

Resettlement Plan

October 2013

PAK: National Trade Corridor Highway Investment Program –Tranche 2 (Sarai Saleh—Langra)

Prepared by National Highway Authority, Ministry of Communication, Islamic Republic of Pakistan for the Asian Development Bank (ADB).

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CURRENCY EQUIVALENTS

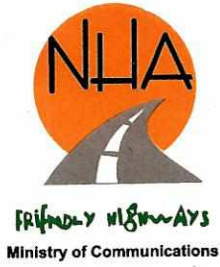
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ABBREVIATIONS

AD	–	Assistant Director
ADB	–	Asian Development Bank
APs	–	affected persons
COI	–	Corridor of Impact
CBO	–	Community Based Organization
DCR	–	District Census Report
DD	–	Deputy Director
DO(R)	–	District Officer (Revenue)
EDO	–	Executive District Officer
EIA	–	Environmental Impact Assessment
EMP	–	Environmental Management Plan
Ft.	–	Feet
GM	–	General Manager
GOP	–	Government of Pakistan
IP's	–	Indigenous People
Km.	–	Kilometers
LAA	–	Land Acquisition Act
LAR	–	Land Acquisition and Resettlement
LARP	–	Land Acquisition and Resettlement Plan
E-35	–	Hassanabdal to Havelian Expressway (E-35)
M&E	–	Monitoring and Evaluation
NESPAK	–	National Engineering Services Pakistan (Pvt.) Ltd.
MFF	–	Multitranches Financial Facility
NTC	–	National Trade Corridor
NGO	–	Non Governmental Organization
NHA	–	National Highway Authority
PAPs	–	Project Affected Persons
PMU	–	Project Management Unit
ROW	–	right-of-way
R.ft.	–	Running Feet
S.ft.	–	Square Feet
SPS	–	Safeguard Policy Statement




**Government of Pakistan
Ministry of Communications
National Highway Authority**

D.O. No. E-35/LMS/EALS/NHA/
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Subject: LARP AND LARF OF E-35 PACAKAGE I, II AND III

The Land Acquisition Resettlement Framework and Land Acquisition Resettlement Plans for the project of E-35 (Hassanabdal-Havelian-Mansehra) Packages I,II and III, submitted to Asian Development Bank are endorsed for the Bank's concurrence and disclosure.


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GLOSSARY

Affected person	Persons in the project's area of influence experiencing economic, social or environmental impacts
Compensation	Payment in cash or kind for the loss of an assets due to land acquisition and resettlement
Cut-off date	Declared date limiting the eligibility for entitlements to persons affected and displaced by land acquisition before such date, to exclude settlement and construction activity for illicit purposes
Detailed measurement survey	Exact description and quantification of all lost assets by qualified appraisal experts
Displaced person	Person affected by involuntary acquisition of land or involuntary restrictions on land use resulting in physical or economic displacement
Economic displacement	Loss of land, assets, income sources or means of livelihood as a result of involuntary acquisition of land or involuntary restrictions on land use
Entitlements	All compensation, relocation and income restoration measures due to displaced persons, specified by their property status and particular losses
Host population	Community residing in or near the area where displaced persons are relocated
Income rehabilitation	Assistance to restore and/or improve the incomes of displaced persons through allowances and provision of alternative means of income generation
Inventory of lost assets	Descriptive list of all assets lost to the project, including land, immovable property (buildings and other structures), and incomes with names of owners

Involuntary resettlement	Land acquisition and resettlement for a public purpose on the basis of eminent domain law without the consent of displaced persons
Non-titled displaced person	Displaced persons without formal legal rights to land or claims to land recognized or recognizable under national law; eligible for compensation of non-land assets
Physical displacement	Loss of residential land and/or shelter resulting in relocation as a result of involuntary acquisition of land or involuntary restrictions on land use
Relocation	Settlement of displaced persons in alternative location through relocation schemes organized by the project or government or through self-relocation
Replacement cost	Compensation for acquired land, structures and other assets, including (i) fair market value, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable payments, if any
Socio-economic survey	Assessment of the social and economic conditions of the displaced persons through a combination of quantitative and qualitative research methods, providing a baseline for monitoring and evaluation
Temporary land occupation	The use of or impacts on land and immovable property outside the right of way of the project caused temporarily by civil works related activities
Valuation of lost assets	Assessment of the value of all lost assets according to the principle of replacement cost by qualified appraisal experts
Vulnerable person	Displaced poor and other groups disproportionately affected by land acquisition and resettlement, including the elderly, disabled and female headed households

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EXECUTIVE SUMMARY

ES-1 National Trade Corridor Highway Investment Program (NTCHIP)

1. The Government of Pakistan (GOP) gives major emphasis to improving the existing roads and building new motorways and expressways to improve and expand the country's road network. The Asian Development Bank (ADB) has provided funding for the implementation of National Trade Corridor Highway Investment Program (NTCHIP). Construction of Hassanabdal to Havelian Expressway (E-35) under NTCHIP is an important step towards this direction.

2. The NTCHIP Program is financed by ADB through a Multi-tranche Financing Facility (MFF-0016) which was approved in 2007. The MFF consists of several tranches, each covering several subprojects. The on-going tranche 1 of the MFF originally had 2 subprojects; Peshawar-Torkham Expressway and Faisalabad-Khanewal Motorway. However in 2008, NHA replaced the Peshawar Torkham Project with Hassanabdal-Havelian Expressway as Tranche 2 subproject. Thus, scope of tranche I was reduced from 2 to 1 project, which is section I (58 km long motorway from Faisalabad to Gojra) of Faisalabad to Khanewal Motorway (M4). The M4 (section 1) is already under construction as tranche 1 of the program MFF.

ES-2 Hassanabdal Havelian Expressway Project (E-35), Tranche 2 of NTCHIP

3. Hassanabdal-Havelian Expressway (E-35) project is positioned for ADB's financing as tranche 2 of the MFF. The E-35 Project is divided into 2 phases. Phase-I consists of road section of 58.6 km from Hassanabdal to Havelian and is under ADB's financing. Phase-II, planned for future, consists of the section from Havelian to Mansehra. The Phase 1 section consists of the following packages:

Package	Sub-sections	Location	Chainage
I	1	Punjab	000+000 - 007+000
	2	Khyber Pakhtunkhaw (KPK)	000+007 - 020+300
II	-	KPK	020+300 - 039+500
III	-	KPK	039+500 - 058+600

4. The E35 expressway is located in KPK (with a small section of the road falling in Punjab) and provides an important link in the national trade corridor from Hassanabdal to Havelian, which is expected to improve the transportation activities very significantly in the area. Located in District Haripur and Abottabad, the length of E-35 package III is 19.6 km. It starts from Sari Saleh at the chainage of 20+400 km and ends at Langra at the chainage 58+600 km after crossing Hattar Road and Haripur – Khanpur Road. The Package-III includes the construction of new 7.3 meter wide two lane dual carriageway (19.6km) with New Jersey barrier as median, two interchanges, two flyovers, five underpasses, one bridge over railway crossing, and service area at one location. The Right of Way (RoW) of the Expressway is 60 m.

5. This land acquisition and resettlement plan (LARP) has been prepared by the National Highway Authority (NHA, the project executing agency) based on 100 % census of displaced persons (DPs) linked to all different types of impacts including land, various types of structures, trees, crops with compensation and allowances. The DPs census has been prepared based on the socio-economic survey and impacts assessment covering the project area and on-going consultations through meetings, interviews, focus group discussions with the DPs and other stakeholders, in accordance with the requirements of ADB's Safeguard Policy Statement, 2009 (SPS).

6. The LARP also provides Land Acquisition and Resettlement (LAR) conditions that have been synchronized with project procurement and construction plan. This includes (i) award of civil works contract upon approval of final LARP with replacement costs as compensation to the DPs, census of DPs entitlement matrix with clearly defined impacts, entitlements and compensation and allowances at replacement costs and final unit rates of land and assets acquired and (ii) mobilization of contractor is conditional upon the implementation of ADB approved LARP (full delivery of compensation/ rehabilitation provisions) and confirmation by external monitoring agency (EMA).

7. The land acquisition process for E-35 (Package-II) has been completed and payment of compensation is underway by the Land Acquisition Collector (LAC deputed to NHA by Revenue Department) and other NHA officials based at project implementation unit (PIU) in Abbottabad. About 95% payments of land and assets (including structures, crops and trees) have been made to the DPs. Only the resettlement and rehabilitation related allowances including income restoration support are yet to be paid to the DPs. This will be done after ADB approves the LARP. NHA has put in place a temporary institutional arrangement with relevant staff deputed to PIU from the project management unit (PMU) based in Islamabad. Thus includes, in addition to field based LAC, assistant director land supervised by director land at PMU level, who internally monitors the payment process. The NHA will put in place full institutional and implementation arrangement after hiring of Land Acquisition and resettlement Management Consultants (LARMC), which will provide full time social safeguards staff and support in the implementation of the LARP.

8. Presently NHA is in the process of establishing following arrangements required for LARP implementation and monitoring:

- I. Recruitment of LARMC
- II. Strengthening of Grievance Redress Mechanism (GRM)
- III. Recruitment of External monitor for external monitoring of LARP implementation.

ES – 2 SCOPE OF LAND ACQUISITION AND RESETTLEMENT

1. The details of project impacts and DPs are given in the table below: The cut-off-date for impacts and DPs census was July 03, 2012.

Sr. No	IMPACT	Total (Unit)	No of DPs/AFs
1	Land		
	Identification of Affected Land	1648 kanal	8432
	Total Landholding of the DPs	5574 kanal	
2	Cropped Area	1012.13 kanal	3780
3	Structure		
	Houses	25	25
	Miscellaneous structures	8	8
4	Trees		
	Fruit Trees	3079	50
	Non Fruit Trees	853	230
	Firewood (Maund)	8146	
5	Vulnerable DPs		
	Land		3013

ES- 3 SOCIO-ECONOMIC INFORMATION AND PROFILE

2. The project is located in Haripur & Abbottabad Districts of KPK province. The total areas of the districts are 1725 km² & 1967 km² (426248 Acres) respectively. The Haripur district consists of 02 Tehsils, namely Tehsil Haripur & Ghazi while Abbottabad District itself serves as Tehsil. The Haripur & Abbottabad district lies at an altitude of around 610 meters (2,000 ft) and 1,220 meters above sea level. The entire alignment of Package-III falls in Tehsil Haripur and Havelian (Abbottabad). The overall literacy rate in the Haripur district is 31.3% and in Abbottabad is 64.29%. The female literacy rate in Abbottabad & Haripur District is only 49.44% & 17.35% compared to male literacy of 78.51% & 44.35% respectively. Out of total area of 16,193 acres of all the affected 15 mouzas, about 58% is uncultivated and 42% is cultivated.

3. The land ownership record of the DPs shows that 77% have landholding up to 02 kanals, 3% have between 2–4 kanals, 1% have between 4–6 kanals, 2% have between 6–10 kanals, 1% have between 10–50 kanals, and important to mention that there were not big land owners who have their landholdings between 50–100 kanals or more than 100 kanals. There are about 16% DPs, whose data analysis is under progress and will be reflected in the Final LARP. According to 1998 district census report, population of the 15 villages along the project corridor stood as 69,719 persons, however, in 2013 the population has increased to 95,838 persons comprising 48,610 males and 46,729 females of both the districts, by applying an annual growth factor of 2.2 & 1.98 for Haripur & Abbottabad Districts respectively.

ES- 4 INFORMATION DISCLOSURES, CONSULTATION AND PARTICIPATION

4. In order to meet the criteria of meaningful consultation process, the consultation was started from early stages of the project. Various approaches were utilized in participatory process which included key informant's meeting, structured survey of households and informal group meetings. Interaction with DPs and getting them involved will continue during the updating and implementation of the resettlement plan consistent with the project's participatory

approach. The consultation sessions with affectees for LARP preparation were carried out during the month of May, 2009 and July 2012. These consultation meetings proved very useful in information sharing and group consultation and consensus building. Main issues discussed during consultations were: description of various project components, its activities and impacts; land acquisition process and approval of land prices; entitlement matrix; provisions made for the affectees in the LARF; criteria of evaluation of land, buildings and other infrastructure; compensation framework proposed for the affectees; grievances redress procedures etc. The draft LARP (after approval from ADB) will be disclosed to the displaced people and key stakeholders.

ES- 5 GRIEVANCES REDRESS MECHANISM

5. A grievance redress mechanism has been designed to ensure that the complaints and grievances of displaced households are addressed and resolved in a timely and satisfactory manner. A three tier grievance redress structures (village level, Project Level, and NHA-HQ level) provided to effectively deal with the issues and concerns (of DPs/APs) related to social impact assessment, resettlement, asset valuation, compensation & rehabilitation. The grievance redress mechanism will ensure the access of AFs/DPs to register their complaint and further its resolution in the given mechanism that are consistent with local laws and SPS requirements.

ES- 6 LEGAL AND POLICY FRAMEWORK

6. The land acquisition, compensation and rehabilitation of project affected household will be governed by the National Laws, and of the ADB's SPS and policy on Involuntary Resettlement (1995). There exists gap between National Laws and ADB's SPS regarding the compensation and rehabilitation of DPs, however, to reconcile the inconsistencies, the NHA has prepared the LARF for the Project. Hence, the Project compensation and resettlement policy are guided by the following principles: (i) land acquisition should be minimised as much as possible, (ii) ensure that affected people receive compensation at full replacement values and with relocation assistance so that they will be at least as well off or at least in better condition as they would have been before the project took place.

ES- 7 ENTITLEMENTS, ASSISTANCE AND BENEFITS

7. A fundamental objective of the Project resettlement policy is to replace and compensate lost assets based on the principle of replacement cost. Compensation and various forms of assistance will be provided and income restoration programs, as needed, will be put in place prior to the displacement of displaced households from their houses, land, and other assets, in a way that will ensure that their standards of living are at least restored to their pre-project levels, and that those in the category of vulnerable groups (such as poor households and landless etc) are assisted to help improve their socio-economic status. In addition to compensation at replacement cost, displaced households will receive additional entitlement, incentives and assistance for the loss of their land and land based assets. Entitlement Matrix developed for the DPs is given below in the Table.

Entitlement Matrix

Type of Loss	Specification	Eligibility	Entitlements
1. LAND			
Impact on land-based livelihoods	All land losses	All DPs with land-based livelihoods affected	<ul style="list-style-type: none"> Preference given to land-based resettlement strategies that include resettlement on public or private land acquired or purchased for resettlement with secure tenure. If land is not the preferred option of DPs, or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment will be provided in addition to cash compensation at full replacement costs for land and other assets lost. The lack of land will be demonstrated to the satisfaction of ADB. The following entitlements will apply if replacement land is not available or is not the preferred option of the DPs:
Permanent impact on arable land	All land losses independently from impact severity	Owner (titleholder, or holder of traditional rights)	<ul style="list-style-type: none"> Cash compensation at full replacement cost (RC¹) including fair market value plus all transaction costs, applicable fees and taxes and any other payment applicable If BoR² compensation falls below RC, the project will pay the difference as resettlement assistance or supplementary compensation to support to affected livelihoods.
		Lessee/tenant (registered/unregistered)	<ul style="list-style-type: none"> As agreed between lessee and lease holder, either renewal of lease in other plots of same characteristics and/or cash refund at rate of rental/lease fee proportionate to size of lost plot and duration of remaining lease period or cash compensation equivalent to market value of gross yield of affected land for remaining lease period up to a maximum of 3 years.
		Sharecropper/tenant (registered/unregistered)	<ul style="list-style-type: none"> For temporary impact cash compensation equal to current market value (based on gross yield of lost harvest) of share of 2 lost harvests proportionate to size of lost plot For permanent impact additional crop compensation of 1 harvest in addition cash compensation for temporary impact.
		Agriculture laborers losing wages/contracts	<ul style="list-style-type: none"> Cash compensation equal to the salary (including portions in kind) for remainder of their job contract for a period of six months, whichever is higher. If salary paid to the laborers is less than official poverty line (OPL), the compensation amount per month will not be less than the OPL.

¹ Refer to IR safeguards as in SR2 para 10 of SPS 2009

² Board of Revenue, provincial agency with a mandate to approve compensation rate/amount

Type of Loss	Specification	Eligibility	Entitlements
		Non-titled user (squatter, encroacher)	<ul style="list-style-type: none"> No compensation for land loss Income rehabilitation allowance in cash equal to net value of annual crop production based on relevant cropping pattern/cultivation record (additional to standard crop compensation as below defined) and other appropriate rehabilitation to be defined in the LARPs based on project situation and DP consultation. Compensation for any irrigation infrastructure and other improvements made to the land (but not for the land) at full replacement cost.
Residential/commercial land	All land losses independently from impact severity	Titleholder, or holder of traditional rights	<ul style="list-style-type: none"> Cash compensation at full replacement cost (RC³) including fair market value plus all transaction costs, applicable fees and taxes and any other payment applicable If BoR compensation falls below RC, the project will pay the difference as resettlement assistance or supplementary compensation to support to affected livelihoods.
		Lessee, tenant	<ul style="list-style-type: none"> Cash refund at rate of rental fee proportionate to size of lost plot and duration of remaining lease period already paid
		Renter/ leaseholder	<ul style="list-style-type: none"> An allowance in cash equivalent to 3-6 months' rent and any non-refundable rent deposit (in addition to standard provision of relocation/disturbance allowance as specified below.
		Non-titled user without traditional rights (squatters)	<ul style="list-style-type: none"> No compensation for land loss Self-relocation allowance in cash equivalent to 1 year's livelihood based on OPL, or as assessed based on income analysis. Where required, additional support required ensuring improved standard of living to be determined through the social impact assessment.
		Vulnerable DPs (including those below the poverty line, the landless, the elderly, women and children, and indigenous peoples)	<ul style="list-style-type: none"> Provide 3-6 months of subsistence allowance to help vulnerable DPs restore/improve their livelihoods. Assist them in improving their living standard to at least national minimum standards by providing legal and affordable access to land and resources in rural areas, and with appropriate income sources and legal and affordable access to adequate housing in urban areas.
Temporary land occupation	Land temporarily required during civil works	Owner, lessee, tenant	<ul style="list-style-type: none"> Rental fee payment for period of occupation of land, as mutually agreed by the parties Restoration of land to original state Guarantee of access to land and structures located on remaining land
		Non-titled user	<ul style="list-style-type: none"> Restoration of land to original state Guarantee of access to land and structures located on remaining land
2. STRUCTURES			
Residential, agricultural,	Partial Loss of structure	Owner (including non-	<ul style="list-style-type: none"> Cash compensation for lost or all parts of structure

³ Refer to IR safeguards as in SR2 para. 10 of ADB Safeguard Policy Statement (2009).

Type of Loss	Specification	Eligibility	Entitlements
commercial, public, community		titled land user)	(based on functional viability) at full replacement cost and repair of remaining structure at market rate for materials, labor, transport and other incidental costs, without deduction of depreciation for age <ul style="list-style-type: none"> • Right to salvage materials from lost structure • For vulnerable households, provide legal and affordable access to adequate housing to improve their living standard to at least national minimum standard.
		Lessee, tenant	<ul style="list-style-type: none"> • Cash refund at rate of rental fee proportionate to size of lost part of structure and duration of remaining lease period already paid.
	Full loss of structure and relocation	Owner (including non-titled land user)	<p>The DP may choose between the following alternatives:</p> <ul style="list-style-type: none"> • Compensation through provision of fully titled and registered replacement structure of comparable quality and value, including payment of all transaction costs, such as applicable fees and taxes, at a relocation site or a location agreeable to the DP - If the market value of the replacement structure is below that of the lost structure, cash compensation for the difference in value without deduction of depreciation for age - If the market value of the replacement structure is above that of the lost structure, no further deductions <p>Or</p> <ul style="list-style-type: none"> • Cash compensation at full replacement cost, including all transaction costs, such as applicable fees and taxes, without deduction of depreciation for age, for self-relocation <p>In either case</p> <ul style="list-style-type: none"> • Right to salvage materials from lost structure
		Lessee, tenant	<ul style="list-style-type: none"> • Cash refund at rate of rental fee proportionate to duration of remaining lease period
	Moving of minor structures (fences, sheds, latrines etc.)	Owner, lessee, tenant	<p>The DP may choose between the following alternatives:</p> <ul style="list-style-type: none"> • Cash compensation for self-relocation of structure at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age) <p>Or</p> <ul style="list-style-type: none"> • Relocation of the structure by the Project
Stalls, kiosks	Vendors (including titled and non-titled land users)	<ul style="list-style-type: none"> • Allocation of alternative location comparable to lost location <p>And</p> <ul style="list-style-type: none"> • Cash compensation for self-relocation of stall/kiosk at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age) 	
3. RELOCATION			
Assistance and allowances	Residence or means of livelihood (agricultural land, business premises)	All DPs to be relocated due to loss of land and/or structures	<ul style="list-style-type: none"> • Logistical and administrative assistance with identification and purchasing or rental of replacement plots and/or structures, or the construction of new • Cash allowance covering the cost of transport of people and their moveable property at current

Type of Loss	Specification	Eligibility	Entitlements
			<ul style="list-style-type: none"> market rate on actual cost basis Transition allowance of 6 months of official minimum wage Transition housing of equal quality to lost housing or rental payment for equivalent housing for the duration of delay of completion of relocation housing/site structures
Security of tenure	Residence or means of livelihood	Owner (titleholder, legalizable user)	<ul style="list-style-type: none"> Ownership titles to land and structures
		Lessee, tenant	<ul style="list-style-type: none"> Long-term rental agreements
		Non-titled user (squatter, encroacher)	<ul style="list-style-type: none"> Long-term rental agreements for land and structures OR Rent to own agreements for land Ownership titles to structures
Relocation sites	Residence or means of livelihood	All DPs to be relocated due to loss of land and/or structures	<ul style="list-style-type: none"> Provision of land and structures according to eligibility for applicable entitlements for land and structures Functional public services and facilities, including all basic amenities with arrangements for long-term operation and maintenance
Host communities		Host community residents	<ul style="list-style-type: none"> Sharing of public services and facilities established in relocation sites or separate provision
4. INCOME RESTORATION			
Crops	Affected crops	Cultivator	<ul style="list-style-type: none"> Cash compensation at current market rate proportionate to size of lost plot, based on crop type and highest average yield over past 3 years
		Parties to sharecrop arrangement	<ul style="list-style-type: none"> Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share
Trees	Affected trees	Cultivator	<ul style="list-style-type: none"> Cash compensation for perennial crop trees at current market rate of crop type and average yield (i) multiplied, for immature non-bearing trees, by the years required to grow tree to productivity or (ii) multiplied, for mature crop bearing trees, by the average years of crops forgone; plus cost of purchase of seedlings and required inputs to replace trees. Cash compensation for timber trees at current market rate of timber value of species at current volume, plus cost of purchase of seedlings and required inputs to replace trees.
		Parties to sharecrop arrangement	<ul style="list-style-type: none"> Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share
Permanent loss of agriculture based livelihood	Partial loss of agricultural land with viable land remaining	Owner, lessee, sharecrop tenant, non-titled land user	<ul style="list-style-type: none"> Provision of support for investments in productivity enhancing inputs, such as land leveling, terracing, biological, erosion control, sprinkler/drip irrigation, composting, tools and agricultural extension, as feasible and applicable; additional financial support if land compensation is insufficient to allow for adequate investments to maintain livelihood

Type of Loss	Specification	Eligibility	Entitlements
	Full loss of viable agricultural land without availability of alternative land	Owner, lessee, sharecrop tenant, non-titled land user	<ul style="list-style-type: none"> Provision of re-training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity
Maintenance of access to means of livelihood	Avoidance of obstruction by subproject facilities	All DPs	<ul style="list-style-type: none"> Provide un-interrupted access to agricultural fields, business premises and residences of persons in the project area.
Businesses	Temporary business loss due to LAR or construction activities by Project	Owner of business (registered, informal)	<ul style="list-style-type: none"> Cash compensation equal to lost income during period of business interruption up to 3-6 months based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or at least inflation adjusted OPL.
	Permanent business loss due to LAR without possibility of establishing alternative business	Owner of business (registered, informal)	<ul style="list-style-type: none"> Cash compensation equal to lost income for one 6-12 months based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or at least inflation adjusted OPL <p>And</p> <ul style="list-style-type: none"> Provision of re-training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity
Employment	Temporary employment loss due to LAR or construction activities	All laid-off employees of affected businesses	<ul style="list-style-type: none"> Cash compensation equal to lost wages during period of employment interruption up to 3 months based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type, or at least inflation adjusted OPL. If required by Pakistan's labor laws and regulations/codes, the compensation will be paid to the employer to enable him/her to fulfill legal obligations to provide compensation payments to laid-off employees, to be verified by EA/relevant government official.
	Permanent employment loss due to LAR without possibility of re-employment in similar sector and position in or near area of lost employment	All laid-off employees of affected businesses	<ul style="list-style-type: none"> Cash compensation equal to lost wages for 3-6 months, based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type, or at least inflation adjusted OPL. If required by the applicable labor code, compensation will be paid to employer to enable him/her to fulfill legal obligations to provide severance payments to laid-off employees, to be verified by government labor inspector <p>And</p> <ul style="list-style-type: none"> Provision of re-training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity
5. PUBLIC SERVICES AND FACILITIES			
Loss of public services and	Schools, health centers,	Service provider	<ul style="list-style-type: none"> Full restoration at original site or re-establishment at relocation site of lost public services and facilities,

Type of Loss	Specification	Eligibility	Entitlements
facilities	administrative services, infrastructure services, graveyards etc.		including replacement of related land and relocation of structures according to provisions under sections 1 and 2 of this entitlement matrix
6. SPECIAL PROVISIONS			
Vulnerable APs	Livelihood improvement	All vulnerable DPs	<ul style="list-style-type: none"> • Provision of training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity • Subsistence allowance of 3-6 months of official minimum wage or OPL, whichever is greater, and other appropriate rehabilitation to be defined in the LARPs based on income analysis, and consultations with DPs but not lower than national minimum standards. • Preferential selection for project related employment
	Loss of land	All vulnerable DPs	<ul style="list-style-type: none"> • Assistance in identification and purchase or rental of new plot • Assistance with administrative process of land transfer, property title, cadastral mapping and preparation of compensation agreements
	Loss of structure	All vulnerable DPs	<ul style="list-style-type: none"> • Assistance in construction of new structure • Assistance in identification and purchase or rental of new structure • Assistance with administrative process of registration of property and preparation of compensation agreements • Assistance with transition to relocation site
	Temporary land acquisition	All vulnerable DPs	<ul style="list-style-type: none"> • Preferential treatment to avoid or mitigate as quickly as possible • Provision of access to land and residence suitable to disabled and elderly DPs
Women	Loss of land and structures	Titled or recognized female owners of land and structures	<ul style="list-style-type: none"> • Titling of replacement land and structures in female owner's name • Cash compensation at full replacement cost paid directly to female owners
	Loss of livelihood	Female livelihood losers directly affected	<ul style="list-style-type: none"> • Compensation paid directly to female livelihood loser
Benefit sharing	Access to project benefits	All DPs	<ul style="list-style-type: none"> • Provision of key social amenities will be made available to DPs
Update of LARF	Unanticipated impacts and negotiated changes to entitlements	All DPs	<ul style="list-style-type: none"> • To be determined in accordance with the IR safeguards requirements of the ADB SPS and local legal framework • LARF and specific subproject LARPs to be updated and disclosed on ADB website • Standards of this LARF not to be lowered

ES- 8 RELOCATION, REHABILITATION AND INCOME RESTORATION

8. The DPs have been compensated through effective relocation, rehabilitation and income restoration strategies that have been derived in consultation with the AFs and vulnerable. They have been paid different type of payments and allowances besides then providing the employment on the project related works on priority basis. However, the displaced households losing 10% or more of their productive assets and income sources will participate in an income restoration program that is developed as a collective effort of the displaced people, the executing agency, the displaced person's committee and the consultant during the preparation of land acquisition and resettlement plan following the approval of the project.

ES- 9 RESETTLEMENT BUDGET AND FINANCING PLAN

9. Resettlement cost is **Rs. 650,075,762 (650.075 million)**, as indicated in the beneath mentioned Table. However, the cost will be finalized following the updating of the resettlement plan based on the replacement cost of the assets and rehabilitation assistances. Resettlement Budget includes the compensation for land, building structures/houses, crops, forests and fruit trees, and different type of allowances. The total amount of resettlement budget works out to be Rs. 650,075,762 (650.075 million), which includes land acquisition cost Rs. 377.148 million (Mandatory), crop compensation Rs. 8.906 million, trees compensation Rs. 10.095 million, structures cost Rs 21.977 million,, allowances Rs. 119.125 million, monitoring and evaluation cost Rs. 26.862 million, administrative charges Rs. 5.372 million and contingencies cost Rs. 80.587 million.

ES -10 INSTITUTIONAL ARRANGEMENTS

10. NHA being an executing agency is overall responsible for the satisfactorily implementation of Land Acquisition and Resettlement Plan. However, NHA will manage all safeguard related matters through its special wing, the Environment Afforestation Land and Social (EALS) in coordination with Project Management unit and the local Government. At PIU level the LAR will be managed through Social Safeguard Management Consultant (SSMC) working with the close coordination of Land Acquisition Collector. The SSMC will also assist executing agency/EALS in reviewing and preparing safeguard documents according to LARF approved by Government and ADB. For this reason, the SSMC will provide the necessary training and capacity building interventions to executing agency. An independent monitoring agency will also be placed on board for the monitoring of LARP implementation. The primary institutions, who will be involved in this implementation process, are the following:

- National Highway Authority, Pakistan
- Environment, Afforestation, Land and Social Wing in NHA HQ.
- Project Management Unit (PMU)
- Social Safeguard Management Consultants (SSMC)
- External Monitoring Agency (EMA)

11. Besides, there will be Grievance Redress Committee (GRC) and DPs elected committees (DPCs) under the institutional arrangements for LARP implementation.

ES -11 IMPLEMENTATION SCHEDULE

12. The LARP implementation for the proposed subproject is divided into two major categories based on the stage of the project and LARP prepared. The details of activities involved in two major implementation categories include up-dation of draft LARP into implementation ready LARP, and LARP Implementation and Monitoring phases.

ES-12 MONITORING AND REPORTING

13. LARP activities under the Project will be subjected to both internal and external monitoring. The Executing Agency will be responsible for internal monitoring of resettlement activities ensuring that the draft resettlement plan is updated and implemented according to approved project policy, i.e., LARF. The result of internal monitoring will be included in the monthly progress reports the executing agency will submit to the ADB. The executing agency will engage the services of an External Monitor Agency (EMA) for external monitoring of the LARP. External monitoring reports will be prepared quarterly and semi-annually basis during the implementation of the project. Based on the external monitor's report, if significant issues are identified, a corrective action plan (CAP) to ensure the safeguard compliance will be prepared, reviewed and approved by ADB and disclosed with affected persons.

HASSANABDAL ~ HAVELIAN EXPRESSWAY (E-35)
Phase – I, Package III (Sarai Saleh - Langra,19.1 Km)
EXECUTIVE SUMMARY OF BUDGET ESTIMATE LARP

<u>Description</u>	<u>Cost</u>
A. <u>LAND ACQUISITION COST</u>	
➤ Land compensation Cost	Rs. 321.524 million
➤ Crop Compensation Cost	Rs. 8.905 million
➤ Structure Cost	Rs. 21.977 million
➤ Trees Compensation Cost	Rs. 10.095 million
Total Cost	Rs. 418.127 million (Mandatory Payment)
B. <u>ALLOWANCES</u>	
➤ Livelihood Allowance	Rs. 0.961 million
➤ House Rent Allowance	Rs. 0.9 million
➤ Transportation/Shifting Allowance	Rs. 0.375 million
➤ Electricity Allowance	Rs. 1.0 million
➤ Vulnerable People Allowance	Rs. 115.89 million
Total Allowances	Rs. 119.12 million
Total Cost (A+B)	Rs. 537.25 million
➤ Monitoring & Evaluation Cost (5%)	Rs. 26.862 million
➤ Administrative Cost (1%)	Rs. 5.372 million
➤ Contingencies Cost (15%)	Rs. 80.587 million
Total Budget Cost (LARP)	Rs. 650,075,762 (650.075) million

SECTION 1 PROJECT DESCRIPTION

1.1. PROJECT BACKGROUND

14. The Government of Pakistan (GOP) gives major emphasis to improving the existing roads and building new motorways and expressways to improve and expand the country's road network. The Asian Development Bank (ADB) has provided funding for the implementation of National Trade Corridor Highway Investment Program (NTCHIP). Construction of Hassanabdal to Havelian Expressway (E-35) under NTCHIP is an important step towards this direction.

15. The NTCHIP Program is financed by ADB through a Multi-tranche Financing Facility (MFF-0016) which was approved in 2007. The MFF consists of several tranches, each covering several subprojects. The on-going tranche 1 of the MFF originally had 2 subprojects; Peshawar-Torkham Expressway and Faisalabad-Khanewal Motorway. However in 2008, NHA replaced the Peshawar Torkham Project with Hassanabdal-Havelian Expressway as tranche 2 subproject. Thus, scope of tranche I was reduced from 2 to 1 project, which is section I (58 km long motorway from Faisalabad to Gojra) of Faisalabad to Khanewal Motorway (M4). The M4 (section 1) is already under construction as tranche 1 of the program MFF.

ES-2 Hassanabdal Havelian Expressway Project (E-35), Tranche 2 of NTCHIP

16. Hassanabdal-Havelian Expressway (E-35) project is positioned for ADB's financing as tranche 2 of the MFF. The E-35 Project is divided into 2 phases. Phase-I consists of road section of 58.6 km from Hassanabdal to Havelian and is under ADB's financing. Phase-II, planned for future, consists of the section from Havelian to Mansehra. The Phase 1 section consists of the following packages:

Package	Sub-sections	Location	Chainage
I	1	Punjab	000+000 - 007+000
	2	Khyber Pakhtunkhaw (KPK)	000+007 - 020+300
II	-	KPK	020+300 - 039+500
III	-	KPK	039+500 - 058+600

17. The E35 expressway is located in KPK (with a small section of the road falling in Punjab) and provides an important link in the national trade corridor from Hassanabdal to Havelian, which is expected to improve the transportation activities very significantly in the area. Located in District Haripur and Abottabad, the length of E-35 package III is 19.6 km. It starts from Sari Saleh at the chainage of 20+400 km and ends at Langra at the chainage 58+600 km after crossing Hattar Road and Haripur-Khanpur Road. The Package-III includes the construction of new 7.3 meter-wide two lane dual carriageway (19.6km) with New Jersey barrier as median, two interchanges, two flyovers, five underpasses, one bridge over railway crossing, and service area at one location. The Right of Way (RoW) of the Expressway is 60m.

18. This land acquisition and resettlement plan (LARP) has been prepared by the National Highway Authority (NHA, the project executing agency) based on 100 % census of displaced persons (DPs) linked to all different types of impacts including land, various types of structures, trees, crops with compensation and allowances. The DPs census has been prepared based on the socio-economic survey and impacts assessment covering the project area and on-going consultations through meetings, interviews, focus group discussions with the DPs and other stakeholders, in accordance with the requirements of ADB's Safeguard Policy Statement 2009 (SPS).

19. The LARP also provides Land Acquisition and Resettlement (LAR) conditions that have been synchronized with project procurement and construction plan. This includes (i) award of civil works contract upon approval of final LARP with replacement costs as compensation to the DPs, census of DPs entitlement matrix with clearly defined impacts, entitlements and compensation and allowances at replacement costs and final unit rates of land and assets acquired and (ii) mobilization of contractor is conditional upon the implementation of ADB approved LARP (full delivery of compensation/ rehabilitation provisions) and confirmation by external monitoring agency (EMA).

20. The land acquisition process for E-35 (Package-II) has been completed and payment of compensation is underway by the Land Acquisition Collector (LAC deputed to NHA by Revenue Department) and other NHA officials based at project implementation unit (PIU) in Abbottabad. About 95% payments of land and assets (including structures, crops and trees) have been made to the DPs. Only the resettlement and rehabilitation related allowances including income restoration support are yet to be paid to the DPs. This will be done after ADB approves the LARP. NHA has put in place a temporary institutional arrangement with relevant staff deputed to PIU from the project management unit (PMU) based in Islamabad. Thus includes, in addition to field based LAC, assistant director land supervised by director land at PMU level, who internally monitors the payment process. The NHA will put in place full institutional and implementation arrangement after hiring of Land Acquisition and resettlement Management Consultants (LARMC), which will provide full time social safeguards staff and support in the implementation of the LARP.

21. The Package-III of phase-I is planned to be funded from the MFF-National Highway Development Sector Improvement Programme (NHDSIP). It is located in District Haripur (9.80km) and Abbottabad (9.30km) and its total length is 19.1 km. It starts from Sarai Saleh at the chainage 39+500 km and ends at Langra village at the chainage 58+600 km.

22. The Package-III includes the construction of new 7.3 meter wide 4 lane dual carriageway (19.1km) with New Jersey Barrier as median, 2 interchanges, 8 underpasses, 10 bridges. The design for all project components has been finalized and the land already fully acquired. The carriageway will include paved shoulders at inner and outer sides. The Expressway will be fenced from both sides. The Right of Way (RoW) of the Expressway is 60 m. Figure 1.2 shows the location of Package-III. National Highway Authority (NHA) is the Executing Agency (EA) of the Project

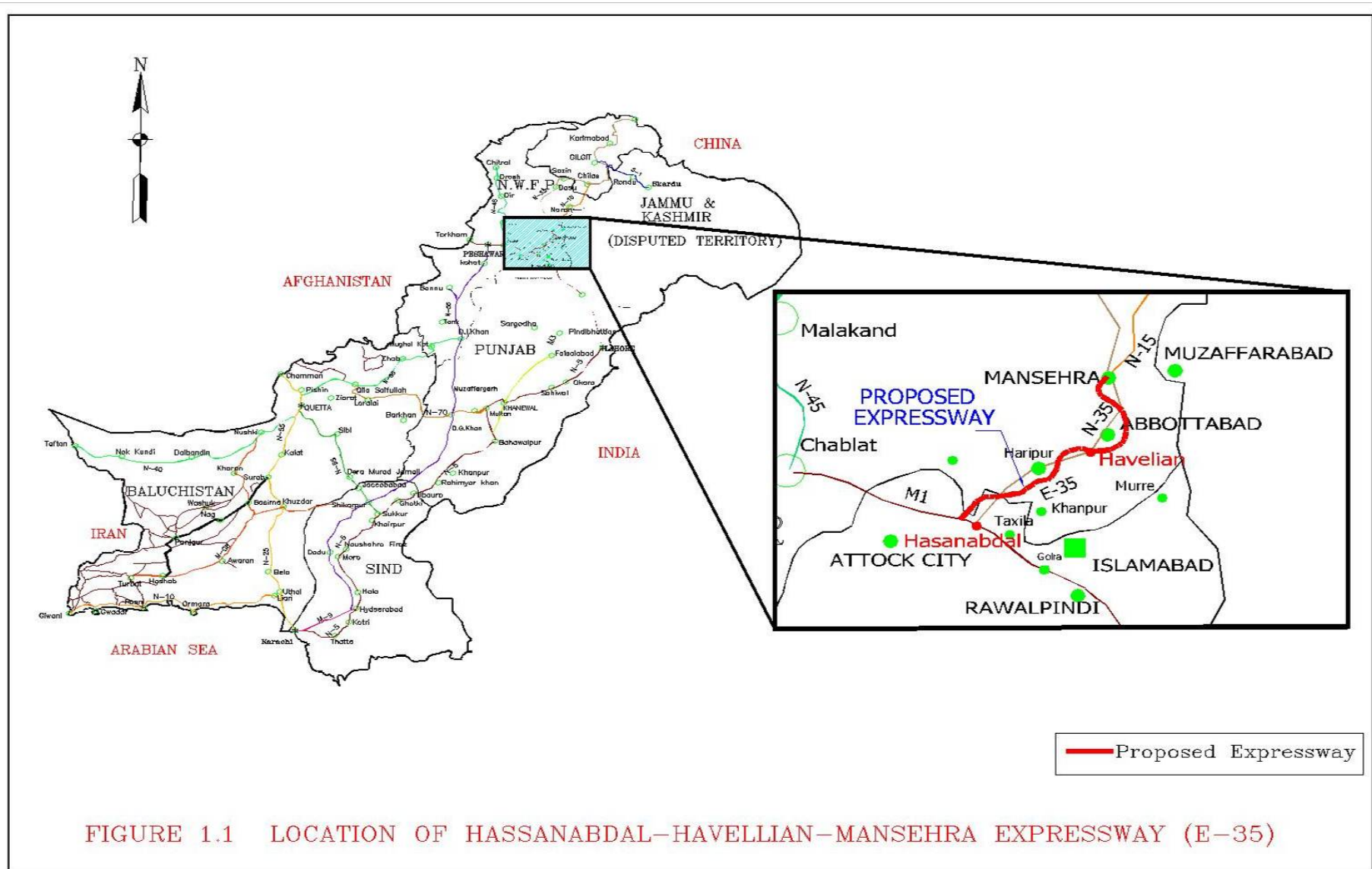


FIGURE 1.1 LOCATION OF HASSANABDAL-HAVELLIAN-MANSEHRA EXPRESSWAY (E-35)

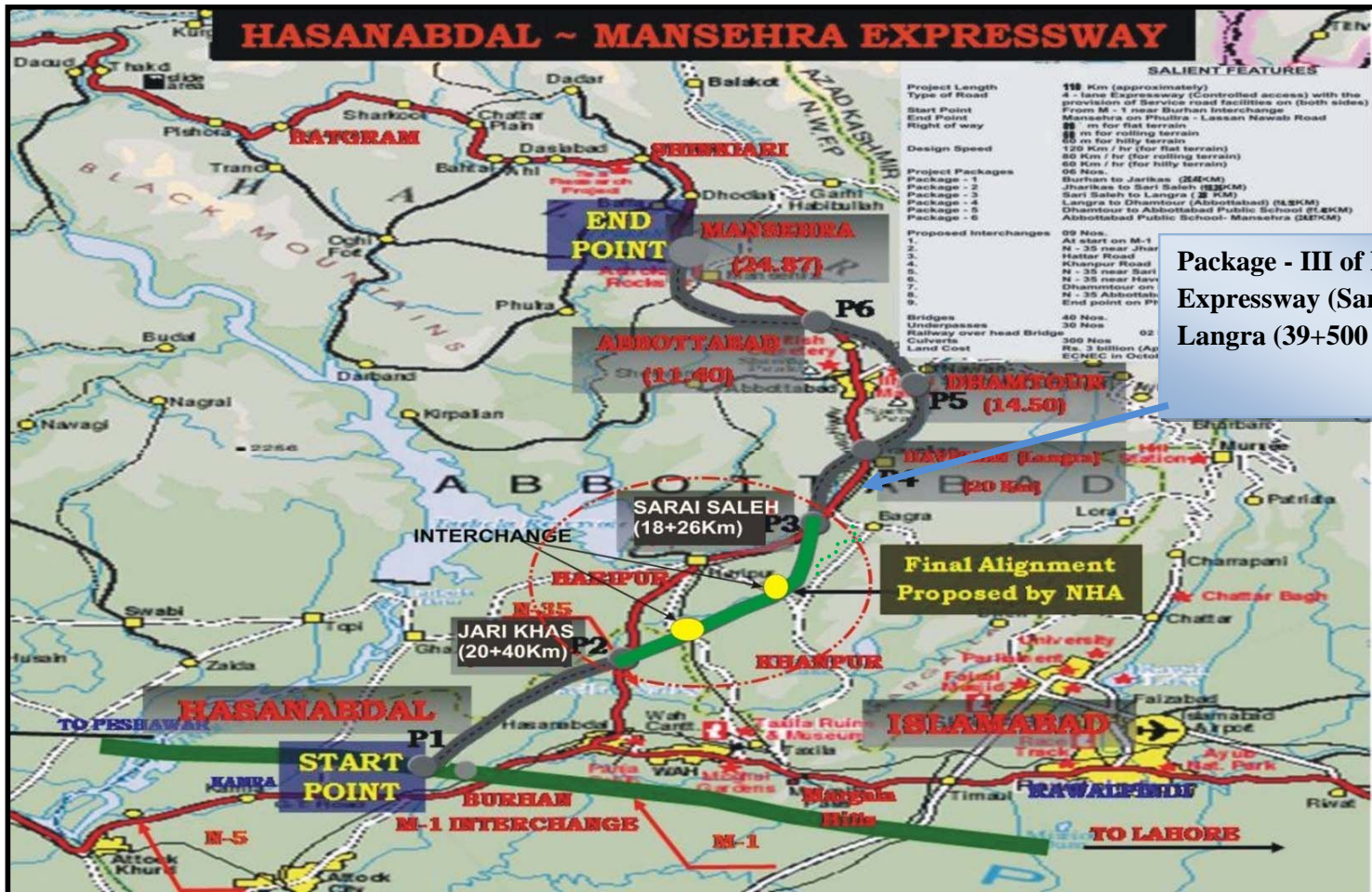


Figure 1.2: Location of Package- III of E-35 Expressway (Sarai Saleh - Langra, 039+500 – 058+600)

1.2. PROJECT COMPONENTS INVOLVING LAR ISSUES

23. The entire length is at new alignment. It crosses through 15 rural settlements (mouzas) including Noshera, Mallah, Kalu Mera, Drone Mera, Maqsooda, Toot Mera, Dobandi, Akhon Bandi, Mohri, Changee Bandi, Bagra, Gheba, Waziran, Kholyan Bala and Langra. Privately owned land from these settlements has been acquired under Land Acquisition Act, 1894. It has also affected structures, trees, crops and other assets within the Right of Way (ROW). The project is being financed by the Asian Development Bank (ADB). Accordingly, this LARP has been prepared in accordance with the guidelines of ADB Safeguard Policy Statement, June 2009 (SPS 2009), updated Land Acquisition and Resettlement Framework (LARF) and national statutory requirements.

1.3. ANALYSIS OF ALTERNATIVES

1.3.1 Option-1: No Project

24. Without the project, the existing road from Hassanabdal to Havelian (part of N-35) will continue to be the main mean of transportation in the area. The width of this road is 6.1m and is insufficient to cater for the traffic load. Traffic jams at busy locations such as Sarai Saleh, Haripur and Havelian are common, resulting in waste of time and money. These traffic congestions are expected to increase with time, and road conditions are expected to deteriorate without the presence of any extended maintenance program. No Project Option will result in further worsening the present socio-economic environment of the area and increased disturbance to residents of area and the road users. Moreover, the without-project scenario will continue to increase the negative impacts generated by increased traffic loads on the existing road, which lacks adequate capacity (e.g., traffic jams, noise, low speed, higher emissions, and accidents). With continuous growth of travelers, the existing road will continue to deteriorate, affecting travel by local residents, tourists, and other transit road users, hence this option is not considered.

1.3.2 Option-2: Dualization of Existing Carriageway

25. The other option is the dualization of the existing N-35 (KKH) road from two lane carriageway to four lane carriageway. But no RoW is available with the NHA for dualization. Due to increase in the size of settlements and urbanization along the road over time, no space is available for widening purposes. This option will require land acquisition and disturbance of residential, commercial and socioeconomic existing infrastructure resulting in large quantum of resettlement in congested populated areas. During Environmental Impact Assessment (EIA) conducted by NESPAK in July 2007, the social impacts for dualization of the existing carriageway were estimated. The results of this survey are shown in **Table 1.1**. The results indicated that dualization of existing road will result in social upset in the area. Hence, this option was dropped.

1.3.3 Option-3: Construction of a New Carriageway: The Selected Option

26. This option involves construction of an Expressway from Hassanabdal to Havelian on a new alignment. Apart meeting the local needs, the Expressway will form part of the National Trade Corridor (NTC) infrastructure planned to connect the Gawadar Port with the Gilgit, Baltistan leading towards China, as a part of motorways/expressways network. The proposed expressway will be constructed on a new alignment, which will traverse partially through agricultural & barren land and hills/rocks etc. However, this option requires acquisition of private agriculture land and structures and will require relocation and rehabilitation of people losing land and land based assets to the project, as mentioned in para 9 and table 1.1 below. However, the efforts were made by making change in design to

avoid the sensitive and religious structures and to minimize the LAR issues at possible extent.

27. According to design of the Package-III, the expressway will have impact on 258.3 acres agriculture/barren/residential land, 25 residential structures, 8 miscellaneous infrastructures and 3932 trees. In addition, firewood weighing 8146 maunds (One maund=40 kgs) will also be removed. The impacts are small as compared with the dualization of the existing road (N-35) option, which will involve relocation of large number of infrastructure resulting in social disruption and delayed project implementation. A comparative analysis of LAR impacts under both the alternatives are provided in **Table 1.1** which strongly recommends the construction of expressway on new alignment keeping in view the socio-economic uplifting of the area.

Table 1.1: Comparative Analysis of LAR Impacts

Sr. No.	Description	Dualization of Existing Road (N-35)	Construction of New (E-35) Expressway
1.	Land	250 Acres	258.3Acre
2.	Structures		
	Residential	172	25
	Commercial	90	00
	Community/Religious	66	02
	Water resource Infrastructure/ Assets	00	03
3.	Trees	8050	3932

28. The above data shows that dualization of the existing carriageway (N-35) will require about 250 acres of prime agriculture/commercial land, relocation of 172 residential , 90 commercial, 66 community/ religious assets and cutting of about 8050 trees. The major implications of the dualization option are that it involved acquisition of costly urban land, 4-5 times higher cost of relocation of infrastructure than the land acquisition cost, heavy tree cutting and existing ROW could not be fenced like expressway because people are using this road since years and they can go in the court against this issue. Based on the analysis of different alternatives, it is apparent that, with the construction of the expressway, the impact will be minimized in terms of impacts on population, infrastructures, access to resources and sources of livelihoods. Keeping in view the analysis of the options, the construction of Expressway on a new alignment stands a viable option.

1.4. NEED FOR LARP

29. The involuntary resettlement, according to the ADB's Safeguard Policy Statement 2009 (SPS) may cause severe long-term socioeconomic hardships, impoverishment and environmental damages unless appropriate measures are carefully planned and carried out. The Policy requires that involuntary resettlement should be avoided where feasible, or minimized exploring all viable alternative project designs. In cases, it becomes unavoidable, then LARP is prepared that elaborate the entitlement matrix, compensation plan and payment procedure, institutional arrangements, monitoring and reporting framework and time bound action plan and meaningful consultation with the displaced persons (DPs) to provide them an opportunity to participate in planning and implementing the resettlement programme. They should be assisted in their efforts to improve their livelihoods and standard of living or at least to restore these in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. This Policy

endorses the eligibility of all the categories of persons, whether with formal legal rights or without these rights in a project, but occupying project area prior to the cut-off date.

30. This LARP has been prepared by the National Highway Authority (through consultant, NESPAK) based on 100 % census of losses of Displaced Persons (DPs) in terms of land, structures, trees and water resource infrastructures; socio-economic survey of 25% sample of DPs covering the project area and on-going consultations through meetings, interviews, focus group discussions with the DPs and other stakeholders, in accordance with the ADB Involuntary Resettlement guidelines as described in the SPS 2009. The LARP has been reviewed and fully endorsed by NHA for its implementation and monitoring.

31. The primary objective of the LARP is as follows;

- Present a strategy for achieving the objectives of the resettlement policy;
- Provide a framework for implementation of the stated strategy to ensure timely acquisition of assets, payment of compensation and delivery of other benefits to displaced persons;
- Provide details on the policies governing land acquisition, the range of adverse impacts and entitlements, and implementation of the project facilitating the DPs' efforts to improve their living standards, income earning capacity and production levels or, at least restore them to pre-project levels;
- Provide details on the public information, consultation and participation, and grievance redress mechanism in project planning, design and implementation;
- Identify and provide an estimate of required resources for implementation of recommended strategies; and
- Provide a framework for supervision, monitoring and evaluation of LARP implementation.

1.5. LAND ACQUISITION AND RESETTLEMENT (LAR) CONDITIONS

32. The contract award for civil works is conditional upon the preparation of implementation ready LARP,⁴ acceptable to ADB in accordance with the LARF and SPS 2009 requirements; reflecting final impacts, DPs lists and final compensation rates of land, structures, trees and crops approved by the relevant departments. Similarly, the mobilization of contractor will be conditional upon the implementation of ADB approved LARP (full delivery of compensation by type of impacts with resettlement and rehabilitation allowances) and confirmation by external monitoring agency (EMA), to be hired/mobilized before loan approval, which is in view of the on-going compensation disbursement before approval of LARP, as mentioned in para 15 below.

33. As far as E-35 (Package-III) is concerned, the payment of compensation is at an advanced stage but proper institutional arrangements in the form of a Social Safeguard Management Consultant-firm is likely to be fully in place and functioning by November 2013.

⁴ The LARP prepared on the basis of final design reflecting i) final impact inventory with complete census of DPs, ii) BOR approved final land prices/land rates, iii) unit rates for assets other than land (land based or non-land based assets) approved by relevant government offices, iv) approved rates for all other resettlement costs and entitled allowance by EA, v) adequate institutional arrangements for implementation and monitoring (internal and external) of the LARP vi) DPs lists reflecting type, category and severance of impact with all entitled compensations against recorded losses.

Table 1.2 below, provides village-wise details about the awarded amount and the amount paid thus far.

**Table 1.2 Village-wise summary of Awarded Amount and Amount Paid
(Updated 19-08-2013)**

Sr. No.	MOUZA	AWARDED AMOUNT (PKR)	AMOUNT DISBURSED (PKR)	% ACHIEVED	Date of Award	Status of Mutation
1	DOBANDI	13,712,592.00	13,059,248.00	95.2	10/28/2011	Not Mutated
2	SHAH MAQSOOD	6,619,432.00	6,511,519.00	98.4	10/28/2011	Not Mutated
3	MAIRA TOOT	5,380,179.00	4,312,774.00	80.2	10/28/2011	Not Mutated
4	KHOLIAN BALA	4,282,735.00	2,244,626.00	52.4	1/4/2012	Not Mutated
5	AKHONE BANDI	37,640,790.00	32,954,626.00	87.6	12/23/2011	Not Mutated
6	GHEBA	6,130,421.00	5,180,697.00	84.5	10/28/2011	Not Mutated
7	CHANGI BANDI	37,122,444.00	27,940,767.00	75.3	7/6/2012	Not Mutated
8	KALU MAIRA	20,527,647.00	11,063,277.00	53.9	12/23/2011	Not Mutated
9	NOWSHEHRA	6,768,732.00	0.00	0.0	12/23/2011	Not Mutated
10	DRONI MAIRA	8,110,379.00	6,029,094.00	74.3	6/26/2012	Mutated
11	MALLA	6,736,055.00	5,502,804.00	81.7	12/23/2011	Mutated
12	WAZIRAN	5,684,583.00	4,622,567.00	81.3	12/23/2011	Mutated
	TOTAL	158,715,989.00	119,421,999.00	75.2		

The awards have not been announced in the three villages of Package-III

SECTION – 2

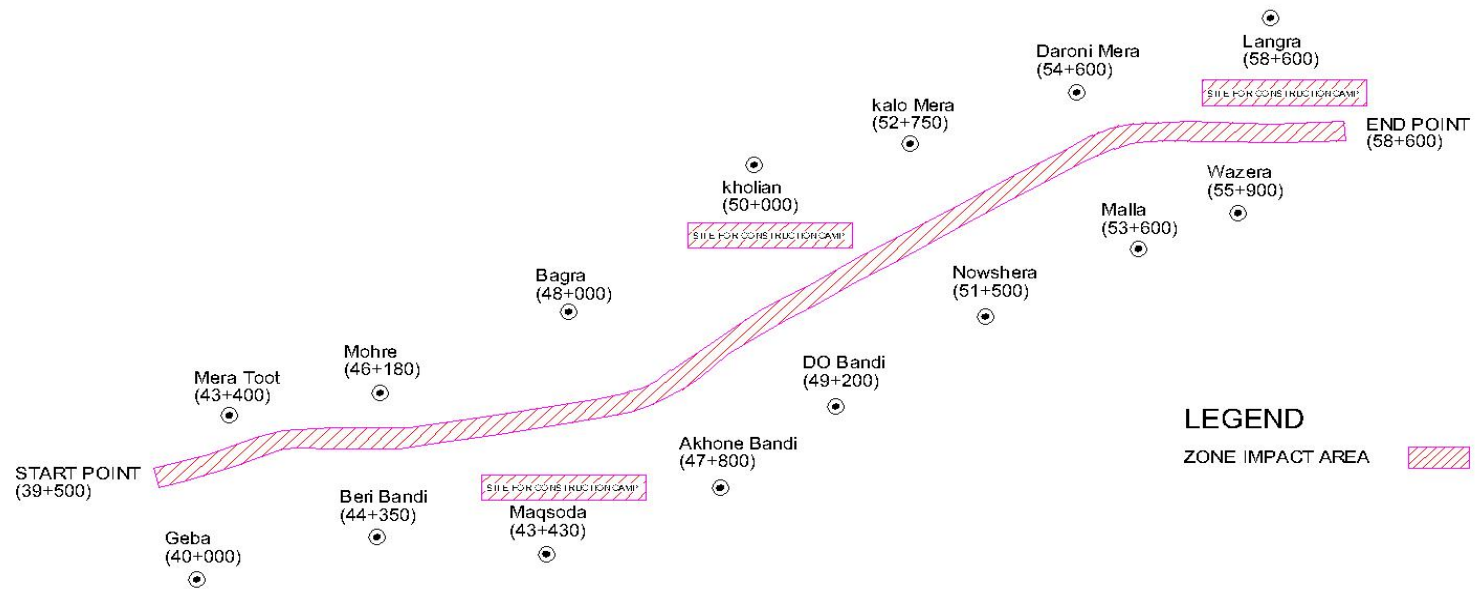
SCOPE OF LAND ACQUISITION AND RESETTLEMENT

34. The Hassanabdal-Havelian Expressway under the Package-III is solely new alignment, will be constructed through the acquisition of land. The major components include main carriageway, 2 Interchanges, 10 bridges and 8 underpasses. **Figure 2.1** shows the zones of impact of the project components/ activities.

2.1 PROJECT IMPACTS

35. A focus census survey was carried out along with the inventory of losses to identify the magnitude of resettlement impacts. Details on the inventory of losses obtained information on names of displaced persons and all assets that are within the scope of the proposed easement which include productive and residential land, housing structures and water resource infrastructures. The details of project impacts are as follows:

FIGURE 2.1 :- MAP SHOWING ZONE OF IMPACT FOR VARIOUS PROJECT ACTIVITIES



2.2. Impact on Land

36. The project will require 2067 Kanals (258.3 acres) of land on permanent basis in 15 Mouzas of District Haripur and Abbottabad. Of these, 1877.59 kanals are privately owned. **Figure 2.2** highlights the areas involving land acquisition. The acquisition process for land is in progress by the NHA. Awards have been announced by the Land Acquisition Collector (LAC) for the 12 (out of 15) villages and payment of compensation to the DPs/ as per acquaintance roll is under progress.

37. The data used for the assessment of the permanent acquisition of land is tentative, since the lands ownership of the DPs is not confirmed/ validated from the revenue department because it is under compilation. It is expected to complete upto November 2013 and LARP will be updated accordingly. However, after compilation of the land ownership record, DPs will be reconfirmed, consequently LARP would be finalized. Mouza-wise detail of the affected land, total land holding and multiple impacts is attached as **Annex-I to XV**. The Mouza-wise summary of the affected land along with the ownership is given in **Table 2.1 below**:

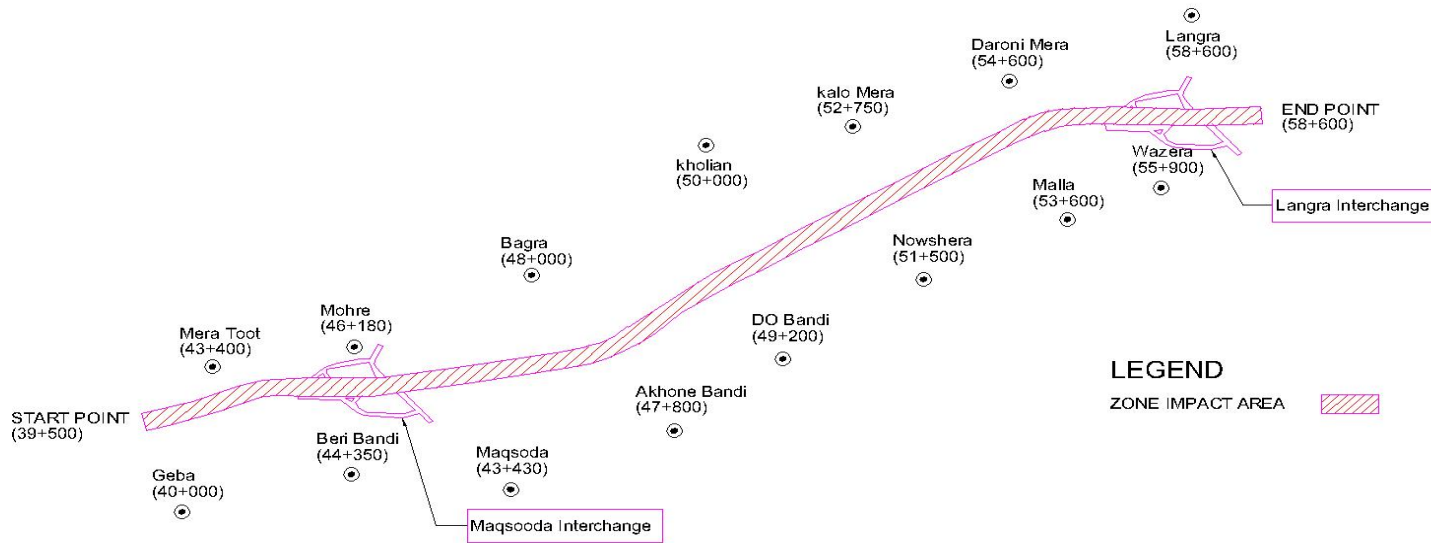
Table 2.1: Mouza-wise Detail of Affected Land Owners

Sr. No	Name Of Mouza	Total Land Holding (Kanal)	Affected Land (Kanal)	No. of Land Affectees
1	Nowshera	505.63	206.35	521
2	Mallah	266.82	78	377
3	Kalu Mera	293.35	154.65	556
4	Droni Mera	441.12	112.2	486
5	Shah Maqsoodan	21.15	5.9	6
6	Maira Toot	44.23	14.9	168
7	Dobandi	444.06	163	206
8	Akhone Bandi	366.32	197.95	1468
9	Mohri	292.11	186.6	1258
10	Changee Bandi	1217.50	363.75	1490
11	Bagra	57.45	32.25	25
12	Gheba	310.43	78.35	359
13	Waziran	601.64	143	495
14	Kholyan Bala	402.69	124.5	379
15	Langra	309.01	205.95	638
Total		5573.51	2067	8432

*Based on the acquaintance roll

*Out of total 8432 land owners, the assessment of land impacts of 1384 land owners is under process, which is expected to complete upto November 2013, consequently LARP will be revised accordingly.

FIGURE 2.2 :- MAP SHOWING AQUISATION FOR VARIOUS PROJECT COMPONENTS
(MAIN CARRIAGEWAY AND INTERCHANGES)



38. The above table shows that there are total 8432 land affectees, who have lost their land. No sharecroppers/ tenants were identified during the census of DPs. Similarly, no farm labourers/ workers were identified on the affected agricultural land. However, the details of DPs are given in Table 2.7 below.

2.2.1. Temporary Lease of Land for Project Works

39. About 30 acres of land will be borrowed for setting up of project camp offices, residential quarters, workshop, etc. According to Design Engineer, three camps will be established by the contractor, near Maqsooda, Kholyan Bala and at Langra. For each camp 10 acres of land will be borrowed. The contractor through negotiation with the land owners in the form of lease agreement under the intimation and approval of the Project Director will get the land on lease, which will be restored and returned to the land owners in its original condition. The conditions to this extent will be made in the bidding document.

2.3. Impact on Cropped Area

40. The land revenue record and consultant data shows that the project has the impact on 1204.65 kanals (150.58 acres) of cropped area. Mouza wise Summary of the final affected cropped area along with the DPs is given in Table 2.2 (below) and crop impacts linked to the owners of the agriculture land are detailed as **Annex-XVI**.

Table 2.2: Mouza-wise Affected Crop Area

Sr. No.	Mouza	Affected Cropped Area (Kanal)	No. of DPs
1	Nowshehra	00	00
2	Mallah	54.25	183
3	Kalu Mera	62.95	268
4	Droni Maira	57.10	92
5	Shah Maqsood	5.25	06
6	Maira Toot	14.8	165
7	Dobandi	41.15	77
8	Akhone Bandi	163	503
9	Mohri	132.25	748
10	Changee Bandi	330.65	1185
11	Bagra	32.25	24
12	Gheba	68.25	165
13	Waziran	59.85	306
14	Kholyan Bala	103.90	25
15	Langra	79	33
Total		1204.65	3780

2.4. Impact on Trees

41. The project has impact on the fruit and non-fruit trees which will ultimately be removed from the ROW. According to field assessment, total numbers of trees are 3932, out of these 3079 are fruit trees and 853 are non-fruit trees. In addition, firewood weighing 8146 maunds

(one maund=40 kgs) will also be removed. The trees have been included in the Awards announced by the Collector for the respective Mouzas. The Mouza-wise information of trees in respect of number and ownership are summarized in **Table 2.3** and details as **Annexure-XVII**.

Table 2.3: Trees to be Removed from the ROW

Sr. No.	Affected Fruit Trees			Affected Non Fruit Trees		
	Village Name	No. of DPs	Total	No. of DPs	Total	Firewood (Mds)
1	Noshera	3	4	6	3	947
2	Mallah	1	5	14	6	615
3	Kalu Mera	12	92	17	9	3405
4	Drone Mera	1	25	11	0	312
5	Maqsooda	2	229	1	42	0
6	Toot Mera	3	107	7	37	55
7	Dobandi	3	113	23	70	611
8	Akhone Bandi	13	369	44	194	0
9	Mohri	8	1817	0	0	0
10	Changee Bandi	1	110	66	412	859
11	Bagra	3	208	2	17	85
12	Gheba	0	0	4	11	125
13	Waziran	0	0	18	0	712
14	Kholyan Bala	0	0	17	52	420
Total		50	3079	230	853	8146

Source: Census Survey of Affected Persons by NHA on March 2012

2.5. Impact on Structures

42. The census identified that the project has impact on 25 residential structures. These affected structures are categorized⁵ as Pacca, Semi-Pacca and Kacha structures. Identification of affected structures is provided as **Annexure -XVIII**. These structures are scattered and located along the entire stretch therefore no mass relocation is required. The project will need to make appropriate arrangements and provide sufficient funds to relocate these structures. The support provided under this resettlement plan will need to include the funds for the re-establishment of these structures and income generating activities as needed.

2.5.1. Impact on Residential Structures

⁵ For assessment purpose, the affected structures have been divided into following three categories depending upon the nature of construction and type of material used.

Pacca Structure: T.R girder roof, cement mortar, cement plastering and concrete flooring

Semi-pacca Structure: T.R girder roof, mud mortar, cement plastering and brick flooring

Kacha Structure: Wooden girder, wooden battens, mud mortar, mud plastering and mud flooring

43. The residential structures of the 25 households that will be affected have a total covered area 24289.57 sq.ft and out of that the affected area is 24215.38 sq. ft. Mouza-wise comparison of the total and affected areas show that all these structures are affected to the extent of 98%-100%, as reflected in Table 2.4.

Table 2.4: Mouza Wise Summary of the Residential Structures

Sr. No.	Name of Mouza	Houses			
		Total Number of Affected Structures	Total Covered Area (Sft)	Total Affected Area (Sft)	Percentage of Impact
1	Mallah	2	275.5	275.5	100
2	Dobandi	1	1170.0	1170.0	100
3	Drone Mera	3	3650.20	3576.0	97.97
4	Kalu Mera	19	13132.38	13132.38	100
Total		25	18228.08	18153.88	99.59

2.6. LOSS OF WATER RESOURCE INFRASTRUCTURES

44. The project will have impact on 03 water resource structures (boreholes of water pumps). The boreholes are located within the affected houses for meeting the domestic water needs of the household. The list of affected water resource structures is provided in Table 2.5.

Table 2.5: List of Affected Water Resource Structures

Sr. No.	Village	Name of Land Owner	Type of Asset	Number
1	Mallah	Aksar Khan	Bore Hole	1
2	Kalu Mera	Shoukat Khan	Bore Hole	1
3	Kalu Mera	Parwaz Khan	Bore Hole	1
Total				3

2.7. Impact on Indigenous People

45. Indigenous peoples are peoples defined in international or national legislation as having a set of specific rights based on their historical ties to a particular territory, and their cultural or historical distinctiveness from other populations that are often politically dominant. Subsequently, field investigation shows that none of the indigenous people is existed in the project area. Hence, there is no need to prepare any Indigenous People Development Plan (IPDP).

2.8. Impact on Vulnerable People

46. The impact analysis of the DPs indicates that 3013 out of total 3780 (Table 2.6) households/ land owners of the project area were identified as vulnerable in terms of loss of their productive land (**Annex-XIX**). These are the DPs who will lose more than 10% of their productive land. However, this information will be confirmed with the poverty status of displaced households (which is under progress and will be presented in the final draft expected in November 2013).

Table 2.6: Mouza-wise List of Vulnerable DPs

Sr. No.	Village	Vulnerable DPs
1	Noshera	0
2	Mallah	174
3	Kalu Mera	187
4	Daroni Mera	92
5	Maqsooda	4
6	Toot Mera	143
7	Dobandi	62
8	Akhone Bandi	468
9	Mohri	572
10	Changee Bandi	960
11	Bagra	24
12	Gheba	126
13	Waziran	151
14	Kholyan Bala	25
15	Langra	25
Total		3013

47. As an approach, DPs are asked about the average annual income of their families with different sources. The income status of the DPs was related to the official poverty line (OPL), Rs. 879 per capita / month was estimated by the government in 2004–2005 (Pakistan Economic Survey, 2005–06, Table 41). The latest estimate of inflation–adjusted poverty line per capita per month comes to Rs. 1942.66. The LARP has made the special provision to provide the additional financial assistance to vulnerable people in concurrence with the ADB's SPS 2009.

2.9. Summary of the Impact

48. Within the scope of the project, a total of 8406 households are affected by the land acquisition and resettlement that includes affectees by land, trees and structures. These displaced persons are living here for centuries and have a strong affiliation with the area. Mouza wise list of DPs with details of impacts are provided in Annexure-I to XV and the results are summarized in Table 2.7.

Table 2.7: Summary of Project Impacts

Sr. No.	Mouza	No. of AFs/DPs Per Impact							
		Land	Structure	Trees	Structure + Land	Land+Trees	Structure+Trees	Land+ Structure+Trees	Total
1	Noshera	510	00	-	00	06	-	-	516
2	Mallah	360	-	-	02	15	-	-	377
3	Kalu Mera	520	-	-	08	17	-	10	555
4	Drone Mera	472	01	-	01	11	-	01	486
5	Maqsooda	3	-	-	-	03	-	-	6
6	Toot Mera	158	-	01	-	09	-	-	168
7	Dobandi	183	-	-	01	21	-	01	206
8	Akhone Bandi	1417	-	-	-	51	-	-	1468
9	Mohri	1206	-	-	-	32	-	-	1238
10	Changee Bandi	1427	-	-	-	63	-	-	1490
11	Bagra	23	-	-	-	02	-	-	25
12	Gheba	355	-	-	-	04	-	-	359
13	Waziran	477	-	3	-	15	-	-	495
14	Kholyan Bala	363	-	-	-	16	-	-	379
15	Langra	638	-	-	-	-	-	-	638
Total		8112	01	04	12	265	0	12	8406

2.10. CUT-OFF DATE

49. The cut-off date for determining the eligibility of displaced persons for compensation can best be defined at the time of completion of the SIA study. The date was set by EALS/Project office as a part of its implementation program, after consultations with DPs and other stakeholders during the socio-economic, focus census survey and consultation meetings at grass-root level. Consequently, the impacts assessment survey was completed on July 03, 2012 and the same date was established as cut-off date.

50. It was agreed that the Persons who occupy the area thereafter would not be eligible for compensation or any form of resettlement assistance. Such persons, if any, will be given one month advance notice to vacate the occupied premises and dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated and the owner will not pay any penalty. Forced eviction will only be considered after all other efforts are exhausted. However, field investigation shows that none of such person is existed in the project area.

SECTION 3 SOCIO-ECONOMIC INFORMATION AND PROFILE

3.1 GENERAL

50 This chapter provides the baseline information relating to the socioeconomic assessment of the project affected people and project area. Information has been obtained from the available published sources, field surveys in the project area, consultations with the stakeholders; and through visits to the government departments and other agencies.

3.2 INFORMATION/ DATA COLLECTION METHODOLOGY

51 The LARP has been prepared by collecting the data / information from the real field settings. Data / information were collected from primary and secondary sources. Secondary information was gathered from all available documents i.e. (District Population Census Reports 1998 of district Haripur and Abbottabad, land folders, from the design consultants and ADB Guidelines on Involuntary Resettlement vide SPS 2009. Meetings were held with the officials of revenue department, agricultural and irrigation department; feedback of all these meetings has also been kept in view for this study. For primary data collection, different types of field surveys and focused group discussions were conducted. The respondents belonged to all walks of life and included resident affectees, passengers, community leaders, key influential persons, women, and farmers.

3.3 IDENTIFICATION OF DPS

52 Any person, whose land, asset / infrastructure, source of income or access to resources/ workplace is likely to be affected by the project's operations, is a Displaced Person (DP). These include mainly the residents, land owners, business operators and owners of assets/structures located within ROW. The total number of such affected families along the project corridor comes to 8432.

3.4 CENSUS OF DPS/ AND THEIR ASSETS

53 A complete census of the DPs, on 100 % basis, is being carried out by using a pre-structured questionnaire shown as **Annex-XX**. The census aimed at to register and document the number and status of DPs likely to be physically displaced or affected otherwise as a result of the project and, therefore, entitled to compensation. The cut-off date for the census of the DPs was established as , **July 03, 2012** for entitlements under the project to determine the eligibility for compensation. Any person moving into the ROW after this date was not considered as entitled to any compensation. The following features of the DPs/ APs were addressed in the census.

- i. Demographic Profile
- ii. Nature of business / occupation
- iii. Type and value of affected land
- iv. Type and value of affected crops
- v. Type of affected trees and their value
- vi. Type and value of affected structures / assets owned
- vii. Replacement costs of affected structures / assets
- viii. Ownership documentation, if any

- ix. Income from affected source and other sources
- x. Vulnerable groups (identified below the poverty line)
- xi. Identification of loss of income sources

3.5 SOCIO–ECONOMIC BASELINE SURVEY

51. As per SPS requirements, a sample survey is being carried out to develop a socio–economic baseline of the general population along the proposed ROW of the Expressway. A sample of 300 respondents including 100 women is selected by applying random technique. For this purpose, the total number of DPs/ is taken as the universe of the sample. A pre–structured questionnaire was used for data collection. The survey is focused on the following features of the sample population.

- i. Demographic characteristics
- ii. Education and literacy
- iii. Nature of business / occupation
- iv. Income and expenditure pattern
- v. Housing characteristics and amenities
- vi. Women role in socio–economic life
- vii. Conflict Resolution Mechanism

3.6 DESCRIPTION OF THE PROJECT AREA

52. The project is located in Haripur & Abbottabad Ddistricts of KPK province. The total area of the districts are 1725 & 1967 km² (426248 Acres) respectively. The Haripur district consists of 02 Tehsils, namely Tehsil Haripur & Ghazi while Abbottabad District itself serves as Tehsil. The Haripur & Abbottabad district lies at an altitude of around 610 meters (2,000 ft) & 1220 meters above sea level. The entire alignment of Package-III falls in Ttehsil Haripur and Havelian (Abbottabad).

3.6.1 Administrative Setup

53. The administrative setup is just like in any other settled districts in the country. The administrative set up consists of District Coordination Officer (DCO), Executive Development Officer (Revenue) and District Officer (Revenue). The DO (Revenue) directly looks after the matters of the revenue offices at tehsil level. Each tehsil (sub–division) has a revenue setup consisting of Tehsildar and Naib Tehsildar, who have a number of Qanugos under each. Each Qanugo looks after the work of several Patwaries of his Patwar Circle. The Patwaries stay in their villages and maintain an updated land record of their ‘Mouzas’. Haripur tehsil (Sub division) consists of 36 Union Councils and Ghazi tehsil (Sub–division) consists of 08 Union Councils while Abbottabad district consists of 35 union Councils.

3.6.2 Ethnic clans and languages

54. The people of Abbottabad & Haripur district and in the project corridor, as well, relate to Jadoon, Gujjar, Malik, Tanoli, Dhund Abbasi, Syed (Sadaat), Awan (tribe), Tareen, Qureshi, Piracha, Mir and Mughals clans. The people of both districts i-e Abbottabad & Haripur are known to be brave, hospitable and generous. According to the findings of the sample survey, the Hindko is the predominant language of the district and is spoken by more than 70% of the people. Other languages spoken include Urdu, Gojri, Potohari, Pashto and Pahaari. English is

also widely used among the educated segment of the local population (Source: DCR, 1998, Haripur & Abbottabad Districts).

3.6.3 Religion

55. The predominant religion in both districts is Islam, with 99.67% of the people. A negligible proportion of the population belongs to other religions, including Christianity, Hinduism, Qadiani / Ahmadi. Majority of the population like the Islamic Traditions and follow the path of Allah and have high Moral values in the society.

3.6.4 Family Life

56. Mostly people live with parents and brothers. Families live in a shared house and share all productive resources such as land, crops, trees and cattle. The internal domestic management and arrangements are in the hands of the oldest woman of the family. She can be a mother, grandmother or wife of an elder brother. The external matters are dealt by the head of the household, a man father, grandfather or elder brother.

3.6.5 Social Organization

57. The social organization revolves around autonomous Khel (i.e. lineage which is now called caste) wherein all people are blood related and a link from ten to twelve generations makes one Khel. Organizationally up to this extent, the people physically or financially help each other much more and they stay united against any type of threats. Usually the elders constitute Jirga (council of elders) which decides the issues and keep the tribe unite. The members of Jirga are not nominated by government but the community recognizes a person as its Malik who dedicates himself for community services and gets recognized by the fellow community members and the government agencies. The main roles and responsibilities of a Malik are to resolve the conflicts and disputes within the community and representation of the community in a Jirga or at other social platforms.

3.6.6 Conflicts Resolution Mechanism and Laws

58. The project area is a “settled area” where provincial and federal statutory laws apply. Under this law, the cases are registered at police stations, if laws of the country are violated. Once a case is registered the legal course takes place through normal courts starting from civil court, District and Session court, a bench of Peshawar High Court in Abbottabad to Peshawar Registry of Supreme Court. Traditional Jirga system is also effective in the area especially in the matters of disputes among the tribes. In such a case, Khans of tribes constitute a Jirga to resolve the issues. If a dispute arises within the tribes or among the sub tribes, the elders of sub tribe get together under the leadership of a senior Malik and resolve the issues.

3.6.7 Industry in Haripur and Abbottabad

59. Haripur District is comparatively more industrialized than other districts of the KPK province like Abbottabad. There are many big industrial units here like Telephone Industries of Pakistan, NRTC (National Radio Telecommunication Corporation), Hazara fertilizers, Razzaq Blanket Industry, Ali Hussain Poultry, Khwaja Children Home, Pak-China fertilizers, Terbel Cotton Mills etc. In Abbottabad cement, woodwork, PVC pipes, wires, cement pipes are prepared. Likewise, Haripur district no remarkable industry is available in the Abbotabad city.

Furthermore, the Hattar Industrial Estate situated Kot Najibullah was established in 1985-86 at total area of 1,032 acres (4.18 km²) of land. There are around 117 operational unit that are mainly composed of food and beverage, textile, crockery, paper printing, chemical, cement, publishing, chemical, rubber and leather products. In addition, the district provides good quality fruit and vegetables not only to Peshawar but also to Islamabad and the Punjab.

3.6.8 Trade and Trade Centers

60. Haripur and Abbottabad are the main trading centre of the Project area. All edible and non-edible items are being brought from Punjab which are further supplied to the interior areas of this district. People generally go to Rawalpindi/ Islamabad for shopping, which are only at a two hour distance from Haripur.

3.6.9 Literacy Rate

61. The overall literacy rate in the Haripur district is 31.3% and in Abbottabad is 64.29%. The female literacy rate in Abbottabad & Haripur District is only 49.44% & 17.35% compared to male literacy of 78.51% & 44.35% respectively. The literacy ratios for Haripur & Abbottabad district by sex and by rural / urban regions are given in the **Table 3.1**

Table 3.1: Literacy Ratios for Haripur by Rural / Urban and Sex

Area	District Haripur			District Abbottabad		
	Both	Male	Female	Overall	Female	Male
Rural	22.9	37.3	8.5	51.85	34.18	71.33
Urban	39.7	51.4	26.2	76.73	64.71	85.69
Total	31.3	44.35	17.35	64.29	49.44	78.51

Source: DCR, 1998, Haripur & Abbottabad Districts)

3.6.10 Transportation and Accessibility

62. Abbottabad & Haripur are easily accessible by road from Peshawar and Islamabad. The main road link to the district is the Karakoram Highway (N-35) which passes from the city. Pak-China trade is carried out through this highway. In addition to this, a number of pacca and katcha tracks off take from this road and led to a number of villages and settlements. Major mode of transportation in the Project area includes Mini buses, Cars, Vans, Jeeps, Tractor Trolleys, Passenger Buses and Trucks. Out of all these transportation modes, mainly jeeps, cars and vans are used to travel to the settlements along proposed expressway section. In Abbottabad, the main city and towns are connected with mettaled road, since the district is mountainous; rail communication is only upto Havelian which is connected with Rawalpindi.

3.7 CHARACTERISTICS OF THE PROJECT CORRIDOR

3.7.1 Description of the Project Corridor

63. The Package-III falls in tehsil Haripur and Havelian and total length of this package is 19.1 km. The project corridor starts near Sarai Saleh and ends at Mouza Langra. It passes through 15 rural settlements/ villages including Gheba, Changee Bandi, Meratoot, Maqsooda,

Mohri, Akhone Bandi, Bagra, Dobandi, Kholyan Bala, Nowshera, Kalu Mera, Malah, Drone Mera, Waziran, Langra will be affected with the construction of this Package.

64. The project corridor is rural in nature. Besides the other natural resources nature has gifted the both districts with huge water resources in shape of rivers, streams, lakes, springs and under ground water. These water resources are sufficient for meeting the requirements of irrigation and drinking. Besides, a number of canals have also been constructed for irrigation purpose such as Ichhar Canal, Daour Canal, Punjkatha Canal and Khan Pur Dam. The ground water is of good quality and some farmers have installed tube wells to irrigate their lands. Generally, subsistence agriculture is practiced in the area. Wheat and maize are the major crops. The findings of the given below have revealed that out of total area of 16193 acres, about 58% is uncultivated and 42% is cultivated. The land use pattern of the villages/ mouzas along the project corridor is provided in **Table 3.2**.

Table 3.2: Land Use Pattern in Villages along the Project Corridor

Sr. No	Name of Village	Area in Acres	Cultivated Area (Acres)	Un-Cultivated Area (Acres)
1	Bagra	2028	848	1180
2	Akhone Bandi	1133	474	659
3	Gheba	368	154	214
4	Meratoot	76	32	44
5	Mohri	1149	480	669
6	Kholyan Bala	1593	666	927
7	Do Bandi	602	252	350
8	Nowshera	707	296	411
9	Daroni Mera	328	137	191
10	Waziran	616	257	359
11	Mallah	905	378	527
12	Kalu Mera	919	384	535
13	Langra	4219	1764	2455
14	Shah Maqsooda	432	181	251
15	Changi Bandi	1118	467	651
Total		16193	6770	9423

Source: District Census Report, (1998) for Haripur and Abbottabad

3.7.2 Average Landholdings

65. The land ownership record of the DPs shows that 77% have landholding up to 02 kanals, 3% have between 2 – 4 kanals, 1% have between 4 – 6 kanals, 2% have between 6 – 10 kanals, 1% have between 10-50 kanals, and important to mention that there were not big land owners who have their landholdings between 50 –100 kanals or more than 100 kanals. **Table 3.3** shows the landholdings status of the respondents. There are about 16% DPs, whose data analysis is under progress and will be reflected in the Final LARP.

Table 3.3: Average Landholdings of the Respondents

Sr . No.	Landholding (Kanal)	Frequency (No. of DPs)	Percentage %
1	upto 2	6,470	77
2	2-4	259	03
3	4-6	112.0	01
4	6-10	132.0	02
5	10-50	67.0	01
6	50-100	03	00
7	Above 100	05	00
8	Under progress	1,384	16
Total		8,432	100

Source: Based on the Land ownership Record of the DPs

3.7.3 Per Acre Income from Crops

66. The reported cropping pattern along the project corridor is comprised of wheat and maize crops. Per acre net income from these crops as provided by the DO (Agriculture) Haripur and validated through socioeconomic survey comes to Rs. 24000/= and Rs. 17600/=, respectively.

3.7.4 Settlement Pattern Along the Road

67. The settlement pattern of the Project Area is rural except near Sarai Saleh which may be considered as semi-urban. The main settlements / villages along the project corridor are connected with other villages and settlements situated at varying distances from project corridor, are connected by metallic roads and village tracks.

3.7.5 Population

68. According to 1998 district census report, population of the 15 villages along the project corridor stood as 69719 persons, however, in 2013 the population has increased to 95838 persons comprising 48610 males and 46729 females of both the districts, by applying an annual growth factor of 2.2 & 1.98 for Haripur & Abbottabad Districts respectively. Number of housing units in 2013 stood at 14094 as against 6492 in 1998, thereby yielding an average household size of 6.8 persons. The population of the villages in the project corridor for the year 2013 is provided in **Table 3.4**.

Table 3.4: Population of Project Corridor – 2013

Districts	Village Name	Population 1998	Population 2013			Average Household Size	Household Unit
		Total	Total	Male	Female		
Hari Pur	Gheba	990	1372	717	656	7.75	177
	Changee Bandi	8771	12157	5835	6322	6.7	1814
	Meratoot	416	577	270	306	7.4	78
	Maqsooda	12182	16884	8538	8346	6.9	2447
	Mohri	3502	4854	2406	2448	7.2	674
	Akhon Bandi	1796	2489	1274	1216	7.2	346
	Bagra	6031	8359	4269	4090	6.5	1286
	Dobandi	2447	3392	1602	1290	7.1	478
	Kholyan Bala	15615	21642	11570	10072	6.4	3382
Abbottabad	Nowshera	2005	2691	1200	1491	6.3	427
	Kalu Mera	1166	1565	781	784	7.1	220
	Malah	953	1279	658	621	6.3	203
	Drone Mera	379	509	240	268	5.6	91
	Wazeera	726	974	415	560	6.9	141
	Langra	12740	17096	8837	8259	7.1	2408
Total		69719	95838	48610	46729	6.8	14094

Source: DCR 1998, Haripur and Abbottabad, The figures updated as of 2013

3.7.6 Housing Characteristics

69. The number of total housing units in 2013 stood as 14094, with pacca, semi-pacca and kacha units as 9161, 705 and 4228, respectively. Of these, 65% were pacca⁶ units, 05% semi-pacca and remaining 30% were kacha units. Kacha type of housing units is generally found in rural settlements. However, in semi urban settlements, a mix of kacha and pacca houses is found. A high level of social integration is found among the people.

3.7.7 Education Facilities

70. The project area lacks educational facilities. The institutions for primary and middle level education seem functioning satisfactorily but these need to be increased in numbers particularly for girl students. The high school level education facilities are available only for boys, however, insufficient at the same time. The male students avail these meager educational facilities but the

⁶ The structures types are explained as under:

Pacca Structure: T.R girder roof, cement mortar, cement plastering and concrete flooring

Semi-pacca Structure: T.R girder roof, mud mortar, cement plastering and brick flooring

Kacha Structure: Wooden girder, wooden battens, mud mortar, mud plastering and mud flooring

female students remain deprived in this respect. They have no option of getting education beyond Class VIII. This is making negative repercussion on the economy of the area. The information collected from the DO (Education), Haripur and Abbottabad in respect of educational facilities in the settlements / villages along the project corridor is depicted in **Table 3.5**.

Table 3.5: Educational Institutions in the Villages along the Project Corridor in 2013

Type of Institution	Number	
	Male	Female
Primary	12	10
Middle	04	02
High	02	01
Inter College	00	00
Total	18	13

Source: DCR 1998, Haripur & Abbottabad

3.7.8 Health Facilities

71. As far as the settlements along the ROW of expressway are concerned, these lack health facilities. At present there are only two civil hospitals, one in Khalabat Township while the other is functioning in village Rehana besides a district headquarters hospital at Haripur & Abbottabad. The other health facilities (institutions) in the project corridor includes 5 Rural Health Centre (RHC) and 39 Basic Health Units (BHUs). The project corridor is lacking in health facilities. The situation is even worst in case of women living in the rural areas. Absence of any maternity home or female doctor or nurse in these villages results into complications for female patients. Similarly, the patients have to go to other big cities like Haripur, Islamabad, Peshawar, Abbottabad, etc. in case of emergencies. But on the other hand, transport facilities for shifting patients to cities in case of emergency are also lacking. The construction of expressway will surely help in solving the health related problems particularly the women related.

3.8 SOCIOECONOMIC PROFILE OF THE POPULATION ALONG THE PROJECT CORRIDOR

72. The socioeconomic profile of the people of project corridor as emerged from the sample surveys is discussed as follows.

3.8.1 Population and Family Size

73. The total population of the study works out as 95,838 persons. The proportion of male and female works out as 51% and 49%, respectively. The average household size calculates to be 6.8 with a male to female ratio of 1.08:1. The ratio figures are comparable to the updated 1998 Census figure.

3.8.2 Education Level

74. The literacy rate of the DPs comes to 68%. Out of total 5,734 literate persons, 20% possess primary level education, 14% middle level and 23% matriculate level education. The population having education above matriculation level works out as only 11%. Of these, respondents possessing Intermediate level were 04%. The respondents possessing graduation and master level education were 06% and 01%, respectively. Information in respect of literacy levels of the sample population is furnished in **Table 3.6**.

Table 3.6: Education Level of Study Respondents

Education Level	Number	Percentage
Primary	1686	20
Middle	1180	14
Matric	1939	23
FA / F.Sc.	337	04
BA / B.Sc.	506	06
MA / M.Sc.	84	01
TOTAL EDUCATED	5734	68
Illiterate	2698	32
GRAND TOTAL	8432	100

3.8.3 Major Occupations of Respondents

75. Major occupations of the respondents included farming, working as general laborers, running the small business shops and hotels, driving and government and private employment. During survey, efforts were made to interact with people representing all walks of life.

3.8.4 Conflict Resolution Mechanism in the Project Area

76. Generally, local disputes are settled through Jirga (council of elders). This is an informal but well organized conflict resolving social institution at local level. At present this system has been regularized in the prevailing local bodies system. Yet most of the conflicts and disputes are being settled through local Jirga. No Jirga exist on permanent basis in the project area. It is convened on need basis, in case of issues that needs to be resolved. According to the Jirga mechanism, the influential of the area, a community representative, an elderly, local religious leader, play their role to resolve the reported disputes / conflicts with mutual consensus, after hearing the aggrieved parties. If party / parties are not satisfied with the decision of the Jirga, they are free to lodge complaint to police station or court of law. Generally, the people prefer to settle their disputes through the Jirga to avoid long enmity, wastage of time and money. As reported by the respondents, the decision of Jirga is respected by all the parties in 80% of the cases. Sometimes, unresolved issues are referred to the local political influential.

3.9 GENDER ISSUES AND ANALYSIS

77. Secondary information was also reviewed to assess gender situation at the district level. Consultations were held with female members of the affected families were conducted to assess the socio-economic status of women and document the gender differences.

3.9.1 Project Impacts on Women's Mobility and Access

78. During consultations, it was noticed that women occasionally travel outside their villages mostly for visiting doctors, shopping and social events. Very few girls travel for education or accessing vocational facilities located in the urban centers. But women shared their concern that during and after road construction their travel time will increase and their privacy will also be disturbed. Moreover, after resettlement and road construction their social networking will also be disrupted and may affect their mobility.

3.9.2 Women's Participation in the Decision making at the Household Level

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

3.9.3 Economic Situation of Women and Project Impacts

80. According to the consultations, women are mostly engaged in on-farm activities such as working in the fields, managing and rearing livestock. They only work at their own land hence are not economically active or are unpaid workers. They also do embroidery and stitching but only for their personal use or gifts for relatives. There are no vocational facilities for both girls and boys at the village level where they can improve their skills or get technical education.

SECTION 4 INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

4.1 GENERAL

84. The stakeholder's communication policy is based on the principles of transparency, timelines, participation, and meaningful engagement and inclusive. Means of communication and consultation are to promote participation of those who may otherwise tend to be marginalized such as women, elderly, and the poor. Stakeholder's communication will encompass institutional stakeholders, communities within the project area, and person directly affected by the project.

85. Participation of stakeholders is essential to reach the objectives of the resettlement policy. It is necessary to write to the communes and inform them of likely impacts from the scheme on environmental and resettlement issues, and request their response. The ADB SPS likewise requires meaningful consultation of stakeholders to involve them in the resettlement process.

86. Communities and affected individuals will be meaningfully consulted on all project activities which affect them. Such consultation shall take place as early as possible in the project and be ongoing, continuing throughout the project cycle. Consultation will be timely with the information provided when the feedback of consultations could be incorporated into design features or mitigation measures and prior to commencement of any project activity. Consultation will include information on project objectives and policies: project technical design, implementation activities and schedule, potential and actual impacts and risks such as environmental, resettlement, livelihood, access restriction, HIV/AIDs transmission, human trafficking along with mitigation measures; benefits and opportunities, institutional arrangement, grievance redress mechanism and the results of project monitoring and evaluation. All significant communication will be recoded and stakeholders will have the opportunity to present questions, options and suggestions.

87. In order to meet the criteria of meaningful consultation process, the consultation was started from early stages of the project. The consultation sessions with affectees for LARP preparation were carried out during the month of May, 2009 and July 2012. These consultation meetings proved very useful in information sharing and group consultation and consensus building. Concerns raised during the preliminary village meetings were incorporated in the LARP.

88. The consultation process continued at different time periods to share the latest development interventions in the project and take responses from the DPs. These consultations were held with a view to share information with the affectees about the latest project development. At this stage, specific objectives of the public consultation were as follows:

- To share fully the information with the affected people about the Package-III of E-35 project, its components and activities, various latest interventions in the project development;
- To share the views of the DPs about the on-going land acquisition and compensation process by the Project office.

- To disseminate the impacts of the project in terms of land acquisition, relocation of infrastructure, people displaced and measures proposed to minimize the resettlement related impacts, entitlements, eligibility and grievance redress mechanisms;
- To obtain the co-operation and participation of the affectees in the resettlement planning and implementation process;
- To ensure transparency in all the project activities through sharing the information; and
- Increase public confidence about the proponent, reviewers and decision makers.

4.2 IDENTIFICATION OF PROJECT STAKHOLDERS

89. Institutional stakeholders include (i) government agencies responsible for the design, management and implementation of the project and (ii) state institution, civil society (community based organization and mass organizations), and private sector institutions whose mandates share an interest with the outcomes and/or impact of the project. Communities within the project area as well as individuals directly affected by the project have a natural vested interest in the effectiveness of project design and implementation as well as mitigation of negative impacts and maximization of project benefits and are primary stakeholders. In the context of this LARP, the primary stakeholders are the displaced persons and any host communities to which those physically displaced may relocate to.

4.3 CONSULTATION WITH THE STAKEHOLDERS

90. In compliance to the participation framework, consultations were made with the stakeholders and general public by the LARP study team. Consultative meetings, scoping sessions and focused group discussions were held to learn about the views and concerns of the public on the proposed development works. The concerns raised by the stakeholders were considered in developing the entitlement matrix and resettlement plan, in order to enhance the project acceptability for the general public on social considerations.

4.4 FORUMS CONSULTED

91. The following forums were used to carry out the public consultations process.
- Consultative meetings held with the general stakeholders
 - Scoping sessions held with local communities
 - Focused group discussions held with main road users such as drivers, daily travelers, etc.
92. **Table 4.1** provides a summary of the public consultations.

Table 4.1: Summary of Public Consultations

Sr. No.	Village / Mouza	Venue	Date	No. Participations
1	Gheba Changi Bandi Meratoot	Dera of Abdul Aziz	12-5-2009	71

Sr. No.	Village / Mouza	Venue	Date	No. Participations
2	Maqsooda Mohri Akhone Bandi	Akhone Bandi	14-5-2009	68
3	Bagra Dobandi Kholyan Bala	Dera of Muhammad Bashir at Mouza Kholyan Bala	29-10-2009	77
4	Nowshera Kalu Mera Mallah	Kalu Mera	29-10-2009	65
5	Drone Mera Waziran Langra	Mouza Drone Mera	30-10-2009	80
6	Gheba Changi Bandi Meratoot	Gheba	3-7-2012	61
7	Maqsooda Mori Akhone Bandi	Akhone Bandi	3-7-2012	88
8	Bagra Dobandi Kholyan Bala	Dobandi	4-7-2012	55
9	Nowshera Kalu Mera Drone Mera	Mallah	4-7-2012	69
10	Drone Mera Waziran Langra	Langra	5-7-2012	35

4.5 APPROACH ADOPTED FOR THE CONSULTATION

93. The public consultation and information disclosure sessions continued up to July 2012 in all fifteen (15) mouzas of Package-III of E-35 Expressway. During the meetings efforts were made to consult the maximum affectees by land & other infrastructure and record their concerns.

94. To hold the meetings, affectees were informed one day before the meeting and to assemble on the dera of local numberdar (village head man)/representative of each mouza. In addition, announcements were also made in the loud speakers of mosque of each mouza for meetings to discuss the resettlement related issues. The meetings were held in an open encouraging atmosphere where affectees expressed their concerns and views freely.

4.5 INFORMATION DISSEMINATED

95. Following issues were discussed & disclosed to the affectees during the consultation meetings:

- Introduction of the project;
- Description of various project components, its activities and impacts;
- Description of land acquisition process and approval of land prices;
- Description of entitlement matrix developed for the affectees;
- Description of provisions made for the affectees in the LARF;
- Description of criteria of evaluation of buildings and other infrastructure;
- Description of criteria of evaluation of land and trees;
- Basis for determining the rates of land, trees and other infrastructure;
- Compensation framework proposed for the affectees;
- Compensation criteria to be followed for the payment to the affectees;
- Grievances redress procedures;
- Discuss overall land acquisition and resettlement related impacts of the project; and
- Needs, priorities and reactions of the affected people regarding the proposed Project.

4.6 CONCERNS RAISED BY THE PARTICIPANTS AND THEIR ADDRESSSEL

96. Due to continuous public awareness campaign and chain of meetings held during the preparation of the LARP since May 2009 the general public appeared to be convinced about the construction and associated benefits of the Expressway. As a whole, public of the mouzas falling within Package-III of the Expressway have a very positive view about the Project and support it. They are happy that after the construction of this 4-lane Expressway, they will enjoy a safer life due to presence of fences and a physical median in the centre of road. This will help in reducing the accidents. However, they also raised their concerns during the sessions. They also asked questions to get information about various components of the Project. Following (Table 4.2) is a summary of the concerns and their Addresssel:

Table 4.2: Concerns Raised and their Address

Sr. No.	Concerns	Addressel of Concern	Responsibility
Design Stage			
1	Land price should be announced before land acquisition	LAC shall inform to all the DPs about the land rates according to the LAA provisions.	LAC / NHA
2	Without title of land affected persons will be paid compensation	Non-titled affected persons will be compensated in accordance with SPS guidelines.	NHA/ LARP Consultant
3	Underpasses should be provided near the settlements	There is provision of 08 underpasses and 10 bridges in the design. The DPs were informed that the underpasses are proposed on all the existing roads.	NHA/ Design Consultants

4	How the affected trees will be compensated?	DPs were explained that non-fruit trees will be assessed on the type and volume of the trees and its utility in the open market. While fruit trees will be compensated according to the type, present age and productive life span of the trees.	NHA
5	Tenants should be compensated for their crop losses;	Compensation issue to tenant farmers will be addressed in the LARP in accordance with SPS, 2009.	NHA & LARP Consultant
6	What rates will be adopted for compensation to the land owners.	Market rates based on the average year (Owsat Yaksala) will be adopted for assessment of land compensation. The Revenue Department has its own mechanism to assess the market rates based on the average year proceeding the year of Section-4. While estimating the average year, the LAC considers the sale purchase transactions for all type of land in each mouza. The average year is calculated from the current transaction of sale-purchase of properties which reflects the current market rate for different categories' of land	LAC & NHA
7	What rates are adopted for the assessment of lost structures	The assessment of affected structures will be made according to the type of structure i.e pacca, semi-pacca & kacha.	NHA
8	Where from the labour/workers will be hired during the construction phase.	Local people will be provided employment during construction of the expressway. For this purpose, contractor will be made bound by adding a clause in contract documents to hire the local labour during construction phase. This will be monitored through internal monitors.	NHA & Construction Contractor
9	Fair compensation as per market price should be given to all the DPs.	DPs were informed and assured that market rates will be adopted for compensation for all type of assets such as land, buildings and trees etc. as per LAA provisions. The Revenue Department has its own mechanism	NHA/LAC

Sr. No.	Concerns	Addressel of Concern	Responsibility
Design Stage			
1	Land price should be announced before land acquisition	LAC shall inform to all the DPs about the land rates according to the LAA provisions.	LAC / NHA
2	Without title of land affected persons will be paid compensation	Non-titled affected persons will be compensated in accordance with SPS guidelines.	NHA/ LARP Consultant
3	Underpasses should be provided near the settlements	There is provision of 08 underpasses and 10 bridges in the design. The DPs were informed that the underpasses are proposed on all the existing roads.	NHA/ Design Consultants
4	How the affected trees will be compensated?	DPs were explained that non-fruit trees will be assessed on the type and volume of the trees and its utility in the open market. While fruit trees will be compensated according to the type, present age and productive life span of the trees.	NHA
		to assess the market rates based on the average year proceeding the year of Section-4. While estimating the average year, the LAC considers the sale purchase transactions for all type of land in each mouza. The average year is calculated from the current transaction of sale-purchase of properties which reflects the current market rate for different categories' of affected land.	
Implementation Stage			
10	Where should we contact in case of any complaint/ objection.	NHA representative informed that if any person has any complaint; he can submit his/her complaint in written form to Project Director E-35 office in Jinnahabad, Abbottabad. The GRC has already been notified and functional for complaint resolution.	NHA
11	When payments will be made for the affected asset/ structures.	LAC explained them the payments are going on for the affected land and payments of lost structures will start soon after completing the payments to the land affectees.	LAC&NHA

Sr. No.	Concerns	Addressel of Concern	Responsibility
Design Stage			
1	Land price should be announced before land acquisition	LAC shall inform to all the DPs about the land rates according to the LAA provisions.	LAC / NHA
2	Without title of land affected persons will be paid compensation	Non-titled affected persons will be compensated in accordance with SPS guidelines.	NHA/ LARP Consultant
3	Underpasses should be provided near the settlements	There is provision of 08 underpasses and 10 bridges in the design. The DPs were informed that the underpasses are proposed on all the existing roads.	NHA/ Design Consultants
4	How the affected trees will be compensated?	DPs were explained that non-fruit trees will be assessed on the type and volume of the trees and its utility in the open market. While fruit trees will be compensated according to the type, present age and productive life span of the trees.	NHA
		However, LAC monitors all the mechanism of payments. The payment vouchers are issued to the DPs by Patwari. Overall Project Director is looking after this procedure to make it more transparent and clear.	
12	The market rates adopted are lower than the prevailing market rates.	LAC elaborated that the Revenue Department has its own mechanism to assess the market rates based on the average year proceeding the year of Section-4. While estimating the average year, the LAC considers the sale purchase transactions for all type of land in each mouza. The LAC cannot go beyond this procedure, which is according to the LAA-1894.	LAC/NHA

4.7 GENDER INVOLVEMENT IN THE CONSULTATION PROCESS

97. According to SPS June 2009, meaningful consultation process is gender inclusive and responsive and tailored to the needs of disadvantaged and vulnerable groups. To interact freely and explore the gender related issues, female workers were included in the team composition. Formal meetings with the females from the affected communities were held to explore their needs, problems and priorities related to the project execution. In addition to the formal meetings, individual interviews were also held with the affected women to effectively involve them in the planning process.

98. Three formal meetings at Mouza Nowshera, Kalu Mera and Dobandi were held with the women, in which they participated actively and showed their support for the Expressway project. There was no specific issue reported related to the women during the meetings.

4.7.1 Awareness, Fears and Concerns about the Project

99. It was quite amazing to record that 100% of the women were aware about the project and majority of them were informed about the size of affected land and compensation received by their male partners.

a) Other Fears and Concerns of Women

- The relocation of affected structures will have a negative impact on their living standards, if proper compensation and relocation/ shifting assistance are not provided.
- Some women were willing to work as labourers during the construction activities to add their family income.
- Passage/ crossing at different locations along the road should not be stopped during civil works of expressway.
- They were concerned with the low rates and feared that with this compensation amount they will not be able to purchase land and build houses in a developed area with basic amenities of life.
- They shared that their lives and routine will be highly disturbed as a result of resettlement and dislocation and this project has increased uncertainty and stress in their lives. They do not know where and how they will be shifted to a new place.
- They shared that there is no platform or forum at the village level through which they can voice their problems and grievances regarding their losses.

4.7.2 Pressing Needs of the Surveyed Villages Suggested by Women

100. Women of the affected families were also inquired by Gender Consultant about the needs of the project area preferred by them. The foremost preferred needs are upgrading of schools, hospital/ dispensary, sui gas, vocational training, preference to locals in road construction work and water supply schemes. Due to restricted mobility of women and children, they suggested women friendly grievance mechanisms at the village level to address their concerns specifically elderly, single and those with no male support. Guidance and support to women in preparation of required documents for compensation.

4.8 DISCLOSURE OF LARP

101. To keep more transparency in the LARP implementation process and for further active involvement of DPs and other stakeholders, the information will be disseminated through disclosure of LARP document. The booklet summarizing the provisions of LARP will be given to DPS whose land, other assets and incomes are affected by the road project. The objective of the booklet will be to inform the DPs regarding essential compensation and rehabilitation mechanism for the project (E-35) and number of basic issues relative to the modalities of implementation of the compensation and rehabilitation program.

102. Key features of this LARP have already been disclosed to the APs during consultations meetings. The following steps will be undertaken for the disclosure of LARP as per provisions of the LARF.

103. The draft LARP will be disclosed to DPs. An information booklet having summary of DPs and compensation will be prepared specifically for this purpose. This information booklet will be translated into Urdu and will be distributed to all Displaced Persons (DPs) and Affected Person Committees (APCs). It will enable the DPs to read it by themselves and be aware of their entitlements, unit rates of compensation/income restoration and rehabilitation assistance and relocation assistance, payment procedures available for various types of DPs as given in the 'entitlement matrix', and grievance redress mechanism.

104. After approval by the ADB, the LARP will be translated into Urdu by the NHA and disclosed to the DPs, APCs and other stakeholders by Project Office through SSMC. It will be disclosed to women through a meeting either by COs or female staff. The both version of LARP (English and Urdu) will be made available at the offices of Project Director, Contractor, TMA, Revenue Department and Project Office as an official public document. The LARP will be posted on ADB and NHA's websites.

105. A schedule explaining the date, time and venue for disbursement of compensation cheques for each AP will be prepared in Urdu and distributed to all APs.

106. Pamphlet / Information Brochure in Urdu based on the summary of LARP will be prepared. This will include inventory of AHH's losses with detail of compensation to be paid to the AHH.

SECTION 5 GRIEVANCE REDRESS MECHANISM

5.1 GENERAL

55 This section presents information and arrangement for addressing conflicts and appeal procedures regarding eligibility and entitlements as well as the implementation of the resettlement activities

56 A well-defined grievance redress and resolution mechanism has been designed to address displaced households grievances and complaints regarding land acquisition, compensation and resettlement in a timely and satisfactory manner. All displaced households have been made fully aware of their rights, and the detailed procedures for filing grievances and an appeal process. The grievance redress mechanism and appeal procedures have also been explained to all displaced households. The grievance redress mechanism will be further publicised through an effective public information campaign during the updating of the land acquisition and resettlement plan

57 Displaced households (including women headed household) are entitled to lodge complaints regarding any aspect of the land acquisition and resettlement requirements such as , entitlements, rates and payment and procedures for resettlement and income restoration programs. Displaced households' complaints can be made verbally or in written form. In case of of verbal complaints, the committee on grievance will be responsible to make a written record during the first meeting with the displaced households.

58 For timely resolution of the issues if any and investigate the complaints and make decisions thereto. A gender sensitive Grievance Redress Committee at the project level is notified vide office order No 1(1)/EALS/NHA/2010/HQ/7-10dated 05 March 2011 and is placed at Project Director's Office at Abbottabad, attach as **Annex XXII**. Although the GRC will be the focal unit for grievance redress at the project level, however to facilitate the DPs to resolve their issues at village level or raise concerns to NHA HQ level in case of disagreement with GRC decision a two tier grievance redress mechanism is proposed as part of Land Acquisition and Resettlement Plan. The representation of the gender is ensured at all levels of GRM by inducting female members in the GRCs (Project Level), DPCs (village level), and EALS (NHA HQ level). The grievance redress mechanism will ensure AFs/DPs access to a grievance redress/ resolution mechanism that openly and transparently deals with the grievances and makes decision in consultation with all concerned that are consistent with SPS requirements and local laws.

59 Before invoking formal grievance redress system at the project level, the concerns of the aggrieved DPs will be examined at the village level through involvement of the Affected Persons Committees APCs, formed at village level. The social mobilizers will, act as focal person in their respective territorial limits to get the grievances recorded, investigated and discussed during DPCs meetings; facilitate the APCs to propose the remedial actions at their level in accordance with provisions of the resettlement plan and resettlement framework and; coordinate with the project implementers and the APCs to ensure that the APCs recommendations are implemented and the grievances are addressed accordingly.

5.2 First Level of GRM

60 If the grievance is not resolved at local level it shall be raised to formal grievance redress mechanism which is first level of GRM. A formal complaint will be tendered with the Project Grievance Redress Committee through the Social Mobilizers. Once the complaint is submitted with the Project GRC, it shall record it in the complaints register, without delay, and initiate the process of investigation through its technical and resettlement field teams. The complaint register is being maintained by the Assistant Director Land in project office. The field teams (Land Staff) will investigate into the complaint meet the aggrieved person, APC representatives and the local community and submit its fact finding report and recommendations to the GRC within 7 days of recording of complaint with GRC. After receipt of the fact finding report the GRC will hear the aggrieved person and decide the complaint based on ground facts but in accordance with the agreed entitlements and provisions in the LARP/entitlement matrix. However, if aggrieved person is not satisfied he/she will be allowed to elevate the complaint to next level of GRM for resolution of his grievances. The GRC will decide the grievances within, 21 days of receipt of complaint in GRC and if the decision is not arrived in stipulated time its reasons will be recorded and the decision will be arrived in next 7 days. If the final decision by GRC is not acceptable to the DPs, they may pursue a legal course if they wish to do so.

5.3 Second Level of GRM

61 In case of dissatisfaction of the DP, he/she will be referred by GRC to second level of GRM i.e. at EALS in NHA HQ, within 07 days after communication of decision by the GRC. The EALS will acknowledge the complainant about his complaint, scrutinize the record of the GRC, investigate the remedies available and request the complainant to produce any record in favour of his claim. After thorough review and scrutiny of the available record on complaint visit the field and collect additional information if required. Once the investigations are completed the EALS shall get its recommendations approved by Member Aided Project and forward them to the Project Director and the complainant accordingly within 15 days of receipt of the complaint. If the complainant is still dissatisfied with the decision, he can go to the court of law, if he/she wishes so. .

5.4 Constitution and Function of the GRC

62 The GRC will be established at the project level (Abbottabad) with the primary objective of providing a mechanism to mediate conflict and cut down on lengthy litigation. It will also provide people, who might have objections or concerns about their assistance, a public forum to raise their objections and through conflict resolution, address these issues adequately. The GRCs will continue to function, for the benefit of the DPs, till complete implementation of LARP.

63 The GRC will be headed by the Project Director, E-35. The GRC will have representative from the District Revenue Office, Project Management Unit, aggrieved DP/DPs and/or representatives of DP/DPs, and other interested groups if any. The GRC will meet at least once in a month. Other than disputes relating to ownership rights and against award under the court of law, GRC will review grievances involving all resettlement benefits, compensation, relocation, and other assistance. At least one member from each APC will be a woman to take part in APC meetings and GRC meetings. GRC will perform following functions:

- Provide support to the DPs on problems arising out of land/property acquisition like award of compensation and value of assets;

- Record grievances of DPs, categorize and prioritize the grievances that needs to be resolved by the Committee and solve them within a month;
- To forward the un resolved cases to PMU within an appropriate time frame; and
- To report to the aggrieved parties about the development regarding their grievance and decision of PMU.

5.5 Information Dissemination and Community Outreach

64 In synchronization with ongoing consultative process the grievance redress mechanism will also develop a back and forth information dissemination system to inform the DPs about their rights under the statute LAA, 1894, ADB’s Social Safeguard Policy Statement 2009, agreed LARF and approved LARP for the project. The DPs will be informed about the GRM, its functioning, complaint process to GRC and EALS at HQ, phone numbers and postal addresses of the focal members of the GRM. The GRC will send acknowledgement to complainant DP, inform him about its site visit plan to ensure DP’s presence during site visit, and provide update on the progress made to resolve his complaint/grievance. Besides this formal communication the Safeguard Management Consultants, land acquisition staff and the social Mobilizers in the field will maintain a close liaison with the DPs and provide them the requisite information on the GRM and update the DPs about the status of complaints under process with GRC or the EALS whatsoever the case may be.

5.6 Title Disputes and Court References Against Award

65 The title disputes under land acquisition act and references against award are beyond the preview of the GRC hence all such disputes will be dealt as per provisions of the law. However, the GRM will provide first hand information to the DPs about their rights and obligations under the statutes and facilitate them to follow the course of law to get their issues/cases resolved or lodge reference against awarded compensation if the DPs desire so.

Table 5.1: Grievance Resolution Process

Steps in the Grievance Resolution Process
Each village will be assigned a social mobilizer to maintain regular contact with the DPs and to be the first line of contact on issues related to LAR.
Any complaints in the village will be recorded by the social mobilizer, investigated by the social mobilizer with the help of the Affected Persons committee, and if possible resolved in the village, with the assistance of the PMU.
Any complaint that cannot be resolved satisfactorily at informal level will be forwarded to the Grievance Redress Committee, chaired by the Project Director. Any solution or decision must comply with the LARF.
If the Grievance Redress Committee is unable to resolve the issue, it will be present before EALS for its review and decision.
Should the grievance redress system fail to satisfy the DP, DP can submit the case to the appropriate court of law as per the process set out in Sections 18 to 22 of the LAA (1894).

SECTION 6 LEGAL AND POLICY FRAMEWORK

6.1 GENERAL

115. This section 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; describe methodology for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

6.2 LEGAL FRAMEWORK

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

6.2.1 Pakistan's Law And Regulations on Land Acquisition and Resettlement

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

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

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

120. The law deals with matters related to the acquisition of private land and other immovable assets that may exist on it when the land is acquired for public purpose. A listing of the Sections of the Act and their salient features is given in **Table 6.1**. The right to acquire land for public purposes is established when Section - 4 of the LAA is triggered. The LAA specifies a systematic approach for acquisition and compensation of land and other properties for development projects. It stipulates various sections pertaining to notifications, surveys, acquisition, compensation and apportionment awards along with dispute resolution, penalties and exemptions. Surveys for land acquisition are to be disclosed to the displaced persons.

Table 6.1: Salient Features of the LAA 1894 and Successive Amendments

Key Sections	Salient Features of the LAA 1894
Section 4	Publication of preliminary notification and power for conducting survey.
Section 5	Formal notification of land needed for a public purpose. Section 5a covering the need for enquiry of the concerns or grievances of the affected people related to land prices.
Section 6	The Government makes a more formal declaration of intent to acquire land.
Section 7	The Land Commissioner shall direct the Land Acquisition Collector (LAC) to take order the acquisition of the land.
Section 8	The LAC has then to direct that the land acquired to be physically marked out, measured and planned.
Section 9	The LAC gives notice to all APs that the Government intends to take possession of the land and if they have any claims for compensation then these claims are to be made to him at an appointed time.
Section 10	Delegates power to the LAC to record statements of the APs in the area of land to be acquired or any part thereof as co-proprietor, sub-proprietor, mortgage, and tenant or otherwise.
Section 11	Enables the Collector to make enquiries into the measurements, value and claim and then to issue the final "award". The award includes the land's marked area and the valuation of compensation.
Section 11 A ⁷	Enables the Collector to acquire land through private negotiations upon request of Head of the acquiring department. Upon receipt of any such request the collector is empowered to constitute/notify a committee for assessment of market value of land and verification of title of ownership. On agreement by Head of Acquiring Department, with negotiated market value determined by the committee, the collector shall then direct parties to execute sale deed in favor of acquiring department on stamp paper.
Section 11 B ⁸	Provides time limit of six month to complete land acquisition process from

⁷ Khyber Pakhtoon Khaw (KPK), Land Acquisition Act amendment Notification No. Legis:1((2)71/III/4258 dated August 22, 2001

⁸ As above

Key Sections	Salient Features of the LAA 1894
	the date of notification under Section-4.
Section 16	When the LAC has made an award under Section 11, he will then take possession and the land shall thereupon vest absolutely in the Government, free from all encumbrances.
Section 18	In case of dissatisfaction with the award, APs may request the LAC to refer the case onward to the court for a decision. This does not affect the Government taking possession of land.
Section 23	The award of compensation for the owners for acquired land is determined at its market value plus 15% premium in view of the compulsory nature of the acquisition for public purposes.
Section 28	Relates to the determination of compensation values and interest premium for land acquisition.
Section 31	Section 31 provides that the LAC can, instead of awarding cash compensation in respect of any land, make any arrangement with a person having an interest in such land, including the grant of other lands in exchange.
Section 48A (LAA-1986)	If within a period of one year from the date of publication of declaration under Section - 6 in respect of any land, the Collector has not made an award under Section - 11 for such land, the owner of the land shall, unless he has been to a material extent responsible for the delay be entitled to receive compensation for the damage suffered by him in consequence of the delay.

6.2.2 KPK Rules (Amendments In LAA-1894)

a) The North-West Frontier Province Land Acquisition (Amendment) Act, 1986 (19 March, 1987)

121. According to this amendment Section 48A, after Section 48 is added in the LAA, 1894, which states that “If within a period of one year from the date of publication of declaration under section 6 in respect of any land, the Collector has not made an award under section 11 in respect to such land, the owner of the land shall, unless he has been to a material extent responsible for the delay be entitled to receive compensation for the damage suffered by him in consequences of the delay”.

b) The Land Acquisition (North-West Frontier Province Second Amendment) Act, 1972. N. W. F. P. Act No. IV Of 1972 (Peshawar, The 23rd June, 1972)

122. In the said Act (1894), mainly in section 31, for sub-section (1), the following sub-section substituted –

“(1) When the Collector has made an award under section 11

(a) If the person interested entitled to compensation under the award accepts the award and intimates his acceptance in writing to the Collector before the expiry of the period prescribed in sub-section (2) of section 18 for making an application to the Collector for referring the award to the Court, or if the period specified in sub-section (2) of the said section for making an application to the Collector for referring the award to the Court has expired and not such application or reference has been made, the Collector shall, before taking possession of the land, tender payment of the full amount of compensation awarded by him to the persons entitled thereto according to the award, and shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2);

(b) If the person interested entitled to compensation under the award objects to the award and an application has been made to the collector under sub-section (1) of section 18 for referring the award to the Court, the Collector shall, before taking possession of the land, tender payment of the compensation awarded by him or the estimated cost of acquisition of such land as determined by the Collector of the district under sub-section (1) of section 17, whichever is less, to the person entitled thereto under the award and shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2):

Provided that no payment under clause (b) shall be made until the person entitled to compensation furnishes to the satisfaction of the Collector a security of refund of the amount, if any, which may subsequently be found to be in excess of the compensation awarded to him by the Court.”

c) The North-West Frontier Province Guidelines For The Implementation Of The Land Acquisition Act (Modified Up To 1992) Pre-Emption Act, 1987 (28th April, 1987)

123. These guidelines consist of 36 various amendments in the form of different Clauses. The review of main clauses is given below:

Clause	Amendment
	According to this amendment “A property acquired by the Federal or a Provincial Government or a local authority in pursuance of any law shall not be pre-emptible-
24	Plaintiff to deposit sale price of the property:- (1) In every suit for pre-emption the Court shall require the plaintiff to deposit in such Court one-third of the sale price of the property in cash with such period as the Court may fix;

Clause	Amendment
25	Where a Court passes a decree in favour of a pre-emptor on payment of a price which is in excess of the amount already deposited by the pre-emptor, the Court shall require to pre-emptor to deposit the remaining amount within thirty days of the passing of the decree.
26	No sum deposited in or paid into Court by a pre-emptor under the provisions of this Act shall, while it is in custody of the Court, be liable to attachment by any Civil, Criminal, Revenue or any other Court or a Revenue Officer or a local authority.
27	. (1) Where in the case of a sale the parties are not agreed to the price at which the pre-emptor shall exercise his right of pre-emption the Court shall determine whether the price at which the sale purports to have taken place has been fixed in good faith or paid, and if it finds that the price was not so fixed or paid, it shall fix the market value of the property as the price to be paid by the pre-emptor.
28	For the purpose of determining the market value of a property, the Court may consider the following, among other matters, as evidence of such value— <ol style="list-style-type: none"> 1. the price of value actually received or to be received by the vendor from the vendee; 2. the estimated amount of the average analytical net profits of the property; 3. the value of similar property in the neighborhood; and 4. the value of similar property as shown by previous sales made in the near past.
30	Any party to a proceeding under this Act may, in addition to, or instead of, an advocate engage an Alim who is qualified as such from a Deeni Madrasah approved by the Provincial Government for this purpose
31	The period of limitation for a suit to enforce a right of pre-emption under this Act shall be one hundred and twenty days from the date— <ol style="list-style-type: none"> 1. of the registration of the sale deed; or 2. of the attestation of the mutation, if the sale is made otherwise than through the registered sale deed; or 3. on which the vendee takes physical possession of the property if the sale is made otherwise than through the registered sale deed or the mutation
32	(1) The Registrar registering the sale deed Or the Revenue Office attesting the mutation of a sale shall, within two weeks of the registration or attestation, as the case may be, give public notice in respect of such registration or attestation. (2) The notice under sub-section (1) shall be deemed sufficiently given if it be struck Up on the main entrance of a mosque and on any other public place of the village, city or place where the property is situated: Provided that if the property is situated in a city, the notice shall also be given through a newspaper having large circulation in such city.

Clause	Amendment
33	Matters ancillary or akin to the provisions of this Act which have not been specifically covered under any provision thereof shall be decided according to Shari'ah.
34	The provisions of the Code of Civil Procedure, 1908 (Act V of 1908), and the law on evidence in vogue shall, mutatis mutan di, apply to the proceedings under this Act
35	<p>1. In the cases and appeals filed under the Law referred to in subsection in which judgments and decrees passed by the Courts have become final, further proceedings if any relating to such cases and appeals, shall, notwithstanding the repeal of such law be governed and continued in accordance with the provisions there of.</p> <p>2. All other cases and appeals not covered under sub-section (2) and instituted under the law, referred to in sub-section (1) and which immediately before the commencement of this Act were pending before a Court shall lapse and suits of the pre-emptors shall stand dismissed, except those in which right of pre-emption is claimed under the provisions of this Act.</p>
36	Government may, in consultation with the Council of Islamic Ideology, by notification in the official Gazette, make such rules as it may consider necessary to carry out the purposes of this Act.

6.2.3 ADB'S INVOLUNTARY RESETTLEMENT SAFEGUARDS

124. The SPS 2009 is based on the following objectives: 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 following principles are applied to reach these objectives:

- i. Screen the project early on to identify past, present and future involuntary resettlement impacts and risks;
- ii. 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;
- iii. 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 & 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;
- iv. 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.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.
 - ix. 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.
 - x. Disclose a draft resettlement plan or the compensation matrix, eligibility criteria or rates determined for the affected land, structures, trees etc., 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.
 - xi. 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.
 - xii. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
 - xiii. 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.

6.4 COMPARISON OF KEY LAA (1894) AND ADB POLICY PRINCIPLES AND PRACTICES

125. The resettlement and compensation policies for the project are to be in accordance with ADB requirements and laws of the Government. Under the ADB policy, the Bank's requirements must be met with regards to involuntary resettlement as defined in ADB's SPS.

126. Differences between Pakistan Land Acquisition Act (LAA) and ADB Policy on resettlement are outlined in **Table 6.2**. The objective of this comparison is to identify if and where the two sets of procedures are in conformity with each other and more importantly where there are differences and gaps. The key issue is that by following the ADB assessment procedures, the requirements of the Pakistan and KPK regulatory systems are in compliance. Conversely, if the Government of Pakistan and also the KPK systems are followed then there are likely to be shortfalls in comparison to the ADB requirements. The key ADB Policy Principles are (i) the need to screen the project early on the planning stage (ii) carry out meaningful consultation (iii) at the minimum restore livelihood levels to the pre-project conditions and improve the livelihoods of the affected vulnerable groups (iv) prompt compensation at full replacement cost is to be paid (v) provide displaced people with adequate assistance (vi) ensure that displaced people who have no statutory rights to the land that they are working are eligible for resettlement assistance and compensation for the loss of no-land assets and (vii) disclose all reports.

Table 6.2: Comparison of LAA and ADB's SPS 2009

Pakistan's Land Acquisition Act, 1894	ADB Involuntary Resettlement Policy
Government does not have a national or provincial policy on resettlement and rehabilitation of affected persons.	ADB Safeguard Policy Statement encompasses principles on the environment, resettlement and indigenous people.
Land compensation only for titled landowners or holders of customary rights.	Lack of title should not be a bar to compensation. Requires equal treatment of those without clear land titles (for example squatters, or other informal settlers) in terms of their entitlements for resettlement assistance and compensation for the loss of non-land assets.
Only registered land owners, share croppers and leaseholders are eligible for compensation of crop losses.	Crop compensation is to be provided irrespective of the land registration status of the affected farmer/ share cropper. Crops for two seasons Rabi (winter) and Kharif (summer) for full one year are to be compensated based on existing market rates and average farm produce per unit area
Tree losses are compensated based on outdated officially fixed rates by the relevant Forest and Agriculture Departments.	Tree losses are to be compensated according to market rates based on productive age or wood volume depending on tree type. The entire removed tree will remain the property of the owner for them to salvage.
Land valuation based on the median registered land transfer rate over the 3 years prior to Section 4 of LAA being invoked. 15% compulsory land acquisition charges are paid over and above the assessed compensation. However, recent practice is that prices based on the average over the last one year prior to acquisition commencing is applied.	Land valuation is to be based on current replacement (market) value with an additional payment of 15%. The valuation for the acquired housing land and other assets is the full replacement costs determined on the basis of the fair market values of land or assets covering the developmental costs, transaction costs and other applicable payments that may be required.
The valuation of structures is based on official rates with depreciation deducted from gross value of the structure and also 15% of the value of salvage materials.	The valuation of built-up structures is based on current market value but with consideration of cost of new construction of the structure, with no deduction for depreciation but the APs allowed to take the salvage material free of cost.
The decisions regarding land acquisition and the amounts of compensation to be paid are published in the official Gazette and notified in accessible places so that the people affected are well informed.	Information related to the quantification and valuation of land, structures, other immovable assets, entitlements and amounts of compensation and financial assistance are to be disclosed to the displaced persons prior to project appraisal period.

Pakistan's Land Acquisition Act, 1894	ADB Involuntary Resettlement Policy
There is no provision for income restoration and rehabilitation measures. There are also no special allowances for the displaced poor and other vulnerable groups including women. There are no requirements to assess opportunities for benefit sharing.	The ADB Policy requires rehabilitation for lost income and special DP expenses during the relocation process. There are also provisions to be made for transitional period costs and livelihood restoration. It also require to improve the standard of living for displaced poor and other vulnerable households, including women to at least national minimum standards by providing access to legal and affordable housing, land and income generating resources.
Prepare and disclose Resettlement Plans (RPs). There is no law or policy that requires preparation of RPs.	Resettlement Plans are prepared and disclosed.
Grievances redress is established through the formal land acquisition process at a point in time or through appeals to the court.	Provide mechanisms that are accessible locally and available throughout project implementation.
Only compensation is paid but not resettlement allowances, there is no mechanism to ensure payment is made before displacement.	All compensation and allowances to be paid prior to physical or economic dislocation.
No requirements to prepare and disclose monitoring reports.	Prepare and disclose monitoring reports.
No requirement for Project Completion Report (PCR), to report against completed resettlement.	PCR required.

6.5 REMEDIAL MEASURES TO BRIDGE THE GAP

127. Project specific resettlement issues have been addressed to assist non-titleholder persons and bridge the gap between existing practice and the main guidelines of the ADB SPS 2009 with regards to involuntary resettlement. To reconcile the inconsistencies between Pakistan LAA (1894) and the ADB Policy (SPS 2009), the NHA has prepared the LARF for the Project, ensuring that compensation is provided at replacement cost for all direct and indirect losses so that no one is worse off as a result of the project. The AFs have been provided with necessary allowances that may be relocated; suffer businesses losses, or may be vulnerable, as per LARF and ADB SPS (2009) provisions.

6.6 METHODOLOGY FOR DETERMINING VALUATION AND COMPENSATION RATES AT REPLACEMENT BASIS

6.6.1 Unit Rates of Land

128. The land for the expressway is acquired as per Land Acquisition Act. 1894. The Section-4 for all the 15 mouzas falling in the alignment of the expressway was announced in February

2010. As per provisions of the LAA, the unit value of land is based on the last year's average of sale/ purchase in the affected villages/mouzas of Package-III, as per revenue records. The unit rates for land of different types the year 2009-2010 were assessed and endorsed by the District Officer (Revenue), Haripur. The same were adopted by the LAC in the land awards. The unit rates of land as applied in the land awards for the affected mouzas for different type of land are provided in Table 6.3. These market rates are based on the average year proceeding the year of Section-4. While estimating the average year, the LAC considers the sale purchase transactions for all type of land in each mouza. The LAC cannot go beyond this procedure, which is according to the LAA-1894. The average year is calculated from the current transaction of sale-purchase of properties which reflects the current market rate for different categories' of land.

Table 6.3: Mouza wise Unit Rates According to Land Type Used by LAC in Land Awards (Rs/ Kanal)

Sr. No	Mouza	Bagh	Chari Abi	Chari	Kund Abi	Kund	Mera Abi	Mera	Rakkar	Ghair Mazrooa/Kanal	Baher De Abi	Baranger Aabi	Gher Mumkin	Baari	B. Qadeem	Dhaka Rakh	Mewadar
1	Dobandi	637962		637962		98148		80292.8	98148	24537	196296	98148	24537	246611			
2	Malah									5735.2							
3	Akon Bandi	186377.6				25758		25758	8586	4235.8		51516	4235.8				
4	Gheba					114720		76480	38240	19120							
5	Nowshera									4120							
6	Maqsooda	1002864	1002864							16714.4							1E+06
7	Wazeran							58908.6	32727	6545.4				255271			
8	Daroni Mera							39375.4	25478.2	23.16.2				182980			
9	Kalo Mera							59760	33200	6640				232400			
10	Kholian Bala									17501.8		210021.6	17501.8		17501.8	17502	
11	Changi Bandi	454341.6	454341.6	40387	25240	25240	20194	20193.6	10096.8	2524.2		75720.6			2524.2		
12	Mera Toot	674609.6	674609.6					48186.4		12046.6							

Source: DO (R), Abbottabad & Haripur

6.6.2 Unit Rates Of Houses/ Buildings/Structures

129. Houses/ buildings falling within the RoW, as per final design of expressway, have been assessed by the Project Office engineering staff through Detailed Measurement Survey (DMS). During the survey, different types of building structures were identified and these are classified into three categories *Kacha*, *Pucca* and *Semi Pucca*⁹ keeping in view the type of materials used in the construction of these structures. The Sub Divisional Officer (SDO), Roads, Haripur, Communication and Works (C&W) Department, Govt. of KPK was approached by the Project Director, E-35 to provide unit rates for these construction types for the assessment of compensation. The SDO vide his letter dated 20-08-2011(copy attached as Annexure-XXVI), provided the rates as depicted in **(Table 6.4)**. The rates have been used by the LAC in the Awards for structures. The owners of structure are allowed to take the salvaged material of their structures and no depreciation has been charged.

Table 6.4: Unit Rates of Structures

Sr. No.	Type of Structure	Unit	Rate (Rs.)
1	Pacca Construction	Ft. ²	950
2	Semi Pacca Construction	Ft. ²	700
3	Kacha Construction	Ft. ²	500
4	Brick Masonry Wall	M ³	4584.44
5	Stone Masonry Wall	M ³	3558.67
6	Concrete Blocks Masonry Wall	M ³	2532.90

Source: C & W Department, Haripur

6.6.3 Unit Rates of Crops

130. The cropping pattern along the project corridor is comprised of wheat, maize and peas. Per acre net incomes from these crops as provided by the DO (Agriculture) have been used by the LAC in the land awards for the compensation of affected crops.

6.6.4 Unit Rates Of Trees

131. The affected fruit and non-fruit trees following the ROW have been assessed in the land awards by the LAC as per rates (of 2010 level) provided by the DO (Agriculture). The fruit trees have been compensated based on annual net product market value per tree for a period of 5 years. This period is required to grow a new plant of same species to the age of production. Privately owned non fruit trees are compensated at a cost equivalent to market price of timber and fuel wood available from each tree. The entire removed tree will remain the property of the owner for them to salvage.

⁹ For assessment purpose, all the structures were divided into following three categories depending upon the nature of construction and type of material used in the project area.

Pacca Structure: T.R girder roof, cement mortar, cement plastering and concrete flooring

Semi-pacca Structure: T.R girder roof, mud mortar, cement plastering and brick flooring

Kacha Structure: Wooden girder, wooden battens, mud mortar, mud plastering and mud flooring

6.7 LAND ACQUISITION PROCESS

6.7.1 Initiation Of Land Acquisition Process

132. The process of land acquisition for the E-35 covering all the sections was initiated with the finalization of present alignment of road by the NHA, preparation of design by Design Consultant in August, 2009 and its physical marking on the land.

6.7.2 Issuance of Section-4

133. The Section-4 in respect of 15 mouzas falling under of Package-III was announced on 12-02-2010.

6.7.3 Issuance of Section-5

134. It is a formal confirmation of Section-4 by the collector. This section is issued within one year after notification of Section 4. Section-5 in respect of all the mouzas of Package – III was issued by the collector on 12-07 2010.

6.7.4 Issuance of Section 5a and Deposit of Land Costs

135. Section-5a is issued after one month of announcement of Section-4. It invites complaints from the owners particularly about the correctness of the land details of the individuals. The owners are invited through issuance of formal notice. Before issuance of this notice, the demand for the cost of land is made to NHA by the LAC on the basis of “yaksala owsat” price (last one year’s average price as per LAA requirements). For this purpose, the LAC requests the DO(R) for the provision of last year’s average price on the basis of mutations register. On its receipt from DO (R), the LAC requests the PD to deposit the estimated amount of land in the treasury on the basis of this average price so that the Section- 5a may be issued.

6.7.5 Issuance of Corrigendum To Section-4

136. The khasra numbers as announced U/S-4 are verified according to the land plan and the concerns of the land owners U/S 5A. If excess land is included in the section-4 notification, the LAC issues corrigendum to section-4, where required. Similarly, the concerns of the land owners are addressed by the LAC. These are generally about land prices and land measurements. If any objection relating to land measurements is found valid, corrigendum to section-4 to this effect is made. The objections are addressed in the presence of the complainant and to his satisfaction.

6.7.6 Announcement of Section-6

137. Section-6 is announced by the Collector after one month of the announcement of Section-5a. It contains the details of khasra numbers and land to be acquired. Its copies are distributed to the concerned authorities. Copies are sent to the Tehsildar of relevant tehsil who sends it to the Patwari of the village for its wider publicity among the affected people through public announcements. The dates of issuance of Section-6 indicate that Section-6 has been announced after 1–2 years after the announcement of Section-4 in respect of different mouzas.

6.7.7 Issuance of Notices U/S 9 And 10

138. After 15 days of issuance of notice U/S-6, proceedings under Sections 9 and 10 were started. Notices were issued by the LAC containing details of land as notified U/S-6. The interested persons were required to appear before the Collector at a specified date and location to record their concerns, if any. Each DP was provided chance to explain his views and concerns. The collector explained them about the details of the land to be acquired and the unit price of various land types. They were briefed that in case they are not satisfied with the prices, they can go to the court of law for the rectification of price anomalies and other complaints regarding the Awards. The DPs were facilitated by providing them the documents related to calculation of average year (owsat yaksala) for different categories of land. This procedure will be monitored through internal monitoring reports by NHA.

6.8 SEQUENCE OF ACTIVITIES FOR LAND ACQUISITION, LARP PREPARTION AND ITS IMPLEMENTATION

139. The land acquisition process and disbursement of payments under land awards is interrelated activity with LARP preparation and its implementation. For a clear and transparent land acquisition process the following sequence of activities as described in Table 6.5 is to be ensured by the NHA.

140. The requisite process of land acquisition, LARP preparation and its implementation is summarized in **Table 6.5**.

Table 6.5: Schedule for Land Acquisition and LARP Preparation Activities

Step	Activity	Responsibility	Compliance in Case of E-35
1	Preparation of Final Design	Design Consultants	Done.
2	RoW marking and collection of land details	LAC, NHA/ Design Consultants	Done
3	Due Diligence of LA process and payments.	ADB	Not Done
4	Notification of Section-4 and completion of Land acquisition process with the announcement of Land Awards	NHA,DOR,/ LAC	Partially Done. The land has been acquired.
5	SIA, Census, LAR impact inventory with extent of loss to each DP prepared, compensation entitlements finalized	NHA and Consultants	Under progress
6	Preparation of draft LARP and submission to ADB for review and clearance	NHA	Done
7	Institutional arrangements put in place for LARP implementation	NHA	Compensation disbursement under progress but without institutional set up. The

Step	Activity	Responsibility	Compliance in Case of E-35
			procurement teams of ADB and NHA are working in close liaison to hire the SSMC firm. EoI and ToRs have been finalized in this regard. The process may consume 3-4 months, in the meanwhile, the NHA has deputed its staff to fully engage in the implementation of SPS 2009 as an interim arrangement. Moreover, various committees/ formations are in place to monitor the LAR process and address grievances of the affectees of land acquisition as per the ADB's policy and national laws e.g GRC, APLC, LARU and DRC.
8	Review by ADB and clearance	ADB	Not Done
9	Preparation of Identification cards of DPs	PD/ NHA, SMC	Not Done
10	Distribution of executive summary of LARP, ID cards and notices to receive compensation to the APs	PD/ NHA	Not Done
11	Payment of compensation according to the procedure provided in the LARP	LAC/ PD, NHA	Payments underway un-monitored.
12	Taking over of possession of RoW free from all encumbrances	LAC/ PD, NHA	Not yet started. The possession of land will be taken after paying of all the allowances as per SPS 2009

6.9 ON-GOING PROCESS FOR DISBURSEMENT OF COMPENSATION

141. The disbursement of compensation to the DPs is in progress for Package III of E-35. The amount is disbursed to the DPs/APs by the LAC. No other Project functionary participates in the payment process. LAC is disbursing the payments, P.D, Director (L&S) and A.D (L&S) monitoring all Land Acquisition and disbursement process.

142. A team comprising LAC, Quanoogo and 02 Patwaris is carrying out the disbursement task. As a first step, the announcements are made in the relevant village/ area before one day of the scheduled visit of the disbursement team. People are asked to come to a specified place (generally prominent place in the village) along with their NICs and land ownership documents to receive their compensation.

143. On the specified date, the LAC with his staff holds a meeting. The Patwari identifies the DP as per his NIC and fard-e-malkiat issued by revenue office and takes his signatures on the acquaintance roll and affixes his thumb impression, which is mandatory.

144. After this activity, the voucher is prepared by Quanoogo. The voucher includes the details about affected land with land types and the compensation costs, as per acquaintance roll. AP signs the voucher. The thumb impression of the AP and his NIC number on the voucher is mandatory. Two witnesses also sign the voucher with their NIC number. Then LAC signs the voucher. The AP is asked to receive the voucher after two days because it is to be sent to NHA head office for the confirmation of payment voucher by the Director (Land), EALS.

145. The voucher is handed over to the DP on the specified time and date. A copy is kept in the record.

146. The DP brings this voucher to the District Account Office. This office after confirming the identity of the voucher bearer with two witnesses, issues a cross cheque to the DP of his amount payable from National Bank of Pakistan, Haripur & Abbottabad.

147. The DP deposits this cheque in his account in a bank and the amount is transferred to his account.

148. The vouchers for trees and assets are issued separately by the LAC.

6.9.1 Receipt Of Compensation Under Protest (Section-18)

149. The LAA provides that if a person, in spite of proceedings under sections 5a, 9 and 10 is not satisfied with the Award in any way, he is allowed to go the court of law for the rectification of his grievances. For this purpose, he is required to receive the Award amount under protest. He records his protest on the acquittance roll at the time preparation of payment voucher. The LAC facilitates the DPs by providing them the documents related to their owner ship deeds, compensation amounts and calculation of average year (owsat yaksala) for different categories of land.

CHAPTER 7 ENTITLEMENTS, ASSISTANCE AND BENEFITS

7.1 GENERAL

150. This section defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures in terms of an entitlement matrix; identify and document the households who will be eligible for transitional livelihood support if compensation payments for land are delayed for six months; specifies all assistance to vulnerable groups, including women, and other special groups; and outlines opportunities for displaced persons to derive appropriate development benefits from the project.

7.2 COMPENSATION ELIGIBILITY

151. DPs are identified as persons whose land, structures/assets and livelihood is directly affected by the project due to construction of Expressway. The eligible DPs for compensation or at least rehabilitation provisions under the Project would be:

- All land owning DPs losing land or non-land assets, i.e., crops and trees whether covered by legal title or traditional land rights;
- DPs losing the use of structures and utilities, including titled and non-titled owners, registered, unregistered, tenants and leaseholders plus encroachers and squatters. (However, no tenants and leaseholders plus encroachers, squatters and non-titled owners have been identified in the RoW of Package-III of E-35.);
- DPs losing business, income and salaries of workers or a person or business suffering temporary effects, such as disturbance to land, crops and business operations both permanently and also temporarily during construction. (However, no DPs losing business, income and salaries of workers have been identified in the RoW of Package-III of E-35.);
- Loss of communal property, lands, and public infrastructure.
- Vulnerable displaced persons identified through the impact assessment.
- In the event of relocation, all DPs will receive transitional and other support to re-establish shelter and livelihoods.

152. Compensation eligibility is attached with the cut-off date that has been established as **July 03, 2012**.

7.3 COMPENSATION ENTITLEMENTS

153. Entitlement provisions for APs losing land, structures, assets, and entitled for rehabilitation subsidies, will include land losses, residential structures losses, crops and trees losses, a relocation subsidy, in accordance with the inflation adjusted Official Poverty Line (OPL). Agricultural land impacts of titleholders will be compensated at replacement cost, based on fair market value, in cash at current market rates plus a 15% compulsory land acquisition surcharge and free of taxes, registration, and transfer costs. The land based assets including structures and trees will be compensated at full replacement costs while the compensation for the standing crops (perennial and seasonal) will be provided on average net income /unit area. In addition relocation assistance and transitional/income restoration support based on the social impact assessment will apply. The compensation entitlements according to the extent of impacts are defined as follows.

7.3.1 Owners of Land

154. The owners of agricultural land (including cultivable and un-cultivable) have been paid according to the rates in the land awards (2009-10 yearly average rates), as per provisions of LAA, free of taxes, registration and transfer costs; as per following rates. The AFs have been paid an additional 15% compulsory acquisition surcharge (CAS), free of taxes, registration and transfer costs. The rates for different categories of land are provided in Table 6.3 in Section-6 of the LARP.

7.3.2 Owners Of Houses/ Residential Structures

155. The owners of the houses with significant impacts are entitled for the following compensation.

- In case the structure cannot be built on the remaining space of the affected house, full compensation for the total covered area of the house at replacement cost basis.
- One time paid house rent for 06 months @ Rs. 6,000/- (6000*6= Rs. 36,000/-) for acquiring a residence during the construction period as transitional allowance.
- Livelihood Allowance equal to 3 months of inflation adjusted OPL (1942.66 X 6.6 X 3 = 38,465).
- One time paid Transportation Charges/ Shifting Allowance @ Rs. 15,000/- on lump sum basis.
- Additional allowance 3 month of inflation adjusted OPL in case of vulnerable (1942.66 X 6.6 X 3 = 38465).

Relocation Assistance for Rehabilitation

156. The NHA has no space available of equal economic importance / value along the project corridor to accommodate the owners of the affected structures. The DPs were consulted during the consultations about their relocation strategies. They were of the view that they have no land in the nearby vicinity and they will find land within their financial support provided by the NHA for their lost structures. This process will take a considerable time in finding a suitable piece of land for relocation of their structure. During this period they will need livelihood support. As a result of discussions, the following compensation has been provided as relocation and rehabilitation assistance.

- For affected houses, full compensation for the total covered area of the structure at replacement cost basis.
- Rental assistance for 06 months @ Rs. 6,000/- per month will be paid to household affectees to facilitate them for hiring the house during construction period.
- One time paid Shifting Allowance @ Rs. 15,000/- on lump sum basis for household affectees, as determined on the basis of discussions during consultations with the mini trucks/ tractor trolley operators.
- Rs. 40,000/- for getting electricity connection at new premises.

157. For unskilled and semi-skilled tasks during construction, the vulnerable groups will be given priority for project-related employment opportunities. To this end, civil works contract will have a clause making it binding for the contractor to hire locals and DPs as appropriate. The compliance to this effect will be regularly reported in the Internal Monitoring Reports.

7.3.3 Crop Losses to Affected Agricultural Land Within the Row

158. The owner cultivators will be paid crop compensation in cash at the full market rate for one year's agricultural income (both Rabi and Kharif harvests). The land award includes one season's crop compensation. An additional amount equivalent to this amount has been provided as crop loss allowance to bring it at one year level.

7.3.4 Trees

159. Fruit and non-fruit trees will need removal from the RoW. These will be compensated on current market rates. The fruit trees will be compensated based on annual net product market value with additional compensation for a period of 5 years. This period is required to grow a new plant of same species to the age of production. Privately owned non-fruit trees will be compensated at a cost equivalent to market price of timber and fuel wood available from each tree. The entire removed tree will remain the property of the owner for them to salvage. The fruit and non-fruit trees have been assessed in the land awards by the LAC as per latest rates provided by the DO (Agriculture), Haripur and Abbottabad.

7.3.5 Assistance for Vulnerable People

160. Vulnerable people (DPs losing more than 10% of the productive land) will be supported by a one-time paid allowance in cash equal to 03 months of inflation adjusted OPL, in addition to other admissible allowances (as identified in the above paras) and priority in employment in project-related jobs such as semi skilled and un-skilled laborers.

7.3.6 Unforeseen Impacts

161. Unforeseen Impacts will include any impact not included or anticipated at the time of preparing the LARP. Such unforeseen impacts may include (but not necessarily limited to) additional displaced households due to change in land acquisition boundaries, displaced household present at the time of or prior to the cut of date but not included in the census; additional losses of property not previously included in the DMS (but present in the affected area at the time of DMS); restriction on land use (such as resulting from right of way/safety zone restriction) which were not included or anticipated at the time of DMS. Such anticipated impacts will be included in the resettlement plan mitigation measures and such mitigation measures are to be consistent with the principles and objectives of the resettlement plan. The means of inclusion will be through either a CAP or Addendum for the Resettlement Plan and will require both endorsements by the executing agency and concurrence by ADB.

7.3.7 Entitlement Matrix

162. The project entitlements have been defined in accordance to the degree of various impacts which are taken from the results of the Inventory of Losses (IOL) and socioeconomic survey. These entitlements are governed by the Government's policies (bridging gap in case of non-existence) and the ADB's SPS. The eligibility on entitlements applies to all persons affected by the Project as a result either land acquisition or restricted land use which are categorized in the Entitlement Matrix.

163. Based on the above discussed eligibility criteria and compensation entitlements and keeping in view the nature of losses and implementation issues of the proposed project, an Entitlement Matrix (EM) has been prepared as provided in **Table-7.1**, indicating each type of loss and degree of impact with corresponding entitlements applicable to the specific condition and impact on displaced households.

Table 7.1: Entitlement Matrix

Type of Loss	Application	Definition of DPs/APs	Compensation Entitlements
Land, including cultivable land and uncultivable wasteland	All land losses irrespective of impact severity	Owner (Legal/legalizable) (8432 No.) , whose land is required for the project.	<ul style="list-style-type: none"> • Cash compensation at (current market value/ full replacement cost plus 15% CAS, free of taxes, of registration and transfer costs; • Additional payment equal to the inflation rate, if the payment is delayed for 06 months after the announcement of Awards under LAA.
Residential land		Owner (legal/legalizable)	<ul style="list-style-type: none"> • Cash compensation at replacement cost plus 15% compulsory acquisition surcharge (CAS) free of taxes, registration and transfer costs; • Additional payment equal to the inflation rate, if the payment is delayed for 06 months after the announcement of Awards under LAA.
Residential structures		Owner of the Structure (25 No.)	<ul style="list-style-type: none"> • Cash compensation at full replacement cost for affected structures and other fixed assets, free of salvageable materials, depreciation and transaction cost and also transportation cost. Fees and taxes (if applicable) will be waived. • Livelihood allowance equal to 3 months of inflation adjusted OPL. • Rs. 40,000/- for getting electricity connection at new premises.
Livelihood Allowance	All DPs losing residential structures	Residential structure owners (25 No.)	Livelihood allowance equal to 3 months of inflation adjusted OPL.
Crops	Affected crops	Cultivator of crop (3780 No.)	Crop compensation in cash at the current market rate for one year's agricultural income (both rabi and kharif harvests).
Trees	All affected trees	Owners (280 No.)	<ul style="list-style-type: none"> • Fruit trees: compensation to reflect income replacement as assessed by Agriculture department based on market value of annual produce, projected for

Type of Loss	Application	Definition of DPs/APs	Compensation Entitlements
			<p>number of years the tree can potentially produce fruit. Compensation to be paid as announced in the land awards.</p> <ul style="list-style-type: none"> • Timber trees: trees grown and/or used for timber. The compensation is to reflect the market value of tree's wood content, based on the unit rates as provided by the Forest Department. Compensation to be paid as announced in the land awards.
Relocation/ Transportation Assistance		DPs to be relocated- Owners of residential structures (25 No.)	<ul style="list-style-type: none"> • One time paid in lump sum, an amount of Rs. 15,000/- in case of household structures as transport allowance to shift the materials of affected structures.
Vulnerable DP livelihood support		All DPs/ APs losing more than 10% of the productive land (3013 No.)	<ul style="list-style-type: none"> • Additional Cash allowance equivalent to 03 months of inflation adjusted OPL. • Priority in project related employment, ensured through bidding document.
Unidentified Losses	Unanticipated Impacts	All DPs	Dealt with as appropriate during sub-project implementation according to the ADB Policy.

CHAPTER 8 RELOCATION, REHABILITATION AND INCOME RESTORATION

8.1 GENERAL

164. The objectives of income restoration program is to restore the long term income generating capacity of affected households, to improve livelihoods of vulnerable households and to mitigate short term income losses that may be experienced through subsistence support measures. Households experiencing severe impacts on their productive assets or livelihoods will be entitled to participate in the income restoration program. The forms and levels of income restoration assistance vary and will be commensurate with the duration, level and severity of impacts on livelihoods and productive assets as well as vulnerability of the affected persons. The project will also seek to maximize project related work opportunities to those in the local communities, including those affected by land acquisition. Opportunities to improve the livelihoods of women will also be mainstreamed in various project initiatives, including in the income restoration program of the resettlement plan.

165. The planning of the income restoration program for the severely affected displaced households will be done as a joint undertaking of the executing agency, relevant district offices and the displaced households which will commence during the updating of LARP, following approval of detailed engineering design. The income restoration program will adopt an approach that will address the immediate needs and sustain the long-term rehabilitation of all severely affected displaced households. The proposed strategy will respond to the displaced households need for work and economic opportunities after relocation and in the long term, a sustainable livelihood restoration program that will ensure improved socio-economic conditions.

166. The IOL and SES results indicated that the form of livelihood to be directly affected by the acquisition of land was farming and business losses in the form of losing shops and poultry form. The survey revealed that at 80% of livelihood of displaced households members would be severely affected by the loss of productive agricultural land. No other forms of livelihood were identified as being severely affected by the project at the time of preparation of the draft resettlement plan. The project's impacts of livelihood will be reviewed and confirmed during the detailed survey for updating of the LARP.

8.2 RELOCATION OF APS

167. NHA has no space available of equal economic importance/ value along the project corridor to accommodate the owners of the affected structures. As a result 31 owners of affected houses have to relocate their residences to another location in the same vicinity. The relocation strategy was discussed in detail with the owner of the affected houses during consultation process. The owners of the houses showed their willingness to relocate themselves to a new place at their own. They will rebuild their structure at their own as per their convenience by purchasing land in the same vicinity available to them. In view of this limitation, the following relocation strategy has been adopted.

- For affected houses, full compensation for the total covered area of the structure at replacement cost basis has been provided by the NHA. The partially affected structures have been fully compensated. Further, rental assistance (as transitional support) for 06

months @ Rs. 6,000/- per month has been provided to facilitate them for hiring the residences during construction period of their houses. The owners will be given 01 month advance notice for vacation of affected structure at the time of payment of compensation amount. The details of compensation payments for each type of construction along with allowances have been provided in **Annexure-XXIV**.

8.3 REHABILITATION OF DPs

168. Entitlement provisions for the DPs/ APs losing land, houses and rehabilitation subsidies include provisions for land losses, house and buildings losses, trees losses, a relocation subsidy based on inflation adjusted OPL. Each category of affectees is described in more detail as follows :

8.3.1 OWNERS OF PRIVATE LAND

169. There are 8432 owners losing part of their land within the RoW. They are entitled to cash compensation for the loss of their land, acquired by the NHA. The land has been acquired under the provisions of LAA, 1894. NHA is responsible for disbursing all compensation payments, before the land is taken into custody. The owners are further entitled for a 15% premium for compulsory land acquisition.

8.3.2 Owners of Trees

170. A total number of 3932 fruit and non-fruit trees owned by 280 persons will be compensated. The valuation of fruit trees has been made on the basis of unit rates provided by the DO (Agriculture), Haripur and the non-fruit trees have been assessed according to rates provided by Forest Department, Haripur by taking into consideration the type, age and size of the trees.

8.3.3 Owners of Standing Crops

171. Based on the revenue record, about 1204.64 kanals (150.58 acres) of standing crop of different types will be affected. The damage caused to standing crops as a result of construction activities has been assessed by the LAC and NHA land staff and included in the land awards for payment to the cultivator of the affected land. The unit value of such compensation has been assessed by the DO (Agri.), Haripur, by taking into consideration the type of crops grown on the affected land during the last two seasons, their production and value at current prices.

8.3.4 Owners of Privately Owned Built-Up Property

172. As revealed by the survey, 25 structures and 08 miscellaneous structures (including two community structures) will be impacted by the project. The owners are entitled to cash compensation for the loss of their built-up property / structures, on a replacement-cost basis plus the cost of shifting. The NHA is responsible for disbursing all compensation payments and the contractor will not be allowed to demolish the structure until the compensation amount has been paid to the DPs.

8.3.5 Additional Assistance for Impact Severity/Vulnerability

173. Displaced households losing more than 10% of their productive land will be provided with the cash amount of Rs. 38,465/- (equal to 03 month amount of inflation adjusted OPL). As indicated in the survey and land ownership record and extent of impact, the number of vulnerable DPs comes to 3013. Their land is affected more than 10% of the productive land. Such people are considered as vulnerable. However, the impact will be assessed further once the land record is updated, consequently the LARP will be revised accordingly.

8.4 INCOME RESTORATION OF DPs

174. The project envisages the construction of expressway by acquiring 60m RoW. All livelihood and income restoration activities will be implemented as given in the entitlement matrix. The following constitutes the income restoration strategy for this project for DPs who suffer livelihood losses.

8.4.1 Livelihood Support Intervention Measures

175. The categories of affected livelihood are identified with appropriate income restoration measures based on the SPS (2009). Other specific measures as needed will be developed in detail during the preparation of the updated resettlement plan in consultation with the displaced persons, local authorities, mass organizations, resettlement committee and PMU. Specialists in the field of resettlement, livelihood development and gender will also provide support to the PMU to establish details of appropriate income restoration measures in consultation with those affected and project stakeholder to incorporate in the updated resettlement plan.

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

- Conduct of vocational skills training to fully avail of the job opportunities that will be generated by the project as well as to link market demand for possible job referral and placement and requirements from nearby industrial factories.
- Enhancing food security program to ensure food sources and income through provision of seeds and farm inputs for displaced households to cultivate in their remaining agricultural land.
- Linking livelihood support for vulnerable displaced households with income below poverty line with existing Benazir income support program implement by federal government for poverty reduction and livelihood enhancement.

177. However, for short term, there is provision of livelihood allowance for all AFs whose livelihoods are affected will be supported for their income losses@ Rs.12821/- per month for the period of three months. In case of households, 31 household owners are entitled for livelihood allowance. The detail of these allowances is provided in **Annexure-XXIV**.

8.4.2 Special Measures to Support Vulnerable Groups:

178. All vulnerable displaced households of working age will be entitled to participate in any training course. Priority assistance will be provided in terms of loan assistance, and other form of support to augment their income.

179. Vulnerable DPs will be given priority for project-related employment opportunities as drivers, clearing and digging work, and if possible, as clerks or basic administration support staff. To this end, the NHA has included clause in the contracts of the civil works contractors that they will give preference to vulnerable and other project DPs in recruiting personnel, skilled and unskilled labour for project related works. The compliance to this effect will be presented regularly in the internal monitoring reports.

180. Referral assistance to job placement of skilled displaced households shall be undertaken in coordination with district government or an NGO who are doing social development program in the area.

SECTION 9 RESETTLEMENT BUDGET AND FINANCING PLAN

9.1 GENERAL

181 This section provides the indicative compensation estimates for land acquisition, building structures and rehabilitation of the affectees. Efforts were made to work out realistic cost estimates/values that lead to fair compensation based on current market rate to the DPs. For this purpose, concerned Government Departments i.e. Building, Forest, Revenue and Agriculture were consulted; subsequently, market surveys were carried out in order to reach to the market based unit rates to be paid to the DPs for affected land and assets.

9.2 COMPONENTS OF THE RESETTLEMENT AND REHABILITATION COST

182 Total resettlement and rehabilitation cost is **Rs. 650,075,762 (650.075 million)**. The budget for the LARP is financed by the Government. The Resettlement Committee is responsible for the disbursement of the compensation, allowances and assistance funds. Total land and land based assets/structures falling in the active ROW have been identified and listed down. House structures or buildings partly (less than 20% of the total structure) being affected would be compensated accordingly as per entitlement matrix keeping in view the severance aspects-i.e. functional viability of affected structures. In case the affected part of the building structure is substantial (more than 20% of the total structure) and becomes of no use to the owner, would have to be compensated fully. In addition to this resettlement and rehabilitation costs for the DPs, the costs of private assets have also been estimated. The compensation cost for various types of land and land based assets will be updated during implementation if needed.

9.3 COMPENSATION COSTS (CC)

183 The compensation cost (CC) includes the cost of land, building structures/houses, forests and fruit trees, crops, transitional period assistance and shifting charges for the DPs falling in the ROW.

184 Quantification of all these items has been made based on the data collected through physical measurements conducted in the field. These building structures and houses have been categorized based on construction material used. Various categories of these commercial units are quantified along with their calculated cost. Quantities and costs have been developed in consultation with the relevant department.

185 Resettlement Budget will be revised and updated as part of the process of updating the resettlement plan. Revision of the Resettlement budget will include updating replacement cost values, revised costs based on finalized income restoration program and inclusion of any resettlement cost not anticipated in the preparation of the draft LARP.

9.3.1 Cost of Land

186 The total Cost of land acquired for the construction of Package-III of Expressway estimated **Rs. 377,148,683 (377.148) million**, which includes 15% compulsory land acquisition charges and 2 % District Council Tax. Village wise summary of land price is given in Table 9.1.

Its detailed cost is attached as **Annex-XVI**. All funds of Land acquisition have been transferred to the respective treasuries (Revenue Department) and disbursement is under progress.

Table 9.1: Mouza Wise Cost Estimation of Affected Land

Sr. No	Village/ Mouza	Compensation (Rs.)
1	Droni Maira	3,554,440
2	Mohri	161,658,293
3	Wazira	4,612,543
4	Shah Maqsood	5275900
5	Changi Bandi	28469519
6	Bagra	15125865
7	Gheba	5923376
8	Kholiyan	3218581
9	Langra	35170352
10	Dobandi	11008525
11	Maira Toot	4316296
12	Mallah	5140736
13	Akhoon Bandi	30194759
14	Nowshehra	850,162
15	Kalo Mera	7,005,532
Sub-Total		321,524,879
15% Compulsory Land Acquisition Charges		48,228,731
2% District Council Tax		7,395,072
Total Land Cost (Rs.)		377,148,683

187 Land falling in the Right of Way (ROW, 60m strip) is generally agricultural, arid in nature and used for different purposes by the locals. Its unit price varies from location to location and according to its fertility. The factor considered while calculating the unit price of land has already been discussed under section 6 sub section 6.6.1

9.3.2 Budget for Crop Compensation

188 The affected land owners have been provided crop compensation for the affected land on the basis of its gross income based on one year harvest (summer and winter crops). For cost purpose, wheat, maize and green peas are considered as base-crops and the rates based on the average yields of these base crops are adopted. The current rates and average yields of these crops are obtained from Agricultural Officer District Haripur and Abbottabad. The crop compensation is given below in **Table 9.2 (Annex-XVI)**.

Table 9.2: Mouza Wise Cost of Affected Crop

Sr. No.	Village	Compensation (Rs.)
1	Nowshera	0.00
2	Mallah	571196
3	Kalu Maira	116872
4	Droni Maira	532800
5	Maqsooda	56640
6	Toot Mera	226080
7	Dobandi	95452
8	Akhone Bandi	1353279
9	Mohri	818872
10	Changee Bandi	3085782
11	Bagra	309600
12	Gheba	614878
13	Waziran	615201
14	Kholyan Bala	51839
15	Langra	457120
Total		8,905,611

189 The amount worked out for cash compensation of affected crops is **Rs. 8,905,611 (Rs. 8.905 million)**.

190

9.3.3 Cost for the Affected Structures

191 While proposing construction of Package – III of the E-35 Expressway, total thirty four (34) structures including thirty one (25) houses, three (08) miscellaneous (including two community structures) will be removed from the ROW (60m). Depending on type of construction, the compensation cost is worked out **Rs. 21,977,562 (21.977 million)**. DPs of these houses would also be allowed to take their salvage material. Moreover, no depreciation cost was considered while estimating structure prices. The detailed cost estimation of the commercial structures is attached as **Annex-XXIII**.

Table 9.3: Summary of Cost for Various Type of Affected Infrastructure within ROW (60m)

Sr. No.	Type of Infrastructure	Total Cost (Rs.)
1	Houses	21,977,562
2	Other Miscellaneous Structures	
Total		21,977,562 (21.977 million)

9.3.4 Cost of the Affected Trees

192 Total 3932 trees (including fruit & non-fruit trees) and 8773 maunds firewood would be cut. The valuation of compensation for both types of trees is based on their market values. For wood and fruit trees unit prices are obtained from Forest and Agriculture Departments, Haripur District who assess the prices every year based on market rates. The rates adopted for various categories of trees are attached as **Annex-XXIV**. The cost of the fruit & non-fruit trees along with unit rates adopted are calculated at the village level considering the types and volume measurements in case of forest trees and present & productive age in case of fruit trees. Summary of the cost of both types of trees is given below in **Table 9.4**.

Table 9.4: Summary of Cost of Trees

Sr. No.	Village Name	Total Number of Tree	Total Cost (Rs.)
A: Cost of Fruit Trees			
1	Noshera	4	8,660
2	Mallah	5	4,475
3	Kalu Mera	92	148,125
4	Drone Mera	25	16,875
5	Shah Maqsood	229	322,890
6	Maira Toot	107	194,205
7	Dobandi	113	379,305
8	Akhone Bandi	369	675,670
9	Mohri	1817	2,165,265
10	Changee Bandi	110	1,560,100
11	Bagra	208	188,170
12	Gheba	0	0
13	Waziran	0	0
14	Kholyan Bala	0	0
15	Langra	0	0
(A) Sub-Total		3079	5,663,740
B: Cost of Non-Fruit Trees			
1	Nowshera	3	195,500
2	Mallah	6	143,615
3	Kalu Mera	9	733,980
4	Droni Maira	0	59,400
5	Shah Maqsoodan	42	96,360
6	Maira Toot	37	90,398
7	Dobandi	70	210,097
8	Akhone Bandi	194	747,307
9	Mohri	-	439,675
10	Changee Bandi	412	1,175,647
11	Bagra	17	77,200
12	Gheba	11	41,608
13	Waziran	0	142,400
14	Kholian Bala	52	278,319
15	Langra	0	0

Sr. No.	Village Name	Total Number of Tree	Total Cost (Rs.)
(B) Sub-Total		853	4,431,506
(C) Firewood (Mounds)		8773	
Grand Total (A+B+C)			10,095,246(10.095 million)

193 The total budget for cash compensation of trees is **Rs. 10,095,246 (Rs.10.095 million)**.

9.3.5 Livelihood Allowance for the Affected Households

194 There is provision of livelihood allowance for the household families for their support during the transition period. There are total 25 households structure affected. The livelihood allowance is given to the affected household owners for the transition period of 3 months. The total budget provision for the livelihood restoration allowance is **Rs. 961,575 (Rs0.961 Million)**.

9.3.6 House Rent Allowance

195 There is a provision of house rent allowance for the affected houses for their support during the transition period (6 months). There are 31 houses will be entitled for house rent allowance. The total budget provision for the house rent allowance is **Rs.900,000 (0.9 million)** @ Rs. 6000/ month for each.

9.3.7 Transportation/Shifting Allowance

196 The DPs by household will need support for shifting of household goods and usable raw material by transportation to their new place. Therefore, provision has been made and estimated to be **Rs. 375,000 (0.375 Million)**.

9.3.8 Electricity Allowance

197 The DPs by household will need electricity connection at their new place of shifting. Therefore, provision has been made for new electricity connection as allowance for all these DPs. The electricity charges will be **Rs. 1,000,000 (1.0 Million)**.

9.3.9 Vulnerability Allowance

198 There are total 3013 vulnerable DPs, which are losing more than 10% of their productive land. The vulnerable DPs will be paid as per Entitlement Matrix (EM). The total amount of vulnerability allowance is **Rs. 115,889,019 (115.89 million)**.

Table 9.5: Budget for Vulnerable DPs

Sr. No.	Vulnerable HH	Number	Proposed Months	Unit Allowance (Rs. 12,821/month)	Total Amount (Rs.)
1	DPs losing more than 10% of their productive land	3013	3	38463/-	115,889,019
Total		3013			115,889,019

9.4 MONITORING AND EVALUATION

199 Monitoring and evaluation of the LARP implementation process will be required through proper setup of internal and external monitoring. For this purpose a sum of **26,862,635 (26.862 million)** (@ of 5% of the total cost) are provided in the budget estimate.

9.5 ADMINISTRATIVE COST

200 Administrative cost for the implementation of the LARP is also required and provision is made in the budget @ 1% of the total cost i.e. **Rs. 5,372,527 (5.372 million)**.

9.6 CONTINGENCIES

201 Contingencies cost amounting to **Rs. 80,587,904 (80.587 Million)** @ 15% of the total cost has been added in the budget to cover unforeseen items may require during implementation of LARP.

9.7 TAXES

202 There is not any taxable item in the compensation package for the affectees; therefore, no tax either from Provincial or Federal Government is applicable.

9.8 SUMMARY OF BUDGET

203 The total requirement of funds for compensation payments, restoration and rehabilitation measures amounting to **Rs. 647,555,628 (647.555 million)** is given below in detail under **Table 9.6**.

Table 9.6: Summary of Cost

Sr. No.	Description	Quantity/Total Number	Unit	Unit/Rate	Total Cost	Rs.
				(Rs.)	(Rs.)	(Million)
A	Land Acquisition Mandatory Cost					
1	Land Compensation	258.3	Acre	Various	321,524,879	321.524
	Add 15 % Compulsory Land Acquisition Charges				48,228,731	48.228
	Add 2% District Council Tax				7,395,072	7.395
					377,148,683	377.148
2	Crop Compensation (One year 2 Crops)	150.58	Acre	Various	8,905,611	8.905
3	Structure & Assets Compensation					
	Houses	25	S.ft	Various	21,977,562	21.977
	Other/Miscellaneous/Community	8	S.ft	Various		
					21,977,562	21.977

Sr. No.	Description	Quantity/Total Number	Unit	Unit/Rate	Total Cost	Rs.
				(Rs.)	(Rs.)	(Million)
4	Trees Compensation					
	Fruit Trees	3079	No	Various	5,663,740	5.663
	Non Fruit Tress	853	No	Various		
	Firewood	8773	Maund	200	4,431,506	4.431
					10,095,246	10.095
	Sub Total (A=1+2+3+4)				418,127,102	418.127102
B	Allowances					
5	Livelihood Allowance		Family	12821 for 3 months	961,575	0.961575
6	House Rent Allowance		Family	36000	900,000	0.9
7	Transportation/Shifting Allowance					
	Household	25	Rs.	15000	375,000	0.375
8	Electricity Allowance					
	Commercial Structure	25	No.	40000	1,000,000	1.0
9	Vulnerable People Allowance					
	Severely Affected Farmers (Income below OPL)	3013	Family	38,463	115,889,019	115.889
	Total (B=5+6+7+8+9)				119,125,594	119.125594
	Sub - Total (A+B)				537,252,696	537.252696
C	Monitoring and Evaluation @ 5% of the Total Cost				26,862,635	26.862
D	Administrative Cost @ 1% of the Total Cost				5,372,527	5.372
E	Contingencies @ 15% of the Total Cost				80,587,904	80.587
	Grand Total				650,075,762	650.075

*Cost of water sources is also included

SECTION 10 INSTITUTIONAL ARRANGEMENTS

10.1 INSTITUTIONAL REQUIREMENT

203. The compensation/resettlement/rehabilitation program described in this LARP involves distinct agencies. These include NHA as the EA, Provincial Board of Revenue, the concerned district governments and ADB, as detailed in the next sections.

- National Highway Authority, Pakistan
- Environment, Afforestation, Land and Social Wing in NHA HQ.
- Project Management Unit (PMU)/ Project Implementation Unit (PIU)
- Social Safeguard Management Consultant (SSMC)

10.2 NATIONAL HIGHWAY AUTHORITY (Executing Agency)

204. NHA has overall responsibility for land acquisition and resettlement and rehabilitation including preparation, implementation and financing of all LAR tasks and cross-agency coordination. NHA will exercise its functions through the Project Management Unit (PMU) with general project execution responsibility and through the Project Implementation Units (PIU) to be tasked with daily project activities at subproject level.

205. NHA has established a special wing, Environment Afforestation Land and Social (EALS) to manage all safeguards related aspects of NHA's projects. Within the PMU, LAR will be managed by EALS ADB LAR Cell to be established under the leadership of the General Manager GM (EALS). The GM EALS shall be the convener of the ADB LAR Cell which shall include i) Programme Manager ii) Resettlement Specialist iii) Gender Specialist, iv) Monitoring and Evaluation/Management Information System Specialist, and v) Deputy Director Land Management. The Program Manager & Deputy Director Land Management will be from the NHA staff to be considered as SSMC's counter-part staff to work under the leadership of GM EALS. The ADB LAR Cell will be directly monitored by GM EALS (NHA) through the Program Manager both at PMU & PIU levels.

206. At PIU level the LAR will be managed through Social Safeguard Management Consultant (SSMC) working under technical supervision of the ADB LAR Cell and in close coordination with the Land Acquisition Collector, PIU technical staff and the local revenue officers to ensure timely delivery of compensation to DPs and implementation of LARP provisions compliant to SPS (2009) requirements. However, keeping in view capacity constraints and issues in hiring staff conversant with ADB Safeguard compliance requirements and hands on experience in LARP preparation, implementation and monitoring, the technical expertise as Resettlement Specialists, Gender Specialist, Grievance Redress Specialists, M&E/MIS Specialists both at PMU and PIU levels shall be provided by a consulting firm to be recruited as Social Safeguard Management Consultants to support NHA (EALS) for managing the LAR issues of subprojects under this MFF.

10.3 SOCIAL SAFEGUARD MANAGEMENT CONSULTANT (SSMC)

207. A domestic firm experienced in social and community development with proven capacity and experience in social safeguards will be recruited as a Social Safeguards

Management Consultant (SSMC). The SSMC will be responsible for providing expert support to EALS' ADB LAR Cell at NHA Hq. level, and the PIUs. The teams will be responsible for capacity development, review, update, social safeguards implementation support and monitoring. Further, the teams will facilitate implementation, establishment and management of grievance redressal mechanisms, maintain an MIS, information dissemination, disclosure and consultations, and preparation of reports including, internal monitoring and progress reports on monthly, quarterly and annual basis. The field teams will work closely with the PDs and respective GM E-35 and report to the SSMC team leader. The SSMC team leader will report to the General Manager (EALS) ADB LAR cell through the program manager and to ADB.

208. The SSMC team at EALS and PIU teams at the project will be responsible for providing overall support to NHA (EALS) in review, preparation, implementation and monitoring of LARPs and other safeguard documents including preparation of progress and internal monitoring reports on ADB financed projects. Staff will be required to move within PIUs as guided by the GM EALS, the Program Manager and the SSMC Team Leader.

209. The EALS SSMC staff will be responsible for overall quality control, preparation of formats for monitoring, including questionnaires, coordination with the respective design and procurement teams and supervision consultants. The team will develop a functioning MIS and protocols for grievance management, capacity building of EALS and orientation of NHA staff through hands on training and co-work in consultation with senior management of EALS and other wings of NHA will be a key activity. While, review of NHA's internal coordination for integrating social safeguards in routine business operations and document recommendations for improvement will be a key task.

210. However, at PIU level the SSMC will provide the technical support in implementation of LARPs, including but not limited to updating of LARPs (if required), disclosure and information dissemination, public consultation and grievance redress management, support PIU to finalize compensation claims and delivery of compensation payment to DPs, database management and development of management information system, monitor LARP implementation progress and prepare internal monitoring reports including corrective action plans (if required) in consultation with SSMC Team leader.

ADB LAR Cell (SSMC support in EALS, HQ Level)

211. At PMU level in EALS an ADB LAR cell headed by GM EALS will be established comprising of the technical experts provided by the SSMC and NHA's counterpart staff. The SSMC shall provide i) Resettlement Specialist (SSMC Team Leader), ii) Gender Specialist and iii) M&E/MIS Specialist while NHA's counterpart staff shall include a Manager Programme and Deputy Director Land Management. The PMU (EALS based ADB LAR Cell within NHA-HQ) for projects under this MFF, shall have technical oversight over the SSMC teams deployed in each PIU and will have a coordinating function for all land acquisition and resettlement for all subprojects.

- a. Some specific tasks of the ADB LAR Cell will include the following:
 - i. Maintain oversight and quality control over all aspects of LARP preparation and implementation.

- ii. Accompany the LARP preparation consultants during their field visits and consultations with DPs. This is to ensure consistency of approach and message to DPs, to avoid variation in information obtained and given, and to address issues immediately as they arise on site.
- b. Ensure that the LARP preparation consultants must include all the DPs along with the details of their property held e.g. land, structures, trees, crops, shops, etc. Preparation of LARPs shall be strictly by the LARP mutually prepared by NHA and ADB.
- i. Coordinate in land acquisition process and resettlement planning activities for the Project and facilitate information dissemination and consultation with DPs on all matters affecting DPs to ensure compliance with the requirements of the LARP, ADB's Social Safeguard Policies and Land Acquisition Act 1894. This will include coordination with other NHA Departments, District offices (Revenue Department, Forest Department, Agriculture Department, LARP preparation consultants and DPs as they relate to the Project.
 - ii. Ensure that land acquisition activity after publication of Section 4 is followed by updating land records and land price assessment reflective to current market rates. In coordination with the provincial governments, the EALS ADB Cell shall participate in meetings for Land Price Assessment Committees and ensure that adequate and just price compensation is determined to replace all lost assets at current market value.
 - iii. Ensure timely disclosure to all DPs project design alignment, land acquisition notifications issued by the LAC under the LAA in accessible places and in format and language easily understood by DPs, and facilitate meaningful consultation with all DPs on the information disclosed by the LAC/Revenue Department.
 - iv. Publish details of the designated office from where all information regarding alignment, design, road maps, naqsha parcha (revenue maps) of land, information on price assessment and unit rates about assets lost can be acquired, with name of the focal person to contact.
 - v. Send letters containing relevant LAR information to the Consulars and Numberdar (village heads).
- c. Internally review the LARPs, coordinate with ADB in review and approval of LARPs and ensure timely disclosure of approved LARPs on NHA Website and translation of Summary LARPs in local language for disclosure to DPs.
- i. Review the LARPS submitted by the consultants to ensure that these are in compliance to the LARP before submission to ADB;
 - ii. Coordinate with ADB in review and approval process and respond to the comments/queries and provide clarifications in a responsive manner for early and timely approval of LARPs ; and
 - iii. Ensure the disclosure of approved LARP on NHA website and translation of summary LARPs in local language for its disclosure to DPs including women.

J-4 SSMC at PIU Level

212. Under the technical guidance of EALS ADB LAR Cell, the SSMC team deployed at PIU level will be responsible to manage day to day implementation of the LARP in close coordination

with the GM project/Project Director and his technical staff. The SSMC shall mobilize i) Resettlement Specialist (team leader at PIU level), ii) Grievance Redress Specialist, iii) M&E/MIS Specialist and iv) Social Mobilizers. The counterpart support from NHA shall include Land Management Specialist and other support staff. The SMC technical experts will work in close coordination with the GM Project/Project Director and other technical staff including Land Acquisition Collector (LAC) deputed by the Revenue Department, District Revenue Authorities and others revenue staff e.g. Patwaris, Qanoongo etc. Besides this, the SSMC team especially Social Mobilizers will have a close liaison with the DPs to disseminate the updated information about LAR provisions, time and procedure for disbursement of compensation, consultations and grievance redress mechanism and support DPs in processing of the compensation claims and compensation delivery.

1. Some specific tasks of the PIU-based SSMC team will include the following:
 - a. To Update the approved draft LARP (if required)
 - i. Prepare monthly, quarterly and annual reports on LAR implementation for furnishing to PMU at EALS ADB LAR Cell and ADB/PRM;
 - ii. Facilitate and Support EALS ADB LAR Cell at HQ to identify and assess type category and severance of impact to each DP on the basis of final design and value lost assets on full replacement cost.
 - iii. Update full census of DPs (gender disaggregated) linked with impact type, category and severance and prepare compensation packages for each DP on the basis of agreed unit rates and provided entitlements criterion.
 - iv. Organize and conduct and record meaningful consultations with DPs.
 - v. Support PIU and EALS in disclosure and information sharing with DPs on land acquisition process, eligibility and entitlements of DPs and serving notices for hearing and inquiry and mobilize the DPs to participate in the land acquisition process and Award
 - vi. Facilitate and support the LAC throughout land acquisition process by extending support in office and field in surveys, measurements, inquiries, complaints handling and response with documenting the land acquisition process in an efficient manner. This includes coordination with other NHA Departments, District offices (Revenue Department, Forestry Department, Agriculture Department for asset evaluation as per agreed provision under draft/approved LARP and DPs for consultation.
 - vii. Staff of PIU LARU shall participate in meetings of District Price Assessment Committee (DPAC)
 - viii. When required, update the draft/approved LARP based on final design/any changes in the design, and coordinate with EALS ADB LAR Cell at HQ Level in review and ADB's approval.
 - b. To implement Resettlement Plans
 - i. Verify the DPs data (gender segregated), prepare, issue and distribute identity cards for each non-titleholder DPs category.
 - ii. Translate summary approved LARP in local language with all necessary information for DPs (separately to men and women) and ensure it disclosure through formal and informal manner in close coordination of revenue, PIU and other in line departments; and document this process to avoid and reply to future complaints in this respect.

- iii. Place posters containing information regarding, asset valuation, unit rates, time and schedule of payments etc in the easily accessible places in the villages from where land has been acquired such as Patwari offices, Union Councils offices and other Government buildings
- iv. Announce the same information from village mosques. Place posters containing information regarding, asset valuation, unit rates, time and schedule of payments etc in the easily accessible places in the villages from where land has been acquired such as Patwari offices, Union Councils offices and other Government buildings
- v. Send letters containing relevant LAR information to the Consulars and Numberdar (village heads), in addition to disclosing LAR information to the DPs in regular consultation meetings in the field.
- vi. Submit copies of documentation of disclosure to GM (Project), PD PIU and EALS ADB dedicated Cell at HQ for onward sharing with ADB.
- vii. Ensure that all field visits and consultations with the DPs (separately for men and women) are properly documented, photographed and recorded on video; such record shall be placed in the PIU office.
- viii. Facilitate and support the LAC and Project Director throughout compensation disbursement process by extending its support in office and field during preparation of claims and issuance of compensation vouchers and cheques, This include coordination with DPs, NHA and district land revenue authorities involved in disbursement of compensation.
- ix. Mobilize and facilitate the DPs to process their compensation claims and receive compensation;
- x. Implement and monitor the Gender Action Plan (GAP) prepared for LARP.
- xi. Conduct meetings with the women DPs to share information on all aspects of land acquisition, compensation rates, grievance redress mechanisms, and access to focal points in case of any assistance or guidance required for the preparation of claim documents.
- xii. Ensure that vulnerable women affectees (elderly, single, disabled and without any male support) are provided with assistance and support in the preparation of claim documents and ensure that they have received compensation.
- xiii. Support GM project/PD PIU to establish women friendly multi tiered grievance redress mechanism at village level, district level, project level and support the PIU and DPs in recording, processing/investigation and disposal of complaints.
- xiv. Develop gender disaggregated database (management system to be used for internal and external monitoring of the LARP implementation and evaluation of degree of achievement of the objective set forth in LARP.
- xv. Provide assistance and access to database and coordinate with External/Independent monitor to facilitate him to monitor and evaluate the project,
- xvi. Establish at least one information center in each district falling within the Project area and assign staff responsible for receiving, registering and processing complaints. Establish a Complaints Register in each information center.
- xvii. Publish details of the designated office from where all information regarding alignment, design, road maps, naqsha parcha (revenue maps) of land to be acquired, price assessment and information regarding complaints status / redress can be obtained by the DPs (men and women), with name of the focal person to contact. Mobile phone numbers of all personnel of this unit must be mentioned for the convenience of DPs.

J-5 External Monitoring Agency (EMA)

213. NHA will also hire an agency/individual with team to conduct independent monitoring and evaluation (the EMA) for the duration of LAR activities for the projects. The EMA shall review the implementation progress throughout the LARP implementation, evaluate the level of achievement of objectives, identify the gaps if any and proposes remedial measures to be taken. The EMA shall preferably be a firm hired either for all sub-projects under a tranche or for individual subprojects.

J -6: District Governments

214. District-based agencies have jurisdiction over land and non-land compensation. Land acquisition functions rest with Provincial Boards of Revenue represented at District level by the District Officer Revenue (DOR)/Land Acquisition Collector (LAC). Other staff members of the Revenue Department, most notably Quanogo and Patwari, carry out specific roles such as titles identification and verification of the ownership (Figure-1). Functions pertaining to compensation of non-land assets rest on Provincial line-agencies and their District level offices. Buildings compensation pertains to the buildings and works department crops and productive trees compensation pertains to the Department of Agriculture; and the compensation for wood trees losses pertains to the Department of Forestry.

J -7: Other Agencies and Institutions

215. ADB will review the LARP and provide clearance after NHA fully addresses ADB's comments on the draft LARP in a satisfactory manner. ADB will also undertaken project review/supervision missions to assess and make sure that LARP implementation and monitoring is in accordance with SPS 2009.

J -8: Coordination Initiatives

216. The agencies and officers/officials identified above will work in close coordination to obtain effective, smooth and timely DP compensation and LARP implementation. For this purpose an LAC will be directly assigned to the PIU by the Board of Revenue. LAR Steering Committee (LSC) will also be established by NHA, with GM EALS being the chairman. The committee will be comprised of the following officials:

LAR Steering Committee (LSC) for E-35

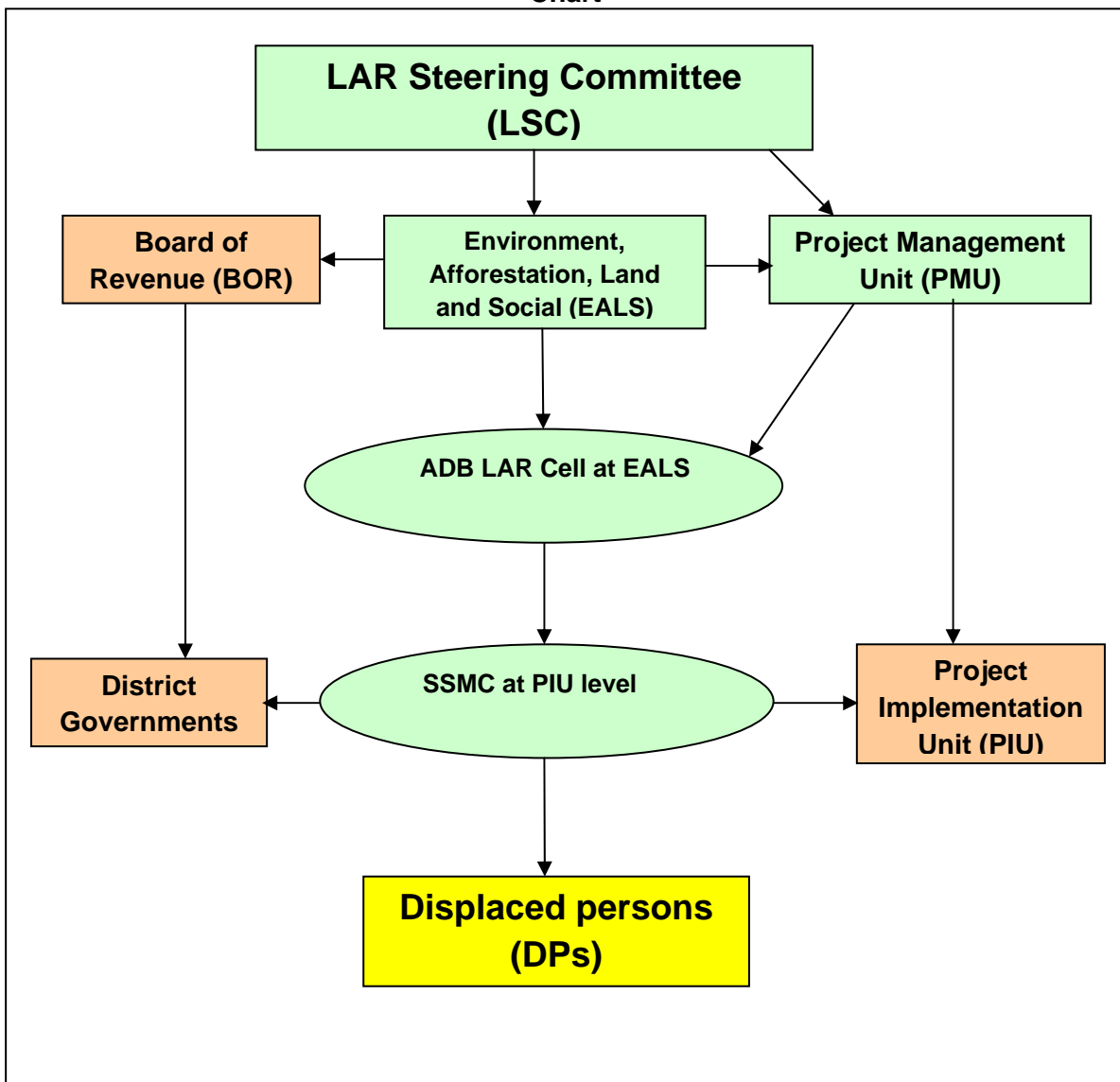
GM (EALS)	Chairman
Program Manager ADB LAR Cell	Member/Secretary
GM and PD(Project)	Member
GM (NEP)	Member
Dy. Dir (L&S) HQ	Member
SSMC Team Leader (EALS Hq)	Member
Project based	
District Officer (Revenue)	Member
Land Management Specialist	Member

Resettlement Specialist SSMC TL
 Resettlement Specialist ADB
 External Monitoring Agency

Member
 Member
 Member

217. The LSC will meet on quarterly basis; it will ensure through EALS ADB LAR Cell that all stakeholders involved in LAR are: (i) fully informed of this LARP and Involuntary Resettlement Policy Principles and requirements as in SPS 2009 (ii) fully informed about the status of LARP preparation and implementation. The LSC, through EALS ADB LAR Cell, SSMC at PMU level and the PIU, will facilitate coordination with LACs, District Revenue Office and other District departments and Union Councils in the preparation and implementation of the LARPs and in the execution of DP consultation and their grievance redress.

Figure 10.1: LAR Action Chart



SECTION 11 IMPLEMENTATION SCHEDULE

11.1 Introduction

218. Implementation of LARP consists of compensation to be paid to the DPs for affected land, structures and rehabilitation and resettlement activities. The time for implementation of LARP will be scheduled as per the overall project implementation. All activities related to the land acquisition and resettlement are planned to ensure that compensation is paid prior to displacement and commencement of civil works. Public consultation, internal monitoring and grievance redress will be undertaken intermittently throughout the project duration. However, the schedule is subject to modification depending on the progress of the project activities. The civil works contract for the subproject will only be awarded/land handed over for construction work, after all compensation and relocation has been completed for subproject and rehabilitation measures are in place, as confirmed by EMA. .

11.2 Schedule for LARP Implementation

219. The LARP implementation schedule for the proposed subproject includes LARP preparation, disclosure, disbursement of compensation with its internal and external monitoring and reporting.

11.2.1 LARP Preparation Phase

220. The draft LARP is prepared on the basis of final design however it will be revised and updated (if required). For LARP implementation the procurement of requisite institutional arrangement like Safeguard Management Consultants and an External Monitoring Agency will also be initiated and the project based GRC will be established during the LARP implementation phase. However, the information campaign & community consultation process about affected assets, compensation delivery and grievance redress will be initiated from this stage and shall continue till the end of the project.

11.2.2 LARP Implementation and Monitoring Phase

221. After the LARP preparation phase the next stage is implementation of LARP which includes issues like disclosure of approved LARP, compensation of award by EA; payment of all eligible assistance; relocation of DPs; initiation of economic rehabilitation measures; redress of grievances and complaints if any; removal of structures/assets and taking over possession of acquired land; site preparation for delivering the site to contractors for construction and finally starting civil work. Besides, the internal monitoring and reporting requirement starts immediately with LARP implementation process and continues till end of the LARP implementation is completed in all respects. So, in this phase the SMC will monitor the LARP implementation progress on daily basis and compile and share monthly internal monitoring reports with NHA and ADB.

222. The external monitoring of the LARP implementation will be the responsibility of independent External Monitoring Agency (EMA) procured as such for the sub project. EMA will start his monitoring from start of implementation and submit periodic reports on quarterly basis

till complete implementation of LARP.

11.3 LARP Implementation Schedule

223. A composite implementation schedule for LARP activities in the subproject including various sub tasks and time line matching with civil work schedule is prepared and presented in the form of Figure 11.1. However, the sequence may change or delays may occur due to circumstances beyond the control of the Project and accordingly the time can be adjusted for the implementation of the plan.

Table 11.1 R&R Implementation Schedule

Sr. #.	Activity	Year 2013 - 14											
		Months											
		Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
1	Preparation of draft LARP and submission to ADB.												
2	Review and comments of ADB on draft LARP	■											
3	Revision of draft LARP as per ADB comments.	■											
4	Hiring of Social Safeguard Management Consultant, EMA, Safeguard specialist and other staff in NHA		■										
5	Establishment of GRC and DPCs		■	■	■	■	■						
6	Public consultation and information disclosure	■	■	■	■	■							
7	Preparation of final LARP and submission to ADB.	■	■	■	■	■	■	■	■	■	■	■	■
8	Approval of implementation ready LARP by ADB			■	■	■							
9	Disclosure of LARP					■	■						
10	Grievance Redress		■	■	■								
11	Payment of compensation for land and land based assets		■	■	■	■	■	■	■	■	■	■	■

SECTION 12

MONITORING AND REPORTING

12.1 Need for Monitoring and Reporting

224. Monitoring is a periodic assessment of planned activities providing midway inputs. Monitoring and reporting are critical activities in involuntary resettlement which helps in assessment of implementation progress, rescheduling key actions to meet the objective timelines, early identification of issues, resolve problems faced by the DPs and develop solutions immediately to meet resettlement objectives. In other words, monitoring apparatus is crucial mechanism for measuring project performance and fulfillment of the project objectives. Keeping in view the significance of resettlement impacts, the monitoring mechanism for this project will have both internal monitoring (IM) and external monitoring (EM). Internally, the LARP implementation for the subproject will be closely monitored by the EA through the PIU and the Safeguard Management Consultants, while for external monitoring the services of an independent external monitoring agency will be hired. The IM and EM are required to.

- Establish and maintain procedures to monitor the progress of the implementation of safeguard plans.
- Verify their compliance with safeguard measures and their progress toward intended outcomes.
- Document and disclose monitoring results and identify necessary corrective and preventive actions in the periodic monitoring reports,
- Follow up on these actions to ensure progress toward the desired outcomes,
- Retain qualified and experienced external experts or qualified NGOs to verify monitoring information for projects with significant impacts and risks,
- Submit periodic monitoring reports (monthly, quarterly and annually) on safeguard measures as agreed with the ADB.

12.2 Internal Monitoring

225. One of the main roles of SSMC/PIU will be to see proper and timely implementation of all activities in LARP. Monitoring will be a regular activity for SSMC at this level to ensure timely implementation of LARP activities. SSMC/PIU will collect information from the project site about implementation status of key activities, process and integrate the data in the form of monthly report to assess the progress and results of RP implementation. And in case of delays or any implementation problem, adjust its work program accordingly. This monitoring and reporting will be a regular activity which is extremely important in order to undertake mid-way corrective steps.

226. IM indicators will relate to process outputs and results, The IM reports will be shared with ADB safeguards unit on monthly basis and shall be consolidated in the quarterly supervision consultants' progress reports for ADB. Specific IM benchmarks will be based on the approved LARP and cover the following:

- a. Information campaign and consultation with APs;
- b. Status of land acquisition and payments on land compensation;
- c. Compensation for affected structures and other assets;
- d. Relocation of APs;
- e. Payments for loss of income and income restoration activities implementation; and
- f. Ensure the gender mitigation measures are adhered to during the internal monitoring and reporting process.

227. The gender disaggregated information will be collected by the SMC at PIU which will monitor the day-to-day resettlement activities of the project through the following instruments:

- a. Review of census information for all APs.
- b. Consultation and informal interviews with APs.
- c. Key informant interviews; and
- d. Community public meetings.

12.3 Monitoring by External Expert

228. The EA is required to engage qualified and experienced External Monitoring Agency to verify the EA's monitoring information. The EMA recruitment is under process and will be hired for 18 months (Approx.). The main objective of this monitoring is to monitor LARP implementation, identify issues and recommend corrective measures. The external monitor will review the IM reports, collect information from the field and determine whether resettlement objectives and goals have been achieved, more importantly whether livelihoods and living standards of DPs have been restored/ enhanced and suggest suitable recommendations for improvement. The external monitor will identify the gaps in LARP implementation and advise the EA on safeguard compliance issues. The key tasks during external monitoring will include:

- a) Review and verify internal monitoring reports prepared by SSMC/PIU;
- b) Review of the socio-economic baseline, census and inventory of losses of pre-displaced persons;
- c) Identification and selection of impact indicators;
- d) Impact assessment through formal and informal surveys with the affected persons;
- e) Consultations with DPs, officials, community leaders for preparing review report;
- f) Assessment of resettlement implementation progress, efficiency, effectiveness and sustainability; and
- g) Review of adherence to the gender mitigation measures during monitoring period.

229. The following will be considered as the basis for indicators in external monitoring and evaluation of the project:

- a. Socio-economic conditions of the DPs in the post-resettlement period;
- b. Communications and reactions from DPs on entitlements, compensation, options, alternative developments and relocation timetables etc;
- c. Quality and frequency of consultation and disclosure;
- d. Changes in housing and income levels;
- e. Rehabilitation severely affected people, and different vulnerable groups;
- f. Valuation of property and ability to replace lost assets;
- g. Disbursement of compensation and other entitlements;
- h. Level of satisfaction of DPs in the post resettlement period;
- i. Grievance procedures, including recording, reporting, processing and redress of grievances;

230. Based on the external monitor's report, if significant issues are identified, a corrective action plan (CAP) to take corrective action will be prepared, reviewed and approved by ADB and disclosed to affected persons. However, Internal and external monitoring and reporting will continue until all LAR activities have been completed.

12.4 Database Management and Storage

231. The EMA will maintain computerized resettlement database that will be updated quarterly. They will contain files on each displaced households and will be updated based on the information collected on successive rounds of data collection. All monitoring database will be fully accessible to implementing agencies and the ADB.

12.5 Reporting

232. The external expert will submit an external monitoring report to the executing agency and directly to ADB quarterly. The report should summarize the findings of EMA, including: (i) progress of resettlement plan updating and implementation; (ii) identification of problem issues and recommended solution so that implementing agencies are informed about the on-going situation and can resolve problems in a timely manner; (iii) identification of specific issues related to vulnerable displaced households, as relevant; and (iv) a report on progress of the follow-up of issues and problems identified in the previous report.

233. The monitoring reports will be discussed in a meeting between the EMA, the executing agency and PMU held after submission of the reports. Necessary remedial actions will be taken and documented.

12.6 Disclosure

234. All the monitoring reports will be translated and disclosed as per SPS and public communications policy of the ADB.