

# Resettlement Framework (Revised and Updated)

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## India: Assam Power Sector Enhancement Investment Program

Prepared by the Assam Power Distribution Company Limited for Asian Development Bank

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## List of Acronyms

ADB	Asian Development Bank
APs	Affected Persons
DC	District Collector
DSM	Demand Side Management
EA	Executing Agency
ESMU	Environment and Social Management Unit
FGD	Focus Group Discussions
GOA	Government of Assam
GOI	Government of India
GRC	Grievance Redress Committee
IA	Implementing Agency
INRM	India Resident Mission
LAA	Land Acquisition Act 1894, as amended in 1984
LAO	Land Acquisition Officer
MFF	Multi-Tranche Financing Facility
MRM	Management Review Meeting
NGOs	Non-Government Organizations
NRRP	National Rehabilitation and Resettlement Policy, 2007
PMU	Project Management Unit
RF	Resettlement Framework
RFCT in LARR	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCT in LARR), 2013
RP	Resettlement Plan
SCs	Scheduled Castes
SIA	Social Impact Assessment
SCs	Scheduled Castes
SPS	Safeguard Policy Statement, 2009
STs	Scheduled Tribes



## 1. OVERVIEW

1. Assam Power Sector Enhancement Investment Program(The Program) is being funded under Multi-Tranche Financing Facility (MFF) lending approach of Asian Development Bank (ADB). The Program is an endeavor to conduct low carbon power sector development, among others, through (i) reducing technical loss and enhancing physical capacity of transmission and distribution network, and (ii) promoting Demand Side Management (DSM) in tandem with increase of power generation capacities mainly by other agencies. Assam State Electricity Board (ASEB) will be the Executing Agency (EA) for the MFF. Government of Assam (GoA) through Government of India (GOI) has requested the Asian Development Bank (ADB) for an MFF to partly fund the power sector investment program in the state of Assam and the same was approved and the loan is under implementation. The investment program covers physical investments in transmission, distribution, energy efficiency, and non-physical investments in management information system. The investments to be supported by ADB will (i) improve quality and reliability of power; (ii) remove transmission bottlenecks; (iii) facilitate in-state and interregional power transfers; (iv) facilitate a reduction in overall system losses; (v) improve energy efficiency, capitalize related carbon market opportunities; and (vi) improve utility operational and financial performance. The proposed program will sustain the reform agenda established with earlier ADB support, and is expected to help to attract other long-term financiers to the sector.

### 1.1 Resettlement Framework

2. A Resettlement Framework (RF) was prepared and disclosed in the year 2009. However, this needs to be revised because of major change in national laws related to land acquisition, rehabilitation and resettlement Therefore, this Resettlement Framework has been revised and updated for the MFF because of the introduction GOI's new law related to land acquisition and resettlement. The RF has been revised and updated for the future sub projects. The RF has been formulated to guide the preparation of Resettlement Plans (RPs), if necessary, for subprojects under the future tranches. It outlines the objectives, policy principles and procedures for any land acquisition, compensation, and other assistance measures for any affected persons (APs). It reflects the GOI's laws on land acquisition, and policies on resettlement and rehabilitation; and ADB's Safeguard Policy Statement.

## 2. POLICY AND LEGAL FRAMEWORK

3. The policy framework and entitlements for the Program are based on national laws: Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCT in LARR), 2013 and ADB's Safeguard Policy Statement (SPS), 2009. Also, The salient features of Government and ADB polices are summarized below.

### 2.1 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCT in LARR), 2013

4. This RFCT in LARR, 2013 repeals the Land Acquisition Act, 1984 and is applicable to all states in India (Except the state of Jammu and Kashmir). RFCT in LARR, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement

collectively. Establishing of a completely new Act, which was due from a long time, is a pioneering step taken by the Government of India (GoI) in providing a humane, participative, informed and transparent process for permanent/temporary land acquisition in the public interest. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to land acquisition, rehabilitation and resettlement. The Act prohibits acquisition of multi-cropped irrigated land as a special provision to safeguard food security, unless in exceptional circumstances as a demonstrable last resort<sup>1</sup>. Step wise silent features of LARR, 2013 are furnished below.

- (i) Preliminary Investigations/Preparation of SIA/SIMP: It is mandatory under the Act to conduct a time bound Social Impact Assessment (SIA) and prepare Social Impact Management Plan (SIMP)<sup>2</sup>. No land acquisition shall be initiated unless SIA/SIMP is approved by the Expert Group. SIA shall also be conducted in a participatory manner and with all necessary public hearings, dissemination etc. duly followed.
- (ii) Preliminary Notification, Objections and Hearing: Under the Act, Preliminary Notification<sup>3</sup> shall be issued only after the approval of SIA and within 12 months from the date of SIA approval, failing which a fresh SIA/SIMP will be prepared. Preliminary Notification shall allow appropriate Government to undertake various surveys and update records, which needs to be compulsorily completed within two months. Within this period (60 days), all affected landowners/families shall be given right to raise objections in writing to the District Collector (DC) and shall get a chance to be heard in person.
- (iii) Preparation of Rehabilitation and Resettlement Scheme and its Declaration. Following Preliminary Notification, Administrator appointed for rehabilitation and resettlement shall conduct a survey, census of the affected families and prepare a draft Rehabilitation and Resettlement Scheme (RRS)<sup>4</sup>. Administrator first submits RSS to the DC and DC then to the Commissioner-Rehabilitation and Resettlement who approves the RSS in the last. The DC shall publish a summary of RSS along with Declaration under the hand and seal of Secretary to such Government or any other official duly authorized<sup>5</sup>. Declaration shall be published only after the Requiring Body deposits amount towards the cost of land

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<sup>1</sup> Wherever such land is acquired, an equivalent area of cultivable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. This condition has been included in the entitlement matrix. These provisions however do not apply in case of projects that are linear in nature such as railways, highways, other roads, canals, power lines etc.

<sup>2</sup> SIA shall confirm: (i) the proposed acquisition is for the public purpose and extent of land proposed is the absolute bare minimum extent needed for the project; (ii) number of affected families, displaced families; details of extent of loss and other associated social impacts; and (iii) costing for addressing estimated losses and social impacts. The SIMP shall form a part of SIA and include each component wise ameliorative measures to address land acquisition and social impacts. SIA/SIMP shall be evaluated by independent multi-disciplinary Expert Group who reserves the right to approve it.

<sup>3</sup> The preliminary notification shall include: (i) statement on project/ public purpose; (ii) reasons necessitating the land acquisition; (iii) summary of SIA; and (iv) particulars of the Administrator appointed for the purpose of rehabilitation and resettlement.

<sup>4</sup> Draft RSS shall include: (i) particulars of land and immovable property to be acquired of each affected family; (ii) livelihood losses of landowners as well as dependent landless families; (iii) list of government/public buildings and details of utilities and/or infrastructure facilities where resettlement of affected families is involved; (iv) details of common property resources being acquired; and (v) particulars of the rehabilitation and resettlement entitlements of each affected landowner and landless family and list/details of government buildings, utilities, infrastructure facilities to be provided in the area. The Administrator shall also set implementation timeline in draft RSS.

<sup>5</sup> Summary RSS shall not be published unless it is published along with Declaration.

acquisition<sup>6</sup>. RSS summary and Declaration shall be compulsorily made within the twelve months after the issue of Preliminary Notification. If not complied, such notification shall be considered rescinded unless land acquisition was held up on account of any stay or injunction by the order of Court.

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

5. The objectives of Act are as follows:

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

6. Salient features of the LARR Act, 2013 are listed below:

- (i) The Act provides for land acquisition as well as rehabilitation and resettlement. It replaces the Land Acquisition Act, 1894 and National Rehabilitation and Resettlement Policy, 2007.
- (ii) The provisions of this Act shall not apply to land acquisition under 13 existing laws; These include: The Land Acquisition (Mines) Act, 1885, The Indian Tramways Act, 1886, The Damodar Valley Corporation Act, 1948, The Resettlement of Displaced Persons (Land Acquisition) Act, 1948, The Requisitioning and Acquisition of Immovable Property Act, 1952, the National Highways Act, 1956, The Coal Bearing Areas Acquisition and Development Act, 1957, The Ancient Monuments and Archaeological Sites and Remains Act, 1958, The Atomic Energy Act, 1962, The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, The Metro Railways (Construction of Works) Act, 1978 , The Railways Act, 1989 and The Electricity Act, 2003;

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<sup>6</sup> In full or part, as prescribed by the appropriate Government

- (iii) Multi-cropped, irrigated land cannot be acquired unless it is for defense or emergency caused by natural calamity;
- (iv) The act provides for the baseline for compensation and has devised a sliding scale which allows States to fix the multiplier (which will determine the final award) depending on distance from urban centers;
- (v) Under the new Act, no project involving displacement of families beyond defined thresholds can be undertaken without a detailed Social Impact Assessment, which among other things, shall also take into account the impact that the project will have on public and community properties, assets and infrastructure; and the concerned Government shall have to specify that the ameliorative measures for addressing the said impact, may not be less than what is provided under any scheme or program of the Central or State Government in operation in the area. The Social Impact Assessment (SIA) report shall be examined by an independent multi-disciplinary expert group, which will also include social science and rehabilitation experts;
- (vi) The affected communities shall be duly informed and consulted at each stage, including public hearings in the affected areas for social impact assessment, wide dissemination of the details of the survey to be conducted for R&R plan or scheme, consultations with the Gram Sabhas and public hearings in areas not having Gram Sabhas, consultations with the affected families including women, Non-Government Organizations (NGOs), Panchayats, and local elected representatives, among others with a view to obtaining mandatory consent both for the land acquisition as well as the compensation package;
- (vii) Compensation in rural areas would be calculated by multiplying market value by up to two and adding assets attached to the land or building and adding a solatium. In urban areas it would be market value plus assets attached to the land and solatium;
- (viii) The Collector shall take possession of land only after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements commencing from the date of the award. However, families will not be displaced from this land till their alternative R&R sites are ready for occupation;
- (ix) The benefits to be offered to the affected families include; land-for-land, to the extent Government land would be available in the resettlement areas; preference for employment in the project to at least one person from each nuclear family subject to the availability of vacancies and suitability of the affected person; training and capacity building for taking up suitable jobs and for self-employment;; preference to groups of cooperatives of the affected persons in the allotment of other economic opportunities in or around the project site; wage employment to the willing affected persons in the construction work in the project; housing benefits including houses to the landless affected families in both rural and urban areas; and other benefits;



- (x) Financial support to the affected families for construction of cattle sheds, shops, and working sheds; transportation costs, temporary and transitional accommodation, and comprehensive infrastructural facilities and amenities in the resettlement area including education, health care, drinking water, roads, electricity, sanitation, religious activities, cattle grazing, and other community resources, etc.;
- (xi) Special provision for the STs and SCs include preference in land-for-land; a Tribal Development Plan (TDP) for settling land rights due, but not settled and restoring titles of the Scheduled Tribes as well as the Scheduled Castes on the alienated land by undertaking a special drive together with land acquisition which will also include a program for development for alternate fuel and non-timber forest produce resources on non-forest lands within a period of five years, sufficient to meet the requirements of tribal communities as well as the Scheduled Castes, consultations with Gram Sabhas and Tribal Advisory Councils, protection of fishing rights , land free-of-cost for community and religious gatherings, continuation of reservation benefits in resettlement areas, etc. at least one-third of the compensation amount due shall be paid to the affected families initially as first installment and the rest shall be paid after taking over of possession of the land. If relocated outside of the district then they shall be paid an additional twenty-five percent. Rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees;
- (xii) A strong grievance redressal mechanism has been prescribed, Establishment of Land Acquisition, Rehabilitation and Resettlement Authority. The R&R Committees shall have representatives from the affected families including women, voluntary organizations, Panchayats, local elected representatives, etc. Provision has also been made for post-implementation social audits of the rehabilitation and resettlement schemes and plans;
- (xiii) For effective monitoring of the progress of implementation of R&R plans, provisions have been made for a National Monitoring Committee at the Centre level, State LA&RR Authority, Committee constituted by appropriate government and State Commissioner RR at the State level, District Collector, Administrator RR and RR Committee at the Project level;
- (xiv) For ensuring transparency, provision has been made for mandatory dissemination of information on displacement, rehabilitation and resettlement, with names of the affected persons and details of the rehabilitation packages. Such information shall be placed in the public domain on the Internet as well as shared with the concerned Gram Sabhas and Panchayats, etc. by the project authorities;
- (xv) A Land Acquisition Rehabilitation and Resettlement Authority shall be set up by the Central Government, which will be duly empowered to exercise independent oversight over the rehabilitation and resettlement of the affected families;

- (xvi) The Act also provides that land acquired for a public purpose cannot be transferred to any other purpose but a public purpose, and that too, only with prior approval of the Government. If land acquired for a public purpose remains un-utilized for 10 years from the date of possession shall be returned to the Land Bank of the government;
- (xvii) If any unused acquired land is sold to a third party for a consideration, 40% of the appreciated land value (or profit) will be shared amongst the persons from whom the lands were acquired or their heirs in proportion to the value at which the lands were acquired within a period of five years from the date of acquisition transferred to another individual, 40 per cent of the appreciated land value shall have to be shared amongst the original land owners;
- (xviii) If any land has been purchased through private negotiations by a person on or after the 5th day of September 2011 which is more than such limits referred to in sub-section (1) and if the same land is acquired within three years from the date of commencement of this Act then, 40% of the compensation paid for such land acquired shall be shared with the original land owners;
- (xix) The Act also proposes amenities like schools, health centers and civic infrastructure etc. in places where project-affected people are resettled;
- (xx) In case of acquisition of more than 100 acres, an R&R Committee shall be established to monitor the implementation of the scheme at the project level;
- (xxi) No income tax shall be levied and no stamp duty shall be charged on any amount that accrues to an individual as a result of the provisions of the new law;
- (xxii) The final award has to include damage to any standing crops and trees which might have been harmed due to the process of acquisition (including the preliminary inspection).

## **2.2 ADB'S Safeguard Policy Statement (SPS), 2009**

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

8. The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. The three important elements of ADB's SPS (2009) are: (i) compensation at replacement cost for lost assets, livelihood, and income prior to displacement;

(ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. The SPS gives special attention to poor and vulnerable households to ensure their improved well-being as a result of project interventions. Followings are the basic policy principle of ADB's SPS,2009:

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

## **2.3 Other Indian Acts related to Power (The Electricity Act-2003 as amended in 2007 and Indian Telegraph Act-1895)**

### **2.3.1 The Electricity Act, 2003, Part-VIII, Section 67 & 68 Section 67 (3-5):**

**Quote:**

*(3) A licensee shall, in exercise of any of the powers conferred by or under this section and the rules made thereunder, cause as little damage, detriment and inconvenience as may be, and shall make full compensation for any damage, detriment or inconvenience caused by him or by any one employed by him.*

*(4) Where any difference or dispute [including amount of compensation under sub-section (3)] arises under this section, the matter shall be determined by the Appropriate Commission.*

*(5) The Appropriate Commission, while determining any difference or dispute arising under this section in addition to any compensation under sub-section (3), may impose a penalty not exceeding the amount of compensation payable under that sub-section.*

**Section 68 (5 & 6):**

*(5) Where any tree standing or lying near an overhead line or where any structure or other object which has been placed or has fallen near an overhead line subsequent to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of electricity or the 36 to interrupt or interfere with, the conveyance or transmission of electricity or the accessibility of any works, an Executive Magistrate or authority specified by the Appropriate Government may, on the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he or it thinks fit.*

*(6) When disposing of an application under sub-section (5), an Executive Magistrate or authority specified under that sub-section shall, in the case of any tree in existence before the placing of the overhead line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.*

**2.3.2. The Indian Telegraph Act, 1885, Part-III, Section 10:**

9. Indian Telegraph Act (1885) has also been taken in to consideration for its relevant applicability. Indian Telegraph Act does not have any provision for permanent land acquisition except for payment of compensation for construction of lines and towers as temporary impacts. However, in Assam, land is usually bought or acquired, as a good practice for any permanent impact including the transmission lines towers. The Indian telegraph Act, 1885 is usually followed which does not have any provision of land acquisition for construction of transmission pillars and lines. The act exercises the power to remove any trees interrupting the transmission lines, however, subsection of section 18 of the Act provides the opportunity for compensation for cutting the trees if the tree is in existence before the telegraph line was placed. The telegraph authority may, from time to time place and maintain a telegraphic line under, over, along or across, and post in or upon, any immovable property provided that telegraph authority shall not exercise the powers conferred by this section except for the purpose of a telegraph established or maintained by the Central Government, or to be so established or maintained. The Central Government shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or posts. The telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority. The telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to, shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers. In case of property and dispute other than that of a local authority where the power is to be exercised, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.

10. Power for telegraph authority to place and maintain telegraph lines and posts – The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:

*Provided that –*

*(a) the telegraph authority shall not exercise the powers conferred by this section except for the*

*purposes of a telegraph established or maintained by the [Central Government], or to be so established or maintained;*

*b) the [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post; and*

*c) except as hereinafter provided, the telegraph authority shall not exercise those powers in*

*respect of any property vested in or under the control or management of any local authority,*

*without the permission of that authority; and*

*d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.*

11. The local authorities / District Magistrate have been provided with absolute powers to fix the compensation and even adjudicate during the dispute for compensation in section 16 of the Indian telegraph Act.

## **2.4 Comparison of National Policy with ADB**

12. The Right to Fair Compensation in Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' (RFCT in LARR, 2013) effective from 1<sup>st</sup> January 2014 represents a significant milestone in the development of systematic approach to address land acquisition, rehabilitation and resettlement collectively in India. The RFCT in LARR, 2013 has also laid down similar principles like ADB's SPS 2009 and focus on avoiding or minimizing involuntary impacts, if not restoring and enhancing the quality of life of affected families irrespective of title to the land.

13. The RFCT in LARR, 2013 now significantly bridges the gaps between the Gol policy and ADB's SPS, 2009. In particular, the Act require social impact assessments for projects involving land acquisition, although it would set minimum threshold of people affected for this provision to

apply, while the ADB does not so require. The Act also expands compensation coverage of the principal act by requiring that the value of trees, plants, or standing crops damaged must also be included and solatium being 100 percent of the all amounts inclusive. The Act furthermore would match ADB requirements for all compensation to be paid prior to project taking possession of any land.

14. The outstanding differences between the government and ADB policy are recognition of non-titleholders and establishment of cut-off date. The RFCT in LARR, 2013 specifies that the non-titleholders residing on any land for preceding three years or more and whose primary source of livelihoods for three years prior to the acquisition is affected will be entitled for compensation and assistance as per this Act. To bring this RF in accord with ADB requirements, this RF mandates that in the case of land acquisition, the date of publication of preliminary notification for acquisition under Section 4(1) of the RFCT in LARR, 2013 will be treated as the cut-off date for title holders, and for non-titleholders such as squatters the cut-off date will be the start date of the project census survey. A comparison of Government policies (RFCT in LARR, 2013) with ADB's involuntary resettlement policy is presented in **Annexure 1**.

### 3. RESETTLEMENT FRAMEWORK PRINCIPLES

15. Based on the Government's laws, RFCT in LARR, 2013, and ADB's *Safeguard Policy Statement*, 2009, core involuntary resettlement principles for the Program to be followed for each sub-project in each tranche, are: (i) land acquisition, and other involuntary resettlement impacts will be avoided or minimized exploring all viable alternative sub-project designs; (ii) where unavoidable, time-bound resettlement plans (RPs) will be prepared and APs will be assisted in improving or at least regaining their pre-program standard of living; (iii) consultation with APs on compensation, disclosure of resettlement information to APs, and participation of APs in planning and implementing sub-projects will be ensured; (iv) vulnerable groups will be provided special assistance<sup>7</sup>; (v) payment of compensation to APs including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets at replacement rates; (vi) payment of compensation and resettlement assistance prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vii) provision of income restoration and rehabilitation; and (viii) establishment of appropriate grievance redress mechanisms.

16. The Program's sub-projects will broadly have three types of potential impacts that will require mitigation measures. The types of impacts are (i) loss of assets, including land and structures; (ii) loss of income or livelihood; and, (iii) collective impacts on groups, such as loss of common property resources and loss of access or limited access to such resources. Every effort will be made during the preparation of detailed design to minimize acquisition of land and other assets and to reduce any involuntary resettlement impacts. Unforeseen impacts will also be compensated in accordance with the principles of this RF.

17. Additionally, the issues related to the Right of Way (RoW) for the transmission lines will be dealt with proper care especially for the temporary loss. The loss of crop and agriculture during the construction of the transmission lines will be paid as instant cash compensation for the damaged period. Although, the Right of Way is reserved for future activities, i.e., repair etc by the EA, but in practice, people will be allowed to use the land below the lines after the construction. The EA will provide cash compensation to the APs for the temporary loss of crop, if occurred, during the time of maintenance and repair.

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<sup>7</sup> Vulnerable groups include poor households, households headed by women, scheduled tribes and scheduled caste.

18. The cut-off-date for non-titleholders' eligibility for compensation/assistance as per RFCT in LARR Act, 2013, is a minimum threshold of 3 years of prior presence in the project area. It specifies that the non-titleholders residing on any land for preceding three years or more and whose primary source of livelihoods for three years prior to the acquisition is affected, will be entitled for compensation and assistance as per this Act. To bring this RF in accord with ADB requirements, this RF mandates that in the case of land acquisition, the date of publication of preliminary notification for acquisition under Section 4(1) of the RFCT in LARR Act, 2013, will be treated as the cut-off date for title holders, and for non-titleholders such as squatters, the cut-off date will be the start date of the project census survey as per the final detailed design.

#### 4. ENTITLEMENT, ASSISTANCE AND BENEFITS

##### 4.1. Entitlement Matrix

19. A detailed description of each compensation measure and assistance is provided in the entitlement matrix (**Table 1**). APs will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the APs.

**Table 1: Entitlement Matrix**

S no	Type of Loss	Application	Definition of Entitled Person	Entitlement
1	Loss of private land	Agricultural land, homestead land or vacant plot	Legal titleholders/ APs with customary land right/APs with Permit from local authority	<ul style="list-style-type: none"> <li>• Compensation at replacement value<sup>8</sup> or land-for-land<sup>9</sup> where feasible.</li> <li>• One time Resettlement allowance of Rs. 50,000 per affected family</li> <li>• One time assistance option from: (i) Job for at least one member of the displaced family<sup>10</sup> in project which has created impact or in similar such other project; or (ii) One-time payment of Rs. 500,000 per f displaced family.</li> <li>• All displaced families will receive (i) monthly Subsistence allowance of Rs. 3,000 for one year from the date of award, and (ii) SC/ST households will receive additional onetime payment of Rs. 50,000 .</li> </ul>

<sup>8</sup> Compensation at 1 to 2 times the market value of the land, including all assets attached to the land. Market value to be multiplied by factor: "1" for land in urban area, "1" to "2" for land in rural area depending on distance from urban area. An additional "Solatium" equal to the amount of compensation (100%) for land including all attached assets.

<sup>9</sup> If land for land is offered, titles will be in the names of original landowners. Joint titles in the name of husband and wife will be offered in case of married APs. Re-titling of the remaining land will be the responsibility of the EA and will occur following land acquisition, within six months of time and incase of delay, the EA will issue interim certificate/provisional proof of the titling for the delayed period..  
<sup>10</sup> displaced family" means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area

S no	Type of Loss	Application	Definition of Entitled Person	Entitlement
				<ul style="list-style-type: none"> <li>• 60 days advance notice to harvest standing seasonal crops prior to damage.. If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households.</li> <li>• Exemption from fees and taxes related to compensation</li> </ul>
			Tenants and leaseholders (whether having written tenancy/lease documents or not)/share cropper	<ul style="list-style-type: none"> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• Share of the crop loss between owners and sharecroppers/tenants/lease holders as per the agreement (50% of crop)</li> <li>• All displaced families will receive (i) monthly subsistence allowance of Rs. 3,000 for one year from the date of award, and (ii) SC/ST households will receive additional onetime payment of Rs. 50,000.</li> <li>• 60 days advance notice to harvest standing seasonal crops prior to damage.. If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households.</li> <li>• Exemption from fees and taxes related to compensation</li> </ul>
2	Loss of Government land	Vacant plot, Agricultural land and homestead land	Leaseholders	<ul style="list-style-type: none"> <li>• Reimbursement of unexpired lease.</li> <li>• All displaced families will receive (i) monthly Subsistence allowance of Rs. 3,000 for one year from the date of award, and (ii) SC/ST households will receive additional onetime payment of Rs. 50,000.</li> <li>• 60 days advance notice to harvest standing seasonal crops prior to damage . If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households.</li> <li>• Exemption from fees and taxes related to compensation</li> </ul>
			Encroachers	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from encroached land.</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Squatters	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from occupied land.</li> <li>• 60 days advance notice to harvest standing seasonal crops prior to damage. If notice cannot be given, compensation for share of crops will be provided.</li> <li>• All displaced families will receive (i) monthly Subsistence allowance of Rs. 3,000 for one year from the date of award, and (ii) SC/ST households will receive additional onetime payment of Rs. 50,000.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Government land without being used by anybody	<ul style="list-style-type: none"> <li>• Transfer of land through inter government department</li> <li>• Payment of land value by the EA to the concerned government departmental for transfer of</li> </ul>



S no	Type of Loss	Application	Definition of Entitled Person	Entitlement
				<p>ownership.</p> <ul style="list-style-type: none"> <li>• Further development/construction activities on government land shall comply with ADB's SPS.</li> </ul>
3	Loss of residential structure	Residential structure and other assets <sup>11</sup>	Legal titleholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable). Compensation will be at replacement value excluding depreciation</li> <li>• If house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 sq. m. plinth area. This benefit should be extended irrespective of title if the affected family is residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one time financial assistance of at least Rs. 150,000. In rural areas, the actual cost of house construction shall be offered in such cases.</li> <li>• One time Resettlement allowance of Rs. 50,000 per affected household</li> <li>• All physically displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year from the date of award, and (iii) SC/ST households will receive additional onetime payment of Rs. 50,000.</li> <li>• Each affected family having cattle shed shall get one time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of Rs. 25,000 for construction of cattle shed</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> <li>• Exemption from fees and taxes related to compensation</li> </ul>
			Tenants and leaseholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP. Compensated will be at replacement value excluding depreciation</li> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• Right to salvage materials (of the portion constructed by tenants or leaseholders) from structure and other assets</li> <li>• One time Resettlement allowance of Rs. 50,000 per affected family</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport</li> </ul>

<sup>11</sup> Other assets include, but is not limited to walls, fences, sheds, wells, etc.

S no	Type of Loss	Application	Definition of Entitled Person	Entitlement
				<p>costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year from the date of award, (iii) SC/ST households will receive additional onetime payment of Rs. 50,000</p> <ul style="list-style-type: none"> <li>• Each affected family having cattle shed shall get one time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of Rs. 25,000 for construction of cattle shed</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> <li>• Exemption from fees and taxes related to compensation.</li> </ul>
			Squatters	<ul style="list-style-type: none"> <li>• Replacement cost of structure constructed by the squatter. Compensation will be at replacement value excluding depreciation</li> <li>• Right to salvage materials from structure and other assets</li> <li>• One time Resettlement allowance of Rs. 50,000 per affected family</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year from the date of award. SC/ST households will receive additional onetime payment of Rs. 50,000</li> <li>• Each affected family having cattle shed shall get one time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of Rs. 25,000 for construction of cattle shed</li> <li>• Right to salvage materials from structure and other assets</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Encroachers	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from encroached structure.</li> <li>• Right to salvage materials from structure and other assets</li> <li>• Additional compensation for vulnerable households.</li> </ul>
4	Loss of commercial structure	Commercial structure and other assets	Legal titleholders	<ul style="list-style-type: none"> <li>• Reconstruction cost (without depreciation) for lost frontage/structure; affected person shall be allowed to take salvaged material from the demolished structure at no costs.</li> <li>• One time Resettlement allowance of Rs. 50,000 per affected household</li> <li>• All physically displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year from the date of award, and (iii) SC/ST households will receive additional onetime</li> </ul>

S no	Type of Loss	Application	Definition of Entitled Person	Entitlement
				<p>payment of Rs. 50,000.</p> <ul style="list-style-type: none"> <li>Each affected family having petty shop shall get one time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of Rs. 25,000 for construction of petty shop</li> <li>Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>Additional compensation for vulnerable households.</li> <li>Exemption from fees and taxes related to compensation</li> </ul>
			Tenants and leaseholders	<ul style="list-style-type: none"> <li>Replacement cost of part/whole of structure constructed by the tenant/leaseholder, and this will be deducted from the compensation amount of the total structure. Compensation will be at replacement value excluding depreciation.</li> <li>Compensation for rental deposit or unexpired lease.</li> <li>One time Resettlement allowance of Rs. 50,000 per affected family</li> <li>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year from the date of award, (iii) SC/ST households will receive additional onetime payment of Rs. 50,000</li> <li>Each affected family having petty shop shall get one time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of Rs. 25,000 for construction of petty shop</li> <li>Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>Additional compensation for vulnerable households.</li> <li>Exemption from fees and taxes related to compensation</li> </ul>
			Squatters	<ul style="list-style-type: none"> <li>Replacement cost of structure constructed by the squatter. Compensation will be at replacement value excluding depreciation</li> <li>One time Resettlement allowance of Rs. 50,000 per affected family</li> <li>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year from the date of award. SC/ST households will receive additional onetime payment of Rs. 50,000</li> <li>Each affected family having petty shop shall get one time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of Rs. 25,000 for construction of</li> </ul>

S no	Type of Loss	Application	Definition of Entitled Person	Entitlement
				<p>petty shop</p> <ul style="list-style-type: none"> <li>• Right to salvage materials from structure and other assets.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Encroachers	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from encroached structure.</li> <li>• Right to salvage materials from structure and other assets</li> <li>• Additional compensation for vulnerable households.</li> </ul>
5	Loss of livelihood	Livelihood	Legal titleholder/tenant/leaseholder/non-titled/employee of commercial structure, farmer/agricultural worker/artisan/small trader/self employed	<ul style="list-style-type: none"> <li>• One time financial assistance of minimum Rs. 25,000 or as decided by the appropriate government, whichever is higher.</li> <li>• Income restoration and training to eligible APs</li> <li>• Additional compensation for vulnerable households.</li> <li>• Consideration for project employment.</li> </ul>
6	Loss of trees and crops	Standing trees and crops	Legal titleholder/tenant/leaseholder/sharecropper/non-titled AP	<ul style="list-style-type: none"> <li>• 60 days advance notice to harvest standing seasonal crops prior to damage, fruits, and timber.</li> <li>• Compensation for standing crops based on an annual crop cycle at market value</li> <li>• Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops.</li> </ul>
7	Impacts on vulnerable APs	All impacts	Vulnerable APs <sup>12</sup>	<ul style="list-style-type: none"> <li>• One time lump sum assistance of Rs. 25,000 to vulnerable households. This will be paid above and over the other assistance.</li> <li>• Vulnerable APs will receive preferential income restoration training program under the Project.</li> <li>• Consideration for project employment.</li> </ul>

<sup>12</sup> Vulnerable groups include poor households, households headed by women, scheduled tribes and scheduled caste. Poor households may be identified as per the BPL card issued by the government. In addition international standard of poverty level will also be taken in to consideration for defining poverty level especially the income level. (approximately US dollar 2 per day per person as a bench mark). All the vulnerable groups will be provided with one time vulnerability allowance.

S no	Type of Loss	Application	Definition of Entitled Person	Entitlement
8	Temporary loss of land	Land temporarily required for sub-project construction	Legal titleholders, non-titled APs	<ul style="list-style-type: none"> <li>• Provision of rent for period of occupation for legal titleholders</li> <li>• compensation for assets lost at replacement value.</li> <li>• Restoration of land to previous or better quality</li> <li>• Additionally, Cash Compensation will be paid for the temporary damage of crop under the RoW during the maintenance and repair after the construction. In case there is a need for repair or maintenance of the transmission lines in the future, the project authorities would reach agreement with the land owners for access to the land for maintenance and repairs, when necessary, and that the land owners would continue to use the land for farming activities.</li> </ul>
		Temporary Occupation of waste or arable land	Title holder/government	<ul style="list-style-type: none"> <li>• The appropriate government may direct the collector to procure the occupation and use of waste/arable land for such terms it shall think fit, not exceeding 3 years from commencement of such occupation.</li> <li>• compensation either in gross sum of money or by monthly or other periodical payments, as shall be agreed in writing between collector and the user/contractor.</li> <li>• in case of non agreement on compensation and difference amount, the collector shall refer such difference to the decision of the authority.</li> <li>• on the expiration of the term, the land will be re assessed to see the damage and will either be restored or be compensated further for the damage</li> <li>• In case of full damage and non use of the land post the temporary occupation/use period, the land will be permanently acquired as per the standard norm.</li> </ul>
9	Loss of common resources	Common resources	Communities	Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, etc. All community facility and utility replacement is compensated and also re-built following SPS principles and this RF.

S no	Type of Loss	Application	Definition of Entitled Person	Entitlement
10	Any other loss not identified	-	-	<ul style="list-style-type: none"> <li>Unanticipated involuntary impacts will be documented and mitigated based on the principles of the Resettlement Framework.</li> </ul>

## 4.2 Valuation of Assets

20. Land surveys for determining the payment of compensation would be conducted on the basis of updated official records and ground facts. The land records containing information like legal title, and classification of land will be updated expeditiously for ensuring adequate cost compensation and allotment of land to the entitled displaced persons. In cases of areas under the District Council/ Village Council in tribal areas, where official land records don't exist, formal land/property boundaries of private property owned by the tribal households can be determined through the process of community consultation and discussion with village head and village council members. Based on such information, land can be classified and land record can be updated and compensation assessment can be made. In the states where the district council is under operation, although the land is notified from the district collector's/ deputy commissioner's office, the verification of ownership is done by the district/village council in consultation with the village people and assessment of compensation also done by the revenue officials based in the district council. After determination of ownership and compensation amount the same is sent to the district collector/ deputy commissioner. Records as they are on the cut-off date will be taken into consideration while determining the current use of land. The uneconomic residual land remaining after land acquisition will be acquired as per the provisions of RFCT in LARR Act or National Highway Act, as the case may be. The owner of such land/property will have the right to seek acquisition of his entire contiguous holding/ property provided the residual land is less than the average land holding of the district. The methodology for verifying the replacement cost for each type of loss will be calculated be as per the provision made in the RFCT in LARR:

### Valuation of Land:

21. Valuation of land will be done as follows:

1. The Collector shall determine the market value of the land with assessment of (a) the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or (b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or (c) consented amount of compensation as agreed upon, whichever is higher.
2. Where the market value as per above section (1) or (2) cannot be determined for the reason that: (a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or (b) the registered sale deeds or agreements to sell for similar land are not available for the immediately preceding three years; or (c) the market value

has not been specified under the Indian Stamp Act, 1899; the appropriate authority, the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the Price calculated in the manner specified in the above section (1) in respect of similar types of land situated in the immediate adjoining areas.

3. The market value calculated as per above section (1) shall be multiplied by a factor of (a) two in rural areas; and (b) one in urban areas.
4. Solatium amount equivalent to 100% of the market value calculated on the basis of above 1 or 2 + 3.
5. Hence; the cost of land in rural areas = market value X 2 + 100%, and the cost of land in urban areas = market value X 1 + 100%

### **Valuation of Building and Structure:**

22. The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him. The cost of buildings will be estimated based on updated Basic Schedule of Rates (BSR) as on date without depreciation. Solatium of 100% will be added to the estimated market value of the structure.

### **Valuation of Trees:**

23. Trees will be compensated at replacement cost. The Collector for the purpose of determining the market value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture, forestry, Horticulture, Sericulture, or any other field, as may be considered necessary.

### **Income Restoration**

24. Each DPs/APs whose income or livelihood is affected by a subproject will be assisted to improve or at least restore it to pre-project level. Income restoration schemes will be designed in consultation with affected persons and considering their resource base and existing skills. The PMU will identify the number of eligible APs/DPs based on the 100% census of the affected persons and will conduct a training need assessment in consultations with the affected persons so as to develop appropriate income restoration schemes. The PMU with support of NGO will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by PIU and NGO in consultation with local training institutes. Vulnerable households will get special assistance in this regard. The PMU and NGO will also facilitate affected person access to Government schemes that could help them to restore income and livelihood. In addition, the entitlement matrix provides for one time income restoration allowance.

25.

## **5. PROCEDURE FOR RP PREPARATION**

26. The EA (ASEB), through its Project Management Unit (PMU) and its respective Implementing Agencies (IA) will be responsible for preparing the Resettlement Plans for the identified sub projects in the future tranches. The RPs will be based on the engineering design. Social Impact Assessment (SIA) will be carried out in each sub project. The SIA will determine the magnitude of resettlement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a rehabilitation program for implementation.

27. A census survey will be carried out to register and document the status of potentially affected persons<sup>13</sup> within the sub-project area. The census will cover 100 percent of APs. The census will provide a detailed inventory of losses and demographic overview of the population, and will cover people's assets and main sources of livelihood.

28. Socioeconomic survey will be carried out to know about the socio-economic profile of the APs. It will be used as a benchmark for monitoring the socio-economic status of APs. The survey will cover 10 percent of APs and 20 percent of significantly affected persons. The survey will also collect gender-disaggregated data to address gender issues in resettlement. The survey will carry out the following: (i) preparation of accurate maps of the sub-project area; and (ii) analysis of social structures and income resources of the population.

29. The RP will be prepared based on the results of the census and from information drawn from the baseline socio-economic sample survey; the database on APs should be completed before RP preparation. RP preparation will be governed by the involuntary resettlement impacts identified during the census.

30. Resettlement Plan will be prepared if involuntary resettlement impacts are found in any project. The RP will include the census of APs, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and participatory results monitoring mechanisms. The RP should be broadly structured in the following manner:

- (i) Scope of Land Acquisition and Resettlement
- (ii) Socio-economic Information
- (iii) Objectives, Policy Framework, and Entitlements
- (iv) Gender Impact and Mitigative Measures
- (v) Information Dissemination, Consultation, Participatory Approaches, and Disclosure Requirements
- (vi) Grievance Redress Mechanisms
- (vii) Relocation of Housing and Settlements
- (viii) Compensation, Relocation, and Income Restoration
- (ix) Institutional Framework
- (x) Resettlement Budget and Financing
- (xi) Implementation Schedule
- (xii) Monitoring and Reporting

31. The PMU for project preparation and implementation will include social development cum resettlement specialists familiar with ADB policy and procedures for the preparation of

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<sup>13</sup> The potentially affected persons will include both the titleholders and the non-titleholders within the sub-project construction zone. The identification of non-titleholders will be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, information from the community will be considered.



subproject RPs. The RPs will be prepared in consultation with APs. Resettlement issues will be coordinated by the EA through its PMU/IA who will ensure that all subprojects comply with involuntary resettlement safeguards. RPs will comply with national policy and ADB's Safeguard Policy Statement, 2009 (SPS) and other social safeguard guidelines. The EA through its PMU will set the cut-off-date on the day of notice (LAA Section 4) to the title holders and the date of Census Survey will be considered as cut-off date for the non title holders. The EA through PMU/IA will ensure that this RF is closely followed when a RP is formulated for a future subproject. The EA will further ensure that adequate resettlement budgets are delivered on time to PMU, for timely implementation of RP. All RPs will be reviewed and approved by ADB prior to the award of any contracts related to the sub-project and compensation be paid to all APs prior to displacement, in any case not later than commencement of civil works.

32. In line with the SPS resettlement is considered involuntary when individuals or communities do not have right to refuse land acquisition that results in displacement. This occurs in cases where land are acquired through expropriation based on eminent domain and lands are acquired through negotiated settlements, if expropriation process would have resulted upon the failure of negotiation. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, in case of negotiated settlement, an independent external party<sup>14</sup> will be engaged by the IA to document the negotiation and settlement processes. The principles of this RF with regard to meaningful consultation processes, mechanisms for calculating the replacement costs of land and other assets affected and record-keeping requirements, will be followed. The Safeguard Requirements 2 will apply in all such cases, including preparing a resettlement plan. If land acquisition is through negotiated settlement, procedures will be developed in a transparent, consistent, and equitable manner to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status. The EA/IA will engage an independent external party to document the negotiation and settlement processes. The EA/IA will agree with ADB on consultation processes, policies and laws that are applicable to such transactions, third party validation, mechanisms for calculating the replacement costs of land and other assets affected and record keeping requirements. If, however, the negotiated settlement fails, the normal procedure of land acquisition will be followed

### 33. INSTITUTIONAL ARRANGEMENTS

34. ASEB will function as the EA of the proposed MFF. The respective transmission and distribution companies will be the IAs for the proposed investment program. There is already an existing PMU which is functional and is responsible for implementing the ADB Phase-1 loan and is also responsible for the preparatory work for the proposed program.

35. Keeping in view the capacity of ASEB and its existing PMU, it is proposed that an Environment and Social Management Unit (ESMU) will be set up within the PMU along with other engineering units to address environmental and social issues of the program, and will be headed by Environmental Specialist and Resettlement Specialist. The ESMU will be assisted by one Environment and one Social Development cum Resettlement Specialist who will be responsible for the field activities. For subproject RPs, PMU will do the overall coordination, preparation, planning, implementation, and financing. The EA will ensure that key institutions including local governments are involved in RP preparation, updating and implementation. Further details on agencies responsible for RP activities are in **Table 2**.

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<sup>14</sup> An independent external party is a person not involved in the day-to-day implementation of the project and can include, for example, a local university professor, local NGO representative, etc.

**Table 2: Institutional Roles and Responsibilities for Resettlement activities**

<b>Activity</b>	<b>Responsible Agency</b>
<b>Sub-project Initiation Stage</b>	
Setting up of ESMU and staff	ASEB
Finalization of sites for sub-projects	ASEB/PMU/IA
Disclosure of proposed land acquisition and sub-project details by issuing Public Notice	PMU/ESMU/IA
Meetings at community/household level with APs	ESMU/ESMU/PMU/IA
<b>RP Preparation and Updating Stage</b>	
Conducting Census of all APs	PMU/ESMU/ Land Acquisition Officer (LAO)/IA
Conducting FGDs/meetings/	PMU/ESMU
Computation of replacement values of land/properties proposed for acquisition and for associated assets	PMU/IA/ESMU
Categorization of APs for finalizing entitlements	PMU/ESMU/LAO/IA
Formulating compensation and rehabilitation measures	PMU/ESMU/LAO/IA
Conducting discussions/meetings/consultation with APs and other stakeholders	PMU/ESMU/IA
Fixing compensation for land/property with titleholders	PMU//ESMU/LAO/IA
Finalizing entitlements and rehabilitation packages	PMU/ESMU/LAO/IA
Disclosure of final entitlements and rehabilitation packages	PMU/ESMU/IA
Approval of RP	EA/PMU/ESMU/ADB
Sale deed execution and payment	EA/PMU/IA/ESMU/LAO/Appropriate Government/
Taking possession of land	EA/PMU
<b>RP Implementation Stage</b>	
Implementation of proposed rehabilitation measures	PMU/ESMU/IA/LAO
Consultations with APs during rehabilitation activities	PMU/ESMU/IA
Grievances redressal	PMU/ESMU/GRC/IA
Internal monitoring	PMU/ ESMU/IA
External monitoring	External Agency

ADB-Asian Development Bank, ASEB= Assam State Electricity Board, AP-affected person, EA-Executing Agency, ESMU-Environment and Social Management Unit, FGD-focus group discussion, GRC-Grievance Redress Committee, IA- Implementing Agency, LAO-Land Acquisition Officer, PMU-Project Management Unit, RP-Resettlement Plan,

## **6. CONSULTATION, DISCLOSURE AND GRIEVANCE**

### **6.1 Consultation**

36. Stakeholders' consultations have been in progress from the inception stage of the project and the same will be continued during the entire project cycle, i.e., preparation, implementation and post implementation. During the preparatory stages, consultations have been carried out with various concerned government officials and local communities as part of the social and resettlement study in order to gather their views on the proposed program. All the affected persons were also consulted on a one to one basis through questionnaire surveys for the first tranche subproject activities. Additionally, focused group discussions are also in progress at the project influence areas.

37. Formal and informal consultative process will be carried out for future sub-projects including, but not limited to: Focus Group Discussions (FGDs), public meetings, community discussions, and in-depth and key informant interviews; in addition to the censuses and socio-economic surveys. Consultations will be held with special emphasis on vulnerable groups. Encouraging public participation in consultations informs the public of the Program and serves as a venue for the public to express their opinion on priorities which the Program should address. The EA will ensure that APs and other stakeholders are informed and consulted about the sub-project, its impact, their entitlements and options, and allowed to participate actively in the development of the sub-project.

38. The key stakeholders to be consulted during sub-project preparation, RP implementation, and program implementation includes:

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

## **6.2 Disclosure**

39. The RF and the sub project RP for first tranche will be made available at relevant government offices and sub project areas. The RP of the Tranche-1 subproject will be disclosed before the first Management Review Meeting (MRM). For future sub-projects, information will be disseminated to APs at various stages. In the initial stage, the EA will be responsible for issuing public notices to acquire land required for sub-projects and providing Program information. The notice will be published in two local newspapers. The EA through its IAs and PMU/ESMU will conduct consultations and disseminate information to all APs. RPs will be translated into the local language and made available at offices of the: (i) Project Site office; (ii) relevant local government line agencies; and (iii) PMU/IA. The cut-off-date as described above will be disclosed to the APs through local news paper and EA will provide notice in advance in village panchayat for non-titleholders during the project surveys work.

40. Each RP will be made available in local language(s) during focus group discussions and stakeholder meetings at the village/community level to ensure inputs from stakeholders particularly at the village/community level. Female-headed households will be consulted. The EA through its PMU/IA/ESMU will conduct consultations in affected villages to explain the resettlement plan in coordination with village/community leaders. Each AP will be provided information regarding specific entitlements. Disputes on entitlements can be forwarded to the PMU for appropriate action. The RP will be disclosed on the ADB website, and information dissemination and consultation will continue throughout the project implementation period. The LAR information booklet will be distributed early enough prior to the disbursement of compensation and start of construction.

### 6.3 Grievance Redress Mechanism

41. Efficient Grievance redress mechanism will be developed to assist the APs resolve their queries and complaints. Each RP will detail specific grievance redress mechanisms. Grievances of APs will first be brought to the attention to the site office level of the IAs which shall be redressed within two weeks from the receipt of complaints. Grievances not redressed by the IA staff (field level) will be brought to the Grievance Redress Committee (GRC) which shall be redressed within four weeks from the date of receiving the complaint at . The GRC will have representatives from APs, PMU, IA, ESMU, field level staff, district magistrate/commissioner, local administration, revenue authority and local community. The main responsibilities of the GRC are to: (i) provide support to APs on problems arising from land/property acquisition; (ii) record AP grievances, categorize, and prioritize grievances and resolve them; (iii) immediately inform the PMU of serious cases; and (iv) report to APs on developments regarding their grievances and decisions of the GRC and the PMU. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, compensation, relocation, replacement cost and other assistance. The GRC will meet every month (if grievances are brought to the Committee), determine the merit of each grievance, and resolve grievances within a month of receiving the complaint. Records will be kept of all grievances received including: contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were effected, and final outcome. The GRCs will continue to function during the life of the Project including the defects liability period. The proposed mechanism does not impede access to the country's judicial or administrative remedies. The AP has the right to refer the grievances to appropriate courts of law at any stage of the process. The EA will ensure that APs has the right to approach court of law any time during the process of grievance redress activities.

## 7. RESETTLEMENT BUDGET AND FUND FLOW MECHANISM

42. Detailed budget estimates for involuntary resettlement will be prepared for each RP, by the PMU. It will be included in the overall sub-project estimate. The budget will include i) detailed costs of land acquisition, relocation, and livelihood and income restoration and improvement, ii) source of funding, iii) arrangements for approval, and iv) the flow of funds and contingency arrangements. Funds for land acquisition (including land acquisition for non-titled APs) if any, compensation for all assets lost, related resettlement assistance, and relocation and transfer will be provided by the EA. Administrative and implementation costs, including engagement of the implementing NGO (if required), cost of census and survey of APs and inventory of assets, cost of information and consultations, training and monitoring (including evaluation by independent agency), and rental of office space and required physical facilities and materials will be borne by the EA or can be funded under the Investment Program. Land acquisition and resettlement costs will be considered as an integral component of sub-project costs. The EA will deposit the money to the concerned department for the disbursement of compensation to the affected people for land acquisition and resettlement. The EA will keep provisional money out of its annual plan for the resettlement cost and this provisional amount will be planned at the early stage of their annual plan so that the resettlement process won't get delayed. A sample blank table for resettlement costing and budget is provided in **Annexure 2**.

## 8. IMPLEMENTATION SCHEDULE

43. All land acquisition, resettlement, and compensation for a sub-project will be completed before award of civil works contracts. All land required will be provided free of encumbrances to the contractor prior to handing over of sub-project sites and the start of civil works. The implementation of the RP will include: (i) identification of cut-off-date and notification, (ii) verification of losses and extent of impacts, (iii) finalization of entitlements and distribution of identity cards, (iv) consultations with APs on their needs and priorities, and (v) resettlement, provision of compensation and assistance, and income restoration for APs. A sample implementation table highlighting various steps is provided in **Annexure 3**.

## 9. MONITORING AND REPORTING

### 10.1 Internal Monitoring

44. Internal monitoring will be the responsibility of the PMU/IA/ESMU. The PMU internal monitoring will include: (i) administrative monitoring: daily planning, implementation, feedback and trouble shooting, individual AP file maintenance, and progress reports; (ii) socio-economic monitoring: baseline information for comparing AP's socio-economic conditions, evacuation, demolition, salvaging materials, , community relationships, dates for consultations, and number of appeals placed; and (iii) impact evaluation monitoring: Income standards restored/improved, and socioeconomic conditions of the affected persons. Monitoring and evaluation reports documenting progress on resettlement implementation and RP completion reports will be provided by the PMU to ADB for review. A sample monitoring format is provided in Annexure 4.

### 10.2 External Monitoring

45. The EA will engage the services of an independent agency or civil society not associated with project implementation to undertake external Monitoring if impacts are significant<sup>15</sup>. The external agency, with previous experience in resettlement activities and familiarity with Government and ADB resettlement policy, will be engaged with ADB concurrence within three months of the loan effectiveness. The external monitor will monitor and verify RP implementation to determine whether resettlement goals have been achieved, livelihood and living standards have been restored, and provide recommendations for improvement. The external monitoring will undertake monthly monitoring and impact evaluation on a sample basis during mid-term and project completion. Monitoring will also ensure recording AP views on resettlement issues; AP understanding of entitlement policies, options, and alternatives; site conditions; compensation valuation and disbursement; grievance redress procedures; and staff competencies. The external monitor will also evaluate the performance of the PMU/ESMU related to resettlement issues. The external agency will report its findings simultaneously to the EA and to ADB twice a year. Provisions have been made in the resettlement budget component for engaging an external monitor. The internal monitoring report will be submitted quarterly to the ADB India Resident Mission (INRM) for review where as the external monitoring report will be submitted half yearly to the INRM for review.

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<sup>15</sup> This refers to Category "A" Project as per ADB's SPS, 2009 where more than 200 persons are either physically displaced or losing more than 10 % of their productive assets.

## ANNEXURE 1: COMPARISON BETWEEN NATIONAL POLICY AND ADB'S SPS, 2009

SNo	ADB Safeguard Requirement as SPS, 2009	RFCT in LARR Act, 2013 and its Compliance with ADB's SPS,2009	Remarks, and provisions in RFCT in LARR Act, 2013	Measures to bridge the Gap
1	Avoid involuntary resettlement wherever feasible	Complied		-
2	If unavoidable, minimize involuntary resettlement by exploring project and design alternatives	Complied		-
3	To enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels	Complied		-
4	To improve the standards of living of the displaced poor and other vulnerable groups.	Complied		-
5	Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks.	Complied	While the policy does not specify any requirement for screening of the project at an early stage for resettlement impacts and risks, it requires carrying out social impact assessment before any proposal for land acquisition (section-16).	Screening of all sub-projects in line with the IR checklist of ADB, towards enabling identification of the potential resettlement impacts and associated risks.
6	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	Complied	Carry out census of affected people and their assets to be affected, livelihood loss and common property to be affected; R&R scheme including time line for implementation. (Section: 16. (1) and (2)).	-
7	Carryout consultations with displaced persons, host communities and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options	Complied	<ul style="list-style-type: none"> <li>• Consultation with Panchayat, Municipality, to carry out SIA. (Section: 4. (1))</li> <li>• Public hearing for Social Impact Assessment. Section: 5.</li> <li>• Discussion on and Public hearing for Draft Rehabilitation and</li> </ul>	

SNo	ADB Safeguard Requirement as SPS, 2009	RFCT in LARR Act, 2013 and its Compliance with ADB's SPS,2009	Remarks, and provisions in RFCT in LARR Act, 2013	Measures to bridge the Gap
			Resettlement Scheme Section: 16. (4). and (5).	
8	Establish grievance redressal mechanism	Complied	<ul style="list-style-type: none"> <li>Establishment of Land Acquisition, Rehabilitation and Resettlement Authority for disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement. Section: 51. (1). and Section: 64.</li> <li>The Requiring Body or any person aggrieved by the Award passed by an Authority under section 69 may file an appeal to the High Court within sixty days from the date of award. Section: 74. (1). and (2).</li> </ul>	Given that the Resettlement Impacts are not envisaged to be significant, a project level GRM is included in the RP.
9	Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.	Complied	Social Impact Assessment is must before taking final decision on acquisition of land followed by preparation of R&R Scheme	Social Impact Assessment, awareness campaigns, and social preparation phase will be done for any projects with significant impacts.
10	Improve or restore the livelihoods of all displaced persons through (i) land-based resettlement strategies (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.	Complied	<ul style="list-style-type: none"> <li>Land for land in case of irrigation projects to the land owners losing agricultural land. Land for land in every projects to land owners belong to SC and ST community up to 2.5 acres of land. Section: 31 and The Second Schedule</li> <li>Provision of housing units in case of</li> </ul>	Structure to be compensated at replacement cost without depreciation

SNo	ADB Safeguard Requirement as SPS, 2009	RFCT in LARR Act, 2013 and its Compliance with ADB's SPS,2009	Remarks, and provisions in RFCT in LARR Act, 2013	Measures to bridge the Gap
			<p>displacement. Offer for developed land. <i>Section: 31 and The Second Schedule</i></p> <ul style="list-style-type: none"> <li>Recognizes 3 methods and whichever is higher will be considered which will be multiplied by a factor given in The First Schedule. Compensation given earlier will not be considered; If rates not available floor price can be set; Steps to be taken to update the market value. (<i>Section 26 and The First Schedule</i>) Provision for employment, fishing rights, annuity policy etc (<i>Section: 31 and The Second Schedule</i>)</li> </ul>	
11	<p>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; provide transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.</p>	Complied	<ul style="list-style-type: none"> <li>A family as a unit will receive R&amp;R grant over and above the compensation and those who are not entitled to compensation. <i>Section: 31</i></li> <li>Homeless entitled to constructed house, land for land in irrigation projects in lieu of compensation, in case of acquisition for urbanization 20% of developed land reserved for owners at a prices equal to compensation' jobs or onetime payment or annuity for 20 years' subsistence grant, transportation, land and house registered on joint name husband</li> </ul>	<p>Not envisaged under the proposed project. Therefore, the provision of alternative resettlement sites is not provided for in the framework.</p>



SNo	ADB Safeguard Requirement as SPS, 2009	RFCT in LARR Act, 2013 and its Compliance with ADB's SPS,2009	Remarks, and provisions in RFCT in LARR Act, 2013	Measures to bridge the Gap
			<p>and wife, etc. <i>Second Schedule</i></p> <ul style="list-style-type: none"> <li>• Provision for infrastructural amenities in resettlement areas. Section: 32 and Third Schedule</li> </ul>	
12	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards	Complied	<ul style="list-style-type: none"> <li>• Landless people are considered and eligible for R&amp;R grants. <i>Section: 16. (2).</i></li> <li>• Widows, divorcees, abandoned women will be considered as separate family and entitled to R&amp;R provisions <i>Section: 3. (m)</i></li> <li>• Homeless entitled to constructed house and landless entitled to land in irrigation project. <i>Second Schedule</i></li> <li>• Special provision for Scheduled Caste/Scheduled Tribe; <i>Section: 41.</i></li> <li>• Additional provisions for SC&amp;ST for land for land in irrigation projects, additional sum over and above the subsistence grant. <i>Second Schedule</i></li> </ul>	
13	If land acquisition is through negotiated settlement, ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status	Complied	R&R entitlements apply in case of land acquired/purchased for PPP projects and for Private Companies. <i>Section: 2. (2), and 46.</i>	Not envisaged

SNo	ADB Safeguard Requirement as SPS, 2009	RFCT in LARR Act, 2013 and its Compliance with ADB's SPS,2009	Remarks, and provisions in RFCT in LARR Act, 2013	Measures to bridge the Gap
14	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.	Partially Complied	<ul style="list-style-type: none"> <li>• The Act recognises: <i>Section: 3. (c)</i></li> <li>• a family which does not own any land but belong to the family of an agricultural labourer, tenant, share-croppers, or artisans or working in affected area for three years prior to the acquisition of the land</li> <li>• the Scheduled Tribes and other traditional forest dweller who have lost any of their forest rights</li> <li>• family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen</li> <li>• a family residing or earning livelihoods on any land in the urban areas for preceding three years or more prior to the acquisition of the land</li> </ul>	RF mandates that in the case of land acquisition, the date of publication of preliminary notification for acquisition under Section 4.1 of the LAA will be treated as the cut-off date for title holders, and for non-titleholders such as squatters the start date of the project census survey.
15	Prepare a resettlement plan / indigenous peoples plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	Complied	<ul style="list-style-type: none"> <li>• Preparation of Rehabilitation and Resettlement Scheme including time line for implementation. <i>Section: 16. (1) and (2).</i></li> <li>• Separate development plans to be prepared. <i>Section 41</i></li> </ul>	-

SNo	ADB Safeguard Requirement as SPS, 2009	RFCT in LARR Act, 2013 and its Compliance with ADB's SPS,2009	Remarks, and provisions in RFCT in LARR Act, 2013	Measures to bridge the Gap
16	Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders	Complied	<ul style="list-style-type: none"> <li>• The draft Rehabilitation and Resettlement Scheme prepared shall be made known locally by wide publicity in the affected area and discussed in the concerned Gram Sabhas or Municipalities and in website. <i>Section: 16. (4)</i></li> <li>• The approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation and in website. <i>Section: 18.</i></li> </ul>	In addition to the publishing of the approved resettlement plan, the RF includes provision for disclosure of the various documents pertaining to RP implementation.
17	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits. For a project with significant involuntary resettlement impacts and / or indigenous peoples plan, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	Complied	The requiring body shall bear the cost of acquisition covering compensation and R&R cost. <i>Section: 19. (2) and Section 95. (1)</i>	-
18	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	Complied	<ul style="list-style-type: none"> <li>• The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid within three months for the compensation and a period of six months for the monetary part of rehabilitation and</li> </ul>	

SNo	ADB Safeguard Requirement as SPS, 2009	RFCT in LARR Act, 2013 and its Compliance with ADB's SPS,2009	Remarks, and provisions in RFCT in LARR Act, 2013	Measures to bridge the Gap
			<p>resettlement entitlements. <i>Section: 38. (1)</i></p> <ul style="list-style-type: none"> <li>The Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families. <i>Section: 38. (2)</i></li> </ul>	
19	<p>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.</p>	Complied	<ul style="list-style-type: none"> <li>The Rehabilitation and Resettlement Committee, to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas. <i>Section: 45. (1)</i></li> <li>Set up National and State level Monitoring Committee to review and monitor progress. <i>Section 48-50</i></li> </ul>	

## ANNEXURE 2: SAMPLE TABLE FOR RESETTLEMENT BUDGET

Items	Unit Rates	Quantity	Amount
Compensation for loss of private land	TBD*	TBD	
Compensation for loss of structures	TBD	TBD	
Compensation for loss of trees	TBD	TBD	
Resettlement costs and assistance, including to vulnerable groups	TBD	TBD	
Administration and implementation costs, including costs of surveys, consultations, training, grievance redress, etc.	TBD	TBD	
Hiring resettlement expert (inclusive transport, communication, per diem, etc.)	TBD	TBD	
Hiring External Monitor (inclusive transport, communication, per diem, etc.)	TBD	TBD	
Contingencies (15 % of total cost)	TBD	TBD	
<b>Total</b>	TBD	TBD	





**B. CATEGORIZATION OF PROJECT**

<b>Social Safeguards Categorization</b>	<b>A</b>	<b>B</b>	<b>C</b>
Involuntary Resettlement			
Indigenous Peoples			

**C. DESIGN AND ENGINEERING STATUS**

<b>Item</b>	<b>Status (Y/N)</b>	<b>Follow up Required (Y/N)</b>	<b>Type of Required Action</b>
Final detailed engineering design of the subproject completed			<input type="checkbox"/> Updated draft IR/IP <input type="checkbox"/> New RP/ IPP preparation
Changes in project design / scope (Occurred or envisaged)			<input type="checkbox"/> Project re-categorization (IR/IP) <input type="checkbox"/> IR/IP impact assessment <input type="checkbox"/> New RP/IPP preparation

**D. INSTITUTIONAL STATUS READINESS**

<b>No.</b>	<b>Item</b>	<b>Status (Ready/ Not Ready/ NA)</b>	<b>Follow up Required (Y/N)</b>	<b>Completion Deadline</b>
1	Mobilization of civil works contractor			
2	Mobilization of Project Supervision Consultant (if applicable)			
3	EA's Safeguards Unit with designates staff			
4	Recruitment of External Monitoring Agency (if required)			

**E. SAFEGUARDS REQUIREMENTS**

<b>No.</b>	<b>Item</b>	<b>Status (Ready/ Not Ready/ NA)</b>	<b>Follow up Required (Y/N)</b>	<b>Completion Deadline</b>
1	Safeguards monitoring included in the project progress report			
2	Final / updated RP/IPP prepared and submitted			
3	Project's Grievance Redress Mechanism established			



## F. RP MONITORING CHECKLIST

Item No.	Safeguards Related Requirements	Status (Ready/ Not Ready/ NA)	Completion Deadline	Process to Date/ Remarks
<b>1</b>	<b>MANAGEMENT</b>			
<b>Institutional and Financing Arrangements</b>				
1.1	Financing and budget: (i) Safeguard office and staff; (ii) RP cost			
1.2	Establish Safeguard Unit (i) Resettlement offices (ii) resettlement staff as in RP (iii) Safeguard's database facilities (iv) safeguards training			
<b>Updating of DD/RP/IPP based on Detailed Design</b>				
1.3	Update of RP: Revise based on DMS (II) Revise implementation Schedule (iii) revise budget.			
1.4	Compensation rates: (i) approved by the Government; (ii) Adequate as per RP; (iii) APs informed.			
<b>Disclosure and Grievance Redress Arrangements</b>				
1.5	Disclose final / updated RP (i) to the APs in local language; (ii) in ADB website; (iii) in EA's website			
1.6	Disclose project activities to affected communities: (i) put up a project signboards; (ii) Distribution of project leaflets and GRM to affected communities			
1.7	Grievance redress communities: (i) clear terms of reference; (ii) appointment decree; (iii) Publicly disclosed among APs.			
1.8	Grievance redress records: (i) list and numbers of grievances received; (ii) numbers of resolved issues; (iii) Numbers of cases under GRC review; (iv) outstanding cases (filed to court)			
<b>Monitoring and Reporting Arrangements</b>				
1.9	Set up internal monitoring system:			

	(i) assessment on capacity and staff requirement; (ii) criteria of safeguards assessment; (iii) reporting mechanism			
1.10	Appoint external monitoring agency (as relevant): (i) recruitment schedule; (ii) TOR; (iii) baseline survey (iv) reporting mechanism (v) action taken by management on reports.			
1.11	Reporting: (i) Frequency; (ii) timelines; (iii) identified issues; (iv) action taken and /recommendation.			
<b>2.</b>	<b>PR IMPLEMENTATION</b>			
<b>Consultation</b>				
2.1	Consultation: (i) responsibility; (ii) stakeholders identified; (iii) consultation and process; (iv) documentation			
<b>Mapping and Assets Inventory</b>				
2.2	AP Identity cards and affected assets records: (i) issuance and distribution of AP ID cards, (ii) detail measurements survey of affected assets and documentation			
2.3	Common property/ public assets: (i) final inventory; (ii) restoration plan and schedule; (iii) funding sources			
<b>Compensation, Relocation and Rehabilitation</b>				
2.4	Payment of compensation and entitlements (as stated in the RP): (i) schedule of payment; (ii) records / receipts of payment			
2.5	Relocation of process (relocation site readiness): (i) housing and associated facilities established; (ii) transfer of new land/ plot/ house ownerships completed.			
2.6	Provision of additional assistance for vulnerable APs: (i) per type of activities; (ii) schedule of			

	implementation			
<b>Monitoring and Reporting</b>				
2.7	Submission of the reports: (i) semiannual monitoring reports; (ii) external monitoring and evaluation reports (as required); (iii) completion report			
2.8	Transfer of acquired assets to the acquiring agency			

## G. SOCIAL SAFEGUARDS LOAN COVENANTS

Item No.	Covenant	Status of Compliance
List Relevant Schedule (#, para #.)	(List of Relevant Covenants)	(Briefly describe status of compliance)
Involuntary Resettlement		
Indigenous People		
Human and Financial Resources to Implement Safeguards Requirements		
Safeguards and other Provisions in Bidding Documents and Works Contracts.		
Safeguards Monitoring and Reporting		
Prohibited List of Investments		
Labor Standards		
Gender and Development		

Overall Status of Compliance		
<input type="checkbox"/> <u>Not complied</u> – Redressed action & monitoring required	<input type="checkbox"/> <u>Complied</u> with further monitoring	<input type="checkbox"/> <u>Fully complied</u> – No further action