

Resettlement Planning Document

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I. INTRODUCTION

1. The North Eastern Region Capital Cities Development Investment Program (NERCCIP) will improve environment and well-being of urban residents in the Program Cities of Agartala, Aizawl, Kohima, Gangtok and Shillong. NERCCIP will improve and expand urban infrastructure and services in cities, including its slums; and strengthen urban institutions' management and financing capacity. The Program's outputs include (i) urban infrastructure and services improvement including the rehabilitation, improvement, and expansion of water supply, sewerage and sanitation, solid waste management, and slum infrastructure; and (ii) capacity building and investment program management.

2. NERCCIP is expected to have minimal impacts on land acquisition and resettlement. Sub-projects involving rehabilitation of existing infrastructure facilities are proposed to be accommodated within the existing premises and therefore will not involve land acquisition and resettlement. Efforts have been made towards siting of new facilities proposed in the Program within available vacant public lands. However, acquisition of land/private assets is required for siting new facilities such as sewage treatment plants (STP), overhead water reservoirs, and development of solid waste management sites. In addition to the permanent land acquisition, temporary impacts are anticipated during laying of water and sewer lines in all the five cities. The overall resettlement impacts are to be further avoided or minimized through careful sub-project siting and alignment during the detailed design and implementation stages.

3. The Resettlement Framework (RF) for NERCCIP has been prepared, reviewed and updated for use of the five Program cities. The framework outlines the objectives, policy principles and procedures for land acquisition, if any, compensation and other assistance measures for Displaced Persons¹ (DPs)/Affected Persons (APs), if any. This framework reflects the borrower's new law on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, state policies on land acquisition and resettlement. ADB's Safeguard Policy Statement (SPS), 2009 and other social safeguard guidelines. A detailed description of each compensation measure and assistance is provided in the entitlement matrix.

4. An entitlement matrix, consistent with the existing norms and guidelines of the country and the state governments, and ADB's Safeguard Policy Statement has been prepared to cover losses identified in this Program. The matrix recognizes that the lack of title/customary rights recognized under law will not be a bar to entitlement and has special provisions for non-titled persons. The eligibility for compensation will be determined through a cut-off date. People moving into the sub-project area after the cut-off date will not be entitled to compensation or other assistance.

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

5. The policy framework and entitlements for NERCCIP Project 3 are based on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, state laws and regulations and ADB's SPS 2009. The relevant state laws include: (i) Agartala: Tripura Municipal Act, 1994, Tripura Land Revenue and Land Reforms Act, 1960 (ii)

¹ In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary

Aizawl: Mizoram Prevention of Government Land Encroachment Act, 2001 and Mizoram Urban and Regional Development Act, 1990, Mizoram (Land Revenue) Rule, 2013; (iii) Gangtok: Sikkim Urban and Regional Planning Development Act, 1998 and The Sikkim Land (Requisition and Acquisition) Act, 1977, (iv) Kohima: The Nagaland Land (Requisition and Acquisition) Act, 1965, Nagaland Eviction of Persons in Unauthorized Occupation of Public Land Act, 1971, The Nagaland (ownership) and Transfer of its Land its Resource) Act, 1990 and Nagaland Town and Country Planning Act, 1966, and (v) Shillong: The Meghalaya Town and Country Planning Act, 1973, and The Meghalaya Transfer of Land (Regulation) Act 1971. The salient features of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and ADB SPS have been summarized below. These policies are reviewed in the following sections.

A. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013²

6. This is a new Act which will regulate land acquisition and provide rules for granting compensation, rehabilitation and resettlement to the affected persons in all projects in India. The Act provides for fair compensation to those whose lands are acquired and brings transparency to the process of land acquisition and assures rehabilitation of those affected. The Act will replace the Land Acquisition Act, 1894 and has come into force from 1 January 2014. Some of the key features of the new Act which is different from the LA Act 1894 are:

1. Acquisition for public purpose

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

2. Social Impact Assessment mandatory

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

3. Specific time lines for SIA

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

² As passed by the Lok Sabha on 29 August 2013.

amount within 6 months (viii) infrastructure amenities to be provided within 18 months from award.

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

4. Retroactive Clause

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

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

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

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

5. Consent of Affected persons

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

6. Calculation of market price

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

- (i) the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or
- (ii) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

- (iii) consented amount of compensation as agreed upon in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher.

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

7. Payment of solatium

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

8. Payment of Resettlement and Rehabilitation assistance

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

9. Restrictions on acquisition of irrigated multi-cropped land

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

10. Formal and transparent mechanism for R&R implementation prescribed

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

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

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

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

24. The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. Followings are the basic policy principle of ADB's Safeguard Policy Statement, 2009:

- Identification of past, present, and future involuntary resettlement impacts and risks and determination of the scope of resettlement planning.
- Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations.
- Improvement or at least restoration of the livelihoods of all displaced persons,
- Ensure physically and economically displaced persons with needed assistance.
- Improvement of the standards of living of the displaced poor and other vulnerable groups.
- Development of procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement,
- 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.
- 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.
- Disclosure of resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders.
- Execution of involuntary resettlement as part of a development project or program.
- Payment of compensation and provide other resettlement entitlements before physical or economic displacement.
- Monitoring and assessment of resettlement outcomes, their impacts on the standards of living of displaced persons

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

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

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

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

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

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

III. INVOLUNTARY RESETTLEMENT SAFEGUARD PRINCIPLES FOR THE PROGRAM

27. Based on the ADBs SPS 2009 and the RTFLARRA the following resettlement principles are adopted for this project:

- (i) Screening of the project to identify involuntary resettlement impacts and risks. Minimizing and avoiding resettlement impacts of each subproject by exploring all viable alternative designs.
- (ii) Carrying out consultations with affected persons, host communities and non-government organizations; informing all displaced persons of their entitlements and resettlement options; ensuring their participation in planning, implementation, and monitoring and evaluation of resettlement programs.
- (iii) Where the resettlement impacts are unavoidable, the DPs should be assisted in improving or at least regaining their standard of living.
- (iv) Vulnerable groups, including households headed by women, the elderly, households with disabled members, and indigenous groups, those without legal title to land and property, and those living below the poverty line (BPL) will be given special assistance to improve their socioeconomic status.
- (v) The absence of formal title to land is not a bar to policy entitlements.
- (vi) Compensation for all lost assets acquired or affected is based on the principle of replacement cost.
- (vii) Restoration of livelihoods and residences of the DPs will be facilitated with adequate resources and with a time-bound action plan in coordination with civil works.
- (viii) DPs are to be assisted in integrating economically and socially into host communities where physical displacement takes place, so that adverse impacts on the host communities are minimized and social harmony are promoted.
- (ix) All payments, including compensation for loss of land, assets, structures, trees, income, and common properties will be made prior to physical or economic displacement and commencement of civil construction work.

- (x) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders. Disclose the final resettlement plan and other documents such as the monitoring reports to affected persons and other stakeholders.

28. In accordance with the involuntary resettlement principles of this Resettlement Framework, all affected persons will be entitled to compensation/resettlement assistance. Compensation and assistance will be based on the nature of ownership rights on lost assets and the impacts, including vulnerability status of the affected persons.

IV. SCREENING AND CATEGORIZATION OF SUBPROJECTS

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

30. The sub-projects to be taken up for implementation in the Program will have broadly three types of impacts that will require mitigation measures. The types of impacts are (i) loss of assets, including land and houses; (ii) loss of livelihood or income opportunities; and, (iii) collective impacts on groups, such as loss of common property resources and loss of access or limited access to such resources.

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

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

33. ADB's Involuntary Resettlement Impact Screening Checklist (Appendix 4) will be adopted for the subproject. Screening will be conducted immediately after identification of project site. If the screening is done simultaneously when the project site is being identified then

the magnitude of impacts can be estimated and if required alternative options can be examined. This will be done by Design Consultants and submitted to PMU. Based on the ADB's Operational Manual Section F1/Operational Procedures³ the following criteria for screening and categorization of subprojects will be followed:

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including assessment of social impacts, is required.
- (ii) **Category B.** A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.
- (iii) **Category C.** A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.
- (iv) **Category FI.** A proposed project is classified as category FI if it involves the investment of ADB funds to, or through, a financial intermediary.

34. The sub project's involuntary resettlement category is determined by the magnitude of involuntary resettlement impacts. The involuntary resettlement impacts of ADB-supported projects are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks. For Category A and B subprojects, a resettlement plan is required. For category C project a Due Diligence Report is required.

35. Measures will be undertaken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternative for subproject designs and alternative sites or locations for subproject components to ensure that land acquisition and other involuntary resettlement impacts are avoided or minimized. These measures and criteria will be applied and rehabilitation within existing facility premises will be prioritized over new construction so as not to require land acquisition and result in resettlement impacts. Based on thorough survey of all possible site alternatives, subproject components will be proposed on vacant government land, where available.

V. NEGOTIATED SETTLEMENT

36. In line with ADB SPS 2009, this framework does not apply to negotiated settlements. The policy encourages acquisition of land and other assets through a negotiated settlement where ever possible based on consultation⁴ with affected persons including those without title to assets. A negotiated settlement will offer adequate and fair price for land and other assets. Also, in case of negotiated settlement, an independent external party will be engaged by the implementing agency to document the negotiation and settlement processes. The principles of this framework with regard to meaningful consultation processes, mechanisms for calculating the replacement cost of land and other assets affected and record- keeping requirements will be followed during the negotiated settlement.

³ Issued on 1st October 2013

⁴ A process that (i) begins early in the project preparation stage and is carried out throughout the project cycle; (ii) provides timely disclosure of information that is understandable and accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design and mitigation measures.

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

A. Voluntary Land⁵ Donation

38. In many cases ADB funded projects are based on the concept of land donation. In the case of land donation which the community or affected person agrees to donate a part of their land for the project an independent external party will have to be engaged to ensure and validate these requirements: (i) The donation will not cause significant impacts on the livelihood of the donor(s) and the donor is fully understood on the value of their donated land(s); (ii) the donation does not come from the land owner categorized as poor or vulnerable family; (iii) the donation will not cause any economical or physical displacement (legal or illegal) of the current land users; (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s); and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The above information has to be included in a due diligence report to be prepared by the external party, preferably from reputed and qualified NGO, for ADB review and approval. The land transfer and updated records of the donated lands will have to be completed prior to the starts of civil works.

B. Process of Preparation of Social Impact Assessment /Social Impact Management Plan and Land Acquisition under RFCTLARRA

39. The steps to be followed for the preparation of the Social Impact Study and the Social Impact management Plan and Land Acquisition under the RFCTLARRA has been outlined here.

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

⁵ This includes donation of other type of assets attached to the land.

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

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

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

- a. 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.
- b. The Collector having determined the total compensation to be paid, shall, to arrive at the final award, pay a Solatium amount equivalent to one hundred per cent of the compensation amount

(xviii) **R & R Award:** The Collector shall pass rehabilitation and Resettlement Award for each of affected family based on the entitlements provided in Schedule II of the Act.

C. Appointment of Commissioner for Rehabilitation and Resettlement

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

D. Appointment of Administrator for Rehabilitation and Resettlement

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

E. Eligibility Status of the Affected Person

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

- (i) persons who lost land/assets in their entirety or in part, who have formal legal rights to the land;
- (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are

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

F. Entitlements, Assistance and Benefits

43. The Project Entitlement policy addresses the direct and indirect impacts of project construction and operation on displaced persons, households and communities. The most direct and immediate impacts are those associated with project construction, mainly land acquisition, loss of livelihood and loss of residences. Other losses include loss of other assets such as cattle sheds, water sources etc. and common property resources. Mitigation is provided through compensation and assistance to project-displaced persons, households, and group on the basis of this policy framework adopted by the project. The policy provides mitigation for:

- (i) loss of assets, including land and house or work place;
- (ii) loss of livelihood or income opportunities;
- (iii) Collective impacts on groups, such as loss of community assets, common property resources, and others; and
- (iv) Temporary disruptions due to project construction work.

44. Compensation eligibility is limited by a cut-off date. The cut-off date for non- title-holders, is the date of the start of the census survey, during preparation of the Draft Resettlement Plan. And the date of Land Acquisition Notification under Section 11 of the RFCTLARRA will be the cut-off date for all Titleholders losing land and structures. The project Entitlement Matrix (Table 2) identifies and lists various types of losses resulting out of the project and specific compensation and resettlement packages for each category.

Table 2: Entitlement Matrix

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
1	Loss of private land	Agricultural land, homestead land or vacant plot	Titleholders	<ol style="list-style-type: none"> 1. Compensation at replacement value /market value as specified in the RFCTLARRA or land-for-land where feasible; 2. Solatium to be paid at 100% of the compensation amount; 3. If the residual plot(s) is (are) not viable, any of the following two options are to be given to the affected person, subject to acceptance: <ul style="list-style-type: none"> • Option 1 - The affected person remains on the plot, and the compensation and assistance are paid only for the required amount of land to be acquired. • Option 2 - Compensation to be provided for the entire plot including residual part, if the owner of such land wishes that the residual plot should also be acquired by the executing agency. 4. A monthly subsistence allowance equivalent to Rs3000.00 per month for a period of one year from the date of award will be provided. 5. Compensation for affected plants, standing crops and trees will be provided at market value.(refer to #6 of the Matrix)⁶ 	<ul style="list-style-type: none"> • If land-for-land is offered, (i) ownership will be in the name of original landowners, (ii) joint ownership in the name of husband and wife will be offered in case of non-female-headed households. • Charges will be limited to those for land purchased within a year of compensation payment and for land of equivalent size. • Vulnerable households will be identified during the census conducted by the project NGO/CBO, organized by DSMC 	The Valuation committee will determine replacement value and confirmed by District Commissioner. The NGO/CBO will verify the AHs determine assistance, and identify vulnerable households.

⁶ To be valued by persons experienced in the field of agriculture, horticulture forestry etc. as necessary.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>6. All fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the executing agency.</p> <p>7. One-time shifting assistance based on Resettlement Allowance of Rs.50,000.</p> <p>8. All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</p>		
1-a	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants and leaseholders /sharecroppers (whether having written tenancy/lease	<ol style="list-style-type: none"> 1. Reimbursement of rental/lease deposit or unexpired lease; 2. Compensation at replacement cost for any investment made to the land; 3. One time resettlement allowance of 	<ul style="list-style-type: none"> • Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease • Harvesting prior to 	DSMC/NGO will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
			documents or not)	<p>Rs50, 000.</p> <p>4. A monthly subsistence allowance equivalent to Rs3000.00 per month for a period of one year from the date of award will be provided.</p> <p>5. Notice to harvest standing seasonal crops. If notice cannot be given, compensation for loss of crops will be provided; and</p> <p>6. One-time financial assistance of Rs.50, 000 as transportation cost for shifting.</p>	<p>acquisition will be accommodated to the extent possible.</p> <ul style="list-style-type: none"> • Work schedule will avoid harvest season. 	<p>unexpired lease, and report to SIPMIU. Vulnerable households will be identified during the census conducted by the DSMC/ NGO</p>
1-b	Loss or private land	Agricultural land, homestead land or vacant plot	Encroachers/	<p>1. Encroachers will be notified and given 60 days advance notice to remove their assets.</p> <p>2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation.</p> <p>3. Right to salvage material from the demolished structure at no cost.</p> <p>4. Additional assistance for vulnerable households (refer to #7 in this matrix).</p>	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted as part of the RP. 	<p>SIPMIU will ensure provision of notice. DSMC/NGO will identify vulnerable households.</p>
1-c			Squatters	<p>1. Squatters will be notified and given 60 days advance notice to remove their assets.</p> <p>2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without</p>	<ul style="list-style-type: none"> • 	

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				depreciation. 3. Right to salvage material from demolished structure at no cost. 4. A lump sum shifting assistance of Rs10,000 will be provided 5. Additional assistance for vulnerable households (refer to #7 in this matrix).		
2	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholder	1. Compensation for unexpired lease; 2. Compensation for any investment made to the land; 3. One time resettlement allowance of Rs50,000. 4. Choice of annuity or employment as referred in #5 of the Matrix. 5. All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the assigned NGO. 	

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>proposed land acquisition</p> <p>6. Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to Rs.3000 per month for a period of one year from the date of award.</p> <p>7. Notice to harvest standing seasonal crops. If notice cannot be given, compensation for loss of crops will be provided;</p> <p>8. One-time financial assistance of Rs50,000 as transportation cost for shifting</p> <p>9. Additional assistance for vulnerable households (refer to #7 in this matrix).</p>		
2-a	Loss of Government land	Vacant plot, RoW of road	Encroachers	<p>1. Encroachers will be notified and given 60 days advance notice to remove their assets.</p> <p>2. Compensation at replacement cost for any investment made to the land;</p>	<ul style="list-style-type: none"> Vulnerable households will be identified and provided assistance as required (see entitlement # 7 of this matrix). 	SIPMIU will ensure provision of notice. NGO will identify vulnerable households.
2-b	Loss of Government land	Vacant plot, RoW of road	Squatters	<p>1. Squatters will be notified and given 60 days advance notice to remove their assets.</p> <p>2. A lump sum shifting assistance of Rs10, 000 will be provided.</p>	<ul style="list-style-type: none"> Vulnerable households will be identified and provided assistance as required 	SIPMIU will ensure provision of notice. NGO will identify vulnerable households.
3	Loss of residential	Residential structure	Legal	<p>1. If a house is lost in rural area a constructed house shall be provided</p>	<ul style="list-style-type: none"> Vulnerable households 	The Valuation committee will

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
	structure	and other assets ⁷	Titleholder of affected structure/ those without homestead land ⁸	<p>as per the Indira Awas Yojana specifications OR equivalent cost of the house.</p> <p>2. In urban areas, a constructed house shall be provided, which will be not less than 50 sq. mts in plinth area OR a one-time financial assistance for house construction, which shall not be less than Rs150, 000.</p> <p>3. The replacement value of the structure, will be provided, calculated as per the latest prevailing Basic Schedule of Rates (BSR) without depreciation;</p> <p>4. Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section.</p> <p>5. One-time financial assistance of Rs50,000 as shifting allowance;</p> <p>6. A monthly subsistence allowance equivalent to Rs.3000.00 per month for a period of one year from the date of award will be provided</p> <p>7. Right to salvage material from the</p>	will be identified during the census conducted by the DSMC/NGO.	determine replacement value ⁹ . The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

⁸ Who have been residing in the area continuously for a period of not less than three years preceding the date of notification

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>demolished structure at no cost;</p> <p>8. If relocation required, rental assistance at Rs5000 per month till alternative house is ready;</p> <p>9. Each affected family shall be given a one-time Resettlement Allowance of Rs50, 000 only.</p> <p>10. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by executing agency.</p>		
3-a			Tenants and leaseholders	<ol style="list-style-type: none"> 1. Rental assistance at Rs5000 per month for 3 months. 2. One-time financial assistance of Rs50, 000 as shifting allowance. 3. A monthly subsistence allowance equivalent to Rs.3000.00 per month for a period of one year from the date of award will be provided 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount; 5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; and 6. Right to salvage material from demolished structure, erected by tenants. 7. Additional compensation for 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the assigned NGO. • Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	The NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				vulnerable households (item # 7)		
3-b	Loss of residential structure	Residential structure and other assets	Encroachers, Squatters, and informal settlers	<ol style="list-style-type: none"> 1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Right to salvage material from the demolished structure at no cost. 4. A lump sum shifting assistance of Rs10,000 will be provided 5. Additional compensation for vulnerable squatter households (item # 7) 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the assigned NGO. 	The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4	Loss of commercial structure	Commercial structure and other assets	Legal titleholders	<ol style="list-style-type: none"> 1. The replacement value of the structure without depreciation, subject to a minimum of Rs25000; 2. One-time Resettlement Allowance of Rs50, 000. A monthly subsistence allowance equivalent to Rs3000.00 per month for a period of one year from the date of award will be provided. 3. Right to salvage material from the demolished structure at no cost; 4. One-time financial assistance of Rs50, 000 as transportation allowance. 5. Rental assistance at Rs60 per sq. feet for 3 months, equivalent to the 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the assigned NGO. 	The Valuation committee will determine replacement value. The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>space lost.</p> <p>6. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the executing agency.</p> <p>7. Additional compensation for vulnerable households (item # 7)</p>		
4-a	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ol style="list-style-type: none"> 1. Rental assistance at Rs. 60 per sq. feet for 3 months, equivalent to the space lost. 2. One-time financial assistance of Rs50,000.00 as transportation/shifting allowance. 3. A monthly subsistence allowance equivalent to Rs3000.00 per month for a period of one year from the date of award will be provided 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount; 5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; 6. Right to salvage material from demolished structure, erected by tenants 7. Additional compensation for vulnerable households (item 7) 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the assigned NGO. • Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4-b			Encroachers	1. Encroachers will be notified and	• Vulnerable households	The NGO will verify

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
			and squatters	<p>given 60 days advance notice to remove their assets.</p> <p>2. Compensation for affected structures at replacement value without depreciation.</p> <p>3. Right to salvage material from the demolished structure at no cost.</p> <p>4. A lump sum shifting and transitional assistance of Rs.10,000 will be provided</p> <p>5. Additional compensation for vulnerable squatter households (item # 7).</p>	will be identified during the census conducted by the assigned NGO.	the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.
5	Loss of livelihood	Livelihood	Owner/tenants and leaseholders /sharecroppers (whether having written tenancy/lease documents or not)	<p>1. Choice of annuity or employment – the following options are to be provided:</p> <p>(a) where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) onetime payment of Rs.5,00,000 per affected family; or (c) annuity policies that shall pay not less than Rs.2000.00 per month per family for twenty years, with appropriate indexation to the</p>	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the assigned NGO. 	The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>Consumer Price Index for Agricultural Labourers.</p> <p>2. Preference for employment opportunity for Affected Persons in the project construction work, if so desired by them.</p> <p>Training would be provided for income generating vocational training and skill improvement options based on the choice of the affected person at Rs 20,000¹⁰ per family. This cost would be directly paid by the project to the training institute OR purchase of income generating assets up to Rs.40, 000¹¹.</p>		
5-a			Titleholders / tenants/leaseholders losing income through business	<p>1. One time grant of a minimum of Rs25, 000¹² for self-employed persons, artisans, small traders etc.</p> <p>2. Choice of annuity or employment – the following options are to be provided: (a) where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in</p>	<ul style="list-style-type: none"> Vulnerable households will be identified and provided assistance as required 	

¹⁰ The Vocational Training Programme by the Industrial Training Institutes provides training on a number of trades, under the Directorate general of Employment and Trade, Ministry of Labour and Employment, GOI or additional cash assistance. The cost for training/additional cash assistance is will be calculated based on prevailing minimum wage rates for semi-skilled labor in the respective cities for 26 working days a month for three months

¹¹ This is an estimate. The income generating asset will be skill related. However the assets will be decided on a case to case basis.

¹² Based on the RFCTLARRA

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) onetime payment of Rs500,000 per affected family; or (c) annuity policies that shall pay not less than Rs.2000.00 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.		
5-b			Wage-earning employees affected due to displacement of commercial structure (those working in businesses such as petty shops, eateries)	<ol style="list-style-type: none"> 1. One-time financial assistance for lost income based on 6 months subsistence allowance at Rs18,000¹³ per affected person. 2. Preference for employment opportunity for Affected Persons in the project construction work, if so desired by them. 	<ul style="list-style-type: none"> • Vulnerable households will be identified and provided assistance as required 	
6	Loss of trees and crops	Standing trees and crops	Legal titleholder, Sharecropper, Leaseholder	<ol style="list-style-type: none"> 1. Affected person will be notified and given 60 days advance notice cut/clear the affected trees. For seasonal crops and fruit trees 6 months' notice is to be given. 2. Compensation for cash crops at prevalent market rates,¹⁴ to be 	<ul style="list-style-type: none"> • Harvesting prior to acquisition will be accommodated to the extent possible • Work schedules will avoid harvest season. • Market value of trees/crops has to be 	SIPMIU will ensure provision of notice. The valuation committee will undertake valuation of standing crops, perennial crops and trees, and finalize

¹³ Based on 6 months of subsistence allowance. In the RFCTLARRA the subsistence allowance for titleholders is Rs.36,000 for a year. In this case 50% of given amount is provided for non-titleholders.

¹⁴ Valued by an experienced person in the field of agriculture.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>calculated as annual net product value multiplied by number of productive years remaining.</p> <p>3. Compensation for one year net harvest for seasonal crops at prevalent market rates.</p> <p>4. Compensation at market value of timber in case of timber-bearing trees.</p> <p>5. For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years. 15</p>	<p>determined.</p> <ul style="list-style-type: none"> Vulnerable households will be identified and provided assistance as required 	compensation rates in consultation with APs
6-a			Encroachers/squatters	<p>1. Encroachers and squatters will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest seasonal crops and fruit trees.</p> <p>2. In case of standing crops/ trees planted by non- titleholders, compensation will be given</p>	<ul style="list-style-type: none"> Harvesting prior to acquisition will be accommodated to the extent possible Work schedules will avoid harvest season. Market value of trees/crops has to be determined. Vulnerable households will be identified and provided assistance as required 	
7	Impacts on vulnerable APs	All impacts	Vulnerable APs ¹⁶	1. Additional one-time lump sum assistance of Rs36, 000 (calculated for 12 months subsistence allowance) per vulnerable family will	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the assigned NGO. If land-for-land is 	The NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance,

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

¹⁶ Vulnerable households comprise below poverty lines households, including poor female-headed households, poor households with disabled members, and indigenous peoples or ethnic minority households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>be paid. This will be over and above the other assistance given in this framework.</p> <ol style="list-style-type: none"> 2. Vulnerable households will be given priority in employment in the project construction activities. 3. All Scheduled Castes and Scheduled Tribes relocated outside the district will be provided an additional 25% of the resettlement benefits to which they are entitled along with a onetime resettlement entitlement of Rs50, 000 per the provisions of the RFCTLARRA. 4. Provision for skill training for displaced vulnerable persons 5. including assistance for purchase of income generating assets and initial capital of INR40,000/- 	<p>offered, ownership in the name of original landowner(s).</p>	<p>verify and identify vulnerable households.</p>
8	Temporary loss of land	Land temporarily required for project activities	Legal titleholders Legal titleholder/ traditional land rights/ non-titleholders	<ol style="list-style-type: none"> 1. In case of standing crops, cash compensation for loss of agricultural crops at current market value. 2. Compensation for loss of trees at current market value. 3. Restoration of land to its previous or better quality. 4. Affected households will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest crops and fruit trees. 5. Provision of rent for the period of occupation 	<ul style="list-style-type: none"> • Arrangement by the contractor on the activities to be taken up. • Impacts if any on the structures, assets and plantation due to the temporary occupation. • Extent of rehabilitation, restoration of the site. 	<p>The valuation committee will determine rental value and duration of lost income through survey and consultation with APS. A photograph of the pre occupation to be made by the NGO. NGO and RO will ensure that the compensation is paid prior to handing over of site to the owner.</p>

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				6. Compensation for damaged assets at replacement value 7. Restoration of land to its previous or better quality.		The site will be taken up by the contractor after consent of RO.
8-a	Structures temporarily required for project activities		Legal titleholders/ non-titled holders building owners	1. Compensation for damaged assets at replacement value without depreciation 2. Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities 3. Subsistence/relocation allowance at Rs.3000 per month for 3 months 4. Provision of alternative sites for continued economic activity, if required	•	
9	Temporary disruption of livelihood	Commercial and agricultural activities	Legal titleholders, tenants, leaseholders, sharecroppers, employees, hawkers or vendors.	1. 30 days advance notice regarding construction activities, including duration and type of disruption. 2. Cash assistance based on the minimum wage for the loss of income/livelihood for the period of disruption 3. For construction activities involving disruption for a period of more than a month, provision of alternative sites for hawkers and vendors for continued economic activities. If not possible, allowance based on minimum wage rate for vulnerable households for 1 month or the actual period of disruption whichever is	<ul style="list-style-type: none"> • During construction, the SIPMIU will identify alternative temporary sites to the extent possible, for vendors and hawkers to continue economic activity. • SIPMIU will ensure civil works will be phased to minimize disruption through construction scheduling in coordination with the contractors and the DSC 	Alternative locations, if any will be identified for the said duration of disruption.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				more.		
10	Loss and temporary impacts on common resources	Common resources	Communities, Government Agencies, Dorbars, Village Councils	<ol style="list-style-type: none"> 1. The contractor shall follow the provisions in this entitlement matrix for any impact on structure or land due to movement of machinery during construction or establishment of construction plant. 2. Compensation for standing crops and trees as per the market rate. 3. Time bound restoration of land to its previous or better quality. 4. The contractor will maintain access to businesses (e.g., planks, keeping traffic flow, pedestrian access, no full street closures, etc.). 5. Replacement or restoration of the affected community facilities – including public water stand posts, temples, shrines, bus shelters etc. 6. Enhancement of community resources 	-	SIPMIU and Contractor.
11	Any other loss not identified	-	-	<ol style="list-style-type: none"> 1. Any unanticipated impacts of the project will be documented and mitigated based on the spirit of the principles agreed upon in this Resettlement Framework and the RFCTLARRA 2. Unanticipated involuntary impacts will be documented and mitigated based on the principles provided in the ADB IR Policy. 	-	The NGO will ascertain the nature and extent of such loss. The SIPMIU will finalize the entitlements in line with the ADB IR policy.

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

A. Surveys

45. For proper rehabilitation of APs, social impact assessment (SIA) surveys will be undertaken in each sub-project. The State-level Investment Program Management and Implementation Units (SIPMIUs) will undertake surveys for each identified sub-project, based on preliminary technical design. The SIA surveys will be based on preliminary technical designs of the sub-project (which may include any or a combination of the following: water supply, sanitation and sewerage, and solid waste management) identified. The SIA will help in determining the magnitude of displacement, prospective losses, better targeting of vulnerable groups, ascertaining actual costs of resettlement, preparing and implementing a rehabilitation program. As part of the social impact assessment, the EA will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the EA will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development. The purpose of the census is to register and document the status of the potentially affected population¹⁷ within the sub-project impact area/impact zone. The census will cover 100 percent of APs. The census will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood.

B. Formulation of Resettlement Plans

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

47. RPs will be prepared based on the results of the census and socio-economic survey; the database on APs should be completed before RP preparation. RPs will be prepared by the SIPMIUs through project consultants (DSMC), if necessary, and in consultation with APs, local representatives, and NGOs. The DSMC team should include a resettlement specialist familiar

¹⁷ The potentially affected population will include both the titleholders and the non-titleholders within the project impact zone. The identification of non-titleholders would be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, the information by the community, village councils or dorbars will be considered.

with ADB policy and procedures for preparing RPs and with experience in preparing an RP document in a similar ADB project.

48. The RP will be brought to the notice of the APs and host communities, with the help of a local NGO (appointed by the SIPMIU) if any, for their suggestions. The RP will be summarized and translated in local language¹⁸, translated and notified to the public, by posters and/or resettlement booklets.

C. Gender Impacts and Mitigation Measures

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

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

VII. CONSULTATION PARTICIPATION AND DISCLOSURE

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

- (i) All affected persons (APs), program beneficiaries, including representatives of vulnerable households;
- (ii) decision makers, policy makers, elected representatives of people, community and citizens, NGOs etc.;
- (iii) staff of executing agency, implementing agencies, SIPMIUs etc.;
- (iv) officials of the revenue departments, social welfare department etc.; and
- (v) representatives of the various state government departments, as required.

¹⁸ Bengali in case of Agartala, Mizo in case of Aizawl, Hindi/Nepali in case of Gangtok. In case of Kohima and Shillong, the RP in English language will be notified to the public.

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

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

A. Consultation

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

- (i) Heads and members of households likely to be affected,
- (ii) Groups/clusters of APs,
- (iii) Local voluntary organizations and NGOs,
- (iv) Government agencies and departments, and
- (v) Major project stakeholders, such as women, tribal and ethnic communities.

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

56. Each RP will be prepared and implemented in close consultation with stakeholders and will involve focus group discussion (FGD) and meetings, particularly with affected households. Census of households and individuals located within the Program will be undertaken to register and document the status of the potentially affected population within the impact area. It will provide a demographic overview of the population served by the RP and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected population within the project impact area. Consultations with APs during RP preparation will ensure that views of APs on compensation and rehabilitation measures are fully incorporated while consultations conducted during RP implementation will identify help required by APs during rehabilitation.

57. The effectiveness of the resettlement and rehabilitation process is directly related to the degree of continuing involvement of those affected by the sub-project. The SIPMIU 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 process. This will be done particularly in the case of vulnerable individuals and groups, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted

throughout the sub-project life—during preparation, implementation, and monitoring of sub-project results and impacts.

58. The SIPMIU/DSMC specialist will ensure that any views of APs, particularly vulnerable APs, related to the resettlement process are looked into and addressed. The SIPMIU team will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. Since resettlement and rehabilitation is a continuous process and a baseline data/information is available, the assigned NGO will update the baseline information as and when required.

B. Disclosure

59. Information will be disseminated to APs at various stages. In the sub-project initiation phase, the SIPMIU will be responsible for issuing the public notice to acquire a particular land/property for the sub-project along with program information/details. The notice will be published in local newspapers, twice with a one week interval. The resettlement staff of the SIPMIU along with local revenue officials/officers from the DC's office will also conduct meetings with APs in addition to the public notification to ensure that the information is given to all APs.

60. For the benefit of the community in general and APs in particular, the RP will be translated into local language and made available¹⁹ at: (i) Offices of ULB/urban development department; (ii) District Magistrate Office; and, (iii) SIPMIU. Hard copies of the RP will be kept in the city library, accessible to citizens as a means to disclose the document and at the same time creating wider public awareness.

61. Electronic version of the RF/RPs will be placed in the official website of the SIPMIU/State Government and the official website of ADB after approval of the RP by the Government and ADB. The SIPMIU will issue notification on the locality-wise start date of sub-project implementation. The notice will be issued by the SIPMIU in local newspapers one month ahead of implementation works. This will create public awareness on program implementation. The SIPMIU offices will provide information on resettlement principles and features of the RP. The basic information in the RP including sub-project locations, impact estimations, entitlements, implementation schedule etc. will be presented in the form of a brochure that will be circulated among APs. Posters designed to disseminate basic tenets of the RP will be distributed in different localities to generate mass awareness. Copies of the summary of the RP will be kept in the SIPMIU office and will be distributed to any AP wanting to understand the RP.

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

63. An intensive information dissemination campaign for APs will be conducted by the SIPMIU/ULB with assistance of the NGO, at the outset of RP implementation. All the comments made by APs will be documented in the sub-project records and summarized in sub-project monitoring reports. Copies of the ADB's Safeguard Policy Statement, 2009 and the RP will be made available, in both English and local languages, at the ULB office for reference and study by the public.

¹⁹ In accordance with Operations Manual Section F2/BP on involuntary resettlement.

Table 3: Summary of Consultation and Disclosure Activities

Sub-project Phase	Activities	Details	Responsible Agency
Sub-project Initiation Phase	Mapping of the sub-project area	Sub-project area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition	SIPMIU in co-ordination with DC's office and other local bodies.
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the sub-project.	SIPMIU along with officials from the DC's office.
	Sub-project information dissemination; Disclosure of proposed land acquisition and sub-project details	Leaflets containing information on sub-project to be prepared. Public notice will mention the names and survey no's of titleholders of land/property proposed for acquisition along with sub-project details. Notice will be issued in local newspapers. Web disclosure on website also proposed.	SIPMIU will approach DC with required details and will be involved in information dissemination. SIPMIU will be assisted by consultants for leaflet preparation. Notice will be issued from the DC's office. EA to post notice on its website.
	Stakeholder Meetings	Meetings at community/household level with titleholders of affected land/property and their family members during project scoping.	SIPMIU with officials from DC's office/local revenue officials will facilitate meetings to disclose the information to each AP.
RP Preparation Phase	SIA surveys	RF will be made available in DC and SIPMIU office, to be translated in local language	SIPMIU will ensure the availability of RF.
	Formulating compensation measures and rehabilitation measures	Conducting discussions/meetings/workshops with all APs and other stakeholders	SIPMIU will conduct all required discussions/meetings/workshops and will invite all secondary stakeholders.
	Disclosure of final entitlements and rehabilitation packages	Web disclosure of the RP. Circulating copies of RPs to all stakeholders including APs, translating summary RP in local language before conducting final disclosure meeting. Conducting public meetings for RP approval by APs.	Safeguard specialist appointed by SIPMIU will undertake all activities related to circulation of RP. SIPMIU will arrange public meeting of all stakeholders with APs for RP approval. Consultant will document all the comments and suggestions made by APs and will send it to the SIPMIU along with the RP.
RP Implementation Stage	Disclosing final RP approved by ADB to all important stakeholders	Final RP reviewed and approved by ADB, to be updated/disclosed on the IA/EA's website. Ensuring the availability of copy of the approved RP and ADB IR policy at SIPMIU and DC office.	EA/SIPMIU
	Consultation with APs during rehabilitation activities	Meetings/discussions will be arranged with APs. Households to identify help required by APs during rehabilitation.	Assigned NGO along with ULB will arrange required meetings/discussions. Designated staff from the SIPMIU will participate while the NGO will monitor consultation activities.

VIII. GRIEVANCE REDRESS MECHANISM

64. Project grievance redress mechanism will be established to evaluate, and facilitate the resolution of APs' concerns, complaints, and grievances related to social and environmental issues of the project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project.

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

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

67. Affected persons will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes that have already been installed by SIPMIUs or through telephone hotlines at accessible locations, by e-mail, by post, or by writing in a complaints register in SIPMIU offices. Annex 3 has the sample grievance registration form. Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken. SIPMIU safeguard officers will have the overall responsibility for timely grievance redressal on environmental and social safeguards issues and for registration of grievances, related disclosure, and communication with the aggrieved party.

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

- (i) **1st Level Grievance.** The phone number of the SIPMIU office should be made available at the construction site signboards. The contractors and SIPMIU safeguard officers can immediately resolve on-site in consultation with each other, and will be required to do so within 7 days of receipt of a complaint/grievance.
- (ii) **2nd Level Grievance.** All grievances that cannot be redressed within 7 days at field/ward level will be reviewed by the city-level grievance redress committee (GRC) with support from SIPMIU safeguard officers and DSMC environment and resettlement specialists. City-level GRC will attempt to resolve them within 15 days.
- (iii) **3rd Level Grievance.** The SIPMIU safeguard officers will refer any unresolved or major issues to the State-level GRC, who with consultation with SIPMIU and city-level GRC will resolve them within 15 days.

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

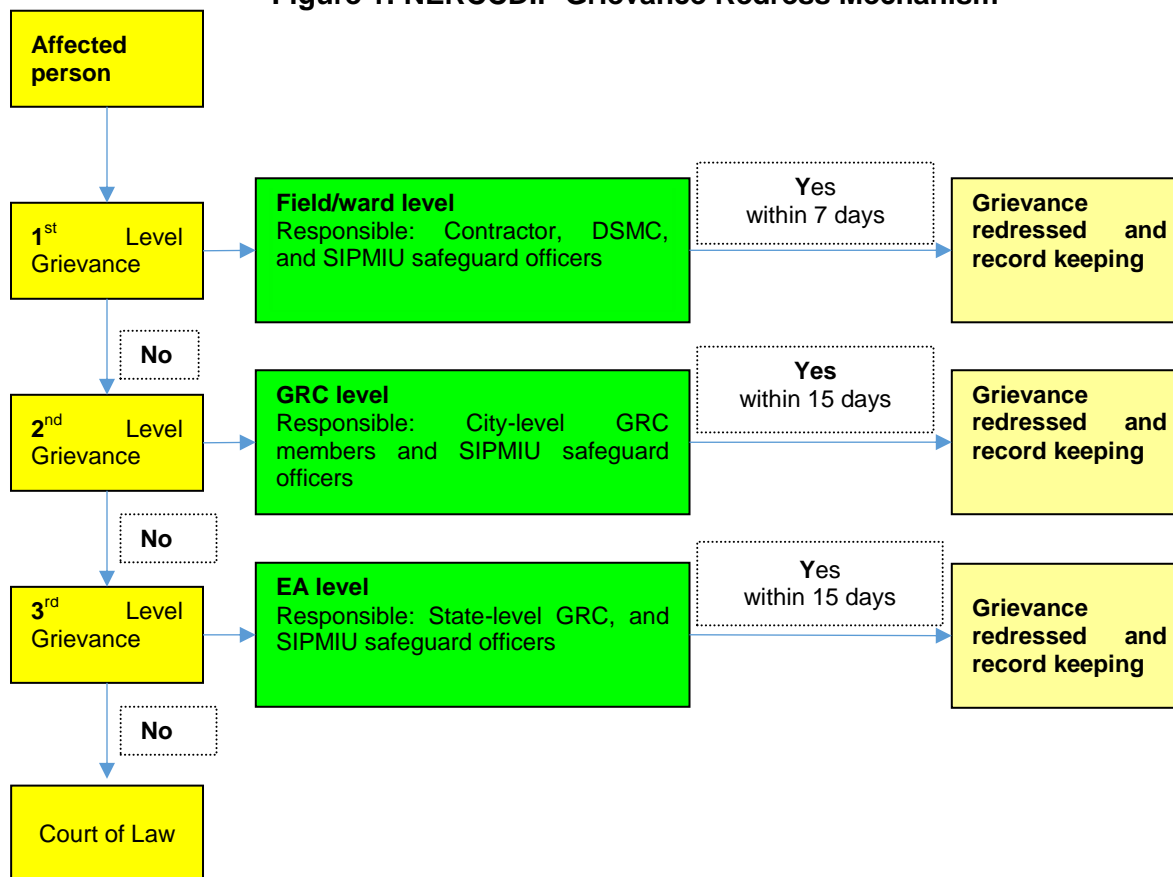
70. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB India Resident Mission (INRM). The complaint can be submitted in any of the official languages of ADB's developing member countries. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

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

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

73. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the concerned SIPMIU; while costs related to escalated grievances will be met by the EAs. Cost estimates for grievance redress are included in resettlement cost estimates. The grievance redress process is shown in Figure 1.

Figure 1: NERCCDIP Grievance Redress Mechanism



Note: DSMC = Design, Supervision and Management Consultants, GRC = Grievance Redressal Committee; SIPMIU = State Investment Program Management and Implementation Unit.

74. All costs involved in resolving the complaints will be borne by the SIPMIU. The GRCs will continue to function throughout the project duration.

IX. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation

75. Land acquisition and resettlement impacts will be compensated in accordance with the provisions of the entitlement matrix in Table 2. Compensation for loss of land will be determined on the basis of replacement value. A Valuation Committee will determine the replacement value. The committee will comprise:

- (i) Chairperson, ULB
- (ii) Land Acquisition Officer, Revenue Department
- (iii) Resettlement Officer, SIPMIU
- (iv) AP representative
- (v) Assigned NGO representative

76. The replacement value for the land will be determined based on discussions with the landowners by the Valuation Committee. The Valuation Committee will finalize the

compensation amount taking into account the findings of a land market survey carried out by the Valuation Committee to ascertain prevailing market values²⁰ of land.

77. The replacement values for immovable properties, including structures and assets will be arrived at by the Valuation Committee as follows:

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

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

B. Income Restoration and Relocation

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

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

81. Income restoration activities are of two types (i) short-term; and (ii) long-term. Short-term income restoration activities are intended to restore AP's income in the period immediately

²⁰ The prevailing market values, influenced by various factors such as location of land, connectivity, and classification/land use, type of soil, crops grown, available irrigation and other facilities, etc.

before and after relocation focusing on relocation, and providing short-term allowances such as (i) subsistence/transitional allowance; and (ii) shifting assistance.

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

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

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

X. BUDGETING AND FINANCING

84. Detailed budget estimates for each RP will be prepared by the SSO's SIPMIU, assisted by the DSMC which will be included in the overall Project budget. The budget shall include: (i) detailed costs of land acquisition and livelihood and income restoration and improvement; (ii) source of funding; (iii) administrative and staff training; (iv) cost for GRM and consultation/disclosure; and (iv) monitoring costs. All land acquisition and resettlement costs will be borne by the government and provided in a timely manner to ensure payment of all entitlements prior to displacement.

85. The disbursement of compensation for land and acquisition of assets will be carried out by the Deputy Commissioners office, and calculated as per the basis given in the Entitlement Matrix. In the case of assistance the SIPMIU will directly pay into the individual accounts²¹ of affected persons. The assigned NGO/SIPMIU designated safeguard officer/DSMC specialist will be involved in facilitating the disbursement process and rehabilitation program, and will facilitate opening bank accounts for the affected persons who do not have bank accounts.

86. The sub-project funds will rest with the Requisitioning Authority (RA) and based on the valuation by the DLVC, the RA will deposit the required funds with the Deputy Commissioner, who will make payments to the APs.

XI. INSTITUTIONAL ARRANGEMENTS AND RESPONSIBILITIES

87. The Ministry of Urban Development (MOUD) is the national-level executing agency (EA) of the Program. A National Steering Committee (NSC) will monitor fund use and overall implementation performance of the Investment Program. A State-level Executing Agency (SEA) will execute the part of the loan falling under respective State Governments. In each State there will be a State Steering Committee (SSC), and an Investment Program Empowered Committee (IPEC). SIPMIUs will be responsible for overall program implementation, monitoring, and supervision. The SIPMIU will have a dedicated officer on managing day to day safeguards related activities/requirements. The SIPMIU safeguard specialist, supported by DSMC safeguards experts and NGO (managed by DSMC) will be responsible for RP implementation. Roles and responsibilities are identified in Table 4.

88. For taking up implementation of RP, institutional arrangements including strengthening of existing institutional systems are required. Towards this, it is proposed that the SIPMIU's designated social safeguards officer will take care of redressing grievances and mitigating negative social impacts caused due to the project especially on APs. The Unit should have staff fully aware of provisions of RP, adequate understanding on norms and customs of and respect to the local people, especially the indigenous people (consistent with the IPDF).

²¹ In the event that the affected person has no account the SIPMIU will provide the necessary assistance to open an account.

Table 4: Institutional Roles and Responsibilities

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

APs=affected persons, VC=Valuation Committee, FGD=focus group discussions, GRC = Grievance Redress Committee, NGO = nongovernment organization, SIPMIU = state-level investment program management and implementation unit, IPCC = investment program coordination cell, RO = resettlement officer, RP=resettlement plan, SIA=social impact assessment.

89. A designated SIPMIU officer for social safeguards will be responsible for effective implementation of the RP/Gender Action Plan/ IPP/Community Awareness and Participation Plan complying with the safeguard provisions in the Program. The roles and responsibilities of the officer include but not limit to the following:

- (i) Coordinate implementation of R&R activities with the assistance of SIPMIU staff;
- (ii) Coordinate training for the SIPMIU staff/contractors/NGO/CBOs for capacity building to implement the RP and project GRM;
- (iii) Organize public awareness campaigns including resettlement provisions with the help of print and electronic media;
- (iv) Facilitate and coordinate joint verification survey of APs with the elected representatives as appropriate, finalize list of APs and inform them about tentative schedule of land acquisition/occupation;
- (v) Coordinate valuation of assets, such as land, trees of various species, agricultural crops, etc. facilitating a joint process involving elected representatives, NGOs/CBOs and APs;
- (vi) Based on assessment of property values finalize compensation packages;
- (vii) Coordinate the land acquisition processes with the associated Government departments;

- (viii) Inform APs about entitlement matrix and compensation packages against different categories of losses;
- (ix) Liaise with the District Administration and line departments (DRDA, DoRD, etc.) for dovetailing Government's schemes for income generation and development programs for APs;
- (x) Make budgetary provisions for R&R activities;
- (xi) Coordinate, supervise and monitor disbursement of compensation;
- (xii) Coordinate monitoring activities to be taken up for assessing progress in implementing the RP;
- (xiii) Facilitate the appointment of the external agency for impact evaluation and coordinate evaluation activities to be taken up by the agency, as required;
- (xiv) Prepare Terms of Reference (ToR) for procuring the external agency, as required;
- (xv) Facilitate appointment of consultant to carry out the studies and coordinate these;
- (xvi) Prepare semiannual monitoring reports on the progress of RP implementation, and gender action plan; and
- (xvii) Focal person for Project GRM and participate in the GRC.

90. The designated social safeguards officer of SIPMIU will be supported by DSMC social safeguards/resettlement specialist for carrying out field level activities. The DSMC specialist/expert is expected to perform their duties as follows:

- (i) Assist safeguard officer in preparing the Land Acquisition Plan Schedule,
- (ii) Assist safeguard officer in the process of Land Acquisition,
- (iii) Estimate assets of APs and community assets to be acquired,
- (iv) Have overall responsibilities for R&R activities, supported by NGO if any, in the field including listing APs after verification, recording of individual losses, informing APs about their entitlements, disbursement of compensation, providing assistances, etc.
- (v) Be responsible for implementing livelihood restoration programs for APs,
- (vi) Ensure the rehabilitation of temporarily acquired land with topsoil restored and overseeing arrangements for returning these lands to the owners after requirement is over;
- (vii) Co-ordinate with the project's NGO/CBOs If any;
- (viii) Facilitate the opening of Joint Account in local banks to transfer the rehabilitation assistance for the APs and also organize distribution of cheque payment of compensation and rehabilitation assistance, through a transparent process or public meetings specially organized for distribution of cheques;
- (ix) Monitor physical and financial progress on RP implementation activities and report to the safeguard officer on sub-project progress;
- (x) Participate in regular meetings with APs, and if required;
- (xi) If any, organize quarterly meetings with the project NGO/CBOs to review the progress of RP implementation; and
- (xii) In coordination with safeguard officer of SIPMIU, prepare, print and distribute pamphlets on the policy for information dissemination.

91. The major RP implementation responsibilities vest with the NGOs, if any and as required. The responsibilities of these partnering organizations in RP implementation will include the following:

- (i) Work under close coordination of the designated social safeguards officer of SIPMIU and DSMC to implement the RP;

- (ii) Involve the elected representatives and local leaders, wherever necessary to implement the RP to facilitate transparency in the process and public participation;
- (iii) Assist the SIPMIU/ULB in dissemination of the RP and other resettlement related information;
- (iv) Take lead in joint verification and identification of APs, enlist APs, counseling for livelihood restoration, dissemination of project policies, documents etc.;
- (v) Participate in the valuation committee to determine the replacement value of land and structures of the APs;
- (vi) Carry out a census of the APs and identify the vulnerable households;
- (vii) Identify training needs of APs for income generation activities and ensure that they are adequately supported;
- (viii) Through counseling and awareness generation, resolve the grievances of APs;
- (ix) Put forth the unresolved grievances of APs to the GRC;
- (x) Generate awareness about livelihood restoration activities, and help APs make informed choices;
- (xi) Prepare micro-plans for RP implementation;
- (xii) Assist the R&R Unit in disbursement of compensation cheques;
- (xiii) Participate in public meetings as and when required; and
- (xiv) Submit periodic RP implementation reports to the designated social safeguards officer.

92. For any subproject with significant impact (category A), evaluation study will be carried out in the context of RP implementation, by an external agency/consultant. The agency is expected to carry out the evaluation based on the following:

- (i) Work out indicators to evaluate RP implementation;
- (ii) Track the achievements/failures of the implementation process including major targets of compensation and assistance provision;
- (iii) Track APs in order to assess the restoration of incomes and standard of living of these APs in mid-term and post sub-project scenarios;
- (iv) Provide suggestions and inputs in the form of remedial measures to the designated social safeguards officer of SIPMIU in implementing the RP; and
- (v) Prepare and submit mid-term and end-term impact evaluation reports and submit to the SIPMIU, the EA, and ADB.

A. Capacity Building of Staff on Social and Resettlement

93. For the capacity building of designated social safeguards officer and engineers, SIPMIU will organize training programs on safeguards. Services of consultant trainers may be procured for coordinating and imparting required trainings to the staff.

B. Coordination with other Agencies and Organizations

94. The SIPMIU will establish networking relationships with line departments and other government and non-government organizations. The Revenue Department has a significant role in land acquisition proceedings and initiation of the resettlement process. Unless the compensation process is prompt and efficient, RP implementation will be delayed. The SIPMIU will (i) coordinate with the Revenue Department to expedite the land acquisition process, and (ii) interact with the various government agencies on issues pertaining to shifting of utility lines etc. Income restoration will be the sole responsibility of the Project Authority. The assigned NGO will facilitate linkages to be established with the agencies implementing centrally sponsored poverty

alleviation programs to complement Program efforts in restoring the income of APs. Restoration of community assets, if needed, will require help from relevant Government departments. SIPMIU will develop lateral linkages to mobilize resources to benefit APs and to achieve the desired results expected from RP implementation. The representatives of these departments/agencies will be in contact with the SIPMIU, which will facilitate the integration of the various agencies involved in the R&R process.

C. NGO/CBO Participation

95. A good rapport with the affected community will facilitate satisfactory R&R of APs. Towards this, an experienced and well-qualified NGO in this field will be engaged and managed by DSMC to assist the SIPMIU in the implementation of the RP. NGOs hired for RP implementation will also be responsible for addressing HIV/AIDS, and core labor standards. The NGO to be procured should have experience in addressing such social issues.

96. The NGO will ensure that due entitlements flow to the APs in the most effective and transparent manner. The success of the NGO inputs will largely depend on their liaison with APs and other concerned government agencies. Other involved agencies are expected to collaborate with the Program, based on instructions from SIPMIU and in accordance with the RP. These arrangements have to be made during the first month of project implementation in order to set up the various committees and implementation mechanisms required for the Program.

D. Role of NGO/CBO

97. The role of the NGO in RP implementation will be that of a facilitator. The NGO will work as a link between the R&R Unit and the affected community. They will educate the APs on the need to implement the Program and sub-projects, on aspects relating to land acquisition and R&R measures and ensure proper utilization of compensation paid to the APs under the R&R entitlement package. After the approval of the micro plans, the NGO will issue identity cards to the entitled persons. The role of the NGO will be to facilitate the resettlement process. Its broad objectives will be to:

- (i) Build rapport with APs and SIPMIU;
- (ii) Educate APs on their rights, entitlements, and obligations under the RP;
- (iii) Ensure that APs receive their full entitlements;
- (iv) Where options are available, provide advice to APs on the relative benefits of each option;
- (v) Collect data as required to help SIPMIU monitor and assess progress;
- (vi) Carry out any other responsibility that may be assigned by SIPMIU for the welfare of the affected communities;
- (vii) Help APs redress grievances at the GRC; and
- (viii) Train APs, if necessary, in acquiring literacy and income-generation related schemes.

XII. IMPLEMENTATION ARRANGEMENTS

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

99. No civil works, for any particular component wherein land acquisition and resettlement²² is involved, will begin until APs receive entitled and approved compensation packages. The implementation schedule for the RP is given in Table 5. APs will be given sufficient notice to vacate their property before civil works begins.

Table 5: Schedule of Resettlement Implementation

Activities	Quarter														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Resettlement Planning															
Approval of RP by ADB and by				♦											
Disclosure of RP				♦											
Distribution of RP Report and Brochure				■											
Mobilizing SIPMIU safeguards Staff		■													
Recruitment of DSMC			♦												
Socio-economic survey by DSMC and list of APs		■	■	■											
Issue of identity cards			■												
Identify and confirm poor and vulnerable APs			■												
Form Grievance Redress Committee	♦														
Grievance Redressing Activities			■	■	■	■	■	■	■	■	■	■	■	■	■
Disburse compensation payment and assistance for relocation					■	■	■								
Arrangements for temporary occupation of lands				■											
Rehabilitation of temporarily occupied lands															After civil works are completed
Handing over of lands to the contractor for construction ²³															
Livelihood and Income Restoration															
Disburse livelihood restoration assistance															■
Organize skill development training for vulnerable APs												■	■		
Capacity Building of R&R Unit		■	■	■	■	■									
Internal monitoring			■	■	■	■	■	■	■	■	■	■	■	■	■
External monitoring (TBD)															

ADB = Asian Development Bank, APs = affected persons, DSMC = design and supervision management consultant, RP = Resettlement Plan.

²² For components that do not require land acquisition, or detailed designs, the civil works will be taken up at an early date.

²³ For components not involving land acquisition, the handing over of project sites to the contractor will be possible from the first quarter. For the other components involving land acquisition and resettlement, the project sites will be handed over for civil works by the fourth quarter.

XIII. MONITORING AND REPORTING

A. Internal Monitoring

100. Internal monitoring will be undertaken by the SIPMIU with assistance from the DSMC and NGOs/CBOs, if any. Internal monitoring will ensure all land acquisition and resettlement activities are implemented according to the approved Resettlement Plans in accordance with this Resettlement Framework.

101. The DSMC Social Safeguard specialist will prepare quarterly progress reports and submit to Social safeguards/Development officer of SIPMIU. The SIPMIU will prepare semi-annual monitoring reports and submit to ADB. The NGO will submit quarterly progress reports to DSMC and SIPMIUs to inform them of resettlement plan implementation activities. These reports will describe the progress of the implementation of resettlement activities and any compliance issues and corrective actions. These reports will closely follow the involuntary resettlement monitoring indicators agreed at the time of resettlement plan approval. Outline of semi-annual monitoring report is in Appendix XXX. Sample monitoring indicators are in Appendix 8.

B. External Monitoring

102. External monitoring will be needed for Category A projects. In the event such impacts are identified during project implementation in any Projects of this investment, qualified and reputable external Monitoring agency will be engaged for monitoring. ToR for External Monitoring Agency will be prepared by SIPMIU social safeguard officers supported by DSMC safeguards specialist.

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

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

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

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

Table 6: Impact Indicators for Evaluation

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

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

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

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

In addition to ADB policy on Involuntary Resettlement, applicable existing laws policies of Government of India and State Governments¹ are reviewed for preparation of this RF. Following sections deals with the details of applicable policy requirements.

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

This new RFCT in LARR repeals the Land Acquisition Act, 1984 and is applicable to all states in India including Rajasthan (Except the state of Jammu and Kashmir). LARR, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement collectively. Establishing of a completely new Act, which was due from a long time, is a pioneering step taken by the Government of India (Gol) 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 resort². The general process for land acquisition and resettlement under LARR is:

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

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

- SIA shall be completed within six months after the date of its commencement.
- SIA report will be made available to all APs
- SIA shall: (i) confirm the proposed acquisition is for the public purpose and extent of land proposed is the absolute bare minimum extent needed for the project; (ii) number of affected families, displaced families; details of extent of loss and other associated social impacts ; (iii) costing for addressing estimated losses and social impacts.
- SIA shall conduct public hearing (with adequate prior notice about the date, venue, time etc. in affected area and to affected families). Outcomes of this will be documented and included in the SIA report.
- SIA shall also prepare Social Impact Management Plan (SIMP) which will include each component wise ameliorative measures to address land acquisition and social impacts.

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

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

- SIA and SIMP shall be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

Appraisal of SIA/SIMP by an Expert Group. SIA report shall be evaluated by an independent multi-disciplinary Expert Group constituted by the appropriate government. Expert Group constituted shall include: (i) two non-official social scientists; (ii) two representatives from Panchayat, Gram Sabha, Municipality or Municipal Corporation as the case may be; (iii) two experts on rehabilitation; and (iv) a technical expert in the subject relating to the project (total 7 members). Appropriate government may nominate any of them as chairman of the Expert Group. Expert Group withholds rights to abandon the project if of opinion that: (i) the project does not serve any public purpose; and (ii) social costs and adverse social impacts of the project outweigh the potential benefits. The Expert Group shall make his recommendation within two months from the date of its constitution and have to give in writing the reasons for such decision. The recommendation of the Expert Group shall be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

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

All affected landowners shall have right to raise objection(s) for the proposed land acquisition within 60 days from the issue of preliminary notification. These objection(s) however shall be made to the Collector in writing and the objector shall get opportunity to be heard in person. The Collector shall present a report to the appropriate government containing his recommendations on the objections along with details of affected families, land and associated cost. The decision of the appropriate government on the objections made shall be final. The DC then shall consolidate and present his recommendations on all objections heard to the appropriate Government and the decision of the appropriate Government shall remain final.

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

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

The Collector shall publish⁴ a summary of RSS along with Declaration under the hand and seal of Secretary to such Government or any other official duly authorized⁵ only after the Requiring Body deposits amount towards the cost of land acquisition⁶. 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.

1. **d. Public Notice and Award.** After the Declaration is made, the Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take Possession of the land and that claims to compensations an rehabilitation and resettlement for all interests in such land may be made to him. Affected landowners/families shall meet in person or through person authorized within six months to place any objections. Collector shall make an award within a period of twelve months from the date of publication of the Declaration and if not award is made within that period; the entire proceedings of the acquisition of the land shall lapse. Award shall be exempt from income tax, stamp duty and fees.

Land Acquisition Award shall include:

- Loss of land as per market value determined;
- Standing crops/trees/plants. The Collector can use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him;
- Damage (if any) sustained by reason of severing adjoining lands from/to affected land;

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

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

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

- Damage to any property/building (movable or immovable) or earnings. The Collector uses the services of a competent engineer or any other specialist in the relevant field as considered necessary by him;
- Reasonable expenses incidental such change if affected landowner is compelled to change his place of residence or business;
- *Bonafide*; resulting from diminution of the profits of the land between the time of the publication of the declaration and the time of the Collector's taking possession of the land; and
- any other ground which may be in the interest of equity, justice and beneficial to the affected families.

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

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

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

Establishment, by notification by appropriate Government, of Land Acquisition, Rehabilitation and Resettlement Authority. For the purpose of speedy disposal of disputes relating to land acquisition, compensation and R&R. The authority shall consist of one person called Preceding Officer. Preceding Officer shall be either District Judge or qualified legal

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

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

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

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

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

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

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

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

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

3 ADB's Safeguard Policy Statement, 2009

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

The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected

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

areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

The main policy principles of the Involuntary Resettlement Safeguard are:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks;
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase;
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible;
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required;
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing;
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status;
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;
- (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule;

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

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

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

Table 1: Detailed Policy Comparison

	Policy Principles	LARR	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
1.	Involuntary resettlement should be avoided where feasible.	✓	✓	Both LARR and SPS emphasis on avoiding involuntary resettlement	This is addressed in the RF. The locations for project components have been identified in such a manner that IR is avoided to the extent possible. These IR impacts shall be further minimized during detailed designs.
2.	Where population displacement is unavoidable, it should be minimized by exploring viable project options.	✓	✓	LARR also suggests to take all possible options in to consideration and preparation of SIA/SIMP that confirms that all viable options were explored before proposing the final land acquisition for the public purpose.	This is addressed in the RF. The locations for project components have been identified in such a manner that IR is avoided to the extent possible. These IR impacts shall be further minimized during detailed designs.
3.	If individuals or a community	✓	✓	According to the ADB's	The RF addresses

	Policy Principles	LARR	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
	must lose their land, means of livelihood, social support systems, or way of life in order that a project might proceed, they should be compensated and assisted so that their economic and social future will generally be at least as favorable with the project as without it. Appropriate land, housing, infrastructure, and other compensation, comparable to the without project situation, should be provided to the adversely affected population, including indigenous groups, ethnic minorities, and pastoralists who may have usufruct or customary rights to the land or other resources taken for the project.			SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Impacts are considered significant when 200 or more people will experience major impacts. According to the NPRR, RP should be prepared when it involves resettlement of more than 500 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India. The new LARR also suggest preparation of IPP.	the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.
4.	Any involuntary resettlement should, as far as possible, be conceived and executed as a part of a development project or program and resettlement plans should be prepared with appropriate time bound actions and budgets. Resettlers should be provided sufficient resources and opportunities to reestablish their homes and livelihoods as soon as possible.	✓	✓	According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Both NPRR and LARR have laid down detailed guidelines and preparation of similar plans like RP.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix. A time-bound action plan and implementation schedule for the IR activities is outlined. The key RP activities are identified and the responsibilities for the same outlined.
5.	The affected people should be fully informed and closely consulted on resettlement and compensation options. Where adversely affected people are particularly vulnerable, resettlement and compensation decisions should be preceded by a social preparation phase to build up the capacity of the	✓	✓	LARR recognizes all affected people/families irrespective of their titles. Inventory of all affected people will be recorded as a part of SIA/SIMP.	Consultations have been carried out with APs. This will be further consolidated by the RP assigned NGO. The plan for information disclosure in the project, including

	Policy Principles	LARR	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
	vulnerable people to deal with the issues.				the RF.
6.	Appropriate patterns of social organization should be promoted, and existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible. Resettlers should be integrated economically and socially into host communities so that adverse impacts on host communities are minimized. One of the effective ways of achieving this integration may be by extending development benefits to host communities.	✓	✓	All policies, SPS, LARR and NPRR adequately address this.	This is addressed in the Entitlement Matrix.
7.	The absence of formal legal title to land some affected groups should not be a bar to compensation. Affected persons entitled to compensation and rehabilitation should be identified and recorded as early as possible, preferably at the project identification stage, in order to prevent an influx of illegal encroachers, squatters, and other nonresidents who wish to take advantage of such benefits. Particular attention should be paid to the needs of the poorest affected persons including those without legal title to assets, female-headed households and other vulnerable groups, such as indigenous peoples, and appropriate assistance provided to help them improve their status.	✓	✓	All policies, SPS, LARR and NPRR adequately address this <i>The Rajasthan Urban Housing and Habitat Policy, 2006</i> aims to provide tenurial rights to urban slum dwellers with special emphasis on persons belonging to scheduled castes, scheduled tribes, weaker sections, physically handicapped and widows. This is consistent with recognizing those without legal titles and the vulnerable.	The process for verification of impacts and establishing the eligibility of the APs is outlined in the RF.

	Policy Principles	LARR	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
8.	The full costs of resettlement and compensation, including the costs of social preparation and livelihood programs as well as the incremental benefits over the "without project" situation, should be included in the presentation of Project costs and benefits.	✓	✓	<p>According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Impacts are considered significant when 200 or more people will experience major impacts.</p> <p>LARR provide detailed guidelines for preparation rehabilitation and resettlement scheme involving all land acquisition and resettlement losses which forms a part of project cost. SIA also outlines project benefits Vs impacts.</p> <p>According to the NPRR, RP should be prepared when it involves resettlement of more than 500 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.</p>	<p>The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.</p> <p>This is addressed in the Entitlement Matrix</p>
9.	To better assure timely availability of required resources and to ensure compliance with involuntary resettlement procedures during implementation, eligible costs of resettlement and compensation may be considered for inclusion in Bank loan financing for the project, if requested.	-	-	LARR initiate land acquisition only if the required money is deposited with the DC.	The impacts have been assessed and RP costs according to the entitlement matrix have been worked out. These costs are included in the Project Costs.

ANNEX 2: OUTLINE OF RESETTLEMENT PLAN

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

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

This section:

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

D. Methodology for Impact Assessment

This section outlines the methodology and tools adopted for:

- (i) resettlement screening
- (ii) land acquisition planning
- (iii) socioeconomic survey
- (iv) census survey or inventory of assets and livelihood loss
- (v) consultation with stakeholders

E. Socioeconomic Information and Profile

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

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;

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

F. Stakeholders Consultation and Participation

This section:

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

G. Legal Framework

This section:

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

H. Entitlements, Assistance and Benefits

This section:

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

I. Relocation of Housing and Settlements

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);

- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

This section:

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

K. Resettlement Budget and Financing Plan

This section:

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

L. Information Disclosure

This section:

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

M. Grievance Redress Mechanisms

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

N. Institutional Arrangements

This section:

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

O. Implementation Schedule

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

P. Monitoring and Reporting

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

ANNEX 3: SAMPLE GRIEVANCE REGISTRATION FORM

(To be available in Hindi and English)

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

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

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

FOR OFFICIAL USE ONLY

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

ANNEX 4: INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes				

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

OUTLINE OF SOCIAL SAFEGUARDS MONITORING REPORT DURING PROJECT IMPLEMENTATION PERIOD

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

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

A. Executive Summary

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

B. Background of the Report and Project Description

This section provides a general description of the project, including:

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

C. Scope of Impacts

This section outlines the detail of

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

D. Compensation and Rehabilitation³²

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

- Payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons;
- Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.

³² Depending on the status of the final detail design during the submission of the report this activity might not yet started. Provide the information on the expected date the activity to be conducted instead.

Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

E. Public participation and consultation

This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with APs during RP finalization after the completion of detail design; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing NGOs, project supervision consultants, contractors, etc.

F. Grievance Redress Mechanism (GRM)

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

G. Institutional Arrangement

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

H. Monitoring Results - Findings

This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of IR compensation rates and timeliness of payments, adequacy and timeliness of IR rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing EMP, RP, or IPP, timeliness and adequacy of capacity building, etc.). It also compared against the objectives of safeguards or desired outcomes documented (e.g. IR impacts avoided or minimized; livelihood restored or enhanced; IP's identity, human right, livelihood systems and cultural uniqueness fully respected; IP not suffer adverse impacts, environmental impacts avoided or minimized, etc.). For FI projects this includes the effectiveness of the Environmental and Social Management System (ESMS) managed by the FI and its participating institutions³³. If noncompliance or any major gaps identified, include the recommendation of corrective action plan.

I. Compliance Status

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

J. Follow up Actions, Recommendation and Disclosure

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

³³ Specific for the FI projects, external agency may be required to conduct an audit of the project ESMS.

Appendix 1

- i. List of Affected Persons and Entitlements
- ii. Summary of RP/IPP with entitlement matrix

Appendix 2

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