

# Resettlement Planning Document

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## Pakistan: Balochistan Water Resources and Rural Infrastructure Development Project

Government of Balochistan

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## I. BACKGROUND

### A. Introduction

1. The pre-feasibility studies for potential subprojects carried out during the Project Preparatory Technical Assistance (PPTA) and the project design that emerged from subsequent loan processing indicate that involuntary relocation is unlikely under the Project. In particular, land will primarily be made available for project development activities through voluntary donations through a process of community participation and consultation. In addition, the subproject selection criteria have been developed with a view to further minimizing the scope for resettlement impacts under the Project. However, assuming that some resettlement impacts, including minimal land acquisition, and temporary loss of livelihood, might emerge during detailed design of its subprojects, a Resettlement Framework (RF) has been prepared setting out the policies and processes that will be used in formulating resettlement plans (RPs) for subprojects which have resettlement impacts.

2. The RF provides policy and operational guidelines to address resettlement impacts, if any, that might arise from: (i) land acquisition; (ii) acquisition of houses/structures; (iii) loss of livelihood owing to temporary loss of access to, or loss of productive land, or other property; and (iv) loss of community property resources. This RF outlines the legal, institutional and implementation framework to guide the compensation for lost assets, livelihoods, community property, and resettlement and rehabilitation of project-affected people in accordance with the ADB's Policy on Involuntary Resettlement (1995) and domestic laws and regulations.

### B. Project Impact and Outcome

3. The impact of the Project will be reduced poverty and increased resilience to periods of drought in poor farming communities in Balochistan province. The Project outcome will be more sustainable and remunerative farming systems in some of the poorest districts in Pakistan. The Project will also proactively assist rural communities in forming community organizations so that they are able to effectively operate and maintain the investments in water resources infrastructure, and provide short-term employment opportunities for the rural poor during the subproject construction process.

### C. Project Components

4. The Project components are: (i) community development and support; (ii) community managed irrigation and water resources development; (iii) rural access roads; (iv) agricultural support services; and (v) project implementation support. Project activities will be implemented in 12 of the poorer districts of the province selected according to poverty incidence, drought affectedness and coverage by other donor funded projects. Social components including resettlement will be integral to the Project and will be monitored and reported together with other project-supported development activities.

### D. Scope of Land Acquisition and Resettlement Impacts

#### 1. Magnitude of Potential Impacts

5. **Irrigation development.** Minimal land acquisition is anticipated from the irrigation development activities. For example, the alignments of existing main conveyance channels will be used. The subproject selection criteria mandate that the pond areas of the small storage dams will only be in uncultivated, undivided, communal land belonging to the collectivity that will be benefiting from the increased water availability or on state land with

similar characteristics.<sup>1</sup> In command area development, small watercourses at the individual farmer's field level will be rehabilitated and improved, directly benefiting individual farmers. Small water supply schemes that communities might suggest will require negligibly narrow rights of way off of the existing conveyance channels. Thus, the scale of the irrigation development activities likely to emerge from the Project is such that those negatively impacted will almost always also be directly benefiting from the subproject investments.

6. **Rural access roads.** Asphalt topped roads will be constructed on existing dirt tracks. While such tracks will also be widened in many instances, the very low population density and absence of commercial development in the project area provides considerable flexibility in widening existing rights of way, and make it highly unlikely that permanent structures or cultivated land will be affected in the process.

7. **Project design features.** Minimal negative impacts are also anticipated given the Project's primary reliance on voluntary land donations and because the beneficiaries themselves will be involved in identifying, designing and implementing subproject activities. However, where adverse impacts cannot be remedied through a change in alignment or modification in structure, or where communities/individuals refuse to voluntarily donate their land, and permanent loss of land, dwelling or commercial infrastructure, or loss of crops and trees, or temporary loss of livelihood or closure of a business, or temporary loss of access to land is unavoidable, affected persons will have to be compensated.

8. **Safeguards.** While no involuntary land acquisition, restoration of incomes, or relocation is anticipated as a consequence of the Project, the RF is prepared as a safeguard in the event of unavoidable land acquisition and resettlement. In addition, the RF will be used a guide to assist vulnerable households who are at high risk of impoverishment as a result of voluntary land donations.<sup>2</sup> As gender disparity and female disadvantage are persistent features of the province, safeguards will also be taken to ensure that women benefit equally in the provision of resettlement compensation.

## 2. Types of Potential Impacts

### a. Loss of Land<sup>3</sup>

<sup>1</sup> The average storage area is estimated to be less than 1 square kilometers, and thus is likely to be very small in any event.

<sup>2</sup> Such households will be identified during the community mobilization process prior to subproject development, and are likely to include those with small landholding (less than 5 acres), headed by females, persons with disabilities, or the elderly.

<sup>3</sup> In Balochistan, land can be grouped into three broad categories and tenure: (a) privately-owned land which includes cultivated land as well as all other arable lands; (b) non attributed, non cultivated lands, and (c) state land.

Most irrigated land is permanently distributed and the individual land rights are formally registered in government-administered cadastral records with the name of the owners, size and source of water for each plot of land as well as the occupancy rights of tenants, if required.

The non attributed, non cultivated lands are community or tribal property under communal (tribal) tenure. These constitute between 90% and 95% of the total area, which is under the control of a community. They also include communal grazing lands and communal woodlots, the use of which is regulated by the customary rules of the community or tribe (nomadic pastoralists are allowed to use these rangelands for free). This land may eventually be divided up and distributed to individuals according to present shares of their clans and sub clans and brought into cultivation (usually under rainfed or flood irrigation).

All state land is under the control of government departments. In the case of state-owned forests, these can be further sub divided into four classes on the basis of their legal designation and protection:

9. It is expected that the alignment of channels can be modified feasibly through only minor adjustments to circumvent habitation clusters. Since the impact zone of water channels is narrow, the occasional homestead, commercial, or agricultural structure that may fall in their path could be compensated within the original community or the remaining portion of the affected person's holdings, without loss of existing social networks, clientele, or markets.

10. It is worth noting that losing agricultural land to a main distribution channel creates a relative advantage for contiguous land. The contiguous land tends mostly to be of the same owner. Those losing a portion of their land to the canal are not only at an advantage over the rest in terms of irrigation, but also in terms of the value of their land increasing more than the rest. With the distribution canal running along the edge or through their remaining land, they thus comprise the head of the system.

11. Loss of undivided, uncultivated collective land for infrastructure constructed for a community project identified and demanded by the community itself may be valued and accepted as part of the beneficiary contribution for the investment, after confirming that no one with an interest in that land, including any squatter or encroacher, is being coerced (see safeguard measures for voluntary donation of land set out below). Nevertheless, losses to vulnerable individuals, even though beneficiaries of the subproject investment, will need to be compensated (see para. 8 above) By losing land, people who have small landholdings run a high risk of impoverishment as it would remove the main foundation for their productive systems and livelihoods.

#### **b. Damage to Land**

12. Damage to land from construction activities is temporary and restorable through leveling and filling, though there are costs involved. There are several ways in which land might be damaged during construction in irrigation projects. The most frequent form of damage is from earth burrowed from neighboring land for building pads and embankments for water channels. Other types of damage could include debris from concrete structure fabrication, or abandoned concrete platforms from onsite construction supply and equipment warehouses. Water left to pond over long periods during construction also leaves behind an undulated, damaged and useless surface, especially if livestock has wallowed and heavy machinery and vehicles have passed through it. Project contractors will be required to carry out restoration works to reverse any negative impacts.

#### **c. Reduced Access for Landless to Grazing**

13. One type of loss for the landless that would require special provision is the denial or reduction of grazing on previously accessible, undivided collective land after watershed

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- (i) Reserved Forests: Forests under Forest Department control and declared 'Reserved Forests' under the 1927 Forest Act. Local people generally do not have rights and privileges unless specifically permitted by Government notification.
  - (ii) Protected Forests: Forests, declared as 'Protected Forests' under provision of the 1927 Forest Act. Local people have some rights and concessions for grazing, grass cutting, collection of dry wood, etc.
  - (iii) Un-classed Forests: Public forestlands under the control of the Forest Department, which are neither Reserved Forests nor Protected Forests.
  - (iv) Resumed Lands: Lands surrendered by larger owners following the fixing of a ceiling on the extent of land ownership under the Land Reforms Act of 1959. Concerned landowners retained cultivated lands but surrendered wooded lands in excess of the ceiling. These resumed lands are managed by the Forest Department.

Approximately 70% of forests in Balochistan are reserved forests, with the remainder being protected forests. Statistics provided by FAO (2002) for the province indicate the absence of any privately owned forests.

conservation interventions. It is possible that landowners in the village estate may exclude or limit the access of the landless from a reinvigorated range/watershed, but it is expected that grazing rights can be reallocated to affected persons given that such issues are expected to arise in only a small number of subprojects.<sup>4</sup>

#### **d. Modification or Loss of Existing Water Rights**

14. Recognizing the importance of water in an arid environment and preserving previous water resource development, the Project will not fund any ground water extraction or surface water usage that adversely affects existing flows and water rights.

## **II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS**

### **A. Resettlement Policy Framework**

#### **1. Framework for Compensation of Adverse Impacts**

15. Presently no policy or guidelines exist in Pakistan either at the federal or the provincial level that lay down the principles or regulate the process of compensation or amelioration for different types of adverse impacts that project activities may have on people, farms, businesses and communities, except for procedures to compensate legal owners or quasi owners (registered tenants) of land and property acquired in public interest.<sup>5</sup> The land acquisition process in Pakistan is governed under the Land Acquisition Act 1894 (LAA) and subsequent rules and regulations framed by individual provinces. It specifies a step-by-step process for acquiring and compensating land when required in the public interest. Although the LAA prescribes provisions for fair and adequate compensation for land acquired involuntarily, it is in essence a confiscatory statute under which the state coercively acquires the rights of citizens in their property. It is founded on the doctrine that the interests of the public are supreme and private interests are subordinate.

16. In the absence of a resettlement policy that moves away from the confiscatory approach of the LAA, a general approach taken by executing/implementing agencies (EA/IA) while compensating for damage caused by their respective project activities, is to focus compensation only on affected persons that have a legal title or legally recognized interest in the structure or property being compensated. As will be evident in the next section, this is in sharp contrast to ADB's Involuntary Resettlement Policy.

#### **2. ADB's Involuntary Resettlement Policy**

17. In contrast to the confiscatory nature of the LAA, ADB's policy for involuntary resettlement focuses on people as the center of development. It recognizes that while certain projects must proceed for the greater benefit of society, in spite of potential adverse effects on some people, these adversely affected people must be consulted and compensated for their losses. The policy requires that people unavoidably displaced must be compensated and assisted, so that their economic and social future is generally as favorable as it would have been in the absence of the project. Affected persons must be assisted to rebuild their homes and restore their livelihoods at least to a level equivalent to that before

<sup>4</sup> Watershed interventions are expected in only 30-35 of the Project's estimated 120 subprojects. Of the former, rangeland rehabilitation and potential loss of grazing rights is only likely to be required in a small number of these.

<sup>5</sup> The Ministry of Environment, Local Government and Rural Development of the Government of Pakistan formulated a draft policy on involuntary resettlement with technical assistance from ADB in 2002. A draft Act for Project Implementation and Resettlement of Affected Persons also accompanied the proposed policy document. This document was circulated to the provinces, but has yet to be vetted by them or ratified as policy.

the project. The absence of a formal legal title to land or usufruct is not a bar to compensation for buildings and structures of pre-project squatters and encroachers, to compensation for loss of livelihood of tenants that are not registered in revenue records, to agricultural laborers that must spend time to find other jobs, to employees of businesses that have to be shut down, or to business operators that have rented shops they must vacate. Particular attention is to be paid to households headed by women and other vulnerable groups, such as indigenous peoples and ethnic minorities, and appropriate assistance provided to help improve their status. People affected are to be informed fully and consulted on resettlement and compensation options.

18. The objectives of the ADB policy are to:

- (i) eliminate or minimize involuntary resettlement where feasible by exploring viable alternative design options;
- (ii) replace what is lost so that economic and social circumstances will be at least restored to the pre-project level by basing compensation on the principle of replacement cost; and
- (iii) conceptualize and implement resettlement measures as development programs that are a part of the project.

### **3. Resettlement Principles Adopted by the Project**

19. In the absence of an approved policy in Pakistan to assist non titled persons and to bridge the gap between existing practice and the main guidelines of the ADB policy on involuntary resettlement, project-specific resettlement issues were addressed with the Government of Balochistan (GoB). The major inconsistencies between the LAA/usual GoB practice and ADB policy that needed to be addressed were (i) entitlement to compensation; (ii) valuation of compensation; (iii) community consultation and participation; and (iv) grievance redress.

20. A project-specific set of resettlement principles, agreed with the EA and consistent with ADB policy requirements but also incorporating key elements of existing legislation<sup>6</sup> and state policy have been adopted. These are set out below:

#### **a. Lack of Legal Title No Bar to Entitlement**

21. Lack of formal legal title to land by any affected persons is not a bar to entitlements. All persons affected by the Project will be eligible for compensation and rehabilitation irrespective of legal or ownership titles. The policy covers sharecroppers or tenant farmers losing user rights; agricultural or other laborers losing jobs; users depending on customary land use rights but without formal land title; seasonal migrants; squatters and vendors; indigenous and tribal peoples; and women and female heads of households.

#### **b. Replacement Cost as Basis of Compensation**

22. Replacement cost will be based on assessed values before the Project or dispossession, whichever is higher. Transaction costs such as administrative charges, taxes, registration, and titling costs will be included in the cost. Valuation of compensation is to be

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<sup>6</sup> LAA covers several principles of compensation laid out in the ADB policy. Section 23 specifically provides for awarding compensation on the following considerations: (i) market value of acquired land; (ii) damage caused to standing crops and trees; (iii) damage caused by reason of severance of the acquired land from the affected persons' other land; (iv) damage sustained by the affected persons by reason of the acquisition injuriously affecting their other property, moveable or immovable; (v) entitlement to reasonable expenses if compelled to change residence or place of business; and (vi) payment for damages resulting from diminution of profits of land until the Collector takes possession of the land.

in accordance with the LAA, which is based on (3-year average) market value of the acquired land at the cut-off-date of the resettlement notification. However, where this value is less than the replacement cost, it will be supplemented to ensure affected persons' (APs)<sup>7</sup> economic and social circumstances are restored to at least the pre-project level.

**c. Inclusion of APs through Community Consultation and Participation**

23. In the absence of provision in the LAA for consultation and participation of all stakeholders, and particularly APs, the ADB policy will be adopted. Consultation will commence at an early stage of the project cycle through a range of formal and informal activities. Direct dissemination of information to APs, particularly any changes in scope of works is critical to the overall process and to pre-empt further resettlement issues. APs will be systematically informed and consulted about the Project and RPs in Urdu and the local language will be made available to APs and associated communities. The consultative process will not only include those directly affected, but also adjacent communities, representatives of district and local governments where the project is located, community leaders, and social development organizations, such as NGOs and CCBs. Compensation and resettlement must be satisfactorily completed before the award of civil works contracts.

**d. Instituting a Grievance Redress Mechanism**

24. Various provisions under the LAA enable aggrieved APs at different stages of the land acquisition process to represent their cases to the Land Acquisition Collector (LAC) and after the award to a court of law for redress or to seek higher rates of compensation. Notwithstanding the fact that litigation is often out of the reach of the poor and representations to the LAC tend to go unheard, a whole range of other issues arise during resettlement for which arrangements must be specially instituted by the EA and the Project, including (i) APs not enlisted; (ii) losses not correctly identified or recorded; (iii) compensation/assistance inadequate or not as per entitlement matrix; (iv) disputes over ownership; (v) delays in disbursement of compensation/assistance; and (vi) improper distribution of compensation/assistance in cases of joint ownership. The Project will overcome these deficiencies in the LAA by adopting the mechanism for grievance redress as defined in ADB's policy. The main objective of the grievance redress procedure is to provide a mechanism to mediate conflicts and minimize recourse to lengthy litigation, the costs of which the poor cannot be expected to bear. It will also provide a forum for people who may have objections or concerns about their compensation to raise objections and seek redress.

**B. Entitlements and Eligibility**

25. Persons affected by land acquisition, and relocation and/or rehabilitation of structures/assets are entitled to a combination of compensation measures and resettlement assistance, depending on the nature of rights of the lost assets and scope of the impact, including the social and economic vulnerability of the APs.

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<sup>7</sup> The ADB "Operations Manual Bank Policies," 2003, which describes the ADB policy on involuntary resettlement defines affected persons as "any people, households, firms, or private institutions who, on account of changes that result from the Project will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement."

26. Where land and assets are lost, titled<sup>8</sup> and legalizable<sup>9</sup> affected people will be entitled to cash compensation at replacement cost or replacement land, in addition to other assistance. Non-titled<sup>10</sup> affected people such as grazer nomads/transhumants, tenants, sharecroppers, and squatters, are entitled to various options of resettlement assistance, provided they have customary grazing rights or previously (pre-project) unhindered access or that they cultivated/occupied the land before the eligibility cutoff date. All eligible APs who lose their jobs, incomes, or livelihoods due to project impacts, are entitled to receive one-time financial assistance to cover the losses of relocation (if required), as well as economic and social rehabilitation.

27. In general terms, the APs under the Project will be entitled to various types of compensation and resettlement assistance that will help in the restoration of their livelihoods, at least, to pre-project standards. This includes:

### **1. Compensation for Loss of Agricultural Land, Standing Crops/Trees**

- (i) Cash compensation for land at full replacement cost based on current market value plus 15% Compulsory Acquisition Surcharge (CAS), as provided in the LAA. In the event the market value is less than the replacement cost, supplementary assistance will be provided to make up the difference.
- (ii) Cash compensation for loss of land of sharecropper/tenants as set out in the LAA.
- (iii) Cash compensation for loss of agricultural crops at market value of mature crops based on average production. It is anticipated that losses can be limited to a single crop.
- (iv) Compensation for loss of fruit trees for average fruit production for the expected productive life to be computed at the current market value.
- (v) Compensation for loss of wood-trees at current market value of wood (timber or firewood, as the case may be).
- (vi) Provision of water courses to connect severed segments of land with sources of water for irrigation. This will be built into the subproject design.
- (vii) Encroachers/squatters are not eligible for compensation for land, but will be entitled to compensation of crops and trees.

### **2. Compensation for loss of Residential/Commercial Land, Structures and Immovable Assets**

- (i) Cash or in kind compensation for land at full replacement cost based on current market value to titleholders plus 15% CAS, as provided in the LAA. It is anticipated that replacement land would be available for in kind compensation in most instances.
- (ii) Cash compensation for loss of built-up structures at full replacement cost based on current market value of materials and labor required for reconstruction.
- (iii) Owners of affected structures will be allowed to take/reuse all the salvageable materials for rebuilding/rehabilitation of the structure.
- (iv) Transfer/shifting allowance to cover the cost of moving structures (transport plus loading/unloading) the effects and materials will be paid on an actual cost basis or on current market rates.
- (v) In case of damage to land caused by excavation etc. or earth removal due to construction, restoration of land to a pre-construction condition or cash

<sup>8</sup> Those with formal legal rights to land including customary or traditional rights recognized under the law of the land.

<sup>9</sup> Those with no formal rights to land at the time of recording, but who could claim rights under national/provincial legislation.

<sup>10</sup> Those with no recognizable rights or claim to the land they are occupying.

compensation at prevailing rates for necessary repairs or tractor hours for restoring level and/or truckloads of earth for fill.

- (vi) Encroachers/squatters will not be eligible for land compensation, but will be compensated for lost structures/assets, entitled to transfer/shifting allowance/s, and assisted during relocation.
- (vii) Encroachers/squatters are eligible for compensation for the loss of or damage to the structures/assets, and resettlement assistance for loss of income/livelihoods, but are not eligible for compensation for loss of land.

### **3. Assistance for Livelihood Restoration against Loss of Business/Wage Income**

- (i) One-time lump sum grant to owner of business; minimum one-month's income based on the nature of business and type of losses assessed on a case-to-case basis.
- (ii) One-time lump sum grant of Rs 800-1,000<sup>11</sup> to agricultural tenants/ sharecroppers (permanent, short-term or long term agricultural labor, which will be in addition to their shares in crop/tree production). The grant will be indexed to domestic inflation.
- (iii) One-time financial assistance to hired laborers equivalent to 30 days' wages to be computed on the basis of minimum wage board rates for respective districts for respective employment categories.
- (iv) Family workers in small business enterprises are not eligible, as they have already been covered by income assistance for loss of business by shops/SBE owners.
- (v) APs who semi-skilled or unskilled will be given preference in employment opportunities in the Project's implementation works (for unskilled and semi-skilled in irrigation and road construction tasks as drivers, masons, clearing and digging work). To this end, the contract documentation will need to include a clause requiring contractors to preferentially recruit APs.
- (vi) Skills training for restoration of livelihoods (vocational training) and cash subsistence allowance of Rs 100 per household (for a total of 6 months or until new employment has been found, to be indexed to inflation) for vulnerable APs such as women that have to change their livelihood or those whose holdings have been reduced to less than 5 acres because of land acquisition. Linkages will be provided through implementing partner NGOs (IP-NGOs) for APs to access existing vocational training facilities. IP-NGOs and vocational training center placement programs will facilitate new employment for trainees.

### **4. Special Provisions for the Vulnerable APs**

- (i) Needs-assessment based cash or in kind assistance provided to vulnerable groups, such as women-headed households, disabled or elderly persons, and the poor, for re-establishing and/or enhancing livelihoods.

### **5. Restoration of Community Structures/ Installations/ Assets**

- (i) The Project will provide complete restoration work or equivalent cash compensation for rehabilitation/re-building of affected common property resources and cultural/community structures/installations.

Further details are provided in the entitlement matrix (Annex 1), which would apply to all subprojects.

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<sup>11</sup> Average monthly income assessed by PPTA consultants during surveys.

### III. SCREENING OF SELECTED SUBPROJECTS FOR RESETTLEMENT IMPACT AND PREPARATION OF RESETTLEMENT PLANS

#### A. Screening of Selected Subprojects

28. The initial social assessments and community contacts will form the basis for more detailed studies during the subproject feasibility and detailed design stages. The initial social assessments will identify potential losses of physical and non-physical assets, including homes, communities, productive lands, income-earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity, and mutual help mechanisms. It will determine whether more detailed feasibility studies should be undertaken. The initial assessments will also enable the resettlement categorization of subprojects based on their level of social impacts.

##### 1. Categories of Involuntary Resettlement Impact Significance

29. If 200 or more persons are anticipated to experience adverse impacts, the subproject from a resettlement perspective will be categorized as 'A' to denote significant resettlement impact. Major or significant resettlement impacts imply physical displacement from housing and/or more than 10 percent of the household's productive assets (income generating) will be lost. Subprojects that are judged to have category 'A' impacts will not be eligible for project funding.

30. If less than 200 people are expected to be displaced from housing, or will lose less than 10 percent of their productive assets (income generating), or 200 people or more experience minor impacts, category 'B' will apply to the subproject, and will require the preparation of a short RP.

31. If the subproject has no anticipated resettlement impacts, category 'C' will apply and the subproject can proceed without the preparation of a RP.

32. To the extent possible, the Project will consider alternative engineering designs to minimize adverse social impacts and land acquisition. Where social screening and design options indicate that land acquisition and/or loss of assets is unavoidable, and the subproject resettlement impacts are judged to be consistent with category 'B' as described in para. 30 above, a short RP will be prepared during the feasibility study for which this RF provides overarching guidance on principles and procedures. Subproject RPs will be submitted to ADB for review and approval as a condition for award of civil works contracts.

**Table 1: Subproject Categorization and Resettlement Planning Requirements**

Category	Number of People Affected	Resettlement Impact	Action
Category A	200 or more people being physically displaced or losing 10% or more of their productive assets	Significant IR impact	The subproject is not eligible for project funding
Category B	Less than 200 people affected or less than 10% of productive assets lost	No significant IR impact	A short RP is required
Category C	No acquisition of assets, displacement, loss of income and restriction	No IR impact	No RP is required.

## **B. Preparation of Subproject Resettlement Plans**

33. Development of required RPs will comprise an important aspect of the detailed feasibility for subprojects that have resettlement impacts. To fully include communities in the planning, community organizers and technical staff will conduct a series of participatory activities, including male and female pre-design meetings, and walk-through surveys. Effort will be made to avoid the need for displacement or adverse impacts, and alternative alignments with the least impact will be chosen.

34. Approval of the feasibility study and scheme design, including the draft RP by the Project Implementation Committee and agreement from the community through the signing of a formal Memorandum of Understanding will culminate the subproject preparation process. Subproject RPs will be prepared based on detailed designs. Any additional impacts due to subsequent changes in scheme design will be incorporated into the RP, which will be submitted to ADB for review and concurrence. For each subproject for which a RP has been prepared, all resettlement financial/moving assistance and compensation payments will be paid in full, including preparations for implementing livelihood programs prior to award of civil works contract. The preparation process of the RP will in broad outline adopt the following process, presented in greater detail in the ADB Handbook on Resettlement, 1998:

### **1. Scope of Subproject Land Acquisition and Resettlement**

35. The RP will describe the alternative options considered to minimize land acquisition and its effects and why remaining effects are unavoidable, and the scope of land acquisition and why it is necessary.

### **2. Disclosure and Community Consultations**

36. Consultations will be carried out with various stakeholders to identify the needs and preferences of APs, and the design of compensation packages (compensation for losses and rehabilitation measures and other assistance). The RP will describe in detail the community participation process that was followed for the resettlement planning of a particular subproject and the disclosure of impacts and the RP. The conduct of a census (see the following section) will result in the formation of an Affected Persons Committee (APC) amongst the affected persons of that subproject, and the names of members of the APC will be reflected therein. If relocation becomes necessary, the APs will be closely consulted on their preferred options, and the host communities on their concerns. After development of the RP, the draft will be presented to the community for comments and feedback and suggested changes incorporated as appropriate.

### 3. AP Census and Socioeconomic Information

37. A census of all categories of losses and APs<sup>12</sup> will be undertaken, based on the categorizations in the entitlement matrix provided in this RF document. If new categories of APs and other types of losses are identified in a particular subproject, the entitlements in the matrix will be revised as necessary. To avoid an influx of outsiders to subproject areas and misuse of the compensation policy, the date of the census will serve as the cut-off date for eligibility and no new APs will be eligible for compensation after this date. The cut-off date will be announced and made public through radio advertisement by the IP-NGOs during the community awareness campaigns. The detailed census of APs will be appended to the RP.

#### a. Census Survey

38. The census information should include all household members, ethnicity, relationship of household members to the household head, age and sex of each member, education level, primary occupation, monthly income, and income from secondary sources, location of jobs and businesses, type of land ownership, tenure status, and types of documentation available to certify land ownership and tenure agreements.

39. The inventory of affected assets and other losses will be itemized by enumerating losses of each category of land, structure, and other assets, which will help in determining the recompense due. For crops, land use, affected area, total area and type of compensation, type of crops affected, owner, average yield, and yearly household income from agriculture will be determined. For trees, type, age, owner's name and average yield of fruit bearing trees must be recorded. For structures, type, age, affected area, utility connections, building materials, and area of building must be recorded. Additional information is required for business losses, affected public utilities, preferences for relocation, loss of cultural and religious properties, and territorial claims by any ethnic groups.

#### b. Socioeconomic Survey

40. A socioeconomic survey of 10% of the APs and 20% of the seriously affected APs collecting demographic, educational, income, and occupational information on the various categories of APs will be carried out, including vulnerable groups, to be used as a benchmark against which the effectiveness and sufficiency of amelioration measures can be monitored and later assessed. The data gathered will be gender-disaggregated, and the

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<sup>12</sup>

- (i) *Project Affected Families.* All members of a subproject affected household residing under one roof and operating as a single economic unit, who are adversely affected by the Project or any of its components. For resettlement purposes, affected persons will be considered as members of affected households.
- (ii) *Squatters.* People who are occupying land in violation of the laws of Pakistan are not entitled to compensation for loss of land under this policy. However, if such people have uninterrupted possession of land for at least one year prior to the census, they are entitled to resettlement assistance if displaced.
- (iii) *Encroachers.* People who have trespassed onto private/community land to which they are not authorized. If such people arrived before the entitlements cut-off date, they are eligible for compensation for any structures, crops or land improvements that they will lose.
- (iv) *Marginal farmer.* A farmer whose land holding is less than 5 hectares.
- (v) *Marginal Landless/Agricultural Laborer.* A person who does not have any agricultural land himself or jointly with any family member. Persons who work as agricultural laborers will also be placed under this category.
- (vi) *Tribal and indigenous peoples.* These groups often have traditional (untitled) land and water rights and may often be dependent on the natural resource base to support subsistence incomes. The ADB policy explicitly recognizes the need to focus on such groups, particularly in resettlement planning and implementation.
- (vii) *Vulnerable Groups.* These are persons most likely to be particularly disadvantaged as a consequence of resettlement. The policy defines vulnerable groups as the poorest, those without legal title to assets, households headed by women, indigenous peoples, ethnic minorities, and pastoralists.

impacts on men and women will be assessed separately. Contextual socioeconomic information of the subproject community, including production systems, and use of natural resources, an inventory of common property resources, social networks and social organizations, and conditions, needs and priorities of women will be gathered.<sup>13</sup> The findings of the survey will be reported in the RP.

41. Information from both the census and the socioeconomic survey will be made available to the project performance monitoring system (PPMS) and for inclusion in the data base to support the PPMS for resettlement.

#### **4. RP Implementation Schedule and Budget**

42. A detailed implementation schedule will be prepared for each RP, which will include the specification of the sequence and time frame of the necessary activities for land acquisition, release of funds to the acquiring agency, payment of compensation for various categories of loss and relocation, demolition of structures and transfer of land, grievance redress, and monitoring and evaluation.

43. The RP will also include a detailed budget for the payment of compensation and implementation of the various resettlement aspects for a particular subproject, including amongst others, costs of surveys, third party validations of voluntary land donation, land acquisition, loss of livelihood, loss of crops and other property, and allowances for the vulnerable members of the community.

#### **C. Safeguard Mechanism for Voluntary Donation of Land: Procedure and Records**

44. The Project anticipates land for widening of existing tracts of rural roads, and irrigation channels to be donated by communities or individuals that will be directly benefited by these investments on a voluntary basis. However, ADB's Involuntary Resettlement Policy<sup>14</sup> requires that these voluntary donations do not severely affect the living standards of APs and that the community agrees to replace any of their losses. In addition, the Policy requires that voluntary donations are confirmed and verified by an independent third party. In accordance with the policy, which requires RFs to specify arrangements for voluntary donations, the following procedures, records and safeguards will be adhered to by the Project and included in respective RPs of subprojects, which involve voluntary donations of land and other assets.

##### **1. Site Selection Consultations**

45. While selecting a site for a structure, or determining the alignment of a water channel or a road in communities that offer to voluntarily donate land for project activities, the technical staff of the EA/IA and the IP-NGO community mobilization team will conduct detailed consultations with customarily recognized or legally titled landowners and any non-titled affected people, such as squatters, tenants, and herders that may have traditional access to these areas. The Project team will facilitate the donors to reach consensus for locations that have least adverse impact. The donors can be a clan or sub-clan that owns undivided land collectively or as individuals.

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<sup>13</sup> This assessment will be undertaken with the assistance of the gender specialist in the project implementation team.

<sup>14</sup> OM Section F2/OP, October 29, 2003 paragraph 5, footnote 6.

## **2. Replacement of Losses of the Vulnerable and Poor**

46. Where site selection severely affects the living standards of APs, the donors will undertake to replace the loss by relocating them to a similar location with comparable resources within the same community or paying reasonable compensation that is acceptable to them. To help facilitate a mutual understanding of 'reasonable compensation,' the Project team will guide both parties in line with the compensation and valuation principles in the Project's Entitlement Matrix.

## **3. Record of Communally-Guaranteed Amelioration Measures, Third Party Verification, and Grievance Redress**

47. Agreed measures to replace losses of people severely affected by the donations will be verbally accepted by all the APs (recognized heads of each household) in the presence of a mutually agreed third party and documented on an affidavit which shall include a description of the amelioration measures guaranteed by the community. The donor community will be represented by a recognized elder(s) of clan(s) or sub-clan(s) who will affix their signatures and/or thumb impressions on the affidavit. The IP-NGO involved in facilitating the community mobilization will play the role of the third party. The IP-NGO community mobilizers will also affix their signatures and/or thumb impressions on the affidavit. Construction will only proceed after the donor community has replaced losses through agreed measures and the amelioration has been verified by the APs themselves to the mutually agreed third party, verbally and documented in an affidavit to which all APs (recognized heads of each household) and the third party affix their signatures and/or thumb impressions. The APs will be informed of voluntary donation procedures as part of the disclosure policy of the Project and have access to the grievance redress mechanism detailed below.

## **4. Record of Donation and Verified Transfer by Legal Authority**

48. Donations by the community or an individual will be documented on an affidavit and confirmed verbally by the individual owner or a recognized elder(s) of clan(s) or sub-clan(s) in front of the concerned revenue official (*Tehsildar*) in the presence of two witnesses known to the local revenue staff to be from the same community certifying the identity of the donors. The donors and witnesses will affix their signatures and /or thumb impressions on the affidavit and the land will be transferred in the name of the community organization (CO) of the respective subproject. The Project will facilitate the transfer process and arrange for transportation to the concerned revenue office.

## **5. Report on Subproject Voluntary Donation Process and Documents**

49. The Project team shall compile a report of the above described process and records and documents and submit it to the Project Director who shall certify and forward a copy to ADB prior to the commencement of the civil works. The PPMS for resettlement explained below will include the monitoring and review of the voluntary donation process of the Project.

## **D. Land Acquisition and Compensation Process**

50. Section 17 of the LAA, which allows acquisition in an emergency, will not be invoked under any circumstances. Notice under Section 4 will be issued prior to entry for survey.

51. The total amount assessed for land acquisition and compensation will be deposited by the EA in the treasury accounts of respective districts, who must then make payment of compensation money to the entitled APs within 60 days after the notice of award under Section 6 of the LAA. Those eligible for compensation will be given advance notice of the

date, time, and place of payment through public announcements. Receipts must be signed by all those receiving compensation payments and retained for audit purposes. The process of distribution of compensation will be supervised by the IP-NGOs/resettlement consultant and further verified by the Project Management Unit (PMU) and will preferably be carried out in the subproject communities or in the union council offices.

52. Payment of compensation will be made no later than 90 days (three months) prior to the actual possession of the acquired lands. No land will be possessed by the LACs or handed over to the EA for commencing construction works without full payment of due compensations to the affected landowners and their tenants. However, in case of a dispute, the assessed/allocated amount of compensation will be pledged in the names of the concerned APs, pending a decision by the court in accordance with LAA. In such cases, the Project may possess the land before payment of compensation.

#### **E. Resettlement Plan Responsibility Matrix**

<b>RP Activity</b>	<b>Implementation Responsibility</b>	<b>Final Responsibility</b>
Screening subprojects for IR Impacts	IP-NGO; EA/IA Technical Staff; and CO	Project Director, Project Coordinators of IAs
Preparation of RPs	IP-NGO; EA/IA Technical Staff; and CO	PMU, Project Resettlement Coordinator (PRC)
Funds: availability and allocation	PRC	Project Director, Project Finance Manager
Disclosure to APs	IP-NGO; CO; EA and IA	Resettlement Consultant
Submission to ADB for Review and Approval	Project Director	Project Implementation Committee

### **IV. DISCLOSURE AND COMMUNITY PARTICIPATION**

53. Consultation and information sharing for resettlement in the Project will be part of the overall participation and communication strategy for subproject planning and implementation and not an appendage. Social safeguards will be planned and implemented in integration with the design and implementation of the subprojects. In the event of involuntary land acquisition, the RPs will be provided to the affected persons prior to submitting the documents to ADB.

#### **A. Involvement of Project Affected Persons and Stakeholders**

54. Affected Persons' Committees (APCs) nominated by various categories of APs and stakeholders will be formed during census surveys of APs. The census surveys will serve as the "cut-off date" for enlisting APs. The IP-NGOs and EA/IA will ensure that COs are involved in:

- (i) finalizing the exact alignment and layout of the physical infrastructure;
- (ii) preparing the inventory or listing of crops, trees and other assets falling in the path of the alignment. Although the loss is of an individual or a household, this will not be a matter only between the AP and Project, but will involve the collectivity to ensure transparency and fairness;
- (iii) assessment of temporary damage to land or structures because of earth removal or construction, and in overseeing payment for restoration;

- (iv) payment of compensation for acquired land and loss of assets and livelihood to individuals by the LAC in the main village settlement of each revenue estate or key points of the alignment; and
- (v) consultation with displaced APs and host communities on relocation options, if relocation is necessary.

## **B. Information and Publicity**

55. Copies of draft RPs, and voluntary donation procedures will be public documents translated into Urdu and respective regional languages, including Balochi, Barahvi, and Pushto, and made available at local level public offices such as union councils, tehsils (revenue), and district offices. To ensure they are understood by the APs who are not literate, the IP-NGOs will hold meetings to explain the key provisions of the RP. The PMU will publish the Project's Entitlement Matrix in popular newspapers of respective subproject areas. In addition hand bills and posters of the Entitlement matrix will be distributed in the markets of the area. Construction plans with dates, including demolition and schedules for payment of compensation, will be shared with the APs. Compensation will precede construction and demolition. Grievance redress mechanisms will be publicized. APC's will serve as a conduit and communication channel with the APs.

## **V. INSTITUTIONAL FRAMEWORK AND GRIEVANCE REDRESS**

### **A. Intra and Interdepartmental Coordination**

56. Resettlement and accessing of land through community participation and consultation will be integral to subproject planning, which will focus on averting adverse project impacts. The main planning principle will be to eliminate or minimize involuntary resettlement where feasible by exploring viable alternative design options. Such a focus has been built into the subproject selection criteria. Significant checks and balances (including appropriate legal assurances) have been built into the subproject selection and preparation process, which is overseen by the project implementation committee (PIC), to ensure strict compliance with the selection criteria.

57. The Deputy Project Director will serve as the Project Resettlement Coordinator (PRC), who will oversee the preparation of land acquisition and RPs along with the EA/IAs and IP-NGOs. The PRC will be assisted by the resettlement specialist to be engaged as part of the project implementation consultant team.<sup>15</sup> The RPs will need to be submitted for approval to ADB and the EA before the award of civil works contracts or the commencement of any physical work. This will ensure that no subproject proceeds without an acceptable RP and corresponding budget allocation.

58. The Project team and IP-NGO for the subproject district will ensure that their field-staff conduct the required census surveys for land acquisition and compensation of loss of infrastructure and livelihoods in a transparent and participatory manner. A socioeconomic survey along with key indicators of at least 10% of the APs and 20% of the seriously affected APs of the census list will be carried out to establish a benchmark to measure the social and economic condition of APs after implementation. The socioeconomic surveys, which will collect gender-disaggregated information, will be carried out by the IP-NGOs as part of the initial community reconnaissance process. Implementation of subproject RPs will be the responsibility of RPC, who will be assisted by the resettlement consultant, under the guidance of the PIC.

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<sup>15</sup> The project implementation consultant team will be part of the PMU.

## **B. Capacity Building for Participatory Resettlement Planning and Implementation**

59. At the beginning of Project implementation the resettlement consultant will design and conduct training for building capacity of IP-NGOs, and relevant project staff in accordance with good resettlement practices highlighted in ADB's *Handbook for Resettlement* and clarify the particular elements and procedures included in this RF, especially the entitlements for compensation and the eligibility criteria, which shall apply to all subprojects of the Project. It will be particularly important that the IP-NGO field mobilizers are fully conversant with the principles and procedures set out in this RF as they will be primarily responsible for identifying potential resettlement impacts during the course of the community mobilization process. More generally, resettlement concerns will also have to be mainstreamed into the subproject preparation process so that detailed designs will be chosen that minimize resettlement impacts.

## **C. Resettlement Budget and Financing**

60. The Project Director will be responsible for ensuring the prompt provision and efficient flow of the budgeted funds for resettlement to the various subprojects. Assisted by the PRC, he will ensure that land acquisition and compensation are adequately funded and carried out in accordance with applicable rules and the present framework. In case of need, the PMU will requisition the Deputy District Officer Revenue, (DDRO), and designated LAC in respective districts through the Board of Revenue, to undertake land acquisition and make compensation payments to APs in that district. Appropriate safeguards will be developed, utilizing gender-disaggregated socioeconomic information from the census surveys, to ensure that men and women are compensated equally (i.e., that cash payments to households are made jointly, entitlements to land and other in kind compensation are provided equally, etc.). Gender-disaggregated impact assessments will be integrated into the PPMS

61. The resettlement budget and financing will cover funds for compensation of private property, community infrastructure replacement and improvement, assistance to top-up compensation, training and the management of resettlement expenses, including those for the PMU, the IP-NGOs, and for external monitoring.

62. A budget for resettlement is included in the Project's design under a separate budget item—Livelihood Restoration for Resettlement Cases—and as part of the screening/feasibility studies under the Community Development and Support component.

63. The overall budget for the resettlement component is US \$600,000 based on initial assumptions on the scope of resettlement impacts, prevailing land values, and vocational training costs. A separate budget is included for the engagement of the resettlement specialist for 18 months, along with adequate provision for transport, office equipment, and office recurrent costs in the Project Implementation Support Component. The budget for resettlement will be revised annually based on field assessments, prevailing asset values, and actual experience based on subproject RPs to ensure that adequate funds for resettlement are allocated during the course of project implementation.

## **D. Grievance Redress Procedures**

64. A two-tier grievance redress process, one at the subproject level, and the other at the level of the Project, will address any delays or issues arising in the resettlement and compensation process. It will provide the APs a forum convened by the PIC to register their complaints and seek resolution to their concerns.

## 1. Affected Persons and Citizens Liaison Committee (ACLC)

65. The ACLC is a joint Project and APs' forum that will have representation from the APCs, Project field staff, and IP-NGOs. The relevant district-level line agency staff (Executive Engineer Irrigation / Communication and Works or District Officers Forest and/or Works designated in charge by respective subproject) will be the chair. The social mobilization staff of the IP-NGO of the respective subproject and AP representatives nominated by the APCs, who may choose to nominate their local government representatives, and representatives of the respective COs formed for the subproject will be members. The senior community mobilizer of the IP-NGO for the subproject will serve as secretary.

66. This committee will hear grievances that cannot be resolved at the working level between the APCs and project staff while dealing with on the spot individual and immediate issues for losses. A whole range of factors relating to entitlements are involved at this level, such as quantity, quality, rate of compensation, ownership, usufruct, and the conduct of those confirming and registering the loss and processing payment that is best dealt on the spot. During the compensation process until the demolition of impacted structures, the committee will meet fortnightly and gradually reduce its frequency thereafter to coordinate issues faced by the public because of construction. It will give its decision within 15 days of receipt of a complaint. If this decision is not acceptable, the complaint can be brought to the *Musalihat Anjuman*.<sup>16</sup>

## VI. MONITORING AND EVALUATION

67. The PMU under the guidance of the Project Director will serve a monitoring and policy function for land acquisition and resettlement. The computerized PPMS will facilitate efficient resettlement information management. It will assist with the implementation and monitoring of the RPs. The PRC will generate monthly reports, which will be summarized in the quarterly project status reports on the submitted to the PSC and ADB.

68. An external NGO not associated with the IP-NGO consortium appointed in consultation with ADB will serve as the external monitor. During the first two years of the Project, beginning the sixth month of the Project, the external monitor will submit quarterly reports to ADB and GoB on the status of the resettlement process through a series of reviews to include quality of resettlement screening, the effectiveness of consultation and disclosure activities, effectiveness of measures to meet particular needs of poor and vulnerable APs, and the status of grievance processing and outcomes. After the first two years, the external monitor will submit a biannual report based on a review of the resettlement process. The PMU will commission an independent evaluation of the resettlement process in the last year of the Project, for assessing the efficiency of the process and lessons learnt.

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<sup>16</sup>Under the Balochistan Local Government Ordinance, 2001, Zila Councils, Tehsil Councils and Union Administrations are the district, tehsil and village level elected bodies through which officers of the line agencies should work. At each level, a *Musalihat Anjuman* (Reconciliation Committee) has been constituted. The MA shall achieve amicable settlement of disputes amongst the people through mediation, consultation and arbitration. According to BLGO The *Musalihat Anjuman* or Reconciliation Committees are to establish their own working method following the principles of participation, transparency, consensus building, documentation of all deliberations and hearings and decisions. Depending on whether such committees are actually functioning and the level of confidence that APs may have in it, APs will be encouraged to approach such a committee to seek redress on account of land acquisition, resettlement, compensation and rehabilitation if the matter has not been resolved by the ACLC. The decision of the Reconciliation Committee will be forwarded to the GRC which will be the final arbiter for compensation on all aspects other than land acquisition.

**A. Internal Monitoring**

69. Specific activities under RP implementation that will be monitored are the following:

- (i) Information campaign and consultation with APs;
- (ii) Status of land acquisition and payments on land compensation;
- (iii) Compensation for affected structures (SBEs, etc.) and other assets;
- (iv) Relocation of APs;
- (v) Payments for loss of income; and
- (vi) Income restoration activities

70. A performance data sheet will be developed to monitor the Project at the field level. The PRC will be responsible for overall project and will report on a quarterly basis, through the Project Director, to the PIC and ADB on the progress of all aspects of resettlement activities.

**B. External Monitoring**

71. The key tasks during external monitoring include:

- (i) Review and verify internal monitoring reports prepared by PRC.
- (ii) Review the socioeconomic baseline census information of pre-displaced persons.
- (iii) Identification and selection of impact indicators.
- (iv) Impact assessment through formal and informal surveys with the affected persons.
- (v) Consultation with APs, officials, community leaders for preparing review reports.
- (vi) Assess the efficiency, effectiveness, impact, and sustainability of resettlement procedures, including of consultations and disclosures of policies and procedures.
- (vii) Drawing lessons for future resettlement policy formulation and planning.

72. The terms of reference of the external monitor and of the resettlement specialist of the project implementation team will be included in the Project Administration Memorandum.

### ANNEX 1: Entitlement Matrix – BWRRIDP

Type of Loss	Entitled Person	Description of Entitlement
<b>1. Permanent loss of land</b>		
1.1 Cultivable/residential /commercial land	1.1 (a) Legal owners of land <sup>1</sup>  (b) Occupancy/Hereditary tenant ( <i>Maroosi Bazgers</i> ) <sup>2</sup>  (c) Tenant registered in the records of rights ( <i>Jamabandi</i> ) <sup>3</sup>	1.1 (a) Cash compensation at replacement value based on market rate plus 15% compulsory acquisition surcharge as provided in LAA 1894  (b) & (c) Compensation will be paid as per LAA 1894 plus a one- time lump sum grant of Rs 2,000 for restoration of livelihood and assistance for relocation.
1.2 Common barren/nullah-bed (nonproductive) lands owned collectively by village/s and /or clans	1.2 Village/s and/ or clans with customary ownership	1.2 Cash compensation as per current replacement value of lands to affected group/clan of landowners distributed to individual members by village/clan elders under Project supervision.
<b>2. Damage to land</b>		
2.1. By excavation etc. from borrows for earth for construction.	2.1. (a) Legal owner/s (b) Village/s or clan/s with customary ownership	2. 1 (a) & (b) Restoration of land to pre-construction condition or cash compensation at prevailing rates for necessary bulldozer/ tractor hours to restoring level and/or truckloads of earth for fill
2.2 By severance of agricultural holding	2.2. (a) Legal owner/s (b) Village/s or clan/s with customary ownership	2.2 Provision of water course to connect severed segment with source of water
<b>3. Loss of income and livelihood</b>		
3.1. Temporary loss of access to land for cultivation	3.1. Cultivator occupying land	3.1. Estimated net income for each lost cropping season, based on land record averages of crops and area planted in the previous four years

<sup>1</sup> The first wave of registration of land titles, occupancy rights and water rights in Balochistan was undertaken by the colonial administration in those areas that were under the direct rule of the colonial administration. The second wave came when areas like Lasbela District were formally registered following adoption of the Land Reform Act in 1967 with the registration of land titles in the Record of Rights, the formal cadastral record. A large part of Balochistan including for example the northern districts of Killa Saifullah and Zhob registration of land titles has yet to be conducted and provincial courts and administration recognize the customary tenures and regulation of communally owned, undivided and uncultivated land as belonging to specific clans and sub-clans.

<sup>2</sup> Hereditary tenancy is a form of sharecropping that is very common in flood irrigated and rainfed areas of Balochistan. In the past, owners of large tracts of land gave plots of land to other persons, who would develop the land by leveling it and preparing the field bunds. As a compensation for their investments, the person became a hereditary tenant (*lathband*) as he received a permanent and alienable occupancy right as well as a partial ownership in the land that he had developed. However, the hereditary tenant loses his rights if he fails to cultivate the land and to maintain the field bunds. If the landlord wants to cancel the hereditary tenancy arrangement or sell the land, he must give the hereditary tenant a previously agreed portion of the land (i.e. one-fourth to one-third) or the actual value in money. The landowners receive one-eighth to a quarter of the harvested crops from the hereditary tenants as rent for the use of the land.

<sup>3</sup> Sharecropping is the most common arrangement, although “contracts” between landowners and sharecroppers vary considerably. Sharecroppers are entitled to up to 50% of the harvested crop and straw depending on the provision of inputs and farm labor for crop cultivation. The share of the harvest may be reduced to 25% if the sharecropper is only responsible for land preparation.

<p>3.2. Loss of agricultural crops, and fruit and wood trees.</p> <p>3.3 Loss of income by agricultural tenants /sharecroppers because of loss of land they were cultivating</p> <p>3.4. Increased risk of loss of opportunity to graze livestock and/or collect fuel wood due to closure after project financed watershed conservation of collective land by landowner shareholders of respective village estates.</p>	<p>3.2. (a) Owner/s of crops or trees. Includes crops trees owned by encroachers/squatters</p> <p>(b) sharecropper/tenant</p> <p>3.3 Persons working on the affected lands</p> <p>3.4. Landless and transhumant herder households with established previous access to the improved range</p>	<p>3.2. (a) Cash compensation for loss of agricultural crops at current market value of mature crops, based on average production.</p> <p>Compensation for loss of fruit trees for average fruit production for next 15 years to be computed at current market value.</p> <p>Compensation for loss of wood-trees at current market value of wood (timber or firewood, as the case may be).</p> <p>3.2. (b) Partial compensation to sharecroppers/tenants for loss of their crops/trees as per due share or agreement (verbal or written)</p> <p>3.3 One-time lump sum grant of Rs. 800-1000 to agricultural tenants / sharecroppers (permanent, short-term or long-term agricultural labor (this will be in addition to their shares in crop/tree compensation)</p> <p>3.4. Grazing rights to be reallocated to other areas. Right to exploit a portion of project-improved range after maturity while abiding with the obligations and rules of respective range management and use plans may also be granted.</p>
<p><b>4. Permanent loss of Structures</b></p> <p>4.1 Residential and commercial structures</p>	<p>4.1. (a) Owners of the structures whether or not the land on which the structure stands is legally occupied</p>	<p>4.1. (a) Cash compensation for loss of built-up structures at full replacement costs</p> <p>Owners of affected structures will be allowed to take/reuse their salvageable materials for rebuilding/rehabilitation of structure.</p> <p>In case of relocation, transfer allowance to cover cost of</p>

<p>4.2. Cultural and community structures /facilities</p>	<p>(b) Renters</p> <p>4.2. School, mosque, water channels, pathways, and other community structures/installations</p>	<p>shifting (transport plus loading/unloading) the effects and materials will be paid on actual cost basis or on current market rates.</p> <p>(b) One time cash assistance equivalent to 4 months rent moving to alternate premise.</p> <p>Transfer allowance to cover cost of shifting (transport plus loading/unloading) personal effects paid on actual cost basis or on current market rates.</p> <p>4.2. Complete rehabilitation/restoration by the Project; or, Cash compensation for restoring affected cultural/community structures and installations, to the recognized patron/custodian.</p>
<p><b>5. Special provision for vulnerable APs</b></p> <p>5.1. Restablishing and/or enhancing livelihood</p> <p>5.2 Change in Livelihood for women and other vulnerable APs that need to substitute their income because of adverse impact</p>	<p>5.1 Women headed households, disabled or elderly persons and the landless</p> <p>5.2. (a) Vulnerable APs, particularly Women enrolled in a vocational training facility</p> <p>5.2. (b) owner/s whose landholding has been reduced to less than 5 acres</p>	<p>5. Needs based special assistance to be provided either in cash or in kind.</p> <p>5.2 (a) &amp;(b).Restoration of livelihood (vocational training) and subsistence allowance @ Rs. 100 per day for a total of 6 months while enrolled in a vocational training facility</p>
<p><b>Unanticipated adverse impact due to project intervention or associated activity</b></p>	<p>The Project team will deal with any unanticipated consequences of the Project during and after project implementation in the light and spirit of the principle of the entitlement matrix.</p>	