

Resettlement Framework

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CURRENCY EQUIVALENTS

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Currency Unit	–	Indian Rupees (INR)
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\$1.00	=	INR 60.34

ABBREVIATIONS

ADB	–	Asian Development Bank
AE	–	Assistant Engineer
ASO	–	Assistant Safeguards Officer
EA	–	Executing Agency
GOI	–	Government of India
GOR	–	Government of Rajasthan
IA	–	Implementing Agency
PIU	–	Project Implementation Unit;
PMU	–	Project Management Unit
LSGD	–	Local Self Government Department
PO	–	Project Officer
PMDSC	–	Project Management, Design and Supervision Consultant
RF	–	Resettlement Framework
RoW	–	Right of Way
RUSDP	–	Rajasthan Urban Sector Development Program
SDP	–	Sector Development Program
SPS	–	Safeguard Policy Statement, 2009
STP	–	Sewage Treatment Plant
ULB	–	Urban Local Body

NOTES

- (i) The fiscal year (FY) of the Government of India and its agencies ends on 31 March.
- (ii) In this report, "\$" refers to US dollars.

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I. INTRODUCTION

1. Rajasthan Urban Sector Development Program (RUSDP), building on the previous two ADB funded projects: RUIDP and RUSDIP (also referred as RUIDP I and II respectively), will support the Government of India (GOI) and the Government of Rajasthan (GOR) in their policy of balanced regional socio-economic development and poverty reduction through improvements in urban governance, management, and infrastructure and service provision in six selected towns in Rajasthan (Error! Reference source not found.). The selected towns¹ are particularly istrict headquarters with more than 100,000 population and the ones which were not benefitted under the previous two ADB funded urban sector projects. With a main focus on improvement of water supply and sewerage services, this RUSDP will be implemented over a 6-year period beginning in 2014 through ADB’s Sector Development Program (SDP). The main types of infrastructure and their principal components are shown in **Table 1**.

Table 1: Subprojects and Components Proposed under RUSDP

Subproject	Main Components	Infrastructure (New or Refurbished)
Water Supply	Transmission and Distribution Network Improvement (DNI)	Transmission mains
		Distribution mains
		Bulk valves and flow meters
		Local network
		House connections
		Household meters
Sewerage and Sanitation	Sewer Network	Secondary piped network
		Tertiary piped network
		Household connections
	Sewage Transfer	Trunk sewer
	Sewage Treatment Facility	Sewage treatment plant
		Outfall for treated effluent

2. The Project will minimize land acquisition and resettlement impacts by prioritizing rehabilitation and optimization work within existing facilities’ premises while the new construction is proposed on vacant Government lands. Construction of sewage treatment plant (STP) is proposed in Pali and Tonk towns and adequate government lands are available for the proposed facility in respective towns. There are no significant² resettlement issues anticipated for any of the proposed sub-projects in six project towns.

3. Resettlement planning undertaken shows that the main resettlement impacts will be due to rehabilitation and laying of pipe networks. These impacts are however temporary. To estimate the temporary impacts, transect walks for 300-500m were undertaken in representative areas such as busy market areas, commercial and office establishments, core city/old city areas, extension areas, areas near bus stands/railway station, major junctions, main roads etc. In addition to these, a visual screening of 60-70 percent of the roads/pipeline alignments is undertaken to confirm that there are no impacts on permanent/semi-permanent structures, common property resources etc. Both, visual screening and transect walks, confirm that the proposed subproject impacts are temporary. These are majorly non-titled movable /transitory structures (push carts etc.) within Right of Way (RoW).

4. Temporarily affected person (APs) will be assisted in moving to the other side of the road and returning their structures after construction is completed. Where moving is not required, access will be ensured by the contractor through measures prescribed in bidding documents. An alternate place in the vicinity will also be identified where more number of APs

¹ The selected towns include: Pali, Tonk, Sri Ganganagar, Jhunjhunu, Bhilwara and Hanumangarh.

² Resettlement is significant when 200 or more people experience major “impacts” defined as involving AP being physically displaced from housing and/or having 10% or more of their productive, income generating assets lost.

are affected at one place (e.g. vegetable market) so that they can continue with their livelihood activities. The construction period will be minimized and is estimated to be less than 5 days and 20 days per section of work for water supply and sewerage pipelines, respectively.

5. **Table 3** provides the land acquisition and resettlement impacts of proposed subprojects. Resettlement plans (RPs) prepared for each town level investments will provide further details. Resettlement impacts are to be further minimized through careful sub-project siting and alignment during detailed design and sub-project implementation. The RPs for six town's sub-projects will be used as models for the preparation and implementation of future sub-project RPs (when required) consistent with this Resettlement Framework (RF). In line with the RPs prepared, the Project (RUSDP) can be classified as Involuntary Resettlement Category "B".

6. This RF has been prepared for use of the six project towns and to guide the preparation of RPs for the additional sub-projects under the RUSDP; ADB's proposed sector development program (SDP) in Rajasthan state. This RF refers the earlier RFs prepared under RUIDP I and II, however is modified one and reflects: (i) lessons learnt from the implementation of social safeguard policy in earlier projects, (ii) borrower's new land acquisition laws/regulations, state policies on resettlement; and (iii) ADB's Safeguard Policy Statement (SPS), 2009. To incorporate the lessons learnt and prepare an improved RF document under RUSDP, PMU/PMC staff responsible for implementation of social safeguards under RUIDP-I and II were consulted.

7. Starting in the year 2000, RUIDP PMU implemented two urban sector projects funded by ADB in Rajasthan covering 21 towns. While RUIDP I covered the six major cities including the state capital, RUIDP II covered 15 districts headquarter towns with tourism importance. Experiences and lessons learnt from these projects – focusing on social safeguards, is presented in the table below, with possible remedies which can be included in this RUSDP formulation.

Table 2: Lessons Learnt from previous ADB-RUIDP Projects

Sl. No.	Lessons Learnt	Changes made in this RF/RPs
1	Discussion with project implementation staff indicated that for Temporary impacts, some of the entitlements such as shifting assistance, additional assistance to vulnerable households etc. needs to be adjusted taking into consideration the increased inflation.	Entitlement under temporary impacts has been revised under this RUSDP/RF <ul style="list-style-type: none"> • Increase one-time shifting assistance from Rs. 200 to Rs. 1,000 • Increase one-time assistance for vulnerable households from Rs. 4,900 to Rs. 7,000. • Also, irrespective of water supply or sewerage investments, all APs will be paid compensation for 14 days.
2	Resettlement Plan (RP) provides lump sum amount for shifting assistance to temporary vendors and there is no clear mention that to whom it should be paid. This creates problem during implementation. It was suggested to provide clear indication for this entitlement.	In RPs and in RF it is mentioned now that shifting allowance under temporary impacts will be paid only to non-movable business and those businesses without any movable structure (e.g. some of the vendors squats on road with their material which they keep locked in small boxes at same place). A statement is also added that Census/Socio-economic survey will make proper inventory of such business and appropriate cost will be mentioned against each AP in revised RPs.
3	RF and RP mentions that disclosure of cut-off date should be published in local newspapers, also the list of APs after the survey. PMU/PIU however indicated that, for temporary impacts, this should be avoided. Mainly because: <ul style="list-style-type: none"> • Mentioning of cut-off date prior to surveys attracts more APs in survey area due to their mobile nature. Such mobile APs are 	It is suggested in RPs/RF that cut-off-date for temporary impacts will be communicated to APs through implementing NGO, 2-3 days before the start of survey (and not in much advance) and also by putting up printed information in project affected area at some common advertisement place. Such places are available in project towns.

Sl. No.	Lessons Learnt	Changes made in this RF/RPs
	<p>again difficult to trace while distributing identity cards and compensation.</p> <ul style="list-style-type: none"> Many of the temporary APs can be more effectively communicated through implementing NGO and putting up information in project affected area than publishing their list in newspapers. 	<p>Similarly, list of APs will be published at common places with contact details of implementing NGO/PIU officials. The list will be put up area wise and at a time for the entire town. This will avoid APs moving into other areas and to identify any duplication of APs. Implementing NGO will facilitate APs to approach lists in their area and get confirmation on any duplication, missing/absent APs.</p>
4	<p>The major issue faced during RP implementation is missing APs under temporary impacts. APs which are surveyed and distributed with identity cards are not traceable during construction and payment of compensation. This is mainly due to migrant and mobile nature of businesses. PMU/PIU officials are finding it difficult to explain ADB on this and why compensation to many APs is still not disbursed.</p>	<p>It is suggested in RPs/RF that census/socio-economic surveys for temporary impacts should include specific questions on place of business, its seasonal variation and AP's migrant nature. A separate list of such APs should be made to suggest that they may not be present at the same location during construction time/compensation. These APs however will be still entitled for compensation (if affected due to project). However, such list will tentatively indicate PMU/PIU/ADB the extent of missing APs during implementation.</p> <p>It is also suggested under this RUSDP that missing APs under temporary impacts not traceable for more than 18 months after the start of compensation disbursement, or do not claim their entitlement within project construction period, will bear no impacts of the project and hence will not be considered for compensation.</p>
5	<p>Disbursement of compensation</p>	<p>In earlier projects (RUIDP-I and II), contractor pays compensation through provisional sums from his contract while it is reimbursed by the PIU. This RUSDP will also follow the similar process. However it is suggested that contractor opens a separate account and PIU deposits the entire compensation amount upfront with an agreement that the amount will be spent only towards RP compensation and any balance/unspent amount will be returned back. This is in line with RF principles and new LAAR, 2013 where upfront deposit of money is mandatory.</p>
6	<p>When subproject envisages both temporary and permanent impacts, APs lists are mixed and not separated. This creates problem in their disclosure requirements, distribution of ID cards and compensation.</p>	<p>It is suggested under this RUSDP that separate RPs needs to be prepared for each subproject (separate for water supply and sewerage, and not town wise) and list of temporary APs should be separated from any APs which envisage permanent impacts.</p> <p>RPs should also include separate and clear sections on their socio-economic profile, impacts and entitlements.</p>

8. This resettlement framework (RF) outlines the objectives, policy principles and procedures for any land acquisition, if any; compensation, and other assistance measures for Displaced Persons (DPs)³/ Affected Persons (APs), if any. A detailed description of each compensation measure and assistance is provided in the entitlement matrix (EM).

9. This RF will apply to all subprojects under RUSDP and will be reviewed and updated to ensure relevance and consistency with applicable country legal frameworks and ADB's Safeguard Policy Statement, 2009 (SPS), as amended from time to time.

³ 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

Table 3: Subproject Components and LA and R&R Impacts

Sl. No.	Town Name	Proposed Subprojects/Components ⁴		LA and R&R Impacts	IR Classification
		Water Supply	Sewerage		
1	Pali	<ul style="list-style-type: none"> Replacement of 520 km. of existing network and provision of 164 km. of new network Replacement of existing 31,546 house service connections and provision of 18,400 new connections with water meters 	<ul style="list-style-type: none"> 378 km of sewer network 12 MLD sewage treatment plant 	<p>Temporary impacts on movable structures within RoW are envisaged on approximately 6,654 APs.⁵</p> <p>Pali urban local body (ULB) has acquired land on 9 January 2009 for the construction of Sewage Treatment Plant (STP) within its municipal limits. (Survey no 943/1 and 952/1 measuring 96.2 bighas =31.50 acres). The land has existing STP while a part of land (approx. 3,692 sq. m) is allocated for government graveyard. The remaining land is lying vacant and is free of any encumbrances (crops, structures, etc.). The balance land area available is adequate for the construction of new STP.</p>	Category B
2	Tonk	<ul style="list-style-type: none"> Replacement of 248 km. of existing network and provision of 141 km. of new network Replacement of existing 16,700 house service connections and provision of 18,835 new connections with water meters 	<ul style="list-style-type: none"> 254 km of sewer network construction of 13 MLD sewage treatment plant (STP) 	<p>Temporary impacts on movable structures within RoW are envisaged on approximately 5,075 APs.</p> <p>Tonk urban local body (ULB) has already acquired land for the construction of STP which is 6-7 km towards southeast side of the town and outside municipal limits at village Soran (survey nos. 101, 100/2, 116/3 measuring 53 bighas =30 acres). The land is adequate for construction of STP and is free of encumbrances (crops, structures, etc.)</p>	Category B
3	Sri Ganganagar	<ul style="list-style-type: none"> Replacement of 668 km. of existing network and provision of 205 km. of new network Replacement of existing 35,406 house service connections and provision of 16,840 new connections with water meters 	<ul style="list-style-type: none"> 417 km of sewer network 	<p>Temporary impacts on movable structures within RoW are envisaged on approximately 8,892 APs.</p>	Category B
4	Jhunjhunu	<ul style="list-style-type: none"> Replacement of 256 km. of existing network and provision of 267 km. of new network Replacement of existing 19,208 house service connections and provision of 6,322 new connections with water meters 	<ul style="list-style-type: none"> 171 km of sewer network 	<p>Temporary impacts on movable structures within RoW are envisaged on approximately 5,691 APs.</p>	Category B

⁴ Pipe lengths are still under revision and subject to minor changes. Temporary APs likely to change based on final revision.

⁵ Estimated resettlement impacts based on extrapolations from the transect walks. Detailed methodology, map and estimates are provided in RPs.

Sl. No.	Town Name	Proposed Subprojects/Components ⁴		LA and R&R Impacts	IR Classification
		<i>Water Supply</i>	<i>Sewerage</i>		
5	Bhilwara	<ul style="list-style-type: none"> No investments 	<ul style="list-style-type: none"> 558 km of sewer network 	Temporary impacts on movable structures within RoW are envisaged on approximately 3,009 APs.	Category B
6	Hanumangarh	<ul style="list-style-type: none"> Replacement of 235 km. of existing network and provision of 219 km. of new network Replacement of existing 28,018 house service connections and provision of 4,731 new connections with water meters 	<ul style="list-style-type: none"> 87 km of sewer network 	Temporary impacts on movable structures within RoW are envisaged on approximately 3,431 APs.	Category B

Source: Project technical reports prepared under the TA and field investigations.

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

10. The RF has been prepared for the Facility as a whole. Tranche 1 resettlement plans are prepared in accordance with this RF and the same will apply for tranche 2 and subsequent subprojects, if any. The resettlement principles adopted in this framework are based on: (i) the recently passed-The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCT in LARR), 2013⁶; (ii) National Rehabilitation and Resettlement Policy, (NRRP) 2007; and (iii) ADB's Safeguard Policy Statement (SPS), 2009. The salient features of Government and ADB polices are summarized below.

A. Government Policy

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

11. 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 Government of India (GoI) in providing a humane, participative, informed and transparent process for permanent/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 resort⁷. Step wise silent features of LARR, 2013 are furnished below while a detailed write up is attached in **Annex 1**.

- (i) Preliminary Investigations/Preparation of SIA/SIMP. It is mandatory under the Act to conduct a time bound Social Impact Assessment (SIA) and Social Impact Management Plan (SIMP)⁸. No land acquisition shall be initiated unless SIA/SIMP is approved by the Expert Group. SIA shall also be conducted in a participatory manner and with all necessary public hearings, dissemination etc. duly followed.
- (ii) Preliminary Notification, Objections and Hearing. Under the Act, Preliminary Notification⁹ shall be issued only after the approval of SIA and within 12 months from the date of SIA approval, failing which a fresh SIA/SIMP will be prepared. Preliminary Notification shall allow appropriate Government to undertake various surveys and update records, which needs to be compulsorily completed within two months. Within this period (60 days), all affected landowners/families shall be given right to raise objections in writing to the District Collector (DC) and shall get a chance to be heard in person.

⁶ Ministry of Law and Justice. The Act has received the assent of the President on the 26 September 2013.

⁷ Wherever such land is acquired, an equivalent area of cultivable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. 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.

⁸ SIA shall confirm: (i) the proposed acquisition is for the public purpose and extent of land proposed is the absolute bare minimum extent needed for the project; (ii) number of affected families, displaced families; details of extent of loss and other associated social impacts; and (iii) costing for addressing estimated losses and social impacts. The SIMP shall form a part of SIA and include each component wise ameliorative measures to address land acquisition and social impacts. SIA/SIMP shall be evaluated by independent multi-disciplinary Expert Group who reserves the right to approve it.

⁹ The preliminary notification shall include: (i) statement on project/ public purpose; (ii) reasons necessitating the land acquisition; (iii) summary of SIA; and (iv) particulars of the Administrator appointed for the purpose of rehabilitation and resettlement.

- (iii) Preparation of Rehabilitation and Resettlement Scheme and its Declaration. Following 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)¹⁰. Administrator first submits RSS to the DC and DC then to the Commissioner-Rehabilitation and Resettlement who approves the RSS in the last. The DC shall publish a summary of RSS along with Declaration under the hand and seal of Secretary to such Government or any other official duly authorized¹¹. Declaration shall be published only after the Requiring Body deposits amount towards the cost of land acquisition¹². RSS summary and Declaration shall be compulsorily made within the twelve 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.
- (iv) Public Notice and Award. Following Declaration and Requiring Body deposits amount towards the cost of land acquisition; the DC shall issue a public notice and hear objections (if any) within six months from the date of its issue. The DC shall make an award within a period of twelve months from the date of publication of the Declaration and if award is not made within that period, the entire proceedings of the acquisition of the land shall lapse.

12. A few of key features that are revised from the old Act while estimating various losses include: (i) multiplying market value of a land by factor up to two, depending upon its distance from the urban area, to match it with the prevailing market values; (ii) providing 100 percent solatium on total compensation amount (instead of 30 percent); (iii) compensation for damage incurred during surveys/investigations etc.; (iv) compensation of expenses/or any change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition; (v) compensation for loss of profits (if any) from the date of declaration; (vi) compensation for livelihood losses of families (other than landowner) who are dependent on the land for minimum three years prior to the acquisition; and (vii) increased allowance/assistance for livelihood losses, travel, additional assistance for vulnerable families, artisans etc.¹³.

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

¹⁰ Draft RSS shall include: (i) particulars of land and immovable property to be acquired of each affected family; (ii) livelihood losses of landowners as well as dependent landless families; (iii) list of government/public buildings and details of utilities and/or infrastructure facilities where resettlement of affected families is involved; (iv) details of common property resources being acquired; and (v) particulars of the rehabilitation and resettlement entitlements of each affected landowner and landless family and list/details of government buildings, utilities, infrastructure facilities to be provided in the area. The Administrator shall also set implementation timeline in draft RSS.

¹¹ Summary RSS shall not be published unless it is published along with Declaration.

¹² In full or part, as prescribed by the appropriate Government

¹³ These are reflected in Entitlement Matrix

2. National Rehabilitation and Resettlement Policy, 2007

14. The NRRP stipulates the minimum facilities to be ensured for persons displaced due to the acquisition of land for public purposes. The NRRP helped to address resettlement and rehabilitation issues up to a great extent when old LA Act, 1984 was in force as has inadequate provisions to tackle such issues. However, a majority of NRRP policy objectives are now incorporated in the new LARR, The objectives of the NRRP Policy are:

- (i) to minimize displacement and to identify non-displacing or least displacing alternatives;
- (ii) to plan resettlement and rehabilitation of project affected families (PAFs) or project affected households (PAHs), including tribal and vulnerable households;
- (iii) to provide improved standard of living to PAFs or PAHs; and
- (iv) to facilitate a harmonious relationship between the requiring body and PAFs.

15. Though NRRP is applicable for projects where over 400 PAFs in the plains or 200 PAFs in hilly or tribal areas are displaced, the basic principles can be applied to resettling and rehabilitating PAFs regardless of the number affected. NRRP's provisions are intended to mitigate adverse impacts on PAFs. While key principles of NRRP are similar, NRRP excludes linear projects (which acquire only narrow strips of land). Linear impacts and temporary linear impacts (which is the likely impact of the Program) are not covered by NRRP.

B. ADB's Safeguard Statement, 2009 (SPS)

16. ADB has adopted Safeguard Policy Statement (SPS) in 2009 including safeguard requirements for environment, involuntary resettlement and indigenous people. The objective of the Safeguard Policy Statement, 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.

17. 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. Followings are the basic policy principle of ADB's Safeguard Policy Statement, 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

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

C. Comparison of Government and ADB Policy

19. The recently enacted LARR, 2013 represents a significant milestone in the development of systematic approach to address land acquisition, rehabilitation and resettlement collectivity in India. LARR, 2013 has also laid down similar principles like ADB's SPS 2009 and focus on avoiding or minimizing involuntary impacts, if not restoring and enhancing the quality of life of affected families irrespective of title to the land. **Annex 1** presents a comparison of the Gol policies (LARR, 2013 and NRRP, 2007), the state policies vis-à-vis RUSDP RF, which is consistent with ADB's SPS, 2009.

D. Policy Principles and Entitlements

20. Based on the Government's laws on land acquisition laws, and policies on resettlement and rehabilitation; and ADB's Safeguard Policy Statement 2009, core involuntary resettlement principles for the RUSDP to be followed for each sub-project, including sample sub-projects are: (i) land acquisition, and other involuntary resettlement impacts will be avoided or minimized exploring all viable alternative sub-project designs; (ii) where unavoidable, time-bound resettlement plans (RPs) will be prepared and APs will be assisted in improving or at least regaining their pre-program standard of living; (iii) full information and close consultations with APs including consultation with APs on compensation, disclosure of resettlement information to APs, and participation of APs in planning and implementing sub-projects will be ensured; (iv) vulnerable groups will be provided special assistance;¹⁴ (v) payment of compensation to APs including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets at replacement rates; (vi) payment of compensation and resettlement assistance prior to

¹⁴ Including poor households, households headed by women, the elderly, the physically handicapped, and scheduled tribes considered vulnerable based on the Indigenous Peoples Planning Framework (IPPF).

the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vii) provision of income restoration and rehabilitation; and (viii) establishment of appropriate grievance redress mechanisms. These policy principles - does not apply to the negotiated settlements unless expropriation would result upon the failures of negotiation.

21. **Negotiated settlement.** Negotiated settlement helps avoid expropriation and eliminate the need to use governmental authority to remove people forcibly. However, in this mechanism the project needs ensure that alternative options are available in the event that the land owner(s) refuse to sell the land or the negotiation fails to reach an agreement. This RF and the policy guidelines encourage acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultations with the affected people including non-title holders. In negotiated settlement both the parties (each affected person/family including non-titled) agrees on fair price for all losses incurred and is like a direct purchase by the government from private party. In such settlement, government will however has to ensure that any negotiations with affected persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. For this purpose, the government/PMU will engage an independent external party to document the negotiation and settlement processes. The government will also agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements. PMU/PIU will document and keep record of all processes undertaken in the negotiated settlement. If an expropriation would result upon the failures of negotiation, all safeguard requirements as per ADB SPS (2009) will be applied and RP will have to be prepared in line with this RF. The land transfer (with new titles) should be completed prior to project completion. The cost for registering new land titles should be agreed between both parties.

22. **Land Donation**¹⁵. If land requirement of a subproject will use a land that is voluntarily donated by an affected people, an independent external party will have to be engaged to ensure and validate these requirements: (i) The donation will not cause significant impacts¹⁶ on the livelihood of the donor(s) and the donor's is fully understood on the value of their donated land(s); (ii) the donation does not come from the land owner categorized as poor or vulnerable household; (iii) the donation will not cause any economical or physical displacement (legal or illegal); (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s); and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The above information has to be included in a due diligence report to be prepared by the external party for ADB review and approval. The cost for changing the land ownership titles¹⁷ and land registration should be bear by the project and land transfer (with new titles) should be completed prior to project completion.

23. The Program's resettlement framework (RF) will broadly define three types of involuntary resettlement impacts that are eligible to have mitigation measures. The types of impacts are (i) loss of assets, including land and structures; (ii) loss of income or livelihood; and, (iii) collective impacts on groups, such as loss of common property resources and loss of access or limited access to such resources. Every effort will be made during the preparation of detailed design to

¹⁵This donation also refers to other assets attached to the land (i.e. trees, structures etc.)

¹⁶ Impact will be considered significant if the donor will lose 10% or more of his/her productive assets/income generating (ADB OMF1/OP, 2013)

¹⁷ For both donor's and government's lands.

minimize acquisition of land and other assets and to reduce any involuntary resettlement impacts. Other unforeseen impacts, including relocation¹⁸, will also be compensated and addressed in accordance with the principles of this RF.

24. A detailed description of each compensation measure and assistance is provided in the entitlement matrix (**Table 4**). APs 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 APs.

E. Subproject Screening Criteria and Checklists

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

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

26. With reference to the above inventory, Project Management, Design, and Supervision Consultant's (PMDSC) Resettlement Specialist will prepare ADB's Involuntary Resettlement Checklist (**Annex 4**) for each proposed sub-project. PMU will submit completed checklists to the ADB for review.

- (i) **Category A** – A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts¹⁹. A resettlement plan, including an assessment of social impacts, is required.
- (ii) **Category B** – A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.
- (iii) **Category C** – A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.

¹⁸Should relocation be required, consultations will be carried out with APs in terms of the choice of their relocation options. APs requiring relocation of residential or commercial structures will be assisted by the PMU in identifying sites that minimizes social disruption and have access to similar services and facilities. Tenant APs will be assisted by the PMU in finding suitable rental accommodations.

¹⁹The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income-generating).

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

Table 4: Entitlement Matrix

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
1	Loss of private land	Agricultural land ²⁰ , homestead land or vacant plot	Legal titleholders/ traditional titleholders ²¹	<p>Compensation at replacement value or land-for-land where feasible.²² If land-for-land is offered, titles will be in the name of original landowners. Joint titles in the name of husband and wife will be offered in the case of married APs²³.</p> <p>Fees, taxes, and other charges related to replacement land (applicable to all parcels of replacement land, which totals the equivalent area of land acquired, if parcels of non-contiguous land are bought due to the unavailability of one contiguous parcel).</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family</p> <p>One of the option from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of Rs. 500,000 per family; (iii) Annuity policy that shall not pay less than Rs. 2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <p>All displaced families²⁴ will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same</p> <p>All affected families²⁵ will receive: (i) Compensation for damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) <i>Bonafide</i>; resulting from diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land</p>	<p>Fees, taxes, and other charges should be completed within a year of compensation payment and for land of equivalent size.</p> <p>Vulnerable households will be identified during the census.</p> <p>New land registrations and titles should be completed prior to project closure/completion.</p>	<p>The Valuation Committee will determine replacement value as per the procedures outlined in the subsequent sections of this document. PMU will ensure provision of notice. CAPP/implementing NGO will verify the extent of impacts through a 100% survey of APs, determine assistance, and identify vulnerable households.</p>

²⁰ The LARR, 2013 Act says no irrigated multi cropped land shall be acquired under this Act, except in exceptional circumstances, as a demonstrable last resort. Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. Such costing shall also reflect while preparing Resettlement Budget.

²¹ Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to titleholders

²² Including option for compensation for non-viable residual portions.

²³ APs can also be offered with shares (if any, of Requiring Body) (up to max 25% of the total replacement value) and such amount can be deducted. However, no AP should be compelled to take the shares.

²⁴ "Displaced family" means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. This also includes affected people that lose their agricultural land but not the houses. But, they still have to relocate for economic reasons.

²⁵ These compensation will be appropriately distributed among various eligible candidates (if any) (such as between owner, tenant, sharecropper etc.).

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				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 Notice to harvest standing seasonal crops and compensation in item 6. Additional compensation for vulnerable households ²⁶ (item 7).		
1-a	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not)	Compensation for rental deposit or unexpired lease. One time Resettlement allowance of Rs. 50,000 per affected family One of the option from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of Rs. 500,000 per family; (iii) Annuity policy that shall not pay less than Rs. 2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers. All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same All affected families will receive: (i) Compensation for damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) <i>Bonafide</i> ; resulting from 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 Notice to harvest standing seasonal crops and compensation in item 6. Additional compensation for vulnerable households (item 7).	Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease Vulnerable households will be identified during the census.	CAPP/implementing NGO will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to PMU. PMU will ensure provision of notice.

²⁶ Vulnerable households may include female-headed household, physically handicapped-headed household, scheduled tribe-headed households, Below Poverty Line households, and households with marginal land holdings, that is the only source of livelihood, and majority of that land is being acquired under the project.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
1-b	Loss of private land	Agricultural land	Sharecroppers	<p>Notice to harvest standing seasonal crops and compensation in item 6.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family</p> <p>One of the option from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of Rs. 500,000 per family; (iii) Annuity policy that shall not pay less than Rs. 2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <p>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same</p> <p>All affected families will receive: (i) Compensation for damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) <i>Bonafide</i>; resulting from diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</p> <p>Additional compensation for vulnerable households.</p>	<p>Harvesting prior to acquisition will be accommodated to the extent possible.</p> <p>Work schedule will avoid harvest season.</p> <p>Vulnerable households will be identified during the census.</p>	<p>PMU will ensure provision of notice. CAPP/implementing NGO will identify vulnerable households.</p>
1-c	Loss of private land	Agricultural land, homestead land or vacant plot	Encroachers and Squatters ²⁷	<p>60 days advance notice to shift from encroached land.</p> <p>Notice to harvest standing seasonal crops and compensation in item 6.</p> <p>One of the option from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of Rs. 500,000 per family; (iii) Annuity policy that shall not pay less than Rs. 2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family, if dependent on the affected land for minimum three</p>	<p>Vulnerable households will be identified during the census.</p>	<p>PMU will ensure provision of notice. CAPP/implementing NGO will identify vulnerable households.</p>

²⁷ Encroachers are those who build a structure which is in whole or is part of an adjacent property to which he/she has no title. Squatters are those who have no recognizable rights on the land that they are occupying.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>years.</p> <p>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same</p> <p>Additional compensation for vulnerable households.</p>		
2	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholders	<p>Reimbursement of unexpired lease.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family</p> <p>One of the option from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of Rs. 500,000 per family; (iii) Annuity policy that shall not pay less than Rs. 2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <p>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same</p> <p>All affected families will receive: (i) Compensation for damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) <i>Bonafide</i>; resulting from diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</p> <p>Additional compensation for vulnerable households.</p> <p>Notice to harvest standing seasonal crops and compensation in item 6.</p> <p>Additional compensation for vulnerable households.</p>	Vulnerable households will be identified during the census.	PMU will ensure provision of notice. CAPP/implementing NGO will identify vulnerable households.
2-a	Loss of Government land	Vacant plot, Agricultural land, homestead	Encroachers	<p>60 days advance notice to shift from encroached land.</p> <p>Notice to harvest standing seasonal crops and compensation in item 6.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected</p>	Vulnerable households will be identified during the census.	PMU will ensure provision of notice. CAPP/implementing NGO will identify

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
		land, RoW of road		<p>family, if dependent on the affected land for minimum three years.</p> <p>If residing for three years prior to acquisition, One of the option from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of Rs. 500,000 per family; (iii) Annuity policy that shall not pay less than Rs. 2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <p>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same</p> <p>Additional compensation for vulnerable households.</p>		vulnerable households.
2-b	Loss of Government land	Vacant plot, Agricultural land, homestead land, RoW of road	Squatters	<p>60 days advance notice to shift from occupied land.</p> <p>Notice to harvest standing seasonal crops and compensation in item 6.</p> <p>Additional compensation for vulnerable households.</p> <p>If residing for three years prior to acquisition, One of the option from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of Rs. 500,000 per family; (iii) Annuity policy that shall not pay less than Rs. 2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family, if dependent on the affected land for minimum three years.</p> <p>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same</p>	Vulnerable households will be identified during the census.	PMU will ensure provision of notice. CAPP/implementing NGO will identify vulnerable households.
3	Loss of residential	Residential structure	Legal titleholders	Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable) without	Vulnerable households will be	Valuation committee will verify replacement

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
	structure	and other assets ²⁸		<p>any depreciation value applied.</p> <p>If house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 sq. m. plinth area. This benefit should be extended irrespective of title if the affected family is residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one time financial assistance of at least Rs. 150,000. In rural areas, the actual cost of house construction shall be offered in such cases.</p> <p>Fees, taxes, and other charges related to replacement structure.</p> <p>Right to salvage materials from structure and other assets with no deductions from replacement value.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family</p> <p>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same</p> <p>Additional compensation for vulnerable households.</p>	identified during the census.	value. CAPP/implementing NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
3-a	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	<p>Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP.</p> <p>If residing for minimum three years prior to acquisition, If house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 sq. m. plinth area. This benefit should be extended irrespective of title if the affected family is residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one time financial assistance of at least Rs. 150,000. In rural areas, the actual cost of house construction shall be offered in such cases.</p> <p>Fees, taxes, and other charges related to replacement structure.</p> <p>Compensation for rental deposit or unexpired lease.</p> <p>Right to salvage materials (of the portion constructed by AP) from structure and other assets with no deductions from</p>	Land/structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. Vulnerable households will be identified during the census.	Valuation committee will verify replacement value. CAPP/implementing NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.

²⁸ Other assets include, but is not limited to walls, fences, sheds, wells, etc. Detailed entitlements will be finalized after detailed measurement survey when all impacts are known and all impacts will be mitigated with appropriate compensation based on ADB's Safeguard Policy (SPS), 2009.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>replacement value.</p> <p>Additional compensation for vulnerable households.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family</p> <p>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same</p>		
3-b	Loss of residential structure	Residential structure and other assets	Encroachers and squatters	<p>Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP.</p> <p>Right to salvage materials from structure and other assets with no deductions from replacement value.</p> <p>If residing for minimum three years prior to acquisition, If house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 sq. m. plinth area. This benefit should be extended irrespective of title if the affected family is residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one time financial assistance of at least Rs. 150,000. In rural areas, the actual cost of house construction shall be offered in such cases.</p> <p>Fees, taxes, and other charges related to replacement structure.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family</p> <p>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same</p> <p>Additional compensation for vulnerable households.</p>	Vulnerable households will be identified during the census.	CAPP/implementing NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4	Loss of commercial structure	Commercial structure and other assets ²⁹	Legal titleholders	<p>Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable).</p> <p>Fees, taxes, and other charges related to replacement structure.</p> <p>Right to salvage materials from structure and other assets with</p>	Vulnerable households will be identified during the census.	Valuation committee will determine replacement value. CAPP/implementing

²⁹ Detailed entitlements will be finalized after detailed measurement survey when all impacts are known and all impacts will be mitigated with appropriate compensation based on ADB's Safeguard Policy (SPS), 2009.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>no deductions from replacement value.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family</p> <p>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same</p> <p>Additional compensation for vulnerable households.</p> <p>One time financial assistance of minimum Rs. 25,000 or as decided by the appropriate government, whichever is higher.</p>		NGO 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	<p>Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP.</p> <p>Compensation for rental deposit or unexpired lease.</p> <p>Right to salvage materials from structure and other assets with no deductions from replacement value.</p> <p>Additional compensation for vulnerable households.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family</p> <p>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled areas will receive additional Rs. 50,000 towards the same</p> <p>If residing for minimum three years prior to acquisition, One time financial assistance of minimum Rs. 25,000 or as decided by the appropriate government, whichever is higher.</p>	<p>Land/structure owners will reimburse tenants and leaseholders land rental deposit or unexpired lease.</p> <p>Vulnerable households will be identified during the census.</p>	Valuation committee will determine replacement value. CAPP/implementing NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4-b	Loss of commercial structure	Commercial structure and other assets	Encroachers and squatters	<p>Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP.</p> <p>Right to salvage materials from structure and other assets with no deductions from replacement value.</p> <p>Additional compensation for vulnerable households.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family</p> <p>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award. SC/ST from scheduled</p>	Vulnerable households will be identified during the census.	CAPP/implementing NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				areas will receive additional Rs. 50,000 towards the same If residing for minimum three years prior to acquisition, One time financial assistance of minimum Rs. 25,000 or as decided by the appropriate government, whichever is higher.		
5	Loss of livelihood	Livelihood	Legal titleholder/tenant/leaseholder/non-titled/employee of commercial structure, farmer/agricultural worker	Subsistence allowance of Rs. 3,000 per month for a period of one year from the date of award (Total Rs. 36,000). SC/ST families from scheduled areas will receive additional Rs. 50,000 One time financial assistance of minimum Rs. 25,000 or as decided by the appropriate government, whichever is higher. Transitional allowance. ³⁰ Income restoration and training. ³¹ Additional compensation for vulnerable households. Consideration for project employment.	Vulnerable households will be identified during the census.	CAPP/implementing NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
6	Loss of trees and crops	Standing trees and crops	Legal titleholder/tenant/leaseholder/sharecropper/non-titled AP	Notice to harvest standing/seasonal crops and compensation for crops (or share of crop for sharecroppers) based on an annual crop cycle at market value. For seasonal crops notice should be given at least 6 months in advance. If timely notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers) at market value Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops.	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.	PMU will ensure provision of notice. Valuation Committee will undertake valuation of standing crops, perennial crops and trees, and finalize compensation rates in consultation with APs.
7	Impacts on vulnerable APs	All impacts	Vulnerable APs	Land. Further to item 1, in case of total loss of land, and a total dependency on agriculture, land-for-land compensation. Titles will be in the name of original occupants. Joint titles in the name of husband and wife will be offered in the case of married APs. Government land. Further to Item 2, provision for skills training for displaced APs. Residential structure. Further to Item 3, in case of total loss of structure, additional shifting allowance.	Vulnerable households will be identified during the census.	CAPP/implementing NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.

³⁰To be provided for APs whose livelihood is affected by the Project. The transitional allowance will cover the period of transition and comply with established minimum wage standards in the respective towns/cities in the case of wage-earning APs and incomes earned in the case of non-wage earning APs.

³¹Refer to Section H item 2.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>Commercial structure. Further to item 4, in case of total loss of business, support to reestablish business for vulnerable households.</p> <p>Livelihood. Vulnerable households will be given priority in project construction employment and provided with income restoration support.</p> <p>Vulnerable persons will receive additional 3 months of assistance based on minimum wage rates.</p> <p>Vulnerable persons/businesses will receive Rs. 7,000 as one time assistance under temporary impacts.</p>		PIU and CAPP/implementing NGO will monitor and ensure this entitlement
8	Temporary loss of land ³²	Land temporarily required for sub-project construction	Legal titleholders, non-titled APs	<ul style="list-style-type: none"> • Provision of rent for period of occupation for legal titleholders (and also for non-titled of attached to proposed land from minimum three years prior to temporary acquisition)³³. • Compensation for assets lost at replacement value, and trees and crop loss in accordance with item 6. • Restoration of land to previous or better quality³⁴. • 30 days advance notice regarding construction activities, including duration and type of disruption. • Contractor's actions to ensure there is no income/access loss consistent with the initial environmental examination. This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time. 	<p>Assessment of impacts if any on structures, assets, crops and trees due to temporary occupation.</p> <p>Site restoration.</p>	Valuation Committee will determine rental value and duration of construction survey and consultation with APs. A pre-sub-project photograph to be made by the CAPP/implementing NGO. PMU will ensure compensation is paid prior to site being taken-over by contractor. Contractor will be responsible for site restoration.
9	Temporary disruption of		Legal titleholders, non-titled APs	<p>30 days advance notice regarding construction activities, including duration and type of disruption.</p> <p>Cash assistance based on the minimum wage/average earnings</p>	Identification of alternative temporary sites to	Valuation Committee will determine income lost.

³²Temporary possession of land for project purpose can be taken only for three years from the date of commencement of such possession/occupation.

³³Payment can be either in a gross sum of money, or by monthly or other periodical payments as shall be agreed upon in writing

³⁴If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under LARR Act to acquire the land as if it was needed permanently for a public purpose.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
	livelihood			<p>per month for the loss of income/livelihood for the period of disruption Contractor's actions to ensure there is no income/access loss consistent with the EMP/IEE.³⁵</p> <p>Assistance to vendors/hawkers to temporarily shift for continued economic activity (Rs. 1,000 as one time assistance)³⁶</p> <p>For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance for the period of disruption whichever is greater³⁷</p> <ul style="list-style-type: none"> Contractor's actions to ensure there is no income/access loss consistent with the initial environmental examination. This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time. 	continue economic activity.	Contractors will perform actions to minimize income/access loss.
10	Loss and temporary impacts on common resources	Common resources	Communities	<ul style="list-style-type: none"> Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, etc. 	-	PMU and Contractor.
11	Any other loss not identified	-	-	Unanticipated involuntary impacts will be documented and mitigated based on ADB's Safeguard Policy (SPS), 2009.	-	CAPP/implementing NGO will ascertain the nature and extent of such loss. PMU will finalize the entitlements in line with ADB's SPS, 2009.

³⁵This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.

³⁶For example assistance to shift to the other side of the road where there is no construction. These will be however given to only non-movable businesses (which are not on wheels).

³⁷Under this project it is suggested for 14 days of impact period during construction for both water supply and sewerage subprojects.

III. SOCIO-ECONOMIC INFORMATION AND RESETTLEMENT PLAN PREPARATION

A. Surveys

28. Social impact assessment (SIA) surveys will be undertaken in each sub-project. The Project Implementation Units (PIUs) through its Project Management, Design and Supervision Consultants (PMDSC) who will include a Social Safeguard Specialist (SSS) will undertake surveys for each identified sub-project, based on preliminary technical design. The PIUs will be guided by the Project Management Unit (PMU) which will have a Social Project Officer (SPO). The SIA will determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a resettlement plan for implementation. As part of the social impact assessment, SSS 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 project will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development.

29. The purpose of the census is to register and document the status of potentially affected persons³⁸ within the sub-project impact area. The census will cover 100% of APs. The census will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood.

30. The SIA for permanent impacts shall also comply with all requirements specified under LARR, 2013 (**Annex 1**) and should be completed within six months from its date of commencement. The PIU shall also get it appraised and approved by the Expert Group. The SIA for temporary impacts should also comply with the requirements specified under LARR, 2013 however will not be require an independent Exert Group approval.

B. Resettlement Plan

31. The PMU will advise to prepare a resettlement plan (RP), if the proposed project will have involuntary resettlement impacts. The resettlement plan will be based on the social impact assessment (SIA) and through meaningful consultation with the affected persons. The RP will be prepared based on the results of the census and socio-economic survey; the database on APs should be completed before RP preparation. Some of the key steps to be followed during RP preparation include: (i) Screening of subprojects and subproject IR categorization; (ii) Conducting SIA covering 100% census and socio-economic surveys; (iii) Preparation of Draft RP including extent of loss, list of APs, entitlements, budget, implementation schedule and other institutional, consultation and grievances etc. requirements for RP implementation; (iv) Disclosure of Draft RP with various stakeholders including with APs and the ADB; (v) Addressing various grievances (if any) in line with the procedures outlines in the RF/RP; (vi) Preparation of Final RP incorporating suggestions/outcome of consultations from various stakeholders; (vii) Submission and approval of Final RP from the ADB and its final disclosure.

³⁸The potentially affected persons will include both the titleholders and the non-titleholders within the sub-project construction zone. The identification of non-titleholders will be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, information from the community will be considered.

32. Prior to RP preparation, screening of subprojects will be undertaken. PIU with the help from PMDSC SSS will carry out preliminary investigations and field visits to understand the extent of impacts due to proposed subprojects. An inventory of key indicators such as extent of land/structure loss, number of APs, broad social-economic profile of APs etc. will be collected and based on this Involuntary Resettlement (IR) Checklist and Indigenous Peoples (IP) Checklist³⁹ will be prepared. The IR and IP checklists will specify the safeguard category of the subproject in line with the RF/ADB SPS-2009 and identified impacts. It will also specify the requirement for appropriate plan to mitigate the identified impacts. These checklists along with category suggested will be reviewed and approved by the ADB prior to the preparation of actual Resettlement Plan (RP) or Indigenous Peoples Plan (IPP).

33. A resettlement plan will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the PMU/PIU will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a Resettlement plan is presented in **Annex-2**.

34. The RP will be prepared by the PMDSC social safeguard specialist. The RP will be prepared in consultation with APs, local representatives, and NGOs. Resettlement issues will be coordinated by the PIU assistant safeguard officer (ASO) and PMU-SPO, who will ensure that all sub-projects comply with involuntary resettlement safeguards. The PMU will submit all RPs to the ADB for review and feedback. All RPs will be reviewed and approved by ADB prior to the award of any contracts related to the sub-project.

35. The draft RP will also be shared with APs and host communities, and revised to reflect their views. This will be done through the NGO engaged to implement the RP. The RP will be prepared in local language or translated and disclosed to APs and the public through posters and/or resettlement information handouts. The completed RP based on detailed design and the detailed measurement survey will include the census of APs, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and participatory results monitoring mechanisms. As per the ADB's SPS-2009, the RP should be broadly structured in the following manner:

- (i) Executive Summary
- (ii) Project Description
- (iii) Scope of Land Acquisition and Resettlement
- (iv) Socio-economic Information and Profile
- (v) Information Disclosure, Consultation and Participation
- (vi) Grievance Redress Mechanisms
- (vii) Legal Framework

³⁹ Refer Annex 4 for IR checklist.

- (viii) Entitlements, Assistance and Benefits
- (ix) Relocation of Housing and Settlements
- (x) Income Restoration and Rehabilitation
- (xi) Resettlement Budget and Financing Plan
- (xii) Information Disclosure
- (xiii) Institutional Arrangements
- (xiv) Implementation Schedule
- (xv) Monitoring and Reporting

36. The Draft RP will be revised as the Final RP incorporating the outcomes of final census of affected persons, final IR impacts upon completion detail design and final consultations and RP disclosure activities (suggestions made by various stakeholders including the APs).

C. Gender Impacts and Mitigation Measures

37. Any negative impacts of a sub-project on female-headed households will be taken up on a case-to-case basis and assistance to these households will be treated on a priority basis. The RP 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 RP will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. During disbursement of compensation and provision of assistance, priority will be given to female-headed households. Joint ownership in the name of husband and wife will be provided in cases of non-female-headed households.

IV. CONSULTATION PARTICIPATION AND DISCLOSURE

A. Consultation

38. A range of formal and informal consultative methods will be carried out for future sub-projects including, but not limited to: focus group discussions (FGDs), public meetings, community discussions, and in-depth and key informant interviews; in addition to the censuses and socio-economic surveys. Consultations will be held with special emphasis on vulnerable groups. Encouraging public participation in consultations informs the public of the Program and serves as a venue for the public to express their opinion on priorities which the Program should address.

39. The key stakeholders to be consulted at various stages during sub-project preparation, RP implementation, and program implementation includes:

- (i) all APs, including vulnerable households;
- (ii) program beneficiaries;
- (iii) host populations in resettlement sites (if any);
- (iv) elected representatives, community leaders, and representatives of community-based organizations;
- (v) local NGOs;
- (vi) local government and relevant government agency representatives; and
- (vii) Program staff, PMU, PIU, CAPP/implementing NGO and consultants.

40. Consultations with APs during RP preparation will ensure that views of APs on compensation and resettlement assistance measures are fully incorporated while consultations conducted during RP implementation will identify help required by APs during rehabilitation.

41. Continuing involvement of those affected by sub-projects is necessary in the resettlement process. The PIU will ensure that APs 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 of the sub-project. This will be done particularly in the case of vulnerable APs, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the sub-project—during preparation, implementation, and monitoring of sub-project results and impacts.

42. The implementing/CAPP NGOs will ensure that views of APs, particularly those who are vulnerable, related to the resettlement process are looked into and addressed. The NGOs will ensure that APs consulted are informed of the outcome of the decision-making process, and will confirm how their views were incorporated. Since resettlement is a continuous process and baseline data/information will be collected, the implementing/CAPP NGO will regularly update the baseline information.

B. Disclosure

43. The RF and sub-project RPs will be made available in relevant government agencies (including the DC's office) in each town, near affected area, and PIU and PMU offices. The RF and sample sub-project RPs will be disclosed in ADB's website and the PMU websites. Finalized RPs will also be disclosed in ADB's website, PMU websites, and PIU or town websites; and information dissemination, through subproject specific leaflets and public announcements, and consultation will continue throughout program implementation. The project leaflets will be distributed by CAPP NGO to the affected communities for their information. The project cutoff date will be established upon the completion of final detail design and final AP census following the final engineering design for RP updating. The project cutoff date will be informed by CAPP NGO to the APs directly, dissemination of project leaflets, publicly announced in the local media, as well as stated in the project sign boards. A sample project leaflet is attached in **Annex-6**.

44. For future sub-projects, information will be disseminated to APs at various stages. In the initial stage, the PMU (with support from PIU) will be responsible for issuing public notices to acquire land required for sub-projects disclosing the cut-off dates and providing Project information. Permanent land acquisition will follow the various cut-off dates as specified under LARR, 2013 while for the temporary impacts the date/period of socio-economic surveys will be considered as cut-off date. The notice and cut-off dates will be published in local newspapers, twice with a one week interval for permanent land acquisition while PIU and implementing NGO will provide the cut-off date schedule at PIU offices for temporary impacts. Cut-off dates for temporary impacts will also be communicated by implementing NGO. The PMDSC SSS will conduct consultations and disseminate information to all APs. RPs will be translated into the local language and made available at offices of the: (i) Urban Local Bodies (ULBs); (ii) relevant local government line agencies; and (iii) PMU and PIUs. RPs will also be kept in public libraries, accessible to citizens as a means to disclose the document and at the same time create wider public awareness.

45. The RF and RPs will be disclosed in the following websites: PMU, PIU, State Government, local government, and ADB. The PMU will issue notification of implementation

start dates for each sub-project. The notice will be issued by the PMU in local newspapers one month ahead of implementation. This will create awareness of project implementation. The PMU and PIUs will provide information on IR policies and features of the RP. Basic information such as sub-project location, impact estimates, entitlements, and implementation schedule will be presented in the form of a brochure that will be circulated among APs. Posters containing basic RP information will also be posted in different localities to increase awareness. Copies of RP summaries will be kept in the PMU and PIU offices and will be distributed to any AP consulting on resettlement issues. The RF will be made available in local language during public meetings. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contracts.

46. An intensive information dissemination campaign for APs will be conducted by the PIU with assistance from the CAPP/implementing NGO at the outset of RP implementation. All the comments made by the APs will be documented in the sub-project records and summarized in sub-project monitoring reports. A summary of consultation and disclosure activities to be followed for each sub-project is in **Table 5**.

Table 5: Consultation and Disclosure Activities

Program Phase	Activities	Details	Responsible Agency
Investment Program Initiation/ Bridging Phase	Mapping of the program areas	Area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition.	PMU in coordination with DC's offices and other local bodies.
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the Program.	PMU and PIUs in consultation with stakeholders.
	Program/sub-project information dissemination; Disclosure of proposed land acquisition	Leaflets containing information on the Program and sub-project to be prepared. Public notice issued in local newspapers (and disclosed on PMU/PIU websites) including survey numbers and names of titleholders for land to be acquired concurrent with consultation with titleholders.	PMU SPO and PIU ASO. Notice will be issued from the DC's office. PMU SPO and PIU ASO to disclose on the web.
	Stakeholder consultations	Further consultations with affected titleholders and households. Consultations with non-titled APs and other stakeholders during sub-project scoping.	PMDSC SSS and CAPP/ implementing NGO.
RP Preparation Phase	Disclosure of cut-off date	For permanent land acquisition as per the LARR, 2013 while for temporary impacts by PIU.	PIU with support from PMDSC SSS and CAPP / implementing NGO ⁴⁰
	SIA surveys	Surveys to be conducted. Summary RF to be disclosed in local language through printed materials to APs particularly those who are vulnerable and other stakeholders.	PIU through PMDSC SSS to conduct surveys. PMDSC SSS to disclose RF to stakeholders (including making it available in PMU/PIU offices and government agency offices) PMU/PIU to disclose on the web.

⁴⁰ CAPP NGO recruited under this project also covers resettlement related activities.

Program Phase	Activities	Details	Responsible Agency
	Formulating compensation and resettlement assistance measures	Conducting stakeholder consultations particularly APs in and reflecting issues raised in revised RP.	PMDSC SSS and CAPP/ implementing NGO.
	Disclosure of final entitlements and rehabilitation packages	Provision of RPs to all stakeholders particularly APs. Conducting consultations and distributing local language versions of the summary RP.	PMU/PIU to disclose on the web. SSS of PMDSC and CAPP/ implementing NGO to conduct consultations.
RP Implementation Stage	Disclosure of RP	Review and approval of RP by EA. Review and approval of RP by ADB. Web disclosure of the RP.	PMU to provide ADB with RP for review and approval. PMU SPO to disclose on the web.
	Consultation with APs during RP implementation	Consultations with APs.	CAPP/ implementing NGO with monitoring from PIU/PMU and external agency.

V. GRIEVANCE REDRESS MECHANISM

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

48. **Common GRM.** A common GRM will be in place for social, environmental, or any other grievances related to the project; the resettlement plans (RPs) will follow the GRM described below. The GRM will provide an accessible and trusted platform for receiving and facilitating resolution of affected persons' grievances related to the project. The multi-tier GRM for the project is outlined below, each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required.

49. ULB-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the campaign. Project implementation unit's (PIU) Assistant Safeguards Officer (ASO) through Community Awareness and Public Participation NGO (CAPP-NGO) will conduct ULB-wide awareness campaigns to ensure that poor and vulnerable households are made aware of grievance redress procedures and entitlements.

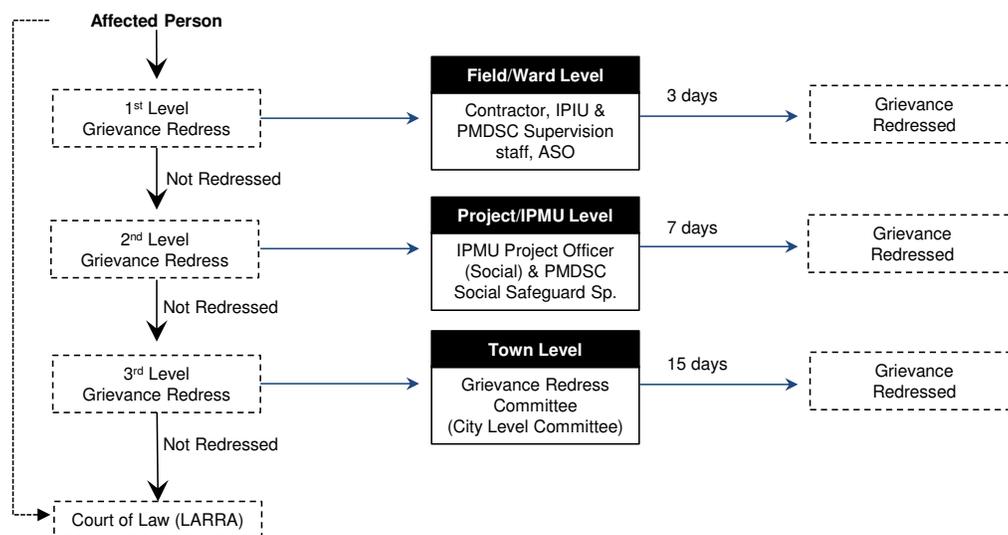
50. APs will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes that have already been installed by project ULBs or by e-mail, by post, or by writing in a complaints register in ULB offices. **Annex 3** has the sample 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. The PMU Project Officers (Environment & Social) will have the overall responsibility for timely grievance redressal respectively on environmental and social safeguards issues and for registration of grievances, related disclosure, and communication with the aggrieved party through the PIU ASO.

51. **Grievance redress process.** In case of grievances that are immediate and urgent in the perception of the complainant, the contractor, and supervision personnel from PIU the PMDSC on-site will provide the most easily accessible or first level of contact for quick resolution of

grievances. Contact phone numbers and names of the concerned PIU Assistant Safeguards Officer, contractors, will be posted at all construction sites at visible locations.

- (i) **1st level grievance.** The contractors, PIU supervision personnel, PIU Assistant Safeguards Officer and implementing NGO/CAPP NGO⁴¹ can immediately resolve issues on-site in consultation with each other, and will be required to do so within 3 days of receipt of a complaint/grievance.
- (ii) **2nd level grievance.** All grievances that cannot be redressed within 3 days at field/ward level will be brought to the notice of Social Project Officer (SPO) of PMU. PMU SPO will resolve the grievance within 7 days of receipt of compliance/grievance in discussion with the PIU, CAPP NGO and the Contractor.
- (iii) **3rd level grievance.** All the grievances that are not addressed by PMU within 7 days of receipt will be brought to the notice of the Grievance Redressal Committee (GRC). The City Level Committee (CLC), which will be established in every project town will act as GRC⁴². GRC will meet twice a month and determine the merit of each grievance brought to the committee. The PIU ASO will be responsible to see through the process of redressal of each grievance. The GRC will resolve the grievance within 15 days of receiving the complaint.

Figure 1: Grievance Redress Process



ASO – Assistant Safeguard Officer; IPIU - Investment Program Implementation Unit; IPMU - Investment Program Management Unit; PMDSC – Project Management, Design & Supervision Consultant

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

⁴¹ CAPP NGO will oversee the matters if there is no Resettlement Plan (RP) Implementing NGO

⁴² City Level Committees (CLC) /Grievance redress committees (GRC) will be formed at town-level with members composed of: District Collector (DC) as Chairperson, and following as members: ULB Commissioner; Assistant Safeguards Officer PIU; representative from RPCB regional office; and one representative each from relevant government departments as appropriate (PWD / PHED / DAM etc.). All town-level GRCs will have at least one woman member/chairperson. In addition, for project-related grievances, representatives of APs, community-based organizations (CBOs), and eminent citizens will be invited as observers in GRC meetings.

grievance related to land acquisition, resettlement & rehabilitation⁴³, the APs will have to approach a legal body/court specially proposed under LARR, 2013; Land Acquisition, Rehabilitation and Resettlement Authority (LARRA)⁴⁴. APs cannot approach any other court other than this (**refer Annex 1**).

53. 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 (CRO) at ADB headquarters or the ADB India Resident Mission (INRM). The complaint can be submitted in any of the official languages of ADB's DMCs. The ADB Accountability Mechanism information will be included in the PID to be distributed to the affected communities, as part of the project GRM.

54. **Record-keeping.** PIU of each town and PMU will both keep records of 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. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMU office, PIU offices, and on the web, as well as reported in monitoring reports submitted to ADB on a semi-annual basis.

55. **Periodic review and documentation of lessons learned.** The PMU Project Officer (Social) will periodically review the functioning of the GRM in each town and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances.

56. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the concerned PIU at town level while costs related to escalated grievances will be met by the PMU. Cost estimates for grievance redress are included in resettlement cost estimates.

VI. COMPENSATION, INCOME RESTORATION, AND RELOCATION

A. Compensation

57. Land acquisition and resettlement impacts will be compensated in accordance with the entitlement matrix (**Table 4**). Loss of assets will be at replacement cost. A Valuation Committee (VC) will be constituted comprising Land Acquisition/Revenue Officers, Accounts Officers of the

⁴³ The Authority admits grievance only with reference to the LA and R&R issues under the LARR, 2013.

⁴⁴ The authority shall consist of one person called Preceding Officer. Preceding Officer shall be either District Judge or qualified legal practitioner with minimum seven 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 three 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 six months. All proceedings before Authority shall be judicial proceedings and shall take place in public. No civil court (other than High Court or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter. Applications first go to Collector and within 30 days he can refer (if required) to the Authority. Such application can be made within six weeks by the applicant (if he or representative is personally present) after the date of award, and in other cases within six months. Collector may also accept any application within one year if feels appropriate. Interests are payable for delayed and excess payments. Payment of award into their bank accounts. Any disputed payments etc. shall be deposited with the Authority

Collectorate, PIU representative, APs, and nongovernment organizations (NGO) to determine replacement values.

58. The replacement value for land will be determined by the VC in consultation with APs and the CLCs. The VC will finalize the replacement value by undertaking a land market survey with the objective of ascertaining prevailing market values⁴⁵ of land. In line with the LARR, 2013, for assessing and determining the market value of the land, a highest among these shall be considered as a part of land market survey⁴⁶: (i) market value of land, specified as per Indian Stamp Act, 1899 for registration of sale deeds or agreements to sell⁴⁷; (ii) average sale price of similar type of land situated in the nearest village/vicinity (for this purpose, immediate preceding three years with highest sale deed prices/agreements to sell shall be referred); and (iii) consented amount compensation as agreed upon in case of acquisition of lands for private companies or for public private partnership projects. As specified in LARR 2013, a multiplier factor up to two shall also be applied to arrive at replacement value. Vulnerable households will be provided additional assistance in the form of land-for-land replacement options. The VC will facilitate the valuation of immovable properties,⁴⁸ including structures and assets, as follows:

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

59. Compensation and assistance to APs must be made prior to possession of land/assets and prior to the award of civil works contracts.⁴⁹

⁴⁵ The prevailing market values are influenced by various factors such as location of land, connectivity, and classification/land use, type of soil, crops grown, available irrigation and other facilities, and other plus and minus points such as frontage to road, proximity to developed areas, regularity of shape, unevenness of land, etc.

⁴⁶ The date of determination of market value shall be the date on which preliminary notification has been issued as per LARR, 2013

⁴⁷ The Collector shall update these prices to date, if they are not at the time of acquisition

⁴⁸ Vulnerable households will be provided additional assistance in the form of preference for employment in sub-project construction activities, and skills training.

⁴⁹ The APs will hand over land and properties acquired free from all encumbrances such as mortgage, debt, etc. after compensation. However, in case there are loans on acquired land and properties such amounts will be deducted from the total compensation. The acquired land and properties shall vest in the Competent Authority paying compensation for such lands/properties. If the Competent Authority fails to pay decided compensation to APs within a year after the date of notification, additional amount by way of interest (12 %) will apply on final compensation payable to each AP, unless and except in cases where the AP has approached the judiciary for grievance redress.

B. Income Restoration and Relocation

60. Income restoration schemes will be designed in consultation with APs. The strategy for income restoration will be prepared prior to land acquisition. Based on the information collected from the census and the socio-economic surveys, income restoration strategies will be framed and activities planned. The PMSDC Social Safeguard Specialist (SSS) will consider the resource base of APs and their socio-economic characteristics and preferences to develop appropriate income restoration schemes.

61. The objective of income restoration is to ensure that each AP will have at least the same or improved income after the sub-project. The implementing/CAPP NGO will identify the number of eligible APs based on the census of APs and will conduct training need assessment in consultations with the APs. The implementing NGO will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by the implementing NGO in consultation with local training institutes.

62. The Program will provide short-term income restoration activities intended to restore AP incomes in the period immediately before and after relocation focusing on relocation, and providing short-term allowances such as (i) transitional allowance and (ii) shifting assistance. Medium-term income restoration activities such as provision of longer-term training will also be provided. Longer-term training will be developed based on the degree of disruption to livelihood activities. These will be derived from detailed socio-economic survey information, conducted as a part of the RP. The time frame will be decided based on training to be provided, and will also be outlined in the RP. The RP budget will reflect the cost of providing training. The PMSDC SSS with the support from PMU will facilitate AP access to Government schemes that could help them to restore income and livelihood.

63. Key steps to be undertaken in livelihood skills training by the implementing/CAPP NGO for vulnerable households are:

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

C. Assistance for Temporary Impacts

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

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

65. Sub-projects requiring work on right-of-ways such as rehabilitation or construction of water supply and sewage networks are not expected to require land acquisition nor affect permanent structures. However, there are possible minimal impacts on access and livelihood. APs will be provided with:

- (i) 30 days advance notice regarding construction activities, including duration and type of disruption.
- (ii) Contractor's actions to ensure there is no income/access loss consistent with the initial environmental examination. This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.
- (iii) Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity. For example assistance to shift to the other side of the road where there is no construction or .Rs. 1,000 as one time cash shifting assistance.
- (iv) For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance for the period of disruption whichever is greater.

66. Some of the temporarily affected APs/businesses in project towns have seasonal and migrant nature. Such APs though surveyed are sometimes not traceable during the distribution of identity cards or actual compensation. Therefore, it is suggested that census/socio-economic surveys for temporary impacts should include specific questions on place of business, its seasonal variation and AP's migrant nature. A separate list of such APs should be made to suggest that they may not be present at the same location during construction time/compensation. These APs however will be still entitled for compensation (if affected due to the project). However, such list will tentatively indicate PMU/PIU/ADB the extent of missing APs during implementation. It is also suggested under this RUSDP that missing APs under temporary impacts not traceable for more than 36 months after the start of compensation disbursement, or do not claim their entitlement within 36 months, will bear no impacts of the project and hence will not be considered for compensation. It is also suggested under list of APs which are temporarily affected should be made separate from those envisaging permanent impacts.

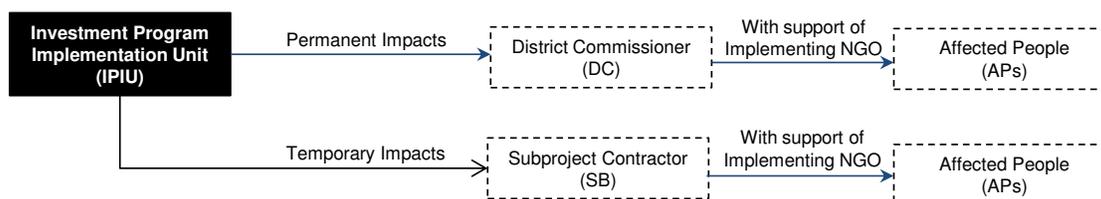
VII. BUDGETING AND FINANCING

67. Detailed budget estimates for involuntary resettlement will be prepared for each RP, by the PMDSC. It will be included in the overall sub-project estimate. The budget will include (i)

detailed costs of land acquisition, relocation, and livelihood and income restoration and improvement, (ii) source of funding, (iii) arrangements for approval, and (iv) the flow of funds and contingency arrangements. Funds for land acquisition (including land acquisition for non-titled APs) if any, compensation for all assets lost, related resettlement assistance, and relocation and transfer will be provided by the PIU/project ULB. Administrative and implementation costs, including engagement of the implementing/CAPP NGO, cost of census and survey of APs and inventory of assets, cost of information and consultations, training and monitoring (including evaluation by independent agency), and rental of office space and required physical facilities and materials will be funded under the Investment Program. Land acquisition and resettlement costs will be considered as an integral component of sub-project costs.

68. The disbursement of the money for various compensations will be made through DC through issue of bank cheque or direct deposit in APs account. The PIU/project ULB will deposit appropriate amount with the DC for the same. Only in case of certain resettlement assistance (such as temporary impacts to livelihood for movable business), payment will be directly made by PIU to APs through contractor **Figure 2**). For temporary impacts, in earlier projects (RUIDP-I and II), contractor is paying compensation through provisional sums from his contract while it is reimbursed by the PIU. This RUSDP will also follow the similar process. However it is suggested that contractor opens a separate account and PIU deposits the entire compensation amount upfront with an agreement that the amount will be paid only towards RP compensation and any balance/unspent amount will be returned back. The implementing/CAPP NGO will be involved in facilitating the disbursement process, and will facilitate opening bank accounts for the affected persons who do not have bank accounts. Contractor is responsible for the final detailed design and surveys for temporary impacts will be made after such design is in place, Contractor will pay all the compensation before the start of civil works.

Figure 2: Compensation Disbursement



69. An indicative budget for land acquisition and resettlement for selected six towns is provided in **Table 6**. The costs are conservative estimates, and will be confirmed during detailed project preparation and planning.

Table 6: Indicative Land Acquisition and Resettlement Budget

Sl. No.	Item	Unit	Quantity	Amount (INR Million)	Amount (USD Million)
A	Permanent/temporary land acquisition	-			
B	Temporary impacts on livelihood	Nos.	32,752	137.313	2.289
C	Resettlement and Rehabilitation Assistance				
	Shifting Assistance	Nos.	9,826	9.826	0.164
	Assistance to Vulnerable APs	Nos.	11,425	79.975	1.333
	Total	-	-	227.114	3.785
C	Contingency (5%)	Lump sum		11.36	0.189
	Grand Total	-	-	238.47	3.975

VIII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

70. The Local Self Government Department (LSGD), Government of Rajasthan (GoR) will be the Executing Agency (EA) of the Project and will be responsible for overall strategic approvals, guidance, monitoring the execution of the project. The current Project Management Unit of RUIDP, under the LSGD, will be the Implementing Agency (IA) for the project. IA will execute and monitor the RUSDP implementation. Six Project Implementation Units (PIUs), one each of in six project towns, shall be set up for implementation. PMU will support PIUs in implementation, management and monitoring of the project. PMU and PIUs will be assisted by Programme Management, Design and Supervision Consultants (PMDSC). PIUs/ULBs will appoint construction contractors to build infrastructure.

71. At state-level an inter-ministerial Empowered Committee (EC) will be established to provide overall policy direction and City Level Committees (CLCs) will be established in each town to oversee the implementation at town level.

A. Safeguard Implementation Arrangement

72. **Project Management Unit (PMU).** PMU will (i) monitor the Project and have overall responsibility for its implementation; (ii) assist PIUs in identifying and preparing sub-projects and appraise them in consultation with towns; (iii) appoint consultants; (iv) ensure land acquisition and other safeguards; (v) approve surveys, investigations, engineering designs and bid documents prepared by PIUs; (vi) review procurement of works and goods undertaken by PIUs; (vii) oversee contract administration; (viii) guide in awareness campaigns and participation programs; (ix) organize and operate the program performance monitoring system; (x) prepare disbursement requests and forward them ADB through GOI; (xi) prepare and submit timely reports to ADB; (xii) review and facilitate the progress of the urban reform agenda and compliance with loan covenants; and (xiii) design and organize capacity building programs. PMU will be assisted by PMDSC in managing and guiding the overall implementation of the Program. Social Project Officer (SPO) of PMU will responsible for all land acquisition and resettlement matters from PMU side.

73. PMU SPO will perform responsibilities like: (i) addressing social safeguards issues; (ii) implementing the resettlement framework/IPPF; (iii) liaising with district administration for land acquisition and resettlement plan implementation; (iv) addressing any problems and/or delays in the land acquisition process; (v) monitoring physical and financial progress on land acquisition activities and updating the PMU on the same; (vi) monitoring implementation of safeguards plans (resettlement plan/IPPs); (vii) guiding the PIUs as and when necessary; and (viii) endorsing and submitting periodic monitoring reports⁵⁰. The PMU will be assisted by a PMDSC social safeguards specialist (PMDSC SSS). The SSS will (i) update the existing resettlement plans based on the detailed design; (ii) assist in the monitoring and supervision of ongoing subprojects and RP and IPP implementation; (iii) prepare resettlement plan and/or IPPs for new subprojects, where required, to comply with national law and/or ADB procedures; (iv) ensure all subprojects meet safeguard requirements as agreed in the loan covenant and in line with this resettlement framework; (v) review and finalize all reports in consultation with the PMU SPO; (vi) provide project management support; (vii) provide advice on policy reforms. In addition, SSS

⁵⁰The monitoring report will focus on the progress of implementation of the IEE/EIA and EARF, RP/RF and IPP/IPF, issues encountered and measures adopted, follow-up actions required, if any, as well as the status of compliance with subproject selection criteria and relevant loan covenants

will assist the PMU in procurement needs and other project implementation aspects, and shall play a central role in ensuring capacity building on resettlement management of the PMU, CAPP/implementing NGO, and line departments through capacity development support and training. **Figure 3** shows the implementation arrangement for environment and resettlement safeguards.

74. **Project Implementation Unit (PIU)**⁵¹. PIUs will be established in each of the participating ULBs within their structure. PMU Social Project Officer (SPO) will receive support from Social Safeguard Specialist of the PMDSC Team in implementation of social/land acquisition/resettlement related tasks at PIU level. At each PIU, an Assistant Engineer (AE) rank officer will be designated as Assistant Safeguards officer (ASO) who will assist PMU SPO in implementation of the social safeguards at the PIU level. The PIUs will be responsible for implementation of the resettlement plan/IPP. PIUs will undertake internal monitoring and supervision and record observations throughout the project period to ensure that the safeguards and mitigation measures are provided as intended. ASO will be responsible for (i) conduct briefing to contractors on safeguards requirements including GRM (ii) implementing and monitoring safeguards compliance activities, public relations activities, gender mainstreaming activities, and community participation activities; (iii) coordinating with district administration and NGO for land acquisition and R&R aspects and addressing any problems and/or delays; (iv) monitoring physical and financial progress on land acquisition and R&R activities; and (v) organizing monthly meetings with the CAPP/implementing NGO to review the progress on R&R. Further details on agencies responsible for RP activities are in **Table 7**.

Table 7: Institutional Roles and Responsibilities

Activity	Responsible Agency
Sub-project Initiation Stage	
Finalization of sites for sub-projects	PMU
Disclosure of proposed land acquisition and sub-project details by issuing Public Notice	PMU
Meetings at community/household level with APs	PIU/NGO
Formation of VCs	PMU/PIU
RP Preparation and Updating Stage	
Conducting Census of all APs	CAPP/implementing NGO/PMDSC SSS
Conducting FGDs/meetings/workshops	CAPP/implementing NGO / PMDSC SSS
Computation of replacement values of land/properties proposed for acquisition and for associated assets	VC/NGO/ PMDSC SSS
Categorization of APs for finalizing entitlements	PMU / PMDSC SSS
Formulating compensation and rehabilitation measures	PMU / PMDSC SSS
Conducting discussions/meetings/workshops with APs and other stakeholders	PMU / PMDSC SSS /NGO
Fixing compensation for land/property with titleholders	VC/ PMU
Finalizing entitlements and rehabilitation packages	PMU/ PMDSC SSS
Disclosure of final entitlements and rehabilitation packages	PMU/ CAPP/implementing NGO
Approval of RP	PMU/ ADB
Sale deed execution and payment	EA/ PMU
Taking possession of land	EA/ PMU
RP Implementation Stage	

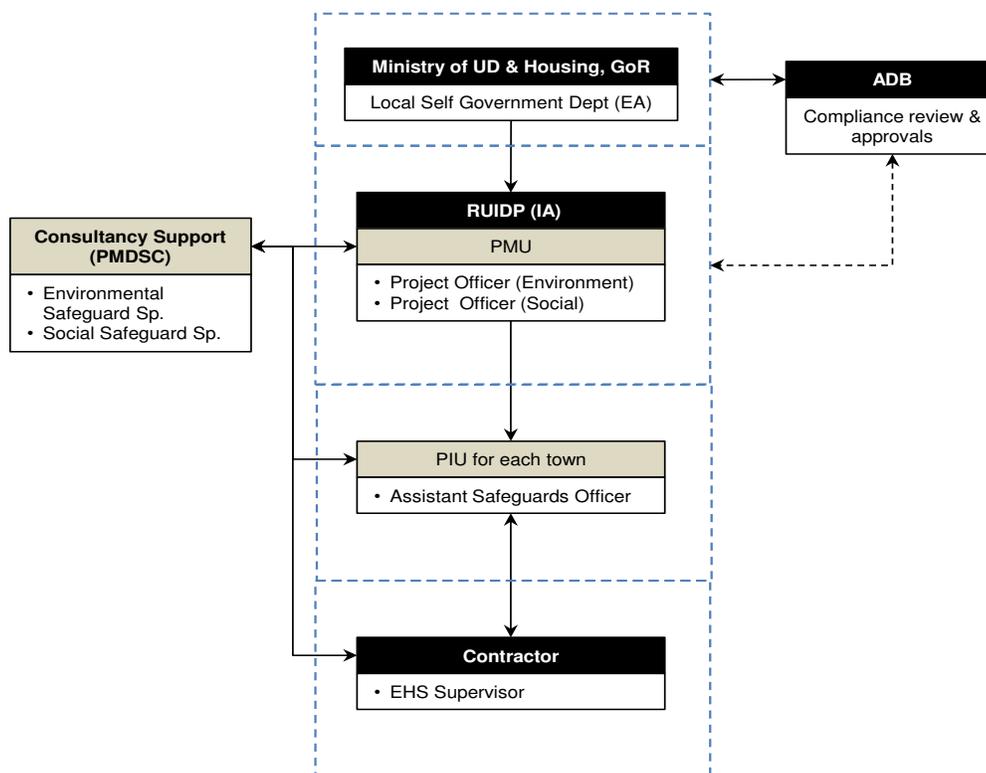
⁵¹ If the subproject triggers new LARR, PIU will facilitate land acquisition (LA) through DC and will provide all details of land acquisition to PMDSC SSS/PMU. PMDSC SSS will incorporate the same in RP and check its compliance with RF/ADB SPS-2009 to make necessary additions (if any). PIU will bear the cost of any deviations in the compensation etc. to comply with RF/ADB SPS-2009. So far, not a single project has been executed so far under LARR, 2013 in Rajasthan and suggested institutional structure under LARR, 2013 (commissioner, committees, authorities etc.) is not in place. Government procedures under land acquisition act can run parallel even though under ADB project required surveys/preparation of RP will be undertaken. ADB project need to wait for the outcomes of government procedures to finalize the compensation and disbursement of payments.

Activity	Responsible Agency
Implementation of proposed rehabilitation measures	PIU/ CAPP/implementing NGO
Consultations with APs during rehabilitation activities	PIU/ CAPP/implementing NGO
Grievances redressal	CAPP/implementing NGO / PMU /GRC
Internal monitoring	PMU / PIU
External monitoring	External Agency

ADB-Asian Development Bank, AP-affected person, PMDSC SSS-Project Management, Design and Supervision Consultant's Social Safeguard Specialist, FGD-focus group discussion, PIU- Project Implementation Unit, PMU- Project Management Unit, NGO-nongovernmental organization, RP-resettlement plan, VC-Valuation Committee

75. **CAPP/Implementing NGO.** Key activities of the NGO in relation to resettlement planning and implementation will include: (i) conducting detailed survey of physically and economically displaced persons based on detailed design, and identifying poor, female-headed, and vulnerable households affected by land acquisition and resettlement; (ii) preparing the list of the potential affected persons and issue identification/entitlement cards; (iii) facilitating the process of disbursement of compensation to the affected persons, coordinating with the revenue department and informing the affected persons of the compensation disbursement process and timeline; (iv) assisting affected persons in opening bank accounts, explaining the implications, rules, and obligations of a joint account and how he or she can access the resources he or she is entitled to; (v) assisting the executing agency in ensuring a smooth transition (during the partial or full relocation of the affected persons), helping them to take salvaged materials and shift. In close consultation with the affected persons, the NGO shall inform the PMU about the shifting dates agreed upon in writing and the arrangements they desire with respect to their entitlements; (vi) organizing training programs for income restoration; (vii) conducting meaningful, ongoing consultation and ensuring disclosure of resettlement plans in an accessible manner to the affected persons; (viii) assisting PIUs in grievance redress mechanism; (ix) assisting PIUs in keeping detailed records of progress and establishing monitoring and reporting systems of resettlement; (x) acting as the information source for community interaction with the project, and liaising between community, PMDSC contractors, and project management and implementing units during the execution of the works; and (xi) providing advice and other support to PIUs as required.

Figure 3: Social Safeguard Implementation Arrangements



B. Institutional Capacity and Development

76. RUIDP earlier project staff through implementation of RUIDP-I and II have gained knowledge on social safeguards and its implementation. However, transfer of duties and candidates will require training of new staff and officers that will be involved in project preparation and implementation of this Project. The PMDSC SSS will be responsible for training PMU SPO and PIUs ASO and other staff on aspects such as resettlement planning and implementation, social protection, and gender, including the specific recording, reporting, and disclosure requirements. The SSS will provide a training and capacity building program on resettlement management for the PMU and PIU staff on issues concerning: (i) principles and procedures of land acquisition; (ii) public consultation and participation; (iii) entitlements and compensation disbursement mechanisms; (iv) grievance redressal; and (v) monitoring of resettlement operation. Specific modules customized for the available skill set shall be devised after assessing the capabilities of the target participants and the requirements of the project.

77. **Table 8** provides the indicative training needs assessment. The broad cost of trainings is estimated at Rs. 0.80 INR million and will be borne by Project's capacity building program by PMU. The detailed cost and specific modules will be customized for the available skill set after assessing the capabilities of the target participants and the requirements of the project by the SSS of PMDSC.

Table 8: Indicative Training Needs Assessment

Description	Target Participants & Venue	Estimate (INR)	Source of Funds
1. Introduction and Sensitization to Social/Resettlement Issues (1 day) - ADB Safeguards Policy Statement - Government of India and Rajasthan applicable social safeguard acts - Incorporation of social/resettlement components under EMP into the project design and contracts - Monitoring, reporting and corrective action planning	All staff and consultants involved in the project At PMU, Jaipur	INR 100,000 (Lump sum)	PMU cost
2. RP implementation (2 days; 2 times during implementation with interval of 1 year in-between) - Roles and responsibilities - RP components and stages in implementation - Construction schedules and timelines - Public relations - Consultations - Grievance redress - Monitoring and corrective action planning - Reporting and disclosure - Timely documentation	All staff and consultants involved in the subproject All contractors prior to award of contract At each PIU	INR 600,000 (Lump sum)	PMU cost
3. Experiences and best practices sharing (1 day) - Experiences on RP implementation - Issues and challenges - Best practices followed	All staff and consultants involved in the project All contractors All NGOs At PIU Jaipur	INR 100,000 (Lump sum)	PMU Cost

C. Implementation Schedule

78. The program will be implemented for 6 years. The RP implementation schedule will vary from subproject to subproject. In general, the project implementation will consist of the three major phases, namely project preparation, land acquisition, and rehabilitation of APs. In line with the principles laid down in this resettlement framework, the executing agency and implementing agency will ensure that project activities are synchronized between the resettlement plan implementation activities and the subproject implementation. The executing agency and implementing agency will ensure that no physical or economic displacement of affected households will occur until: (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan are provided to the displaced persons; and (iii) a comprehensive income and livelihood rehabilitation program, supported by adequate budget, is in place to help displaced persons improve, or at least restore, their incomes and livelihoods.

79. All land acquisition, resettlement, and compensation for a sub-project will be completed before award of civil works contracts. All land required will be provided free of encumbrances to the contractor prior to handing over of sub-project sites and the start of civil works. The implementation of the RP will include: (i) identification of cut-off date and notification,⁵² (ii) verification of losses and extent of impacts, (iii) finalization of entitlements and distribution of identity cards, (iv) consultations with APs on their needs and priorities, and (v) resettlement, provision of compensation and assistance, and income restoration for APs. The expected implementation schedule for a sub-project is given in **Table 9**.

Table 9: Schedule of Resettlement Implementation

Activity	Months																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
i. Establishment of PMU and PIU	◆																	
ii. Appointment of PMDSC	◆																	
iii. Appointment of implanting NGOs	◆																	
iv. Briefing of the CLC on GRC functions	◆																	
v. Census and socio-economic surveys (issuance of ID. cards)	◆	◆																
vi. Consultations and disclosure		◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
vii. Confirmation of government land to be used and transfer from other departments	◆	◆																
viii. RP preparation		◆	◆															
ix. RP review and approval (PMU and ADB)			◆															
x. Issue notice to APs				◆														
xi. Compensation and resettlement assistance					◆	◆	◆											
xii. Relocation as required					◆	◆	◆											
xiii. Skills training as required					◆	◆	◆											
xiv. Takeover possession of acquired property								◆	◆	◆								
xv. Internal monitoring				◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
xvi. Handover land to contractors											◆							

⁵²

The census will be the cut-off date for non-titled APs. For titled APs, the cut-off is the date of Declaration.

Activity	Months																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
xvii. Start of civil works												◆						
xviii. External monitoring												◆						◆
xix. Rehabilitation of temporarily occupied lands																		Immediately after construction

* The census will be the cut-off date for non-titled APs. For titled APs, the cut-off date is the date Declaration.

** The RP will be updated based on final detailed design and AP census and surveys.

*** Endorsement and disclosure of finalized RPs consistent with the RF to be undertaken.

ADB-Asian Development Bank, AP-affected person, PMDSC-project management, design and supervision consultants, GRC-grievance redressal committee, PIU-Project Implementation Unit, PMU- Project Management Unit, SSS-social safeguard specialist, CLC-City Level Committee

IX. MONITORING AND REPORTING

80. RP implementation will be closely monitored to provide the PMU with an effective basis for assessing resettlement progress and identifying potential difficulties and problems. Internal monitoring will be undertaken by the PIU (through the PMDSC SSS) with assistance from the PMU SPO. Monthly progress reports will be prepared and submitted to the PMU. The PMU will appoint an independent agency to undertake external monitoring. The independent agency will monitor sub-projects twice a year and submit reports directly to the PMU. The PMU will submit all external monitoring reports to ADB for review.

A. Internal Monitoring

81. Internal monitoring for RP implementation will be carried out during the entire program period. Regular monitoring of resettlement progress will identify potential difficulties and problem areas. After 3 months of project initiation, monitoring will be performed with reports generated every quarter for the first year of implementation and bi-annually thereafter. The PMDSC SSS will undertake internal monitoring and reports will be submitted to the PIU documenting actual achievements against targets fixed and identifying reasons for shortfalls, if any. All monitoring reports will be produced within fifteen days of the end of each quarter or half-year. After review, the PIU will submit the monitoring report to the PMU.

82. Broadly, the monitoring and evaluation system will involve:

- (i) Administrative monitoring including but not limited to: daily planning, implementation, feedback and trouble shooting, individual AP file maintenance, progress reporting;
- (ii) Socio-economic monitoring including but not limited to: case studies, using baseline information for comparing AP socio-economic conditions, evacuation, demolition, salvaging materials, morbidity and mortality, communal harmony, dates for consultations, number of grievances and resolutions; and
- (iii) Impact evaluation monitoring including but not limited to income standards restored or improved.

B. Monitoring Physical and Financial Progress

83. Internal monitoring will involve the following:

- (i) Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis.

- (ii) Socio-economic monitoring during and after the relocation process to ensure that people are settled and recovering. This will utilize the baseline information established by the socio-economic survey of APs undertaken during sub-project preparation.
- (iii) Overall monitoring whether recovery has taken place successfully and on time.

84. Data from baseline socio-economic surveys undertaken during sub-project preparation will provide the benchmark for monitoring to assess the progress and success of RP implementation. Monitoring will also include the following:

- (i) Communication with and documentation of reactions from APs.
- (ii) Information from APs on entitlements, options, alternative developments, etc.
- (iii) Valuation of properties.
- (iv) Usage of grievance redress mechanism.
- (v) Disbursement of compensation amounts and all assistance.

85. Monitoring will also cover the physical progress of RP implementation. This will include relocation of APs and affected community properties.

C. Internal Monitoring Indicators

86. The indicators for achievement of objectives during RP implementation are of two kinds:

- (i) Process Indicators: Indicating project inputs, expenditure, staff deployment, etc.
- (ii) Output Indicators: Indicating results in terms of numbers of APs compensated, area of temporarily occupied lands restored with topsoil (and other pre-project features), number of APs provided with skills training, etc.

87. Input and output indicators related to physical progress of the work will include items such as:

- (i) Training of PIU and other staff completed
- (ii) Census, assets inventories, assessments and socio-economic studies completed
- (iii) NGO recruited and trained
- (iv) Grievance redress procedures in-place and functionality
- (v) Compensation payments disbursed
- (vi) Relocation of APs completed
- (vii) Project employment provided to APs
- (viii) Infrastructure rehabilitated or constructed
- (ix) Income restoration activities initiated
- (x) Skills training of APs initiated
- (xi) Number of households displaced and resettled, and
- (xii) Monitoring and evaluation reports submitted.

88. A set of indicators will be used to monitor Program objectives. These indicators will form the basis of the monitoring and evaluation of RP implementation. The information collected through the household survey will provide benchmarks for comparison on the socio-economic status of the APs in the Program implementation period. A key objective will be the estimation of the APs incomes and quality of lives. If monitoring and documentation done during the first 6 months of RP implementation indicate that these objectives are not being achieved, more resources will be allocated for implementation. During implementation, benchmarks and

indicators will be monitored to ensure that comparisons made on socio-economic status including income streams and not just fixed assets lost due to the sub-project.

D. External Impact Evaluation

89. The broad objectives of the external evaluation are to:

- (i) assess whether APs have improved living standards, in terms of income, housing, access to basic amenities, ownership of land and material assets;
- (ii) monitor schedules and achievement of targets; and
- (iii) evaluate whether social development objectives of the Program are achieved.

90. An external impact evaluation agency with prior experience in resettlement implementation monitoring and evaluation will be engaged by the PMU. The agency will document: (i) restoration of income levels; (ii) changes and shifts in occupation patterns; (iii) changes in AP type of housing and asset ownership; (iv) assessment of APs access to amenities, such as water, electricity, and transportation; and (v) performance of the CAPP/implementing NGO, PIU, and PMU in resettlement implementation. The agency will monitor the Project twice a year and submit reports directly to the PMU. The PMU will submit all external monitoring reports to ADB.

91. After Project implementation, the agency will carry out an end-term evaluation to assess the effectiveness of RP implementation. The evaluation will emphasize on the assessment of achievements of RP targets and the change in the quality of life of APs. In carrying out the evaluation, the agency will develop the necessary evaluation indicators. All evaluations are expected to be done on the basis of selective indicators.

92. 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. Reports will be generated within 1 month after the completion of each study. The mid-term evaluation report will highlight Program achievements based on set targets for the period and specify whether any problem exists in RP implementation. If such problems are encountered, the reports will provide rectification measures for achieving targets in the next phase.

93. The end-term evaluation will reveal the actual target achievements of RP implementation by the PMU. This report will evaluate whether the Project has improved the quality of life of residents of the towns, especially APs. Gaps will be identified and future strategies to address these should be included in the evaluation's conclusion.

ANNEX 1 - REVIEW AND COMPARISON OF BORROWERS POLICY AND ADB POLICY

In addition to ADB policy on Involuntary Resettlement, applicable existing laws policies of Government of India and State Government of Rajasthan are reviewed for preparation of this RF. Following sections deals with the details of applicable policy requirements.

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

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 Government of India (GoI) in providing a humane, participative, informed and transparent process for permanent/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 resort⁵³. The general process for land acquisition and resettlement under LARR is:

a. Preliminary Investigations/Preparation of SIA/SIMP. It is mandatory under the Act to conduct a time bound Social Impact Assessment (SIA) and Social Impact Management Plan (SIMP). No land acquisition shall be initiated unless SIA/SIMP is approved by the Expert Group. SIA shall also be conducted in a participatory manner and with all necessary public hearings, dissemination etc. duly followed.

“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).

- SIA shall be completed within six months after the date of its commencement.
- SIA report will be made available to all APs
- 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 ; (iii) costing for addressing estimated losses and social impacts.
- 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.
- SIA shall also prepare Social Impact Management Plan (SIMP) which will include each component wise ameliorative measures to address land acquisition and social impacts.

⁵³Wherever 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.

- 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).

Appraisal of SIA/SIMP by an Expert Group. 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 7 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 two 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).

b. Preliminary Notification, Objections and Hearing. Followed by SIA approval, a requiring body shall publish⁵⁴ 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 two 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.

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 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 DC 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.

c. Preparation of Rehabilitation and Resettlement Scheme and its Declaration. After the issue of preliminary notification, Administrator appointed for rehabilitation and resettlement shall

⁵⁴Notification 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).

conduct a survey, census of the affected families and prepare a draft Rehabilitation and Resettlement Scheme (RRS). Draft RSS shall include: (i) particulars of land and immovable property to be acquired of each affected family; (ii) livelihood losses of landowners as well as dependent landless families; (iii) list of government/public buildings and details of utilities and/or infrastructure facilities where resettlement of affected families is involved; (iv) details of common property resources being acquired; and (v) particulars of the rehabilitation and resettlement entitlements of each affected landowner and landless family and list/details of government buildings, utilities, infrastructure facilities to be provided in the area. The Administrator shall also set implementation timeline in draft RSS. 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 RSS along with specific report on claims and objections raised in public hearings to the Collector. The Collector shall submit draft RSS incorporating his suggestions to the Commissioner-Rehabilitation and Resettlement who shall approve the RSS in the last. The approved RSS 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).

The Collector shall publish⁵⁵ a summary of RSS along with Declaration under the hand and seal of Secretary to such Government or any other official duly authorized⁵⁶ only after the Requiring Body deposits amount towards the cost of land acquisition⁵⁷. RSS summary and Declaration shall be compulsorily made within the twelve 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.

d. Public Notice and Award. 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 an 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 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.

Land Acquisition Award shall include:

- Loss of land as per market value determined
- 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.
- Damage (if any) sustained by reason of severing adjoining lands from/to affected land

⁵⁵Declaration 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).

⁵⁶Summary RSS shall not be published unless it is published along with Declaration.

⁵⁷In full or part, as prescribed by the appropriate Government

- Damage to any property/building (movable or immovable) or earnings. The Collector use the services of a competent engineer or any other specialist in the relevant field as considered necessary by him.
- Reasonable expenses incidental such change if affected landowner is compelled to change his place of residence or business
- *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
- any other ground which may be in the interest of equity, justice and beneficial to the affected families.

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 R&R (except infrastructure entitlements-within 18 months) shall be made within six 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)⁵⁸. 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 paid before taking possession of the land. (page 20-21-22 for IPP)

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

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 Rehabilitation and Resettlement. Formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Administrator.

Establishment, by notification by appropriate Government, of Land Acquisition, Rehabilitation and Resettlement 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

⁵⁸If 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.

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

Temporary occupation of the land. Appropriate government shall request the Collector for such occupation for the term of maximum three 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.

2 National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007)

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:

- (a) to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives;
- (b) to ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
- (c) 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;
- (d) to provide a better standard of living, making concerted efforts for providing sustainable income to the affected families;
- (e) to integrate rehabilitation concerns into the development planning and implementation process; and
- (f) where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and affected families through mutual cooperation.

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

- 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.
- 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.
- 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).
- 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.
- 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.
- 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.
- 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.

- 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.
- Under the new Policy, no project involving displacement of families beyond defined thresholds⁵⁹ 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.
- 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.
- 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.
- 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.

3 ADB's Safeguard Policy Statement, 2009

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.

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,

⁵⁹A 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.

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.

The main policy principles of the Involuntary Resettlement Safeguard are:

- Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- Carry out meaningful consultations with 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.
- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.

- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports

4 Comparison of National Policies with ADB's SPS, 2009

A detailed policy comparison between ADB's SPS, 2009, LARR, 2013, NRRP 2007, and the RF are given in following Table.

	Policy Principles	LARR	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
1.	Involuntary resettlement should be avoided where feasible.	✓	✓	Both LARR and SPS emphasis on avoiding involuntary resettlement	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 to take 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.

	Policy Principles	LARR	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
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. According to the NPRR, RP should be prepared when it involves resettlement of more than 500 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India. The new LARR also suggest preparation of IPP.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.
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. Both NPRR and 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 Entitlement Matrix. 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 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.	✓	✓	LARR recognizes all affected people/families irrespective of their titles. Inventory of all affected people will be recorded as a part of SIA/SIMP.	Consultations have been carried out with APs. This will be further consolidated by the RP implementing NGO. The plan for information disclosure in the project, including the RF.
6.	Appropriate patterns of social organization should be promoted,	✓	✓	All policies, SPS, LARR and NPRR adequately address this.	This is addressed in the Entitlement

	Policy Principles	LARR	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
	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.				Matrix.
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, SPS, LARR and NPRR adequately address this <i>The Rajasthan Urban Housing and Habitat Policy, 2006</i> aims to provide tenurial rights to urban slum dwellers with special emphasis on persons belonging to scheduled castes, scheduled tribes, weaker sections, physically handicapped and widows. This is consistent with recognizing those without legal titles and the vulnerable.	The process for verification of impacts and establishing the eligibility of the APs is outlined in the RF.

	Policy Principles	LARR	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
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.	✓	✓	<p>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.</p> <p>LARR provide 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.</p> <p>According to the NPRR, RP should be prepared when it involves resettlement of more than 500 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.</p>	<p>The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.</p> <p>This is addressed in the Entitlement Matrix</p>
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 initiate land acquisition only if the required money is deposited with the DC.	The impacts have been assessed and RP costs according to the entitlement matrix have been worked out. These costs are included in the Project Costs.

ANNEX 2 - OUTLINE OF RESETTLEMENT PLAN

The comprehensiveness of a resettlement plan would be according to the potential involuntary resettlement impacts/ risks and size of the project. The resettlement plan must adequately 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 RP. The following outline of RP is suggested for the present project.

A. Executive Summary

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

B. Project Description

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

This section:

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

D. Methodology for Impact Assessment

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
- (v) consultation with stakeholders

E. Socioeconomic Information and Profile

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

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

This section:

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

H. Entitlements, Assistance and Benefits

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

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

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

This section:

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

L. Information Disclosure

This section:

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

M. Grievance Redress Mechanisms

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

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

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

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.

ANNEX 3 - 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:	

ANNEX 4 - INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

A. Introduction

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

B. Information on subsection/section:

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

C. Screening Questions for Involuntary Resettlement Impact

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

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
Will there be land acquisition?				
Is the site for land acquisition known?				
Is the ownership status and current usage of land to be acquired known?				
Will easement be utilized within an existing Right of Way (ROW)?				
Will there be loss of shelter and residential land due to land acquisition?				
Will there be loss of agricultural and other productive assets due to land acquisition?				
Will there be losses of crops, trees, and fixed assets due to land acquisition?				
Will there be loss of businesses or enterprises due to land acquisition?				
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				
Will people lose access to natural resources, communal facilities and services?				
If land use is changed, will it have an adverse impact on social and economic activities?				
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? <input type="checkbox"/> No <input type="checkbox"/> Yes				
If yes, approximately how many?				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes				

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

ANNEX 5 - DRAFT TERMS OF REFERENCE (TOR) FOR RP IMPLEMENTING NGO

A. Scope of Work

The objectives of the CAPP/implementing NGO appointed for the implementation of the Resettlement Plan are:

- To support PIU with grass-root skills and capacity for field activity in the implementation of the Resettlement Plan;
- Assist PMDSC SSS in surveys, communicate closely with APs and provide them timely information of survey and construction schedule, distribute identification cards, educate them on their entitlements under the Resettlement Plan;
- Assist the PIU in opening bank accounts, disbursement of compensation and resettlement assistance. Ensure that APs obtain their full entitlements under the Resettlement Plan.
- Conduct market survey for income restoration programme and link the APs to the respective vocational trainings for income restoration and assist in relocation to identified sites, if applicable;
- Assist the APs in the redressal of grievances through the Grievance Redress mechanism established as part of the Resettlement Plan; and
- Assist the SPOs of PIU and PMDSC SSS to prepare internal monitoring reports.
- Organise consultation and discussion meetings with the APs, the community leaders and other stakeholders throughout RP preparation and implementation phases.

The NGO will work as a link between the PIU/PMU, the community leaders and the APs. The NGO will be responsible for assisting the APs during physical resettlement, if any and rehabilitation process and shall ensure that all of the provisions laid down in the RP are implemented appropriately and effectively. The NGO's task will be as follows but not restricted to these alone. To this effect the NGO will perform:

1. Develop rapport between the APs and the project authorities. This will be achieved through regular meeting with the project staff and consultation with the APs. Meetings with the PIU will be held at least fortnightly and regular consultation with APs will be held as and when necessary throughout the implementation. All meetings and decisions taken are to be documented.
2. Assist PIU/PMU to undertake public information campaign in local language, at the commencement of the project to inform the affected communities of:
 - The need for shifting of Squatters and Encroachers from temporary impact zone along construction sites;
 - The need for LA;
 - The resettlement policy, Resettlement Framework and entitlement packages;
 - The likely consequences of the project on the communities/persons' economic livelihood.
3. Identify and verify APs through survey with the help of PMSDC SSS and distribute identity cards to the eligible beneficiaries only.
4. Assist APs in getting the compensation for their land and properties acquired for the project and in receiving resettlement assistances as per RP.
5. To make the APs aware of GRM at several levels. Sort out grievances and assist the APs to have access to the several tiers of grievance redress mechanism, including the contractors at site and to the SPO at PIU, and finally town level GRC. If necessary the NGO will accompany the aggrieved APs, especially the

- vulnerable ones, to appropriate GRC members and see through the grievance redress mechanism till the APs get redressed.
6. Assist APs identify suitable land for relocation, wherever necessary. Where suitable government land is not available, the NGO will assist the AP to locate a landowner willing to sell his land and will assist in the negotiation of the purchase price.
 7. Assist project authorities in making arrangements for the smooth relocation of the APs and their business. This will involve close consultation with the APs to ensure that the arrangements are acceptable to them.
 8. Ensure proper utilization of the compensation money by the APs, particularly the vulnerable APs to purchase equipment and tools received under the economic rehabilitation programme.
 9. Assist APs in getting benefits from various government development programs particularly for income restoration/ generation, if desirable by the APs. The NGO will co-ordinate the training programs for sustainable livelihood and assist in identifying the required skills for livelihood rehabilitation and the training institutes to impart skills. The NGO shall coordinate with other government departments and other NGOs working in the area to ensure that all the skill development trainings are known to the APs to select from the list the appropriate training.
 10. Develop micro level plans for resettlement and rehabilitation in consultation with the APs and the PIU where relevant. A plan shall be prepared and agreed for each AP and will include:
 - List of options for loss of land, assets, and livelihood are known by the APs. The NGOs will explain to the APs the options available and assist them in selection.
 - Arrangements for shifting, if required
 - Awareness about existing Government Development Programs by the APs;
 - Provide data on inputs, outputs and impact indicators for the ULB to monitor RP implementation and prepare internal monitoring report
 - Any other responsibility as may be assigned for the welfare of the affected Households.
 11. Assist in the identification of sites for the relocation of cultural properties and community assets, especially for the affected Indigenous Peoples' community, if affected due to project. This is to be done in consultation with the affected IP community and the ULB.

D. Methodology

In order to carry out the above tasks, employees of NGOs are to be stationed in the sub-project area. Besides interaction with the APs on an individual basis to regularly update the baseline information, group meetings will be conducted by the NGOs on a regular basis. The frequency of such meetings will depend on the requirements of the APs but should occur at least once a month, to allow the APs to remain up to date on project developments. NGOs will encourage participation of individual APs in such meetings by discussing their problems regarding LA, R&R and other aspects relating to their socio-economic lives. Such participation will make it easier to find a solution acceptable to all involved.

E. Reporting

The NGO shall submit an inception report with detailed action plan, manpower deployment, time schedule, and detailed methodology within 30 days of the commencement of the assignment. The NGO should also submit quarterly progress reports on the activities carried out and proposed activities for the coming month. The quarterly progress reports will include data on indicators as required by the PIU/PMU.

- Updated data on APs and data on additional APs coming due to changes will be submitted within two months of the commencement of the assignment;
- Micro level plans for each AP on the project will be submitted to the PIU for information within 3 months of the commencement of the services. Where changes occur during the project implementation necessary changes in the micro level plans will be reflected, and the NGO will update the relevant plans and resubmit them to the PIU;
- On completion of the assignment the NGO shall submit a final report summarizing the actions taken during the sub-project implementation, the methodology and manpower used to carry out the work, and a summary of assistance given to each AP under the sub-project.

F. Time Schedule

It is estimated that the NGO services will be required for three years for participating in the implementation of RP. However, this may be rescheduled based on the exact nature of the activity and change if any in project plan and other project related activities (such as CAPP) that NGO will undertake.

G. Key Personnel

A Team Leader, a Gender Specialist and a Social Development Specialist apart from the support staff will be required to carry-out the activities. The key professionals should have combined professional experience in the areas of socio-economic surveys, resettlement and rehabilitation, participation, community development and training for economic rehabilitation activities. The staffing requirements may be reviewed based on field requirement.

ANNEX 6 - SAMPLE SUBPROJECT LEAFLET

Up to 2-4 pages maximum.

Sub-project Information	Description
Name of the subproject, EA/IA and town	
Proposed subproject technical details and project benefits	
Summary of subproject impacts	
Compensation and entitlements	
Resettlement Plan (RP) budget	
RP implementation schedule	
Consultation and disclosure requirements	
Implementation structure and GRM information	
Contact numbers of CAPP/implementing NGO, PIU, PMU	

Attach list of APs and Entitlement Matrix to this leaflet.