

# Due Diligence Report on Social Safeguards

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December 2015

## IND: Rural Connectivity Investment Program — Project III

Rural Road Network in Jalpaiguri, West Bengal

Prepared by Ministry of Rural Development, Government of India for the Asian Development Bank.

## CURRENCY EQUIVALENTS

Currency unit	–	Indian Rupees (INR)
INR1.00	=	\$ 0.02
\$1.00	=	INR 62.19

## ACRONYMS AND ABBREVIATIONS

ADB	:	Asian Development Bank
APs	:	Affected Persons
ARRDA	:	Assam Rural Road Development Agency
ARR&TI	:	Assam Road Research & Training Institute
CEO	:	Chief Executive Officer
CGRRDA	:	Chhattisgarh Rural Road Development Authority
CPF	:	Community Participation Framework
DC	:	Deputy Commissioner
EA	:	Executing Agency
FFA	:	Framework Financing Agreement
GOI	:	Government of India
GP	:	Gram Panchayat
GRC	:	Grievances Redressal Committee
IA	:	Implementing Agency
MFF	:	Multitranchise Financing Facility
MORD	:	Ministry of Rural Development
MOU	:	Memorandum of Understanding
MPRRDA	:	Madhya Pradesh Rural Road Development Authority
NRDA	:	Naya Raipur Development Authority
NRRDA	:	National Rural Road Development Agency
OSRRA	:	Odisha State Rural Road Agency
PIU	:	Project Implementation Unit
PIC	:	Project Implementation Consultants
PFR	:	Periodic Finance Request
PMGSY	:	Pradhan Mantri Gram Sadak Yojana
PRDD	:	Panchayat and Rural Development Deptt
PWD	:	Public Works Department
RCIP	:	Rural Connectivity Investment Programme
RCTRC	:	Rural Connectivity Training And Research Centers
RD	:	Rural Development
RES	:	Rural Engineering Services
RRL	:	Road Research Laboratory
RRNMU	:	Rural Road Network Management Units
RRSIIP	:	Rural Road Sector II Project
SIRD	:	State Institute of Rural Development
SRRDA	:	State Rural Road Development Agency
TA	:	Technical Assistance
TOR	:	Terms of Reference
TSC	:	Technical Support Consultants
WALMI	:	Water and Land Management Institute
WBSRDA	:	West Bengal State Rural Development Agency

**NOTE**

In this report, \$ refers to US Dollars

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## **RURAL CONNECTIVITY INVESTMENT PROGRAM: WEST BENGAL – PROJECT 3 SOCIAL SAFEGUARDS COMPLIANCE – RRNMUs**

### **A. Context and Purpose of the Report**

1. As one of the key features of the Government's poverty reduction agenda for the rural sector, the Government of India (GoI) is implementing a nation-wide rural road investment program, *Pradhan Mantri Gram Sadak Yojana* (PMGSY). PMGSY aims to provide all-weather road connectivity to currently unserved habitations in India's rural areas, where 70% of the population live.

2. The Government of India (GOI) launched "The Pradhan Mantri Gram Sadak Yojna (PMGSY) in year 2000. The objective of PMGSY is to provide all-weather road connectivity to all rural habitations with a population of more than 500 persons in plains and 250 persons in hill states. This program is being implemented through National Rural Road Development Authority (NRRDA) under Ministry of Rural Development (MORD) at central level and through State Rural Road Development Authority/Agencies (SRRDA) at state level. The Rural Connectivity Investment Program (RCIP) is continuation of Rural Road Sector II Program (RRS IIP) and is a multi-tranche financing facility (MFF) that aims to construct or upgrade to the all-weather standard about 9,000 km of rural roads connecting around 4,800 habitations in the states of Assam, Chhattisgarh, Odisha, Madhya Pradesh and West Bengal.

3. Later during RCIP Project 3 (Tranche 3) approximately 25 additional RRNMUs, including 4 in West Bengal are planned to be created. The RRNMUs shall be created based on the existing PIUs for rural roads and shall have staffing, equipment, and facilities adequate to provide effective management of the rural road network. The States shall ensure full RRNMU staffing and budget adequate for the full implementation of RRNMU tasks. The States shall prepare the design of RRNMU facilities. The West Bengal State Rural Development Agency (WBSRDA) is the implementing agency (IA) for the ADB funded subprojects in the state.

4. ADB has approved in November 2015 the third Periodic Finance Request (PFR) covering state of West Bengal. The Social Due Diligence Report on Rural Roads and the Social Due Diligence Report on the pilot RRNMU and RCTRC has been disclosed on ADB website.<sup>1</sup> This report has been prepared to serve the purpose for compliance with ADB's social safeguards on involuntary resettlement and indigenous peoples during preparation of the RRNMUs projects in the state of West Bengal.

### **B. Status of RRNMUs and RCTRC in West Bengal**

5. The proposed location of the RRNMU is at Kharia in Jalpaiguri district. The RRNMU building is proposed in land belonging to Panchayat and Rural Development Department, Govt. of West Bengal, parent department of WBSRDA.

6. The proposed area under the one unit are as under:

RRNMU : The total land area is approximately 0.20 acre (809.0 Sq.m)

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<sup>1</sup> <http://www.adb.org/sites/default/files/project-document/159901/40423-053-sddr-07.pdf>

### C. Social Safeguards in the Project

7. The RRNMU building is proposed in land owned by Panchayat and Rural Development Department (PRDD), Govt. of West Bengal (GoWB) and the land for the RRNMU is in the process of transfer to PRDD, GoWB. Locations of additional RRNMUs are yet to be finalized. To mitigate the possible adverse impacts of the subprojects, the community participation framework (CPF) lists various types of impact categories and mitigation measures which would apply to the subprojects, based on the specific project impacts.

**Mitigation Measures Matrix**

Impact Category	Mitigation Measures	Responsibility
<b>Loss of Agricultural Land</b>	<ul style="list-style-type: none"> <li>• Willing transfer of land by means of MOU</li> <li>• Advance notice to harvest standing crops</li> <li>• For <b>vulnerable affected persons (APs)</b>, assistance/support by means of (a) alternate land sites provided by GP, or (b) cash assistance as per replacement cost<sup>2</sup> by the Gram Panchayat (GP) to meet loss of land; and inclusion as beneficiaries in the existing poverty alleviation/livelihood restoration programs (see Annex of relevant state Community Participation Framework)</li> <li>• For <b>land involving traditional and tenurial rights</b>, the legal provisions applicable of the central and state governments pertaining to transfer of land will be followed. Existing customary rights of the tribal communities on various categories of land shall be taken into account during the process of land transfer.</li> </ul>	GP, PIU and land revenue department
<b>Loss of Structure</b>	<ul style="list-style-type: none"> <li>• Provision of alternate plot of land and structure of equivalent quality and value to be provided as per AP's choice, or cash assistance by GP to meet the loss of land and structure allowing the AP to purchase land &amp; rebuild structure of equivalent standard</li> <li>• For <b>loss of boundary walls and fences</b>, willing transfer by means of MOU. In case voluntary donation of such structures are not possible, cash assistance as per replacement cost by GP to meet loss of such structures, or provision of materials and/or labor by GP to allow the AP to replace/rebuild the same</li> <li>• For <b>vulnerable APs</b>, inclusion as beneficiaries in the rural development (RD) programs/housing schemes (see Annex of relevant state Community Participation Framework)</li> </ul>	GP, PIU and land revenue department

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<sup>2</sup> Replacement cost means the "cost" to replace the lost asset at current market value or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration and titling costs allowing the individual / community to replace what is lost and their economic and social circumstances to be at least restored to the pre-project level.

Impact Category	Mitigation Measures	Responsibility
<b>Loss of Structure (Contd.)</b>	<ul style="list-style-type: none"> <li>• For <b>tenants</b>, assistance to find alternative rental arrangements by GP, or cash assistance equivalent to advance payments made to the owner</li> <li>• For <b>squatters</b>, provision of alternative relocation site, or cash assistance as per replacement cost, or provision of building material and/or labor by GP, or inclusion as beneficiaries in the RD programs/housing schemes.</li> <li>• For <b>land and structure involving traditional and tenurial rights</b>, the legal provisions applicable of the central and state governments pertaining to transfer of land will be followed. Existing customary rights of the tribal communities on various categories of land shall be taken into account during the process of land transfer.</li> </ul>	GP, PIU and land revenue department
<b>Loss of livelihood</b>	<ul style="list-style-type: none"> <li>• For <b>vulnerable APs</b>, inclusion as beneficiaries in the existing poverty alleviation /livelihood restoration programs (enumerated in <b>Annex 9</b>). In case of non inclusion in such programs, cash assistance to meet the loss of income during transitional phase and for income restoration.</li> <li>• Assistance for asset creation<sup>3</sup> by community and Gram Panchayat.</li> </ul>	GP and PIU
<b>Loss of Assets such as Trees, Well, and Ponds</b>	<ul style="list-style-type: none"> <li>• Willing transfer of the asset by means of MOU.</li> <li>• For <b>vulnerable APs</b>, assistance for the loss of these assets through inclusion as beneficiaries in the existing poverty alleviation/livelihood restoration programs (enumerated in <b>Annex 9</b>). In case of non inclusion in such programs, cash assistance by GP to meet the loss of assets and income.</li> </ul>	GP, PIU and land revenue department
<b>Loss of community owned assets such as temple, wells, ponds, grazing land etc</b>	<ul style="list-style-type: none"> <li>• Relocation or construction of asset by GP with technical inputs from PIU</li> <li>• Consultations with the concerned section of the community in case of grazing land, etc</li> </ul>	GP, PIU and land revenue department
<b>Temporary impacts during construction</b>	<ul style="list-style-type: none"> <li>• Civil works contract conditions to include provisions to obligate the contractor to implement appropriate mitigation measures for the temporary impacts include disruption of normal traffic, increased noise levels, dust generation, and damage to adjacent parcel of land due to movement of heavy machinery to be included the Civil Works Contract</li> </ul>	PIU

<sup>3</sup> Assistance for asset creation shall comprise of assistance for creation of cattle shed, shop, production unit or any other form of income generating asset that will enable the affected household in restoring their livelihood.

Impact Category	Mitigation Measures	Responsibility
<b>Other impacts not identified</b>	Unforeseen impacts will be documented and mitigated based on the principles in this Framework.	

**D. Approach and Methodology for Assessing Social Safeguards Compliance during preparation of the subprojects**

8. The consultants visited the site for proposed RRNMU building at Kharia in Jalpaiguri District and carried out consultations with the officials of PNRDA, PIU. The site is vacant and free from any encumbrances. They also carried out a desk review of the documents prepared for the project design, tender documents and the departmental orders for locating the proposed centre at the designated location.

9. The SRRDA with assistance from TSC conducted social safeguard screening of the proposed site for RRNMU. For the screening purpose a Social Safeguards Checklist was adopted that is presented in the appendices. As RRNMU buildings are proposed in land owned and under possession of Deptt. Of Panchayat and Rural Development, Govt. of West Bengal, there will be no need for monitoring of adverse impacts due to land requirement. However, PIC will provide monitoring support to the SRRDA for issues might arise during execution of the project.





Site for RRNMU – Jalpaiguri Town  
Satellite imagery showing proposed RRNMU site, Kharia, Jalpaiguri



## E. Findings

### 1. Land Ownership

10. PNRD, GoWB, parent department of WBSRDA is the owner of the land for the proposed RRNMU at Midnapur Town is under the process of land transfer.

## 2. Site for the RRNMU Building at Kharia

11. RRNMU is proposed at Kharia Jalpaiguri. The land is vacant and is in possession of Panchayat and Rural Development Department, Government of West Bengal. The process of transferring the land to WBSRDA is ongoing. The site has clear approach from the road.



## 3. Types of Loss and Affected Persons

12. The land parcels proposed for various activities under RRNMU are vacant plots without any structure and encroachment. However, the plot is not fenced or has boundary walls on all sides.

## 4. Consultation with Affected Persons

13. Consultants had consultations with senior officers of WBSRDA, PIUJalpaiguri (list attached in appendices). WBSRDA has already obtained required municipal approval applied for the RRNMU at Jalpaiguri is under process.

### Consultation at RRNMU Site



## 5. Institutional Arrangements and Grievance Redress Mechanism

14. WBSRDA is the Implementing Agency. The land for RRNMU site belong to Panchayat and Rural Development Deptt., Govt. of West Bengal; the parent department of WBSRDA. There is no encroachment in any of the site. Government departmental procedures are in place to address any grievances that might arise. The recruitment of the TSC is in process and they will assist WBSRDA in addressing the safeguard issues in the project and monitoring of the related aspects.

## F. Conclusion

15. The site visit and review of social assessment checklist prepared RRNMU sites revealed that:

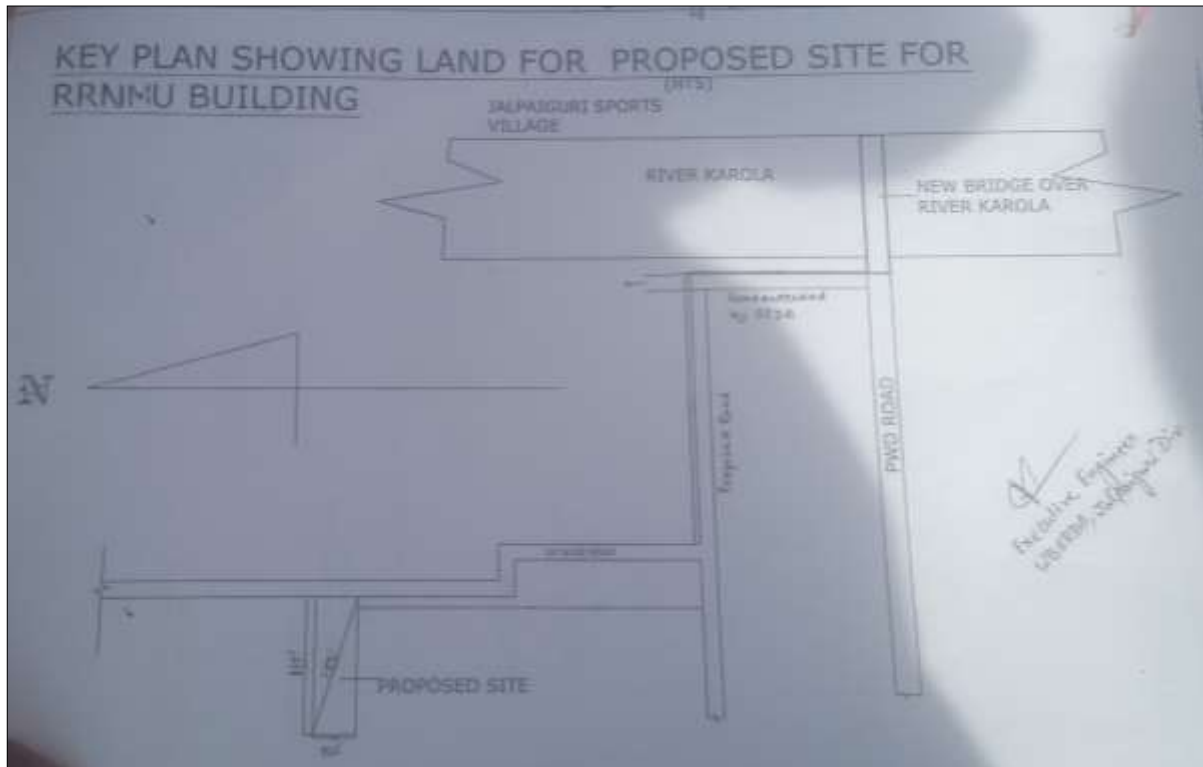
- i) Land is owned and in possession of Panchayat and Rural Development Deptt., Govt. of West Bengal; the parent department of WBSRDA. While land for the RRNMU site has been process transfer to WBSRDA.
- ii) The plot proposed for RRNMU are vacant and free from encroachment.
- iii) There was consultation with senior officers of WBSRDA, PIU, Jalpaiguri. Required municipal approvals have been under process obtained for the RRNMU site.
- iv) SRRDA has departmental procedure in place to address any grievance that might arise. Recruitment of PIC is in the and they will assist WBSRDA in monitoring of safeguard issues.

**Appendix 1: Existing Site Conditions – Proposed RRNMU Site at Kharia**



### Layout Plan for RRNMU Site - Kharia

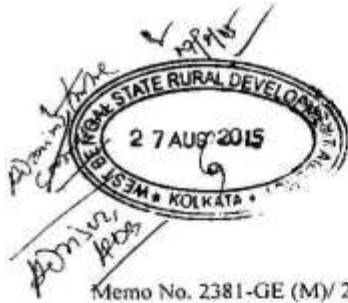
State : West Bengal  
 District : Jalpaiguri  
 Town : Jalpaiguri  
 Mouza : Kharia  
 PS : Kotowali  
 JL No : 7  
 Plot No : 94  
 Area : 0.20 acre (809.0 Sq.m)



### Schematic diagram of proposed land



## Appendix 2: Land Transfer Authorization



Government of West Bengal  
Land & Land Reforms Department  
LR-A (III) Branch  
Nabanna, Howrah-711102

*SS (S)*  
*may kindly*  
*like to be*  
*26/8/15*

Memo No. 2381-GE (M)/ 2L-208/15

Date: 14.08.2015

From: The Assistant Secretary to the Govt. of West Bengal

To: The District Magistrate & Collector, Jalpaiguri,  
P.O. & District- Jalpaiguri,

*J. P. S.*  
*WBSRDA*

Subject: Proposal for inter-departmental transfer of 0.20 acre of Government land at Mouza-Kharia, J.L. No.-07 under P.S.-Kotwali in the district of Jalpaiguri, in favour of the Department of Panchayats & Rural Development, Government of West Bengal for setting up of a Rural Road Network Management Units (RRNMUs).

Ref.: Memo No.148/D/E/001/189/LMD-1/DLLRO/JAL/15 dated - 08.06.2015 DM, Jalpaiguri.

With reference to above the undersigned is directed to state that sanction is hereby accorded to the inter-departmental transfer of 0.20 acre of Government land, as detailed in the schedule at page-2 in favour of the Department of Panchayats & Rural Development, Government of West Bengal for setting up of a Rural Road Network Management Units (RRNMUs) under PS-Kotwali in the district of Jalpaiguri.

2. Department of Panchayats & Rural Development, Government of West Bengal will hold the land as sanctioned on the following terms and conditions:

(i) The land will be reverted to the Land and Land Reforms Department when no longer required by the Department of Panchayats & Rural Development, Government of West Bengal.

(ii) If it is found that the land has not been utilized for a period of 3 (three) years from the date of taking over possession, the Land & Land Reforms Department may resume such quantum of land from the Department of Panchayats & Rural Development, Government of West Bengal.

(iii) Department of Panchayats & Rural Development, Government of West Bengal will not alienate the land.

(iv) Department of Panchayats & Rural Development, Government of West Bengal will not lease out or let out or transfer any portion or whole of the land at all.

(v) If any portion of the land so sanctioned is found surplus to the requirements at any stage for the purpose aforementioned, the said portion of land shall be reverted to the Land and Land Reforms Department.

(vi) If it is subsequently found that the subject land is involved in any Court Case in any Hon'ble Court of Law including WBLRTT, then all concerned shall abide by the orders as may be passed by such Hon'ble Court or WBLRTT.

(vii) Department of Panchayats & Rural Development, Govt. of West Bengal, will not utilize the land for commercial purpose.

(viii) If it is detected subsequently that land is being used for commercial purpose then the Department of Panchayats & Rural Development, Government of West Bengal will be liable to pay full market value of the land as to be assessed on the date of such detection.

P.T.O.

S.P.R.D. 7454-15  
Date ..... 27/8/15

-2-

3. It is accordingly requested to hand over possession of land so sanctioned to the authorized representative of the Department of Panchayats & Rural Development, Government of West Bengal immediately and report compliance thereof to this Department early. A copy of the possession certificate should also have to be furnished to this Department.

**Schedule**

District	P.S.	Mouza	J.L. No.	Plot No.	Area (in acre)
Jalpaiguri	Kotwali	Kharia	07	94	0.20

Total: 0.20 acre

Sd/-

Assistant Secretary to the Government of West Bengal

Memo. No. 2381/I(5)-GE (M)

Dated: 14.08.2015

Copy forwarded for information and necessary action to the:

1. Secretary to the Government of West Bengal, Department of Panchayats & Rural Development, Joint Administrative Building, 7<sup>th</sup> floor, HC-7, Sector-III, Salt Lake, Kolkata-700106.
2. Director of Land Records and Survey, WB, 35, Gopalnagar Road, Alipore, Kolkata-700027.
3. Additional District Magistrate and DL&LRO, Jalpaiguri P.O. & District- Jalpaiguri.
4. Guard File of LRA-(III) Br.

*Kumar*  
14.08.15

 Assistant Secretary to the Government of West Bengal

- Copy to
- (1) Chief Engineer, P.R.O
  - (2) Consultant.
  - (3) Shri S. Datta, SE
  - (4) Shri D. Chakrabarty, SE/DAE
  - (5) Sr. J.P.G. WBSQA
  - (6) Ar nali- AE-
  - (7) Dep am- SE
  - (8) File - 0.



**Appendix 3:List of Officials Consulted**

Mr. D. Majumdar, EE, PNRD Jalpaiguri

Mr. S.Chatterjee ,JE PNRD Jalpaiguri

Mrs. Pratibha Rai JE PNRD Jalpaiguri

Mr. Jotirmay Sinha AE PNRD Jalpaiguri

Mr. S. Biswas Revenue Officer Jalpaiguri

**Safeguard Experts**

Dr.Dushyant Mishra, Team Leader (TSC)

Mr. Satya Vrat Pandey (Social Expert TSC)

Dr. Dibyendu Banerjee, (Environmental Expert TSC)