

Resettlement Plan

October 2013

IND: Jammu & Kashmir Urban Sector Development Investment Programme (JKUSDIP) — Construction of Storm Water Drains in the Adjoining Areas of NH Bypass (Rawalpura Chowk – Chanapura Bridge Package) in Srinagar City.

CURRENCY EQUIVALENTS

(as of 18 September 2013)

Currency unit – rupee (INR)
INR1.00 = \$0.01581

\$1.00 = INR 63.24

LIST OF ABBREVIATIONS

ADB	Asian Development Bank
BPL	Below poverty line
CPR	Common property resource
CEO	Chief Executive Officer
DLC	Divisional Level Committee
DP	Displaced Person
DSC	Design and Supervision Consultants
EA	Executing Agency
ERA	Economic Reconstruction Agency
FGD	Focus group discussions
GoI	Government of India
GoJK	Government of Jammu and Kashmir
GRC	Grievance Redressal Committee
HH	Household
IPSA	Initial poverty and social assessment
IP	Indigenous peoples
J&K	Jammu and Kashmir
LA	Land acquisition
LTH	Legal title holder
NRRP	National Rehabilitation & Resettlement Policy
PIU	Project Implementation Unit
PMC	Project Management Consultants
PMU	Project Management Unit
RP	Resettlement plan
RF	Resettlement framework
R&R	Resettlement and Rehabilitation
S&RE	Social and Resettlement Expert
SC	Schedule Caste
ST	Schedule Tribe
SPS	Safeguard Policy Statement
TORs	Terms of reference

WEIGHTS AND MEASURES

K - Kanal
km – kilometer
ft² – square feet
m² – square meter

GLOSSARY

- Affected Household - is defined as those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, and productive lands, resources such as forests, range lands, fishing areas, or important cultural sites, commercial properties, tenancy, income-earning opportunities, social and cultural networks and activities. Such impacts may be permanent or temporary.
- B P L Family - for the project means, those families who possess the below poverty line (BPL) Card.
- Compensation - means payment in cash or in kind of the replacement value of the acquired property.
- Cut-off date - The cut-off date for the non titleholder will be the date of completion of the census survey and for titleholders, the issuance of land acquisition notification will be treated as cut off date.
- Corridor of Impact - refers to the minimum width of land required for the construction/improvement of roads, including road embankments, roadside facilities and features such as service roads, drains, footpaths, utility ducts and lines, fences, green belts, safety zones, working spaces etc.
- 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
- Economic Displacement - means 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.
- Entitlement - means range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation which are due to the Displaced Persons, depending on the nature of their losses, to restore their economic and social base to pre-project situation.
- Encroacher - is used to denote illegal extension into public property by a person who is a legal titleholder of his property. The person is an encroacher on the portion of the property occupied to which the person does not hold legal title.
- Family - means project affected family consisting of such persons, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sister, father, mother and other members residing with him/her and dependent on him/her for their livelihood.

Grievances Redressal Committee	-	means the committee established under the subproject to resolve the local grievances.
Involuntary Resettlement	-	addresses social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (3) restrictions imposed on land as a result of a Project.
Kanal	-	is a traditional unit of land area in northern states of India - Haryana, Punjab, Himachal Pradesh & Jammu & Kashmir; and also in Pakistan; equal to 20 marlas. Under British rule the marla and kanal were standardized, the kanal equals exactly to 5440 square feet or 505.392 square meters
Khasra	-	A Khasra or index register to the map. It is the list showing, by number, all the fields and their area, measurement, who owns what cultivators he employs, what crops, what sort of soil, what trees, are on the land.
Land Acquisition	-	means acquiring of land for some public purpose by government/government agency, as authorised by the law, from the individual landowner(s) after paying government fixed compensation in lieu of losses incurred by land owner(s) due to surrendering of his/their land to the concerned government agency.
Replacement Cost	-	means the method of valuing assets to replace the loss at market value before the project or dispossession, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration, and titling costs. Replacement cost is based on market value before the project or dispossession, whichever is higher
Resettlement	-	means all the measures taken to mitigate all or any adverse impacts of the project on the DPs property and/or livelihoods including compensation, relocation (where relevant), and rehabilitation.
Resettlement effects	-	Loss of physical and non-physical assets, including homes, communities, productive land, income-earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity and mutual help mechanisms.
Relocation	-	Rebuilding housing, assets, including productive land, and public infrastructure in another location.
Resettlement Plan:	-	A time-bound action plan with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation
Rehabilitation	-	means the measures provided under the resettlement plan other than payment of the compensation of acquired property.

Stakeholders	- means any individuals, groups, organisations, and institutions interested in and potentially affected by a project or having the ability to influence a project.
Squatters	- are those that are landless or without title to land and occupy public land for shelter and/or for carrying out their livelihoods.
Shajra	- shajra or Village Map is a detailed map of the village that is used for legal (land ownership) and administrative purposes in India and Pakistan. A shajra maps out the village lands into land parcels and gives each parcel a unique number.
Vulnerable groups	- The groups of population are considered socially 'vulnerable' comprise of - (a) those who are below the poverty line (BPL); (b) those who belong to scheduled castes (SC), scheduled tribes (ST); (c) female-headed households (FHH); (d) elderly and (e) disabled persons.

NOTE

In this report, "₹" or Rs. refers to Indian Rupee.

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EXECUTIVE SUMMARY

A. Introduction

1. Economic Reconstruction Agency has undertaken Jammu and Kashmir Urban Sector Development Investment Program (JKUSDIP), financed by the ADB through a Multi- Tranche Financing Facility (MFF). The total estimated cost of the investment program is about US \$485 millions, out of which \$300 million will be financed by ADB. The investment program is to be implemented in 3 tranches over a period of 8 years. Each tranche constitutes a separate loan. The Project-1 (Loan 2331–IND) and Project -2 (Loan 2925) of JKUSDIP are under implementation. This subproject is proposed to be included in Tranche 3 financing.

2. The primary objective of JKUSDIP is to promote economic development in Jammu and Kashmir State through expansion of basic services such as water supply, sewerage, sanitation, drainage, solid waste management, urban transport and other municipal functions in Jammu, Srinagar and other important urban centers of the State. The investment program also aims to strengthen the service delivery capacity of the responsible State urban agencies and urban local bodies through management reform, capacity building and training.

3. One of the subprojects identified under Tranche 3 of JKUSDIP is “Construction of Storm water drains in the adjoining areas of NH Bypass (Rawalpura Chowk- Chanapora Bridge package) in Srinagar city” The subproject was earlier envisaged to be undertaken under Tranche 2 of ADB financing but later could not be accommodated due to paucity of allotted funds under tranche 2. The subproject now forms the part of Tranche 3 under JKUSDIP. This project will thus help to cater the areas which could not be accommodated in the previous tranches and would be pivotal in reducing the problem of water logging and flooding in sub-project areas .This Resettlement Plan (RP) is based on Resettlement Framework (RF)¹ which is consistent with ADB’s Safeguard Policy Statement-2009, National Resettlement and Rehabilitation Policy (NRRP) 2007 and State Land Acquisition Act 1990.

4. The RP has been prepared based on the detailed engineering designs and as per the Detailed Project Report (DPR). This subproject has been categorized as “category B” for Involuntary Resettlement impact as per the ADB’s Safeguard Policy Statement, 2009 (SPS).

B. Description of the subproject

5. The drainage master plan of Srinagar city divides the city into 3 drainage zones. The National highway (NH) bypass area falls under drainage zones I and II, which are further divided into smaller subzones based on natural slopes and catchments of water bodies. Drainage rehabilitation and improvements to some of the subzones of the NH bypass area have been executed as part of the Multi-sector Project for infrastructure rehabilitation in Jammu and Kashmir (MPIRJK), ADB Loan 2151-IND. The remaining works, i.e, Construction of drainage scheme in subzone “Rawalpura Chowk- Chanapora Bridge package” is proposed in Tranche 3 of JKUSDIP. The proposed sub project includes construction of approximately 1.596 kms of trunk drain, 6.564 kms of main drain, and 32.332 kms of sub-main drains and construction of three pumping station at three different locations.

¹ The original RF prepared for the MFF was updated at the time of processing for Tranche 2 to be aligned with ADB’s Safeguards Policy Statement (2009). The updated RF will apply to Tranche 2 and subsequent tranches. Tranche 1 will continue to be implemented under the original RF of the MFF.

C. Scope of Land Acquisition & Resettlement

6. The construction of the drains will be done on the existing roads or lanes within the available right of way (ROW) and will not involve any land acquisition beyond the existing ROW. However for construction of pumping station, land measuring 2682.85 m² or 0.2 ha (5 Kanal 06 Marla 44 sft) is required which belongs to three private parties. The land use is currently open vacant plot and is not being used for the residential or commercial purposes/activity. The Location 1 is at Shiviji Bagh (Fair Bank Colony) and measures 2 Kanal 01 Marla 210 sft (1055.71 m² or 0.1 ha), the Location 2 is at Afindi Bagh (Adjacent to Chanapora Bridge) and measures 01 Kanal 04 Marla 106 sft (616.36 m² or 0.06 ha), while as Location 3: is at Alamdar Colony and measures 02 Kanal (1010.78 m² or 0.1 ha).

7 The sub-project will not have any adverse impacts on structures/encroachers, the ROWs and corridor of impact is clear and also no crops/trees will be impacted. None of the persons will suffer income loss as there will be no impact on the businesses (permanent, semi-permanent, and/or mobile) during excavation works. The subproject will have no temporary impacts on land and other assets during construction. All the affected persons do not belong to any vulnerable category. The resettlement impacts of the subproject are summarized in Table 1 below.

Particulars	Quantity
Total Land to be acquired	2682.61 m ² or 0.26 ha (5 Kanal 06 Marla 44 sft)
Private land	2682.61 m ² or 0.26 ha (5 Kanal 06 Marla 44 sft)
Number of affected structures	0
Summary of impacts to HHs and individuals	
Total number of affected HHs	03
Total number of DPs	22
Vulnerable Households (BPL)	0

D. Objectives of the Resettlement Plan

8. This RP is prepared to deal with the land acquisition and resettlement impacts resulting from construction of storm water drains along NH Bypass (Rawalpura Chowk- Chanapora Bridge package). The plan is based on Resettlement Framework (RF) which is consistent with ADB's Safeguard Policy Statement-2009, National Resettlement and Rehabilitation Policy (NRRP 2007) and State Land Acquisition Act (LAA) 1990. The primary objective of RP is to restore the income and living standards of the Displaced Persons (DPs) within a shortest possible time without any disruptions in their own economic and social environment.

E. Socio-economic Information and Profile

9. The census survey undertaken revealed that the resettlement impacts in this subproject are 'insignificant'. Out of the 3 affected HHs, 2 belong to Muslim community while as 1 belong to the Kashmiri Pandit Community (Hindu), and all belong to the general² category. The total number of DPs is 22 with an average family size of 7.33 Private Practice (doctor) and Business is the primary source of income for the affected HHs and both HHs have reported annual incomes of more than

²The General Category means those persons who do not belong to any reserved category like SC or ST.

one Lakh. The literacy rate among the 22 DPs is 76 % higher than the state literacy rates of 68%. None of the 3 HHs has been identified as belonging to vulnerable groups³.

F. Information Disclosure, Consultation, and Participation

10. Consultations were carried out with various stakeholders during RP preparation and will continue throughout the subproject cycle. To provide for more transparency in planning and for further active involvement of displaced persons and other stakeholders the project information will be disseminated through Project Information Brochure (PIB). The PIB, published in English will be distributed among Displaced Persons (DPs), and will include the following information: (i) a brief background of the Project, specifically the resettlement impacts; (ii) basis used for valuation, (iii) the entitlements due to the DPs; (iv) timing and schedule of payments; (v) grievance redress mechanism; and (vi) contact persons at ERA and the local authorities. In case of the illiterate DPs, the information will be provided verbally during meetings with them. The consultation with the displaced persons will continue throughout the project cycle.

G Legal Framework

11. The principles adopted for addressing resettlement issues in the project have been guided by the RF which is consistent with the existing legislation and policies of the Government of India applicable to state of J&K, the Government of Jammu and Kashmir, Asian Development Bank. The relevant laws and policies which have been analysed are State Land Acquisition Act 1990 (1934 AD), National Resettlement and Rehabilitation Policy 2007 (NRRP) and ADB's Safeguard Policy Statement, (2009).

H Entitlements, Assistance and Benefits

12. Taking into account the various losses, the Entitlement Matrix provides for compensation and resettlement assistance to all Displaced Persons (DPs) in the subproject area. Compensation eligibility is limited by a cut-off date as set for this project is issuance of section 4 (i) for title holders which is 29 Nov 2011 for location 1 & 2 while as 13-03-2013 for location 3 and DPs who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however, will be given sufficient advance notice, requested to vacate premises and dismantle affected structures prior to project implementation. Their dismantled structures and materials will not be confiscated and they will not pay any fine or suffer any sanction.

I Resettlement Budget and Financing Plan

13. The resettlement cost estimate for this subproject includes eligible compensation and resettlement assistance. Contingency costs have also been made a part of the resettlement budget. The total estimated cost for resettlement operation and management for the subproject is **Rs 3 Crore.** (*rounded off*)

³ As per the entitlement matrix the following groups of population are considered socially vulnerable and would need special consideration. They include: (a) those whose incomes are below the poverty line (BPL); (b) those who belong to tribal groups or scheduled tribes (ST); (c) those who belong to scheduled castes (SC); (d) female-headed households (FHH); (e) elderly; and (f) disabled persons

J Grievances Redressal

14. To ensure that the grievances of the DPs are heard and resolved in timely manner, the Grievance redress mechanism for the project would follow the following approach and procedures:

- (i) In case the DP has any complaint or grievance, he/she is free to lodge his/her complaint with the Project Manager JKUSDIP, ERA who will make efforts to resolve the complaint on ground level itself. The Project Manager will make efforts to redress the grievance within 2 weeks from the receipt of grievance.
- (ii) In case the DPs are not satisfied or his grievance are not redressed he can take the matter to Director Safeguards who will ensure that grievance is redressed within time frame of 3 weeks
- (iii) If Director Safeguards can not resolve the complaint or DP is not satisfied with resolution/ decision, they can take the matter to Grievance Redress Committee (GRC), which will address the grievance within 4 weeks.
- (iv) DPs are free to approach the court of law at anytime at their own will and expenses.

15. Besides the grievance redress mechanism of the project, state has online grievance monitoring system known as Awaz-e-Awam (People's Voice). The DPs can also lodge their complaints online at <http://www.jkgrievance.nic.in>.

K. Institutional Arrangements

16. The Executing Agency (EA) for the implementation of RP will be Economic Reconstruction Agency (ERA) which will be assisted by set of institutions at various levels which includes Project Management Unit (PMU), Project Implementation Unit (PIU), Design Supervision Consultants (DSC), Project Support Consultant (PSC) and State Administration. The ERA will be responsible for overall strategic guidance, technical supervision, execution of the project and ensuring compliance with the loan covenants.

17. Project Management Unit (PMU) has been established which is headed by Chief Executive Officer (Project Director) supported by 6 (six) Directors responsible for specific divisions. Director (Director Central) is responsible for day to day function of JKUSDIP and is assisted by the Project Implementation Unit (PIU) headed by Project Manager. Another senior officer (Director Safeguards) also reporting directly to the CEO is responsible to ensure compliance with environmental and social safeguard policies.

18. The **Divisional Level Committee** (DLC) has been constituted for **Implementation of the Rehabilitation Plans** for the sub projects being executed by J&K Economic Reconstruction Agency (ERA) under Loan-II viz J&K Urban Sector Development Investment Program (JKUSDIP). The DLC has been constituted by General Administration Department (GAD) of Government of Jammu & Kashmir vide no. 605 of 2011 dated 25-05-2011.

L. Implementation Schedule

19. Implementation of RP mainly consists of payment of compensation to displaced persons as per their entitlements. The Public consultation, internal monitoring and grievance redress will be continued for the entire duration of the project. However, the sequence may change or delays may occur due to circumstances beyond the control of the project and accordingly the time can be adjusted for the implementation of the plan.

M. Monitoring & Reporting

20. In line with the requirements for Category B projects with insignificant resettlement impacts, an internal monitoring arrangement of RP is proposed. This will be a regular activity for PMU carried out through DSC and PSC. The DSC and PMC will prepare the internal monitoring report and submit to ERA for review and finalisation for onward submission to ADB semi-annually.

Resettlement Plan of Construction of Storm Water Drains in the Adjoining Areas of NH Bypass (Rawalpura Chowk- Chanapora Bridge package) in Srinagar

I. Project Description

A. General

1. Economic Reconstruction Agency has undertaken Jammu and Kashmir Urban Sector Development Investment Program (JKUSDIP), financed by the ADB through a Multi- Tranche Financing Facility (MFF). The total estimated cost of the investment program is about US \$485 millions, out of which \$300 million will be financed by ADB. The investment program is to be implemented in 3 tranches over a period of 8 years. Each tranche constitutes a separate loan. The Project-1 (Loan 2331-IND) and Project -2 (Loan 2925) of JKUSDIP are under implementation This subproject is proposed to be included in Tranche 3 financing.

2. The primary objective of JKUSDIP is to promote economic development in Jammu and Kashmir State through expansion of basic services such as water supply, sewerage, sanitation, drainage, solid waste management, urban transport and other municipal functions in Jammu, Srinagar and other important urban centers of the State. The investment program also aims to strengthen the service delivery capacity of the responsible State urban agencies and urban local bodies through management reform, capacity building and training.

3. One of the subprojects identified under Tranche 3 of JKUSDIP is “Construction of Storm water drains in the adjoining areas of NH Bypass (Rawalpura Chowk- Chanapora Bridge package) in Srinagar city” The subproject was earlier envisaged to be undertaken under Tranche 2 of ADB financing but later could not be accommodated due to paucity of allotted funds under tranche 2. The subproject now forms the part of Tranche 3 under JKUSDIP. This project will thus help to cater the areas which could not be accommodated in the previous tranches and would be pivotal in reducing the problem of water logging and flooding in sub-project areas .This Resettlement Plan (RP) is based on Resettlement Framework (RF)⁴ which is consistent with ADB’s Safeguard Policy Statement-2009, National Resettlement and Rehabilitation Policy (NRRP) 2007 and State Land Acquisition Act 1990.

4. The RP has been prepared based on the detailed engineering designs and categorized as “B” for Involuntary Resettlement impact as per the ADB’s Safeguard Policy Statement, 2009 (SPS).

B. Description of Sub project and Location

5. The drainage master plan of Srinagar city divides the city into 3 drainage zones. The National highway (NH) bypass area falls under drainage zones I and II, which are further divided into smaller subzones based on natural slopes and catchments of water bodies. Drainage improvements to some of the subzones of the NH bypass area have been taken up for

⁴ The original RF prepared for the MFF was updated at the time of processing for Tranche 2 to be aligned with ADB’s Safeguards Policy Statement (2009). The updated RF will apply to Tranche 2 and subsequent tranches. Tranche 1 will continue to be implemented under the original RF of the MFF.

rehabilitation and improvements as part of the Multi-sector Project for infrastructure rehabilitation in Jammu and Kashmir (MPIR), Loan 2151-IND and Project 2 of Jammu and Kashmir Urban sector Development Investment Programme (JKUSDIP) Loan 2925- IND. The remaining works, ie, Construction of drainage scheme in subzone “Rawalpora Chowk- Chanapora Bridge package” is proposed in Tranche 3 of JKUSDIP.

6 This part of sub project area is the adjoining area of National Highway bypass from Sanat Nagar-Rawalpora Chowk and ends at Chanapora Bridge. The area is located on the southern part of Srinagar City. The municipal wards covered under this sub project area are: Rawalpora and Bhagat-e-Barzulla. The extent of the project area is about 284.75 hectares. Present population in this part of subproject is 31268 and projected population in year 2041 is 55286. The proposed sub project includes construction of approximately 1.596 kms of trunk drain, 6.564 kms of main drain, and 32.332 kms of sub-main drains and construction of three pumping station at three different locations. The specific objectives of the subproject are:

- (i) Reduction of water logging and flooding in sub-project area;
- (ii) Establishment of an efficient drainage system; and,
- (iii) Improvement of local environment to reduce health risks to the inhabitants in the project areas.

C. Minimizing Land Acquisition and Resettlement Impacts

7. Efforts to avoid/ minimize resettlement impacts have been made by the engineering team during the project preparation. The survey for the availability of the government land in the subproject area was conducted prior to the finalisation of the present sites, as no suitable plot belonging to government could be identified for the construction of the pumping station and three plots of private land at three different locations was identified for the acquisition.

D. Scope and Objective of the Resettlement Plan

8. The RP has been prepared to mitigate all unavoidable negative impacts caused due to the sub-project implementation and resettle displaced persons and restore their livelihoods. This RP has been prepared on the basis of subproject census survey findings and consultation with various stakeholders. The plan is based on Resettlement Framework (RF)⁵ which is consistent with ADB’s Safeguard Policy Statement-2009 (SPS 2009), NRRP 2007 and State Land Acquisition Act (LAA) designed to protect the rights of the Displaced Persons and communities.

II. Scope of Land Acquisition & Resettlement

A. Resettlement Screening

9. A social screening exercise was performed in order to gather first hand information on impacts of land acquisition and resettlement with specific attention on land use, presence of title and/or non-title holders, impact on business establishments and other assets. The screening

⁵ The original RF prepared for the MFF was updated to be aligned with ADB’s Safeguards Policy Statement (2009). The updated RF will apply to Tranche 2 and subsequent tranches. Tranche 1 will continue to be implemented under the original RF of the MFF.

exercise identified the key issues pertaining to resettlement impacts and provided basis for the scoping of the RP for the subproject.

B. Census Survey and Inventory of Assets

10. A structured census questionnaire was administered in October- 2010, June 2011 and July 2013 to collect detailed information on displaced households and to document impacts on private assets for developing full understanding of impacts in order to prepare the mitigation measures and resettlement plan for the DPs. The objective of inventory of losses and census survey was to generate an inventory of social impacts on people affected (as per the engineering designs) by the subproject, the type of impact, type of ownership and market value of land and/or structure, social profile of the displaced people, assess the presence of non-titleholders in the subproject area, and their views about the subproject and on various options for rehabilitation and resettlement.

C. Subproject Impacts

11. The specific resettlement impacts based on the survey and assessment undertaken during appraisal of the subproject are summarized below.

1. Impact on Land.

12. The construction of the drains will be done on the existing roads or lanes within the available right of way (ROW) and will not involve any land acquisition beyond the existing ROW. However for construction of pumping station, land measuring 2682.61 m² or 0.26 ha (5 Kanal 06 Marla 44 sft) is required which as per the revenue records belongs to three private parties. The land use is currently open vacant plot and is not being used for the residential or commercial purposes activity is being. The sub project will not have any adverse impacts on structures and also no one will suffer income loss or belongs to any vulnerable category

13. The Location 1 is at Shiviji Bagh (Fair Bank Colony) and measures 2 Kanal 01 Marla 210 sft (1055.71 m² or 0.1 ha), the Location 2 is at Afindi Bagh (Adjacent to Chanapora Bridge) and measures 01 Kanal 04 Marla 106 sft (616.36 m² or 0.06 ha), while as Location 3: is at Alamdar Colony and measures 02 Kanal (1010.78 m² or 0.1 ha)..The location map of pumping stations is shown in figures below:-

Figure 1: Site map of Pumping Station at Shiviji Bagh



Figure 2: Site map of Pumping Station at Afandi Bagh (Adjacent to Chanapora Bridge)



Figure 3: Site map of Pumping Station at Alamdar Colony



14. The sub-project will not have any adverse impacts on structures/encroachers, the ROWs and corridor of impact is clear and also no crops/trees will be impacted. None of the persons will suffer income loss as there will be no impact on the businesses (permanent, semi-permanent, and/or mobile) during excavation works. The subproject will have no temporary impacts on land and other assets during construction. The affected persons do not belong to any vulnerable category. The summary of the resettlement impacts due to the *subproject* is presented in **Table 2** below:

Table 2: Summary of Resettlement Impacts

Particulars	Quantity
Total Land to be acquired	2682.61 m ² or 0.26 ha (5 Kanal 06 Marla 44 sft)
Private land	2682.61 m ² or 0.26 ha (5 Kanal 06 Marla 44 sft)
Number of affected structures	0
Summary of impacts to HHs and individuals	
Total number of affected HHs	03
Total number of DPs	22
Vulnerable Households (BPL)	0

III. Socioeconomic Information and Profile

15. Socioeconomic details of the three affected HHs were collected during the socioeconomic and census survey, through a structured socio-economic questionnaire administered in October 2010, December 2011 and July 2012. The details of the DPs are provided in **Appendix 1**. The 2 affected HHs belong to Muslim community while as one belongs to Kashmiri Pandits (Hindu) community, and all the families belong to the general⁶ category. The total number of DPs is 22 with an average family size of 7.3. Private practice (Doctor) Business is the primary source of income for both the affected households and both the households have reported annual incomes of more than one Lakh. The literacy rate among the 22 DPs is 76 % higher than the state literacy rates of 68%. None of the 3 HHs has been identified as belonging to vulnerable groups⁷.

IV. Information Disclosure, Consultation and Participation

15. The consultations undertaken in the subproject area (Oct 2010, June 2011 and July 2013), revealed that the people living in the sub project area welcomed the idea of construction of storm water drains in the area as they said that it was their long pending demand. They also offered their support for the sub project and expressed their eagerness for start of the work on the sub project. However the displaced persons stressed that if possible that their land should not be acquired for the pumping station as it was near the residential area. The people express their reservation on the space of completing the work on fast track basis and resurfacing of the road so that they face the minimum inconvenience. The summary of the public consultations is provided in **Appendix 2**. The consultations and survey results showed no presence of indigenous people in the subproject area.

16. To provide for more transparency in planning and for further active involvement of displaced persons and other stakeholders the project information will be disseminated through Project Information Brochure (PIB). The PIB will be distributed among Displaced persons (DPs) which will include the following information: (i) a brief background of the Project, specifically the resettlement impacts; (ii) basis used for valuation, (iii) the entitlements due to the DPs; (iv) timing and schedule of payments; (v) grievance redress mechanism; and (vi) contact persons at ERA and the local authorities. The consultation with the displaced persons will continue throughout the project cycle. The PIB is provided in **Appendix 3**. . In case of the illiterate DPs the information will be provided verbally during meetings with them.

V. Grievance Redress Mechanisms

17. The RP will have a mechanism to ensure that the benefits are effectively transferred to the beneficiaries and will also ensure proper disclosure and public consultation with the affected population. However, need also exists for an efficient grievance redress mechanism that will assist the DPs in resolving queries and complaints. The grievance redress mechanism would follow the following approach and procedure is depicted in **Figure 4**.

- (i) In case the DP has any complaint or grievance, he/she is free to lodge his/her complaint with the Project Manager JKUSDIP, ERA who will make efforts to resolve

⁶The General Category means those persons who do not belong to any reserved category like SC or ST.

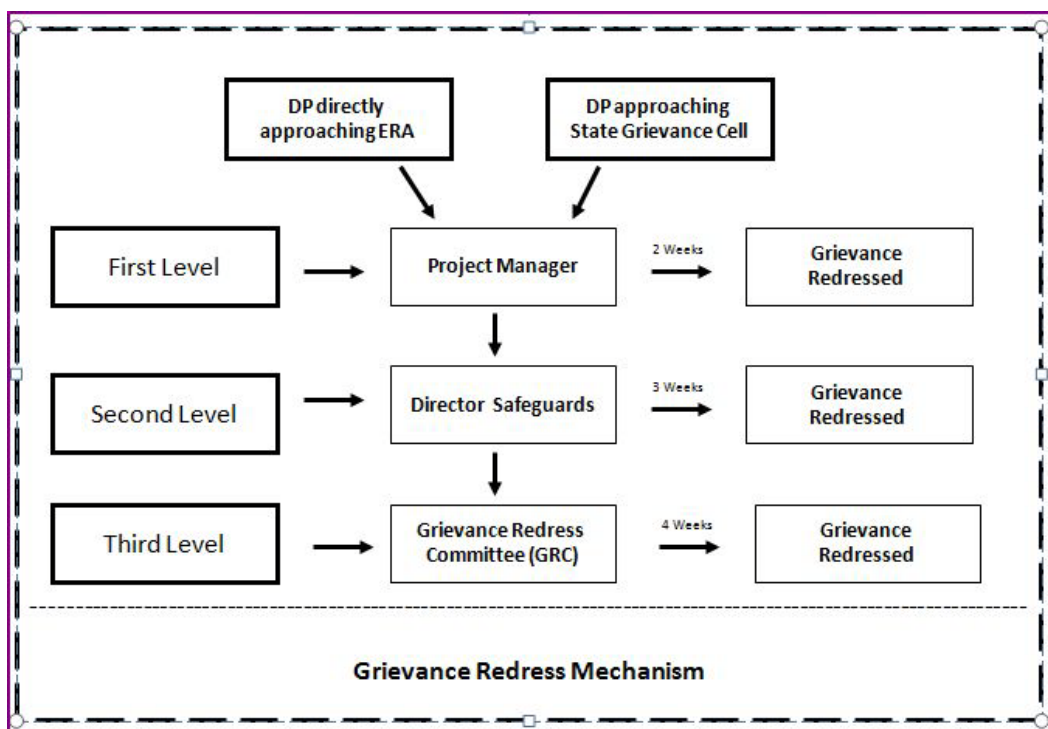
⁷ As per the entitlement matrix the following groups of population are considered socially vulnerable and would need special consideration. They include: (a) those whose incomes are below the poverty line (BPL); (b) those who belong to tribal groups or scheduled tribes (ST); (c) those who belong to scheduled castes (SC); (d) female-headed households (FHH); (e) elderly; and (f) disabled persons

the complaint on ground level itself. The Project Manager will make efforts to redress the grievance within 2 weeks from the receipt of grievance.

- (ii) In case the DPs are not satisfied or his grievance are not redressed he can take the matter to Director Safeguards who will ensure that grievance is redressed with time frame of 3 weeks
- (iii) If Director Safeguards can not resolve the complaint or DP is not satisfied with resolution/ decision, they can take the matter to Grievance Redress Committee (GRC), which will address the grievance within 4 weeks.
- (iv) DPs are free to approach the court of law at anytime on their own will and expenses.

18. Besides the grievance redress mechanism of the project, state has online grievance monitoring system known as Awaz-e-Awam (People’s Voice). The DPs can also lodge their complaints online at <http://www.jkgrievance.nic.in>.

Figure 4: Grievance Redress Mechanism



1. Information to the DPs about the GRM

19. The DPs will be informed about the Grievance Redress Mechanism under the project and of the state through public consultations, disclosures and distribution of PIB. The DPs will also be informed that in case they are not satisfied with the decision of the GRC, or failing the redressal of grievance; they can take their case/grievances to judiciary.

2. Grievance Redressal Committee (GRC)

20. Grievance Redressal Committee (GRC) has already been established (Order No. JKERA 25 of 2008 dated 29-01-2008) with the primary objective of providing a mechanism to mediate conflict and disputes concerning compensation payments and cut down on lengthy litigation. The GRC will provide people, who might have objections or concerns about their compensation/assistance, a public forum to raise their objections and through conflict resolution, address these issues adequately. The committee is headed by the Deputy Commissioner (or his representative). Following is the composition of GRC.

- (i) Deputy Commissioner, Srinagar
- (ii) Land Collector J&K ERA
- (iii) Social and Resettlement Expert J&K ERA
- (iv) Deputy Project Manager ERA (I/C sub-project)
- (v) PRO J&K ERA
- (vi) Local Beopar Mandal /Welfare committee as representatives of DPs

21. The GRC will resolve the grievances within 4 weeks time. It is expected that the GRC will play a very crucial role in redressing grievances of the DPs, and will help the implementation of the project as scheduled. The order for formation of GRC has been placed as **Appendix 4**.

3. Operational Mechanisms of GRC

22. In case, grievances are not addressed at project level by EA, the same shall be forwarded to GRC. The committee established will look into the grievances of the people and will assign the responsibilities to implement the decisions of the committee. The claims will be reviewed and resolved within four weeks from the date of submission to the committee. The various queries, complaints and problems that are likely to be generated among the DPs and that might require mitigation, include the following:

- (i) DPs not enlisted;
- (ii) Losses not identified correctly;
- (iii) Compensation/assistance inadequate or not as per entitlement matrix;
- (iv) Dispute about ownership;
- (v) Delay in disbursement of compensation/assistance;
- (vi) Improper distribution of compensation/ assistance in case of joint ownership etc.

23. Through public consultations, disclosures and distribution of PIB, the DPs will be informed that they have a right to grievance redresses. The DPs, who are not satisfied with the decision of the GRC, or failing the redressal of grievance; the DPs may take the case/grievances to judiciary

VI. Legal Framework

A. Introduction

24. The principles adopted for addressing resettlement issues in the project have been guided by the RF which is consistent with the existing legislations and policies of the Government of India applicable to state of J&K, the Government of Jammu and Kashmir and the Asian Development Bank. The relevant laws and policies which have been analyzed are State Land Acquisition Act 1990 (1934 AD), National Resettlement and Rehabilitation Policy 2007 (NRRP) and ADB's Safeguard Policy Statement, (2009). An overview of these applicable acts and the ADB policies on resettlement apart from a comparison of the Government policies with the SPS of ADB is given in **Appendix 5**.

1. Resettlement Framework

25. The original RF prepared for the MFF was updated at the time of processing for Tranche 2 to be aligned with ADB's Safeguards Policy Statement (2009). The updated RF will govern all adverse social impacts in subprojects in Tranche II and subsequent Tranches and is consistent with the provisions of ADB's SPS 2009. The RF for the project has been prepared by the ERA keeping in view the following objectives of SPS 2009.

- (i) To avoid involuntary resettlement wherever possible;
- (ii) To minimize involuntary resettlement by exploring project and design alternatives;
- (iii) To enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and
- (iv) To improve the standards of living of the displaced poor and other vulnerable groups.

26. The basic principles of Resettlement framework include the following elements:

- (i) As a matter of policy, 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) Screen the project early on to identify past, present and future resettlement impacts and risks;
- (iv) Carry out meaningful consultations with affected people, host communities and concerned key stakeholders on compensation options and prepare Resettlement Plan (RP) in accordance with this Framework;
- (v) Payment of compensation for acquired assets at market/replacement rates;
- (vi) Ensure that DPs without title to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;
- (vii) 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;
- (viii) All compensation and other assistances will be paid to all DPs prior to commencement of civil works⁸;
- (ix) Income restoration and rehabilitation;
- (x) An Entitlement Matrix for different categories of people affected by the project has been prepared and provisions will be kept in the budget for those who were not present at the time of census survey. However, people moving in the project area after the cut-off date will not be entitled to any assistance. In case of land acquisition the date of notification for acquisition will be treated as cut-off date. For non-titleholders such as squatters and encroachers, the date of project census survey or a similar designated date declared by the executing agency will be considered as cut-off date;
- (xi) Special attention to vulnerable groups; and,
- (xii) Establish a grievance redress mechanism to receive and facilitate resolution of DPs' concerns.

⁸ While compensation is required prior to dispossession or displacement of affected people from their assets, the full resettlement plan implementation, which may require income rehabilitation measures, might be completed only over a longer period of time after civil works have begun. Affected people will be provided with certain resettlement entitlements, such as land and asset compensation and transfer allowances, prior to their displacement, dispossession, or restricted access.

VII Entitlements, Assistance and Benefits

27. The DPs identified in the subproject areas on the cut-off date will be entitled to compensation for their displaced assets, and rehabilitation measures as outlined in the entitlement matrix. Compensation eligibility is limited by a cut-off date as set for this project is issuance of section 4 (i) for title holders which is 29 Nov 2011 for Location 1 & 2 while as 13-03-2013 for location 3 and DPs who settle in the affected areas after the cut-off date will not be eligible for compensation. DPs who settle in the displaced areas after the cut-off date will not be eligible for compensation and assistance. They however will be given sufficient advance notice (30 days) and will be requested to vacate premises and dismantle affected structures prior to project implementation. In case of the temporary impacts, advance notice will be given.

28. A detailed Entitlement Matrix which lists various types of subproject losses, identification/eligibility and entitlements and provides for basic parameters for preparation of compensation and resettlement benefits is provided in **Table 3** below.

Table 3: ENTITLEMENT MATRIX
(As per Resettlement Framework for JKUSDIP)

Type of Loss	Identification of Affected Households	Entitlement	Entitlement Details
1. Loss of Agricultural Land	DPs with legal titles / rights, recognizable legal rights, usufruct and traditional titles / rights for affected land	Land-for-land or compensation in cash at Replacement value.	<p>a. In case of partial impact on land with the remaining land is economically viable for continued use, compensation in cash at replacement cost⁹.</p> <p>b. In case of loss of entire land holding, the DPs will be entitled to:</p> <p>i) Replacement land of equivalent productive potential if available to EA and acceptable to the DPs; OR</p> <p>ii) Where the location is not acceptable to the DPs, compensation in cash for the entire land- holding.</p> <p>c. In case of entire loss of productive land DPs will be entitled to Transition Allowance equivalent to the total income derived from the affected land in the last 2 years.</p> <p>d. In case of replacement land, the cost of registration, stamps etc. will be borne by the project.</p>
	Sharecroppers and leaseholders	Compensation in cash	<p>a. Sharecroppers will receive compensation for their share of the loss of crops.</p> <p>b. Leaseholders will receive compensation equivalent to the remaining part of the lease amount;</p> <p>c. Additionally, affected sharecroppers and leaseholders will receive cash assistance equivalent to 6 months of incomes derived from the affected land¹⁰.</p>
2. Loss of residential or commercial land	DPs with legal rights/ titles, recognizable rights or traditional rights to the affected land	Land-for-Land or Compensation at replacement cost	<p>For entire loss of residential, commercial, industrial or institutional land, or where only a part of the land affected but the remaining land is rendered too small according to the local zoning laws:</p> <p>a. where available and feasible DPs will be provided replacement land of similar attributes to that is lost or compensation in cash at replacement cost.</p> <p>b. In case of replacement land, the cost of registration, stamps etc. will be borne by the project.</p> <p>For loss of residential, commercial, industrial or institutional land with remaining land sufficient in accordance with the zoning law and for remaining affected structure, DPs will be entitled to compensation in cash at replacement cost.</p>
	Tenants and leaseholders	Compensation at replacement cost	<p>a. For entire loss of land the Leaseholders will get an equivalent area of leased land or reimbursement for un-expired lease period.</p> <p>b. In case of partial loss of land Leaseholders will get reimbursement for un-expired lease period for the portion of land lost.</p> <p>-In case of replacement land, the cost of registration, stamps etc. will be borne by the</p>

⁹ A Divisional Level Committee has been established under the Project. This committee is responsible to make independent valuation of land based on existing market value. The Committee is also empowered to undertake direct negotiation settlement with the APs, wherever require.

¹⁰ The assessment of the income from the land would be assessed by the concerned Agriculture Department.

			project. c. Tenants will receive rental allowance equivalent to three months rental value. -Compensation for any improvements done by tenants and leaseholders
B: LOSS OF STRUCTURES			
3. Loss of structures	Owners of affected structures	Compensation in cash at replacement cost	For partial loss of structure and the remaining structure viable for continued use, DPs will be entitled to compensation for the affected part of the structures calculated as per the latest prevailing Basic Schedule of Rates (BSR) without depreciation or deductions for salvaged material; and Repair allowance for improvement of the remaining structure where applicable @ 10% of compensation calculated for the affected part of structure. For entire loss of structures or where only partial impact, but the remaining structure is rendered unviable for continued use: -DPs will be entitled to compensation for the entire structure calculated as per the latest prevailing Basic Schedule of Rates (BSR) without depreciation or deductions for salvaged material; -Right to salvage material from demolished structure; and -A lump sum transfer grant at the rate of INR 3,000 for temporary, INR 4,000 for semi-permanent, and INR 10,000 for permanent structure for shifting household assets and other belongings to the new area.
	Tenants and leaseholders of affected structures	Rental Assistance	a) Tenants would only be given rental assistance on a case-by-case basis in the form of grant for a period of three months. b) Additional structures erected by tenants will also be compensated and deducted from owner's compensation amount. c) Any advance deposited by the tenants or leaseholders will be deducted from owners total compensation package.
4. Impact on market place / shops/businesses / commercial enterprises	Titleholder (Owner Operator) & non-titleholder (tenants Operator,) losing/shops/commercial enterprise.	Relocation Assistance	Affected enterprise whose commercial structure can no longer be used for commercial purpose as a result of the Project impact will be provided with the following options: a) All operators will be provided cash compensation as decided by the DLC on case to case basis depending upon their income, size and location of the shop Or Project assisted relocation option where available will be based on i) Owner Operator: Will be given a shop in lieu of compensation. with same ownership status. No additional compensation will be paid to him/her. ii) Tenant Operator: Will be provided shop on rent. For first 3 months, no rent will be charged and after three months tenants will have to pay the agreed rent. Or If a tenant wishes to own the same, he/she has to pay the cost of the shop. Those opting for this option will not be paid cash compensation for their structure loss. b) A lump sum transfer grant at the rate of INR 3000 for temporary, INR 4,000 for Semi-temporary and INR 10,000 for permanent structures for shifting of assets and other belonging to new area; and c) Right to salvage material from demolished structure.

C: LOSS OF CROPS & TREES			
5. Loss of crops and trees	Owner / operators /Tenants affected	Compensation at 'market value'	a) Advance notice to DPs to harvest their crops. b) In case of standing crops, cash compensation for loss of agricultural crops at current market value of mature crops based on average production. c) Compensation for loss of timber trees at current market value of wood/timber or firewood depending on the kind of tree to be computed by concerned department. d) In case of fruit trees, compensation at average fruit production to be computed by concerned department.
D: LOSS OF LIVELIHOOD SOURCE			
6. Loss of primary source of income	Titleholders losing income through business	Transitional assistance	DPs losing their business establishment due to displacement will be assisted in the form of a grant for the days of closure up to a maximum of three months of their income from affected business.
	Titleholders losing income from loss of agricultural land	Assistance for income restoration	DPs will be entitled to income restoration assistance / vocational training/ skill up gradation options as per DPs choice equivalent to a maximum of INR 10,000 per affected household. Specific income restoration measure will be decided in consultation with the people based on their needs and priorities.
	Non-titleholders namely squatters and encroachers losing primary source of income	Assistance for income restoration	DPs losing their business establishment due to displacement will be assisted in the form of a grant equivalent to three months of their income from affected business. DPs will be entitled to income restoration assistance / vocational training/ skill up gradation options as per DPs choice equivalent to a maximum of INR 10,000 per affected household. Specific income restoration measure will be decided in consultation with the people based on their needs and priorities.
	Wage earning employees affected in terms of loss of employment	Transitional Assistance	Employees affected in terms of loss of employment due to displacement of commercial structure will be given lump sum transitional assistance equivalent to INR 3,000/month for three months.
E: LOSSES OF NON-TITLEHOLDERS			
7. Encroachers	Households	No compensation for land	a) Encroachers will be given a one month notice to remove their assets that will be affected. b) Right to salvage material from demolished structure. c) Compensation for affected structures at replacement
8. Squatters and informal settlers	Households	No compensation for land but compensation for structure at replacement cost and other assistance	a) Squatters will be notified with one month notice in which to remove their assets that will be affected. b) Compensation for loss of structure at replacement value. c) A lump sum shifting allowance of INR 3000 for temporary, INR 4000 for semi-permanent and INR 10,000 for permanent structures. d) Right to salvage material from demolished structure.
F: TEMPORARY IMPACTS			
9. Temporary impacts on land and other assets during construction	Owner / Operator of affected assets	Cash compensation for affected assets and for loss of income potential	1. Compensation for affected standing crops and trees as per the market rates. 2. In case of impacts on land: -Restoration of land to its previous or better quality. -Contractor to negotiate a rental rate with the owner for temporary possession of land.

			<p>-Compensation for crop losses for the duration of temporary occupation plus one more year necessary for the soil to be adequately prepared to its original productive potential.- Project and contractor to ensure that persons other than the owner affected as a result of the temporary acquisition are compensated for the temporary period. 3. Compensation in cash for the loss of income due to temporary loss of access for the duration of the impact. 4. In case of any impact on the properties (structure) during construction. -The contractor will restore the impacted structure to its previous condition before handing over to the owners. 5. Any temporary acquisition of land for the project will be done in accordance with the prevalent local laws.</p>
G: LOSS OF COMMON PROPERTY RESOURCES			
10. Loss of Common Property Resources	Affected community/Institution responsible	Cash compensation /Reconstruction	Cash compensation at replacement value or reconstruction of the community structure in consultation with the community/institution.
H: REHABILITATION MEASURES			
11. Additional assistance to vulnerable groups	Households categorized as vulnerable ¹¹	Lump sum assistance	Additional lump sum assistance of Rs 5,000 per household to vulnerable groups
I: UNIDENTIFIED IMPACTS			
12. Any unanticipated adverse impacts due to project intervention	Any unanticipated consequence of the project will be documented and mitigated based on the spirit of the principles agreed upon in this policy framework.		

¹¹ The groups of population considered socially 'vulnerable' comprise of - (a) those who are below the poverty line (BPL); (b) those who belong to scheduled castes (SC), scheduled tribes (ST); (c) female-headed households (FHH); (d) elderly and (e) disabled persons.

VIII. Resettlement Budget & Financing Plan

A. General

29. The resettlement cost estimate for this subproject includes eligible compensation for lose of land and support cost for RP implementation. Contingency has also been made a part of the resettlement budget.

B. Compensation

30. **Private Land:** The cost estimates for private land has been calculated only on the basis of the rates notified under stamp duty act in the area. However the rate will be arrived at through the negotiated settlements with the affected owners through private negotiations. In case the private negotiations fails, then land will be acquired through the compulsory provisions of the Land acquisition act where in the affected persons will be extra of 15 % solatium included in the budget as they will be not paid any compensation for same.

C. RP Implementation and Support Cost

31. A 10% contingency amount has been added in order to adjust any escalation and other impacts not envisaged at the time of RP preparation.

D. Source of Funding and Fund Flow Management

32. The cost related to land acquisition and resettlement cost will be borne by the EA. The EA will ensure allocation of funds and availability of resources for smooth implementation of the sub-project R&R activities. The EA will, in advance, initiate the process and will try to keep the approval for the R&R budget in the fiscal budget.

E. R&R Budget

33. The total R&R budget (given in **Table 4**) for the sub-project works out to **INR. 3 Crore** (rounded off).

Table 4: Resettlement Budget & Cost Estimates

S. No.	Item	Total Land in Kanals & (ha)	Cost per Kanal	Estimated Total (₹)
Compensation for land				
1.	Compensation for land to be acquired	5-6-44 (2682.85 m ² or 0.2 ha)	Rs 40 Lacs	21232352
1(a).	Stamp Duty and Registration cost @ 10% in			2123235

	case of the Replacement land			
1(b).	Solatum (15% of the sum of the market value in consideration of compulsory nature of the acquisition)			3184852
1(C).	Interest @ 6% p.a from the date on which possession of land to the date of payment or from the time of so taking possession until it shall have been so paid or deposited (section 28 & 35 of the State L.A,1990)			1273941
Sub Total				27814380
1.	Contingency (10% of the total)			2781438
GRAND TOTAL				30595818

IX. Institutional Arrangement

36. J&K Economic Reconstruction Agency (ERA) is a Special Purpose Vehicle (SPV) for implementation of externally aided projects in the state of Jammu & Kashmir. The main objective of J&K ERA is to plan, design and execute externally aided projects on behalf of the Govt. of Jammu & Kashmir aimed at socio economic development of the state.

37. Economic Reconstruction Agency (ERA) is assisted by set of institutions at various levels which includes Project Management Unit (PMU), Project Implementations Unit (PIU), Design Supervision Consultants (DSC), and Project Management Consultants (PMC). Project Management Unit (PMU) has been established which is headed by Chief Executive Officer (Project Director) supported by 6 (six) Directors responsible for specific divisions. Director (Central) is responsible for day to day functioning of JKUSDIP and is assisted by the Project Implementation Unit (PIU) headed by Project Manager. Another senior officer (Director Safeguards) also reporting directly to the CEO is responsible to ensure compliance with environmental and social safeguard policies. PMU moves with darbar and functions in Jammu (Nov- April) and Srinagar (May-Oct)

38. Project Implementation Unit (PIU) has been established in both the divisions of the state for the implementation of sub-projects. The PIU is headed by the Project Manager (PM) who is of the rank of Superintendent Engineer. Some of the specific tasks to be performed by PIU include: 1) Placing of indent for acquisition of land and authentication of the revenue documents prepared by the CLA; 2) Coordinating with district administration for land acquisition; 3) Supervision of the construction work; 4) Organize the disbursement of assistance to DPs; 5) Participating in regular meetings in GRC .6) Informing the Social and Resettlement Expert about the anticipated changes or changes that have taken place during the execution of the civil works resulting in the need for updating the resettlement plan. 7) PIU will be responsible

that no work is executed or any person is displaced by them or contractor prior to the payment of the compensation.

39. The Social Safeguards Unit at the PMU headed by Director Safeguards will monitor the R&R activities. The Social and Resettlement Experts of DSC's and PSC's will help unit in preparation, implementation and monitoring of resettlement Plans in accordance with the ADB's SPS 2009. The major responsibilities include: 1) Ensuring project compliance with loan covenants. 2) Oversee internal monitoring of resettlement implementation; and 3) Monitor physical and financial progress on land acquisition and R&R activities.

40. The Collectorate Office is headed by Collector Land Acquisition (CLA) who is of the rank of Assistant Commissioner (Revenue) or above, supported by Revenue Officials. The major roles and responsibilities include: 1) Preparation of the Revenue Documents (Shajra/Khasra) and Issuance of Land Acquisition notification, 2) Preparation of the award of compensation, and 3) Verifying and distributing the compensation among the rightful owners. 4) Informing the safeguards unit about the schedule of payment of compensation.

41. High powered Committee known as Divisional Level Committee (DLC) has been constituted with a view to fast track the implementation of RP for sub-projects being executed/ proposed to be executed by J&K Economic Reconstruction Agency (ERA) under Loan-II viz J&K Urban Sector Development Investment Programme (JKUSDIP). The committee has been constituted by General Administration Department (GAD) of Government of Jammu & Kashmir vide no. 605 of 2011 dated 25-05-2011 (**Appendix 6**) with the following composition:-

Divisional Commissioner, Kashmir	Chairman
Chief Conservator of Forests Kashmir	Member
IG Traffic J&K	Member
Deputy Commissioner, Srinagar	Member
Vice Chairman SDA	Member
Commissioner, Srinagar Municipal Corporation,	Member
Chief Engineer PHE Kashmir	Member
Chief Engineer EM&RC Kashmir	Member
Chief Engineer UEED Kashmir	Member
Chief Engineer PW(R&B) Kashmir	Member
Director Central J&K ERA	Member Secretary

42. The roles and responsibilities of various agencies to be involved in resettlement planning process and implementation of resettlement activities are summarized in **Table 5**.

Table 5: Agencies Responsible for Resettlement Implementation

Activity	Agency Responsible
Establishment of Resettlement Units in PMU and appointment of Resettlement officer (RO)	PMU
Organizing resettlement training workshop	Safeguard Unit PMU
Social assessment and preparation of land acquisition plan, Resettlement Plan (RP)	Design Supervision Consultants and Project Management Consultants.
Public consultation and disclosure of RP	Safeguard Unit PMU /PIU/ DSC, PSC
Co-ordination with district administration for land acquisition	PIU/ Design Consultant/ Collector Land Acquisition.
Declaration of cut-off date	PMU/PIU/ Collector Land Acquisition.
Review and obtaining of approval of resettlement plan from ADB	PMU
Submission of land acquisition proposals (Indent) to Collector Land Acquisition	PIU
Conducting of Private Negotiation with Displaced Persons	Director Central /DLC /Collector Land Acquisition/PIU
Compensation award and payment of compensation	Collector Land Acquisition
Payment of replacement cost and allowance	Collector Land Acquisition
Taking possession of acquired land and structures	PIU/Collector Land Acquisition
Handing over the acquired land to contractors for Construction	PIU
Notify the date of commencement of construction to DPs	PIU
Assistance in relocation, particularly for vulnerable groups	PMU/PIU
Internal monitoring of overall RP Implementation	PMU through DSC and PSC

X. Implementation Schedule

A. Introduction

43. Implementation of RP mainly consists of planning for relocation and livelihoods restoration along with payment of compensation to Displaced Persons as per their entitlements. The time for implementation of resettlement plan will be scheduled as per the overall project implementation. All activities related to the land acquisition and resettlement must be planned to ensure that compensation is paid prior to displacement and commencement of civil works. Public consultation, internal monitoring and grievance redress will be undertaken intermittently throughout the project duration. However, the schedule is subject to modification depending on the progress of the project activities.

B. R&R Implementation Schedule

44. A composite implementation schedule for R&R activities in the sub-project including various sub tasks and time line matching with civil work schedule is prepared and presented in Table 6. However, the sequence may change or delays may occur due to circumstances beyond the control of the project and accordingly the timeline can be adjusted for the implementation of the plan. A composite implementation schedule for R&R activities in the subproject including various sub tasks and time line matching with civil work schedule is prepared and presented in the form of **Table 6**.

Table 6: R&R Implementation Schedule												
PROJECT COMPONENT/ACTIVITIES	Year 2013				Year 2014				Year 2015			
	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4
Census survey of the subproject												
Preparation of RP												
Obtaining approval of RP from ADB												
Disclosure of RP												
Public consultations												
Implementation of RP												
Start of Civil Works												
Monitoring (Internal)												

XI. Monitoring and Reporting

A. Internal Monitoring at the Executing Agency (EA) Level

45. As this subproject falls under the IR category 'B' with insignificant Resettlement impacts it will not require any external monitoring. Internal Monitoring will be a regular activity for the PMU, which will oversee the timely implementation of R&R activities. Internal Monitoring will be carried out by the PMU through DSC and PMC. The primary responsibility of the preparation of the monitoring reports for submission to the ADB will be of DSC and PMC which will be reviewed by the ERA before submission to ADB. DSC and PMC will be collectively responsible getting all the required information and assimilate it in the form of a report which will be submitted to ERA for review and finalisation before onward submission to ADB. Internal monitoring will have the following objectives:

- (i) Compensation and other entitlements are computed at replacement rates and procedures as provided in the approved RP, without any discrimination on the grounds of gender, ethnic or religious group or any other factor;
- (ii) DPs are paid their compensation and other entitlements as per approved RP, including compensation in cash, allowances;
- (iii) Resettlement sites developed and people moved onto them successfully ;
- (iv) Income restoration activities are implemented as specified in the RP; and,

- (v) Public information, public consultation and grievance redress procedures are followed as specified in RP;

B. Reporting

46. The Executing Agency will submit semi-annual monitoring reports prepared by the PMC and DSC to ADB detailing the progress of implementation of the RP and rehabilitation status of displaced persons. A template for monitoring reports is in **Appendix 7** which outlines the necessary type of information to be reported in each semi-annual report.

APPENDIX 1: DETAILS OF LAND OWNERS

S.No.	Name of Location	Khasra No	Name of the Allotted	Type of Loss	Land Area (sq.m)	Occupation	Annual Income	Vulnerability	Total Family Composition	Ownership Status
1	2	3	5	6	7	8	9	10	11	12
1	Shivji Bagh Near Fair Banks Colony	849 min 850 min	Dr. Hira Lal Dhar and other R/o Rawal Pora	Land	2-01-210 (1055.71 m ² or 0.1 ha),	Retired Doctor	3.5 lacs	Nil	5	Owner
2	Afandi Bagh, Rawalpura Near ChanaPora Bridge	437 min	Mohd Akram Afandi S/o	Land	1-4-106 (616.36 m ² or 0.06 ha),	Business	3.2 lacs	Nil	7	Owner
3	Alamdard Colony	1298 min	Abdul Samad Mohammad Shaban Ghulam Mohammad (Sons) and Msr Noori (Daughter) Ama Dar R/o Rawal pora	Land	2-0-0 (1010.78 m ² or 0.1 ha)	Business	3.3 Lacs	Nil	10	Owner

APPENDIX 2: SUMMARY OF THE PUBLIC CONSULTATIONS

Name of the Sub-Project: Construction of storm water drains in the adjoining areas of NH Bypass (Rawalpora- Chanapora Package)

Discussions and Deliberations

1. The project should be implemented at earliest possible so that it is useful to the people
2. The design should be as such adopted that it does not take much time in completion and during the execution of the work least inconvenience suffered by the residents. .
3. The quality of the work and material should not be compromised at any cost.
4. The work should be allotted only that contractor who has experience and resources in doing such kind of work
5. The land near the residential areas should not be acquired for pumping stations.
6. The land should be provided in lieu of the compensation for the land if possible.

APPENDIX 3: PUBLIC INFORMATION BROCHURE

Public Information Brochure

for

Construction of Storm Water Drains In The Adjoining Areas Of NH Bypass (Rawalpota Chowk- Chanapora Bridge) In Srinagar City.



Jammu & Kashmir Urban Sector Development Investment Programme (JKUSDIP)



J&K Economic Reconstruction Agency

Q 1 What is ERA?

J&K Economic Reconstruction Agency (ERA) is a Special Purpose Vehicle (SPV) for implementation of externally aided projects in the state of Jammu & Kashmir. It is a society registered under Societies Registration Act (1941) and came into being on 28a December 2004.

Q 2 What is main objective of ERA?

The main objective of J&K ERA is to plan, design and execute externally aided projects on behalf of the Govt. of Jammu & Kashmir aimed at socio economic development of the state.

Q 3 What is JKUSDIP?

It is an abbreviation for 'Jammu and Kashmir Urban Sector Development Investment Program', financed by the Asian Development Bank (ADB) through Multi-Tranche Financing Facility (MTFF). The primary objective of JKUSDIP is expansion of basic urban infrastructure services such as water supply, sewerage, sanitation, drainage, solid waste management and urban transport in the capital cities of Jammu and Srinagar and some other important urban centers/towns of the state. The program also aims at strengthening of service delivery capacity of line departments/institutions of the state associated with urban development through management, reform, capacity building and training.

Q 4 What is Construction of Storm water Drains in the adjoining areas of NH Bypass about?

The subproject is proposed under Tranche II of JKUSDIP. J&K Economic Reconstruction Agency has been assigned to take up drainage improvement works in the adjoining areas of National Highway Bypass. The ERA has already taken up drainage work of NH bypass in Multi-sector Project for Infrastructure Rehabilitation in Jammu and Kashmir (MIPRJK) Loan 2151 funded by Asian Development Bank but as certain works which could not be included in loan 2151 are now proposed under Tranche 3 of JKUSDIP. The works proposed are as follows:

- Construction of Drainage scheme in subzone "Rawalpota Chowk to Chanapora Bridge".

The objectives of the sub-project are:

- ✓ Reduction of water logging and flooding in sub-project area.
- ✓ Establishment of an efficient drainage system.
- ✓ Improvement of local environment to reduce health risks to the inhabitants in the project area.

Q 5. What are the major Components of subproject:

The sub project aims to address the problem of water logging and flooding and thereby improving local environment of subproject areas by establishing the efficient drainage system through construction of storm water collection, transportation and disposal system (trunk, main, sub main and pumping stations).

The proposed sub project includes construction of approximately

- ✓ 1.077 Kms of trunk drain
- ✓ 7.412 Kms of main drain
- ✓ 28.041Kms of sub main drains
- ✓ Construction of three new pumping stations

Q 6. What is the main objective of the Resettlement Plan?

The main objective of resettlement plan is to ensure that people affected due to subproject implementation would be at least as well-off, if not better-off, than they would have been in the absence of the project.

Q 7. Has any effort been taken to minimize resettlement impacts:

Adequate measures have been taken during the project preparation to minimize the adverse impacts on land acquisition and resettlement impacts. Within the available options, best engineering solutions have been adopted to avoid large scale land acquisition and resettlement impacts.

The key efforts undertaken to minimize impacts are enumerated below:

Before the preparation of Engineering Design, a detailed survey of the properties was conducted with regard to their ownership with the objective that minimum proprietary land is utilized for the project. The survey of availability of the government land was conducted before identification of the sites for the construction of the pumping station.

Q 8. What if any land and structure is affected?

The compensation for the loss of residential and commercial land and structure will be paid at replacement value.

Q 9. How compensation rates will be determined and when payments will be made?

For affected land and structure, compensation shall be in the form of replacement cost which will be arrived at through private negotiations with title holders or by recourse to compulsory land acquisition in the event private negotiations fail. The cost of the structures will be calculated on the basis of latest schedule of rates in vogue with state PWD with an option to the owners /titleholders to dismantle the structure on their own and take the salvaged material. The payment of compensation will be made by Collector Land Acquisition ERA.

Q 10. What does the Private Negotiation imply?

The Private Negotiation is the medium for acquisition of land and structure/ rehabilitation of the persons affected by the project. For this project the Government of Jammu and Kashmir has constituted Divisional Level Committee (DLC) for Jammu and Kashmir divisions vide Govt order no: 605 of 2011 dated 25-05-2011 issued by the General Administration Department. The Composition of DLC for Kashmir division is as follows:-

Divisional Commissioner, Kashmir	Chairman
Chief Conservator of Forests Kashmir	Member
IG Traffic J&K	Member
Deputy Commissioner, Srinagar	Member
Vice Chairman SDA	Member
Commissioner, Srinagar Municipal Corporation,	Member
Chief Engineer PHE Kashmir	Member
Chief Engineer EM&RC Kashmir	Member
Chief Engineer UIED Kashmir	Member
Chief Engineer PW(R&B) Kashmir	Member
Director Central J&K ERA	Member Secretary

Q 11. What if left over land is not viable for any use to me?

If left over land is not viable for any use to land owner and he/ she wishes that same should also be acquired, ERA will acquire it on the same cost which has been arrived through Private negotiations/ compulsory acquisition.

Q 12. What if there is loss of temporary access to the properties?

During the course of the execution of subproject if the access to the properties is temporarily disrupted, proper measures like provision of the walk ways on edge of the road will be provided so that people could reach their properties and where possible alternatives routes will be developed so that the access to the houses is not cut off. The contractor will prepare Management Plan to address such issues and include same in the construction schedule.

Q 13. What in case of the impact on common property resources?

Affected community/ institution responsible for management of such property will be paid cash compensation at replacement value, or Reconstruction of community structure in consultation with community concerned.

Q 14. Do the Displaced Persons (DPs) need to clear the affected area immediately once land, houses, or structures have been identified as Affected?

Clearing of the project area will take place only after compensation for land under acquisition and other assets coming in the alignment is negotiated/awarded in the DICs or through compulsory acquisition proceedings.

Q 15. Is there any Grievance Redressal mechanism for any grievances?

In case the affected person has any complaint or grievance, the DPs are free to lodge his/her complaint with the Director Central or Project Manager JKUSDIP, ERA who will make efforts to resolve the complaint. In case the DPs are not satisfied with the decision they can take the matter to Grievance Redress Committee (GRC). The composition of GRC is as follows:

1. Deputy Commissioner, Srinagar
2. Land Collector, J&K ERA
3. Social and Resettlement Expert, J&K ERA
4. Deputy Project Manager, ERA (I/C sub-project)
5. PRC, J&K ERA
6. Local Bepgar Mandal / Welfare committee as representatives of APs




Whom to contact in ERA in case of any query or suggestions?


Contact Information

1. Director Central/Safeguards
2nd Floor Hotel Tramboo Continental
Boulevard Dalgate Srinagar
Ph: 0194-2105023, 0194-2105025
Fax: 0194-2500679
Email: contact@jkeram.org
2. Project Manager
JKUSDIP Kashmir
2nd Floor Hotel Tramboo Continental
Boulevard Dalgate Srinagar
Ph: 0194-2105023, 0194-2105025
Fax: 0194-2500679
Email: contact@jkeram.org
3. **On Land Acquisition Issues contact:**
Collector Land Acquisition (Kashmir)
Ground Floor Hotel Tramboo Continental
Boulevard Dalgate Srinagar
Ph: 0194-2105023, 0194-2105025
Fax: 0194-2500679
Email: contact@jkeram.org



APPENDIX 4: GRIEVANCE REDRESSAL COMMITTEE ORDER


**Jammu & Kashmir
Economic Reconstruction Agency
13 C/C Gandhi Nagar, Jammu**



Office Order No: JKERA 25 of 2008
Date: 29-1-09

Order

Sub: Constitution of Grievance Redressal Committee (GRC) for Social and Resettlement issues under ADB financed Projects.

1. Whereas it has been decided to constitute a Grievance Redressal Committee (GRC) for Multi-Sector Project for Infrastructure Rehabilitation (Loan-2151-IND) and Jammu and Kashmir Urban Sector Development and Investment Programme (Loan-2331-IND) in each district of Jammu and Kashmir for timely and satisfactory completion of the land Acquisition and other requirements of the Resettlement Plans (RP) to facilitate satisfactory implementation of the ADB funded projects.
2. Now therefore a Grievance Redressal Committee is hereby constituted as under:

1. Deputy Commissioner	: Chairman
2. Land Collector J&K ERA	: Member
3. Social and Resettlement Expert J&K ERA	: Member-Secretary
4. Local Beopar Mandal/Welfare Committee as representative of affected persons	: Member
5. PRO J&K ERA	: Member
6. Deputy Project Manager ERA (I/C subproject)	: Member
3. The main objective behind formation of the committee is to provide a mechanism to mediate conflict and cut down lengthy litigation, which often delays infrastructure projects. The committee will provide a forum where affected people can raise objections and through conflict resolution, the issues shall be adequately addressed.
4. Decision of the GRC (Grievance Redressal Committee) shall be conveyed by the Member-Secretary to Director Jammu/Kashmir ERA for suitable follow up action under rules.
5. The Terms of Reference for the GRC (Grievance Redressal Committee) will be as follows:
 - (a) Functions:-
 - (i) To provide support for the APs on problems arising out of LA/ property acquisition;
 - (ii) To record the grievances of the APs, categorize and prioritize the grievances that needs to be resolved by the Committee and solve them within a 4 weeks;
 - (iii) To inform PMU of serious cases within an appropriate time frame; and
 - (iv) To report to the aggrieved parties about the development regarding their grievance and decision of PMU.

(b) Operational Mechanisms of GRC

GRC will meet regularly (at least once a month) on a pre-fixed date. The committee will look into the grievances of the people and will assign the responsibilities to implement the decisions of the committee. The claims will be reviewed and resolved within four weeks from the date of submission of application to the committee. The Quorum for GRC meetings will be minimum of three (3).

The mechanism will be based on existing laws and the compensation will be based upon the Entitlement Matrix (as mentioned in the Report & Recommendation of President ADB to ADB Board)

The various queries, complaints and problems that may be generated among the APs and that might require mitigation, include interalia the following:-

- APs not enlisted;
 - Losses not identified correctly;
 - Compensation/assistance inadequate or not as per entitlement matrix;
 - Dispute about ownership;
 - Delay in disbursement of compensation/ assistance in case of joint ownership.
- (This is only illustrative and not exhaustive)

Through public consultations and disclosures, the APs will be informed that they have a right to grievance redressal.

6. The Director Jammu/Kashmir J&K ERA, who shall be responsible for preparing monthly reports on the progress and implementation of RP(Resettlements Plans) shall be kept informed about the Grievances and decisions of the committee.

Sd/-
(Pankaj Jain) IAS
Chief Executive Officer, ERA

APPENDIX 5:

Applicable legal / policy framework and comparison of Borrower's policy and ADB' SPS

A summary of applicable acts and policies is presented in the following sections.

1. State Land Acquisition Act 1990 (1934 AD)

The Land Acquisition Act (LAA) 1894, as amended in 1984 which is in force in rest of India is not applicable to the State of Jammu and Kashmir. The State Land Acquisition Act 1990 (1934 AD) is in force in state of Jammu and Kashmir. The Act provides the legal framework for land acquisition for a public purpose in J&K. It enables the State Government to acquire private lands for a public purpose, and seeks to ensure that no person is deprived of land except under the Act. The general process for land acquisition under L.A Act is:

- (i) As per the rules of the State Land Acquisition Act 1990(1934 AD) land for the public purpose could be acquired through two processes:
 - a. Private Negotiation
 - b. Compulsory Land Acquisition under the provisions of the Land Acquisition Act.
- (ii) Steps that are to be followed under Jammu and Kashmir State Land Acquisition Act. 1990 (1934AD) are as follows:

Placing of Indent by Indenting Department. The department entrusted with execution and supervision of the work shall prepare information as to the situation and general character of the land acquired, after the information has been compiled same is send to Collector concerned with the request to acquire the land.

Preparation of the Revenue Documents (Shajra & Khasra¹²) – Once the collector receives the indent from the concerned department; the Revenue Documents (Shajra & Khasra) are prepared to know the ownership status and quantum of land to be acquired.

Issuance of Land Acquisition Notification: Once the revenue documents are prepared, the collector issues notification under section 4 (i) that land is required for the public purposes and inviting of objection from the land owners within fifteen days of issuance of notification.

Conducting of the Private Negotiation: After the lapse of fifteen days, concerned Deputy Commissioner is requested by the Collector to call the meeting of the Private Negotiation Committee of which concerned DC is the Chairman. Other members are i) Collector Land Acquisition to whom intend is placed ii) Engineer from Intending Department iii) Collector Land Acquisition of the concerned district. iv) District Superintending Engineer v) Concerned Tehsildar vi) Concerned Naib Tehsildar vii) Land owners.

¹² A **shajra** or **Village Map** is a detailed map of the village that is used for legal (land ownership) and administrative purposes in India and Pakistan. A *shajra* maps out the village lands into land parcels and gives each parcel a unique number.

A Khasra or index register to the map. It is the list showing, by number, all the fields and their area, measurement, who owns what cultivators he employs, what crops, what sort of soil, what trees, are on the land.

Before initiating the negotiations, the committee ascertains the maximum price which is offered for land owners if acquired by private negotiation. The District Collector takes following things into consideration

- (i) Directs Tehsildar to communicate the rates.
- (ii) Refers to the Master rates approved by the Divisional Commissioner concerned.
- (iii) Refers to the rate at which the land has been earlier acquired in the nearby area.
- (iv) Utility, Location of the Land.

After taking in to consideration all the above listed facts the appreciated rates are offered and negotiated with the land owners.

The valuation of structures is done by PW (R&B) Dept, for Fruit Trees from horticulture and non fruit trees from Forest or Social Forestry Department.

Compulsory Acquisition: Wherein the private negotiations with the title holders fail, the Deputy Commissioner shall communicate the result of the negotiation to Intending Department who may initiate proceeding for compulsory acquisition of land under the provisions of the Act.

2. Asian Development Bank's (ADB) Safeguard Policy Statement (SPS) 2009

The ADB's Board of Directors has approved the new Safeguard Policy Statement (SPS) governing the environmental and social safeguards of ADB's operations in July 2009 and has become effective from 20 January 2010. The SPS aims to avoid, minimize, or mitigate harmful environmental impacts, social costs, and to help borrowers/clients strengthen their safeguard systems. The SPS builds upon ADB's previous safeguard policies on the environment, involuntary resettlement, and Indigenous Peoples, and brings them into one consolidated policy framework with enhanced consistency and coherence, and that more comprehensively addresses environmental and social impacts and risks. The SPS also provides a platform for participation by affected people and other stakeholders in project design and implementation. The Objectives of the SPS 2009 are as follows:

- (i) To avoid involuntary resettlement wherever possible;
- (ii) To minimize involuntary resettlement by exploring project and design alternatives;
- (iii) To enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and
- (iv) 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 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 Displaced 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 reporting 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 displaced 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 displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project for 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.
- (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.

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

The National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007) was adopted by the Government of India on 31 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 NRRP-2007 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.

Key features of the National Rehabilitation and Resettlement Policy, 2007 are the following:

- (i) Policy covers all cases of involuntary displacement
- (ii) Social Impact Assessment (SIA) introduced for displacement of 400/200 or more families in plain/tribal, hilly, Scheduled Areas, etc;
- (iii) Tribal Development Plan in case of displacement of 200+ ST families;
- (iv) Consultations with Gram Sabha or public hearings made compulsory;
- (v) Principle- of rehabilitation before displacement;
- (vi) If possible, land for land as compensation;
- (vii) Skill development support and preference in project jobs (one person per nuclear family);
- (viii) Rehabilitation Grant in lieu of land/job;
- (ix) Option for shares in companies implementing projects to affected families;
- (x) Housing benefits to all affected families including the landless;
- (xi) Monthly pension to the vulnerable, such as disabled, destitute, orphans, widows, unmarried girls, etc;
- (xii) Monetary benefits linked to the Consumer Price Index; also to be revised suitably at periodic intervals;
- (xiii) Necessary infrastructural facilities and amenities at resettlement areas;
- (xiv) Periphery development by project authorities;
- (xv) R&R Committee for each Project, to be headed by Administrator for R&R;
- (xvi) Ombudsman for grievance redressal; and a
- (xvii) National Rehabilitation Commission.

4. Comparison of Borrower's Policy with ADB's SPS

The NRRP represents a significant milestone in the development of a systematic approach to address resettlement issues in India; J&K LAA (1990) however gives directives for acquisition of land in public interest and provides benefits only to titleholders. **Table 7** below presents a comparison of Government policies (J&K LAA and NRRP) in comparison with the Resettlement Framework which is consistent with ADB's involuntary resettlement policy.

Table: Comparison between the Borrower's and ADB's SPS

S.No	Resettlement Issues	J&K LAA	NRRP	SPS	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
1.	Resettlement must be avoided wherever possible; and if unavoidable it should be minimized	x	√	√	LAA is applicable wherever private land is to be acquired by Government for public purpose NRRP 2007 meets ADB IR Policy requirements	This is addressed in the Resettlement Framework. The location for project components have been identified in such a manner that involuntary resettlement is avoided to the extent possible. These involuntary resettlement impacts shall be further minimized during detailed designs.
2.	Where population displacement is unavoidable, it should be minimized by exploring all viable project options	x	√	√	According to Chapter- II of NRRP 2007, it aims to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives NRRP 2007 meets ADB IR Policy requirements	This is addressed in the Resettlement Framework. The location for project components have been identified in such a manner that involuntary resettlement is avoided to the extent possible. These involuntary resettlement impacts shall be further minimized during detailed designs.
3.	Displaced persons must be compensated to replace their lost assets and to restore/improve their living standards	x	√	√	Replacement value is not clearly identified in LAA. Loss of asset to be compensated to the extent of actual loss NRRP 2007 meets ADB IR Policy requirements	This is addressed in the Entitlement Matrix.
4.	Negotiated Settlements with the DPs	√	x	√	LAA has provision for negotiations with the DPs to arrive the consensus on the rate of land under acquisition through the private negotiation committee and in case of the negotiations fail the land shall be acquired through compulsory provision of the Act. ADB'S SPS also has the provision of the negotiated settlements.	RP prepared has taken into consideration both modes of acquisition.
5.	Displaced persons should be fully involved and consulted in the planning and implementation of resettlement	x	√	√	NRRP 2007 ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the consultation and active participation of the affected families NRRP 2007 meets ADB IR Policy requirements	Consultations have been carried out with affected persons. This will be further consolidated during Resettlement Plan implementation. The plan for information disclosure in the project, including the Resettlement Framework
6.	Compensation for lost assets must be on the basis of	x	√	√	NRRP 2007 assures that the compensation award shall take into account the market value of	This is addressed in the Resettlement Framework. The DPs will be provided

S.No	Resettlement Issues	J&K LAA	NRRP	SPS	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
	replacement cost				the property being acquired NRRP 2007 meets ADB IR Policy requirements	compensation which will be calculated on latest prevailing schedule of rates without depreciation or deductions for salvaged material.
7.	Transaction and transition costs is to be paid by the project authority	x	√	√	NRRP 2007 ensures that the stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne .by the requiring body NRRP 2007 meets ADB IR Policy requirements	This is addressed in the Entitlement Matrix.
8.	An RP should be prepared in every instance where involuntary resettlement occurs	x	√	√	According to the ADB's SPS, Resettlement Plan is required in case of involuntary Resettlement occurs. The project with 200 or more people will fall in the Significant category (Category A) and those with less than 200 will fall in Insignificant category (Category B). According to the NRRP, Resettlement Plan should be prepared when it involves resettlement of more than 500 families (roughly about 2,000 persons) in plain areas and 200 families (roughly about 1,000 people) in hilly areas, Desert Development Program (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.	The Resettlement Framework addresses the involuntary resettlement impacts. The entitlements to the affected persons are outlined in the Entitlement Matrix.
9.	Recognition of untitled persons such as squatters and encroachers	x	√	√	NRRP 2007 fully recognizes the non-titleholder families and ensures R&R benefits. However, the non title holders are supposed to be livening in the affected area not less than three years from the date of declaration of the area as project affected area. According to ADB's Policy, the date of the census survey can be considered as the proof for their eligibility as non titleholders.	This is addressed in the Entitlement Matrix.
10.	Surveys and census required	x	√	√	Chapter- IV and VI of NRRP2007 address the need for surveys and census of the displaced families. NRRP 2007 meets ADB IR Policy requirements	The Survey and census were carried out during the Pre -project phase for preparation of the resettlement plan.
11.	Recognition of vulnerable groups	x	√	√	According to NRRP, the vulnerable groups include,	The Resettlement Framework addresses the

S.No	Resettlement Issues	J&K LAA	NRRP	SPS	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
	including indigenous people and the poor				disabled, destitute, orphans, widows, unmarried girls, abandoned women or persons above fifty years of old. In case of a project involving land acquisition on behalf of a requiring body which involves involuntary displacement of two hundred or more Scheduled Tribes families, a Tribal Development Plan shall be prepared of NRRP 2007) NRRP, 2007 gives preference to STs in land allotment. Additional financial assistance is also defined for them. Their traditional rights to natural resources in the area will be recognized. NRRP 2007 meets ADB IR Policy requirements	involuntary resettlement impacts.
12.	Grievance Redress Procedure	x	√	√	Project involving involuntary resettlement needs to have Grievance redress mechanisms for displaced people NPRR requires a Grievance Redress Cell to be set up under a Commissioner for R& R. NRRP 2007 meets ADB's SPS requirements	The Grievance Redress procedure has been outlined in the RF and all the RP's.
13.	Common property resources should be replaced.	x	√	√	NRRP 2007 meets ADB's SPS requirements	The Resettlement Framework addresses the involuntary resettlement impacts.

APPENDIX 6: DIVISIONAL LEVEL COMMITTEE ORDER

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0191 - 2349702 (7)



**GOVERNMENT OF JAMMU AND KASHMIR
GENERAL ADMINISTRATION DEPARTMENT
(Administration Section)
Civil Secretariat, Srinagar**

Subject: Constitution of Divisional Level Committee(s) for implementation of the Rehabilitation Plan (RP) for sub projects being executed by Jammu and Kashmir Economic Re-construction Agency (ERA) under loan-II viz Urban Sector Development Programme (JKUSDIP).

Reference: U.O. No. ERA/CEO/853/Adm dated: 18.04.2011 from Chief Executive Officer, Economic Reconstruction Agency.

Government Order No: 605-GAD OF 2011
D a t e d: 25.05.2011

With a view to fast-track the implementation of Rehabilitation Plan (RP) for sub-projects being executed / proposed to be executed by the J&K Economic Reconstruction Agency (ERA) under Loan-II viz J&K Urban Sector Development Investment Programme (JKUSDIP), sanction is hereby accorded to the constitution of Divisional Level Committees for J&K Economic Reconstruction Agency, with the following composition:-

1.	Divisional Commissioner, Jammu/Kashmir	Chairman
2.	Chief Conservator of Forests, Jammu/Kashmir	Member
3.	IG Traffic, J&K	Member
4.	Deputy Commissioner, Jammu/Srinagar	Member
5.	Vice Chairman, JDA/SDA	Member
6.	Commissioner, Municipal Corporation, Jammu/Srinagar	Member
7.	Chief Engineer, PHE, Jammu/Kashmir	Member
8.	Chief Engineer, EM&RE Jammu/Kashmir	Member
9.	Chief Engineer, UEED, Jammu/Kashmir	Member
10.	Chief Engineer, PW(R&B), Jammu/Kashmir	Member
11.	Director Central, J&K ERA.	Member-Secretary

By Order of the Government of Jammu & Kashmir.

Sd/-
(Mohammad Sayeed Khan) IAS
Commissioner Secretary to Government,
General Administration Department

No.: GAD(Ser) 215/2008

Dated: 25.05.2011

Copy to the:

1. Principal Secretary to Hon'ble Chief Minister/Chief Executive Officer, J&K Economic Reconstruction Agency. His U.O. file is also returned herewith.
2. Divisional Commissioner, Jammu/Srinagar.
3. Chief Conservator of Forests, Jammu/Srinagar.
4. IG Traffic, J&K.
5. Deputy Commissioner, Jammu/Srinagar.
6. Vice Chairman, JDA/SDA.
7. Commissioner Municipal Corporation Jammu/Srinagar.
8. Chief Engineer, PHE Jammu/Kashmir.
9. Chief Engineer, EM&RE Jammu/Kashmir.
10. Chief Engineer, UEED, Jammu/Kashmir.
11. Chief Engineer, PW(R&B), Jammu/Kashmir.
12. Director Central ERA, Jammu/Kashmir.
13. Principal Private Secretary to Chief Secretary.
14. Private Secretary to Commissioner/Secretary to Govt. General Administration Department.
15. Government Order file/Stock file/GAD Website:-

(Rajesh Sharma) 25.05.11
Deputy Secretary to Government,
General Administration Department

APPENDIX 7: SEMI-ANNUAL MONITORING REPORT FORMAT FOR INVOLUNTARY RESETTLEMENT

Subproject:
Monitoring Period:

Table 1: RP Implementation Checklist

Activity	Completed Y/N	Remarks
RP Preparation		
Final RP approved by ADB prior to contract award		
Disclosure of the final RP on the ADB and EA's website. Circulating copies of RPs to all stakeholders including DPs, translating Resettlement information booklet in local language		
RP implementation		
Grievance Redress Mechanism established and public informed		
Public Information Booklet circulated		
Finalization of inventory		
Finalization of current market rates for all types of assets as per method in RP		
Finalization of compensation rates as per method in RP		
If negotiated settlement, hiring of independent external party to document the negotiation and settlement processes		
DPs informed of losses and entitlements - Summary Compensation Form prepared and distributed to each DP		
Payment of compensation, allowances, and other assistance (# of DPs)		
Completion of resettlement sites		
Public information on resettlement sites and transfer schedule		
Relocation of shopkeepers		
Transfer of all land for civil works		
Ongoing consultation with DPs		
Income rehabilitation assistance		
Grievance Redress		
a. No. of complaints received		
b. No. of Complaints addressed		
c. Outstanding complaints		
RP Monitoring and Evaluation		
External monitoring agency contracted		

NOTE: Where applicable, the information provided in the table should be supported by detailed explanatory report including list of DPs, receipts of payments, and other documents as necessary

Table 2: Summary Table of Resettlement Progress per DP

S No.	Name of DP	Type of Loss (land, structure, livelihood, crops, etc)	ENTITLEMENTS*					Vulnerable	Evidence **
			Cash	Land for land	Replacement Shop	Allowance	Assistance		
1.									
2									

* As per the Entitlement Matrix.

** Lease deeds, allotment letters, photographs, copy of cheques and payment receipts, land ownership records, etc.

ANNEXURES

1. Entitlement Forms for each DP
2. Evidence to demonstrate compliance of RP implementation (lease agreement, allotment letters, photographs, copy of cheques and payment receipts, land ownership records, etc.)



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