMC Commissioner as Chairperson, KEIIP Project Director, Director General, KEIIP, Environment/Social Safeguard Officer, Administrative Officer as the convener, SMU field workers in charge of concerned service area, Area Engineer, representative of APs, and representative of Community Based Organizations (CBOs) or eminent citizens. The GRC must have at least two women members.

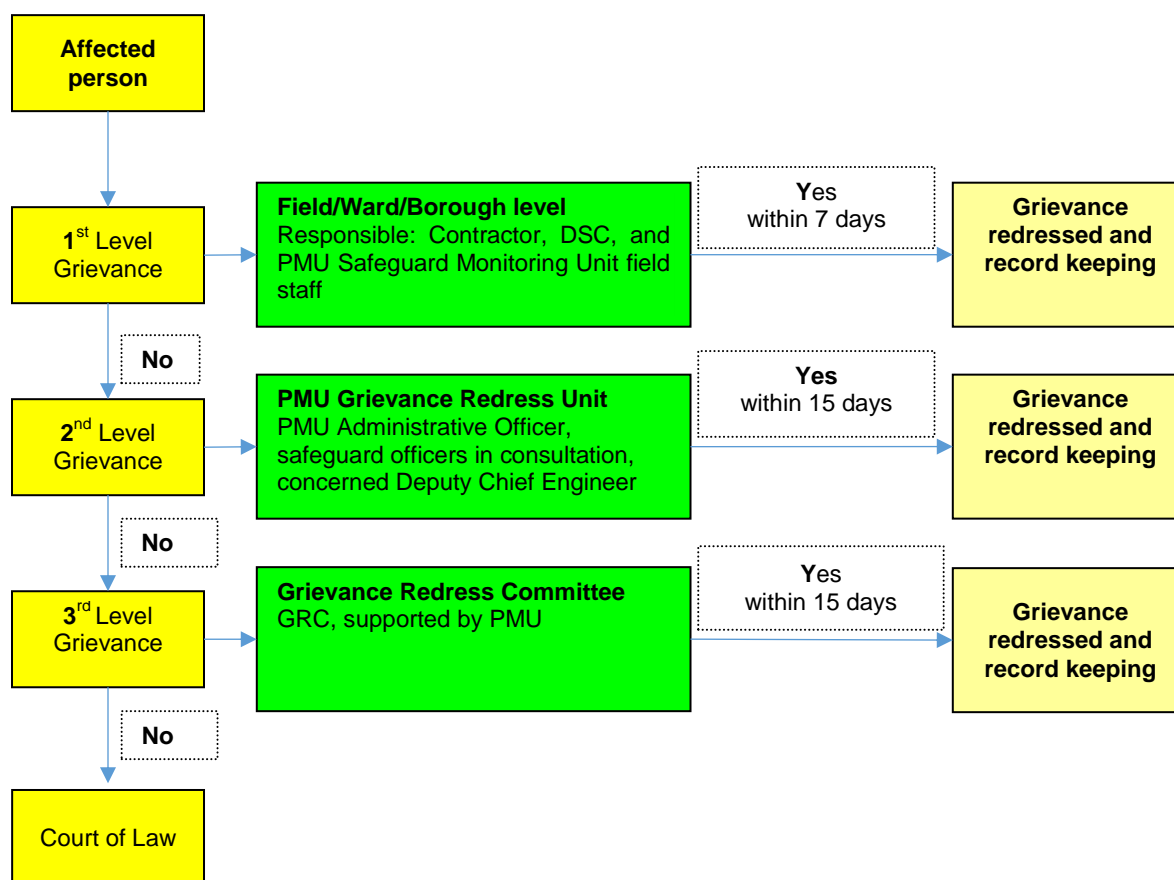
60. **ADB's Accountability Mechanism.** In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer at ADB headquarters or the ADB India Resident Mission (INRM). The complaint can be submitted in any of the official languages of ADB's developing member countries. Before submitting a complaint to the Accountability Mechanism, it is recommended that affected people make a good faith effort to resolve their problems by working with the concerned ADB operations department (in this case, INRM). Only after doing that, and if they are still dissatisfied, they could approach the Accountability Mechanism. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

61. **Record keeping.** Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were affected and final outcome will be kept by PMU. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMU office, the ward/borough office and on the web, as well as reported in the semi-annual environmental monitoring reports to be submitted to ADB.

62. **Periodic review and documentation of lessons learned.** The PMU safeguard officers will periodically review the functioning of the GRM and record information on the effectiveness of the mechanism, especially on the SMU's ability to prevent and address grievances.

63. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the PMU. Cost estimates for grievance redress are included in resettlement cost estimates. The grievance redress process is shown in Figure 1.

Figure 1: KEIP Grievance Redress Mechanism



Note: DSC = Design, Supervision Consultants, GRC = Grievance Redressal Committee; PMU = Program Management Unit.

64. All costs involved in resolving the complaints will be borne by the PMU. The GRC will continue to function throughout the project duration.

XI. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation

65. Land acquisition and resettlement impacts will be compensated in accordance with the provisions of the entitlement matrix in Table 2. Compensation for loss of land will be determined on the basis of market price and/or replacement value.²⁹

66. The replacement value for the land will be determined based on discussions with the landowners by the Land Purchase Committee constituted under the Chairmanship of the Principal Secretary, LLRD. The Committee will finalize the compensation amount taking into

²⁹ The Sub-registrar, Directorate of Registration and Stamp Revenue, Finance Department, Government of West Bengal is the responsible authority for land valuation (for government or private land). Land values across the state for different types of land are updated every three to six months and published online. In case of negotiated settlement, the Principal Secretary of Land and Land Revenue Department, GoWB chairs a Committee that finalizes the negotiated price, referring to the published value, and in consultation and agreement with willing sellers.

account the findings of a land market survey carried out by the Sub-registrar to ascertain prevailing market values³⁰ of land.

67. The replacement values for immovable properties, including structures and assets will be arrived at by the Sub-registrar as follows:

- (i) **Houses and Buildings.** The value of the houses, buildings and other immovable properties of the affected persons will be determined for the purpose of payment of compensation at the current year of relevant Basic Schedule of Rates published by the respective state governments or at the replacement rate;
- (ii) **Trees.** Compensation for trees will also be based on their market value in case of timber bearing trees and replacement value in case of fruit bearing trees based on rates fixed by the Department of Agriculture, Forest, Horticulture, Sericulture, etc.
- (iii) **Other Assets.** Compensation for the assets attached with land such as wells, tubewells, pumps, tanks, etc.) will be based on replacement value. The Sub-registrar will estimate this through detailed market surveys.

68. Compensation will be paid and resettlement of affected persons will be completed before taking possession of land and/or properties and prior to the start of civil works. The affected persons will hand over to the Government, land and properties acquired free from all encumbrances such as mortgage and debt. If the Competent Authority fails to pay decided compensation to affected persons within a year after the date of notification, additional amount by way of interest (12 percent) will apply on final compensation payable to each affected person, except in cases where the affected person has approached the judiciary for grievance redressal.

B. Income Restoration and Relocation

69. Income restoration schemes will be designed in consultation with affected persons. The strategy for income restoration needs to be prepared prior to land acquisition. Based on the information collected on income restoration activities from the census and the socioeconomic surveys, income restoration strategies will be framed and activities planned. The PMU will consider the available skills, existing professions, resource base of affected persons and their socio-economic characteristics and preferences to tailor individual income restoration schemes.

70. The basic objective of income restoration activities is to ensure that each affected person will at least have the same or improved income and livelihood after the sub-project. Towards this, it is proposed that one member for each of the vulnerable households losing their livelihood, and who has the capacity and willingness to acquire a new set of skills would be eligible for assistance. The SMU field staff will, identify the number of eligible families and the individual beneficiaries based on the 100% census of the affected households and a training needs assessment through consultations with the affected persons. The plan for income restoration will be included as part of the micro-plan to be prepared by the SMU. The SMU will frame a list of possible income restoration options in consultation with affected persons having examined local employment opportunities. Suitable trainers/local resources would be identified by the SMU, seeking the assistance of local/regional training institutes, if required.

³⁰ The prevailing market values, influenced by various factors such as location of land, connectivity, and classification/land use, type of soil, trees, available water supply and other facilities, etc.

71. Income restoration activities are of two types (i) short-term; and (ii) long-term. Short-term income restoration activities are intended to restore affected person's income in the period immediately before and after relocation focusing on relocation, and providing short-term allowances such as (i) subsistence/transitional allowance; and (ii) shifting assistance.

72. Long-term options depend on the degree of disruption to the economic activity. All vulnerable affected persons would be eligible for income restoration options. These will be derived from detailed socio-economic survey information, conducted as a part of the Resettlement Plan, and may include provision of income generating assets and/or training to operate them. The time frame will be decided based on the training to be provided, which will also be outlined in the Resettlement Plan. The SMU will be responsible for provision of these assets and required training, with the help of SHGs, CBOs, and local institutions if necessary. The Resettlement Plan budget will reflect the cost of providing income generating assets and training. Strategies for promoting economic recovery of affected persons should also include skill upgrading through training. Project officials will ensure affected persons' access to Government schemes that could help them restore income and livelihoods.

73. Key steps to be undertaken in livelihood skill training of vulnerable households and responsibilities of agencies involved would be as follows:

- (i) Identification of affected, vulnerable households through the census survey of affected persons will be undertaken by the designated social safeguards officer of the PMU, supported by DSC Specialist and SMU field staff;
- (ii) Identification of potential trainees and training needs assessment for vulnerable households will require a detailed survey and assessment of literacy/educational level and/or skill sets available with one member nominated by the household for skill training. The needs assessment would also document income from various sources, assets, resources and coping strategies currently used by the household. The strategy would aim at improving/maximizing returns from the present occupation of the principal earning member or taking up a new/supplementary occupation aimed at achieving the right mix of activities in order to enable the household to improve/maintain its living standards. Training needs assessment would be undertaken by the SMU. Baseline details collected for individual households need to be carefully preserved in order to enable a post-training impact assessment;
- (iii) Identification of Local Trainers/Resource Persons or Training Institutes by the SMU will depend on the type of skill training required (as identified through the needs assessment survey);
- (iv) Livelihood Skill Training as well as training in budgeting/accounting, micro enterprise development training as well as micro-finance/revolving fund management training will be coordinated by the SMU. Training to suit the aptitude of identified trainees would be imparted. A time frame of a maximum of three months is envisaged for training;
- (v) Internal monitoring of training and submission of progress reports will be by the SMU;
- (vi) Special assistance for purchase of equipment/materials will be provided to each affected, vulnerable household. Purchase will be undertaken by the SMU, with the support of DSC. Under this special assistance, implements/equipment like carpentry/plumbing tools etc. as well as raw material for a trade may be purchased; and
- (vii) Post-training impact assessment is proposed to be conducted by an independent agency, a year after project implementation. The household asset base and

socio-economic status would be compared with the pre-program scenario. Indicators would be developed during detailed design stage.

XII. BUDGETING AND FINANCING

74. Detailed budget estimates for each Resettlement Plan will be prepared by the SSO SMU, assisted by the DSC which will be included in the overall 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; (iv) monitoring costs; and (v) costs related to strengthening of the SMU. 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.

75. The disbursement of compensation for land and acquisition of assets will be carried out by the Municipal Affairs Department, Government of West Bengal (GoWB) and calculated as per the basis given in the Entitlement Matrix. In the case of assistance, the PMU will directly pay into the individual accounts³¹ of affected persons. The SMU designated safeguard officer/DSC specialist 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.

76. Based on the valuation by the Land Purchase Committee, the required funds will be deposited with the Deputy Commissioner, or the First Collector LA, as applicable, who will make payments to the affected persons. Compensation payments against temporary income loss will be disbursed by the PMU, through the SMU.

XIII. INSTITUTIONAL ARRANGEMENTS AND RESPONSIBILITIES

A. Institutional Arrangements

77. The existing institutional arrangement for implementation of the KEIP Tranche 1 will be strengthened. The Administrative Officer, supported by the SSO will coordinate social monitoring including resettlement plan implementation. The Social Development Unit will be renamed SMU, and will in addition to social development, public awareness and social safeguard responsibilities, be now responsible for monitoring environmental and social safeguard implementation and the gender action plan. This will require capacity building and hands-on training in field level monitoring and database management, of the field level staff of the SMU, in a big way.

78. The above arrangement will ensure that

- (i) social safeguard issues are addressed;
- (ii) resettlement framework is followed in all resettlement issues;
- (iii) approved resettlement plans are implemented;
- (iv) implementation of resettlement plan is monitored;

³¹ In the event that the affected person has no account the PMU will provide the necessary assistance to open an account.

- (v) periodic monitoring reports are prepared in time and submitted to Project Director, Kolkata Environment Improvement Project for onward transmission to ADB upon approval; and
- (vi) database on resettlement monitoring and due diligence is updated and maintained.

79. The monitoring report will focus on the progress of implementation of the resettlement plan and resettlement framework, issues encountered and measures adopted, follow-up actions required, if any, as well as the status of compliance with ADB's Safeguard Policy Statement (SPS) 2009, and relevant loan covenants.

B. Implementation

80. The SMU will be responsible for implementation and monitoring of the resettlement plans. The SSO will undertake surveys and record observations throughout the construction period to ensure that safeguards and mitigation measures are provided as intended. The PMU through the SMU will arrange for delivery of entitlements to affected persons, implementation and monitoring of safeguards compliance activities, public relations activities, gender mainstreaming activities and community participation activities. It will also arrange for obtaining statutory clearances and obtaining no objection certificates from government agencies and/or other entities, if required. It will also coordinate for obtaining right of way clearances with related state and national agencies. The DSC Resettlement Specialist will train the field level staff of Social Development Unit in data collection for resettlement plan and due diligence report (DDR) updating, preparation and implementation and prepare progress reports with respect to resettlement plan implementation. They will be trained to record involuntary resettlement impacts at field level during implementation, need to update Resettlement Plans and DDRs and need to prepare Resettlement Plans where earlier no impacts were envisaged and only DDRs prepared.

81. The PMU will finalize entitlements in consultation with affected persons, which will be examined and approved by the KMC. The PMU through the SMU will arrange for delivery of entitlements to affected persons. Organizational procedures/institutional roles and responsibilities for resettlement plan implementation and steps and/or activities involved in delivery of entitlements are described in **Table 3**.

82. The SMU will assist the PMU in implementing and monitoring the resettlement plan (duly approved by KMC and reviewed/cleared by ADB prior to implementation). The SMU currently has staff fully conversant with public awareness generation activities, consultations and field surveys and an understanding of data entry and quality control.

Table 4: Institutional Roles and Responsibilities

Activities	Agency Responsible
Sub-project Initiation Stage	
Finalization of sites/alignments for sub-projects	PMU
Disclosure of proposed land acquisition and sub-project details by issuing Public Notice	SSO SMU and PMU
Meetings at community/ household level with APs of land/property	SMU
RP Preparation Stage	
Conducting Census of all APs	PMU/SSO and SMU field staff
Conducting FGDs/ meetings / workshops during SIA surveys	PMU/SSO and SMU field staff
Computation of Replacement Values of land/properties proposed for acquisition and for associated assets	DM/FLAC assisted by SMU
Categorization of APs for finalizing entitlements	SSO SMU
Formulating compensation and rehabilitation measures	SSO SMU
Conducting discussions/ meetings/ workshops with all APs and other stakeholders	SSO SMU
Fixing compensation for land/property with titleholders	VC/SMU
Finalizing entitlements and rehabilitation packages	SSO SMU
Disclosure of final entitlements and rehabilitation packages	SSO SMU
Approval of RP	ADB
Sale Deed Execution and Payment	PMU
Taking possession of land	PMU
RP Implementation Stage	
Implementation of proposed rehabilitation measures	SSO SMU
Consultations with APs during rehabilitation activities	SSO SMU
Grievances Redressal	SMU/PMU/GRC
Internal Monitoring	SSO SMU

APs=affected persons, DMS = Detailed Measurement Surveys; FGD=focus group discussions; GRC = Grievance Redress Committee; PMU = program management unit; RP = resettlement plan; SMU = Safeguard Monitoring Unit; SSE=social safeguard expert; SSO = social safeguard officer.

83. The role of the SMU in resettlement plan implementation and monitoring is that of a facilitator of the resettlement process. The SMU works as a link between the Project and the affected community. They educate the affected persons on the need to implement each project and subproject under the investment program, on aspects relating to resettlement measures and ensure proper utilization of compensation paid to the affected persons under the entitlement package. After the approval of the micro plans, the SMU will issue identity cards to the entitled persons. The envisaged responsibilities of SMU field staff include:

- (i) Environmental and social safeguard monitoring and gender action plan monitoring at field level;
- (ii) Surveys to update safeguard documents, collection of information for preparation of monitoring reports;
- (iii) Rapport-building and information dissemination to the public; educating affected persons on their rights, entitlements, and obligations under the resettlement plan
- (iv) Grievance redress; and
- (v) Database management: on safeguard monitoring, grievances.

84. The SMU field staff will report to the Social Safeguard Officer at PMU, who will:
- (i) Coordinate implementation of rehabilitation and resettlement (R&R) activities with the assistance of SMU field staff;
 - (ii) Coordinate training for the SMU field staff/contractors/CBOs for capacity building to implement the Resettlement Plan and project GRM;
 - (iii) Coordinate database management for social safeguards implementation and monitoring;
 - (iv) Organize public awareness campaigns including resettlement provisions with the help of print and electronic media;
 - (v) to identify training needs of SMU staff/contractors/community members/vulnerable groups, and organize training activities
 - (vi) Facilitate and coordinate joint verification survey of affected persons with the elected representatives as appropriate, finalize list of affected persons and inform them about tentative schedule of land acquisition/occupation;
 - (vii) Coordinate valuation of assets, such as land, trees of various species, etc. facilitating a joint process involving elected representatives, community members and affected persons;
 - (viii) Based on proper due diligence and assessment, finalize compensation packages;
 - (ix) Facilitate the land acquisition and compensation processes in consultation with the Land Officer of KEIP PMU;
 - (x) Inform affected persons about entitlement matrix and compensation packages against different categories of loss;
 - (xi) Liaise with the District Administration and line departments for dovetailing Government's schemes for income generation and development programs for affected persons, as and when required;
 - (xii) Make budgetary provisions for R&R activities;
 - (xiii) Coordinate, supervise and monitor disbursement of compensation;
 - (xiv) Coordinate monitoring activities to be taken up for assessing progress in implementing the Resettlement Plan;
 - (xv) In case of any Category A project, facilitate the appointment of the external agency for impact evaluation and coordinate evaluation activities to be taken up by the agency, as required;
 - (xvi) Prepare Terms of Reference (ToR) for procuring the external agency, as required, with the assistance of the DSC Resettlement Specialist;
 - (xvii) Facilitate appointment of consultant to carry out the studies and coordinate these;
 - (xviii) Prepare semiannual monitoring reports on the progress of Resettlement Plan implementation, and gender action plan; and
 - (xix) Assist the Administrative Officer PMU in grievance redress, including putting forth grievances received to the PMU Complaints Cell/GRC, maintenance of records, information dissemination, and communication with the complainant.
85. The DSC Resettlement Specialist will assist the SSO in training, social safeguard supervision, monitoring, record keeping and report preparation activities.

C. Institutional Capacity

86. Capacity to handle environmental/involuntary resettlement/indigenous people impacts, gender and vulnerability issues, etc., needs to be built in the Project. Training of SMU staff on aspects such as environmental planning/resettlement planning/implementation, social protection

and gender, including the specific recording, reporting, and disclosure requirements therefore need to be planned separately.

87. For the capacity building of designated SSO and engineers, PMU will organize training programs on safeguards, with the assistance of DSC.³² Services of consultant trainers may be procured for coordinating and imparting required trainings to the staff.

88. Owing to the complexity of Projects in a crowded city like Kolkata, there is a need to specially focus on capacity building on social (distinct social, economic and cultural traits and traditions of people and the importance of preserving these), legal (land tenure issues) and technical aspects in such Projects with an adequate budgetary provision. Training on provisions of environmental assessment and review framework and resettlement framework. Further, capacity building of CBOs in the Project area will be considered to ensure that they are able to represent the affected groups more effectively. If required external resources, e.g., sociologists and development practitioners with relevant experience will be employed. Additional measures to enhance institutional capacity include exposure visits of social safeguard staff of the Project to other Indian states that have successfully implemented ADB funded Projects.

D. Coordination with Other Agencies and Organizations

89. The KEIIP has established networking relationships with line departments and other government and NGOs. For example, the West Bengal Pollution Control Board has a significant role in environmental issues while the LLRD has a significant role in land matters and initiation of the resettlement process. Without effective coordination, safeguards implementation will be delayed. The SMU will (i) coordinate with the West Bengal Pollution Control Board on environmental issues and LLRD to expedite the land related process, and (ii) interact with the various government agencies on issues pertaining to shifting of utility lines, etc. Restoration of community assets, if needed, will require help from relevant government departments as well. The Project will develop lateral linkages to achieve convergence/mobilize resources to benefit affected persons (e.g. establishing linkages with the government's livelihoods Projects) and to achieve the desired results expected from Initial Environmental Examination/ Environmental Impact Assessment and resettlement plan/Indigenous Peoples Plan (IPP) implementation.

E. Implementation Process and Implementation Schedule

90. All resettlement and compensation for each contract package will be completed before displacement. All land required will be provided free of encumbrances to the contractor prior to handing over of subprojects site and the start of civil works. The implementation of the resettlement plan will include:

- (i) Identification of cut-off date and notification;
- (ii) Verification of losses and extent of impacts;
- (iii) Finalization of entitlements and distribution of identity cards;
- (iv) Consultations with affected persons on their needs and priorities; and
- (v) Resettlement, provision of compensation and assistance, and income restoration for affected persons.

³² Training will be conducted quarterly in 2016 (starting Q2), and half-yearly in the subsequent years. Training programs will focus on safeguard monitoring in the field, grievance redress and reporting of safeguard monitoring data for periodic monitoring reports to be submitted to ADB.

XIV. IMPLEMENTATION ARRANGEMENTS

91. All land required, for any particular sub-project/component, will be provided free of encumbrances to the contractor prior to handing over of site and the start of civil works. All land acquisition and resettlement of affected persons is to be completed before the commencement of civil works.






92. No civil works, for any particular component wherein land acquisition and resettlement³³ is involved, will begin until affected persons receive entitled and approved compensation packages. The implementation schedule for the Resettlement Plan is given in Table 5. Affected persons will be given sufficient notice to vacate their property before civil works begins.

³³ For components that do not require land acquisition, or detailed designs, the civil works will be taken up at an early date.

Table 5: Schedule of Resettlement Implementation

Activities		2017				2018				2019				2020				2021			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Approval of RP by ADB and by PD KEIIP	♦																				
Disclosure of RP	♦																				
Distribution of RP Report and Brochure/PID leaflet for packages ready for implementation																					
Assigning responsibility to SMU safeguards Staff																					
Socio-economic survey by SMU/DSC and list of APs																					
Issue of identity cards																					
Identify and confirm poor and vulnerable APs																					
Form Grievance Redress Committee (higher level)	♦																				
Grievance Redress Activities																					
Disburse compensation payment and assistance for relocation in packages ready for implementation																					
Arrangements for temporary occupation of lands																					
Rehabilitation of temporarily occupied lands as and when works completed																					
Handing over of lands to the contractor for construction ³⁴																					
Livelihood and Income Restoration																					

³⁴ For components not involving land acquisition, the handing over of project sites to the contractor will be possible from the first quarter. For the other components involving land acquisition and resettlement, the project sites will be handed over for civil works by the fourth quarter.

Activities																			
	2016	2017			2018			2019			2020			2021					
Disburse livelihood restoration assistance																			
Organize skill development training for vulnerable APs																			
Capacity Building of SMU field staff and contractors																			
Internal monitoring																			
External monitoring (TBD)																			

ADB = Asian Development Bank, APs = affected persons, DSC = design and supervision consultant, KEIIP = Kolkata Environmental Improvement Investment Program, PD = Project Director, PID = project information disclosure, RP = Resettlement Plan, SMU = safeguard management unit. TBD = to be determined.

XV. MONITORING AND REPORTING

A. Internal Monitoring

93. Internal monitoring will be undertaken by SSO SMU with assistance from the DSC and field staff of SMU. Internal monitoring will ensure all land acquisition and resettlement activities are implemented according to the approved Resettlement Plans in accordance with this Resettlement Framework.

94. The DSC Social Safeguard specialist will prepare quarterly progress reports and submit to SSO of SMU. The SSO SMU will prepare semi-annual monitoring reports and submit to ADB. The field staff of SMU will submit quarterly progress reports to SSO SMU and DSC 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. Outline of semi-annual monitoring report is in Appendix 9.

B. External Monitoring

95. External monitoring will be needed for Category A projects (not envisaged under tranche 2). In the event such impacts are identified during project implementation in any Projects of this investment, qualified and reputable external Monitoring agency will be engaged for monitoring. ToR for External Monitoring Agency will be prepared by PMU SSO supported by DSC safeguards specialist.

96. After the implementation of the Program, the agency will carry out an end-term evaluation to assess the effectiveness of the implementation of the R&R provisions. The external impact evaluation will emphasize on assessment of achievements of Program targets and the change in quality of life of affected persons. For carrying out the evaluation assignment, the agency/consultant will develop the necessary evaluation indicators. All evaluations are expected to be done on the basis of selective indicators.

97. The external impact evaluation will be made on the issues as:

- (i) Restoration of income levels of affected persons;
- (ii) Changes and shifts in occupational pattern;
- (iii) Changes in asset ownership;
- (iv) Changes in types of housing of affected person; and
- (v) Assessing affected persons' access to amenities, such as water, electricity, transportation, etc.

98. The following **Table 6** tentatively lists the impact indicators to be studied to evaluate impacts after the Program is completed.

Table 6: Impact Indicators for Evaluation

Items	Impact Indicators	Frequency
Better Economic Conditions	<ul style="list-style-type: none"> • Income: Program related and Independent means but assisted by the Program • Housing: Changes in quality over a period of time • Food Security • Changes in occupation • Skill portfolio • Migration profile 	<ul style="list-style-type: none"> • Implementation stage through monitoring. • Implementation and post implementation stage through mid-term and end-term impact evaluation study
Better Social Conditions	<ul style="list-style-type: none"> • Representation in Community Based Institutions • Indicators of participation • Empowerment • School enrolment • Health and morbidity • Better available infrastructure: potable water, living space, sanitation, proper road and drainage facilities, etc. 	<ul style="list-style-type: none"> • Implementation stage through monitoring. • Implementation and post implementation stage through impact evaluation study

99. Evaluation study reports, one mid-term and one end-term will be generated based on the findings of the mid-term and end-term evaluation studies. The reports will have to be generated within 1 month after the studies are conducted. The mid-term evaluation report should highlight program achievements as per set targets for the period and specify whether any problem exists in the implementation of the Resettlement Plan. If such problems are encountered, then the reports should provide rectification measures for achieving targets in the next phase.

100. The end-term evaluation will reveal the actual target achievements of Resettlement Plan implementation by the PMU. This report should take into account whether the Program has improved the quality of life of the city people, especially affected persons. Any lacunae in the process of Resettlement Plan implementation should also be stated with future strategies to overcome such situations so that project benefits can be utilized by the affected persons to the furthest extent.

PROPOSED WORKS UNDER KEIP TRANCHE 2

Package No.	Description of Proposed Works under Package
Sewerage and Drainage	
TR-2 / SD 09	S&D Work and Construction of one PS in Ward No.114 (Part) in Borough - XI
TR-2 / SD 10	S&D Network in Rania Box Catchment (Part of Ward Nos.111, 112 & 113) in Borough - XI
TR-2 / SD 11	S&D Network in Vivekananda Road Catchment (Part of Ward Nos.113 & 114) and Construction of one PS in Borough - XI
TR-2 / SD 12	Laying of Trunk Sewer along James Long Sarani by Micro-Tunneling Method
TR-2 / SD 13	Development of S&D Network within James Long Sarani and Mahatma Gandhi Road Catchment in Borough - XVI (Ward Nos.123 & 124)
TR-2 / SD 14	Laying of Lateral Sewers in part of Borough - XIV (Ward Nos. 128 TO 132)
TR-2 / SD 19	S&D Mains and two PSs (Augmentation of Keorapukur MPS) in Tolly's Nullah / Keorapukur Sub-Basin in Borough - XIII (Ward No.115 & Part of Ward No.122)
TR-2 / SD 22	S&D Mains and PSs in Churial Extension Catchment in Borough - XIII & XVI (Part of Ward Nos.122, 123 & 124) - 1
TR-2 / SD 23	Construction of New PS at Lalababu Nikashi / Bagjola Canal - 1
Water Supply	
TR-2 / WS 15	Construction of 2 UGR cum PS at Prantik PH-III and KMC Land on Julpia Road; six ESRs at Prantik PH-III, N-E of SSE STP, N-W of SSE STP, KMC Land on Julpia Road, WBSETCL, 22 Bigha
TR-2 / WS 16	Laying of Transmission Main from Daspara near existing PS to UGRs at Prantik PH-III and KMC Land on Julpia Road; and Transmission Main from UGRs to eight ESRs (6 Proposed + 2 Existing)
TR-2 / WS 17	Laying of Distribution System and House Connection within the Command Area of eight ESRs (6 Proposed + 2 Existing)
TR-2 / WS 18	Construction of ESR at Ramkantapur, Malpara, Charaktala; Transmission Main from UGR at KMC Land on Julpia Road to three ESRs; Distribution System and House Connection within Command Area of three ESRs.
TR-2 / WS 24	Dedicated Water Supply Transmission Main from Junction of James Long Sarani to Daspara near existing PS along James Long Sarani
TR-2 / WS 25	Water Loss Management under Jay Hind WTP Area (Eastern Kolkata)

ESR = elevated service reservoirs; KMC = Kolkata Municipal Corporation; S&D = sewerage and drainage; PS = pumping station; STP = sewerage treatment plant; UGR = underground reservoirs; WTP = water treatment plant.

REVIEW AND COMPARISON OF BORROWERS POLICY AND ADB POLICY

1. In addition to Asian Development Bank (ADB) policy on Involuntary Resettlement, applicable and existing laws policies of Government of India (GoI), and State Government¹ are reviewed for preparation of this Resettlement Framework. Following sections deals with the details of applicable policy requirements.

A. Land Acquisition, Rehabilitation and Resettlement Act (LARR), 2013

2. This new RFCT in LARR repeals the Land Acquisition Act, 1984 and is applicable to all states in India, including Rajasthan (except the state of Jammu and Kashmir). LARR, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement collectively. Establishing of a completely new Act, which was due from a long time, is a pioneering step taken by the GoI in providing a humane, participative, informed and transparent process for permanent or temporary land acquisition in the public interest. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to land acquisition, rehabilitation and resettlement. The Act prohibits acquisition of multi-cropped irrigated land as a special provision to safeguard food security, unless in exceptional circumstances as a demonstrable last resort². The general process for land acquisition and resettlement under LARR is:

1. Preliminary investigations and preparation of social impact assessment (SIA) and social impact management plan (SIMP)

3. It is mandatory under the Act to conduct a time bound SIA and SIMP. No land acquisition shall be initiated unless SIA and SIMP are approved by the Expert Group. SIA shall also be conducted in a participatory manner and with all necessary public hearings, dissemination etc. duly followed.

4. "Requiring Body" shall have to conduct SIA with the appropriate government body (Panchayat, Municipality or Municipal Corporation) and date of such study shall be communicated by the government notification. This notification shall be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

- (i) SIA shall be completed within 6 months after the date of its commencement.
- (ii) SIA report will be made available to all affected persons
- (iii) SIA shall: (i) confirm the proposed acquisition is for the public purpose and extent of land proposed is the absolute bare minimum extent needed for the project; (ii) number of affected families, displaced families; details of extent of loss and other associated social impacts; and (iii) costing for addressing estimated losses and social impacts.

¹ Meghalaya, Mizoram, Nagaland, Sikkim and Tripura state governments

² Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. This condition has been included in the entitlement matrix. These provisions however do not apply in case of projects that are linear in nature such as railways, highways, other roads, canals, power lines etc.

- (iv) SIA shall conduct public hearing (with adequate prior notice about the date, venue, time etc. in affected area and to affected families). Outcomes of this will be documented and included in the SIA report.
- (v) SIA shall also prepare SIMP which will include each component wise ameliorative measures to address land acquisition and social impacts.
- (vi) SIA and SIMP shall be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

2. Appraisal of SIA/SIMP by an Expert Group

5. SIA report shall be evaluated by an independent multi-disciplinary Expert Group constituted by the appropriate government. Expert Group constituted shall include: (i) two non-official social scientists; (ii) two representatives from Panchayat, Gram Sabha, Municipality or Municipal Corporation as the case may be; (iii) two experts on rehabilitation; and (iv) a technical expert in the subject relating to the project (total seven members). Appropriate government may nominate any of them as chairman of the Expert Group. Expert Group withholds rights to abandon the project if of opinion that: (i) the project does not serve any public purpose; and (ii) social costs and adverse social impacts of the project outweigh the potential benefits. The Expert Group shall make his recommendation within 2 months from the date of its constitution and have to give in writing the reasons for such decision. The recommendation of the Expert Group shall be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

3. Preliminary Notification, Objections and Hearing

6. Followed by SIA approval, a requiring body shall publish³ a preliminary notification and inform various concerned authorities regarding this in a meeting called specially for this purpose. SIA report shall be considered lapsed if the preliminary notification is not issued within 12 months from its approval; unless otherwise specified in writing by the appropriate government for special circumstances. The preliminary notification will include: (i) statement on project/ public purpose; (ii) reasons necessitating the land acquisition; (iii) summary of SIA; and (iv) particulars of the Administrator appointed for the purpose of rehabilitation and resettlement. After the preliminary notification is issued, landowners shall not make any further transactions of the land specified and create any encumbrance on such land. If made so, landowner shall make this willful in writing and impacts associated shall not be borne by the Collector/acquiring authority. Appropriate government authority shall undertake updating of all land records etc. within 2 months after the issue of preliminary notification provided that all associated activities (surveys etc.) shall be carried out after adequate prior notice and in the presence of the landowner or person authorized by him in writing.

7. All affected landowners shall have right to raise objection(s) for the proposed land acquisition within 60 days from the issue of preliminary notification. These objection(s) however

³ Notification will be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

shall be made to the Collector in writing and the objector shall get opportunity to be heard in person. The Collector shall present a report to the appropriate government containing his recommendations on the objections along with details of affected families, land and associated cost. The decision of the appropriate government on the objections made shall be final. The District Collector then shall consolidate and present his recommendations on all objections heard to the appropriate Government and the decision of the appropriate Government shall remain final.

4. Preparation of Rehabilitation and Resettlement Scheme and its Declaration

8. After the issue of preliminary notification, Administrator appointed for rehabilitation and resettlement shall conduct a survey, census of the affected families and prepare a draft Rehabilitation and Resettlement Scheme (RRS). Draft RRS shall include: (i) particulars of land and immovable property to be acquired of each affected family; (ii) livelihood losses of landowners as well as dependent landless families; (iii) list of government and public buildings and details of utilities and/or infrastructure facilities where resettlement of affected families is involved; (iv) details of common property resources being acquired; and (v) particulars of the rehabilitation and resettlement entitlements of each affected landowner and landless family and list/details of government buildings, utilities, infrastructure facilities to be provided in the area. The Administrator shall also set implementation timeline in draft RRS. Like SIA, draft RRS shall also be made available to all affected families or at the offices/website of government agencies involved. Administrator shall also conduct a public hearing (with adequate prior notice about the date, venue, time etc. in affected area and to affected families) and shall submit draft RRS along with specific report on claims and objections raised in public hearings to the Collector. The Collector shall submit draft RRS incorporating his suggestions to the Commissioner-Rehabilitation and Resettlement who shall approve the RRS in the last. The approved RRS shall also be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

9. The Collector shall publish⁴ a summary of RRS along with Declaration under the hand and seal of Secretary to such Government or any other official duly authorized⁵ only after the Requiring Body deposits amount towards the cost of land acquisition⁶. RRS summary and Declaration shall be compulsorily made within the 12 months after the issue of preliminary notification. If not complied, such notification shall be considered rescinded unless land acquisition was held up on account of any stay or injunction by the order of Court.

5. Public Notice and Award

10. After the Declaration is made, the Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land and that claims to compensations on rehabilitation and resettlement for all interests in such land may be made to him. Affected landowners/families shall meet in person or through person authorized within six months to

⁴ Declaration shall be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

⁵ Summary RRS shall not be published unless it is published along with Declaration.

⁶ In full or part, as prescribed by the appropriate Government

place any objections. Collector shall make an award within a period of twelve months from the date of publication of the Declaration and if not award is made within that period; the entire proceedings of the acquisition of the land shall lapse. Award shall be exempt from income tax, stamp duty and fees.

11. Land Acquisition Award shall include:

- (i) Loss of land as per market value determined;
- (ii) Standing crops/trees/plants. The Collector can use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him;
- (iii) Damage (if any) sustained by reason of severing adjoining lands from/to affected land;
- (iv) Damage to any property/building (movable or immovable) or earnings. The Collector uses the services of a competent engineer or any other specialist in the relevant field as considered necessary by him;
- (v) Reasonable expenses incidental such change if affected landowner is compelled to change his place of residence or business;
- (vi) *Bonafide*; resulting from diminution of the profits of the land between the time of the publication of the declaration and the time of the Collector's taking possession of the land; and
- (vii) any other ground which may be in the interest of equity, justice and beneficial to the affected families.

12. The Collector shall impose Solatium equivalent to the 100 percent of the total compensation amount as estimated above. In addition, 12 percent interest per annum shall be payable for the period from the date of issue of SIA notification till the date of award or date of taking possession of land, whichever is earlier. The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose. Land Acquisition payment shall be made within three months and rehabilitation and resettlement (R&R) (except infrastructure entitlements-within 18 months) shall be made within 6 months from the date of the award. The Collector shall acquire land only after such payment; unless in urgency cases where land can be acquired within 30 days from the date of notice (notice to acquire land)⁷. As per the Act, the land acquisition that involves involuntary displacement of SC/ST shall require preparation of Development Plan. In such cases, one third of the compensation shall be paid before taking possession of the land. (page 20-21-22 for IPP)

13. **Commissioner:** The Stare Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for R&R of affected families under this Act, to be called the Commissioner for R&R. The Commissioner shall be responsible for supervising the formulation of R&R schemes or plans, its proper implementation and conducting post-implementation social-audit in consultation with the appropriate Government. The Commissioner shall also establish a R&R Committee at project level to monitor and review the

⁷ If there is any displacement involved, the Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families. The Collector shall also, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.

progress, under the chairmanship of the Collector, if involves land acquisition of more than 100 acres.

14. **Administrator:** 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 R&R. Formulation, execution and monitoring of the R&R Scheme shall vest in the Administrator.

15. **Establishment, by notification by appropriate Government, of Land Acquisition, R&R Authority.** For the purpose of speedy disposal of disputes relating to land acquisition, compensation and R&R. The authority shall consist of one person called Preceding Officer. Preceding Officer shall be either District Judge or qualified legal practitioner with minimum 7 years of service and shall be appointed in consultation with the Chief Justice of the High Court within the Project jurisdiction. He shall hold the office for 3 years and shall be supported by Registrar and other officers. 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. Authority (GRS) shall dispose any matter received within 6 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.

16. **Temporary occupation of the land.** Appropriate government shall request the Collector for such occupation for the term of maximum 3 years from the date of occupation. Compensation of any impacts/losses incurred shall be paid gross, monthly/periodic installments whichever is agreed in writing with the affected person. On the termination of agreement further estimation of any damage to the land shall be done and land will be restored as before. If the land become permanently unfit for the purpose it was used immediately before its occupation, the under the Act, it shall be acquired. Any disputes arising which are not addressed by the Collector shall be referred to the Authority.

B. National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007)

17. The National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007) was adopted by the Government of India in 31st October, 2007 to address development-induced resettlement issues. The policy provides for the basic minimum requirements, and all projects leading to involuntary displacement of people must address the rehabilitation and resettlement issues comprehensively. The State Governments, Public Sector Undertakings or agencies, and other requiring bodies shall be at liberty to put in place greater benefit levels than those prescribed in the NRRP-2007. The principles of this policy may also apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to any other reason. The objectives of the National Rehabilitation and Resettlement Policy are as follows:

- (i) to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives;

- (ii) to ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
- (iii) to ensure that special care is taken for protecting the rights of the weaker sections of society, especially members of the Scheduled Castes and Scheduled Tribes, and to create obligations on the State for their treatment with concern and sensitivity;
- (iv) to provide a better standard of living, making concerted efforts for providing sustainable income to the affected families;
- (v) to integrate rehabilitation concerns into the development planning and implementation process; and
- (vi) where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and affected families through mutual cooperation.

18. Some of the salient features of the National Rehabilitation and Resettlement Policy, 2007 are listed below.

- (i) The benefits to be offered to the affected families include; land-for-land, to the extent Government land would be available in the resettlement areas; preference for employment in the project to at least one person from each nuclear family subject to the availability of vacancies and suitability of the affected person; training and capacity building for taking up suitable jobs and for self-employment; scholarships for education of the eligible persons from the affected families; preference to groups of cooperatives of the affected persons in the allotment of contracts and other economic opportunities in or around the project site; wage employment to the willing affected persons in the construction work in the project; housing benefits including houses to the landless affected families in both rural and urban areas; and other benefits;
- (ii) Financial support to the affected families for construction of cattle sheds, shops, and working sheds; transportation costs, temporary and transitional accommodation, and comprehensive infrastructural facilities and amenities in the resettlement area including education, health care, drinking water, roads, electricity, sanitation, religious activities, cattle grazing, and other community resources, etc.;
- (iii) A special provision has been made for providing life-time monthly pension to the vulnerable persons, such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or persons above 50 years of age (who are not provided or cannot immediately be provided with alternative livelihood);
- (iv) Special provision for the STs and SCs include preference in land-for-land for STs followed by SCs; a Tribal Development Plan which will also include a program for development for alternate fuel which will also include a program for development for alternate fuel and non-timber forest produce resources, consultations with Gram Sabhas and Tribal Advisory Councils, protection of fishing rights, land free-of-cost for community and religious gatherings, continuation of reservation benefits in resettlement areas, etc.;
- (v) A strong grievance redressal mechanism has been prescribed, which includes standing R&R Committees at the district level, R&R Committees at the project level, and an Ombudsman duly empowered in this regard. The R&R Committees shall have representatives from the affected families including women, voluntary organizations, Panchayats, local elected representatives, etc. Provision has also been made for post-implementation social audits of the rehabilitation and resettlement schemes and plans;

- (vi) For effective monitoring of the progress of implementation of R&R plans, provisions have been made for a National Monitoring Committee, a National Monitoring Cell, mandatory information sharing by the States and UTs with the National Monitoring Cell, and Oversight Committees in the Ministries/Departments concerned for each major project, etc.;
- (vii) For ensuring transparency, provision has been made for mandatory dissemination of information on displacement, rehabilitation and resettlement, with names of the affected persons and details of the rehabilitation packages. Such information shall be placed in the public domain on the Internet as well as shared with the concerned Gram Sabhas and Panchayats, etc. by the project authorities;
- (viii) A National Rehabilitation Commission shall be set up by the Central Government, which will be duly empowered to exercise independent oversight over the rehabilitation and resettlement of the affected families.
- (ix) Under the new Policy, no project involving displacement of families beyond defined thresholds⁸ can be undertaken without a detailed Social Impact Assessment, which among other things, shall also take into account the impact that the project will have on public and community properties, assets and infrastructure; and the concerned Government shall have to specify that the ameliorative measures for addressing the said impact, may not be less than what is provided under any scheme or program of the Central or State Government in operation in the area. The SIA report shall be examined by an independent multi-disciplinary expert group, which will also include social science and rehabilitation experts. Following the conditions of the SIA clearance shall be mandatory for all projects displacing people beyond the defined thresholds;
- (x) The affected communities shall be duly informed and consulted at each stage, including public hearings in the affected areas for social impact assessment, wide dissemination of the details of the survey to be conducted for R&R plan or scheme, consultations with the Gram Sabhas and public hearings in areas not having Gram Sabhas, consultations with the affected families including women, NGOs, Panchayats, and local elected representatives, among others;
- (xi) The Policy also provides that land acquired for a public purpose cannot be transferred to any other purpose but a public purpose, and that too, only with prior approval of the Government. If land acquired for a public purpose remains un-utilized for the purpose for five years from the date of taking over the possession, the same shall revert to the Government concerned. When land acquired is transferred for a consideration, eighty per cent of any net unearned income so accruing to the transferor, shall be shared with the persons from whom the lands were acquired, or their heirs, in proportion to the value of the lands acquired; and
- (xii) The entitled persons shall have the option to take up to twenty per cent of their rehabilitation grant and compensation amount in the form of shares, if the Requiring Body is a company authorized to issue shares and debentures; with prior approval of the Government, this proportion can be as high as fifty per cent of the rehabilitation grant and compensation amount.

⁸ A new project or expansion of an existing project, which involves involuntary displacement of four hundred or more families en masse in plain areas, or two hundred or more families en masse in tribal or hilly areas, DDP blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution.

C. ADB's Safeguard Policy Statement, 2009

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

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

21. The main policy principles of the Involuntary Resettlement Safeguard 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 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;
- (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; and
 - (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.

D. Comparison of National Policies with ADB's SPS, 2009

22. A detailed policy comparison between ADB's SPS, 2009, LARR, 2013, and the RF are given in following Table.

Table 1: Detailed Policy Comparison

	ADB SPS Policy Principles	LARR	Remarks	Compliance of proposed RF with ADB's SPS
1.	IR should be avoided where feasible.	✓	Both LARR and SPS emphasis on avoiding IR	This is addressed in the RF. The locations for project components have been identified in such a manner that IR is avoided to the extent possible. These IR impacts shall be further minimized during detailed designs.
2.	Where population displacement is unavoidable, it should be minimized by exploring viable project options.	✓	LARR also suggests taking all possible options in to consideration and preparation of SIA/SIMP that confirms that all viable options were explored before proposing the final land acquisition for the public purpose.	This is addressed in the RF. The locations for project components have been identified in such a manner that IR is avoided to the extent possible. These IR impacts shall be further minimized during detailed designs.
3.	If individuals or a community must lose their land, means of livelihood, social support systems, or way of life in order that a project might proceed, they should be compensated and assisted so that their economic and social future will generally be at least as favorable with the project as without it. Appropriate land, housing, infrastructure, and other compensation, comparable to the without project situation, should be provided to the adversely affected population, including indigenous groups, ethnic minorities, and pastoralists who may have usufruct or customary rights to the land or other resources taken for the project.	✓	According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Impacts are considered significant when 200 or more people will experience major impacts. The new LARR recommends preparation of SIA report and IPP.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the EM.
4.	Any involuntary resettlement should, as far as possible, be conceived and executed as a part of a development project or program and resettlement plans should be prepared with appropriate time bound actions and budgets. Resettlers should be provided sufficient resources and opportunities to reestablish their homes and livelihoods as soon as possible.	✓	According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. LARR has laid down detailed guidelines and preparation of similar plans like RP.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the EM. A time-bound action plan and implementation schedule for the IR activities is outlined. The key RP activities are identified and the responsibilities for the same outlined.
5.	The affected people should be fully informed and closely	✓	LARR recognizes all affected people/families irrespective	Consultations have been carried out with APs. This

	ADB SPS Policy Principles	LARR	Remarks	Compliance of proposed RF with ADB's SPS
	consulted on resettlement and compensation options. Where adversely affected people are particularly vulnerable, resettlement and compensation decisions should be preceded by a social preparation phase to build up the capacity of the vulnerable people to deal with the issues.		of their titles. Inventory of all affected people will be recorded as a part of SIA/SIMP.	will be further consolidated by the RP assigned NGO. The plan for information disclosure in the project, including the RF.
6.	Appropriate patterns of social organization should be promoted, and existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible. Resettlers should be integrated economically and socially into host communities so that adverse impacts on host communities are minimized. One of the effective ways of achieving this integration may be by extending development benefits to host communities.	✓	All policies, including SPS and LARR adequately address this.	This is addressed in the EM.
7.	The absence of formal legal title to land some affected groups should not be a bar to compensation. Affected persons entitled to compensation and rehabilitation should be identified and recorded as early as possible, preferably at the project identification stage, in order to prevent an influx of illegal encroachers, squatters, and other nonresidents who wish to take advantage of such benefits. Particular attention should be paid to the needs of the poorest affected persons including those without legal title to assets, female-headed households and other vulnerable groups, such as indigenous peoples, and appropriate assistance provided to help them improve their status.	✓	All policies, including SPS and LARR adequately address this	The process for verification of impacts and establishing the eligibility of the APs is outlined in the RF.

	ADB SPS Policy Principles	LARR	Remarks	Compliance of proposed RF with ADB's SPS
8.	The full costs of resettlement and compensation, including the costs of social preparation and livelihood programs as well as the incremental benefits over the "without project" situation, should be included in the presentation of Project costs and benefits.	✓	According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Impacts are considered significant when 200 or more people will experience major impacts. LARR provides detailed guidelines for preparation rehabilitation and resettlement scheme involving all land acquisition and resettlement losses which forms a part of project cost. SIA also outlines project benefits vs. impacts.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the EM. This is addressed in the EM.
9.	To better assure timely availability of required resources and to ensure compliance with involuntary resettlement procedures during implementation, eligible costs of resettlement and compensation may be considered for inclusion in Bank loan financing for the project, if requested.	-	LARR initiates land acquisition only if the required money is deposited with the DC.	The impacts have been assessed and RP costs according to the EM have been worked out. These costs are included in the Project Costs.

ADB = Asian Development Bank; AP = affected person; EM = entitlement matrix; IPP = indigenous peoples plan; IR = involuntary resettlement; LARR = Land Acquisition, Rehabilitation and Resettlement; NGO = nongovernmental organization; RF = resettlement framework; RP = Resettlement Plan; SIA = social impact assessment; SIMP = social impact management plan; SPS = Safeguard Policy Statement;

NEGOTIATED LAND PURCHASE POLICY OF WEST BENGAL GOVERNMENT

Government of West Bengal
Land & Land Reforms Department
Land Policy Branch
NABANNA (6th Floor)
325, Sarat Chatterjee Road
P.S. Shibpur, Howrah - 711 102.

MEMORANDUM

No.3145-LP/1A-03/14

Date: 24/11/2014

It has been observed that often important infrastructure projects like food godowns, roads, bridges etc. are not fully commissioned for want of small parcels of land. To ensure the optimal utilisation of public funds and early implementation of such projects, direct land purchase from land owners may become necessary.

2. The state government has considered the immediate need of land for such projects.

3. Now, therefore, the Governor is hereby pleased to allow the various departments to go in for the direct purchase of land for public purpose mainly involving the early commissioning of infrastructure projects like roads, bridges, food godowns, drinking water, flood protection and other similar projects in rural and/or urban areas through Zilla Parishad/Municipality/Municipal Corporation/other Govt. bodies and parastatals, as the case may be, by adopting the following procedures:

- (i) The administrative department(s) will take concurrence of the Standing Committee on Industry, Infrastructure & Employment before going ahead with the purchase of land indicating its tentative location and quantum.
- (ii) A 15-day local notice mentioning preference and details of land intended for purchase shall be given in the public offices and local newspaper(s) informing the prospective land owners and

requesting them to submit application in plain paper indicating their intention to sell their lands.

- (iii) The department concerned will select the appropriate plot(s) of the land to be purchased as per suitability and other considerations from among the applications/offers received on the basis of the notice.
- (iv) The relevant administrative department will undertake land searching through the panel advocate(s) at the respective sub-registry office to guard against fraudulent transfer. Besides, the BL & LRO will verify the right and title of the selected lands within 14 days and shall furnish report in the enclosed format to the purchase committee.
- (v) Land would be purchased through the Zilla Parishad/Municipality/Municipal Corporation/Parastatal as may be decided by the administrative department(s).
- (vi) Funds will be allotted to the Zilla Parishad/Municipality/Municipal Corporation/Parastatal by the administrative department for payment to land owners and payment will be made to their bank accounts. An appropriate administrative cost will be given to Zilla Parishad/Corporation by the administrative department.
- (vii) A committee of the following officials will finalise the price of land for the purchasing department:
 - (a) Nominee of the government - Chairperson
 - (b) DL & LRO - Member
 - (c) Special LAO - Member
 - (d) Two members from the concerned Panchayat Samity to be nominated by the Chairperson - Members
 - (e) FC & CAO, Zilla Parishad - Member

- (f) Representative of administrative department – Member
- (g) District Registrar - Member
- (h) Secretary Zilla Parishad - Member Secretary

In case of purchase of land for Municipal areas, the Chairman of Municipality will also be a Member of the Committee in place of the members of Panchayat Samities in Sl. (d).

- (viii) For areas under Municipal Corporations the Purchase Committee will be as follows:

- (i) State Government nominee – Chairperson
- (ii) Mayor – Member
- (iii) Municipal Commissioner/CEO, Corporation – Member
- (iv) DL & LRO/1st LA Collector – Member
- (v) District Registrar - Member
- (vi) Special LAO – Member
- (vii) Two members from Ward Councillors to be nominated by the Chairperson - Members
- (viii) Chief Municipal Auditor, Corporation – Member
- (ix) Secretary, Corporation – Member Secretary

- (ix) Value of buildings/structures, would be assessed by the Executive Engineer, PWD/Municipal Engineering Directorate/ District Engineer/Executive Engineer, Zilla Parishad or by such agency as the administrative department may decide.

- (x) The base price of the land will be determined taking into account the assessed value of land or set forth value of land whichever is higher. Incentive on the price of land finally determined will be given to the land owner if land registration is done: (a) within 30 days – 50% (b) within 31 – 60 days – 10%, from the date of publication/communication of land price to the

landowners. For this purpose, individual land owner will be informed of the price of land in writing by the Member-Secretary of the Land Purchase Committee, for registration of sale deed.

- (xi) After the purchase of land from the land owners, land will be registered in the name of Zilla Parishad/ Municipality/Municipal Corporation/Parastatal. Thereafter, Zilla Parishad/Municipality/Municipal Corporation/Parastatal, as the case may be, could formally transfer the land in favour of administrative department(s).
- (xii) Care would be taken by the Zilla Parishad/ Municipality/Municipal Corporation/Parastatal to ensure that the entire transaction is fair and transparent and it is based on mutual consent. There shall be no element of coercion.
- (xiii) Stamp duty shall be exempted for such purchase of land by Zilla Parishad/Municipality/Municipal Corporation/Parastatal and also for subsequent transfer to administrative department(s).
- (xiv) The Panchayat and Rural Development Department will issue direction upon all the Zilla Parishads concerned to purchase land for other department(s) u/s. 212 of the West Bengal Panchayat Act, 1973.
- (xv) The Municipal Affairs Department will issue direction upon all the Urban Local Bodies to purchase land for other department(s) u/s. 429B of the West Bengal Municipal Act, 1993.
- (xvi) In case, the aforesaid Purchase Committee fails to perform its functions within a reasonable time the administrative department would be free to use any Corporation /Parastatal /

Authority under its control to purchase the land on the same terms & conditions as prescribed above.

- (xvii) This has the concurrence of the Finance Department vide U.O. No. Group T/2014-2015/0784 dated 14/11/2014.

By order of the Governor,
Sd/- A.K. Singh
OSD & EO ACS & LRC

FORMAT

District	Block		
Name of Gram Panchayat	Mouza	Plot No.	
Mention the total area of land			
Documents to be examined	Deed	ROR	If ROR is not available, Chain Deed to be examined
Distance from the nearest approach road to the plot of land			
Distance of the source of water from the proposed land (KM/Meter)			
How far is the proposed land from main road (KM/Meter)			
Whether the land gets water logged in the rainy season			Yes/No
Do the land gets flooded during rainy season ?			Yes/No
Mention the type of land according to the slope up land/medium land/low land			
Whether title is clean and land is free from encumbrance			

(Representative of Administrative
Department)

(BL & LRO)

Government of West Bengal
Land and Land Reforms Department
Land Policy Branch
Nabanna (6th Floor)
325, Sarat Chatterjee Road, P.O.-Shibpur, Howrah-711102

NOTIFICATION

No.971-LP/1A-3/14

Date: 01/04/2015

In partial modification in para 3(vii) & 3(viii) of Land and Land Reforms Department's Memorandum No.3145-LP dated 24/11/2014, the Governor is pleased hereby to nominate the following officer as the Chairperson of the Purchase Committee of land:

- i) The District Magistrate in the district concerned, and
- ii) The Secretary to the Government of West Bengal in the Land and Land Reforms Department in Kolkata.

By order of the Governor,

A.K.Singh

O.S.D. & E.O. A.C.S. & L.R.C., W.B.

Land and Land Reforms Department

No.971/1(85)-LP

Date: 01/04/2015

Copy forwarded for information and necessary action to the

1. Addl. Chief Secy. / Pr. Secy./ Secy., Department.
Government of West Bengal.
2. District Magistrate,
P.O., Distt.


Secretary to the Govt. of West Bengal

**GUIDELINES FOR INTER-DEPARTMENTAL TRANSFER OF LAND FOLLOWED BY WEST
BENGAL GOVERNMENT**



**The
West Bengal
Land and Land Reforms Manual**

Published by
Board of Revenue
Government of West Bengal
1991

Printed at Sree Saraswati Press (1984) Ltd.
(A Govt of West Bengal Undertaking)
11, B. T. Road, Calcutta—700 056

<p style="text-align: center;">65</p> <p>212. (i) As soon as an order for annulment of the settlement has been made the Revenue Officer will arrange for delivery of possession of the land to the Collector or his representative.</p> <p>(ii) If necessary, for the purposes of enforcing delivery of possession, the person in actual possession on the land in question may be evicted with the assistance of police as envisaged in section 49(3A) of the Act.</p> <p>213. (i) The Deed of Settlement in Form 8A (Patta) issued should be recalled and cancelled.</p> <p>(ii) A copy of the order of annulment should be sent to the concerned Block Land and Land Reforms Officer.</p> <p>214. (i) On receipt of the copy of the order the Block Land & Land Reforms Officer will make necessary corrections in Register VIII, the Patta Register and other ancillary records.</p> <p>(ii) After delivery of possession in favour of the Collector has been made and the records corrected, the land shall be taken up for fresh settlement under section 49(1).</p>	<p>Delivery of possession to the Collector.</p> <p>Cancellation of Patta.</p> <p>Despatch of copy of orders to L.L.R.O.</p> <p>Correction of records by B.L.L.R.O.</p> <p>Fresh settlement.</p>
<p style="text-align: center;">CHAPTER XV</p> <p style="text-align: center;">PRINCIPLES AND PROCEDURES FOR SETTLEMENT OF LANDS FOR NON-AGRICULTURAL PURPOSES</p> <p>215. The settlement of land for non-agricultural purpose is provided for under Rule 20A(6) of the W.B. Land Reforms Rules, 1965. Rule 20A(6) authorises the Collector of a district, with prior approval of the Board of Revenue, to settle a land of any classification or description which is at the disposal of the State Government, with a person, a group of persons, an organisation or a statutory body on such terms and conditions as may, by a general or special order, be specified by the Board of Revenue.</p> <p>216. Lands for non-agricultural purposes shall ordinarily be settled on long-term leases. Where long-term settlement is not possible either because the land has not become sufficiently developed or a suitable lessee is not forthcoming or the purpose for which settlement of land is sought does not require long-term settlement, the land may be settled on a short-term lease. Short-term settlement of land in the urban agglomerations, to which the Urban Land (Ceiling and Regulation) Act, 1976 is applicable, is, however, prohibited. Utmost care should be exercised before deciding to offer short-term settlement of land in other Municipal areas.</p>	<p>Legal provision.</p>

	<p style="text-align: center;">66</p> <p>217.No long-term settlement of land shall be made without the prior sanction of the Board of Revenue.</p> <p>218. (i) Settlement of lands for non-agricultural purposes should be made under registered leases. Form Nos. 1 and 2 of Appendix IV contain the standard forms of long-term and short-term lease respectively. No variation should be made in the prescribed forms without the sanction of the Board of Revenue.</p> <p>(ii) All proposals for settlement shall be entered in Register XII.</p> <p>219. Save as otherwise decided by the State Government in a case, long-term lease shall ordinarily be for a period of thirty years and on expiration of the period the tenant shall be entitled to the option of successive renewals of the lease for the same period.</p> <p>220. The Collector/D.L.L.R.O. shall identify suitable plots of land for long-term settlement keeping in view the long-term development of urban and semi-urban areas and advertise the land inviting applications for settlement. Proposals for long-term settlement may also be initiated on application from interested persons.</p> <p>221. No proposal for long-term or short-term settlement of land shall be initiated if the purpose for which such settlement is sought infringes the land use plan prepared by a Development Authority, Municipality, Panchayat Body or Planning Organisation constituted by or under a law.</p> <p>222. The market value of the land proposed for settlement should be carefully assessed from the records of recent sales of similar categories of land in the vicinity. The figures may be obtained from Sub-Registration Offices and the estimate carefully checked against the valuation in Land Acquisition cases made in the locality. A map of the masara showing the location of the plot proposed for settlement and the plots for which sale figures have been collected should invariably accompany the long-term settlement proposal.</p> <p>223. (i) In giving long-term lease for the first time rent shall be fixed at 4 per cent of the market value of the land proposed for settlement and salami charged at 40 times the rent equalling forty per cent of market price.</p> <p>(ii) The Board of Revenue may reduce the rent and salami payable under sub-rule (i) above for a land if it is satisfied that the land will be used to serve a public purpose or a charitable purpose.</p> <p>224. (i) After determination of the rent and salami the Collector/ D.L.L.R.O. shall advertise the land, invite applications for settlement and send his recommendation to the Board through the Commissioner.</p>
Long-term settlement	
Rent and salami.	

OUTLINE OF RESETTLEMENT PLAN

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

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

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

D. Methodology for Impact Assessment

5. This section outlines the methodology and tools adopted for:
- (i) resettlement screening,
 - (ii) land acquisition planning,
 - (iii) socioeconomic survey,
 - (iv) census survey or inventory of assets and livelihood loss, and
 - (v) consultation with stakeholders.

E. Socioeconomic Information and Profile

6. This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:
- (i) define, identify, and enumerate the people and communities to be affected;
 - (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;

- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

F. Stakeholders Consultation and Participation

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

G. Legal Framework

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

H. Entitlements, Assistance and Benefits

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

I. Relocation of Housing and Settlements

10. This section:
- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
 - (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;

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

J. Income Restoration and Rehabilitation

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

K. Resettlement Budget and Financing Plan

12. This section:
- (i) provides an itemized budget for all resettlement activities, including for 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.
 - (iv) includes information about the source of funding for the resettlement plan budget.

L. Information Disclosure

13. This section:
- (i) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
 - (ii) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
 - (iii) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) during project implementation.

M. Grievance Redress Mechanisms

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

N. Institutional Arrangements

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

O. Implementation Schedule

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

P. Monitoring and Reporting

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

CONSTITUTION OF GRIEVANCE REDRESS UNIT OF KEIIP

GRIEVANCE REDRESSAL MECHANISM OF KEIIP WORKS

- Display of address of Contractors' site office at all work locations.
- At Contractors' site office Complaint & Suggestion Books are to be made available for lodging any complaint. The concerned Executive Engineer of KEIIP to periodically monitor these Books and take necessary actions for redressal with intimation to the complainant.
- At every Borough under which works are under progress, a Public Relation & Grievance Redressal Unit, comprising of a few KEIIP staff to be established for availing detailed information of the works, registering of complaint and act as Liaison for its redressal under intimation to the complainant.
- In KEIIP office at 206, A.J.C. Bose Road, Kolkata - 700 017, the Administrative Officer, KEIIP will be In-charge of the grievance redressal matters under the Project Director.
- Complaints may also be lodged through KEIIP website and KMC website.
- Through KMC WhatsApp no. 8335988888, all complaints relating to KEIIP will be sent to the Project Director, KEIIP for redressal.
- A Grievance Redressal Committee (GRC) has been constituted consisting of :
 - 1) Administrative Officer, KEIIP - Member
 - 2) Dy. C.E.(I), KEIIP - Member
 - 3) Social Safeguard Specialist, KEIIP -Member
 - 4) Environmental Specialist, KEIIP -Member
 - 5) Special Officer (Coord.), KEIIP - Member Secretary (Convener)
 - 6) Team Leader, DSC, KEIIP - Member

under the Project Director, KEIIP for regular monitoring of the entire process.

Dt: 12.08.2015

TL/DSC
AO
SO/C

TL/DSC may endorse 'X' above.

As proposed. AO & SO/C
will please also take
necessary action as proposed above.

12/8
12/8/15

SAMPLE GRIEVANCE REGISTRATION FORM

(To be available in Hindi and English)

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

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

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

FOR OFFICIAL USE ONLY

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

INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
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?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
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?				
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? [] No [] Yes If yes, approximately how many? _____				
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.

OUTLINE OF SOCIAL SAFEGUARDS MONITORING REPORT DURING PROJECT IMPLEMENTATION PERIOD

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

This outline can be used for periodic monitoring report (semiannual) and Resettlement Plan and/or Indigenous Peoples Plan (IPP) completion report to start the civil works in the impacted areas. A safeguard monitoring report may include the following elements:

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

B. Background of the Report and Project Description. This section provides a general description of the project, including:

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

C. Scope of Impacts. This section outlines the detail of:

- (i) Scale and scopes of the project's safeguards impacts;
- (ii) Vulnerability status of the affected people/communities; and
- (iii) Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final Resettlement Plan(s) /IPP(s).

D. Compensation and Rehabilitation.¹ This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan. This includes:

- (i) Payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons;
- (ii) Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan; and
- (iii) Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

E. Public participation and consultation. This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with affected persons during Resettlement Plan finalization after the completion of

¹ Depending on the status of the final detail design during the submission of the report this activity might not yet started. Provide the information on the expected date the activity to be conducted instead.

detail design; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing nongovernment organizations (NGO), project supervision consultants, contractors, etc.

F. Grievance Redress Mechanism (GRM). This section described the implementation of project GRM as design in the approved Resettlement Plan and/or IPP. This includes evaluations of its effectiveness, procedures, complaints receive, timeliness to resolve issues and/or complaints and resources provided to solve the complaints. Special attentions should be given if there are complaints received from the affected people or communities.

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

H. Monitoring Results – Findings. This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of involuntary resettlement compensation rates and timeliness of payments, adequacy and timeliness of involuntary resettlement rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing Environmental Management Plan, Resettlement Plan, or IPP, timeliness and adequacy of capacity building, etc.). It also compared against the objectives of safeguards or desired outcomes documented (e.g. involuntary resettlement impacts avoided or minimized; livelihood restored or enhanced; indigenous people's identity, human right, livelihood systems and cultural uniqueness fully respected; indigenous people not suffer adverse impacts, environmental impacts avoided or minimized, etc.). For FI projects this includes the effectiveness of the Environmental and Social Management System managed by the FI and its participating institutions². If noncompliance or any major gaps identified, include the recommendation of corrective action plan.

I. Compliance Status. This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR 2 and the approved final Resettlement Plan(s).

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

Appendix 1

- (i) List of Affected Persons and Entitlements
- (ii) Summary of Resettlement Plan and IPP with entitlement matrix

Appendix 2

- (i) Copies of affected person's certification of payment (signed by the affected persons)
- (ii) Summary of minutes of meetings during public consultations
- (iii) Summary of complaints received and solution status

² Specific for the FI projects, external agency may be required to conduct an audit of the project ESMS.

TERMS OF REFERENCE FOR INDEPENDENT THIRD PARTY FOR NEGOTIATED SETTLEMENT OR VOLUNTARY LAND DONATION

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

An independent third party is sought to be appointed to oversee and certify the process of negotiated settlement and/or land donation. The third party shall be briefed about his/her expected role and deliverables by the concerned Project Implementation Unit (PIU).

Eligibility: The third party shall be a representative of the community (for example, a leader of the community with formal/legal standing, a representative of a local nongovernment organization or community based organization, with formal and legal standing), without any direct interest in the negotiation process or subproject activity, who is acceptable to each of the concerned parties (PIU/Project Management Unit (PMU) and concerned land owner/donor).

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

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

Deliverables: The details of the meetings, and a certificate/reports as witness to the purchase / donation process and mitigation measures to owner / donor, if any, shall be submitted by the third party to PMU, PIU and owner/donor in the local language.

SAMPLE CERTIFICATION FORMATS

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

Date

Officers Concerned PIU and land donor/ land owner

(Names and Signatures)

I, _____ of _____ (address) certify that I was witness to the process of negotiated purchase / land donation (details of plot _____ from XXXXXXXXXX land owners names).

I certify that:

1. The process of negotiated settlement / donation of the said land was transparent; the landowner(s) was/were happy to sell/donate the land/assets for the welfare of the community/subproject activities.
2. No coercion was used in the negotiated settlement/donation process.
3. No (formal/informal) third party (associated with the purchase/donation) is negatively affected¹ by the purchase/donation activity
4. Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
5. All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
6. The following mitigation measures were identified and implemented / provided to the land owner/donor.
7. Attached are the minutes of meetings held between project proponents and the land owner/donor, and the agreed price/value of the donated land which I was witness to.
8. Attached are the pictures of the land purchased/donated and pictures of the original land owner(s) of the purchased/donated land.
9. Attached are the information of the socio economic background of the land owner(s)/ donor(s)

Signed/

Name

XXXXXXXXXXXXXXXXXXXXX

Date: _____ Place: _____

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

¹ Negatively affected defines as permanent loss of/ access to shelter or livelihood support which could cause impoverishment to the affected third party.