

15 October 2003

Mr. Saeed Ullah Jan, Secretary
Ministry of Water and Power
Government of Pakistan
Islamabad

**Re: Recommendations – Grievance Redress and Settlement Committee (GRSC)
Chashma Right Bank Irrigation Project III**

Dear Mr. Jan,

I am enclosing herewith the mandatory recommendations of the GRSC under the Terms of Reference, indicating the remedial measures and the time bound responsibilities of the stake holder and the various functionaries of the Provincial Governments, including the Land Acquisition Collectors.

Monitoring of the implementation of the Committee's recommendations is also the responsibility of GRSC. A final report in that regard is to be submitted by 31 December 2003. May I request you to please take a personal interest for impressing on the WAPDA, and the two Provincial Governments to direct their concerned functionaries to start implementing the work immediately and finish it within the recommended timeframe. A major role in completing the recommended measures has to be played by the Land Acquisition Collectors and the District Coordination Officers of DG Khan and DI Khan. In my view, approach through the Senior Members Boards of Revenue of the Punjab and NWFP and the Chief Secretaries of the two Provinces will prove effective to achieve the objective of completing the recommended actions by the target date .

With my best wishes and regards,

Yours Sincerely,

[ORIGINAL SIGNED]

Justice ® Mohammad Aqil Mirza
Chairman
Grievance Redress and Settlement Committee

Enclosures: as above

CC: with enclosures

Asian Development Bank, Manila

Mr. Takashi Matsuo

Senior Project Specialist
Agriculture, Environment and Natural
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GRSC Members

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Mr. Sardar Jamal Khan Leghari	Nazim of D.G. Khan District, Punjab
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For Information: Mr. Sohail Sober Khan, Asian Development Bank, Pakistan Resident Mission, Islamabad

Recommendations for Adverse Impact Mitigation and Grievance Redress and Settlement

**Grievance Redress and Settlement Committee (GRSC)
Chasma Right Bank Irrigation Project III**

**Dera Ismail Khan
October 15, 2003**

This report is the fourth in a series of five that the GRSC will submit in accordance with its terms of reference

**Grievance Redress and Settlement Committee (GRSC)
Chashma Right Bank Irrigation Project III
Recommendations for Adverse Impact Mitigation and Grievance Redress and
Settlement**

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Introduction

An Entitlement Matrix dated 30 June 2003 was developed and approved by the GRSC after thorough deliberations and due consideration of all relevant factors under the terms of reference of the GRSC. It was communicated to all the stakeholders including GRSC members. The Entitlement Matrix was given vast publicity through prominent advertisements in two dailies and one weekly newspaper of the Project area. GRSC'S own support staff made announcements on loudspeakers in all villages of the Project area. They explained the contents of the Entitlement Matrix in local languages so that no one would remain unaware of their entitlements, and could file a complaint at Registration Centres established in twelve Union Council Offices in the Project area. The grievance complaints were also received in the GRSC Head office at D.I.Khan and sub office at Taunsa in D.G.Khan District. For the convenience of affected persons printed grievance complaints forms in the format of a questionnaire were also made available so that the complainants would not feel any difficulty in understanding the Entitlement Matrix or in filing their claims/complaints specific to their individual grievances. Affected Persons were also invited to point out any other grievance caused by the Project, which might not have been included in the Entitlement Matrix. The complaints / applications were registered / received up to 15 September 2003.

Despite negative efforts made by some NGO people to prevent affected persons to have recourse to the GRSC for a redress of their grievances, a large number of persons registered their complaints / applications. Five thousand two hundred and twelve (5212) applications made by 8914 persons were received by the GRSC. These applications or complaints have been made mostly within the scope of the Entitlement Matrix, but quite a few of them (about 5%) have raised grievances relating to irrigation issues, which do not strictly form part of the Entitlement Matrix. It may be mentioned here that the number of the affected persons will certainly be more as many of them may not have filed their applications / complaints for one reason or the other.

For facility of reference and to better appreciate and understand the recommendations the Entitlement Matrix is reproduced in Annex 1. The various grievances/ losses and project induced inconveniences as highlighted in the complaints / application received from the affected persons, the complaint and the request for inspection by the NGOs, complaints of representative character received in the GRSC including one from a NGO have been duly considered. The relevant laws of Pakistan and the beneficial Resettlement / Rehabilitation policies as mentioned in para 9 of the terms of reference of the GRSC have also been reviewed. Consultations/discussions made with the affected people in the entire project area and the inspections of various sites by the members and the experts in the GRSC, including the Chairperson have also been kept in view while making these recommendations.

I. Command Area Mitigation Measures

A. Compensation

1. Land Acquisition

D.I.Khan District.

62 Villages of D.I.Khan, included in 4 union councils are comprised in the III Stage of GRSC. The Land Acquisition Collector has made 200 schemes of these Villages in respect of the Main Canal, Distributories, minors, Drains, (F.C.Cs) escape channels etc. Mr. Farzand Ali Khan, the Tehsildar of the LAC D.I.Khan on 7-10-03 informed in a meeting called for extracting acquisition related information (It is regretfully noted that there has been reluctance to cooperate and give full information to the GRSC) that the land acquisition process in Stage III in D.I.Khan was initiated sometime in 1994. He further informed that the possessions were taken w.e.f. the dates of the notification U/S 4(I) of the LAA and no separate notifications were issued under Section 17 (4) of the LAA and, therefore, the date of notification U/S 4 (I) LAA is, as such, the date of possession of the land acquired and utilized for the project. It was further revealed by him (he was also assisted by a Qanungo who worked with the LAC from the beginning) that the possession was actually taken by the Wapda Staff without involving the LAC. Only Computerized lists, Village / scheme wise, (detailing the trees, standing crops etc) were provided to the LAC for including the loss so caused in the Award to be announced under Section 11 of the LAA. Coming to the question of announcements of awards and payment of compensations etc, it is shocking to note that the factual position as on 1-10-03 is that even the Awards have not been announced in more than 50 % schemes. Out of 200 schemes awards have been announced of 84 schemes while no awards have been made in 116 schemes. In terms of acreage, out of 6061 acres acquired, awards have been announced in respect of only 3000 acres. As to the payment of compensation relating to the announced awards only 94.239 Million Rupees have been disbursed out of 208 Million Rupees. At this Stage the GRSC does not want to comment upon the reasons or the persons / factors responsible for the delay which undoubtedly is unconscionable and repulsive.

We have also noticed after going through the file of Award No 77 dated 17-7-2003 that functionaries have not acted fairly and in accordance with law. In this case the notification U/S 4 (I) of the LAA was gazetted on 30-6-96 and as already mentioned earlier, the possession was also taken at the same time i.e. in 1996. Very interestingly, it appears that to complete codal formalities notification U/S 5 A was published on 1-2-2002 (while the Canal was already operational long long ago and naturally the possession had been taken much earlier) but in the award date of possession was shown to be the date of notification U/S 5 A (1-2-2002). The LAC allowed interest under Section 34 of LAA from 1-2-2002 to 17-7-2003 (date of the announcement of the award).

The award also shows that the compensation has been awarded at the average sale transactions rate. It may be clarified that Land Acquisition Collector himself did not determine on site or from record the market value of acquired piece of land. He simply

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sent the case to the District authority for assessment of the market value of acquired land within twelve months (U/S 23 of LAA). The price is worked in District office by an authentic body consisting of officers of several departments who determine the market value of the acquired piece of land after considering the Revenue record, sale transactions and price trends etc. This district authority after examining the mutations for a period preceding 12 months of the notification u/s 4 of the LAA quoted 2 prices, one based on the average sale transactions and the other as the "market price" within the prescribed statutory 12 month period. In the view of the GRSC the market value as assessed by the concerned District Officers was the right value of land which should have been awarded. But the Land Acquisition Collector generally in all other Villages excepting Village Hamuwala has awarded the average sale price (which is less than the market value determined by the District authorities and goes against the interest of the land owner and is advantageous to the project. As already said, the market rates determined by the District Authority being nearer to reality and in accord with Section 23 of LAA should have been awarded. It may not be out of place to mention that the LAC, Taunsa District D.G.Khan has given the awards on the basis of the market value determined by the District authorities. The same formula should have formed basis of awarding compensation to the owners in D.I.Khan District also.

Similarly, the interest or penalty for delayed payment has to be calculated from the date of taking over possession of the land to the actual date of payment of compensations, as required by Section 34 of the Land Acquisition Act. This period cannot be curtailed by artificiality through manipulated notifications / record.

Compulsory Acquisition Charges.

Under Section 23 LAA, in addition to the market price 15 % of the price has to be paid where the acquisition has been made for public purpose and 25 % where acquisition has been made for a company as defined in Section 3 (e) of the Land Acquisition Act. The honorable Supreme Court in the case reported as " Secretary of Govt. of N.W.F.P Versus Fateh Khan" (2001 S.C.M.R 974) while interpreting Section 3 (e) of the L.A.A has held that Wapda is a company for the purposes of Land Acquisition Act and have to pay at the rate of 25 %. In order to determine if the acquisition was made at the instance of Wapda, the LAC has informed that Wapda had made request to the Provincial Governments for acquisition and the estimated price of the land was also paid by Wapda to the Provincial Government. In these circumstances, it is proved beyond all doubts that land has been acquired on the request of the Wapda and the compulsory Land Acquisition Charges have to be paid at the rate of 25 % instead of 15 % under Section 23 (2) of the Land Acquisition Act.

Another sore point, which needs attention, is the manner in which compensation amounts are paid to the landowners. It has been noticed that cheques are prepared and disbursed to the affectees in the office of the LAC at D.I.Khan, only to those who come to his office, 2 days in a week. It is very strange why the cheques of the rightful claimants are not already prepared and disbursed to them in their own Villages. It is cardinal principle of law that the debtor has to seek the creditor. In this case LAC is the debtor while landowner is the creditor qua his compensation. It is the duty of the Land Acquisition Collector to go to the Villages or in the nearby union council offices and disburse the cheques / Vouchers / cash to the affected land owners in open Village assemblies, as is done in the cases of attestation of mutations. If this practice is followed, it will ensure the genuineness of the recipient affectee on the one hand and

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rule out the chances of corruption for which wild allegations are made by the people in the project area. Additionally it will end undue inconvenience to the ladies and the old who come from Village to the office of the L.A.C.

D. G. Khan District

Regarding D. G. Khan it may be mentioned that the matter of announcement of Awards and payment of compensation is equally worse in D.G. Khan District because there also awards have not been made and announced in more than 50 % Schemes. Awards have been announced only in 151 out of 341 Schemes. The Land Acquisition Collector Taunsa came personally on 8-10-2003 and met the Chairperson and the other two expert members in the office of the GRSC and confirmed:

- (a) That all lands had been notified U/S 4 (I) LAA in 1999.
- (ii) That the possession was taken at the time of issuance of notification U/S 4 (I) LAA.
- (iii) That the lists of the damages / Crops / Trees etc were made by the staff of the Wapda without associating the LAC and he was simply asked to make payments on the basis of the computerized lists.
- (iv) There are 123 Villages of the project Area in Taunsa Tehsil while 6 Villages are of D.G.Khan Tehsil.
- (v) The request was made by Wapda for acquisition and the estimated price was also paid by Wapda to the Provincial Government for making the compulsory acquisition of Land under the LAA.

In view of the above discussion, the GRSC makes the following recommendations on the questions relating to the Land compensation and its payment to the affectees:-

Recommendation # 1

➤ ***The Land Acquisition Collectors of D.I.Khan and Taunsa shall make and announce the awards in the manner given below:-***

- (a) ***Market value as determined by the District authorities at the date of publication of notification U/S 4 (I) of LAA and not the average sale price will determine the amount of compensation.***
- (b) ***25 % of the aforesaid amount of compensation shall be additionally awarded.***
- (c) ***Interest shall be paid on the aforesaid two amounts to the affectee from the date of possession (which in the cases both at D.I.Khan and Taunsa) is the date of notification U/S 4 (I) of LAA to the date of actual payment of compensation to the affectee. It may be clarified that date of announcement of the award is totally irrelevant. The interest U/S 34 LAA for delayed payment of compensation has to be paid from the date of possession of land till the date of payment of***

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compensation. However, to make it practicable a period of one month from date of announcement of the award can be ignored for the purpose of calculation of the interest.

- (d) The compensation together with the interest shall be paid to affectees through cheques / Vouchers / cash in the Villages of the affectees or in the nearby union council offices, in open assembly. But prior notice to the affectees in the Villages shall be given by the subordinate staff of the LAC through beat of drums and announcements in the mosques.**
- (e) More than 50 % awards have yet to be made. These awards can be made on the aforementioned lines without any complications. Difficulty may, however, arise in those cases where the awards have already been announced or payments thereunder made. In such cases where the awards have already been announced, the Land Acquisition Collectors shall announce supplementary awards by giving additional compensations as detailed in the preceding sub paras (a), (b) and (c) and the additional amounts should be disbursed in the manner given in sub para (d).**

Implementation & Timeline

- The Awards which thus require to be made and announced should be made and announced by or before 15-11-2003 and all payments disbursed by or before 8-12-2003.
- Fortnightly progress reports shall be made by the Land Acquisition Collectors to the Chairman GRSC, PD CRBC and the concerned DCO of the District.

2. Damage to Land from Borrow

It is the duty of the Project to ensure that the damaged land is restored to pre project condition or the damage is duly compensated by the contractor to the satisfaction of the owner.

Recommendation # 2

- **The Project Director CRBC will inquire into all the claims for damage to land received by GRSC and ensure that in all instances where earth from land has been removed, or land has otherwise been damaged and no compensation has been paid are duly compensated without any delay.**

Implementation & Timeline

- GRSC will forward all claims received for damage to land to the Project Director CRBC. The Project Director will complete the work and report on the status of compensations to the GRSC by or before 8-12-2003 and the same shall then be placed before the GRSC for perusal or further recommendations.

3. Loss of Crops and Trees etc.

GRSC has received a number of claims relating to compensation for loss of crops, trees, and a few for infrastructure which need to be reviewed, authenticated and paid quickly, in accordance with the Entitlement Matrix.

Recommendation # 3

- **Claims received by GRSC for non-payments of the crops and trees, loss of agricultural and commercial infrastructure and dwellings etc. shall be verified and paid in a transparent manner without delay in accordance to the compensation policy specified in Items 4,5,6, 7 & 8 of the Entitlement Matrix.**

Implementation & Timeline

- Claims shall be forwarded to the LACs concerned who will get them verified from the record, if possible, or by taking oral evidence etc. and give compensations by or before 8-12-2003.

4. Severance

GRSC recognizes the inconvenience that a severed holding can cause farmers, even though they may have benefited from canal irrigation. The Entitlement Matrix has accordingly created a provision of compensation that can practically reduce the adverse affects of a severed holding. Each severed holding, for the severed portion is entitled to an additional field inlet or Nakka, (the point on the watercourse officially recognized in the warabandi from which a farmer is to get water) directly at their farm gate. This should result in a reduced effort for the farmer in ensuring irrigation, to the severed portion.

Recommendation # 4

- **Chief Engineers of the respective Irrigation Departments will take appropriate steps and announce the procedure for sanctioning additional nakkas for the severed land, as provided for in item No.3 of the Entitlement Matrix, by or before 20-12-2003.**

Implementation & Timeline

- The LAC shall prepare village wise lists of the owners whose lands have been acquired. These lists shall be forwarded to the DCO concerned, who will identify through his subordinate Revenue staff the affectees whose holdings have been severed due to the acquisition by or before 8-12-2003
- LAC will forward the list of such affectees to respective Chief Engineers' Irrigation.

C. Measures for Sustainable Livelihood

GRSC was to identify strategic measures to mitigate adverse impact and achieve social development and inclusion in the CRBIP with particular focus on the more vulnerable in the population – women, small landholders and the land-less. GRSC was to explore and recommend program options to extend opportunities for the poor and the

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excluded, who are vulnerable to risks of further impoverishment when displaced from land and other assets.

1. Provision of Supplemental Compensation in Land for Small Farmers

GRSCs approach to compensation attempts to not merely compensate but improve the socioeconomic situation of affected persons. The GRSC deemed fit to accord five (5) acres of state land as an entitlement to all those whose land holding have been reduced to five (5) acres or less than five (5) acres after acquisition – item 4.1 of the Entitlement Matrix. It is now confirmed that plenty of state land is available in various rakhs (reserves) in D.I.Khan and Taunsa Tehsils that can be utilized for this purpose.

Recommendation # 5

- **Respective Boards of Revenue will grant five (5) acres state land on proprietorship basis on nominal prices to the legal owners entitled compensated for loss of income and livelihood through acquisition under Item 4.1 of the Entitlement Matrix. Entitled tenant/share cropper or leaseholder for such holdings, if any, will also be compensated as specified at 4.1 of the compensation policy column of the Entitlement Matrix by the PD CRBC at the expense of the Project.**

Implementation & Timeline

- ❑ Land Acquisition Collectors will provide village wise lists of the owners whose lands have been acquired to the District Coordination Officer (DCO) concerned who will through his subordinate revenue staff get those owners identified whose holdings have been reduced to 5 or less than 5 acres after acquisition.
- ❑ The DCO will then forward this list to the Respective Boards of Revenue for grant of 5 acres state land on proprietorship basis on nominal prices within the command area.
- ❑ The respective provincial Board of Revenues shall forward the end report to the GRSC by or before 20-12-2003 for perusal so that GRSC can include it in the final report to be submitted to the stake holders including the ADB.
- ❑ The cultivators / leaseholders of the landholdings reduced to five acres or less than five acres after acquisition shall also be identified by the DCOs by or before 8-12-2003. The DCOs will forward these lists to the PD CRBC for compensation by the Project as per compensation policy given in the Entitlement Matrix against item No 4.1. The End report in this regard shall be forwarded by the PD CRBC. to the GRSC by or before 20-12-2003.

2. Rights of the Landless in Canal Water for Domestic Use, focused on Women

Irrigation has reduced the access of the landless to surrounding land for livestock grazing and fuel as farmers now follow a more intensive cultivation regime. But irrigated

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agriculture has increased work opportunity for land less labor closer to home. They had to travel far before the advent of the canal into irrigated areas across the river to find work. Importantly irrigation also provides water both for drinking and domestic purposes, which had to be brought from long distances before the canal since ground water in the command area is mostly saline.

While landowners have a share in canal water supplies, the land less do not. GRSC recognizes this vulnerability. This does not stem so much from the possibility of the landowners objecting to the use of water. But from the landless being dependent and obligated towards land owners, particularly when located on a watercourse -- and not the main canal, distributary or minor -- where the entire supply at any given time is being directed to a particular farmer. This is most evident in the few villages built on state land in the command area, which are almost exclusively inhabited by the land less. While the land less live in the nucleus where they were allowed to settle by the state, the landowners live scattered in the environs on their own land.

Recognizing this vulnerability the entitlement matrix approved by GRSC (item 4.4) provides permanent canal-water allowances for domestic use to the land less as compensation for loss of livelihood due to reduced access to land for live stock grazing and fuel. This entitlement -- the assurance of fresh water supplies as a matter of right for the land less in an area where the ground water is predominantly saline -- is particularly focused towards women since they are closely concerned with domestic water use. It is primarily conceived as an inclusion into the benefits and opportunities of the project for the vulnerable.

From a broad gender specific perspective there are many aspects in the lives of women that can be addressed in the Project area to positively impact women and general development. Primary gender-specific issues are girl enrollment and retention rates in schools; mother and child health care; strengthening of women's roles in leadership, representation and decision making for effective participation under the new local government system, decentralization and devolution. Provision of canal water for domestic use and the involvement of women in the management of canal water for domestic use has the potential to positively impact all these issues.

Recommendation # 6

- ***Irrigation Departments will formulate a domestic water supply sanction policy and the Project will initiate a program of infrastructure installation for domestic use of canal water in landless communities of the Stage III canal command developed in close consultation with women users.***

Implementation & Timeline

- ❑ An independent Gender and Social Development Specialist recruited by ADB will initiate this process by 1 December 2003, in collaboration with the Irrigation Departments, WAPDA and the Union Councils.
- ❑ The Specialist, the Irrigation Departments and WAPDA will submit post inception progress reports to GRSC by 21 December 2003.

3. Facilitating Access to Microcredit and Social Services

GRSC has deliberated on what can be done to facilitate access to microcredit and social services for the communities in the CRBIP command area. Microcredit is extended in both D. G. Khan and D. I. Khan districts through the Khushali Bank and the National Rural Support Program. Apparently the limiting factor for these credit programs is not the shortage of capital to advance but the capacity, in terms of staffing and mobility of these agencies, to organize groups through which to advance loans.

A high number of applications were received from women in response to the publicized Entitlement Matrix for loss of livelihood from reduced access to land for livestock and fuel because of intensified cultivation under irrigation.

Future farmers' irrigation organization efforts in the Project area could be leveraged, without displacing the primary goals of irrigation organization, to provide access to microcredit agencies and beneficially link them with small landholder the constituent sub-groups of the community. In the meanwhile, GRSC proposes to:

Recommendation # 7

- **Identify federal, provincial and private sector programs in education, health, sanitation, agriculture and microcredit operating in the project area or which can be directed to the project area. Facilitate contact through workshops to provide a focal role for councilors at the tehsil and union council level, to enable communities and individuals access regional programs of relevance to women and the poor.**

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Implementation & Timeline

- ❑ This task will be included in the scope of work of the Gender and Social Development Specialist who will develop a work plan and submit it to GRSC as part of the inception within 10 days of deployment.
- ❑ All applications received by GRSC under Item 4 iv of the Entitlement Matrix will, as proposed by the GOP representative member and resolved in the GRSC meeting of 11 October 2003, be forwarded to the Economic Affairs Division for endorsement and onward transmission to poverty alleviation programs it considers appropriate. GRSC will forward these to EAD by 27 October 2003.

4. Instituting Equity and Reliability in Canal Irrigation

An overwhelming number of concerns encountered by GRSC members during consultations and visits in the field related to irrigation issues. GRSC was tempted to limit its mandate to remedy adverse impact attributable to the building of the canal system and not necessarily resolve issues arising from the problems in the operation of the canal irrigation system itself, unless those adversely affected were not farmers or irrigators benefiting from the canal. However, it became increasingly apparent that it is difficult to ignore the responsibility of the project and the importance of making the system operate according to design as early as possible. The glitches causing inconvenience to the farmers and contributing to their frustration increasing the vulnerability of small farmers are attributed to a lack of knowledge on part of the users of

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how the system operates and their own interference with it. The system is new and is anticipated to settle down only gradually. It will take time as out-let or watercourse communities build their watercourses and agree on a warabandi (roster of turns) either themselves, or with the help of the irrigation department. It will be a while before revised chakbandis (hydrological boundaries of a particular canal outlet) are in place providing new outlet locations to land, particularly in head reaches of the distributaries, that cannot presently be irrigated from their designated outlets because of topography. This notwithstanding, the project needs to orient the users, and help the farmers make the sudden transition from erratic rodh kohi irrigation to the warabandi system of fixed allocations and perennial continuous flows. The project should encourage farmers to apply for warabandi, and support respective Irrigation Departments to undertake this systematically on all outlets to eliminate potential friction amongst the users. Similarly the project would do well to intervene and coordinate the construction of watercourses in outlet communities where there are disputes and also in genuine and necessary cases undertake and effect a revision of the chakbandi. More attention needs to be directed than presently towards regulating the flows in the main canal and distributaries to prevent overflowing as farmers block outlets when water is no longer needed, often because the entire command area of an out let may not yet be under cultivation.

A crucial requirement is the institutionalization of the necessary rules amongst all users to enable the system to operate according to its design. This cannot be left to the enforcement of the Canal and Drainage Act. The Act covers the essential principles required to keep the system operational according to design, but relying on enforcement alone may not institutionalize the necessary discipline, as has been clearly evident on older canal systems in the Indus Basin. The important lesson learnt there and on numerous state-run systems around the world is to manage through participation and not administer these systems -- build and leverage social capital among the end users for ensuring equitable water distribution and long term sustainability.

The eminent environment for irrigation in both NWFP and Punjab is characterized by their respective Irrigation and Drainage Authority Acts. These provide a central role to the end users in the management of irrigation systems.

Recommendation # 8, 9, 10

- ***After review by an independent irrigation management specialist, existing institutional arrangements, protocols and practices for regulation, particularly at the main canal-distributary interface, and discharge and escape protocols on the main canal and distributaries will be discussed and agreed during a two- day workshop. This will be attended by WAPDA, Provincial Irrigation Departments and farmers' representatives. Improvements to achieve timely and adequate flows to match fluctuations in farmers' water demand (within authorized discharge limits) will be implemented immediately. Calibrated easy to read gauges will be installed at all provincial transfer and main canal-distributary interface points.***
- ***WAPDA and Provincial Irrigation Departments will make known their reservations for not allowing irrigation from sumps on the main canal when the topography does not permit farmers to convey water lifted from designated points on distributaries to portions of their land, particularly if these were previously irrigated by rodh kohi. They will also propose an alternate solution,***

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if provision from the main canal is not possible. After receiving a response the independent irrigation management specialist will review the issue, including the option of creating new chakbandis for this land with provision for lift irrigation from sumps in the main canal, or possibly from specially built in-ROW minors along the main canal.

- ***Pending the initiation of farmer irrigation organization on the water course and distributary levels, workshops will be conducted to orient members of all union, tehsil and district councils in the CRBIP III canal command, on the operating principles of the warabandi continuous flow system of irrigation.***

Implementation & Timeline

- ❑ An Independent Irrigation Management Specialist will be recruited by ADB to start work for two months on or about 1 December 2003
- ❑ WAPDA and Irrigation Departments will present to GRSC their respective positions on main canal sumps and alternate solutions by 3 December 2003. The Specialist will submit an interim report to GRSC by 21 December 2003.
- ❑ Two orientation workshops on the operating principles of the irrigation system, one each in DI Khan and DG Khan, will be organized and conducted by GRSC in collaboration with WAPDA and the Irrigation Departments before 31 December 2003

II. West Bank Measures

Twenty-two settlements west of the Chashma Right Bank Canal Stage III, were considered unsafe due to the increased flood risk induced by the construction of the flood protection embankment, the height of which is calculated to withstand high intensity flood anticipated on a one in forty years return period. To avoid relocation of these communities the Project proposed to encircle their settlements with a flood protection bund (embankment).

A number of these communities especially those close to hill torrents and historically prone to the flooding of their habitation, as also those directly on the canal, accepted the proposal and agreed to a protection bund.

Yet several of them did not accept the proposal for a bund and at the end of a long negotiation process opted instead for cash compensation of the structure of their houses. These are communities not directly on the canal and where most inhabitants as part of their drought survival strategy have even before the Project lived with their livestock in the east closer to the river. They have kept their homes and return to plough and sow a crop only when their fields receive sufficient water after floods and rain. Some of these settlements belong to people whose permanent homes and primary agricultural land are in townships to the east but who have built a hutment here because of the land they own. Most of them also own some land in the canal command because of scattered holdings instituted for spreading the risk of not receiving rodh kahi every where.

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The one in forty year possibility for water to reach up to the top of the canal flood protection embankment and submerge everything in the west that lies at a level below the upper edge of the flood protection embankment seems remote for these communities. They remain unconvinced that the situation created by the protective measures for the canal will in high flood dissipate hill torrent waters along the canal embankment making it probable for areas that are not prone to flooding or have never experienced hill torrent flows before, to get inundated. Even if this is a possibility it does not cause concern. Water as long as it eventually recedes, whether from rain or flood, seems welcome. These communities have their graveyards on high ground often far from the settlement.

The GRSC recognizes that the compensation made for increased risk of flooding of dwellings in communities that declined protection bunds may be adequate for those who own land in the command area. In the worst case scenario, the one in forty years flood event, these people will have recourse to their land in the command area. However, the compensation for the structure of the house alone is not sufficient for the landless and those who do not have land other than in the officially recognized flood impact zone. They will have no where to go in the worst case scenario.

The GRSC feels that the communities that have been protected with a bund need to be compensated in some manner for the restrictions imposed by the bund.

In addition to the above two issues there is land along the canal flood protection embankment that is placed into temporary disuse since standing water on the mouth of super passages does not spill over into the flood carrier channel on the eastern side because of the elevated sill. This is a temporary problem as the sill of the super passage is expected to be level with the western bed once sufficient silt has deposited in the bed. Silt deposition has already effectively accumulated on some locations and water spills over without standing on the west. However, cultivators of land that is out of commission while the gap between the sill and the bed in the west still remains need to be compensated as temporary loss of access to land for cultivation. This is a category of loss included in the Entitlement Matrix as Item 4.2 under loss of income and livelihood also referred to in section I. B. 1 above.

For the villages in the west- bank GRSC proposes the following additional measures:

1. Unprotected Villages

The entitlement matrix under item 8.2 for loss of dwelling in the official flood impact zone specifies two types of people as vulnerable, (i) those who are land-less and (ii) those who own land but only in the official flood impact zone. These have to be identified and compensated according to item 8.2 of the entitlement matrix.

Recommendation # 11 & 12

- ***The landless in unprotected villages in addition to the compensation they have already received for the structure of their home will be given ownership of at least 5 marlas residential land in the canal command area. By living in the command area they are expected to benefit from the increased opportunity for labor that has arisen from irrigated agriculture. In addition they are entitled to***

Recommendations

a shifting allowance and a one-time subsistence allowance equivalent to six months official minimum wages.

- ***The increased risk of flood to the dwellings of those who are landowners, but only in the impact zone, will be mitigated through a provision of at least 5 marlas land for housing in the vicinity of their settlement, but outside the flood impact zone.***

Implementation & Timeline

- ❑ The entitled persons will be identified through a census survey conducted by an independent Participatory Assessment Specialist who will be recruited by ADB to start work for two months on or about 1 December 2003.
- ❑ The Specialist will submit to GRSC a work plan at inception and an interim progress report by 21 December 2003.

2. Protected Villages

Consultations with Protected Villages reveal that communities may want improvements or modifications made in the embankment either to ease access for women or to ease entry of irrigation water or conversely to drain water when it accumulates within the embankment. One community finds the embankment oppressively close to their homes. This community is unhappy, to say the least, and continues to protest. Their cause has been taken up by a group of activists that have unfortunately declared not to cooperate with the Project or the GRSC.

Consultations also reveal that in Protected Villages the community, particularly women often have to cross the next closest bridge on the main canal and walk considerable distances to a distributary and then onto a watercourse, for watering their livestock.

Recommendation # 13 & 14

- ***The communities in Protected Villages will determine measures considered necessary to improve the flood protection bund and the Project will agree on appropriate modifications or additions. GRSC recommends removing the existing flood protection bunds in Jhok Ketehra and Hafiz Abad, and rebuilding them at a reasonable distance (to be agreed in consultations with the community) from the dwellings. The land needed to widen these bunds will be acquired under the LAA.***
- ***Animal watering points that draw water from the main canal will be provided in Protected Villages, inside the bund. Provision of canal water for domestic use by community will also be made within the bund. These facilities will be planned, located and installed by the Project in close consultation with the community.***

Implementation & Timeline

Recommendations

- ❑ The independent Participatory Assessment Specialist, in addition to conducting the Census Survey of the Unprotected Villages will coordinate a participatory condition improvement consultation in the Protected Villages.
- ❑ WAPDA will appoint a Mitigation Officer of the rank of Executive Engineer by 1 December 2003 to execute any necessary works that will be agreed with the community regarding their bund and the provision of canal water for domestic use.
- ❑ WAPDA and the Specialist will submit a work plan to by 10 December, followed by an interim progress report by 21 December 2003

III. River Belt Measures

GRSC recognizes that the river belt, with the Indus on one end and the canal command on the other, has to be protected from factors that can contribute to further rising water tables. Both incomplete Flood Carrier Channels and water accumulations on mismanaged distributary tails are impacting negatively on communities that have not directly benefited from the canal.

1. Connecting Flood Carrier Channels(FCCs) to the River

Incomplete FCCs – drains that do not fall directly in to the river or in a connecting creek – damage the crops and property of river belt communities already concerned with the possibility of a rising river, when hill torrents are in flood.

Recommendation # 15

- ***WAPDA will undertake the remaining works on incomplete FCCs before the on set of the next flood season.***

Implementation & Timeline

- ❑ WAPDA should initiate within the next six weeks the necessary land acquisition process and the awarding of contracts.

2. Managing Distributary Tails

In addition to the long term improvement in the management of the distributaries as referred to in I B 4 above, GRSC recommends the following immediate action:

Recommendation # 16

- ***Tail watercourses on all distributaries need to be inspected for completion jointly by respective OFWM and Irrigation Departments. All incomplete watercourses should be constructed and warabandi instituted in close coordination of OFWM, Irrigation Department and the communities.***

Implementation & Timeline

- ❑ OFWM and Irrigation Departments will submit an inspection report to GRSC by 15 November 2003
- ❑ Completion physical improvements and warabandi will be reported by 21 December 2003

Type of Loss	Entitled Person	Compensation Policy	Implementation Issue
1. Permanent loss of land 1.1 Cultivable land (<i>type: chahi, nehri, chahi nehri, rodh kahi, barani, banjar-qadeem</i>) 1.2 Residential land 1.3 Commercial land 1.4 Common or <i>shamilat</i> land 1.5 Uncultivable land	1. Legal Owner/s	1. Cash compensation at market rate at time of LAA Section 4 for type of land acquired; plus compensation for compulsory acquisition and interest for each year of delayed payment in accordance with the LAA.	
<u>2. Damage to land</u> Excavation etc.	2. Legal Owner/s	2. Provide assistance to restore the land to pre-project condition.	
<u>3. Severance of agricultural land holding</u>	3. Legal Owner	3. Severed segment will be provided with an additional <i>nucca</i> (specified turnout point on the official watercourse from which farmers divert water onto fields during their turns).	
<u>4. Loss of income and livelihood</u> 4.1 Permanent loss of land resulting in a farmer's entire agricultural holding being reduced to five (5) acres or less.	4.1 (a) Legal owner and (b) cultivator in occupation, tenant/sharecropper, or (c) leaseholder.	4.1 (a) Legal owner will be compensated according to Section 1 above; and in addition through the provision of five (5) acres of state land on proprietorship basis or on long lease within the CRBC command area possibly, or elsewhere. (b) The cultivator in occupation will be compensated with an estimated net income of two cropping seasons. (c) Leaseholders will be paid an estimated net profit for the remaining period of their lease.	
4.2 Temporary loss of access to land for cultivation.	4.2 Cultivator occupying land.	4.2 Payment by project of estimated net income for each lost cropping season.	

<p>4.3 Loss of standing crops, orchards and trees.</p>	<p>4.3 (a) Legal owner of the land, (b) tenant or (c) lease holder.</p>	<p>4.3 Cash compensation at market value divided amongst the entitled according to their mutually predetermined (often, customary) shares in the usufruct.</p>	
<p>4.4 Reduced opportunity for grazing and fuel wood collection etc. in previously not irrigated land</p>	<p>4.4 Vulnerable sections, particularly women and land-less labor.</p>	<p>4.4 Permanent canal- water allowances for villages with saline ground water and a high percentage of land less inhabitants. Facilitate access to micro finance and other social programs</p>	
<p>4.5 Temporary closure of business, shop etc.</p>	<p>4.5 Operator</p>	<p>Minimum official monthly wages for the duration of closure</p>	
<p>4.6 Relocation of business, shop etc.</p>	<p>4.6 Operator</p>	<p>Minimum official monthly wages for 6 months</p>	
<p>5. Loss of productive agricultural infrastructure Including dug wells, bore holes and pipes, pump houses, stores, sheds, <i>pucca</i> watercourses and ponds.</p>	<p>5. Owner of the infrastructure</p>	<p>5. Cash compensation at replacement value</p>	
<p><u>6. Loss of public infrastructure</u> Schools, community and health centers, drinking water supply systems, road culverts etc.</p>	<p>6. Community/ public department or agency concerned.</p>	<p>6. Replacement of facility by the Project.</p>	

<p>7. Loss of Commercial Infrastructure Shop, <i>chakki (small flour-mill)</i>, brick kiln, etc.</p> <p>7.1 In right of way (ROW) of main canal, distributary, minor, flood carrier channel, drain or flood protection embankment.</p>	<p>7.1 Owner of structure (whether or not land is owned).</p>	<p>7.1 Full replacement cost of building structure in cash.</p>	
<p>7.2 In or affected by the Project flood impact zone.</p>	<p>7.2 Owner of structure (whether or not land is owned).</p>	<p>7.2 Full replacement cost of building structure in cash plus shifting allowance for machinery, equipment and/or inventory.</p>	
<p>8. Loss of dwelling</p> <p>8.1 House in ROW of the main canal, distributary, minor, flood carrier channel, drain or flood protection embankment.</p>	<p>8.1 (a) Owner of structure (whether or not land is owned). (b) Owner of structure, who has no agricultural or other land.</p>	<p>8.1 (a) Full replacement cost in cash. (b) In addition to (a) residential land of at least five (5) <i>marlas</i> in the command area plus shifting allowance.</p>	
<p>8.2 House in or affected by Project induced flood impact zone.</p>	<p>8.2 (a) Owner of structure (whether or not land is owned). (b) Owner of structure who owns land but only in the flood impact zone (c) Owner of structure, who has no agricultural or other land.</p>	<p>8.2 (a) Full replacement cost in cash plus shifting allowance. (b) In addition to (a) residential land of at least five (5) <i>marlas</i> as close as possible outside the flood impact zone. (c) In addition to (a) residential land of at least five (5) <i>marlas</i> in the command area, and subsistence allowance equivalent to official monthly minimum wages for 6 months.</p>	
<p>9. Exclusion of land previously irrigated by <i>rodh kohi</i>, East of CRBC, from canal irrigation.</p>	<p>Legal Owner/s</p>	<p>Inclusion of such land in the CCA (Culture-able Command Area) of CRBC</p>	