

Government of Uttarakhand

Uttarakhand Disaster Preparedness and Resilience Project (U-PREPARE) The World Bank Assisted

Resettlement Policy Framework

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List of Abbreviations

CAs	Community Assets
CBDRM	Community-based Disaster Risk Management
DPR	Detailed Project Report
EMP	Environmental Management Plan
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
NGOs	Non-government organizations
PAF	Project Affected Family
PAP	Project Affected Person
PDO	Project Development Objective
PIUs	Project Implementation Units
PMU	Project Management Unit
PWD	Public Works Department
RAP	Resettlement Action Plan
RFCTLARR Act	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement <i>Act</i>
RPF	Resettlement Policy Framework
RWD	Rural Works Department
SDRF	State Disaster Response Fund
SEOC	State Emergency Operations Center
SIA	Social Impact Assessment
ULMMC	Uttarakhand Landslide Mitigation and Management Center
U-PREPARE	Uttarakhand Disaster Preparedness and Resilience Project
USDMA	Uttarakhand State Disaster Management Authority

Executive Summary

0.0 Project Context and Description

The state of Uttarakhand experiences a range of natural hazards for last few decades such as flash floods, floods, landslides, earthquakes, forest fires and cloudburst incidences. During the last decades, the incidents of weather-related hazards and their impact have increased considerably in the state which are mainly attributed to the climate change in addition to other anthropogenic activities in the state. The Government of Uttarakhand through the Uttarakhand Disaster Preparedness and Resilience Project (U-PREPARE) is aiming towards improving disaster & climate resilience of public infrastructure, bridges; strengthening early warning, emergency services, and community response systems; and enhancing forest fire control and sustainable forest management. The project development objective is to enhance the climate and disaster resilience of targeted critical public infrastructure in Uttarakhand and strengthen the emergency preparedness and response capacity in the State.

0.1 Potential Adverse Impact

The social assessment indicates that following potential land and livelihood related risks and impacts may arise from the activities undertaken by the project: (a) Limited loss of land (agricultural/ homestead/ commercial/ community land, etc.) of titleholders; (b) Limited loss of structures (residential/ commercial/ residential cum commercial) of titleholders and non-titleholders; (c) Loss/ impacts on village grazing land, community land and properties; (d) Disproportionate impacts on vulnerable groups including women, indigenous people/trans-nomads, below the poverty line (BPL) families and persons with disabilities (PwDs); (e) Disruption of livelihoods, including the loss of tenancy and loss of employment opportunities; (f) Loss of trees and crops; and (g) Construction related impacts on communities, structures, livelihoods, crops, trees, etc.

0.2 Applicable Legal and Regulatory Framework

The World Bank's Environmental and Social Framework (ESF) along with the Environmental and Social Standards (ESS) and Environment and Social Policy & Directives are applicable to the Uttarakhand Disaster Preparedness and Resilience Project (U-PREPARE). The provisions under the Resettlement Policy Framework (RPF) have been drafted in accordance with the applicable statutory provisions of Government of India and Government of Uttarakhand. The key social laws and policies at the National and State levels on land acquisition, resettlement and rehabilitation, scheduled tribes, gender and grievance redressal have been covered in the RPF.

0.3 Resettlement Policy Framework (RPF)

The RPF lays down the principles and procedures for management of social impacts caused by the project and guide the social impact assessment and preparation of Resettlement Action Plans. It brings together and built upon the current good practices in terms of procedures to address more systematic and institutional issues; and establish institutional arrangements at project and state for the implementation of RAP. This Framework shall apply to all sub-projects under U-PREPARE, including all associated facilities, whether partly or fully funded by World Bank during the entire period of loan assistance. Persons affected by land acquisition, purchase, and relocation and/or rehabilitation of assets are entitled to a combination of compensation measures and resettlement assistance, depending on the nature and extent of loss and impact, to enable them to return to their pre-displacement levels.

0.4 Entitlement Matrix

This Entitlement Matrix is developed giving various entitlements for all categories of PAFs/ PAPs, based on RFCTLARR Act 2013 including the World Bank ESF requirements. This matrix can be used as a guide for preparing RAPs for sub-projects. All the families will be entitled to two broad categories of assistance; 1) Compensation for land loss; and 2) Resettlement and Rehabilitation assistance for starting some income generation activity as decided by the PAF/ PAP.¹ All the Resettlement and Rehabilitation assistance and allowances prescribed in the matrix are based on the 2012-13 rates. These will be enhanced at the compounded rate of 12% per annum till the date of actual payment.

0.5 Institutional Arrangements

The Project Management Unit (PMU) established in the Uttarakhand State Disaster Management Authority (USDMA) will oversee the coordination and monitoring of the land acquisition, resettlement, and rehabilitation activities at the project level. The PMU will closely monitor social screening and assessment of sub-projects on any land acquisition and resettlement impacts in the affected area and preparation and implementation of the site-specific RAPs in line with the RPF and national/state laws. The environmental and social experts in the Project Implementation Units (PIUs) will address all aspects relating to resettlement and land acquisitions in close consultation and collaboration with the PMU. They will liaison with the Revenue Department, District Administration and any other relevant Departments during the land acquisition, land purchase and R&R process. In case of land acquisition, the social impact assessment (SIA) will be undertaken by the SIA Units empanelled by the state government, which will carry out the SIA in accordance with the RFCTLARR Act 2013. Land acquisition, and payment of compensation will be done by the Deputy Commissioner of the concerned district. The R&R assistance will be paid by the concerned Deputy Commissioner. Concerned departments responsible for providing estimates for valuation of the structures, assets, trees, crops, and related resources are Agriculture Department, Horticulture Department, Sericulture Department, Forest Department, etc. Non-government organizations (NGOs) experienced in resettlement, rehabilitation and livelihoods restoration may be engaged to provide support in implementing RAPs and in undertaking consultations and information dissemination.

0.6 Monitoring and Evaluation

The USDMA will make arrangements for monitoring implementation and will provide periodic monitoring reports to the World Bank regarding the status of land acquisition and implementation of the site-specific RAPs. The monitoring will be internal as well as external. Internal monitoring will be at site level and will be responsibility of concerned PIU with collaboration and consultation with the PMU. For sub-projects with significant impacts, an external agency will be engaged to monitor implementation progress and provide advice on any necessary corrective actions and will conduct an implementation review when all mitigation measures in the RAPs are substantially complete. The implementation review evaluates the effectiveness of mitigation measures in achieving RAP and ESS5 objectives and recommends corrective measures to meet objectives not yet achieved.

0.7 Stakeholder Engagement and Disclosur

Stakeholder consultations are an important component of the project throughout the project cycle. Consultations with various stakeholders will be carried out throughout the project cycle, i.e., preparation, implementation, and post implementation by the PMU and the PIUs, in accordance with the Project's Stakeholder Engagement Plan (SEP). During the site-specific RAP preparation, PMU and PIUs will consult with PAPs regarding the sub-project, its likely impacts, and proposed resettlement measures. The site-specific RAP will summarize results of measures taken to conduct the meetings and outcome of the discussions held with displaced persons (dates, locations, number of participants), including comments, questions, and concerns expressed by project affected persons during these

¹ The livelihood assistance in the matrix is rather indicative (as they are average figures), whereas, the actual assistance will relate to, at the minimum restoring, if not enhancing the pre-impact income levels.

meetings, as well as responses provided to them. The UMSDA and PIUs will disclose the draft site-specific RAPs to the displaced persons (and the public) in local language in public places and its website— after Bank review and solicits comments from displaced persons regarding the proposed plan. Disclosure of the final RAPs in the UMSDA and PIU website occurs following consideration of comments received and following Bank acceptance.

0.8 Grievance Redressal Mechanism

To ensure that project affected persons can raise complaints regarding the land acquisition process, calculation or payment of compensation, provision of assistance, or other relevant matters, the project has established an accessible and responsive grievance mechanism at three levels- Site-specific, PIU and PMU. If the grievance is registered online www.ukdisasterrecovery.in or through the Helpline no. 8272020703, the complainant receives an SMS in the registered mobile number with automated registration ID number to track the progress of the complaint. If grievance is not resolved at site within 14 days (depending on the nature of the grievance) the grievance is forwarded to PIU office (5 days). After 5 days when no resolution is made at PIU level, the grievance is forwarded to PMU level which need to be resolved within 3 days. The PAPs may also make an application before the District Collector or approach the courts.

0.9 Budget

The estimated resettlement budget is **INR 4.00 Crore (approx. USD 4,97,760)**, which covers compensation for land, structure, other assets & resettlement and rehabilitation assistances, institutional cost, awareness programme and training, etc. Estimated budget shall be updated according to Consumer Price Index (CPI) bi-annual.

Resettlement Policy Framework

1.0 Background

The Uttarakhand Disaster Preparedness and Resilience Project (U-PREPARE), to be supported by The World Bank seeks to enhance the resilience of critical public infrastructure in Uttarakhand and strengthen the preparedness and emergency response capacity in the State. At its core, the Project will support a systems approach to resilience and the institutionalization of proactive disaster and climate risk management in the State. This will include mainstreaming disaster and climate risk management in road infrastructure planning and investments to enable these lifelines to cope with and provide uninterrupted services during and after disasters of a specific magnitude. The project focuses on building capacity and strengthening systems to ensure long-term sustainability of the project investments.

1.1 Project Development Objective (PDO)

The Project Development Objective is to **enhance the climate and disaster resilience of critical public infrastructure and strengthen disaster risk management capacity in Uttarakhand**

1.1.1 Project Components

Component 1 – Enhancing Infrastructure Resilience (US\$55.2 million IBRD + US\$13.8 million Counterpart Financing [CF] million)

1. The objective of this component is to develop climate and disaster-resilient priority infrastructure and integrate resilience into infrastructure planning.

(a) Enhancing the resilience of transport connectivity (US\$41.6 million IBRD + US\$10.4 million CF) through (i) improving the condition, safety, and resilience of selected bridges, which are prone to floods; (ii) reducing the risks of landslides to enhance population safety, including scaling up bioengineering solutions; (iii) supporting the new Uttarakhand Landslide Mitigation and Management Centre (ULMMC) achieve its vision of becoming a center of excellence for landslide risk management, including through capacity building, preparing an institutional development plan and promoting the application of technology and innovation; and (iv) strengthening the capacity of the Public Works Department (PWD) in resilient design and construction by integrating disaster and climate risk management approaches into existing systems and improving maintenance of transport infrastructure for climate resilience.

(b) Providing disaster shelter (US\$8 million IBRD + US\$2 million CF) through (i) conducting a State-wide shelter needs and development assessment; (ii) constructing pilot multi-purpose disaster shelters in disaster-prone areas along major routes with resilient, inclusive, and energy-efficient designs; and (iii) establishing institutions and procedures for shelter management including the use and maintenance of the shelters during non-emergency situations.

Component 2 – Improving Emergency Preparedness and Response (US\$45.6 million IBRD + US\$11.4 million CF)

2. The objective of this component is to improve the capabilities of government entities and first responders to predict, prepare for, and respond to disasters.

(a) Strengthening emergency preparedness (US\$6.4 million IBRD + US\$1.6 million CF) through (i) establishing a State Emergency Operations Center (SEOC) with a Centralized Incident Command System to enhance coordination; (ii) reviewing and strengthening the State's multi-agency

institutional emergency and response frameworks and standard operating procedures; and (iii) implementing community DRM activities.

(b) Strengthening hydromet and early warning systems (EWS) (US\$34.4 million IBRD + US\$8.6 million CF) through (i) improving impact forecasting for weather, climate, and hydrological hazards; (ii) establishing an end-to-end multi-hazard EWS to provide timely warnings directly to the vulnerable population, using multi-channel and multi-technology dissemination systems; (iii) developing fit-for-purpose hydromet tools and services for stakeholders in key sectors; and (iv) training and capacity building for DRM officials at State and local levels and communities.

(c) Strengthening the State Disaster Response Force (US\$4.8 million IBRD + US\$1.2 million CF) through (i) constructing SDRF outdoor search and rescue training facilities; (ii) providing search and rescue and communications equipment; and (iii) providing training on equipment storage, maintenance, and repair.

Component 3 – Preventing and Managing Forest and General Fires² (US\$43.2 million IBRD + US\$10.8 million CF)

3. The objective of this component is to enhance the capacity of the government and communities to prevent and manage forest and other fires.

(a) Improving general fire management capacity (US\$33.6 million IBRD + US\$8.4 million CF) through (i) conducting a fire risk assessment in the context of climate change, and a gap analysis to prioritize resources and interventions; (ii) developing a state-level fire management strategy and action plan that defines the roles and responsibilities of different stakeholders, establishes coordination mechanisms, sets targets, and allocates budgets for fire management activities; (iii) strengthening UFES' capacity for firefighting, application of innovative technologies (for example, drones and remote sensing), building inspections, enforcement of fire safety acts, rules, and norms, and occupational health and safety management; (iv) constructing and upgrading fire stations to improve response time and effectiveness, applying gender, resilience, and environment, health, and safety design considerations; (v) constructing a fire management training facility; and (vi) implementing community-based activities on fire safety, including raising public awareness raising and promoting self-compliance and transparency in the fulfillment of fire safety norms.

(b) Improving forest fire prevention and management capacity (US\$9.6 million IBRD + US\$2.4 million CF) through (i) strengthening the FD's prediction, mapping, and early detection capacity, focusing on new technologies, such as remote sensing techniques, mobile applications, artificial intelligence, and drones, and taking into account shifts in fire risks due to climate change; (ii) assessing policies, processes, planning, and inter-agency forest fire coordination mechanisms, including creating an incident command system for forest fire management; (iii) strengthening the FD's forest fire suppression capacity by purchasing equipment, constructing and upgrading stations, and providing capacity building for officials and communities; (iv) establishing an incentive-based community program for forest fire risk management that will be guided by sustainable forest management principles, reduces fuel load, restores degraded lands, and enhances soil moisture levels; and (v) preparing a carbon-finance mechanism based on reduced emissions from the above-mentioned activities as a sustainable funding mechanism for community forest fire risk management activities.

Component 4 – Project Management (US\$16 million IBRD + US\$4 million CF)

4. The objective of this component is to support project management and knowledge sharing.

(a) Carrying carry out the day-to-day coordination through (i) supporting financial management (FM), procurement, environmental and social management, communication, monitoring and evaluation (M&E), and stakeholder engagement, including community outreach; and (ii) enhancing the State's ongoing efforts on open data management.

² General fires refer to instances of commercial, residential, or industrial fires which fall under the legislated accountabilities of UFES.

(b) Supporting the establishment of a Lighthouse Uttarakhand platform through (i) disseminating lessons learned and good practices in Uttarakhand to other States in India, and (ii) supporting the exchange of knowledge and strengthening the capacity of institutions in India through partnerships.

^[1] General fires refer to instances of commercial, residential, or industrial fires which fall under the legislated accountabilities of UFES.

2.0 Key Social Issues and likely Adverse Impacts dur to project activities

The social assessment indicates that following potential land and livelihood related risks and impacts may arise from the activities undertaken by the project:

- Limited loss of land (agricultural/ homestead/ commercial/ community land, etc.) of titleholders.
- Limited loss of structures (residential/ commercial/ residential cum commercial) of titleholders and non-titleholders.
- Loss/ impacts on village grazing land, community land and properties.
- Disproportionate impacts on vulnerable groups including women, indigenous people/trans-nomads, below the poverty line (BPL) families and persons with disabilities (PwDs).
- Disruption of livelihoods, including the loss of tenancy and loss of employment opportunities
- Loss of trees and crops
- Construction related impacts on communities, structures, livelihoods, crops, trees, etc.

2.1 Land Requirement for the project

The land requirement for the project is given below:

1. Out of the 26 proposed bridges, 5 bridges require private land and quantum of land required will be known once the Detailed Project Report (DPR) surveys are completed.
2. For the proposed 20 new forest fire stations, 6.259 Ha of land is required, i.e., belonging to various categories such as Forest, Reserve Forest, Van Pachayat, Civil Forest, Van Panchayat Civil, etc. No private land will be acquired.
3. All the fire stations/ Fire Units (22 nos.) to be constructed have adequate land for expansion/ augmentation. No additional land will be needed.
4. For all the SDRF training centres/sub-units (16 nos.), adequate government land is available.
5. Other structures—all-purpose shelters (12 nos.), and a training centre for UFES, have sufficient available land for retrofitting, upgradation and construction activities.

3.0 Applicable Legal and Regulatory Framework

A review of the legal and regulatory framework in terms of their relevance and applicability to the project is presented in this section. Table 1 lists all the applicable Government of India and Government of Uttarakhand regulations and their relevance to this project.

Table 1: Applicable Legal and Regulatory Framework

S. No.	Act / Rules	Key provisions and purpose	Applicability to Project
1	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARRA, 2013)	The Act provides for a transparent process and fair compensation in land acquisition for public purpose and provides for rehabilitation and resettlement of land owners and those affected by land acquisition. It comprises four schedules that provide the minimum applicable norms for compensation based on market value, multiplier and solatium; resettlement and rehabilitation (R&R) entitlements to land owners and livelihood losers; and facilities at resettlement sites for displaced persons, besides providing flexibility to states and implementing agencies to	Applicable for activities where land is required to be taken on involuntary basis i.e., if land is not taken on direct purchase from the owner.

		provide higher norms for compensation and R&R.	
2	The Uttarakhand Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Social Impact Assessment and Consent) Rules, 2015 (UK RFCTLARR, 2015)	The Rules provide a framework for conducting Social Impact Assessment of the project for which land acquisition is proposed and preparation of a Resettlement Action Plan/ R&R scheme.	Applicable for activities where land is required to be taken on involuntary basis i.e., if land is not taken on direct purchase from the owner
3	The Right to Information Act, 2005	The Act provides for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.	Applicable to the project as a whole.
4	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	This law provides for recognition of forest rights to Scheduled Tribes in occupation of the forest land prior to 13 December 2005 and to other traditional forest dwellers who are in occupation of the forest land for at least 3 generations i.e. 75 years, up to maximum of 4 hectares. These rights are heritable but not alienable or transferable.	Applicable, if sub-projects are chosen in such tribal dominated areas.
5	The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996	One of the important provisions of this act states "the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before resettling or rehabilitating persons affected by such projects in the Scheduled Areas.	Applicable to "Scheduled Areas" if any

3.1 World Bank ESF Policy, Directives and Standards – Extent of Relevance

Section below discusses the relevance of ESS 5 and briefly describes a few relevant ESS and Directives that need to be considered in conjunction with ESS 5 for developing this RPF:

Table 2: Relevant WB’s ESF Policy, Directives and Standards

World Bank ESS Policy, Standards and Directives	Objectives	Requirements	Relevance to the sub-project/ project
ESS-1 Assessment and Management of Environmental and Social Risks and Impacts associated with each stage of the project	Identify, assess, evaluate, and manage environment and social risks and impacts in a manner consistent with the ESF. Adopt a mitigation hierarchy approach. Adopt differentiated measures so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable, and they are not disadvantaged in sharing development benefits and opportunities	The types of E&S risk and impacts that should be considered in the environmental and social assessment. The use and strengthening of the Borrower’s environmental and social framework for the assessment, development and implementation of World Bank financed projects which will address the risks and impacts and achieve objectives.	E&S risks and Impacts will be identified based on surveys and consultations with primary stakeholders including communities and implementing agency.
ESS-5 Land-Acquisition-Restrictions-on-Land-Use-	Avoid or minimize involuntary resettlement by exploring project design alternatives and avoid forced displacement. Mitigate unavoidable	Applies to permanent or temporary physical and economic displacement resulting from different types of land acquisition	Land will be required for the project works. Hence impacts on land (both

and-Involuntary-Resettlement	adverse impacts from land acquisition or restrictions on land use by providing compensation at replacement cost. Assist displaced persons in their efforts to improve, or at least restore, livelihoods and living standards to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. Improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure. Conceive and execute resettlement activities as sustainable development programs.	and restrictions on access. Does not apply to voluntary market transactions, except which results in displacement of persons (third parties). Provides criteria for "voluntary" land donations, sale of community land, and parties obtaining income from illegal rentals. Prohibits forced displacement (removal against the will of affected people, without legal and other protection including all applicable procedures and principles in ESS5). Possession of land and assets happens only after payment of compensation and resettlement. Requires community engagement and consultation, disclosure of information and a grievance mechanism.	government and private) and community owned assets including structures, trees and crops is likely. Physical and economic displacement seems to be unlikely.
ESS10 Stakeholder-Engagement-and-Information-Disclosure	Establish a systematic approach to stakeholder engagement that helps borrowers identify stakeholders and maintain a constructive relationship with them. Promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life-cycle and ensure that appropriate project information is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner.	Stakeholders need to be engaged with throughout the project life cycle, commencing such engagement as early as possible in the project development process and in a time frame that enables meaningful consultations with stakeholders on project design. The nature, scope, and frequency of stakeholder engagement needs to be proportionate to the nature and scale of the project and its potential risks and impacts.	For this, a Stakeholder Engagement Plan (SEP) is prepared which entails specific steps and actions to be taken during preparation and implementation stages of the project.

3.2 Other relevant ESS

The other relevant ESS are briefly described below:

ESS-7 - Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities: An Indigenous Peoples Development Framework (IPPF) integrated in the Environmental and Social Management Framework (ESMF) will be prepared to ensure that the project enhances opportunities for vulnerable beneficiaries to participate in, and benefit from the development process. A site-specific Indigenous Peoples Development Plan will be prepared for sub-projects that have significant scheduled tribe and trans-nomad population.

ESS-8 - Cultural-Heritage: This aims to protect cultural heritage from the adverse impacts of project activities and support its preservation and making cultural heritage as an integral aspect of sustainable development. To promote meaningful consultation with stakeholders regarding cultural heritage. A chance finds procedure will be followed if unknown cultural heritage is encountered during project activities. This will be included in all contracts relating to construction under the project, including excavations, demolition, movement of earth, flooding or other changes in the physical environment.

4.0 Purpose and Scope of RPF

The Resettlement Policy Framework is prepared based on the assessment findings conducted thus far and from the review of applicable legal and policy framework discussed above. The framework bridges the above-mentioned gaps to conform to the provisions of World Bank's ESS-5. It lays down the principles and procedures for management of social impacts caused by

the project and guide the social impact assessment and preparation of Resettlement Action Plans. It brings together and built upon the current good practices in terms of procedures to address more systematic and institutional issues; and establish institutional arrangements at project and state for the implementation of RAP. This Framework shall apply to all sub-projects under U-PREPARE, including all associated facilities³, whether partly or fully funded by World Bank during the entire period of loan assistance.

Based on the above analysis of Government statutes and the World Bank ESF, the following resettlement principles will be adopted to this project:

- ✦ **Screen** the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a census and socio-economic survey of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks. Take due precautions to minimize disturbance to human habitations, tribal areas and places of cultural significance. Measures to avoid and minimize involuntary resettlement impacts include the following: (i) explore alternatives which minimize impacts, (ii) ensure the appropriate technology is used to reduce land requirements, (iii) modify the designs of components to maximize usage of the available land and ensure involuntary resettlement is avoided or minimized.

Where displacement is unavoidable, improve, or at least restore, the livelihoods of all displaced persons through; (i) land-based resettlement strategies, where possible, when affected livelihoods are land based, and when loss of land is significant, or cash compensation at replacement cost 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, and (iii) prompt compensation at full replacement cost for assets that cannot be restored.

- ✦ **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 at replacement value.
- ✦ **Improve** the standards of living of the displaced poor and other vulnerable groups, including women, to national minimum standards or standard before displacement whichever is higher.
- ✦ **Carry out** meaningful consultations with displaced persons, host communities, and concerned agencies/departments. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay attention to the needs of disadvantaged and 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.
- ✦ **Prepare** a Social Impact Assessment (SIA) and Resettlement Action Plan (RAP) elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- ✦ **Identify vulnerable families** and provide additional support in their efforts to improve their living standards.
- ✦ **Disclose** a draft resettlement action plan, including documentation of the consultation

³ *Associated Facilities as per ESF, World Bank 2016*, means facilities or activities that are not funded as part of the project and, in the judgment of the Bank, are: (a) directly and significantly related to the project; (b) carried out or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist. For facilities or activities to be Associated Facilities, they must meet all three criteria.

process in a timely manner, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement action plan and its updates to displaced persons and other stakeholders.

- ✦ **Pay** compensation and provide all resettlement entitlements before physical or economic displacement and before commencement of civil works of the sub-project. Implement the resettlement plan under close supervision throughout project implementation.
- ✦ **Establish** an accessible grievance redressal mechanism to receive and facilitate resolution of the concerns of displaced persons within stipulated time-frames.
- ✦ **Monitor** and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring.

5.0 Analysis of Key National Acts and Policies and Bank's ESF

5.1 The World Bank ESS5

ESS 5 applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation.

- a) Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law
- b) Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures.
- c) Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights;
- d) Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date;
- e) Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- f) Restriction on access to land or use of other resources including communal property and natural resources such as grazing and cropping areas;
- g) Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation; and
- h) Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

The above stated scope for application of ESS 5 covers the approaches that shall be adopted by the U-PREPARE to acquire land for this project.

5.2 Land Acquisition using RFCTLARR Act 2013

The key features of the RFCTLARR Act 2013 are briefly described below:

- i) Mandatory social assessments to determine whether the acquisition serves a public purpose or not.
- ii) Requirement to ascertain and justify the minimum land requirements for the purpose for which land is being acquired.
- iii) Assessment of the impact of land acquisition on life, livelihoods, public infrastructure, common properties, customary rights and community assets of impacted communities.
- iv) Identification of steps to minimize any adverse or negative impacts of the acquisition.
- v) Livelihoods support for affected persons, including compensation and support for permanent or temporary relocation using realistic compensation fixing methods.

- vi) Detailed census of affected families to map their socio-economic profile, potential losses or adverse impacts on livelihoods and/or public community and individual assets.
- vii) Special provisions for disadvantaged and vulnerable categories of project affected persons/ households; mandatory requirement for settlement of compensation and assistance for affected persons before actual land acquisition.
- viii) Mechanisms for consultations, grievance redress and full information disclosure.

6.0 Securing Lands for the project

The project will use the two below methods to secure lands required for the project:

1. Land acquisition using RFCTLARR Act 2013
2. Direct Purchase through negotiations⁴

6.1 Land acquisition using RFCTLARR Act 2013

The process for Land Acquisition under this Act has, broadly, three distinct procedures; these are described briefly below:

6.1.1 Preliminary notification under LA

- Notification u/s 11(1) by District Collector authorizing the Land Acquisition Officer for acquiring the lands.
- Publication in GP / Locality / News Papers / Gazette / Website.
- Conduct of Grama Sabha u/s 11(2) explaining the contents of the notification, provision for filing objections within 60 days duly fixing the hearing date and information to landowners regarding conduct of preliminary survey requesting them to be present in conduct of survey and informing the prohibitive clause imposed on alienation of lands covered by notification.
- Notice calling for objections on the preliminary notification on the area and suitability of land proposed to be acquired, justification offered for public purpose, the findings of the Social Assessment report.
- 60 days for filing objections and on enquiry by Land Acquisition officer, District Collector to take decision.
- Conduct of Socio-Economic Survey to identify the affected families having lands and immovable properties, identifying livelihood losers dependent on the lands being acquired. Ex: Tenants, Agriculture labour, etc., and preparing a draft Resettlement Action Plan (RAP).
- Preparation of draft RAP in consultation with the affected families and place it before Gram Panchayat for conduct of Public Hearing. The suggested format for RAP is annexed to this report.
- The draft RAP and a specific report on the claims and objections raised in the public hearing to be placed before R&R Committee to be reviewed by the District Collector. The final RAP duly incorporating the suggestions and views of the R&R Committee to be submitted to R&R Committee by the District Collector.
- The R&R Committee approve the RAP and cause publication in Locality and website.

6.1.2 Publication of declaration under LA

- The District Collector to make publication of declaration along with summary of RAP and declaration of an area identified as the resettlement area in cases of displacement of PAFs/PAPs
- Publication in Locality / Gazette / News Papers / Website
- Award Enquiry notices to be issued, conduct enquiry into the ownership, apportionment and interests if any.

⁴Direct purchase through negotiations have been applied in specific projects in Uttarakhand such as the UDRP-AF, Song Dam project, UJVNL project, Tehri DAM etc. wherein base price of the land is valued as per RFCTLAR&R, 2013 and on finalization by the High-Powered Committee.

6.1.2.1 Compensation to land-owners

- Market value as specified in the Indian Stamp Act, 1899 for the registration of sale deeds or average sale price for similar type of lands situated in the vicinity area.
- The land rates for the respective areas need to be updated before calculating the market value. The market value is calculated in accordance with the applicable criteria given in Section 26 of RFCTLARR Act.
- Basic value or average sale value whichever is high is the market value.
- The market value to be multiplied with the factor given in the RFCTLARR Act 2013. The multiplication factor under item (2) of the First Schedule for rural areas shall be 2, subject to any further notification as may be notified by Government.
- The market value of land will also include all assets attached to the land. Calculate structure value/tree value duly evaluated by experts of the concerned Department.
- Add solatium of 100% on {(Market value x Multiplication factor) + value of the structure / trees} as given in the Act
- 12% Additional Payment on compensation, payable from the date of issuance of Section 11(1) notification till passing of the Award.
- Damages if any during survey or due to any other cause be paid additionally.
- If dissatisfied with the compensation, the interested persons may make an application before the District Collector or approach the courts.

6.2 Direct Purchase through Negotiated Settlement

GoU has experience of direct purchase of private lands for public purposes.⁵ Further, Section 46 of RFCTLARR Act, 2013 permits direct purchase of land and undertaking direct negotiation with the landowner. Hence, direct purchase through negotiated settlement processes are acceptable as an alternative for legal expropriation if appropriately implemented and documented. The rate adopted cannot be less than that of compensation and Rehabilitation and Resettlement entitlements under the RFCTLARR Act, 2013.

As per the World Bank ESF, appropriate principles for negotiated settlement transactions include:

- a) Intended project sites are screened to identify competing claims to ownership or use, or other encumbrances that would impede two-party negotiations;
- b) If the site is collectively or communally owned or used, the negotiation process includes those individuals or households who directly occupy or use it;
- c) Prior to negotiations, owners or users are informed by project authorities of their intent to obtain relevant land (and other assets) for project use;
- d) Owners or users are informed of their rights and options to pursue legal remedies or other actions, and sign a declaration indicating willingness to negotiate;
- At the onset of negotiations, project negotiators present the owner or user with a proposed package of compensation or other beneficial considerations (including the tax waivers/ implications), along with an explanation as to the basis of this initial offer [*Base price offered to the owner or user during negotiations shall not be less than the compensation, R&R entitlements under the RFCTLARR Act 2013 and finalized by the HPC*];
- e) Owners or users are informed that they may make counterproposals as they may see fit;
- f) Negotiations are conducted without resort to coercion or intimidation in any form;
- g) An agreement establishing payment amounts or other agreed considerations is written, signed, and recorded;
- h) Payment of compensation and provision of any other agreed considerations is completed prior to taking possession for project use; and
- i) Owners or users retain the right of access to the grievance mechanism if they have complaints regarding any aspect of the negotiated settlement process.

⁵ IBID

Note: Any negotiated settlement process adopted for this project will be aligned with the aforementioned principles.

7.0 Entitlement Matrix and Procedure for Valuation of Structures

7.1 Proposed Entitlement Matrix

This Entitlement Matrix is developed giving various entitlements for all categories of PAFs/ PAPs, based on RFCTLARR Act 2013. This matrix can be used as a guide for preparing RAPs for sub-projects. All the families will be entitled to two broad categories of assistance; 1) Compensation for land loss; and 2) Resettlement and Rehabilitation assistance for starting some income generation activity as decided by the PAF/ PAP.⁶ All the Resettlement and Rehabilitation assistance and allowances prescribed in the matrix are based on the 2012-13 rates. These will be enhanced at the compounded rate of 12% per annum till the date of actual payment.

7.2 Identification of PAFs/ PAPs

The following process will be adopted to identify PAFs/ PAPs in the project:

- Once the land required is identified, it is classified as either government land and/or private land based on ownership status.
- For titleholders, the date of publication of preliminary notification – Section 11 under RFCTLARR Act 2013 will be treated as the cut-off date. In case of land purchase through negotiations and for non-titleholders, the start date of project census survey in that demarcated project area will be the cut-off date. Any person who purchases or occupies land in the demarcated project area after the cut-off date is not eligible for compensation or resettlement assistance or both.
- The project will identify the encroachers and titleholders as per the ownership status with the help of community members, revenue department staff, and gram panchayat staff and relevant documents.
- Based on this information, the Project proponents will arrive at the total number of PAFs/ PAPs.

A detailed census based socio-economic survey will be conducted and extensive consultations will be held with the PAFs/ PAPs. Each target community will be identified and differentiated on the basis of their source and level of income. The survey will focus on land and various productive assets including wages. This information will be used to determine the nature and extent of livelihood support/assistance (over and above the provision made for compensation) required to restore adequate income levels. All these measures will be taken only after consulting the project affected families and wider community.

⁶ The livelihood assistance in the matrix is rather indicative (as they are average figures), whereas, the actual assistance will relate to, at the minimum restoring, if not enhancing the pre-impact income levels.

7.2.1 Entitlement Matrix

Persons affected by land acquisition, purchase, and relocation and/or rehabilitation of assets are entitled to a combination of compensation measures and resettlement assistance, depending on the nature and extent of loss and impact, to enable them to return to their pre-displacement levels. The below-mentioned Entitlement Matrix (Table 3.) is developed giving various entitlements for all categories of PAHs/ PAPs, based on state and national laws including the World Bank ESF requirements.

Table 3: Entitlement Matrix

S. No.	Impact Category	Entitlements	Implementation Guidelines
		A. TITLE HOLDERS – Compensation for Loss of Private Property	
1	Loss of Land (agricultural, homestead, commercial or otherwise)	<p>Compensation for Land</p> <p>a. Land will be acquired by the competent authority in accordance with the provisions of RFCTLARR Act, 2013.</p> <p>b. Replacement cost for land will be, higher of (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land, situated in the nearest village or nearest vicinity area, ascertained from the highest 50% of sale deeds of the preceding 3 years; or (iii) consented amount paid for PPPs or private companies, whichever is higher.</p> <p>c. The multiplication factor under item (2) of the First Schedule for rural areas shall be 2 subject to any further notification as may be notified by Government.</p> <p>d. Plus 100% solatium and 12% interest from date of notification to award on the total amount.</p> <p>e. In case of severance of land, house, manufactory or other building, as per Section 94 (1) of the RFCTLARR Act, 2013, the whole land and/or structure shall be acquired, if the owner so desires.</p> <p>f. Stamp duty and registration fee.</p>	No tax to be deducted on compensation or on any of the R&R entitlements provided in this matrix.

S. No.	Impact Category	Entitlements	Implementation Guidelines
2	Loss of Structure (house, shop, building or immovable property or assets attached to the land)	a. The market value of structures and other immovable properties will be determined by PWD on the basis of relevant Schedule of Rates (SoR) as on date without depreciation with 100% solatium of replacement cost. b. Lump-sum of Rs. 25,000/- to all families who lose cattle shed/ petty shop, or replacement cost of structure, whichever is higher. c. Loss of other properties such as irrigation wells will be compensated at scheduled rates of relevant department with 100% solatium of replacement cost of asset. d. Replacement cost of bore well, opens well and hand pumps, plus 100% solatium. Wells and hand pumps must be operational to be eligible. e. Owners have right to salvage materials of the affected structures. Cost of the salvaged materials will not be deducted from the compensation. f. In case of impact to crops, three months (90 days) advance notification for the harvesting of standing crops (or) lump sum equal to the market value of the yield of the standing crop lost determined by the Agricultural /Horticulture Department. g. In case of impact to timber trees, Compensation based on timber value at market price or as valued by the Forest Department with 100% solatium. For other perennial trees as valued by the Horticultural Department with 100% solatium of replacement cost.	1 month notice will be provided before demolition of the structure and other immovable properties.
		B. REHABILITATION AND RESETTLEMENT – Affected families both Land Owners and the Families whose livelihood is primarily dependent on Land Acquired)	
3	Land Owners losing land or structures	Each affected family will be given a one-time Resettlement Allowance of Rs. 50,000/-. One-time lump sum payment (in lieu of employment or annuity) of Rs. 5,00,000/- for Affected Family whose land or other immovable property has been acquired and to those whose livelihood is fully dependent on the acquired land. All affected families, if physically displaced from residence or commercial place due to acquisition, the following payments will be applicable: <ol style="list-style-type: none"> 1) If a house is lost in rural areas, a constructed house shall be provided as per Indira Awas Yojan specifications. If a house is lost in the urban area, a constructed house shall be provided, which will be not less than 50 Sq.m of plinth area. If a family in urban area which opts not to take a house offered, shall get a one time financial assistance for house construction which shall not be less than Rs. 1,50,000/-; for similar cases in rural areas, equivalent cost of house may be offered. 2) Rs. 86,000/- subsistence grant for vulnerable families; and Rs. 36,000/- subsistence grant for all other families; 3) Rs. 50,000/- for transportation; 4) Rs. 25,000/- for each affected family of an artisan or self-employed. 	a. Vulnerable Families are those belonging to SC/ ST category or those who are eligible for BPL Schemes, or those headed by woman, elderly (above 60 years of age), or disabled.

S. No.	Impact Category	Entitlements	Implementation Guidelines
4	<p>Families whose livelihood is Primarily dependent on the private land or structures to be acquired (users of private land or structures such as workers, sharecroppers, artisans, tenants etc.) Workers shall be of full time Employment either in Businesses or agriculture that are affected due to acquisition. In case of seasonal employed workers, these are not eligible for benefits.</p>	<p>Each affected family will be given a one-time Resettlement Allowance of Rs. 50,000/-.</p> <p>All affected families, if physically displaced from residence or commercial place due to acquisition, the following payments will be applicable:</p> <ol style="list-style-type: none"> 1) If a house is lost in rural areas, a constructed house shall be provided as per Indira Awas Yojan specifications. If a house is lost in the urban area, a constructed house shall be provided, which will be not less than 50 Sq.m of plinth area. If a family in urban area which opts not to take a house offered, shall get a one time financial assistance for house construction which shall not be less than Rs. 1,50,000/-; for similar cases in rural areas, equivalent cost of house may be offered. 2) Rs. 86,000/- subsistence grant for vulnerable families; and Rs. 36,000/- subsistence grant for all other families; 3) Rs. 50,000/- for transportation; 4) Rs. 25,000/- for each affected family of an artisan or self-employed. 	<p>a. Vulnerable Families are those belonging to SC/ST category or those are eligible for BPL Schemes, or those headed by woman, elderly (above 60 years of age), or disabled.</p>
5	<p>Impact on Structures/ other Assets of Squatters and Encroachers</p>	<ol style="list-style-type: none"> a. The market value of structures and other immovable properties will be determined by relevant department on the basis of relevant Schedule of Rates (SoR) as on date without depreciation or replacement cost, whichever is higher. b. For partly affected structures, if the remaining portion is unviable for usage, then compensation for the entire structure shall be given. c. Lump-sum of Rs. 25,000/- to all families who lose a cattle shed/petty shop, or replacement cost of structure, whichever is higher. d. Loss of other properties such as irrigation wells will be compensated at scheduled rates of relevant department at replacement cost of asset. e. Replacement cost of bore well, open well and hand pumps. Wells and hand pumps must be operational to be eligible. f. Owners have right to salvage materials of the affected structures. Cost of the salvaged materials will not be deducted from the compensation. g. In case of impact to crops, three months (90 days) advance notification for the harvesting of standing crops (or) lump sum equal to the market value of the yield of the standing crop lost determined by the Agricultural /horticulture Department. h. In case of impact to timber trees, Compensation based on timber value at market price or as valued by the Forest Department whichever is higher. For other perennial trees as valued by the Horticultural Department, or replacement cost whichever is higher. 	<p>1 month notice will be provided before demolition of the structure.</p>
		<p>C. IMPACT TO SQUATTERS / ENCROACHERS - Those in the existing right of way where no land acquisition is done.</p>	

S. No.	Impact Category	Entitlements	Implementation Guidelines
6	Other Entitlements to Squatters	Each squatter family will be given a one-time Resettlement Allowance of Rs 50,000/-. All squatter families, if physically displaced from residence or commercial place, the following payments will be applicable: 1) If a house is lost in rural areas, a constructed house shall be provided as per Indira Awas Yojan specifications. If a house is lost in the urban area, a constructed house shall be provided, which will be not less than 50 Sq.m of plinth area. If a family in urban area which opts not to take a house offered, shall get a one time financial assistance for house construction which shall not be less than Rs. 1,50,000/-; for similar cases in rural areas, equivalent cost of house may be offered. 2) Rs. 86,000/- subsistence grant for vulnerable families; and Rs. 36,000/- subsistence grant for all other families; 3) Rs. 50,000/- for transportation; 4) Rs. 25,000/- for each affected family of an artisan or self-employed.	a. Other Entitlements for Squatters are applicable for who live or do business there. b. Structure Owners in Government land who do not live there and rented out the structure will be provided Compensation for structure and not eligible for Entitlements. However, the Occupier (Squatter tenant) will be eligible for Entitlements.
7	Other Entitlements to Encroachers	All encroachers if losing income as a result of physical relocation from any commercial structure will receive the equivalent of 3 months minimum wage as per district's rate or monthly income for 3 months, whichever is higher, as applicable.	
		D. IMPACT TO VULNERABLE FAMILIES	
8	Vulnerable Households Landowners losing 10% or more of their agricultural land (who are not already included in the vulnerable category)	Support for Training and Income Generation Provision of vocational training of Rs. 25,000/- per household participant.	
		E. IMPACT DURING CIVIL WORKS	
9	Temporary impact on land for land owners	Cash for land lease through written agreement of the landowner and contractor. Land will be returned to owner rehabilitated to original condition.	
10	Temporary impact to structures and/or on income, regardless of their legal status,	Payment Rs. 5,000/- per month for up to a maximum of 12 months.	Eligible when shop closed or access severely restricted or affected due to civil works.
11	Temporary loss of livelihoods to vendors.	All vendors whose livelihoods are affected are shifted to a mutually agreeable location or paid a payment of Rs. 5,000/- per month or payment of daily income based on socio-economic survey for Vendors for a minimum of 30 days or more as required, as per the choice of vendors.	The project will follow the provisions under the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014. Eligible when vendors operations are affected due to civil works.
		F. COMMON PROPERTY RESOURCES	

S. No.	Impact Category	Entitlements	Implementation Guidelines
12	Community Assets (CAs)	For private assets: compensation as per provisions above for private assets. For Public owned assets: Reconstruction of affected assets and transfer to local authorities for maintenance.	Additional documented consultation with communities and relocation assistance are required.
13	Schools, Hospitals and other sensitive receptors (health centers, day care, etc.)	In addition to 12, Construction of safety fence and noise barriers by the project, if supported by sensitive receptor's administration	This will be included in the environmental management plan (EMP) cost.
14	Utilities such as water supply, drainage, sewerage, electricity, OFC, etc.	Will be relocated and services restored prior to commencement of civil works.	The project will ensure that utilities are relocated prior to commencement of civil works in accordance with the civil works schedule
		G. UNFORESEEN IMPACTS	
15		Unforeseen impacts encountered during implementation will be addressed in accordance with the principles of RFCTLARAR Act 2013 and World Bank's Safeguard Policies.	

7.3 Valuation of Structures and Assets

The project shall utilize the services of various state departments for valuation of structures and assets. The objective of this exercise is to establish the extent of loss and estimation of replacement cost. For valuation, the latest Schedules of Rates (SoR) of the state PWD/ other relevant departments will be applicable. Extent of loss would be determined primarily in terms of the portion of the structure affected. While calculating replacement cost, the following principles as per the RFCTLARR Act 2013 need to be kept in mind:

- If a structure/ asset is affected 50% or more, then consider the whole structure as affected. When a portion of the structure is affected, and if it becomes unviable for use as per the PAF/ PAP, then consider the whole structure as affected.
- Do not depreciate the cost of the structure/ asset for its age and allow the PAFs/ PAPs to salvage and carry, for free, any materials for their use. Do not include the cost of salvaged material in the replacement cost.

In case of crops, give prior notice and allow sufficient time, as required by PAF/ PAPs to harvest crops or pay compensation for the crops as determined by concerned departments.

In case of trees, replacement cost will be based on their market value. Market Value of trees and plants attached to the land will be calculated by the concerned Departments of Agriculture, Forestry, Horticulture, Sericulture or any other relevant field, as the case may be. In line with the provision of the Act 2013, 100% solatium will be added to the assessed value of the trees.

Common property resources⁷ on the other hand, will be restored to an acceptable level at an appropriate place as agreed with the community. Community will be fully involved in their replacement and thereafter in their operation and maintenance/augmentation.

Income tax will not be deducted for the amounts paid as compensation under the RFCTLARR Act 2013 or through direct purchase. [Section 96 of the RFCTLARR Act 2013]

8 Implementation Arrangements

The Project Management Unit (PMU) established in the Uttarakhand State Disaster Management Authority (USDMA) will oversee the coordination and monitoring of the land acquisition, resettlement and rehabilitation activities at the project level. The PMU will closely monitor: (a) social screening and assessment of sub-projects on any land acquisition and resettlement impacts in the affected area; (b) preparation and implementation of the site-specific RAPs in line with the RPF and national/state laws.

The environmental and social experts in the Project Implementation Units (PIUs) will address all aspects relating to resettlement and land acquisitions in close consultation and collaboration with the PMU. They will liaison with the Revenue Department, District Administration and any other relevant Departments during the land acquisition, land purchase and R&R process.

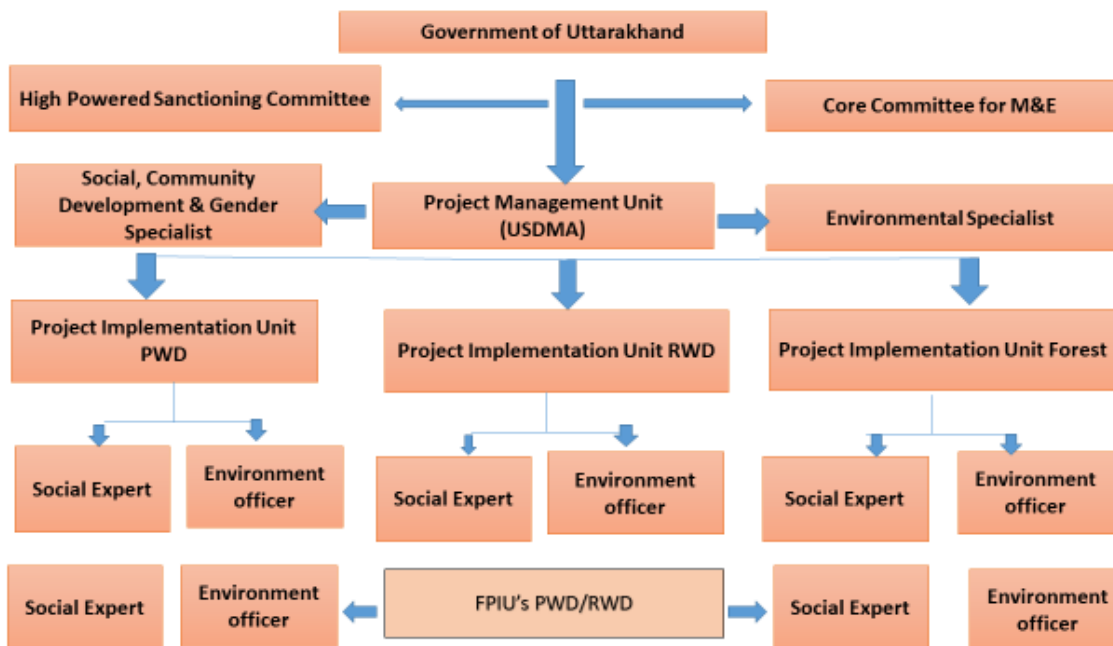
In case of land acquisition, the social impact assessment (SIA) will be undertaken by the SIA Units empanelled by the state government, which will carry out the SIA in accordance with the RFCTLARR Act 2013.

Land acquisition, and payment of compensation will be done by the Deputy Commissioner of the concerned district. The R&R assistance will be paid by the concerned Deputy Commissioner.

⁷Grazing lands, places of worship, places of heritage value, burial grounds, water points, community wells, bore wells for drinking water, roads, path ways, community meeting places, wood lots, etc.

Concerned departments responsible for providing estimates for valuation of the structures, assets, trees, crops, and related resources are Agriculture Department, Horticulture Department, Sericulture Department, Forest Department, etc.

Non-government organizations (NGOs) experienced in resettlement, rehabilitation and livelihoods restoration may be engaged to provide support in implementing RAPs and in undertaking consultations and information dissemination.



9 RAP Implementation Monitoring

The USDMA will make arrangements for monitoring implementation and will provide periodic monitoring reports to the World Bank regarding the status of land acquisition and implementation of the site-specific RAPs.

9.2 Internal Monitoring:

The monitoring at the site level will be the responsibility of the concerned PIUs, in close collaboration and consultation with the PMU. This internal monitoring will include:

- (i) Administrative monitoring: daily planning, implementation, feedback and troubleshoot, approval of microplans, and preparation of progress reports, etc.
- (ii) Socio-economic monitoring: social screening and impact assessment, baseline information for comparing PAP's socio-economic conditions, RAP preparation, disbursement of compensation and R&R assistance, community relationships, dates for consultations, etc.

Monitoring and evaluation reports documenting progress on resettlement implementation, and RAP completion reports based on the data captured will be provided by the PMU to the World Bank for review.

9.3 External Evaluation

For sub-projects with significant impacts, an external agency will be engaged to monitor implementation progress and provide advice on any necessary corrective actions and will conduct an implementation review when all mitigation measures in the RAPs are substantially complete. The implementation review evaluates the effectiveness of mitigation measures in achieving RAP and ESS5

objectives and recommends corrective measures to meet objectives not yet achieved. It will record PAPs views on resettlement issues; PAPs understanding of entitlement policies, options, and alternatives; site conditions; compensation valuation and disbursement; grievance redress procedures; and staff competencies. The agency will also evaluate the performance of the PMU related to resettlement issues. The external agency will undertake impact evaluation on a sample basis during mid-term and project completion.

10 Consultation & Disclosure

Consultations with various stakeholders will be carried out throughout the project cycle, i.e., preparation, implementation and post implementation by the PMU and the PIUs, in accordance with the Project's Stakeholder Engagement Plan.

During the site-specific RAP preparation, PMU and PIUs will consult with PAPs regarding the sub-project, its likely impacts, and proposed resettlement measures. The site-specific RAP will summarize results of measures taken to conduct the meetings and outcome of the discussions held with displaced persons (dates, locations, number of participants), including comments, questions, and concerns expressed by project affected persons during these meetings, as well as responses provided to them. The UMSDA and PIUs will disclose the draft site-specific RAPs to the displaced persons (and the public) in local language in public places and its website— after Bank review and solicits comments from displaced persons regarding the proposed plan. Disclosure of the final RAPs in the UMSDA and PIU website occurs following consideration of comments received and following Bank acceptance.

11 Grievance Redressal Mechanism

To ensure that project affected persons can raise complaints regarding the land acquisition process, calculation or payment of compensation, provision of assistance, or other relevant matters, the project has established an accessible and responsive grievance mechanism at three levels- Site-specific, PIU and PMU.

If the grievance is registered online www.ukdisasterrecovery.in or through the Helpline no. 8272020703, the complainant receives an SMS in the registered mobile number with automated registration ID number to track the progress of the complaint. If grievance is not resolved at site within 14 days (depending on the nature of the grievance) the grievance is forwarded to PIU office (5 days). After 5 days when no resolution is made at PIU level, the grievance is forwarded to PMU level which need to be resolved within 3 days.

The site-specific RAPs prepared under the project will describe the submission procedures, organizational arrangements, and responsive performance standards for handling grievances, and measures to be taken to inform project affected persons or communities about grievance initiation and response standards. The grievance mechanism does not preclude project affected persons from pursuing other legal remedies available to them, such as filing of complaints with the Land Acquisition, Rehabilitation and Resettlement (LARR) Authority.

The UMSDA and PIUs will keep a record of all complaints referred to the grievance mechanism, including a description of issues raised and the status or outcome of the review process.

12 Resettlement Budget

The resettlement budget will comprise itemized estimate of compensation for land, structures, trees, crops, various resettlement assistances, rehabilitation or replacement of CPRs including land, if government land is not available, institutional cost, contingency, additional studies if required, cost towards implementation, engagement of RAP implementation agency, evaluation consultants, etc. Based on the initial estimates provided by the RAP preparation consultants and later by the RAP implementation agency, the PMU shall update and prepare final estimates for compensation and

assistances payable. They shall jointly review the compensation for land with the Revenue department and with Public Works Department for cost of structures and CPRs. Based on these estimates, the PMU shall prepare a request for funds and submit the same to the GoU for release of funds for disbursal. Each sub-basin specific RAP shall provide for contingency costs to meet any unforeseen expenditure.

Table 4: Indicative Resettlement Budget

Tentative Budget for Private Land Acquisition under U-PREPARE		
S. No.	Item	Amount in INR
1	Land Cost (for about 5 Hect. @ 25 Lakhs per Hect.)	1,25,00,000
2	100% Solatium	1,25,00,000
3	12% Interest on total cost (1+2)	30,00,000
4	Assuming other Assets (30% of land cost)	37,50,000
5	Resettlement Assistance (25% of land cost)	31,25,000
6	Rehabilitation or replacement of CPRs (10% of land cost)	12,50,000
7	Implementation Departmental/ NGO Cost (Lumpsum)	5,00,000
	Total	3,66,25,000
8	Monitoring and Evaluation Agency cost (Lumpsum)	Added in ESMF
9	Contingency (5% of above)	18,31,250
10	Grant Total	3,84,56,250
	Indicative Total Budget (say)	4,00,00,000 (USD 4,97,760)

*This is a tentative budget and as the land requirement increases the budget will increase.

Annexure-1: Format of Resettlement Action Plan

1. Introduction

1. Brief Introduction of the sub-project
2. Description of Component(s) that cause land acquisition/alienation and resettlement
3. Overall Estimates of Land Acquisition and R&R

2. Measures to Minimize Resettlement

1. Description of Efforts Made for Minimizing Displacement
2. Description of the Results of these Efforts
3. Description of Mechanisms to Minimize Displacement and Loss of Livelihood/Income during Implementation

3. Census and Socio-Economic Surveys

1. Provide the results of the census and socio-economic surveys
2. Identify all categories of impacts and the extent of impact on each affected

4. Consultation and involvement of PAPs

1. Describe various Stakeholders
2. Summarize process of consultation on the results of socio-economic surveys
3. Describe the need and mechanisms to conduct updates to socio-economic surveys
4. Describe how this process of consultation would be continued through implementation and monitoring
5. Describe the plan for disseminating information to Project Affected Persons

5. Entitlement Framework

1. Provide a definition of PAFs and PAPs together with their categorization based on impacts
2. Describe R&R entitlements for each category of impact
3. Describe method of valuation used for affected land, structures and other assets
4. Using Entitlement Matrix, present a table of all PAFs/PAPs and their losses/ impacts and entitlements

6. Relocation (if applicable)

1. Does the Project need community relocation sites? If yes, have they been inspected and accepted by PAPs?
2. Have the Project Affected Persons agreed to the strategy for housing replacement? Will new housing be constructed/allocated? If PAPs are to construct houses, explain if compensation entitlement for housing is sufficient to help them construct houses.
3. List of proposed sites along with number of affected families to be relocated
4. Describe respective mechanisms for (i) procuring/acquiring/alienating ; (ii) developing and (iii) allotting resettlement sites
5. Provide detailed description of arrangements for development of resettlement sites including provision of social infrastructure
6. Describe the feasibility studies conducted to determine the suitability of the development of sites.

7. Income Restoration

1. Are the compensation entitlements sufficient to restore income streams for each category of impact? If not, what additional economic rehabilitation measures are necessary?
2. Briefly spell out the restoration strategies for each category of impacts, and describe institutional, financial and technical arrangements/aspects involved
3. Describe the process of consultation with PAPs to finalize strategies for income restoration
4. How do strategies for restoration vary with the area/locality of impact
5. If income restoration involves change in livelihoods or other economic activities allow substantial amount of time for capacity building, accessing institutional funds/credits/markets, preparation and implementation. Work out the rate of returns for each of the economic activities opted by the entitled person.
6. How are the risks of impoverishment proposed to be addressed?
7. Explain the main institutional and other risks for effective implementation of plans for restoration of livelihood
8. Describe the process for monitoring the effectiveness of income restoration activities

8. Institutional Arrangements

1. Describe institution(s) responsible for: (a) delivery of each item/activity in the entitlement policy; (b) implementation of resettlement and rehabilitation programs and (c) coordination of all other activities as described in the Rehabilitation Action Plan
2. State how coordination issues will be addressed in cases where resettlement and rehabilitation are spread over a number of institutional/departmental jurisdictions
3. Indicate the agency that will coordinate all implementing agencies – do they have the necessary mandate and the resources
4. Describe the external (non-Project) institutions/departments involved in the process of resettlement and restoration of income such as land development, land allocation, credit, training for capacity building and the mechanisms in place to ensure adequate cooperation and performance of these institutions/departments
5. Describe the results of the institutional capacity assessment and give the institutional development plans including staffing schedule and training requirements
6. Discuss institutional capacity for, and commitment to, resettlement and rehabilitation

9. Monitoring and Evaluation

1. Describe the internal monitoring process
2. Define key monitoring indicators for resettlement, rehabilitation and participation and provide a list of these indicators which would be used for internal monitoring
3. Describe institutional (including financial) arrangement
4. Describe frequency of reporting and contents of reports
5. Describe the process for integrating feedback from internal monitoring into implementation
6. Describe financial arrangements for external monitoring including process for awarding and maintenance of contracts for the entire duration of R&R
7. Describe the methodology for external monitoring
8. Describe frequency of external reporting and its contents

10. Redress of Grievances

1. Describe the structure and process of grievances mechanisms at various levels including step-by-step process for registering and addressing grievances and provide specific details regarding registering complaints, discussing them with PAPs, response time, communication modes etc.
2. Describe the mechanism for appeal
3. Describe the provision, if any, to enable PAPs to approach civil courts in case these provisions fail.

11. Implementation Schedule

1. List the chronological steps in implementation of R&R Action Plan including identification of agencies responsible for each activity along with a brief explanation of each activity
2. A month-wise implementation schedule (Gantt chart) of activities to be taken as part of R&R Action Plan
3. Description of the linkage between R&R implementation and initiation of civil works for each of the Project component

12. Costs and Budgets

1. Clear statement of financial responsibility and authority
2. List the sources of funds for R&R and describe the flow of funds
3. Indicate if costs of R&R are included in the overall Project costs
4. Identify R&R costs, if any, to be funded by the WB
5. Provide a cost-wise, item-wise budget estimate for the entire R&R costs including administrative expenses, monitoring and evaluation and contingencies
6. Describe the specific mechanisms to adjust cost estimates by inflation factor
7. Describe provisions to account for different types of contingencies

Annexure-2: Monitoring Indicators

Tables below provides indicative monitoring indicators for physical & financial progress and grievances. These indicators would be finalized during implementation.

Table: Indicative monitoring indicators for Physical Progress

Monitoring Indicators	Implementation Target	Revised Implementation Target	Progress this Month	% against Revised Implementation Target
Compensation paid				
Submission of monthly progress reports				
Resettlement and Rehabilitation Entitlements paid				
Livelihood Restoration Allowance paid				
Allowances paid to Vulnerable groups				
Community Assets rehabilitated/ Restored				
No. of PAPs who have received training for livelihood restoration/enhancement				
PAP untraceable				

Table: Monitoring of Grievances received and redressed

Particulars	Quarters			
	Q1	Q2	Q3	Q4 & Cumulative Total
No. of cases referred to the site, PIU and PMU officials				
No. of cases settled by site, PIU and PMU officials				
No. of cases pending with site, PIU and PMU officials				
Average time taken for settlement of cases				
No. of PAPs moved Court				
No. of pending cases with the court				
No. of cases settled by the court				

Annexure- 3: Definitions

In this Resettlement Policy Framework, following terms shall mean as described below, unless the context requires otherwise:

Term	Definition
Affected family	As defined in RFCTLARR Act 2013 and also as identified from the census/ socio-economic survey carried for specific sub-projects.
Assistance	All support mechanisms such as monetary help (R&R assistances), services, trainings or assets given to Project Affected Persons/Project Affected Families constitute assistance in this project.

Compensation	Compensation refers to: i) amount negotiated with the land owner based on the private negotiations method (under Standing order No 28); ii) restitution made to property under Sec 26-30 as per provisions laid down in RFCTLARR Act 2013
Cut-off Date	For title holders, the date of preliminary notification – Section 11 under RFCTLARR Act 2013 will be treated as the cut-off date, and for non-titleholders the start date of project census survey for that sub-project will be the cut-off date.
Displaced family	Any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area
Encroacher	Any person illegally occupying public property by extending their land boundary or a portion of their building onto the existing government land or RoW is an encroacher.
Entitled Person	All those who qualify for, or are entitled to, compensation / assistance since being impacted by the project. The basis for identification of Entitled Persons in the project will be the cut-off date (for NTH) and preliminary notification for land acquisition (for TH).
Landowner	A person who is an allottee or a grantee of any land under any scheme of the Government under which such allotment or grant is to mature into ownership, who has mortgaged his land (or any portion thereof) or who has permanent rights and interest in land
Market value	Value of land determined in accordance with section 26 of RFCLARR Act 2013
Non-titleholder	Affected persons/families/ households with no legal title to the land, structures and other assets adversely affected by the project. Non-titleholders include encroachers, squatters, etc.
Project affected household (PAH)	A social unit consisting of a family and/or non-family members living together, and is affected by the project negatively and/or positively.
Project affected area	Refers to the area of village or locality under a project for which land will be acquired under RFCTLARR Act 2013 through declaration by Notification in the Official Gazette by the appropriate Government or for which land belonging to the Government will be cleared from obstructions.
Project Affected person (PAP)	Any tenure holder, tenant, Government lessee or owner of other property, or non-titleholder who on account of the project has been affected from such land including plot in the abadi or other property in the affected area will be considered as PAP
Replacement Cost	Replacement cost/value of any land or other asset is the cost/value equivalent to or sufficient to replace/purchase the same land or other asset; and has been provided in the Entitlements
Resettlement Area	Area where the affected families who have been displaced because of land acquisition, are resettled by the project authority/appropriate Government
Scheduled Areas	Scheduled Areas as defined in Section 2 of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996
Squatter	A person who has settled on public/government land, land belonging to institutions, trust, etc. and or someone else's land illegally for residential, business and or other purposes and/or has been occupying land and building/asset without authority
Vulnerable group	This includes Scheduled Caste, Scheduled Tribe, family/household headed by women/female, persons with disabilities, Below Poverty Line (BPL) families, widows, and persons above the age of 65 years irrespective of their status of title (ownership).