

Resettlement Planning Document

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The resettlement framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

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RESETTLEMENT FRAMEWORK

A. INTRODUCTION

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

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

3. The Resettlement Framework (RF) for NERCCIP has been prepared for use of the five Program cities. The framework outlines the objectives, policy principles and procedures for land acquisition, if any, compensation and other assistance measures for Displaced Persons¹ (DPs)/Affected Persons (APs), if any. This framework reflects the borrower's land acquisition laws/regulations, state policies on resettlement and ADB's Safeguard Policy Statement (SPS), 2009 and other social safeguard guidelines.² A detailed description of each compensation measure and assistance is provided in the entitlement matrix.

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

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

² The SPS applies to tranches of multitranche financing facility (MFF) projects for which periodic financing requests are to be approved by ADB Management after 20 January 2010. Tranche 2 and 3 subprojects will therefore require compliance with the SPS while ongoing Tranche 1 will be implemented under the former ADB safeguard policies for environment, resettlement, and indigenous people. In the event of any discrepancy or contradiction between the relevant features of this RF pertaining to ADB's safeguards policies and ADB Safeguards Policy Statement, 2009, the SPS, 2009 shall prevail.

5. An RP has been prepared for the Gangtok water supply sub-project, the only sub-project in Tranche 1 with resettlement impacts. The sub-project will have temporary impacts due to laying of water supply distribution networks. Transect walks show that disruption is minimal and can be mitigated. The RP will be used as a model for the preparation and implementation of other sub-project RPs. Preliminary sites for most sub-projects proposed in the Program have been identified. Joint verification for most components has been undertaken with the respective implementing agencies. Impacts are not expected to be significant. The extent of land acquisition and resettlement will be finalized at the detailed design stage consistent with this Resettlement Framework (RF).

B. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

6. The policy framework and entitlements for the program are based on national laws *The Land Acquisition Act, 1894* (LAA, amended in 1984); National Rehabilitation and Resettlement Policy, 2007; state laws and regulations; and ADB's *Safeguard Policy Statement, 2009*. The relevant state laws include: (i) Agartala: *Tripura Municipal Act, 1994, Tripura Land Revenue and Land Reforms Act, 1960* (ii) Aizawl: *Mizoram Prevention of Government Land Encroachment Act, 2001 and Mizoram Urban and Regional Development Act, 1990*, (iii) Gangtok: *Sikkim Urban and Regional Planning Development Act, 1998 and The Sikkim Land (Requisition and Acquisition) Act, 1977*, (iv) Kohima: *The Nagaland Land (Requisition and Acquisition) Act, 1965, Nagaland Eviction of Persons in Unauthorized Occupation of Public Land Act, 1971, The Nagaland (ownership) and Transfer of its Land its Resource) Act, 1990 and Nagaland Town and Country Planning Act, 1966*, and (v) Shillong: *The Meghalaya Town and Country Planning Act, 1973, and The Meghalaya Transfer of Land (Regulation) Act 1971*. The salient features of national and ADB policies have been summarized below. These policies are reviewed in the following sections.

1. Union Governments Policy

a. National Rehabilitation and Resettlement Policy (NRRP), 2007.

7. The National Policy on Resettlement and Rehabilitation stipulates the minimum facilities to be ensured for persons displaced owing to the acquisition of land for public purposes. The objectives of the Policy are:
- (i) To minimize displacement and to identify non-displacing or least displacing alternatives;
 - (ii) To plan resettlement and rehabilitation of Project Affected Families (PAFs) or Project Affected Households (PAHs), including tribal and vulnerable households;
 - (iii) To provide improved standard of living to PAFs or PAHs and
 - (iv) To facilitate harmonious relationship between the requiring body and PAFs.
8. Though this Policy is applicable for projects where over 400 PAFs in the plains or 200 in hilly or tribal areas are displaced, the basic principles can be applied to the resettling and rehabilitating of project-affected families regardless of the number affected.

b. Land Acquisition Act, 1894 (LAA)

9. The Act provides a framework for facilitating land acquisition within the country. This Act enables the States to acquire private lands for public purposes. The Act ensures that no person is deprived of land and entitles APs to a hearing before acquisition. The main elements of the Act are given below:
- (i) Land identified for the purpose of a project is placed under Section 4 of the LAA. This constitutes notification. Objections must be made within 50 days to the DC (highest administrative officer of the concerned District).

- (ii) The land is then placed under Section 6 of the LAA. This is a declaration that the Government intends to acquire the land. The DC is directed to take steps for the acquisition, and the land is placed under Section 9. Interested parties are then invited to state their interest in the land and the price. Under Section 11, the DC will make an award within one year of the date of publication of the declarations. Otherwise, the acquisition proceedings will lapse.
- (iii) In case of disagreement on the price awarded, within 6 weeks of the award the parties (under Section 18) can request the DC to refer the matter to the Courts to make a final ruling on the amount of compensation.
- (iv) Once the land has been placed under Section 4, no further sales or transfers are allowed. However, since the time lag between Sections 4 and the others following it is about three years, land transfers are not uncommon.
- (v) Compensation for land and improvements (such as houses, wells, trees, etc.) is paid in cash by the project authorities to the State government, which in turn compensates landowners.
- (vi) The price to be paid for the acquisition of agricultural land is based on sale prices recorded in the District Registrar's office averaged over the three years preceding notification under Section 4. The compensation is paid after the area is acquired, actual payment by the State taking about two or three years. An additional 30 percent is added to the award as well as an escalation of 12 percent per year from the date of notification to the final placement under Section 9. For delayed payments, after placement under Section 9, an additional 9 percent per annum is paid for the first year and 15 percent for subsequent years.

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

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

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

- Identification of past, present, and future involuntary resettlement impacts and risks and determination of the scope of resettlement planning.
- Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations.
 - Improvement or at least restoration of the livelihoods of all displaced persons,
 - Ensure physically and economically displaced persons with needed assistance.
 - Improvement of the standards of living of the displaced poor and other vulnerable groups.
 - Development of procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement,

- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Preparation of a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclosure of resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders.
- Execution of involuntary resettlement as part of a development project or program.
- Payment of compensation and provide other resettlement entitlements before physical or economic displacement.
- Monitoring and assessment of resettlement outcomes, their impacts on the standards of living of displaced persons

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

3. Comparison of Policies with the RF

13. The NRRP represents a significant milestone in the development of a systematic approach to address resettlement issues in India. LAA, 1894 however gives directives for acquisition of land in public interest and provides benefits only to titleholders. Annex A presents a comparison of the GoI policies (LA Act and NRRP), the state policies vis-à-vis NERCCIP RF, which is consistent with ADB's SPS, 2009

4. ENTITLEMENTS

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

15. The sub-projects to be taken up for implementation in the Program will have broadly three types of impacts that will require mitigation measures. The types of impacts are (i) loss of assets, including land and houses; (ii) loss of livelihood or income opportunities; and, (iii) collective impacts on groups, such as loss of common property resources and loss of access or limited access to such resources.
16. Displacement under the sub-projects will be limited to the area required for the sub-project and its safety zones, referred to as the direct impact zone. Only structures and other encumbrances within this zone will be removed for the Program. Every effort will be made during the preparation of the detailed design to minimize acquisition of land and other assets and to reduce negative socio-economic impact. The structures and assets falling outside the direct impact zone will be left undisturbed. Impacts, unforeseen to the structures or assets outside will also be compensated in accordance to the principles of this RF.
17. A detailed description of each compensation measure and assistance is provided in the entitlement matrix. The affected households will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the APs. Table 1 presents the entitlement matrix for the Program.

Table 1: Entitlement Matrix

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
1	Loss of private land	Agricultural land, homestead land or vacant plot	Legal titleholders	<ul style="list-style-type: none"> • Compensation at replacement or land for land where feasible (including option for compensation for non-viable residual portions) • Transitional allowance³ based on three months minimum wage rates • Shifting assistance⁴ for households. • Notice to harvest standing seasonal crops. • If notice cannot be given, compensation for share of crops will be provided. • Additional compensation for vulnerable households⁵ (item 7) whose livelihood is impacted by the project. 	<ul style="list-style-type: none"> • If land-for-land is offered, (i) ownership will be in the name of original landowners, (ii) joint ownership in the name of husband and wife will be offered in case of non-female-headed households. • Charges will be limited to those for land purchased within a year of compensation payment and for land of equivalent size. • Vulnerable households will be identified during the census conducted by the implementing NGO 	The Valuation committee will determine replacement value. The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, and identify vulnerable households.
1-a	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants & leaseholders	<ul style="list-style-type: none"> • Transitional allowance based on three months minimum wage rates. • Notice to harvest standing seasonal crops. • If notice cannot be given, compensation for share of crops will be provided. • Shifting assistance for households • Additional compensation for vulnerable households. 	<ul style="list-style-type: none"> • Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease • Vulnerable households will be identified during the census conducted by the implementing NGO. 	NGO will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to SIPMIU.
1-b	Loss of private land	Agricultural land, homestead land or vacant plot	Sharecropper	<ul style="list-style-type: none"> • Notice to harvest standing seasonal crops • If notice cannot be given, compensation for share of crops will be provided • Additional compensation for vulnerable households 	<ul style="list-style-type: none"> • Harvesting prior to acquisition will be accommodated to the extent possible. • Work schedule will avoid harvest season. 	SIPMIU will ensure provision of notice. NGO will identify vulnerable households.

³ To be provided for APs whose livelihood is getting affected by the project. The transitional allowance will be calculated based on minimum wage rates for semi-skilled labor in the respective cities for 26 working days a month for three months (Agartala- INR 150/day, Shillong- INR 196/day, Aizawl - INR 150/day, Gangtok-INR 177/day, Kohima-INR 200/day). This allowance will be utilized till an alternative means of livelihood is found. In case of vulnerable households, the transitional allowance will be supplemented by livelihoods related skill training.

⁴ To be provided to APs who would be relocate from the site proposed for acquisition to new place decided by AP. This will be equivalent to one day hire charges for a truck, including shifting within a radius of 50km (around INR 3,000)

⁵ Vulnerable household comprise female-headed household, disabled-headed household, indigenous person-headed households (consistent with the IPDF in Supplementary Appendix Q) and Below Poverty Line households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
					<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the implementing NGO 	
1-c	Loss or private land	Agricultural land, homestead land or vacant plot	Encroachers/Squatters	<ul style="list-style-type: none"> 60 days advance notice to shift from encroached land. Additional compensation for vulnerable households. 	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted as part of the RP. 	SIPMIU will ensure provision of notice. NGO will identify vulnerable households.
2	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholder	<ul style="list-style-type: none"> Transitional allowance based on three months wage rates Reimbursement of unexpired lease. Additional compensation for vulnerable households (item 7). 	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the implementing NGO. 	
2-a	Loss of Government land	Vacant plot, RoW of road	Encroachers	<ul style="list-style-type: none"> 60 days advance notice to shift from encroached land. Additional compensation for vulnerable households (item 7). 	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the implementing NGO. 	SIPMIU will ensure provision of notice. NGO will identify vulnerable households.
2-b	Loss of Government land	Vacant plot, RoW of road	Squatters	<ul style="list-style-type: none"> 60 days advance notice to shift from occupied land. Additional compensation for vulnerable households. 	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the implementing NGO. 	SIPMIU will ensure provision of notice. NGO will identify vulnerable households.
3	Loss of residential structure	Residential structure and other assets ⁶	Legal titleholders	<ul style="list-style-type: none"> Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) Shifting assistance for households. Right to salvage materials from structure and other assets All fees, taxes and other charges (registration etc) incurred for replacement structure Transitional allowance based on three-month minimum wage rates. Additional compensation for vulnerable households (item 7) 	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the implementing NGO. 	The Valuation committee will determine replacement value ⁷ . The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
3-a	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP Shifting assistance for households. Right to salvage materials from structure 	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the implementing NGO. Structure owners will reimburse tenants and 	The NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.

⁶ Other assets includes, but isn't limited to walls, fences, sheds, wells, trees etc.

⁷ The replacement value will be assessed based on the current schedule of rates of the respective cities.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				and other assets. <ul style="list-style-type: none"> • Transitional allowance based on three month minimum wage rates. • Additional compensation for vulnerable households (item 7) 	leaseholders rental deposit or unexpired lease.	
3-b	Loss of residential structure	Residential structure and other assets	Encroachers and Squatters	<ul style="list-style-type: none"> • 60 days advance notice to shift from occupied land • Right to salvage materials from structure and other assets • Additional compensation for vulnerable squatter households (item 7) 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the implementing NGO. 	The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4	Loss of commercial structure	Commercial structure and other assets	Legal titleholders	<ul style="list-style-type: none"> • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) • Shifting assistance for households. • Right to salvage materials from structure and other assets • All fees, taxes and other charges (registration etc) incurred for replacement structure. • Transitional allowance for three months based on structure rental rates. • Additional compensation for vulnerable households (item 7) 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the implementing NGO. 	The Valuation committee will determine replacement value. The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP • Shifting assistance for households. • Right to salvage materials from structure and other assets. • Transitional allowance for three months based on structure rental rates. • Additional compensation for vulnerable households (item 7) 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the implementing NGO. • Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4	Loss of commercial structure	Commercial structure and other assets	Encroachers and squatters	<ul style="list-style-type: none"> • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP • 60 days advance notice to shift from occupied land. • Shifting assistance to vulnerable groups. • Right to salvage materials from structure and other assets. • Transitional allowance for three months 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the implementing NGO. 	The NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>based on structure rental rates.</p> <ul style="list-style-type: none"> Additional compensation for vulnerable squatter households (item 7). 		
5	Loss of livelihood	Livelihood	Owner / tenant /leaseholder/ employee of commercial structure, agricultural worker	<ul style="list-style-type: none"> Assistance for lost income based on three months minimum wage rates Additional compensation for vulnerable households. 	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the implementing NGO. 	The NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
6	Loss of trees and crops	Standing trees and crops	Legal titleholder, Sharecropper, Leaseholder	<ul style="list-style-type: none"> Notice to harvest standing seasonal crops If notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers) at market value Compensation for trees based on timber value at market price to be determined by the Forest Department for timber trees and for other trees by the Horticultural Department. 	<ul style="list-style-type: none"> Harvesting prior to acquisition will be accommodated to the extent possible Work schedules will avoid harvest season. Market value of trees/crops has to be determined. 	SIPMIU will ensure provision of notice. The valuation committee will undertake valuation of standing crops, perennial crops and trees, and finalize compensation rates in consultation with APs
7	Impacts on vulnerable APs	All impacts	Vulnerable APs	<ul style="list-style-type: none"> Agricultural land. Further to item 1, in case of total loss of land, and a total dependency on agriculture, land-for-land compensation if feasible/available. Government land. Further to Item 2, provision for skill training for displaced vulnerable squatters Residential structure. Further to Item 3, in case of total loss of structure, skill training for vulnerable households Commercial structure. Further to item 4, in case of total loss of business, skill training for vulnerable households, including assistance for purchase of income generating assets, to a maximum of INR 30,000/- Livelihood. Vulnerable households will be given priorities in employment as labor in the project. Vulnerable persons will receive additional 3 months of assistance based on minimum wage rates. 	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the implementing NGO. If land-for-land is offered, ownership in the name of original landowner(s). 	The NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.
8	Temporary loss of land	Land temporarily required for project	Legal titleholders	<ul style="list-style-type: none"> Provision of rent for the period of occupation Compensation for assets lost at replacement value 	<ul style="list-style-type: none"> Arrangement by the contractor on the activities to be taken up. Impacts if any on the 	The valuation committee will determine rental value and duration of lost income through survey

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
		activities		<ul style="list-style-type: none"> Restoration of land to its previous or better quality. 	<ul style="list-style-type: none"> structures, assets and plantation due to the temporary occupation. Extent of rehabilitation, restoration of the site. 	<p>and consultation with APS. A photograph of the pre occupation to be made by the NGO. NGO and RO will ensure that the compensation is paid prior to handing over of site to the owner. The site will be taken up by the contractor after consent of RO.</p>
9	Temporary disruption of livelihood	Commercial and agricultural activities	Legal titleholders, tenants, leaseholders, sharecroppers, employees, hawkers or vendors.	<ul style="list-style-type: none"> 30 days advance notice regarding construction activities, including duration and type of disruption. Cash assistance based on the minimum wage for the loss of income/livelihood for the period of disruption For construction activities involving disruption for a period of more than a month, provision of alternative sites for hawkers and vendors for continued economic activities. If not possible, allowance based on minimum wage rate for vulnerable households for 1 month or the actual period of disruption whichever is more. 	<ul style="list-style-type: none"> During construction, the IPMU will identify alternative temporary sites to the extent possible, for vendors and hawkers to continue economic activity. IPMU will ensure civil works will be phased to minimize disruption through construction scheduling in co-ordination with the contractors and the DSC 	Alternative locations, if any will be identified for the said duration of disruption.
10	Loss and temporary impacts on common resources	Common resources	Communities, Government Agencies, Dorbars, Village Councils	<ul style="list-style-type: none"> Replacement or restoration of the affected community facilities – including public water stand posts, temples, shrines, bus shelters etc. Enhancement of community resources 	-	SIPMIU and Contractor.
11	Any other loss not identified	-	-	<ul style="list-style-type: none"> Unanticipated involuntary impacts will be documented and mitigated based on the principles provided in the ADB IR Policy. 	-	The NGO will ascertain the nature and extent of such loss. The SIPMIU will finalize the entitlements in line with the ADB IR policy.

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

1. Surveys

For proper rehabilitation of APs, social impact assessment (SIA) surveys will be undertaken in each sub-project. The State-level Investment Program Management and Implementation Units (SIPMIUs) will undertake surveys for each identified sub-project, based on preliminary technical design. The SIA surveys will be based on preliminary technical designs of the sub-project (which may include any or a combination of the following: water supply, sanitation and sewerage, and solid waste management) identified. The SIA will help in determining the magnitude of displacement, prospective losses, better targeting of vulnerable groups, ascertaining actual costs of resettlement, preparing and implementing a rehabilitation program. As part of the social impact assessment, the EA will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the EA will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development. The purpose of the census is to register and document the status of the potentially affected population⁸ within the sub-project impact area/impact zone. The census will cover 100 percent of APs. The census will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood.

2. Formulation of Resettlement Plans

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

RPs will be prepared based on the results of the census and socio-economic survey; the database on APs should be completed before RP preparation.

RPs will be prepared by the SIPMIUs through project consultants (PC), if necessary, and in consultation with APs, local representatives, and NGOs. The PC's team should include a resettlement specialist familiar with ADB policy and procedures for preparing RPs and with experience in preparing an RP document in a similar ADB project or a Resettlement Action Plan document in a similar World Bank project.

⁸ The potentially affected population will include both the titleholders and the non-titleholders within the project impact zone. The identification of non-titleholders would be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, the information by the community, village councils or dorbars will be considered.

The RP will be brought to the notice of the APs and host communities, with the help of a local NGO (appointed by the SIPMIU), for their suggestions. The RP will be prepared in local language⁹, if not, translated and notified to the public, by posters and/or resettlement booklets. The completed RP will include the census of APs, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, avenues for grievance redressal, and participatory results monitoring mechanism. The RP should be broadly structured in the following manner:

- Executive Summary
- Project Description
- Scope of Land Acquisition and Resettlement
- Methodology for Impact Assessment
- Socioeconomic Information and Profile
- Stakeholders Consultation and Participation
- Legal Framework
- Entitlements, Assistance and Benefits
- Relocation of Housing and Settlements
- Income Restoration and Rehabilitation
- Resettlement Budget and Financing Plan
- Information Disclosure
- Grievance Redress Mechanisms
- Institutional Arrangements
- Implementation Schedule
- Monitoring and Reporting

3. Gender Impacts and Mitigation Measures

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

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

⁹ Bengali in case of Agartala, Mizo in case of Aizawl, Hindi/Nepali in case of Gangtok. In case of Kohima and Shillong, the RP in English language will be notified to the public.

D. CONSULTATION PARTICIPATION AND DISCLOSURE

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

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

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

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

1. Consultation

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

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

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

25. Each RP will be prepared and implemented in close consultation with stakeholders and will involve focus group discussion (FGD) and meetings, particularly with affected households. Census of households and individuals located within the Program will be undertaken to register and document the status of the potentially affected population within the impact area. It will provide a demographic overview of the population served by the RP and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected population within the project impact area. Guidelines and procedures for conducting the census and managing the database are provided in Annex D. In addition, baseline socio-economic surveys will be conducted to take stock of resettlement impacts on APs. Consultations with APs during RP preparation will ensure that views of APs on compensation and rehabilitation measures are fully incorporated while consultations conducted during RP implementation will identify help required by APs during rehabilitation.
26. The effectiveness of the resettlement and rehabilitation process is directly related to the degree of continuing involvement of those affected by the sub-project. The SIPMIU will ensure that APs and other stakeholders are informed and consulted about the sub-project, its impact, their entitlements and options, and allowed to participate actively in the development process. This will be done particularly in the case of vulnerable individuals and groups, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the sub-project life—during preparation, implementation, and monitoring of sub-project results and impacts.
27. The NGOs will ensure that any views of APs, particularly vulnerable APs, related to the resettlement process are looked into and addressed. The implementing NGO will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. Since resettlement and rehabilitation is a continuous process and a baseline data/information is available, the implementing NGO will update the baseline information as and when required.

2. Disclosure

28. Information will be disseminated to APs at various stages. In the sub-project initiation phase, the SIPMIU will be responsible for issuing the public notice to acquire a particular land/property for the sub-project along with program information/details. The notice will be published in local newspapers, twice with a one week interval. The resettlement staff of the SIPMIU along with local revenue officials/officers from the DC's office will also conduct meetings with APs in addition to the public notification to ensure that the information is given to all APs.
29. For the benefit of the community in general and APs in particular, the RP will be translated into local language and made available¹⁰ at: (i) Offices of ULB/urban development department; (ii) District Magistrate Office; and, (iii) SIPMIU. Hard copies of the RP will be kept in the city library, accessible to citizens as a means to disclose the document and at the same time creating wider public awareness.
30. Electronic version of the RF/RPs will be placed in the official website of the SIPMIU/State Government and the official website of ADB after approval of the RP by the Government and ADB. The SIPMIU will issue notification on the locality-wise start date of sub-project implementation. The notice will be issued by the SIPMIU in local newspapers one month ahead of implementation works. This will create public

¹⁰ In accordance with Operations Manual Section F2/BP on involuntary resettlement.

awareness on program implementation. The SIPMIU offices will provide information on resettlement principles and features of the RP. The basic information in the RP including sub-project locations, impact estimations, entitlements, implementation schedule etc. will be presented in the form of a brochure that will be circulated among APs. Posters designed to disseminate basic tenets of the RP will be distributed in different localities to generate mass awareness. Copies of the summary of the RP will be kept in the SIPMIU office and will be distributed to any AP wanting to understand the RP.

31. The RF will be made available in local language(s) during public meetings. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contract.
32. An intensive information dissemination campaign for APs will be conducted by the SIPMIU/ULB with assistance of the implementing NGO (Annex E for NGO Terms of Reference), at the outset of RP implementation. All the comments made by APs will be documented in the sub-project records and summarized in sub-project monitoring reports. Copies of the ADB's Safeguard Policy Statement, 2009 and the RP will be made available, in both English and local languages, at the ULB office for reference and study by the public.

Table 2: Summary of Consultation and Disclosure Activities

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

Sub-project Phase	Activities	Details	Responsible Agency
Implementation Stage	approved by ADB to all important stakeholders	ADB, to be updated/disclosed on the EA's website. Ensuring the availability of copy of the approved RP and ADB IR policy at SIPMIU and DC office.	
	Consultation with APs during rehabilitation activities	Meetings/discussions will be arranged with APs. Households to identify help required by APs during rehabilitation.	Implementing NGO along with ULB will arrange required meetings/discussions. Designated staff from the SIPMIU will participate while the NGO will monitor consultation activities.

E. GRIEVANCE REDRESS MECHANISM

33. The Grievance redressal mechanism that has been suggested for the Program will be outlined and detailed in each RP. The NGO implementing the RP with support from the Resettlement Officer of the SIPMIU will, through continuous interactions with APs, resolve queries and grievances regarding various issues including land acquisition, structures acquisition, livelihood, entitlements, other assistances. Towards addressing the unresolved grievances of the APs, the Program will have a Grievance Redress Committees (GRC) in each State. The grievance redress mechanism, which includes the pre-GRC and post-GRC avenues for dealing with the grievances of APs is presented in Figure 1.

34. The GRC will be integrated with the SIPMIU. The committee will comprise:

- (i) Chairperson – Project Director
- (ii) Member – Resettlement Officer of Social/Resettlement Unit
- (iii) Member – Officer of Land Revenue Department
- (iv) Member – Representative of Implementing NGO
- (v) Member – Representative (female) from APs

35. The members of this Committee will carry out their functions as discussed below. The duration of these Committees will be throughout the Program implementation period of 6 years. The NGO implementing the RP will represent the grievances of the APs to the GRC. The female AP representative will ensure grievance concerning women are brought out. The GRC will hear complaints from APs and facilitate solutions, and the process as a whole, will promote conflict resolution through mediation. The GRC will resolve the issue within one month from the date of registration of any case in the GRC.

36. The functions of the GRC are as follows:

- (i) To provide support to APs on problems arising from land acquisition (temporary or permanent) property acquisition, and eligibility for entitlements provided, compensation and assistance.
- (ii) To record the grievances of the APs, categorize and prioritize them and provide solutions within a month.
- (iii) To report to the aggrieved parties about the developments regarding their grievances and decisions of the GRC.

37. The GRC will meet every month on a pre-fixed date during implementation of RP. The Committee will suggest corrective measures at the field level and fix responsibilities for implementation of its decisions. The Committee will deliver their decisions within a month from the registration of the case. In the event of the grievance not being resolved by the GRC, the PD will refer the grievance to the Empowered Committee

(IPEC)¹¹. The EC would meet as often as necessary, at the request of the Project Director, who will be responsible for processing and placing all papers before the Committee, recording decisions, issuing minutes of the meetings and taking follow up action to see that formal orders are issued and the decisions carried out.

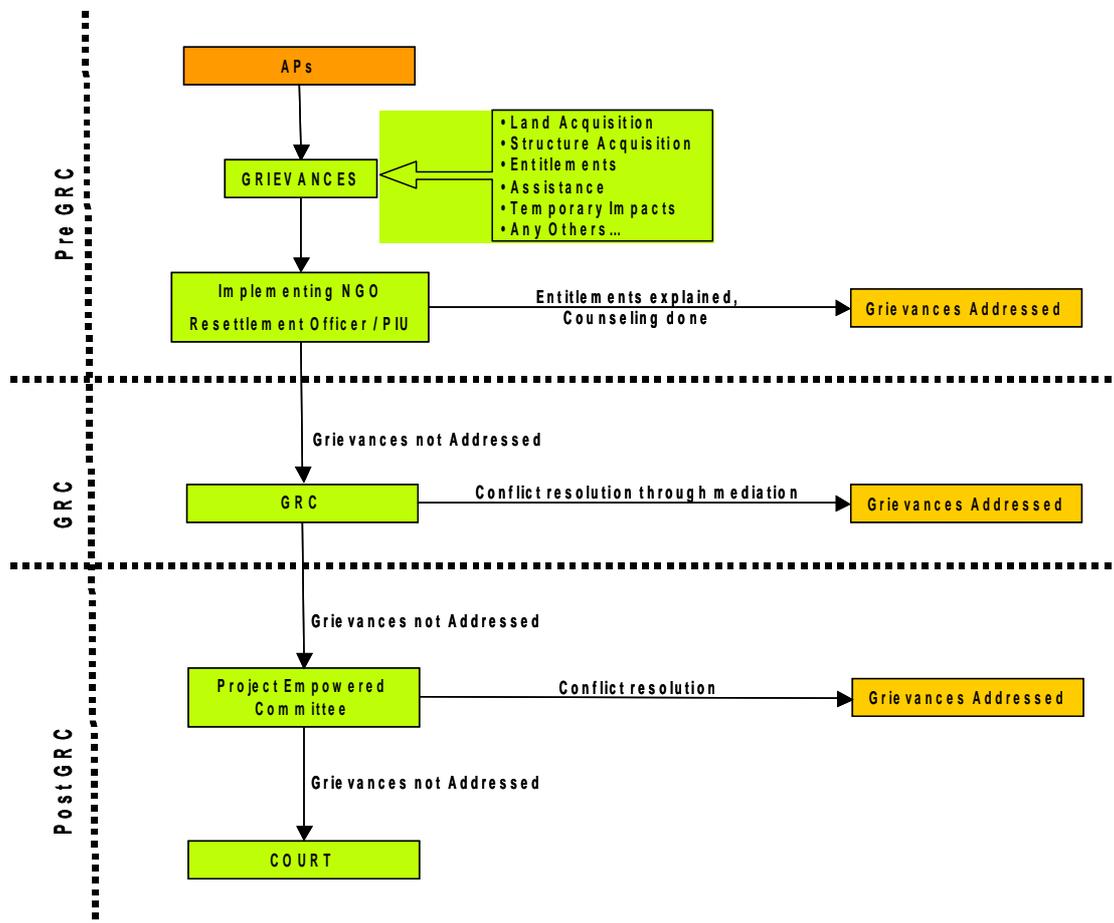


Figure 1: Grievance Redress Mechanism in the project

38. In the event of the grievance not being resolved by the EC, the AP will proceed towards a legal redress of the grievance in the court.

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

F. COMPENSATION, INCOME RESTORATION AND RELOCATION

1. Compensation

40. Land acquisition and resettlement impacts will be compensated in accordance with the provisions of the entitlement matrix in Table 1. Compensation for loss of land will be

¹¹ The Finance Secretary, with the Secretaries of all the concerned departments as members, will chair the Investment Program Empowered Committee (IPEC). The Project Director would be the Secretary of the Committee. The PEC will be fully empowered to take decisions in all matters related to the Project, which will include financial and administrative approvals, approval of procurement, tenders, purchases, appointment of staff, creation of posts, recruitment of Project Management Consultants and Design & Supervision Consultants, acquisition of land and so on.

determined on the basis of replacement value. A Valuation Committee will determine the replacement value. The committee will comprise:

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

41. The replacement value for the land will be determined based on discussions with the landowners by the Valuation Committee. The Valuation Committee will finalize the compensation amount taking into account the findings of a land market survey carried out by the Valuation Committee to ascertain prevailing market values¹² of land.
42. The replacement values for immovable properties, including structures and assets will be arrived at by the Valuation Committee as follows:
- (i) Houses and Buildings. The value of the houses, buildings and other immovable properties of the APs will be determined for the purpose of payment of compensation at the relevant Basic Schedule of Rates (BSR) published by the respective state governments;
 - (ii) Trees. Compensation for trees will also be based on their market value in case of timber bearing trees and replacement value in case of fruit bearing trees based on rates fixed by the Department of Agriculture, Forest, Horticulture, Sericulture, etc.
 - (iii) Other Assets. Compensation for the assets attached with land such as (wells, irrigation units, etc.) will be based on replacement value. The Valuation Committee will estimate this through detailed market surveys.
43. Compensation will be paid and resettlement of APs will be completed before taking possession of land/properties and prior to the start of civil works. The APs will hand over to the Government, land and properties acquired free from all encumbrances such as mortgage and debt. However, in case of any loans, on such acquired land and properties given to the AP by any Government agency, remains unadjusted as per the information furnished by the AP or by the lending agency, such amounts will be deducted out of total compensation. The acquired land and properties will vest in the Competent Authority paying compensation for such lands/properties. If the Competent Authority fails to pay decided compensation to APs within a year after the date of notification, additional amount by way of interest (12 percent) will apply on final compensation payable to each AP, except in cases where the AP has approached the judiciary for grievance redressal.

2. Income Restoration and Relocation

44. Income restoration schemes will be designed in consultation with APs. The strategy for income restoration needs to be prepared prior to land acquisition. Based on the information collected on income restoration activities from the census and the socioeconomic surveys, income restoration strategies will be framed and activities planned. The SIPMIU will consider the resource base of APs and their socio-economic characteristics and preferences to tailor individual income restoration schemes.
45. The basic objective of income restoration activities is to ensure that each AP will at least have the same or improved income and livelihood after the sub-project. Towards this, it is proposed that one member for each of the vulnerable households losing their

¹² The prevailing market values, influenced by various factors such as location of land, connectivity, and classification/ land use, type of soil, crops grown, available irrigation and other facilities, etc.

livelihood, and who has the capacity and willingness to acquire a new set of skills would be eligible for assistance. The implementing NGO will identify the number of eligible families and the individual beneficiaries based on the 100% census of the AHs and a training needs assessment through consultations with the APs. The plan for income restoration will be included as part of the micro-plan to be prepared by the NGO. The implementing NGO will frame a list of possible income restoration options in consultation with APs having examined local employment opportunities. Suitable trainers/local resources would be identified by the local NGO, seeking the assistance of local/regional training institutes, if required.

46. Income restoration activities are of two types (i) short-term; and (ii) long-term. Short-term income restoration activities are intended to restore AP's income in the period immediately before and after relocation focusing on relocation, and providing short-term allowances such as (i) subsistence/transitional allowance; and (ii) shifting assistance.
47. Long-term options depend on the degree of disruption to the economic activity. All vulnerable APs would be eligible for income restoration options. These will be derived from detailed socio-economic survey information, conducted as a part of the RP, and may include provision of income generating assets and/or training to operate them. The time frame will be decided based on the training to be provided, which will also be outlined in the RP. The implementing NGO will be responsible for provision of these assets and required training, with the help of SHGs, CBOs, and local institutions if necessary. The RP budget will reflect the cost of providing income generating assets and training. Strategies for promoting economic recovery of APs should also include skill upgrading through training. Project officials will ensure APs' access to Government schemes that could help them restore income and livelihoods.
48. Key steps to be undertaken in livelihood skill training of vulnerable households and responsibilities of agencies involved would be as follows:
 - (i) Identification of affected, vulnerable households through the census survey of APs will be undertaken by the Social and Resettlement Unit of the SIPMIU,
 - (ii) Identification of potential trainees and training needs assessment for vulnerable households, will require a detailed survey and assessment of literacy/educational level and/or skill sets available with one member nominated by the household for skill training. The needs assessment would also document income from various sources, assets, resources and coping strategies currently used by the household. The strategy would aim at improving/maximizing returns from the present occupation of the principal earning member or taking up a new/supplementary occupation aimed at achieving the right mix of activities in order to enable the household to improve/maintain its living standards. Training needs assessment would be undertaken by the NGO. Baseline details collected for individual households need to be carefully preserved in order to enable a post-training impact assessment.
 - (iii) Identification of Local Trainers/Resource Persons or Training Institutes by the NGO will depend on the type of skill training required (as identified through the needs assessment survey).
 - (iv) Livelihood Skill Training as well as training in budgeting/accounting, micro enterprise development training as well as micro-finance/revolving fund management training will be coordinated by the NGO. Training to suit the aptitude of identified trainees would be imparted. A time frame of a maximum of three months is envisaged for training.
 - (v) Internal monitoring of training and submission of progress reports will be by the NGO.

- (vi) Special assistance for purchase of equipment/materials will be provided to each affected, vulnerable household. Purchase will be undertaken by the SIPMIU, assisted by the NGO, if required. Under this special assistance, implements/equipment like carpentry/plumbing tools etc. as well as raw material for a trade may be purchased.
- (vii) Post-training impact assessment is proposed to be conducted by an independent agency, a year after project implementation. The household asset base and socio-economic status would be compared with the pre-program scenario. Indicators would be developed during detailed design stage.

I. BUDGETING AND FINANCING

49. The cost of all compensation and resettlement works will be an integral part of the overall costs. Table 3 presents the estimated resettlement costs for the program cities based on sampling of sectoral sub-projects during program preparation.¹³

Table 3: Summary of Land Acquisition and Resettlement Costs

Sl. No.	Item	Agartala Amount (INR'000)	Aizawl Amount (INR'000)	Gangtok Amount (INR'000)	Kohima Amount (INR'000)	Shillong Amount (INR'000)	Total
1	Compensation for Loss of Land	27,480	25,642	10,898	9,179	90,820	164,020
2	Compensation for Loss of structures	6,114	-	-	9,331	401	15,846
3	Resettlement costs and assistances	7,886	2,769	8,261	3,141	3,556	25,612
4	Cost of Implementation of RP	6,750	6,750	2,194	6,750	6,750	29,194
5	Cost towards Un-quantified/ Unprecedented Adverse Social Impacts	4,823	41,144	23,489	9,129	10,153	88,738
	Grand Total (in INR 000)	53,054	41,144	23,489	40,370	111,680	269,736
	In INR Million	53	41	23	40	112	270

50. Most of the land identified for acquisition is under agricultural use. Ownership is either government or private, which implies a cost for acquisition. It may be noted that government land does not necessarily imply a transfer. If required, the Program will pay for the identified government land and the cost of crops and trees will be factored in. Acquisition is proposed in the non-/post-harvest season so that losses are minimized. Impacts on contract laborers and sharecroppers would also be minimized through this timing. All compensation payment will be provided to APs prior to award of contracts for civil works.

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

J. INSTITUTIONAL ARRANGEMENTS AND RESPONSIBILITIES

52. The Ministry of Urban Development (MOUD) is the national-level executing agency (EA) of the Program. An IPCC will be established in MOUD and will include a social officer. A National Steering Committee (NSC) will monitor fund use and overall implementation performance of the Investment Program. A State-level Executing

¹³ These costs do not include SIPMIU staff and consultants which are separately costed under the Program.

Agency (SEA) will execute the part of the loan falling under respective State Governments. In each State there will be a State Steering Committee (SSC), and an Investment Program Empowered Committee (IPEC). SIPMIUs will be responsible for overall program implementation, monitoring, and supervision. The SIPMIU will have a Safeguards and Social Unit. An RO will be part of the Unit. ROs and implementing NGOs will be responsible for RP implementation. Roles and responsibilities are identified in Table 4.

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

Table 4: Institutional Roles and Responsibilities

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

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

54. A Resettlement Officer/Social Development Specialist (RO) will be part of the Safeguards and Social Unit. The RO will be entrusted with responsibilities to effectively implement the RP/Gender Action Plan/ IPDP/Community Development Plan complying with the safeguard provisions in the Program. The roles and responsibilities of the RO include but not limit to the following:
- (i) Coordinate implementation of R&R activities with the assistance of Unit staff.
 - (ii) Coordinate training for the Unit staff for capacity building to implement the RP.
 - (iii) Organize public awareness campaigns including resettlement provisions with the help of print and electronic media.

- (iv) Facilitate and coordinate joint verification survey of APs with the elected representatives as appropriate, finalize list of APs and inform them about tentative schedule of land acquisition/occupation.
- (v) Coordinate valuation of assets, such as land, trees of various species, agricultural crops, etc. facilitating a joint process involving elected representatives, NGOs and APs.
- (vi) Based on assessment of property values finalize compensation packages.
- (vii) Prepare procedures to be adopted for the land acquisition within the ambit of LA Act, 1894.
- (viii) Coordinate the land acquisition processes with the associated Government departments.
- (ix) Inform APs about entitlement matrix and compensation packages against different categories of losses.
- (x) Liaise with the District Administration and line departments (DRDA, DoRD, etc.) for dovetailing Government's schemes for income generation and development programs for APs.
- (xi) Make budgetary provisions for R&R activities.
- (xii) Coordinate, supervise and monitor disbursement of compensation.
- (xiii) Coordinate monitoring activities to be taken up for assessing progress in implementing the RP.
- (xiv) Facilitate the appointment of the external agency for impact evaluation and coordinate evaluation activities to be taken up by the agency.
- (xv) Prepare Terms of Reference (ToR) for procuring the external agency.
- (xvi) Facilitate appointment of consultant to carry out the studies and coordinate these.
- (xvii) Prepare quarterly monitoring reports for the Unit on the progress of RP implementation.
- (xviii) Participate in the GRC.

55. Apart from the RO the Unit will have other required staff for carrying out field level activities. The R&R Unit personnel are expected to perform their duties towards implementing the RP as follows:

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

56. The major RP implementation responsibilities vest with the NGOs. Towards this, partnership will be developed with these NGOs, which have local base and en masse acceptability. The responsibilities of these partnering organizations in RP implementation will include the following:

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

57. An impact evaluation study will be carried out in the context of RP implementation, for which the services of an external agency/consultant will be procured. The agency is expected to carry out the evaluation based on the following:

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

1. Capacity Building of Staff of Social and Resettlement Unit

58. Once the staff of the Social and Resettlement Unit is in place (through recruitment or on deputation) they are expected to expedite the process of RP implementation. For this, the staff should have adequate knowledge building relevant for their job. The staff of the Unit will take up implementation having built up their capacity to tackle issues of resettlement including finalizing of AP list, acquisition of temporary land, disbursement of compensation and assistance, monitoring project progress, etc.

59. For the capacity building of staff of the Unit SIPMIU will organize training programs. Services of consultant trainers may be procured for coordinating and imparting required trainings to the staff.

2. Co-ordination with other Agencies and Organizations

60. The R&R Unit of the SIPMIU will establish networking relationships with line departments and other government and non-government organizations. The Revenue Department has a significant role in land acquisition proceedings and initiation of the resettlement process. Unless the compensation process is prompt and efficient, RP implementation will be delayed. The R&R Unit will (i) coordinate with the Revenue Department to expedite the land acquisition process, and (ii) interact with the various government agencies on issues pertaining to shifting of utility lines etc. Income restoration will be the sole responsibility of the Project Authority. The implementing NGO will facilitate linkages to be established with the agencies implementing centrally sponsored poverty alleviation programs to complement Program efforts in restoring the income of APs. Restoration of community assets, if needed, will require help from relevant Government departments. SIPMIU will develop lateral linkages to mobilize resources to benefit APs and to achieve the desired results expected from RP implementation. The representatives of these departments/agencies will be in contact with the R&R Unit, which will facilitate the integration of the various agencies involved in the R&R process.

3. NGO Participation

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

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

4. Role of NGO

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

- (i) Build rapport with APs and SIPMIU.
- (ii) Educate APs on their rights, entitlements, and obligations under the RP.
- (iii) Ensure that APs receive their full entitlements.
- (iv) Where options are available, provide advice to APs on the relative benefits of each option.
- (v) Assist APs on grievance redress through the established system.
- (vi) Collect data as required to help SIPMIU monitor and assess progress.

64. Briefly, the NGO's activities will be to:

- (i) Develop project level plans for R&R in consultation with APs and communicate these to SIPMIU.
- (ii) Explain to APs about options available for their land and properties acquired for the Program.

- (iii) Assist the R&R Unit in making arrangements for the smooth relocation of the APs.
- (iv) Ensure proper utilization by APs of various compensations available under the R&R package.
- (v) Assist APs in getting benefits from various government development programs.
- (vi) Help APs redress grievances at the GRC.
- (vii) Train APs, if necessary, in acquiring literacy and income-generation related schemes.
- (viii) Provide appropriate field staff.
- (ix) Carry out any other responsibility that may be assigned by SIPMIU for the welfare of the affected communities.

K. IMPLEMENTATION ARRANGEMENTS

65. All land required, for any particular sub-project/component, will be provided free of encumbrances to the contractor prior to handing over of site and the start of civil works. All land acquisition and resettlement of APs is to be completed before the commencement of civil works. The implementation of RPs will include: (i) identification of cut-off date and notification; (ii) verification of losses and extent of impacts; (iii) finalization of entitlements and distribution of identity cards; (iv) consultations with APs on their needs and priorities; and, (v) resettlement and rehabilitation of the APs.

66. No civil works, for any particular component wherein land acquisition and resettlement¹⁴ is involved, will begin until APs receive entitled and approved compensation packages. The implementation schedule for the RP is given in Table 5. APs will be given sufficient notice to vacate their property before civil works begins.

Table 5: Schedule of Resettlement Implementation

Activities	Quarter																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Resettlement Planning																		
Approval of RP by ADB and by	◆																	
Disclosure of RP		◆																
Distribution of RP Report and Brochure		■																
Mobilizing Staff for Social/R&R Unit			■															
Recruitment of NGO			◆															
Socio-economic survey by NGO and list of APs				■														
Issue of identity cards					■													
Identify and confirm poor and vulnerable APs					■													
Form Grievance Redress Committee				◆														
Grievance Redressing Activities					■													
Land Acquisition, Temporary Land Occupation and Resettlement																		
Announce start date of RP implementation through public notification			■															
Disburse compensation payment and assistance for relocation					■													

¹⁴ For components that do not require land acquisition, or detailed designs, the civil works will be taken up at an early date.

2. Monitoring Physical and Financial Progress in RP

71. The internal monitoring will involve the following tasks:

- (i) Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis.
- (ii) Socio-economic monitoring during and after the relocation process utilizing the baseline information established by the socio-economic survey of APs undertaken during project preparation to ensure that people are settled and recovering.
- (iii) Overall monitoring whether recovery has indeed taken place successfully and in time.

72. Data from the baseline socio-economic surveys undertaken during program preparation stage will provide the benchmark for monitoring process to assess the progress and success of RP implementation. However, monitoring process will also include the following:

- (i) Communication to and noting reactions from APs.
- (ii) Information from APs on entitlements, options, alternative developments, etc.
- (iii) Valuation of properties.
- (iv) Usage of grievance redress mechanism.
- (v) Disbursement of compensation amounts and all assistances.

73. Monitoring will also cover the physical progress of RP implementation. This will include relocation of the APs and program affected community properties. The Unit will prepare quarterly progress reports.

3. Internal Monitoring Indicators

74. The indicators for achievement of objectives under RP implementation are of two kinds:

- (i) Process Indicators: Indicating project inputs, expenditure, staff deployment, etc.
- (ii) Output Indicators: Indicating results in terms of numbers of affected people compensated, area of temporarily occupied lands restored with topsoil, number of APs provided with livelihood assistance grants, etc.

75. Input and output indicators related to physical progress of the work will include items such as:

- (i) Training of SIPMIU, ROs and other staff completed
- (ii) Census, assets inventories, assessments and socio-economic studies completed
- (iii) NGO recruited and trained
- (iv) Grievance redress procedures in-place and functioning
- (v) Compensation payments disbursed
- (vi) Relocation of APs completed
- (vii) Employment provided to APs
- (viii) Community development activities completed
- (ix) Infrastructure repaired, water and sanitation facilities provided, etc.
- (x) Training of APs initiated
- (xi) Income restoration activities initiated
- (xii) Number of families displaced and resettled
- (xiii) Monitoring and evaluation reports submitted

76. A set of indicators will be used to monitor program objectives. These indicators will form the basis of the monitoring and evaluation of the implementation of the RP. The information collected through the household survey carried out for this study will

provide benchmarks for comparison on the socio-economic status of the APs in the project implementation period.

77. This monitoring will give information about whether the project objectives are being met. A key objective will be the estimation of AP incomes and quality of lives. If the monitoring and documentation done during the first 6 months indicate that these objectives are not being achieved, more resources should be allocated. During implementation, benchmarks and indicators will be monitored to ensure that comparison is made against the socio-economic status including income streams, not just the fixed assets lost due to the Program.

4. External Impact Evaluation

78. The broad objectives of the impact evaluation are as follows:

- (i) To assess whether APs have improved their living standards, in terms of income, housing condition, access to basic amenities, ownership of land and material assets.
- (ii) To monitor the schedules and achievement of targets.
- (iii) To evaluate whether the outcomes of social development objectives of the Program are being achieved.

79. An external Impact evaluation agency/consultant with prior experience in R&R and/or other social development programs will be engaged to carry out the evaluation of the implementation of the RP. The assignments can be taken up by a consultancy conversant in carrying out such evaluation studies. The independent agency will document: (i) restoration of income levels; (ii) changes and shifts in occupation pattern; (iii) changes in AP type of housing; (iv) assessment of APs access to amenities, such as water, electricity, and transportation; and (v) performance of NGO and SIPMIU in resettlement implementation. The independent agency will monitor sub-projects twice a year and submit reports directly to the EA and ADB.

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

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

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

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

Table 6: Impact Indicators for Evaluation

Items	Impact Indicators	Frequency
Better Economic Conditions	<ul style="list-style-type: none"> • Income: Program related and Independent means but assisted by the Program • Housing: Changes in quality over a period of time 	<ul style="list-style-type: none"> • Implementation stage through monitoring. • Implementation and post implementation stage through

	<ul style="list-style-type: none"> • Food Security • Changes in occupation • Skill portfolio • Migration profile 	mid-term and end-term impact evaluation study
Better Social Conditions	<ul style="list-style-type: none"> • Representation in Community Based Institutions • Indicators of participation • Empowerment • School enrolment • Health and morbidity • Better available infrastructure: potable water, living space, sanitation, proper road and drainage facilities, etc. 	<ul style="list-style-type: none"> • Implementation stage through monitoring. • Implementation and post implementation stage through impact evaluation study

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

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

Review and Comparison of Borrowers Policy and ADB Policy

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

1.Land Acquisition Act 1894

The Land acquisition Act (LAA) 1894, as amended in 1984 provides the legal framework for land acquisition for a public purpose in India. It enables the State Government to acquire private lands for a public purpose, and seeks to ensure that no person is deprived of land except under the Act. The general process for land acquisition under LAA is:

- Land identified for a project is placed under Section 4 of the LAA. This constitutes notification with Government's intention to acquire land. Objections must be made within 30 days to the District Collector (DC, highest administrative officer of the concerned District).
- The land is then placed under Section 6 of the LAA. This is a declaration made by the Government for acquisition of land for public purpose. The DC is directed to take steps for the acquisition, and the land is placed under Section 9. Interested parties are then invited to state their interest in the land and the price. Under Section 11, the DC shall make an award within one year of the date of publication of the declarations. Otherwise, the acquisition proceedings shall lapse.
- In case of disagreement on the price awarded, within 6 weeks of the award the parties (under Section 18) can request the DC to refer the matter to the Courts to make a final ruling on the amount of compensation.
- Once the land has been placed under Section 4, no further sales or transfers are allowed.
- Compensation for land and improvements (such as houses, wells, trees, etc.) is paid in cash by the project proponent to the State government, which in turn compensates landowners.

The price to be paid for the acquisition of agricultural land is based on the circle rate recorded at the District Registrar's office averaged over the three years preceding notification under Section 4. The compensation is paid after the area is acquired. An additional 30% is added to the award as well as an escalation of 12% per year from the date of notification to the final placement under Section 9. For delayed payments, after placement under Section 9, an additional 9% per annum is paid for the first year and 15% for subsequent years.

Under the Land Acquisition Act 1894, compensation is paid only to the legal titleholders and does not provide any compensation package to the non-titleholders like encroachers, squatters etc.

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

The National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007) was adopted by the Government of India in 31st October, 2007 to address development-induced resettlement issues. The policy provides for the basic minimum requirements, and all projects leading to involuntary displacement of people must address the rehabilitation and resettlement issues comprehensively. The State Governments, Public Sector Undertakings or agencies, and other requiring bodies shall be at liberty to put in place greater benefit levels than those prescribed in

the NRRP-2007. The principles of this policy may also apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to any other reason. The objectives of the National Rehabilitation and Resettlement Policy are as follows:

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

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

- The benefits to be offered to the affected families include; land-for-land, to the extent Government land would be available in the resettlement areas; preference for employment in the project to at least one person from each nuclear family subject to the availability of vacancies and suitability of the affected person; training and capacity building for taking up suitable jobs and for self-employment; scholarships for education of the eligible persons from the affected families; preference to groups of cooperatives of the affected persons in the allotment of contracts and other economic opportunities in or around the project site; wage employment to the willing affected persons in the construction work in the project; housing benefits including houses to the landless affected families in both rural and urban areas; and other benefits.
- Financial support to the affected families for construction of cattle sheds, shops, and working sheds; transportation costs, temporary and transitional accommodation, and comprehensive infrastructural facilities and amenities in the resettlement area including education, health care, drinking water, roads, electricity, sanitation, religious activities, cattle grazing, and other community resources, etc.
- A special provision has been made for providing life-time monthly pension to the vulnerable persons, such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or persons above 50 years of age (who are not provided or cannot immediately be provided with alternative livelihood).
- Special provision for the STs and SCs include preference in land-for-land for STs followed by SCs; a Tribal Development Plan which will also include a program for development for alternate fuel and non-timber forest produce resources, consultations with Gram Sabhas and Tribal Advisory Councils, protection of fishing rights, land free-of-cost for community and religious gatherings, continuation of reservation benefits in resettlement areas, etc.
- A strong grievance redressal mechanism has been prescribed, which includes standing R&R Committees at the district level, R&R Committees at the project level, and an Ombudsman duly empowered in this regard. The R&R Committees shall have representatives from the affected families including women, voluntary

organizations, Panchayats, local elected representatives, etc. Provision has also been made for post-implementation social audits of the rehabilitation and resettlement schemes and plans.

- For effective monitoring of the progress of implementation of R&R plans, provisions have been made for a National Monitoring Committee, a National Monitoring Cell, mandatory information sharing by the States and UTs with the National Monitoring Cell, and Oversight Committees in the Ministries/Departments concerned for each major project, etc.
- For ensuring transparency, provision has been made for mandatory dissemination of information on displacement, rehabilitation and resettlement, with names of the affected persons and details of the rehabilitation packages. Such information shall be placed in the public domain on the Internet as well as shared with the concerned Gram Sabhas and Panchayats, etc. by the project authorities.
- A National Rehabilitation Commission shall be set up by the Central Government, which will be duly empowered to exercise independent oversight over the rehabilitation and resettlement of the affected families.
- Under the new Policy, no project involving displacement of families beyond defined thresholds¹⁶ can be undertaken without a detailed Social Impact Assessment, which among other things, shall also take into account the impact that the project will have on public and community properties, assets and infrastructure; and the concerned Government shall have to specify that the ameliorative measures for addressing the said impact, may not be less than what is provided under any scheme or program of the Central or State Government in operation in the area. The SIA report shall be examined by an independent multi-disciplinary expert group, which will also include social science and rehabilitation experts. Following the conditions of the SIA clearance shall be mandatory for all projects displacing people beyond the defined thresholds.
- The affected communities shall be duly informed and consulted at each stage, including public hearings in the affected areas for social impact assessment, wide dissemination of the details of the survey to be conducted for R&R plan or scheme, consultations with the Gram Sabhas and public hearings in areas not having Gram Sabhas, consultations with the affected families including women, NGOs, Panchayats, and local elected representatives, among others.
- The Policy also provides that land acquired for a public purpose cannot be transferred to any other purpose but a public purpose, and that too, only with prior approval of the Government. If land acquired for a public purpose remains un-utilized for the purpose for five years from the date of taking over the possession, the same shall revert to the Government concerned. When land acquired is transferred for a consideration, eighty per cent of any net unearned income so accruing to the transferor, shall be shared with the persons from whom the lands were acquired, or their heirs, in proportion to the value of the lands acquired.
- The entitled persons shall have the option to take up to twenty per cent of their rehabilitation grant and compensation amount in the form of shares, if the Requiring Body is a company authorized to issue shares and debentures; with prior approval of the Government, this proportion can be as high as fifty per cent of the rehabilitation grant and compensation amount.

3 ADB's Safeguard Policy Statement, 2009

¹⁶ A new project or expansion of an existing project, which involves involuntary displacement of four hundred or more families en masse in plain areas, or two hundred or more families en masse in tribal or hilly areas, DDP blocks or areas mentioned in the Schedule V or Schedule VI to the Constitution.

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

The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

The main policy principles of the Involuntary Resettlement Safeguard are:

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

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

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

A detailed policy comparison between ADB's SPS, 2009, LAA, 1894, NRRP 2007, and the RF is given in following Table.

	Policy Principles	LAA	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
1.	Involuntary resettlement should be avoided where feasible.			LAA is applicable wherever private land is to be acquired by Government for public purpose.	This is addressed in the RF. The locations for project components have been identified in such a manner that IR is avoided to the extent possible. These IR impacts shall be further minimized during detailed designs.
2.	Where population displacement is unavoidable, it should be minimized by exploring viable project options.			LAA is applicable wherever private land is to be acquired by Government for public purpose.	This is addressed in the RF. The locations for project components have been identified in such a manner that IR is avoided to the extent possible. These IR impacts shall be further minimized during

	Policy Principles	LAA	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
					detailed designs.
3.	If individuals or a community must lose their land, means of livelihood, social support systems, or way of life in order that a project might proceed, they should be compensated and assisted so that their economic and social future will generally be at least as favorable with the project as without it. Appropriate land, housing, infrastructure, and other compensation, comparable to the without project situation, should be provided to the adversely affected population, including indigenous groups, ethnic minorities, and pastoralists who may have usufruct or customary rights to the land or other resources taken for the project.			According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Impacts are considered significant when 200 or more people will experience major impacts. According to the NPRR, RP should be prepared when it involves resettlement of more than 500 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.
4.	Any involuntary resettlement should, as far as possible, be conceived and executed as a part of a development project or program and resettlement plans should be prepared with appropriate timebound actions and budgets. Resettlers should be provided sufficient resources and opportunities to reestablish their homes and livelihoods as soon as possible.			According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Impacts are considered significant when 200 or more people will experience major impacts. According to the NPRR, RP should be prepared when it involves resettlement of more than 500 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.
				LAA does not provide for resettlement. However, it specifies the time limit for acquisition, though the project / program for which it is conceived need not necessarily be time-bound.	A time-bound action plan and implementation schedule for the IR activities is outlined. The key RP activities are identified and the responsibilities for the same outlined.
5.	The affected people should be fully informed and closely consulted on resettlement and compensation options. Where adversely affected			LAA recognizes only titleholders, who are to be notified prior to acquisition.	Consultations have been carried out with APs. This will be further

	Policy Principles	LAA	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
	people are particularly vulnerable, resettlement and compensation decisions should be preceded by a social preparation phase to build up the capacity of the vulnerable people to deal with the issues.				consolidated by the RP implementing NGO. The plan for information disclosure in the project, including the RF.
6.	Appropriate patterns of social organization should be promoted, and existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible. Resettlers should be integrated economically and socially into host communities so that adverse impacts on host communities are minimized. One of the effective ways of achieving this integration may be by extending development benefits to host communities.			-	This is addressed in the Entitlement Matrix.
7.	The absence of formal legal title to land some affected groups should not be a bar to compensation. Affected persons entitled to compensation and rehabilitation should be identified and recorded as early as possible, preferably at the project identification stage, in order to prevent an influx of illegal encroachers, squatters, and other nonresidents who wish to take advantage of such benefits. Particular attention should be paid to the needs of the poorest affected persons including those without legal title to assets, female-headed households and other vulnerable groups, such as indigenous peoples, and appropriate assistance provided to help them improve their status.			LAA provides for every affected person to receive a notification prior to acquisition and for a hearing in case of any objection. Acquisition under the Act is permitted within one year from the date of declaration of intent to acquire, failing which, the process has to start again. LAA does not regard non-titleholders as APs. <i>The Rajasthan Urban Housing and Habitat Policy, 2006 aims to provide tenurial rights to urban slum dwellers with special emphasis on persons belonging to scheduled castes, scheduled tribes, weaker sections, physically handicapped and widows. This is consistent with recognizing those without legal titles and the vulnerable.</i>	The process for verification of impacts and establishing the eligibility of the APs is outlined in the RF.
8.	The full costs of resettlement and compensation, including the costs of social preparation and livelihood programs as well as the incremental benefits over the "without project" situation, should be included in the presentation of Project costs and benefits.			According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Impacts are considered significant when 200 or more people will experience major impacts. According to the	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.

	Policy Principles	LAA	NPRR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
				NPRR, RP should be prepared when it involves resettlement of more than 500 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.	
				The NPRR's concept of replacement cost is not clearly defined. However, the NPRR does consider various compensation packages to substitute the losses of APs.	This is addressed in the Entitlement Matrix
9.	To better assure timely availability of required resources and to ensure compliance with involuntary resettlement procedures during implementation, eligible costs of resettlement and compensation may be considered for inclusion in Bank loan financing for the project, if requested.			-	The impacts have been assessed and RP costs according to the entitlement matrix have been worked out. These costs are included in the Project Costs.

OUTLINE OF RESETTLEMENT PLAN

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

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

This section:

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

D. Methodology for Impact Assessment

This section outlines the methodology and tools adopted for:

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

E. Socioeconomic Information and Profile

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

- (i) define, identify, and enumerate the people and communities to be affected;

- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

F. Stakeholders Consultation and Participation

This section:

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

G. Legal Framework

This section:

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

H. Entitlements, Assistance and Benefits

This section:

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

I. Relocation of Housing and Settlements

This section:

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

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

J. Income Restoration and Rehabilitation

This section:

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

K. Resettlement Budget and Financing Plan

This section:

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

L. Information Disclosure

This section:

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

M. Grievance Redress Mechanisms

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

N. Institutional Arrangements

This section:

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

O. Implementation Schedule

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

P. Monitoring and Reporting

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