

# Resettlement Framework

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July 2014

## IND: Madhya Pradesh District Connectivity Sector Project

Prepared by the Madhya Pradesh Roads Development Corporation for the Asian Development Bank.



## CURRENCY EQUIVALENT

(As of May 2014)

Currency unit	–	Indian Rupee (Rs)
INR 1.00	=	\$ 0.01676
\$ 1.00	=	59.5426

## ABBREVIATIONS

ADB	:	Asian Development Bank
AP	:	Affected People
DP	:	Displaced People
DPR	:	Detailed Project Report
EA	:	Executive Agency
GOMP	:	Government of Madhya Pradesh
GRM	:	Grievance Redress Mechanism
GRC	:	Grievance Redress Committee
IA	:	Implementing Agency
IP	:	Indigenous People
MDR	:	Major District Road
MPRDC	:	Madhya Pradesh Road Development Corporation
MP	:	Madhya Pradesh
PESA	:	<i>Panchayat</i> Extension to the Scheduled Area
PIU	:	Project Implementation Unit
PMGS Y	:	Pradhan Mantri Gram Sadak Yojana
RP	:	Resettlement Plan
SC/ST	:	Scheduled Cast / Scheduled Tribe
SIA	:	Social Impact Assessment
SPS	:	Safeguard Policy Statement

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

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## I. INTRODUCTION

### A. Overview of the Project

1. The Government of Madhya Pradesh (GOMP) has been using a combination of budgetary, PPP, and ADB financing, to improve road network in Madhya Pradesh. ADB has supported numerous state highways and rural roads. However, the intermediate tier, major district roads (MDRs), have not been specifically targeted for improvement resulting in overall poor overall road network connectivity. MDRs form the key linkage between rural, peri-urban and urban areas, and have to be essentially developed to complete state road connectivity. GOMP has now proposed to improve the MDRs through the Madhya Pradesh District Connectivity Sector Project (the Project) financed by ADB. The Project will improve transport connectivity in the state by rehabilitating and upgrading major district roads (MDRs). The Project constitutes (i) rehabilitating and upgrading about 1,600 km of MDRs; (ii) improving road maintenance and asset management; and (iii) developing an efficient accident response system. MPRDC specifically, targeting MDRs to form key linkage between rural, peri-urban and urban areas and complete state road connectivity. The Executing Agency (EA) will be the GOMP acting through the Madhya Pradesh Road Development Authority (MPRDC) and the IAs will be the 10 Project Implementation Units (PIUs).

### B. Magnitude of Impact

2. Under the sector loan modality of ADB, a resettlement framework for the project as a whole has been prepared. Sample projects are prepared at time of board approval and non-sample projects will be finalized during project implementation period. Four sample roads have been fully appraised and 43 non-sample roads will also be prepared after approval. For all project roads, the improvement will be limited to within the existing right-of-way, therefore, no land acquisition is envisaged. The 4 sample roads comprise of 188k traversing through mainly rural areas. The upgrading of the sample roads will not incur any permanent impact or physical displacement. 34 roadside vendors will experience temporary disruption in livelihood during construction period. The four sample roads were selected based on providing a good geographical representation and that their level of impact on involuntary resettlement and indigenous peoples are representative of the remaining non-sample roads that will be funded under this sector project. A list of project roads can be found in Appendix 1.

### C. Purpose of the Resettlement Framework

3. This resettlement framework (RF) has been prepared to guide the preparation of RPs for subprojects financed under the sector project, if resettlement is identified. The RF will be reviewed and updated from time to time to ensure relevance and consistency with applicable country legal frameworks and ADB's Safeguard Policy Statement, 2009 (SPS).

4. The purpose of this RF is to do the following: (i) specify the requirements that will be followed in relation to subproject screening and categorization, assessment, and planning, including arrangements for meaningful consultation with displaced people and other stakeholders, information disclosure requirements and, where applicable, safeguard criteria that are to be used in selecting subprojects and/or components; (ii) assess the adequacy of the client's capacity to implement national laws and ADB's requirements and identify needs for capacity building; (iii) specify implementation procedures, including the budget, institutional arrangements, and capacity development requirements; (iv) specify monitoring and reporting requirements; (v) describe the responsibilities of the client and of ADB in relation to the

preparation, implementation, and progress review of social safeguard documents of subprojects; (vi) lays out the principles and objectives governing the preparation and implementation of RPs and ensures consistency with ADB policy requirements; and (vii) compares applicable national laws and regulations and the ADB SPS and outlines measures to fill identified gaps.

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

### **A. Objectives**

5. The RF outlines the objectives, policy principles and procedures for land acquisition, compensation and other assistance measures for displaced persons. It includes guidance on screening and categorization, assessment, planning, institutional arrangements and processes to be followed for all subprojects.

6. The EA is responsible for conducting the social assessment and formulating RPs for subprojects, as per the procedures outlined in this RF. The draft RPs will be disclosed to the displaced persons and submitted to ADB for review and approval prior to commencement of any civil works. Compensation and other assistances will have to be paid to DPs prior to any physical or economic displacement of displaced households.

### **B. Policy and Legal Framework**

7. The policy framework and entitlements for the project are based on national laws: The Right to Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and ADB SPS, 2009. Land Acquisition (Madhya Pradesh Amendment) Act, 1959 has not been included since it is only applicable to Bhopal (state capital) area.

#### **1. The Right to Fair Compensation and Transparence in Land Acquisition, Rehabilitation and Resettlement Act, 2013**

8. The Right to Fair Compensation and Transparence in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been effective from January 1, 2014 after receiving the assent of the President of Republic of India. The Act replaced the Land Acquisition Act, 1894.

9. The aims and objectives of the Act include: (i) to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution of India, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other affected families; (ii) provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition; (iii) make adequate provisions for such affected persons for their rehabilitation and resettlement; (iv) ensure that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto.

10. Section 27 of the Act defines the method by which market value of the land shall be computed under the proposed law. Schedule I outlines the proposed minimum compensation based on a multiple of market value. Schedule II through VI outline the resettlement and rehabilitation entitlements to land owners and livelihood losers, which shall be in addition to the

minimum compensation per Schedule I. Additional details regarding the Act can be found in Appendix 2.

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

11. The objectives of ADB's SPS (2009) with regard to involuntary resettlement are: (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

12. ADB's SPS (2009) covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of; (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers displaced persons whether such losses and involuntary restrictions are full or partial, permanent or temporary.

13. The three important elements of ADB's SPS (2009) are: (i) compensation at replacement cost for lost assets, livelihood, and income prior to displacement; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to enhance, or at least restore, the livelihoods of all displaced persons relative to pre-project levels and to improve the standard of living of displaced poor and other vulnerable groups.

## **C. Comparison of Government and ADB Policies**

14. The new act 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', which has integrated provisions of National Rehabilitation and Resettlement Policy (2007) with that of The Land Acquisition Act (LAA) of 1894 (as amended in 1984), recognizes titleholders and non-titleholders affected by land acquisition. Whereby, squatters and encroachers are excluded from the purview of the act.

15. 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013' has come into effect from January 1, 2014. This Act is both complement the revision of the NRRP (2007) and decrease significantly the gaps between the LAA and ADB's SPS, 2009. In particular, the Act requires social impact assessments for projects involving land acquisition, although it has set minimum threshold of people affected for this provision to apply, while the ADB does not so require. The Act also expands compensation coverage of the principal act by requiring that the value of trees, plants, or standing crops damaged must also be included and solatium being 100% of the all amounts inclusive. The Act furthermore has match ADB requirements for all compensation to be paid prior to project taking possession of any land.

16. Therefore, the LARR Act, 2013 has established near equivalence of the government's policies with those of ADB's SPS, 2009. Adoption of the below principles for the project has ensured that both are covered in their application to this project. Appendix 3 provides a gap analysis.

#### **D. Involuntary Resettlement Safeguard Principles for the Project**

17. Based on the above analysis of government provisions and ADB policy, the following resettlement principles are adopted for this Project:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks. Measures to avoid and minimize involuntary resettlement impacts include the following: (a) explore alternative alignments or locations which are less impacting, (b) ensure the appropriate technology is used to reduce land requirements, (c) modify the designs, cross sections, and geometrics of components to maximize the ROW and ensure involuntary resettlement is avoided or minimized.
- (ii) Carry out meaningful consultations with displaced persons, and concerned non-government organizations (NGOs). Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the concerns of displaced persons. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through; (a) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement cost for land when the loss of land does not undermine livelihoods, (b) prompt replacement of assets with access to assets of equal or higher value, (c) prompt compensation at full replacement cost for assets that cannot be restored, and (d) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (a) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.

- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement<sup>1</sup> to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. This resettlement plan will be approved by ADB prior to contract award.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

## **E. Entitlement Matrix**

18. In accordance with the resettlement and rehabilitation (R&R) measures suggested for the project, all displaced households and persons will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets and scope of the impacts including socio-economic vulnerability of the

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<sup>1</sup> ADB SPS 2009 (Safeguards Requirements 2) does not apply to negotiated settlements. The policy encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, an independent external party will be engaged to document the negotiation and settlement processes. In cases where the failure of negotiations would result in expropriation through eminent domain or the buyer could acquire the property regardless of its owner's decision to sell it or not, will trigger ADB's involuntary resettlement policy. The Safeguard Requirements 2 will apply in such cases, including preparing a resettlement plan.

displaced persons and measures to support livelihood restoration if livelihood impacts are envisaged. The displaced persons will be entitled to the following five types of compensation and assistance packages:

- a. Compensation for the loss of land, crops/ trees at their replacement cost;
- b. Compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- c. Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- d. Assistance for shifting and provision for the relocation site (if required), and
- e. Rebuilding and/ or restoration of community resources/facilities.

19. Displaced persons meeting the cut-off date requirements (for title holders, the date of first notification will be treated as the cut-off date, and for non-titleholders the start date of project census survey will be the cut-off date), will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the displaced persons. Unforeseen impacts will be mitigated in accordance with the principles of this RF.

20. An Entitlement Matrix has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements; and is in compliance with National Laws and ADB SPS.

**Table 1: Entitlement Matrix**

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
<b>Land</b>						
1-a	Loss of private land	Agricultural land <sup>2</sup> , homestead land or vacant plot	Legal titleholders/ Family with traditional titleholders <sup>3</sup>	<ul style="list-style-type: none"> <li>• Compensation at replacement cost or land-for-land where feasible.<sup>4</sup> If land-for-land is offered, titles will be in the name of original landowners.</li> <li>• One time Resettlement allowance<sup>5</sup> of Rs. 50,000 per affected family<sup>6</sup></li> <li>• Each affected family shall be eligible for choosing one time assistance option from: (i) Where jobs are created through the project, employment for at least one member of the affected family with suitable training and skill development in the required field; or (ii) One-time payment of Rs. 500,000 per affected family.</li> <li>• All displaced families<sup>7</sup> will receive monthly subsistence allowance of Rs. 3,000<sup>8</sup> for one year (total Rs. 36,000) from the date of award.</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation accounts for all taxes and fees, and does not account for any depreciation.</li> <li>• Vulnerable households will be identified during the census.</li> <li>• Re-titling to be completed prior to project completion</li> <li>• For option of choosing job</li> </ul>	The Valuation Committee will determine replacement value as per the procedures outlined in the subsequent sections of this document. PIU will ensure provision of notice. PIU will verify the extent of impacts through a 100% survey of APs, determine assistance, and identify vulnerable households.

<sup>2</sup> The LARR, 2013 Act says no irrigated multi cropped land shall be acquired under this Act, except in exceptional circumstances, as a demonstrable last resort. Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. Such costing shall also reflect while preparing Resettlement Budget.

<sup>3</sup> Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to titleholders

<sup>4</sup> Including option for compensation for non-viable residual portions.

<sup>5</sup> The LARR Act–2013 specifies that each affected family shall be given one time Resettlement Allowance of Rs. 50,000 only. This is to cover transport and shifting.

<sup>6</sup> 'Family' includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him. Widows, divorcees and women deserted by families shall be considered separate family. An adult of either gender with or without spouse or children or dependents shall be considered as a separate family – as defined under LARR Act–2013.

<sup>7</sup> "Displaced family" as defined by the LARR Act–2013, means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. According to ADB SPS-2009, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. Thus, under this RF, the subsistence allowance is applicable for all affected families losing land irrespective of their nature of physical or economic displacement.

<sup>8</sup> The LARR Act–2013 provides for monthly subsistence allowance equivalent to three thousand rupees per month for a period of one Year from the date of award.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> <li>Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance.</li> <li>Additional assistance to Vulnerable Households</li> </ul>	<p>created through project, job will be paid at living wage and monitored by CSC.</p>	
1-b	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not / Sharecroppers	<ul style="list-style-type: none"> <li>Compensation for rental deposit or unexpired lease (such amount will be deducted from the compensation of land owners).</li> <li>All displaced families will receive (i) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award,</li> <li>Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance</li> <li>Additional assistance to Vulnerable Households</li> </ul>	<ul style="list-style-type: none"> <li>Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease</li> <li>Vulnerable households will be identified during the census.</li> </ul>	PIU will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to PIU. PIU will ensure provision of notice.
2-a	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholders	<ul style="list-style-type: none"> <li>Compensation for rental deposit or unexpired lease (such amount will be deducted from the compensation of the lessee).</li> <li>All displaced families will receive monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award,</li> <li>Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance.</li> <li>Additional assistance to Vulnerable Households</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable households will be identified during the census.</li> </ul>	PIU will ensure provision of notice and identify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
2-b	Loss of Government land	Vacant plot, Agricultural land, homestead land, RoW of road	Squatters <sup>9</sup> , Encroachers <sup>10</sup>	<ul style="list-style-type: none"> <li>60 days advance notice to shift from occupied land.</li> <li>Notice to harvest standing seasonal crops and compensation.</li> <li>All displaced families will receive monthly subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award,</li> <li>Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance</li> <li>Additional assistance to Vulnerable Households</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable households will be identified during the census.</li> </ul>	PIU will ensure provision of notice. PIU will identify vulnerable households.
<b>Residential Structures</b>						
3-a	Loss of residential structure	Residential structure and other assets <sup>11</sup>	<p>Legal titleholders</p> <p>Family with traditional land right</p>	<p>Each affected family shall be eligible for choosing one time assistance option from:</p> <p>(i) Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable); or</p> <p>(ii) In Rural area, the displaced family will be provided with the option of constructed house as per Indira Awas Yojana specifications in lieu of cash compensation; or</p> <p>(iii) In Urban area, the displaced family will be provided with the option of constructed house of minimum 50 sq. m. plinth area in lieu of cash compensation.</p>	<ul style="list-style-type: none"> <li>Compensation accounts for all taxes and fees, and does not account for any depreciation.</li> <li>Vulnerable households will be identified during the census.</li> </ul>	Valuation committee will verify replacement value. PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

<sup>9</sup> Squatters are those who have no recognizable rights on the land that they are occupying.

<sup>10</sup> Encroachers are those who build a structure which is in whole or is part of an adjacent property to which he/she has no title. They are not vulnerable.

<sup>11</sup> Other assets include, but is not limited to walls, fences, sheds, wells, etc.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> <li>• Fees, taxes, and other charges related to replacement structure.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• One-time Resettlement allowance of Rs. 50,000 per affected household</li> <li>• One time financial assistance of Rs. 25,000 to the families losing cattle sheds for reconstruction</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award</li> <li>• Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance.</li> <li>• Additional assistance to Vulnerable Households</li> </ul>		
3-b	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>• Replacement cost of part/whole of structure constructed by the tenant/leaseholder, and this will be deducted from the compensation amount of the owner.</li> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• Right to salvage materials (of the portion constructed by tenants or leaseholders) from structure and other assets</li> <li>• One time Resettlement allowance of Rs. 50,000 per affected family</li> <li>• One time financial assistance of Rs. 25,000 to</li> </ul>	<p>Land/structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.</p> <p>Vulnerable households will be identified during the census.</p>	Valuation committee will verify replacement value. PIU will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				<p>the families losing cattle sheds for reconstruction.</p> <ul style="list-style-type: none"> <li>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award.</li> <li>Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance.</li> <li>Additional assistance to Vulnerable Households</li> </ul>		
3-c	Loss of residential structure	Residential structure and other assets	Squatters, Encroachers	<ul style="list-style-type: none"> <li>Replacement cost of structure constructed by the squatter</li> <li>Right to salvage materials from structure and other assets</li> <li>One time Resettlement allowance of Rs. 50,000 per affected family</li> <li>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award.</li> <li>Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance.</li> <li>Additional assistance to Vulnerable Households</li> </ul>	Vulnerable households will be identified during the census.	PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
<b>Commercial Structures</b>						
4-a	Loss of commercial	Commercial structure	Legal titleholders	<ul style="list-style-type: none"> <li>Replacement cost of the structure and other assets (or part of the structure and other</li> </ul>	<ul style="list-style-type: none"> <li>Compensation accounts for all</li> </ul>	Valuation committee will

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
	structure	and other assets	Family with traditional land right	<p>assets, if remainder is viable)</p> <ul style="list-style-type: none"> <li>• Fees, taxes, and other charges related to replacement structure.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• One time Resettlement allowance of Rs. 50,000 per affected family</li> <li>• One time financial assistance of Rs. 25,000 to the families losing shop for reconstruction of shop.</li> <li>• All physically displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award.</li> <li>• Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance.</li> <li>• Additional assistance to Vulnerable Households</li> </ul>	<p>taxes and fees, and does not account for any depreciation.</p> <ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census.</li> </ul>	determine replacement value. PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4-b	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>• Replacement cost of part/whole of structure constructed by the tenant/leaseholder, and this will be deducted from the compensation amount of the owner.</li> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• Right to salvage materials (of the portion constructed by tenants or leaseholders) from structure and other assets</li> <li>• One time Resettlement allowance of Rs.</li> </ul>	<p>Land/structure owners will reimburse tenants and leaseholders land rental deposit or unexpired lease.</p> <p>Vulnerable households will be identified during the</p>	Valuation committee will determine replacement value. PIU will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
				50,000 per affected family <ul style="list-style-type: none"> <li>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award</li> <li>Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance.</li> <li>Additional assistance to Vulnerable Households</li> </ul>	census.	vulnerable households.
4-c	Loss of commercial structure	Commercial structure and other assets	Squatters, Encroacher	<ul style="list-style-type: none"> <li>Replacement cost of structure constructed by the squatter</li> <li>Right to salvage materials from structure and other assets</li> <li>One time Resettlement allowance of Rs. 50,000 per affected family</li> <li>All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award.</li> <li>Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance.</li> <li>Additional assistance to Vulnerable Households</li> </ul>	Vulnerable households will be identified during the census.	PIU will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.
<b>Livelihood</b>						
5	Loss of livelihood	Livelihood	Legal titleholder  Family with	<ul style="list-style-type: none"> <li>One time financial assistance of minimum Rs. 25,000.</li> <li>Skill up-gradation training to APs opted for</li> </ul>	Vulnerable households will be identified during the	PIU will verify the extent of impacts through a 100% survey of AHs

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
			traditional land right  Commercial tenant  Commercial leaseholder  Employee in commercial establishment  Agricultural laborer (long term)  Artisans  Squatters	(one member of the affected family) income restoration. <ul style="list-style-type: none"> <li>• Preference in employment under the project during construction and implementation.</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of Rs. 50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award</li> <li>• Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance.</li> <li>• Additional assistance to Vulnerable Households</li> </ul>	census.	determine assistance, verify and identify vulnerable households.  For Agricultural laborer (long timer) Only those who are in fulltime / permanent employment of the land owner, will be eligible for this assistance. Seasonal agricultural laborers will not be entitled for this assistance.
<b>Trees and Crops</b>						
6	Loss of trees and crops	Standing trees and crops	Legal titleholder  Family with traditional land right  Agricultural tenant/ leaseholder  Sharecroppers  Squatter	<ul style="list-style-type: none"> <li>• Advance notice to harvest crops, fruits, and timbers.</li> <li>• Compensation for standing crops in case of such loss, based on an annual crop cycle at market value</li> <li>• Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops.</li> </ul>	<ul style="list-style-type: none"> <li>• Harvesting prior to acquisition will be accommodated to the extent possible</li> <li>• Work schedules will avoid harvest season.</li> <li>• Seasonal crops will be given 6-month notice. If notice cannot be given, compensation for standing crops will be compensated at market value.</li> </ul>	PIU will ensure provision of notice. Valuation Committee will undertake valuation of standing crops, perennial crops and trees, and finalize compensation rates in consultation with APs.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
					<ul style="list-style-type: none"> <li>Market value of trees/crops has to be determined.</li> </ul>	
<b>Vulnerable</b>						
7	Impacts on vulnerable APs	All impacts	Vulnerable APs	<ul style="list-style-type: none"> <li>One time lump sum assistance of Rs. 25,000 to vulnerable households. This will be paid above and over the other assistance provided in items 1-a, 1-b, 2-a, 2-b, 3-a, 3-b, 3-c, 4-a, 4-b, 4-c, and 5.</li> <li>Receive preferential in income restoration training program under the project.</li> <li>Preference in employment under the project during construction and implementation.</li> <li>Access to basic utilities and public services</li> </ul>	Vulnerable households will be identified during the census and implementation of project.	<p>PIU will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.</p> <p>The PIU with support from the CSC and NGO<sup>12</sup> will conduct a training need assessment in consultations with the displaced persons so as to develop appropriate income restoration schemes.</p> <p>Suitable trainers or local resources will be identified by PIU and NGO in consultation with local training institutes.</p>
<b>Temporary Loss</b>						

<sup>12</sup>When suitable NGO is not available, the PIU will be staffed with qualified and experienced social workers to assist the IA in RP implementation

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
8	Temporary loss of land <sup>13</sup>	Land temporarily required for sub-project construction	Legal titleholders  Family with traditional land right	<ul style="list-style-type: none"> <li>Any land required by the Project on a temporary basis will be compensated in consultation with the landholders.</li> <li>Rent at market value for the period of occupation</li> <li>Compensation for assets at replacement cost</li> <li>Restoration of land to previous or better quality<sup>14</sup>.</li> <li>Location of construction camps will be fixed by contractors in consultation with Government and local community.</li> </ul>	<p>Assessment of impacts if any on structures, assets, crops and trees due to temporary occupation.</p> <p>Site restoration.</p>	Valuation Committee will determine rental value and duration of construction survey and consultation with APs. PIU will ensure compensation is paid prior to site being taken-over by contractor. Contractor will be responsible for site restoration.
9	Temporary disruption of livelihood		Legal titleholders, non-titled APs	<ul style="list-style-type: none"> <li>60 days advance notice regarding construction activities, including duration and type of disruption.</li> <li>Cash assistance based on the minimum wage/average earnings per month for the loss of income/livelihood for the period of disruption, and contractor's actions to ensure there is no income/access loss consistent with the EMP.<sup>15</sup></li> <li>Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity.<sup>16</sup></li> </ul>	Identification of alternative temporary sites to continue economic activity.	Valuation Committee will determine income lost. Contractors will perform actions to minimize income/access loss.
<b>Common Resources</b>						

<sup>13</sup> Temporary possession of land for project purpose can be taken only for three years from the date of commencement of such possession/occupation.

<sup>14</sup> If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under the Act to acquire the land as if it was needed permanently for a public purpose.

<sup>15</sup> This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.

<sup>16</sup> For example assistance to shift to the other side of the road where there is no construction.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
10	Loss and temporary impacts on common resources	Common resources	Communities	<ul style="list-style-type: none"> <li>Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, etc.</li> </ul>	Follow ADB SPS	PIU and Contractor.
<b>Other</b>						
11	Any other loss not identified	-	-	<ul style="list-style-type: none"> <li>Unanticipated involuntary impacts will be documented during the implementation phase and mitigated based on provision made in the RF.</li> </ul>	-	PIU will finalize the entitlements in line with ADB's SPS, 2009.

**F. Screening Criteria of Subprojects**

21. The EA will be responsible for involuntary resettlement planning. The EA will be supported by the respective PIUs, Detailed Project Report (DPR) Consultants, and Project Preparatory Technical Assistance (PPTA) Consultants. The following checklist will be used to screen subprojects to identify the resettlement impacts of the subprojects:

Will the subproject require land? What is the quantity of land required?
What will be the estimated total number of persons displaced?
Will the impact be permanent or temporary (during construction)?
Who owns the land? How is land currently used?
If private land, how many landowners/tenants/sharecroppers will be displaced?
If state land, is it subject to traditional claim?
If state land, are there any squatters or informal settlers?
What will be the estimated number of squatters?
Are there any houses, structures, trees and crops that will be affected (whether state or private land)?
How many households will be physically displaced?
Is there any public or community infrastructure?
Will tribal communities be displaced?
What percent of product assets (income generating) will people lose?

22. The EA will submit to ADB the Involuntary Resettlement Impact Categorization Checklist included in Appendix 4 for each subproject. The DPR Consultants will prepare the checklist based on field survey, and the PPTA consultant will verify prior to the EA submitting to ADB. Based on the screening, the subproject will be assigned to one of the following categories depending on the significance of probable involuntary resettlement impacts:

- a) **Category A** - A proposed project is classified as Category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including an assessment of social impacts, is required.
- b) **Category B** - A proposed project is classified as Category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impact, is required.
- c) **Category C** - A proposed project is classified as Category C if it has no involuntary resettlement impacts. No further action is required.

23. The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as; (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks.

## G. Negotiated Settlement

24. The ADB SPS encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation<sup>17</sup> with displaced persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, in case of negotiated settlement, an independent external party<sup>18</sup> will be engaged by the IA to document the negotiation and settlement processes. The principles of this RF with regard to meaningful consultation processes, mechanisms for calculating the replacement costs of land and other assets affected and record-keeping requirements, will be followed while handling Negotiated Settlement. If negotiation fails, the EA will acquire land following the national legislation and ADB SPS.

## III. SOCIOECONOMIC INFORMATION

### A. Surveys

25. The EA will be supported by the DPR Consultants for the preparation of technical design as well as social impact assessment and census of displaced persons based on the detailed measurement survey (DMS) of the affected properties has been completed. The DMS will be based on the final detailed design. If involuntary resettlement impacts are identified, a resettlement plan shall be prepared based on the census of the displaced persons. The relevant PIU will provide support to the DPR Consultants, especially in providing the local text and assist in organizing public consultations and interviews with local officials. A DMS involves staking out of the affected land on the ground based on the engineering design of a project and forms the basis for carrying out the census and assets inventory of losses of the displaced persons.

26. Social impact assessment (SIA) surveys of the displaced persons will be undertaken in each subproject so as to determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a rehabilitation program for implementation. The SIA surveys will comprise of:

- (i) **Baseline Socio-economic Sample Survey.** The purpose of the baseline socioeconomic sample survey of displaced persons is to establish monitoring and evaluation parameters. It will be used as a benchmark for monitoring the socio-economic status of displaced persons. The survey will cover at least 20% of displaced persons. The suggested baseline data should include the following:
- Demographic (household composition by age, gender, ethnicity, education)
  - Income and assets (individual, collective)
  - Occupation (livelihood)
  - Access to public service (health, education, water and sanitation, transport)

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<sup>17</sup> A process that (i) begins early in the Project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

<sup>18</sup> An independent external party is a person not involved in the day-to-day implementation of the project and can include, for example, a local university professor, local NGO representative, etc.

- Gender roles
- Attitude and preference on resettlement and participation in project employment.

The survey will collect gender-disaggregated data, where relevant, to address gender issues in resettlement. The survey will carry out the following: (i) preparation of accurate maps of the subproject area; and (ii) analysis of social structures and income resources of the population. The EA will allocate adequate resources required for each survey, commensurate with road length and level of anticipated impact.

- (ii) **Census Survey.** The census will cover 100% of displaced persons. The purpose of the census is to: (i) register who the displaced persons are; (ii) assess their income and livelihoods; and (iii) collect inventory of their assets affected due to the project; (iv) identify DPs who are vulnerable<sup>19</sup>; and (v) collect gender-disaggregated information pertaining to the economic and socio-cultural conditions of displaced persons.

## **B. Resettlement Plan**

27. The resettlement plan (RP) will be prepared based on the results of the census and from information drawn from the baseline socio-economic sample survey the database on displaced persons should be completed before resettlement plan preparation. It will include the results and findings of the census of displaced persons, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and results monitoring mechanisms. The RP will be disclosed to concerned stakeholders and their view incorporated in the plan. For additional details on disclosure, please refer to Section V of the RF.

28. RPs will comply with the principles outlined in this agreed RF. The RP should be structured as per the outline in Appendix 6. These will be approved by ADB prior to contract award. Disbursement of compensation payments and entitlements will be made prior to displacement.

29. The specific resettlement-related activities to be performed such as social impact assessment, census and socio-economic survey, resettlement planning, public consultation, grievance redress, development of mitigation measures and income restoration measures, preparation of a detailed budget and financing plan, implementation of resettlement plan, monitoring and evaluation, and their subproject implementation schedule will all be detailed in the resettlement planning document.

30. If the subproject does not require the acquisition of additional private land, a due diligence report shall be prepared by the DPR consultant and verified by the PIU and EA. The due diligence report should verified that there is no acquisition and detail out the types of temporary livelihood disruptions experienced by affected households, if any.

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<sup>19</sup> Vulnerable households include those who are (i) below official poverty line; (ii) landless; (iii) elderly-headed; (iv) female-headed; and (v) disabled.

### **C. Gender Impacts and Mitigation Measures**

31. Female-headed households are considered a vulnerable group as per this RF. Any negative impacts of a subproject on female-headed households will be treated on a priority basis. The resettlement plan will formulate measures to ensure that socio-economic conditions, needs and priorities of women are identified and the process of land acquisition and resettlement does not disadvantage women. It will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. During disbursement of compensation and provision of assistance, priority will be given to female-headed households.

## **IV. COMPENSATION, INCOME RESTORATION AND RELOCATION**

### **A. Compensation and Valuation of Lost and Affected Assets**

32. The valuation of affected land and structures will be governed by the following process:

33. Land surveys for determining the payment of compensation would be conducted on the basis of updated official records and ground facts. The land records containing information like legal title, and classification of land will be updated expeditiously for ensuring adequate cost compensation and allotment of land to the entitled displaced persons. In cases of areas under the District council/village council in tribal areas, where official land records don't exist, formal land/property boundaries of private property owned by the tribal households can be determined through the process of community consultation and discussion with village elders and village council members. Based on such information, land can be classified and land record can be updated and compensation assessment can be made. Although the land is notified from the district collector's/ deputy commissioner's office, the verification of ownership is done by the district/village council in consultation with the village people and assessment of compensation also done by the revenue officials based in the district council. After determination of ownership and compensation amount the same is sent to the district collector. Records as they are on the cut-off date will be taken into consideration while determining the current use of land. The uneconomic residual land remaining after land acquisition will be acquired as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as the case may be. The owner of such land/property will have the right to seek acquisition of his entire contiguous holding/ property provided the residual land is less than the average land holding of the district.

34. The rate of compensation for acquired land, structures, and other assets will be calculated at full replacement cost. That is, based on (i) fair market rate, (ii) transaction costs, (iii) interest accrued, (iv) transitional and reiteration costs, and (v) other payments, if any. For land acquisition the District Collector/Deputy Commissioner will decide the compensation for acquired land as per the legal provisions. If the compensation amount is less than the market/replacement cost of the land, the competent authority will award the compensation and the difference between the award rate and market / replacement rate will be paid by the EA as 'assistance'. The project authority will determine the possible replacement cost of land and assets to be acquired, possibly on the market rate through an independent valuer preferably hired from land and revenue department. This difference between the award money and the market/replacement rate, if any, will be submitted to the independent Land Valuation Committee (LVC) before resettlement plan (RP) implementation i.e. during physical verification and updating of database. For this purpose, the LVC will be constituted, comprising of the DM, RO and a retired District Land Revenue Officer who is familiar with land matters. Compensation will

be transferred to DPs by check. For those without bank account, the NGO will assist DPs in opening accounts. Compensation under law will be paid to the person whose name is on the title. The EA will ensure that re-titling will be completed prior to the completion of the project.

35. The value of houses, buildings and other immovable properties will be determined on the basis of relevant Basic Schedule of Rates (BSR) as on date without depreciation. While considering the BSR rate, the PIU will ensure that it uses the latest BSR for the residential and commercial structures in the urban and rural areas of the region. Compensation for properties belonging to the community or common places of worship will be provided to enable construction of the same at new places through the local self-governing bodies like Village Panchayat/Village council in accordance with the modalities determined by such bodies to ensure correct use of the amount of compensation.

36. Compensation for trees will be based on their full replacement cost. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops fruit bearing trees will be decided by the PIU in consultation with the Departments of Forest, Agriculture and Horticulture. Prior to taking possession of the land or properties, the compensation will be fully paid and DPs will have the opportunity to harvest trees.

37. The independent valuer will assess the compensation rates for various types of losses during the preparation of detailed designs and implementation of RP. Also, to ensure that the rates reflect current replacement costs, the LVC will verify and approve the estimates wherever felt necessary. The methodology for verifying the replacement cost for each type of loss will include, but not be limited to, the following:

- a) For valuation of land: Appraisal of recent sales and transfer of title deeds, informal sale and purchase of land among people in the project area, registration certificates for land in urban and rural areas of the district and consultation with local panchayats, district council, village council and DPs; Determination of whether the rates established for the project are sufficient or not to purchase the same quality and quantity of land based on compilation of appraised rates;
- b) For valuation of crops and trees: Survey of market prices in the district and adjacent districts for different types of crops to establish an average market price and an assessment to know whether the compensation is less or greater than that price; All compensation should be equivalent or higher than the prevalent market prices and the income loss will be calculated as annual produce value for one season to 3 seasons depending on the nature of crops/trees.
- c) For valuation of structures: To evaluate the compensation for structures to find out whether the amount will enable DPs to rebuild or replace their affected structures. This is to be done by consulting land owners on the following:
  - From where they use to buy materials
  - Type of shops (private or state-owned)
  - Distance to be traveled
  - Sources (local or foreign) and the cost of various materials
  - Who will built the structures (owner or contractor) and whether they will use the hired labor or their own labor;
  - Obtaining cost estimates by meeting at least three contractors/suppliers in order to identify cost of materials and labor

- Identifying the cost of different types of houses of different categories and compare the same with district level prices.

38. Even after payment of compensation, DPs would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that DPs can take away the materials so salvaged within 48 hours of their demolition; otherwise, the same will be disposed by the project authority without giving any further notice.

39. Trees standing on the land owned by the government will be disposed off through open auction by the concerned Revenue Department/ Forest Department. DPs will be provided with an advance notice of three months prior to relocation. Further, all compensation and assistance will be paid to DPs at least 3 months prior to displacement or dispossession of assets.

40. For temporary impact on land and common resources, any land required by the project on a temporary basis will be compensated in consultation with landowners and will be restored to previous or better quality. Implementation issues can be found in the Entitlement Matrix.

## **B. Income Restoration**

41. Each DP whose income or livelihood is affected by a subproject will be assisted to improve or at least restore it to pre-project level. For vulnerable households, their living standards will be improved to national levels, including the provision of access to basic utilities and public services. The results of the socioeconomic survey and census will be used as baseline. Income restoration schemes will be designed in consultation with DPs and considering their resource base and existing skills. The PIU with support from the DSC and NGO<sup>20</sup> will identify the number of eligible displaced vulnerable persons based on the 100% census of the DPs and will conduct a training need assessment in consultations with the DPs so as to develop appropriate income restoration schemes. The PIU with support of the DSC and NGO, will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by PIU and NGO in consultation with local training institutes. The PIU and NGO will also facilitate DP access to Government schemes that could help them to restore income and livelihood.

42. In addition, the entitlement matrix provides for short-term income restoration activities intended to restore the income of the displaced person in the period immediately before and after relocation focusing on relocation, and providing short-term allowances such as: (i) transitional allowance; and (ii) shifting assistance.

## **V. CONSULTATION, PARTICIPATION AND DISCLOSURE**

43. In order to engage with the community and enhance public understanding on the Project and address the issues pertaining to resettlement, various sections of DPs and other stakeholders were consulted through focus group discussions (FGD), meetings and individual interviews during the DPR and RP preparation of sample sub-projects. The opinions of the stakeholders and their perceptions were obtained during these consultations. This approach adopted towards the formulation of the framework would be continued during the program implementation. For this project, with minimal impact, there will be no host communities.

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<sup>20</sup> When suitable NGO is not available, the PIU will be staffed with qualified and experienced social workers to assist the IA in RP implementation

## **A. Meaningful Consultation and Participation of key stakeholders**

44. Meaningful consultations will be undertaken with the DPs, their host communities and civil society for every subproject identified as having involuntary resettlement impacts. Meaningful consultation will be carried out throughout the resettlement plan implementation. The consultation process established for the program will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders will be used during project preparation, including in-depth interviews, public meetings, and focus group discussions. Details can be found in Table 2.

45. The EA will ensure that views of the DPs, particularly those vulnerable, related to the resettlement process are looked into and addressed. The PIU will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. Particular attention will be paid to the need of the disadvantaged or vulnerable groups, including those below poverty line, the landless, the elderly, female headed households, women and children, Indigenous People/ Scheduled Tribes, and those without legal title to land. Separate meetings for women may be held to obtain their views. The key informants to be consulted, during the project preparation phase and during the RP implementation, shall include the following stakeholders:

- i. Heads and members of households likely to be displaced
- ii. Displaced households belonging to the vulnerable groups
- iii. Host communities
- iv. Women in the displaced as well as host communities
- v. Local voluntary organizations and NGOs,
- vi. Government agencies and departments, and,

46. Each subproject resettlement plan will be prepared and implemented in close consultation with the key stakeholders. Women's participation will be ensured by involving them in public consultation at various level and stages of project preparation and by arrangements, which would enhance their ability to attend such meetings.

## **B. Information Disclosure and Resettlement Plan Disclosure**

47. Information will be disseminated to DPs at various stages. In the subproject initiation phase, the PIU will be responsible for issue of public notice to acquire particular land/property for subproject component along with program information/details. The notice will be published in local newspapers, twice with a week's interval. The PIU along with local revenue officials/officials from DC's office will also conduct meetings with DPs in addition to the public notification to ensure that the information is given to all of them.

48. For the benefit of the community in general and DPs in particular, a summary of this RF and each resettlement plan will be made available in local language during public meetings at the community level, and be disclosed in public places prior to project appraisal. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contract.

49. Each subproject RP will be disclosed to the displaced community detailing information including measurement of losses, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments and displacement schedule by the PIU with assistance from the RP implementing unit. This will be done through public consultation and made available as brochures, leaflets, or booklets, using local languages. If negotiated

settlement takes place, the provisions described in paragraph 32 and in footnotes 17 and 18 shall be implemented.

50. Summaries of each RP will be translated and made available to the DPs. Hard copies of the resettlement plan will also be made available at: (i) Offices of the PIU; (ii) District Magistrate Office; (iii) Office of the Block Development Officer; (iv) Office of the Block level L&LRO; (v) District Council Offices; and (iv) any other local level public offices, as soon as the plans are available and certainly before land is acquired for the project. For non-literate people, other communication methods will be used, including verbally explaining the disclosed documents in community meetings. A report of disclosure, giving detail of date and location, will be shared with ADB.

51. The basic information in the resettlement plan including subproject locations, magnitude of impact, entitlements, implementation schedule etc. will be presented in the form of a brochure that will be circulated among the DPs. Posters designed to disseminate basic tenets of the plan will be distributed in different localities to generate mass awareness.

52. Electronic version of the framework as well as the RPs will be placed on the official website of the EA and the official website of ADB after approval and endorsement by EA and ADB. All RPs will be approved by ADB prior to contract award and then disclosed on ADB's website. Furthermore, a notification on the start date of subproject implementation will be issued by the PIU in local newspapers one month ahead of the implementation works.

53. Table 2 shows consultation and disclosure activities.

**Table 2: Consultation, Participation and Information Disclosure Activities**

<b>Activity</b>	<b>Issues to be addressed</b>	<b>Participants / Responsible Party</b>	<b>Communication methods</b>
Field verification and identification of impacts	Discuss impacts with DPs, minimize impact	DPs, DPR consultants, PIU	Individual meetings, FGD
Notification of DPs on project, LAR and cut-off date	Inform DPs about project, LAR impact and temporal limitation of eligibility, GRM	DPs, DPR consultants, PPTA consultants, LAR officers	Notices in local government offices and public areas
Census, Socioeconomic Survey, DMS	Discuss concerns and preferences of DPs, notify cut-off date	DPs, DPR consultants, PPTA consultants, LAR officers	Quantitative surveys, walk-through, FGD, individual and key informant interviews
Consultation meeting on draft RP	Explanation and discussion of DPs' rights and obligations, institutional arrangements, procedures, GRM, eligibility criteria and entitlements) strategy; agreements between the EA and the DPs;	DPs, DPR consultants, PPTA consultants, LAR officers ; separate meetings for vulnerable DPs and women DPs, if required	Formal meeting

Activity	Issues to be addressed	Participants / Responsible Party	Communication methods
Negotiation meetings	Resolution of remaining disagreements with individual DPs and finalization of negotiated settlements.	DPs, LAR officers, NGO, PIU	Individual meeting
Consultation meeting on revised RP	Inform DPs about changes to RP after consultations and negotiations, as well as ADB review	DPs, DPR consultants, PPTA consultants, LAR officers ; separate meetings for vulnerable DPs and women DPs, if required	Community Meeting
Disclosure of final RP	Full public disclosure of all subproject planning	ADB, EA	Web publication
Ongoing consultation during implementation	On-going concerns	DPs, NGO, CSC, PIU	Individual meetings, FGD, field visits
Monitoring	Record process of implementation and impacts	DPs, NGO, CSC, PIU	Individual meetings, FGD, field visits

## VI. GRIEVANCE REDRESS MECHANISM

54. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate and facilitate the resolution of displaced people's concerns, complaints and grievances about the social and environmental performance at the level of the Project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The project-specific GRM is not intended to bypass the government's own redress process, rather it is intended to address displaced people's concerns and complaints promptly, making it readily accessible to all segments of the displaced people and is scaled to the risks and impacts of the project.

55. During project preparation, information regarding GRCs will be disclosed as part of the public consultation process. Grievances related to the implementation of the project will be acknowledged, evaluated, and responded to the complainant with corrective action proposed. The outcome shall also form part of the semi-annual monitoring report that will be submitted to ADB. The decision of the GRCs is binding, unless vacated by the court of law. The GRC will continue to function, for the benefit of the DPs, during the entire life of the project including the maintenance period.

56. A Grievance Redress Committee (GRCs) will be established at the MPRDC state level and at the PIU level to assure accessibility for DPs. The GRCs are expected to resolve grievances of the eligible persons within a stipulated time of 3 weeks at the PIU level and 3 weeks at the state level. The State level GRC will comprise of the:

- i) General Manager, MPRDC, Bhopal

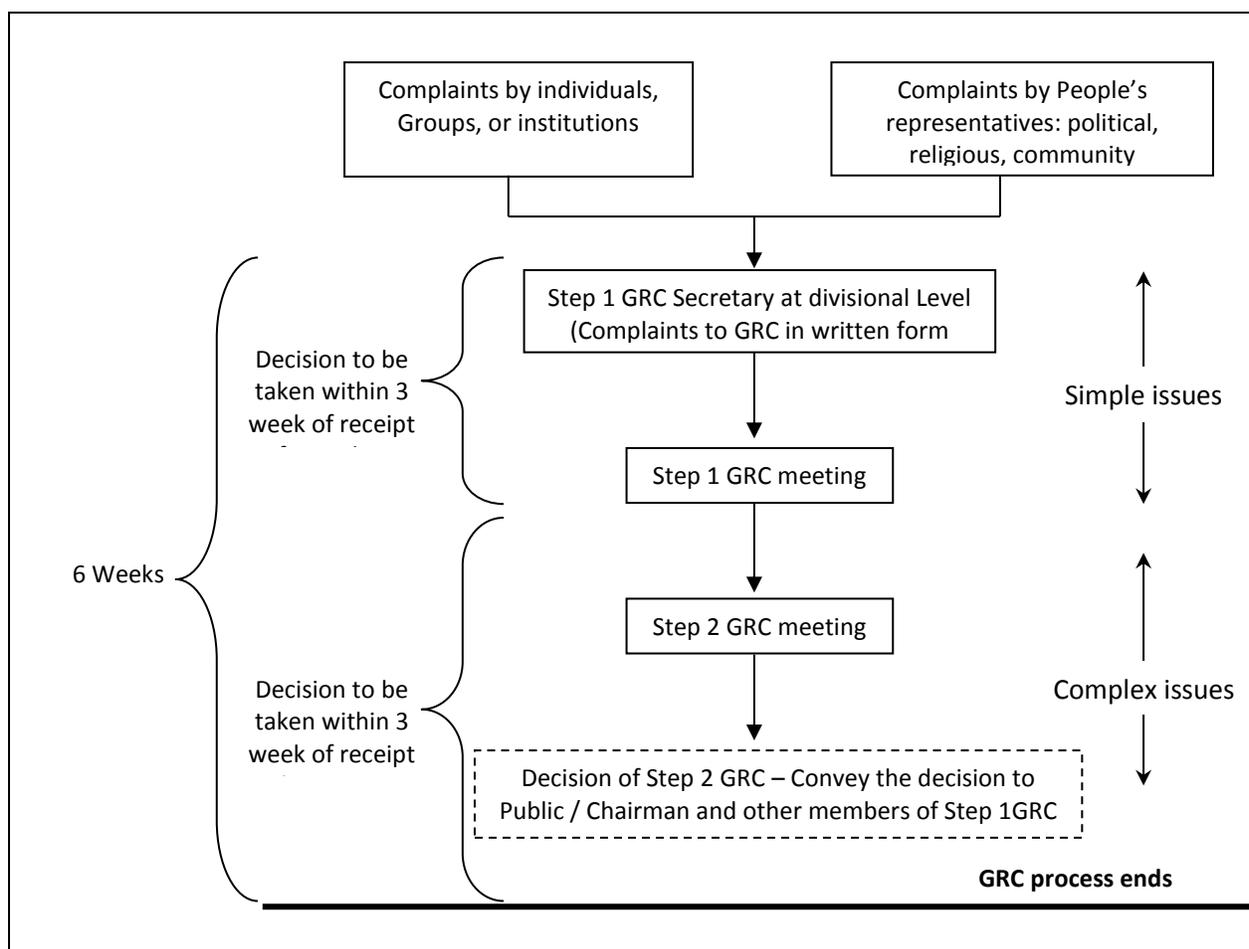
- ii) Superintended Engineer, PWD, Bhopal
- iii) DGM, MPRDC, Bhopal
- iv) Manager (Environment & Social), MPRDC, Bhopal
- v) A representative from IP community or NGO for IP related issue

57. The PIU level GRC will comprise of the:

- i) Divisional Manager from MPRDC
- ii) Executive Engineer, local PWD office
- iii) A representative from local NGOs or a local person of repute and standing in the society, elected representative from Zila Parisad /District Council.
- iv) A representative for women from a relevant agency which could be from the government, or NGO or local community
- v) A representative from IP community or NGO for IP related issue.

58. One of the above members in the PIU level GRC will be a woman. The following flow chart defines the process of the GRM.

**Figure 1: Grievance Redress Mechanism**



59. The response time prescribed for the GRCs would be three weeks at each level. Since the entire resettlement component of the project has to be completed before the construction starts for the whole project, the GRC will meet at least once in three weeks to resolve the pending grievances. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, relocation, payment of compensation and other assistance. The subproject specific Resettlement Plans will detail out the step-by-step mechanism for grievance redress.

## VII. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

60. The Executing Agency for the project will be GOMP through MPRDC. MPRDC is wholly owned by GOMP and has been equipped with adequate capacity to implement the project. The implementation arrangements basically follow the ongoing ADB-financed Madhya Pradesh State Roads Project-III.

61. **Staffing.** A Chief Engineer (CE) at MPRDC headquarter based in Bhopal has been designated as person in charge for project implementation. The Environmental and Social Cell at MPRDC headquarters, reporting to the CE, will be responsible for ensuring compliance with environmental and social safeguards of project roads. The Environment and Social Cell will be staffed by two social safeguard officers and two environment officers. At the project implementation unit, there are 10 Project Implementation Units (PIUs), each headed by a Divisional Manager (Tech.). The PIU will be responsible for project road implementation in the field. There will be one safeguard focal point at each PIU level. MPRDC will engage three Construction Supervision Consultants (CSC) for the project. Each CSC will be staffed with a social safeguard specialist. The capacity of the EA is high since it has successfully implemented multiple donor funded projects, including 3 ADB financed road projects. Capacity building for the DPR consultants has been undertaken by PPTA consultants during early 2014 to ensure field survey and documents prepared are high quality. During inception mission, ADB will provide training to newly appointed staff in the Environment and Social Cell and PIU focal points.

62. **Resettlement activities.** The EA will do the overall coordination, planning, implementation, and ensure that adequate finances for costs related to land acquisition and resettlement for the project is allocated. EA will be supported by the CSC to ensure timely and effective implementation of RPs. EAs will coordinate with PIUs for project level RP related activities. The institutional framework and the roles and responsibilities of various institutions to be involved in the R&R activities of the project and implementation of RP are described below.

63. A qualified and experienced firm, NGO, or designated in-house personnel (referred to onward as RP implementing unit) will be engaged by the EA to assist in the implementation of the RP if involuntary resettlement is identified. If very few households are affected, the EA may elect to implement the RPs itself. If a RP implementing unit is engaged, it would play the role of a facilitator and will work as a link between the PIU and the displaced community. EA shall ensure that adequate resources are allocated to the NGO and a detailed work plan will need to be submitted by the NGO in the Inception Report. An indicative TOR for the NGO is included in Appendix 8.

64. The table below provides details on the key agencies involved and their main responsibilities regarding social safeguard implementation.

**Table 3: Implementation Agencies and Key Responsibilities**

<b>Key Agency</b>	<b>Responsibility</b>
Government of Madhya Pradesh through the Madhya Pradesh Road Development Corporation (EA)	<ul style="list-style-type: none"> <li>• Make final decision on roads to be included under the project</li> <li>• Overall responsibility for project design, feasibility, construction and operation and guide PIUs</li> <li>• Ensure that sufficient funds are available to properly implement all agreed social safeguards measures</li> <li>• Ensure that all subprojects comply with the provisions of ADB's SPS 2009 and Gol's policies and regulations</li> <li>• Submit semi-annual safeguards monitoring reports to ADB</li> </ul>
Project Implementation Units	<p>(a) District Level</p> <ul style="list-style-type: none"> <li>• Disseminate project information to the project affected community with assistance from DPR Consultants</li> <li>• Ensure establishment of Grievance Redress Committee at the district level for grievance redress with assistance from DPR Consultants</li> </ul> <p>(b) Field Level</p> <ul style="list-style-type: none"> <li>• Disclosure of project information in public spaces and through relevant media.</li> <li>• Disseminate project information to the community in coordination with DPR Consultants</li> <li>• Facilitate the socioeconomic survey and census</li> <li>• Facilitate consultation by the civil works contractor with community throughout implementation</li> <li>• Oversee land acquisition and coordinate with Deputy Commissioner</li> <li>• Supervise the mitigation measures during implementation and its progress</li> <li>• Conduct internal monitoring and prepare reports</li> </ul>
Detailed Project Report (DPR) Consultants	<ul style="list-style-type: none"> <li>• Undertake consultations involving community and DPs</li> <li>• Conduct baseline socioeconomic survey</li> <li>• Conduct census of DPs and prepare inventory of loss</li> <li>• Complete screening checklist</li> <li>• Prepare due diligence report if no land acquisition</li> <li>• Encourage community/ DPs to voluntarily participate during the implementation</li> </ul>
Project Preparation Technical Assistance (PPTA) Consultant	<ul style="list-style-type: none"> <li>• Prepare draft Resettlement Framework</li> <li>• Review social safeguard planning documents (due diligence reports/RPs) for sample and non-sample projects</li> <li>• Verify screening checklist</li> <li>• Conduct capacity building for DPR consultants</li> </ul>
RP Implementing NGO	<ul style="list-style-type: none"> <li>• Assist in the implementation of the RP if involuntary resettlement is identified.</li> </ul>
Construction Supervision Consultants (CSC)	<ul style="list-style-type: none"> <li>• Provide technical support and advise for addressing complaints and grievances and participate in resolving issues as a member of the GRC</li> <li>• Provide technical advice and on the job training to the contractors as necessary</li> <li>• Preparation of semi-annual monitoring reports based on the monitoring checklists and submission to RDA for further submission to ADB</li> <li>• Act as External Monitor for project with significant impact</li> </ul>
Contractor	<ul style="list-style-type: none"> <li>• Consult community and PIU regarding location of construction camps</li> <li>• Sign agreement with titleholder for temporary use and restore land to equal or better condition upon completion</li> </ul>

Key Agency	Responsibility
	<ul style="list-style-type: none"> <li>• Commence construction only when alignment is free of encumbrance</li> <li>• Respond in a timely fashion to recommendations from GRCs</li> </ul>
District level officials	<ul style="list-style-type: none"> <li>• Provide any existing socioeconomic information, maps and other related information to DPR Consultant prior to the field data/information collection activities.</li> <li>• Act as the local focal point of information dissemination</li> <li>• Execute land acquisition process</li> </ul>
Community Based Organizations	<ul style="list-style-type: none"> <li>• Ensure the community participation at various stages of the project</li> <li>• Coordination with stakeholder organizations</li> <li>• Assist in Monitoring of the project</li> <li>• Providing indigenous knowledge as required</li> </ul>
Village key persons	<ul style="list-style-type: none"> <li>• Provide correct and accurate data and information from project formulation stage</li> <li>• Assist the project team to implement the project smoothly</li> <li>• Arrange proper community participation</li> </ul>
ADB	<ul style="list-style-type: none"> <li>• Review RF and due diligence/RP and endorse or modify the project classification</li> <li>• Review planning documents and disclose the draft and final reports on the ADB's website as required</li> <li>• Monitor implementation through review missions</li> <li>• Provide assistance to the EA and IA of subprojects, if required, in carrying out its responsibilities and for building capacity for safeguard compliance</li> <li>• Monitor overall compliance of the project to ADB SPS</li> </ul>

### **VIII.IMPLEMENTATION SCHEDULE**

65. The RP implementation schedule will vary from subproject to subproject. In general, the project implementation will consist of the three major phases, namely project preparation, land acquisition and rehabilitation of DPs. In line with the principles laid down in this RF, the EA and PIU will ensure that project activities are synchronized between the resettlement plan implementation activities as well as the subproject implementation. The EAs and PIUs will ensure that no physical or economic displacement of displaced households will occur until: (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan are provided to the displaced persons; and (iii) a comprehensive income and livelihood rehabilitation program, supported by adequate budget, is in place to help displaced persons, improve, or at least restore, their incomes and livelihoods. Furthermore, all RPs will be revised during detailed design, and the updated RPs will be approved by government and ADB and disclosed prior to implementation. An indicative implementation schedule with key tasks is provided in Appendix 9.

### **IX.BUDGET AND FINANCING**

66. Detailed budget estimates for each RP will be prepared by the EA and PIU, which will be included in the overall project estimate. The budget shall include:

- a) detailed costs of land acquisition, relocation, livelihood and income restoration and improvement, administration and management and a contingency source of funding;
- b) arrangements for approval, and the flow of funds and contingency arrangements.

67. All land acquisition funds will be provided by the government. All land acquisition, compensation, relocation and rehabilitation of income and livelihood, consultations and grievance redress will be considered as an integral component of project costs. Appendix 10 includes a budget template.

68. The disbursement of money to the displaced persons for land acquisition will be carried out by the District Magistrate / Commissioner's office. The EA will deposit the approved amount at respective district jurisdictions and the district administration will disburse the money to displaced persons.

69. However, in the case of assistance and other rehabilitation measures, the PIU will directly pay the money or any other assistance as stated in the resettlement plan to displaced persons by means of a cheque payment into their individual accounts. The Resettlement Specialist and RP implementing unit will be involved in facilitating the disbursement process and rehabilitation program and will facilitate opening of bank accounts for the displaced persons who do not have bank accounts.

## **X.MONITORING AND REPORTING**

### **A. Internal Monitoring**

70. Internal monitoring will be the responsibility of the PIUs, which will include:

- a) **Administrative monitoring:** daily planning, implementation, feedback and trouble shooting, individual DP database maintenance, and progress reports
- b) **Socio-economic monitoring:** case studies, using baseline information for comparing DP socio-economic conditions, evacuation, demolition, salvaging materials, morbidity and mortality, community relationships, dates for consultations, and number of appeals placed; and
- c) **Impact evaluation monitoring:** Income standards restored/improved, and socioeconomic conditions of the displaced persons. Monitoring and evaluation reports documenting progress on resettlement implementation and RP completion reports will be provided by the PIUs to EA for review and approval from ADB.

71. The internal monitor will be responsible for overall internal monitoring and evaluation of the project progress for resettlement implementation. The internal monitor will monitor and verify RP implementation to determine whether resettlement goals have been achieved, livelihood and living standards have been restored, and provide recommendations for improvement. The internal monitor will undertake biannual monitoring during the R&R implementation period. Monitoring will also ensure recording of DP's views on resettlement issues such as; DP's understanding of entitlement policies, options, and alternatives; site conditions; compensation valuation and disbursement; grievance redress procedures; and staff competencies. The internal monitor will also evaluate the performance of the NGOs. The monitoring reports will be sent to ADB twice a year by EA. Suggested monitoring indicators can be found in Appendix 11 and monitoring form can be found in Appendix 12.

**B. External Monitoring**

91. For subprojects that will be Category A with significant adverse safeguard impacts, the EA will retain qualified and experienced external experts to verify its monitoring information.<sup>21</sup> An important function of the external monitoring expert is to advise the EA on safeguard compliance issues. If significant non-compliance issues are identified, the EA is required to prepare a corrective action plan to address such issues. The EA will document monitoring results, identify the necessary corrective actions, and reflect them in a corrective action plan. The EA, in each quarter, will study the compliance with the action plan developed in the previous quarter. Compliance with loan covenants will be screened by the EA. Sample TOR for External Monitor is found in Appendix 13.

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<sup>21</sup> Experts not involved in day-to-day project implementation or supervision.

### Appendix 1: List of Roads

#### SAMPLE ROADS

	MDR Number	Name of Road	District	Length
1		Ujjain – Maksi Road	Ujjain	36.50
2		Dabra – Bhitwar – Harsi	Gwalior/ Shivpuri	62.40
3		Chitrangi – Kasar	Sidhi/ Singrauli	39.93
4		Mahua – Chuawahi	Sidhi/ Singrauli	48.90

#### NON-SAMPLE ROADS

	MDR Number	Name of Road	District	Length
1		Parsona – Mahua (Up to Barkha)	Singrauli	65.26
2		Rewa – Bankuiya – Semriya	Rewa	33.41
3		Hardua – Chakghat	Rewa	92.26
		Total		378.653

#### Bhopal & Narmadapuram Division

	MDR Number	Name of Road	District	Length
1	MP – MDR – 30 – 19	Hathnapur – Anwawli Salkanpur Road	Hosangabad	28.18
2	MP – MDR – 30 – 06	Tawa Bridge – Itarsi Mandi	Hosangabad	11.12
3	MP – MDR – 30 – 04	Itarsi – Dulriya – Tigria Road	Hosangabad	26.20
4	MP – MDR – 23 – 06	Berasia – Najeerabad Road	Bhopal	41.50
5	MP – MDR – 23 – 08	Najeerabad – Maksudangarh Road		
6	MP – MDR – 23 – 10	Vidisha – Berasia Road	Vidisha	39.20
7	MP – MDR – 27 – 01			
		Total		146.20

#### Indore I & II Division

	MDR Number	Name of Road	District	Length
1	MP – MDR – 15 – 18	Sanver Kshipra Road	Indore	20.00
2	MP – MDR – 16 – 11	Kanvan Magod Road	Dhar	47.20
3	MP – MDR – 20 – 01	Sanawad Khargone Road Km 1 to 65/ 8	Khargone	64.80
4	MP – MDR – 15 – 02	Mahu Simrol Road	Indore	17.40
5	MP – MDR – 15 – 07	Depalpur Betma Road	Indore	20.00
		Total		169.40

#### Ujjain I & II Division

	MDR Number	Name of Road	District	Length
1	MP – MDR – 10 – 02	Dewas – Newari Road	Dewas	27.60
2	MP – MDR – 09 – 04	Mahidpur – Panvihar Jeevaji Nagar Road	Ujjain	32.00
3	MP – MDR – 11 – 02	Shajapur Bercha Road	Shajapur	16.40
4	MP – MDR – 11 – 13	Shajapur – Dupada – Kanad – Pachlana – Pilvas – Nalkheda Road	Shajapur	55.30
		Total		131.30

**Jabalpur/ Chhindwara Division**

	<b>MDR Number</b>	<b>Name of Road</b>	<b>District</b>	<b>Length</b>
1	MP – MDR – 36 – 19	Rani Durgawati Samadhi Road	Jabalpur/ Mandla	21.20
2	MP – MDR – 39 – 01	Katni – Vijay Raghavgarh – Barhi Road	Katni	51.40
3	MP – MDR – 42 – 06	Waraseoni – Katangi Road	Balaghat	30.00
4	MP – MDR – 41 – 01	Gotegaon Road	Narsinghpur	46.00
5	MP – MDR – 36 – 05	Tilwara – Chargaon Road	Jabalpur	
6	MP – MDR – 40 – 24	Tamia – Junnardev Road	Chhindwara	27.00
		Total		175.60

**Sagar Division**

	<b>MDR Number</b>	<b>Name of Road</b>	<b>District</b>	<b>Length</b>
1	MP – MDR – 31 – 13	Bandri Jaruwakheda Road	Sagar	24.2
2	MP – MDR – 32 – 12	Damoh – Hindoriya – Patera Road	Damoh	31.6
3	MP – MDR – 34 – 04	Prithvipur – Niwari Road	Tikamgarh	22.8
4	MP – MDR – 33 – 05	Ajaygarh – Toriya – Bariyapur Road	Panna	24
5	MP – MDR – 35 – 25	Nougaon – Baldeogarh Road	Chhattarpur	36
		Total		138.60

**Gwalior/ Chambal Division**

	<b>MDR Number</b>	<b>Name of Road</b>	<b>District</b>	<b>Length</b>
1	MP – MDR – 01 – 01	Mohanpur – Behat – Mau Road	Gwalior	52.70
2	MP – MDR – 02 – 03	Behat – Mau Road		
3	MP – MDR – 07 – 06	Mohna Pohri Road	Shivpuri	63.70
4	MP – MDR – 06 – 09	Bhasula Chainpur Vijaypur Dhanrawad Road	Guna	20.30
5	MP – MDR – 07 – 10	Pachwali Rannod Road		
6	MP – MDR – 07 – 04	Rannod Pichhore Road		61.80
7	MP – MDR – 08 – 11	Ashoknagar – Thubon (including Kolua Road)	Ashoknagar	30.00
8	MP – MDR – 06 – 03	Maksudanganj Najeerabad Road		20.70
9	MP – MDR – 01 – 08	Murar Chitora Road	Gwalior	29.8
10	MP – MDR – 02 – 08		Bhind	
		Total		279.00

**Rewa I & II Division**

	<b>MDR Number</b>	<b>Name of Road</b>	<b>District</b>	<b>Length</b>
1	MP – MDR – 45 – 02	Sidhi Tikri Road	Sidhi	33.6
2	MP – MDR – 43 – 02	Kyothi Katra Lalgona Road	Rewa	26
3	MP – MDR – 43 – 04	Mauganj Katra Road	Rewa	38.2
4		Patna – Sarai Road	Annupur	39.41
		Total		137.21

## **Appendix 2: Summary of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013**

1. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been effective from January 1, 2014 after receiving the assent of the President of Republic of India. The Act replaced the Land Acquisition Act, 1894.
2. The aims and objectives of the Act include: (i) to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution of India, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other affected families; (ii) provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition; (iii) make adequate provisions for such affected persons for their rehabilitation and resettlement; (iv) ensure that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto.
3. Section 27 of the Act defines the method by which market value of the land shall be computed under the proposed law. Schedule I outlines the proposed minimum compensation based on a multiple of market value. Schedule II through VI outline the resettlement and rehabilitation entitlements to land owners and livelihood losers, which shall be in addition to the minimum compensation per Schedule I.
4. Preparation of Social Impact Assessment Study under section 4 (1): it is obligatory for the appropriate Government intends to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concern Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6.
5. **Notification under Section 11 (1):** Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification to that effect along with details of the land to be acquired in rural and urban shall be published in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat*, Municipality or Municipal Corporation, as the case may be and in the officers of the District Collector, The Sub-divisional Magistrate and the *Tehasil*; uploaded on the website of the appropriate Government; in the affected areas.
6. **Hearing of Objection under section 15 (1):** any person interested in any land which has been notified under sub-section (1) of section II, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification makes his/her objection, if any, to the collector in writing and shall be heard by the collector or by any person authorized by him/her in this behalf or by an Advocate. After hearing all such objections and after making such further inquiry, if any, as he/she thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section II, Or make different reports in respect of different parcels of such land, to the appropriate Government, containing his/her recommendations on the objections, together with the records of the proceedings held by him/her along with a separate report giving therein the

approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

7. **Publication of declaration and summary of Rehabilitation and Resettlement under section 19 (1):** when the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the “resettlement area” for the purpose of rehabilitation and resettlement of the affected families. It is obligatory for the State to publish declaration in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat*, Municipality or Municipal Corporation, as the case may be and in the offices of the District Collector, The Sub-divisional Magistrate and the *Tehasil*; uploaded on the website of the appropriate Government; in the affected areas.

8. After declaration the Collector shall take order for acquisition. The Collector then causes the land to be marked out, measured and planned. The Collector then causes public notice to be given at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land, and that claims to compensation may be made.

9. **Enquiry and Land Acquisition award by Collector under section 23:** on the day so fixed, or any other day to which the enquiry has been adjourned, the Collectors shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interest of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his/her hand of:

- i. the true area of the land;
- ii. the compensation as determined under section 27 along with Rehabilitation and Resettlement award as determined under section 31 and which in his/her opinion should be allowed for the land, and;
- iii. the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

10. **Period within which an Award shall be made:** under section 25, it is obligatory for the Collectors to make an Award within a period of twelve months from the date of publication of the declaration under section 19 and if no Award is made within the period, the entire proceedings for the acquisition of the land shall lapse.

11. **Determination of market value of land by Collector under section 26 (1):** the Collector shall adopt the following criteria's in assessing and determining the market value of the land, namely:

- i. the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or
- ii. the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

- iii. consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects. Wherever is higher.

12. **Determination of amount of Compensation under section 27:** the Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.

13. **Determination of value of things attached to land or building under section 29 (1):** the Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him/her. Under section 29 (2), the Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture. In the same manner, the Collector under section 29 (3), for the purpose of assessing the value of standing crops damaged during the process of land acquisition, may use the services of experienced persons in the field of agriculture.

14. **Rehabilitation and Resettlement Award for affected families by Collector under section 31 (1) of section V:** the Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the second schedule. As per section 31 (1), the Rehabilitation and Resettlement Award shall include all the following, namely;

- i. rehabilitation and resettlement amount payable to the family;
- ii. bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
- iii. particulars of house site and house to be allotted, in case of displaced families;
- iv. particulars of the land allotted to the displaced families;
- v. particulars of one time subsistence allowance and transportation allowance in case of displaced families;
- vi. particulars of payment for cattle shades and petty shops;
- vii. particulars of one time amount to artisans and small traders;
- viii. details of mandatory employment to be provided to the members of the affected families;
- ix. particulars of any fishing rights that may be involved;
- x. particulars of annuity and other entitlements to be provided;
- xi. particulars of special provisions for the scheduled cast and the scheduled tribes to be provided.

15. **Special powers in case of urgency to acquire land in certain cases under section 40 (1):** in case of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free all encumbrances.

16. **Special Provision for Scheduled Caste and Scheduled Tribes under section 41 (1):** as far as possible, no acquisition of land shall be made in the Scheduled Areas. As per section 41 (2), where such acquisition does take place it shall be done only as a demonstrable last resort. As per section 41 (3), in case of land acquisition in Scheduled Area, the prior consent of

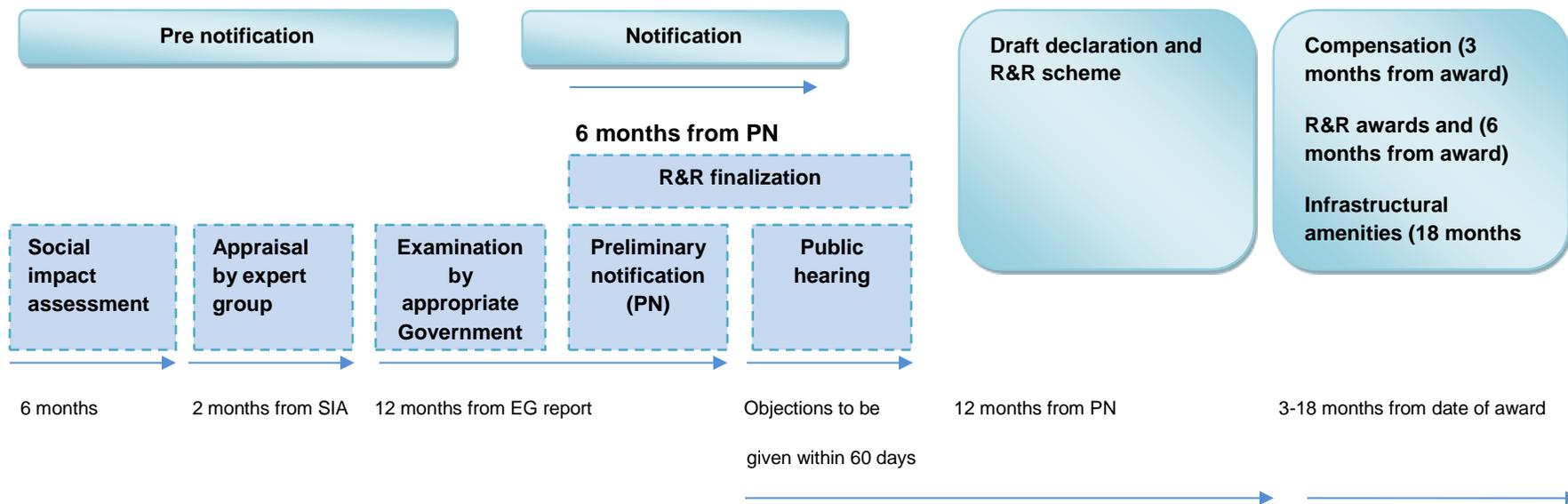
the concern *Gram Sabha* or the *Panchayats* or the autonomous District Councils shall be obtained.

17. In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Cast or the Scheduled Tribes families, a Development Plan shall be prepared (section 41 [4]). As per section 41 (5), the Development Plan shall also contain a program for development of alternate fuel, fodder and non timber forest produce resources on non forest lands within a period of five years.

18. In case of land being acquired from members of Scheduled Cast or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first installment and the rest shall be paid after taking over of the possession of the land. The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and culture identity.

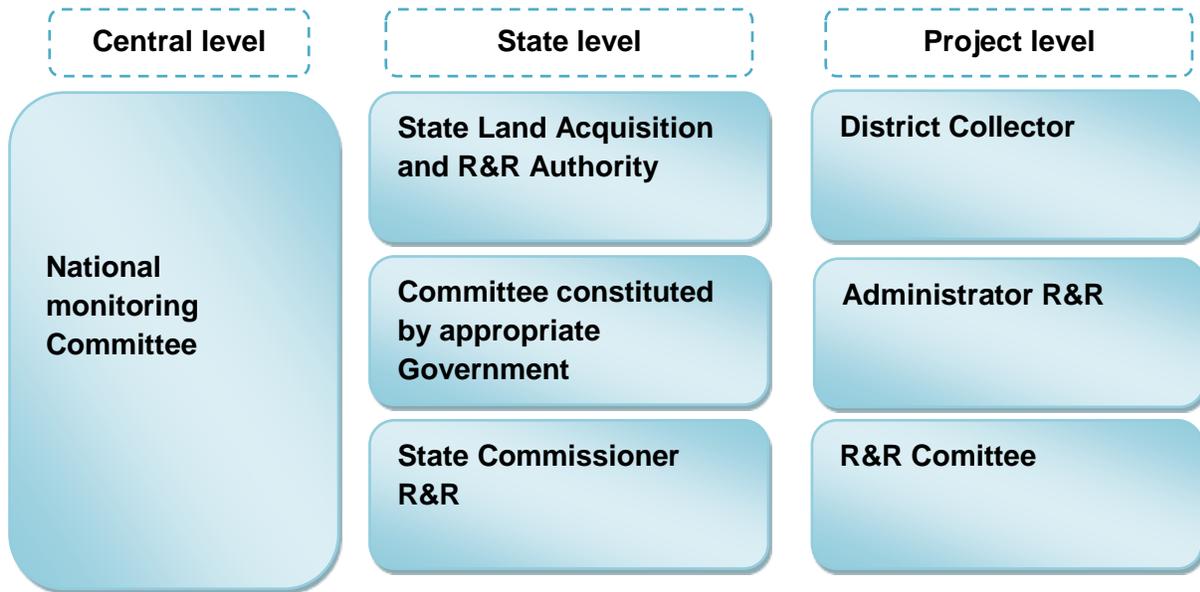
19. Under section 42 (1), all benefits including the reservation benefits available to Scheduled Cast and the Scheduled Tribes in the affected areas shall continue in the resettlement area.

**Figure 1: Process flow for Land Acquisition<sup>22</sup>:**



<sup>22</sup> Source: Presentation on the Land Acquisition by Ministry of rural Development, Government of India, September 2013.

**Figure 2: Institutional structure for Land Acquisition and R&R<sup>23</sup>**



<sup>23</sup> Source: Presentation on the Land Acquisition by Ministry of rural Development, Government of India, September 2013.

### Appendix 3: Comparison between the Borrower and ADB's Safeguard Policy Statement

	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
1	Screen the project	Screen the project to identify past, present, and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement	4 (I) it is obligatory for the appropriate Government intends to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concern Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6.	Screening of all sub-projects in line with the IR checklist of ADB, towards enabling identification of the potential resettlement impacts and associated risks.
2	Consultation with stake holders and establish grievance redress mechanism	Carryout consultations with displaced persons, host communities and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options	Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report. The Land Acquisition Rehabilitation and Resettlement Authority shall be established in each State by the concerned State Government to hear disputes arising out of projects where land acquisition has been initiated by the State Government or its agencies.	No gap between SPS and FCTLARR. Given that the Resettlement Impacts are not envisaged to be significant, a project level GRM is included.
3.	Improve, or at least restore, the livelihoods of all displaced, and payment at replacement cost	Improve or restore the livelihoods of all displaced persons through: (i) land-based resettlement strategies; (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.	The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.	No gap between SPS and FCTLARR. Assets to be compensated at replacement cost without depreciation
4.	Assistance for displaced persons	Provide physically and economically displaced persons with needed assistance	Schedule I, provides market value of the land and value of the assets attached to land. Schedule II provides R&R package for land owners and for livelihood losers including landless and special provisions for Scheduled Tribes.	No gap between SPS and FCTLARR.  Entitlement Matrix outlines compensation and assistance for DPs.
5.	Improve standard of	Improve the standards of living of the	Special provisions are provided for vulnerable groups.	No gap between SPS and

	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
	living of displaced vulnerable groups	displaced poor and other vulnerable groups, including women, to at least national minimum standards		FCTLARR.  Entitlement Matrix outlines assistance for vulnerable groups.
6.	Negotiated Settlement	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status	FCTLARR only apply in case of land acquired/purchased for PPP projects and for Private Companies. Section: 2. (2), and 46.	Provisions outlined in ADB SPS will be followed for the project.
7.	Compensation For non-title holders	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	This is included	No gap between SPS and FCTLARR.  Entitlement Matrix outlines compensation and assistance for DPs.
8.	Requirement of RP	Prepare a resettlement plan / indigenous peoples plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	Preparation of Rehabilitation and Resettlement Scheme including time line for implementation. <i>Section: 16. (1) and (2).</i>  Separate development plans to be prepared. <i>Section 41</i>	No gap between SPS and FCTLARR.  RP will be prepared for subprojects with impact.
9.	Public disclosure	Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other	Under clause 18, the Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the <i>Panchayat</i> , Municipality or Municipal Corporation. As the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the <i>Tehsil</i> , and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government.	In addition to the publishing of the approved resettlement plan, the RF includes provision for disclosure of the various documents pertaining to RP implementation.

	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
		stakeholders		
10.	Cost of resettlement	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits. For a project with significant involuntary resettlement impacts and / or indigenous peoples plan, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	16. (l) Upon the publication of the preliminary notification under sub-section (l) of section 11 by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include: (a) particulars of lands and immovable properties being acquired of each affected family; (b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired; (c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved; (d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and (e) details of any common property resources being acquired'	No gap between SPS and FCTLARR. Cost of resettlement will be covered by the EA.
11.	Taking over possession before Payment of compensation	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	38 (l) The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30.	No gap between SPS and FCTLARR.
12.	Monitoring	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	48 (l)The Central Government may, whenever necessary for national or inter-State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.	For project, monitoring mechanism and frequency will follow ADB SPS based on categorization.

### Appendix 4: Involuntary Resettlement Impact Categorization Checklist

The EA will submit to ADB the Involuntary Resettlement Impact Categorization Checklist for each subproject. The DPR Consultants will prepare the checklist based on field survey, and the PPTA consultant will verify prior to submission to ADB.

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
<b>Involuntary Acquisition of Land</b>				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
<b>Information on Displaced Persons:</b>				
Any estimate of the likely number of persons that will be displaced by the Project? [ ] No [ ] Yes If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? [ ] No [ ] Yes				
Are any displaced persons from indigenous or ethnic minority groups? [ ] No [ ] Yes				

Note: The project team may attach additional information on the project, as necessary.

### Appendix 5: Sample Socio-Economic Survey Questionnaire

<b>General information</b>	
Date of socio-economic survey	
Name of enumerator	
Subproject	
Village / Borough	
District	
Province / Capital City	
<b>AP information</b>	
AP ID num.	
AP HH num.	
Name of <b>respondent</b>	
Gender of respondent	1 <input type="checkbox"/> male      2 <input type="checkbox"/> female
Ethnic group	1 <input type="checkbox"/> {Group A}      2 <input type="checkbox"/> {Group B}      3 <input type="checkbox"/> {Group C} 4 <input type="checkbox"/> {Group D}      5 <input type="checkbox"/> {Group E}
Respondent is head of HH	1 <input type="checkbox"/> yes      2 <input type="checkbox"/> no
Gender of head of HH	1 <input type="checkbox"/> male      2 <input type="checkbox"/> female
Household size	Num.:
<b>Education and income generation</b>	
Education level	1 <input type="checkbox"/> none      2 <input type="checkbox"/> primary      3 <input type="checkbox"/> basic 4 <input type="checkbox"/> compl. 2 <sup>nd</sup> 5 <input type="checkbox"/> B.A.      6 <input type="checkbox"/> M.A. 7 <input type="checkbox"/> Ph.D. 8 <input type="checkbox"/> Other: _____
Skills training/experience	
Occupation(s) [current]	
Employment status	1 <input type="checkbox"/> employed      2 <input type="checkbox"/> self-employed 3 <input type="checkbox"/> unemployed      4 <input type="checkbox"/> housework
If unemployed, since when?	
All sources of income of respondent	
Total annual income of the respondent from all sources	MNT
Number of persons employed / unemployed in HH	Employed: _____      Unemployed: _____ Housework: _____      Students: _____

All sources of income of respondent's other HH members	
Total annual income of respondent's HH from all sources	MNT
Per capita per month income	MNT
Household lives below poverty line	1 <input type="checkbox"/> yes      2 <input type="checkbox"/> no
<b>Land ownership</b>	
How many total plots of land does <u>your household</u> own/possess/use?	<b>AGRICULTURAL</b> Owned: m <sup>2</sup> Possessed: m <sup>2</sup> Rented: m <sup>2</sup> Used: m <sup>2</sup> Occupied without license: m <sup>2</sup> Crops cultivated:
	<b>RESIDENTIAL</b> Owned: m <sup>2</sup> Possessed: m <sup>2</sup> Rented: m <sup>2</sup> Used: m <sup>2</sup> Occupied without license: m <sup>2</sup>
	<b>COMMERCIAL</b> Owned: m <sup>2</sup> Possessed: m <sup>2</sup> Rented: m <sup>2</sup> Used: m <sup>2</sup> Occupied without license: m <sup>2</sup>
<b>Residence / dwelling</b>	
Does your household own or rent your residence?	1 <input type="checkbox"/> Owned      2 <input type="checkbox"/> Rented
What type of residence does your household have? <b>MR</b>	1 <input type="checkbox"/> House num.:      1 <input type="checkbox"/> Other:
How many rooms are in your house(s)?	House 1:      House 2:
Size of residential structure(s)	House 1:      m <sup>2</sup> House 2:      m <sup>2</sup>
Do you have a toilet?	1 <input type="checkbox"/> yes      2 <input type="checkbox"/> no
What type of toilet do you have?	1 <input type="checkbox"/> Latrine w/ open pit 2 <input type="checkbox"/> Latrine w/ closed pit and water seal 3 <input type="checkbox"/> Flush toilet 4 <input type="checkbox"/> Open land
What other structures are on your residential land? <b>MR</b>	1 <input type="checkbox"/> Garage      1 <input type="checkbox"/> Shed 1 <input type="checkbox"/> Fence      1 <input type="checkbox"/> other:
Do you have <u>electricity</u> in your residence?	1 <input type="checkbox"/> yes      2 <input type="checkbox"/> no

Assess the condition of the residence <sup>24</sup>	1 <input type="checkbox"/> Well maintained 3 <input type="checkbox"/> Neither poorly nor well maintained	2 <input type="checkbox"/> Poorly maintained
<b>Household fuel</b>		
What kind of cooking stove do you use? <b>MR</b>	1 <input type="checkbox"/> Wood stove (fuel-efficient) 1 <input type="checkbox"/> Wood stove (regular) 1 <input type="checkbox"/> 3-stones 1 <input type="checkbox"/> modern stove	
What kind of cooking fuel do you use? <b>MR</b>	1 <input type="checkbox"/> Coal 1 <input type="checkbox"/> gas	1 <input type="checkbox"/> firewood 1 <input type="checkbox"/> dung
What kind of heating do you use?	1 <input type="checkbox"/> Dual purpose stove (cook and heat) 2 <input type="checkbox"/> radiator 3 <input type="checkbox"/> Electric heater	
What kind of heating fuel do you use? <b>MR</b>	1 <input type="checkbox"/> Coal 1 <input type="checkbox"/> gas	1 <input type="checkbox"/> firewood 1 <input type="checkbox"/> dung
Where do you obtain cooking and heating fuel? <b>MR</b>	1 <input type="checkbox"/> Shop 1 <input type="checkbox"/> collect	1 <input type="checkbox"/> road seller 1 <input type="checkbox"/> other:
How far do you have to walk to household fuel your fuel source?	1 <input type="checkbox"/> <10m 4 <input type="checkbox"/> 100-500m 7 <input type="checkbox"/> truck delivery	2 <input type="checkbox"/> 10-50m 5 <input type="checkbox"/> 500m-1km
Who in your household is <u>mainly</u> responsible for getting cooking and heating fuel?	1 <input type="checkbox"/> Men 2 <input type="checkbox"/> women 3 <input type="checkbox"/> children	
<b>Water supply</b>		
What kind of water source do you use? <b>MR</b>	1 <input type="checkbox"/> Kiosk 1 <input type="checkbox"/> house connection 1 <input type="checkbox"/> other:	1 <input type="checkbox"/> bowser 1 <input type="checkbox"/> stand post
How far do you have to walk to your water source(s)?	1 <input type="checkbox"/> <10m 4 <input type="checkbox"/> 100-500m 6 <input type="checkbox"/> >1km	2 <input type="checkbox"/> 10-50m 5 <input type="checkbox"/> 500m-1km
Who in your household is <u>mainly</u> responsible for collecting water?	1 <input type="checkbox"/> Men 2 <input type="checkbox"/> women 3 <input type="checkbox"/> children	
<b>Household assets</b>		
How many beds do you have in your residence?		
How many TVs?		
How many radios?		
How many computers?		
How many and what kind of vehicles does your HH own? <b>MR</b>	1 <input type="checkbox"/> Car: 1 <input type="checkbox"/> bus:	1 <input type="checkbox"/> jeep: 1 <input type="checkbox"/> motorcycle:
		1 <input type="checkbox"/> truck: 1 <input type="checkbox"/> bicycle:

<sup>24</sup> Assessment by enumerator

<b>Livestock</b>	
Do you own livestock?	1 <input type="checkbox"/> yes      2 <input type="checkbox"/> no
If yes, what kind? [species & number] <b>MR</b>	1 <input type="checkbox"/> Poultry:                      1 <input type="checkbox"/> cows: 1 <input type="checkbox"/> sheep/goats:                      1 <input type="checkbox"/> pigs:                      1 <input type="checkbox"/> horses:
How do you feed your livestock?	1 <input type="checkbox"/> Stall feeding                      2 <input type="checkbox"/> grazing                      3 <input type="checkbox"/> other:
Where do you keep your livestock?	1 <input type="checkbox"/> Stall                      2 <input type="checkbox"/> Pasture                      3 <input type="checkbox"/> other:
Who in your household is <u>mainly</u> responsible for looking after livestock??	1 <input type="checkbox"/> men                      2 <input type="checkbox"/> women                      3 <input type="checkbox"/> children                      4 <input type="checkbox"/> all
<b>Gardening</b>	
Do you have a garden?	1 <input type="checkbox"/> yes                      2 <input type="checkbox"/> no
What kinds of products do you cultivate? <b>MR</b>	1 <input type="checkbox"/> Vegetables    1 <input type="checkbox"/> berries                      1 <input type="checkbox"/> flowers 1 <input type="checkbox"/> other:
Who in your household is <u>mainly</u> responsible for cultivating your garden?	1 <input type="checkbox"/> Men    2 <input type="checkbox"/> women                      3 <input type="checkbox"/> children                      4 <input type="checkbox"/> all
<b>Health and nutrition</b>	
What are the most common diseases your household suffers from? <b>MR</b>	1 <input type="checkbox"/> diarrhea                      1 <input type="checkbox"/> cold/flu 1 <input type="checkbox"/> heart disease                      1 <input type="checkbox"/> jaundice 1 <input type="checkbox"/> cancer                      1 <input type="checkbox"/> tuberculosis 1 <input type="checkbox"/> leukemia                      1 <input type="checkbox"/> joint pains 1 <input type="checkbox"/> blood pressure 1 <input type="checkbox"/> other: _____
Where do you seek medical help? <b>MR</b>	1 <input type="checkbox"/> Government hospitals 1 <input type="checkbox"/> Private hospitals 1 <input type="checkbox"/> Private doctor 1 <input type="checkbox"/> Traditional medical practitioner 1 <input type="checkbox"/> Shaman 1 <input type="checkbox"/> home remedies 1 <input type="checkbox"/> other:
How far is the health service you use?	1 <input type="checkbox"/> <1km                      2 <input type="checkbox"/> 1-5km                      3 <input type="checkbox"/> >5km
Do you have enough food for your household every day?	1 <input type="checkbox"/> yes                      2 <input type="checkbox"/> no
How many meals do you usually per day?	1 <input type="checkbox"/> 1    2 <input type="checkbox"/> 2    3 <input type="checkbox"/> 3    4 <input type="checkbox"/> 4
<b>Transport</b>	
How does your family travel to work and school? <b>MR</b>	1 <input type="checkbox"/> walking                      1 <input type="checkbox"/> bus                      1 <input type="checkbox"/> bicycle 1 <input type="checkbox"/> motorcycle                      1 <input type="checkbox"/> car 1 <input type="checkbox"/> other:
How long does it take?	Adults:  Children:

How much per month does it cost?	MNT:
<b>Household expenditure</b>	
Please rank by how much your HH spends on the following items per month/year? If possible give percentages of total HH income:	
<b>Item</b>	<b>Rank</b>
Food	
Clothes	
Medical	
Transport	
Education	
House construction/repairs	
Water	
Electricity	
Fuel	
Entertainment	
Other: _____	
Other: _____	
Other: _____	
<b>Gender relations</b>	
What are primary tasks of women?	1 <input type="checkbox"/> Household work                      2 <input type="checkbox"/> Earning income 3 <input type="checkbox"/> Other:
What are the primary tasks of men?	1 <input type="checkbox"/> Household work                      2 <input type="checkbox"/> Earning income 3 <input type="checkbox"/> Other:
Who in your households makes decisions regarding home related matters?	1 <input type="checkbox"/> Men              2 <input type="checkbox"/> women                      3 <input type="checkbox"/> joint 4 <input type="checkbox"/> separately
Who in your households makes decisions regarding matters outside the home?	1 <input type="checkbox"/> Men              2 <input type="checkbox"/> women                      3 <input type="checkbox"/> joint 4 <input type="checkbox"/> separately
<b>Social cohesion</b>	
Are there frequently major disputes in your community?	1 <input type="checkbox"/> yes              2 <input type="checkbox"/> no
What are the main issues in such disputes? <b>MR</b>	1 <input type="checkbox"/> land              1 <input type="checkbox"/> marriage              1 <input type="checkbox"/> livestock 1 <input type="checkbox"/> politics              1 <input type="checkbox"/> other: _____
Are there special ways to solve these disputes?	
Are disputes normally resolved successfully?	1 <input type="checkbox"/> yes              2 <input type="checkbox"/> no
Are there frequent crimes in your community?	1 <input type="checkbox"/> frequent                      2 <input type="checkbox"/> few                      3 <input type="checkbox"/> none

What type of crime? <b>MR</b>	1 <input type="checkbox"/> theft 1 <input type="checkbox"/> drugs 1 <input type="checkbox"/> none 1 <input type="checkbox"/> violent fights 1 <input type="checkbox"/> violence against women 1 <input type="checkbox"/> murder 1 <input type="checkbox"/> other: _____
Are there community organizations in your neighborhood?	1 <input type="checkbox"/> yes      2 <input type="checkbox"/> no
What are the activities of the community organizations? <b>MR</b>	1 <input type="checkbox"/> infrastructure      1 <input type="checkbox"/> micro-credit 1 <input type="checkbox"/> income generation      1 <input type="checkbox"/> education 1 <input type="checkbox"/> health      1 <input type="checkbox"/> sanitation 1 <input type="checkbox"/> other: _____
Who is among the members?	1 <input type="checkbox"/> all sectors of village population 2 <input type="checkbox"/> men only 3 <input type="checkbox"/> women only 4 <input type="checkbox"/> dominant families 5 <input type="checkbox"/> other: _____
Do you participate?	1 <input type="checkbox"/> yes      2 <input type="checkbox"/> no
Why or why not?	
What is your opinion about these community organizations?	1 <input type="checkbox"/> useful and effective for community 2 <input type="checkbox"/> not benefiting community 3 <input type="checkbox"/> benefits only some people Comments:
<b>Development needs and priorities</b>	
What are the most urgent needs your household and your neighborhood experiences and what solutions do you consider necessary? Please rank!	1.
	2.
	3.
	4.
	5.
<b>Expected Impacts from project</b>	
What positive impacts do you expect from the project?	

What negative impacts do you expect from the project?	
<b>Businesses</b>	
Do you have commercial properties?	1 <input type="checkbox"/> yes      2 <input type="checkbox"/> no
What types? <b>MR</b>	1 <input type="checkbox"/> Grocery shop      1 <input type="checkbox"/> Restaurant 1 <input type="checkbox"/> Construction material production/sale 1 <input type="checkbox"/> Coal/wood (fuel) sales      1 <input type="checkbox"/> Other:
Do you own or rent your commercial properties?	1 <input type="checkbox"/> Owned      2 <input type="checkbox"/> Rented
Type of commercial structure <b>MR</b>	1 <input type="checkbox"/> House num.:      size: m <sup>2</sup> 1 <input type="checkbox"/> Open space      size: m <sup>2</sup> 1 <input type="checkbox"/> Other:      size: m <sup>2</sup>
Annual income from commercial activity	
Do you have a toilet?	1 <input type="checkbox"/> yes      2 <input type="checkbox"/> no
What type of toilet do you have?	3 <input type="checkbox"/> Flush toilet    1 <input type="checkbox"/> Latrine w/ open pit 2 <input type="checkbox"/> Latrine w/ closed pit and water seal 4 <input type="checkbox"/> Open land
What other structures are on your commercial land?	1 <input type="checkbox"/> Garage      2 <input type="checkbox"/> Shed      3 <input type="checkbox"/> other:
What kind of cooking stove do you use? <b>MR</b>	1 <input type="checkbox"/> Wood stove (fuel-efficient) 1 <input type="checkbox"/> Wood stove (regular) 1 <input type="checkbox"/> 3-stones 1 <input type="checkbox"/> modern stove
What kind of cooking fuel do you use? <b>MR</b>	1 <input type="checkbox"/> Coal      1 <input type="checkbox"/> firewood      1 <input type="checkbox"/> electricity 1 <input type="checkbox"/> gas      1 <input type="checkbox"/> dung      1 <input type="checkbox"/> other:
What kind of heating do you use?	1 <input type="checkbox"/> Dual purpose stove (cook and heat) 2 <input type="checkbox"/> radiator      3 <input type="checkbox"/> Electric heater
What kind of heating fuel do you use? <b>MR</b>	1 <input type="checkbox"/> Coal      1 <input type="checkbox"/> firewood      1 <input type="checkbox"/> electricity 1 <input type="checkbox"/> gas      1 <input type="checkbox"/> dung      1 <input type="checkbox"/> other:
Where do you obtain cooking and heating fuel? <b>MR</b>	1 <input type="checkbox"/> Shop      1 <input type="checkbox"/> road seller      1 <input type="checkbox"/> wholesale 1 <input type="checkbox"/> collect      1 <input type="checkbox"/> other:
How far do you have to walk to household fuel your fuel source?	1 <input type="checkbox"/> <10m      2 <input type="checkbox"/> 10-50m      3 <input type="checkbox"/> 50-100m 4 <input type="checkbox"/> 100-500m    5 <input type="checkbox"/> 500m-1km      6 <input type="checkbox"/> >1km 7 <input type="checkbox"/> truck delivery

What kind of water source do you use? <b>MR</b>	<input type="checkbox"/> Kiosk <input type="checkbox"/> bowser <input type="checkbox"/> well <input type="checkbox"/> house connection <input type="checkbox"/> stand post <input type="checkbox"/> river <input type="checkbox"/> other:
How far do you have to walk to <u>water</u> source?	<input type="checkbox"/> <10m <input type="checkbox"/> 10-50m <input type="checkbox"/> 50-100m <input type="checkbox"/> 100-500m <input type="checkbox"/> 500m-1km <input type="checkbox"/> >1km
Do you have <u>electricity</u> in your commercial property?	<input type="checkbox"/> yes <input type="checkbox"/> no
Assess the condition of the commercial property	<input type="checkbox"/> Well maintained <input type="checkbox"/> Poorly maintained <input type="checkbox"/> Neither poorly nor well maintained

## **Appendix 6: Outline of a Resettlement Plan**

This outline is part of the ADB SPS Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

### **A. Executive Summary**

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

### **B. Introduction and Project Description**

This section:

- (i) provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area.
- (ii) describes the objectives of the RP; and
- (iii) describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

### **C. Scope of Land Acquisition and Resettlement**

This section:

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

### **D. Socioeconomic Information and Profile**

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

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

### **E. Information Disclosure, Consultation, and Participation**

This section:

- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (iv) summarizes the results of consultations with displaced persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- (v) confirms disclosure of the draft resettlement plan to displaced persons and includes arrangements to disclose any subsequent plans; and
- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with displaced persons during project implementation.

## **F. Grievance Redress Mechanisms**

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

## **G. Legal Framework**

This section:

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

## **H. Entitlements, Assistance and Benefits**

This section:

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

## **I. Relocation of Housing and Settlements**

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection

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

## **J. Income Restoration and Rehabilitation**

This section:

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

## **K. Resettlement Budget and Financing Plan**

This section:

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

## **L. Institutional Arrangements**

This section:

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

### **M. Implementation Schedule**

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

### **N. Monitoring and Reporting**

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

## Appendix 7: Project Information Sheet Template

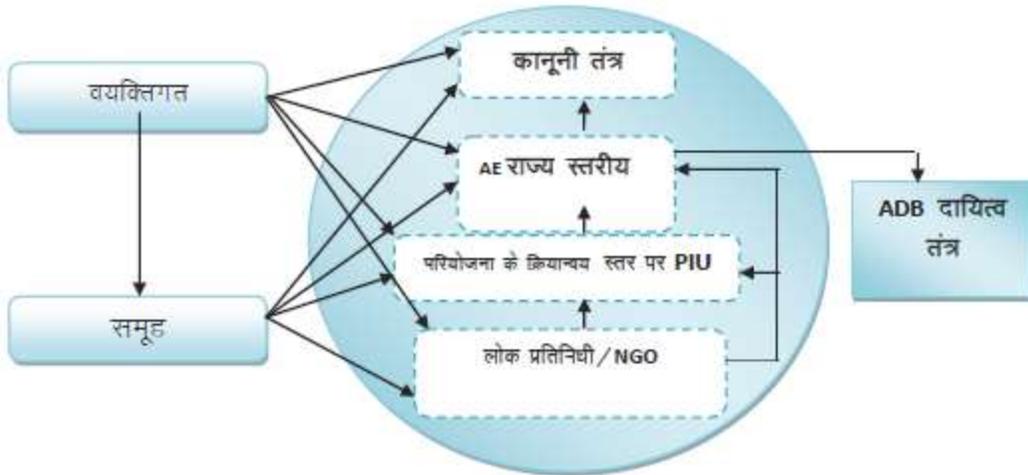
(गवाह/साक्षी में गांव के सरपंच, ग्राम पंचायत के सदस्य, डी.पी.आर. कंसलटेंट के प्रतिनिधि, गैर शासकीय संगठनों के प्रतिनिधि तथा ग्राम के बुजुर्ग/वरिष्ठ नागरिकों को शामिल किया जा सकता है)

### शिकायत निवारण तंत्र

- 5.1 सड़क निर्माण परियोजना से संबंधित विशेष शिकायत निवारण तंत्र (GRM) स्थापित किया जायेगा जिसके तहत विस्थापित व्यवसायिक इकाईयों, संबंधित शिकायतों, सामाजिक तथा पर्यावरण संबंधित शिकायतों का निराकरण करने की सुविधापरियोजना स्तर पर प्रदान की जायेगी, यह तंत्र सामाजिक तथा पर्यावरण संबंधी समस्या, शिकायत या शंकाओं के निवारण में सहायक सिद्ध होगा। यह परियोजना प्रभावित व्यक्तियों की शंकाओं तथा समस्या निराकरण करने के उद्देश्य से निर्मित किया गया है। GRM का उद्देश्य शासन की निवारण प्रक्रिया को नज़र अंदाज करना नहीं है बल्कि जन साधारण को निर्माण से होने वाले लाभ को बताना तथा पारदर्शिता के साथ समस्या तथा शंकाओं का निवारण करना है।
- 5.2 निवारण प्रक्रिया (RP) यह तंत्र प्रभावी तरीके से जन साधारण/लोक सामान्य को इस कार्य के लाभ बतलाते हुए सार्वजनिक सहमति प्राप्त करेगा शिकायत निवारण सहमति (GRC) एक समय सीमा में समस्या निवारण कार्य करेगी। कमेटी का निर्णय मा. न्यायालय के आदेश पूर्व बाध्यकारी होगा इस समिति को MPRDC के प्रबंध संचालक की अध्यक्षता में गठित किया जायेगा। PIU स्तर पर प्रबंधक (PM) पुर्नवास अधिकारी, NGO के प्रतिनिधि, समाज के प्रतिष्ठित व्यक्ति, जन प्रतिनिधि, जिला परिषद प्रतिनिधि, कमजोर तबके के व्यक्ति तथा 2 महिला प्रतिनिधि शामिल होंगे जो परियोजना कार्य पूर्ण होने तक पदस्थ रहेंगे।
- 5.3 शिकायत निवारण समिति द्वारा शिकायत के 3 सप्ताह के दौरान प्रतिक्रिया करेगी। निर्माण कार्य के पूर्व समस्त शिकायतों व शंकाओं का समाधान कर लिया जायेगा।

शिकायत निवारण समिति की बैठक 3 सप्ताह में कम से कम एक बार अवश्य होगी, माननीय न्यायालय के तहत स्वामित्व अधिकारी से संबंधित विवादों के अलावा यह समित्त समस्त पुर्नवास स्थानान्तरण, मुआवजे के भुगतान तथा अन्य सहायता हेतु चरण बद्ध कार्य करेगी।

### शिकायत निवारण प्रक्रिया तंत्र





## अनुलग्न 1

## (B) शिकायत का प्रकार

- घर की दीवार और छत को कंपन/विस्फोट/भारी वाहनों के कारण नुकसान
- उपयोग में आ रही सड़क, पुलिया, नहरो को नुकसान
- सड़क के उपयोग में आ रहे अवरोध
- निजी संपत्ति को नुकसान
- विस्फाट के कारण निजी या सार्वनिक जल स्रोतों में जल स्तर की कमी या जल में प्रदुषण
- व्यावसायिक इकाई को/ व्यावसायिक परिसर में नुकसान
- दूषित जल का जमाव या बाढ़
- घरों के समीप (सॉलिड) कचरे को फेंकना
- मूर्तिया अथवा स्मारको को नुकसान होने का भय
- विस्थापना की स्थिति में वैकल्पिक भूमि या अधिग्रहित भूमि के मुआवजे के लिये अनुरोध पत्र
- भूमि स्वामित्व के अधिकार संबंधित किसी प्रकार का विवाद

- अधिग्रहित भूमि सीमा निर्धारण में अस्पष्टता (सीमा का निशान अस्पष्ट)
- धूल, शोर और वायु संबंधित प्रदूषण
- स्वयं आवागमन तथा पशुओं के आवागमन हेतु अतिरिक्त पुलियां की मांग।

## **Appendix 8: Indicative Terms of Reference (TOR) for the NGO to assist in Resettlement Plan Implementation**

**[Note to EA:** There will be no requirement for hiring of a NGO, if the EA decides to implement the RP by engaging qualified in house personnel]

### **A. Project Background**

1. [Insert information regarding project)

### **B. Objectives of the Assignment**

2. The NGO shall be responsible for the following, according to the Resettlement Plan:
  - Educating the DPs on their rights to entitlements and obligations.
  - To ensure that the DPs are given the full entitlements due to them, according to the entitlements in the RP.
  - To provide support and information to DPs for income restoration.
  - Assist the DPs in relocation and rehabilitation, including counseling, and coordination with local authorities.
  - Assist the DPs in redressing their grievances (through the grievance redress committee set up for the subproject)
  - To assist the Project Implementation Unit (PIU) with social responsibilities of the subproject, such as compliance with labour laws, prohibition of child labour, and gender issues.
  - To conduct awareness program for HIV/AIDS, Health and Hygiene, and Human Trafficking.
  - To collect data and submit progress reports on a monthly and quarterly basis for EA to monitor the progress of RP implementation.

### **C. Scope of Work**

#### **a) Administrative Responsibilities of the NGO**

3. The administrative responsibilities of the NGO will include:
  - Working in co-ordination with the Resettlement Officer (RO) in the EA;
  - Assist the RO in carrying out the implementation of the RP;
  - To co-ordinate with the GRCs in redressing grievances;
  - Assist the RO in conducting all public meetings, information campaigns at the commencement of the project and give full information to the affected community;
  - Translate the summary RP in local language for disclosure and disseminate to DPs;
  - To assist the EA to ensure that the Contracts comply with the applicable labour laws (including prohibition of child labour) and gender issues;
  - To assist the PIU in ensuring compliance with the safety, health and hygiene norms, and the conduct HIV/AIDS and Human Trafficking awareness/prevention campaigns;
  - Submit monthly and quarterly progress report to the RO including both physical and financial progress. The report should cover implementation issues, grievances and summary of consultations
  - Assist PIU in the management of the data base of the DPs.
  - Assist PIU in providing training to DP, wherever required in the implementation of RP.

**b) Responsibilities for Implementation of the RP**

- NGO shall verify the information already contained in the RP and the individual losses of the DPs. They should validate the data provided in the RP and make suitable changes if required and wherever changes are made it should be supported by documentary evidence. The NGO shall establish rapport with DPs, consult and provide information to them about the respective entitlements as proposed under the RP, and distribute entitlement cum Identity Cards to the eligible DPs. The identity card should include a photograph of the DP, the extent of loss suffered due to the project, and the choice of the DP with regard to the mode of compensation and assistance.
- The NGO shall develop rapport between the DPs and the Project Authority, particularly the RO. This will be achieved through regular meetings with both the RO and the DPs. Meetings with the RO will be held at least fortnightly, and meetings with the DPs will be held monthly, during the entire duration of the assignment. All meetings and decisions taken shall be documented by the NGO.
- Prepare monthly action plans with targets in consultation with the RO.
- The NGO shall display the list of eligible DPs in prominent public places like villages, Panchayat Offices, Block/Tehsil headquarters, and the District Headquarters.
- During the verification of the eligible DPs, the NGO shall ensure that each of the DPs are contacted and consulted either in groups or individually. The NGO shall specially ensure consultation with women from the DP families especially women headed households.
- Participatory methods should be adopted in assessing the needs of the DPs, especially with regard to the vulnerable groups of DPs. The methods of contact may include village level meetings, gender participation through group's interactions, and Individual meetings and interactions.
- The NGO shall explain to the DPs the provisions of the policy and the entitlements under the RP. This shall include communication to the roadside squatters and encroachers about the need for their eviction, the timeframe for their removal and their entitlements.
- The NGO shall disseminate information to the DPs on the possible consequences of the project on the communities' livelihood systems and the options available, so that they do not remain ignorant.
- NGO will monitor the involvement of child labour in the civil construction work in each package.
- In all of these, the NGO shall consider women as a special focus group, and deal with them with care and sympathy.
- The NGO shall assist the project authorities in ensuring a smooth transition (during the part or full relocation of the DPs), helping the DPs to take salvaged materials and shift. In close consultation with the DPs, the NGO shall inform the RO about the shifting dates agreed with the DPs in writing and the arrangements desired by the DPs with respect to their entitlements.
- The NGO shall assist the DPs in opening bank accounts explaining the implications, the rules and the obligations of a joint account and how s/he can access the resources s/he is entitled to.
- The NGO shall ensure proper utilisation of the R&R budget available for the subproject. The NGO shall facilitate the DPs in finding suitable economic investment options and help them in regaining the losses of land and other productive assets. The NGO shall identify means and advise the RO to disburse the entitlements to the

eligible persons/families in a manner that is transparent, and shall report to the EA on the level of transparency achieved in the project.

- 

**c) Accompanying and Representing the DPs at the Grievance Committee Meetings**

- The NGO shall nominate a suitable person (from the staff of the NGO) to be a member of the GRCs.
- The NGO shall make the DPs aware of the existence of grievance redressal committees (GRCs)
- The NGO shall help the DPs in filling the grievance application and also in clearing their doubts about the procedure as well as the context of the GRC award.
- The NGO shall record the grievance and bring it to the notice of the GRCs within seven days of receipt of the grievance from the DPs. It shall submit a draft resolution with respect to the particular grievance of the DP, suggesting multiple solutions, if possible, and deliberate on the same in the GRC meeting through the NGO representative in the GRC.
- To accompany the DPs to the GRC meeting on the decided date, help the DP to express his/her grievance in a formal manner if requested by the GRC and again inform the DPs of the decisions taken by the GRC within 3 days of receiving a decision from the GRC.

**d) Carry out Public Consultation**

- In addition to counseling and providing information to DPs, the NGO will carry out periodic consultation with DPs and other stakeholders.

**e) Assisting the PIU with the Project's Social Responsibilities**

- The NGO shall assist the PIU to ensure that the Contractors are abiding by the various provisions of the applicable laws, concerning the worker's safety, health and hygiene; women's issues and the child labour issues. The applicable laws include (i) the Maternity Benefit Act, 1951; (ii) the Contract Labour (Regulation and Abolition) Act, 1948; (iii) the Minimum Wagers act, 1948. (iv) The Equal Remuneration Act, 1979. (v) the Industrial Employment (Standing Order) Act, 1946; (vi) the Child Labour (Prohibition and Regulation) Act, 1986; (vii) the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996; (viii) the Cess Act of 1996 and (ix) the Factories Act, 1948. Any divergence from the (workers welfare and remuneration, safety, health, hygiene, women's issues, and child labour issues) provisions of these laws should be brought to the notice of the RO.
- The NGO shall assist the EA to implement HIV/AIDS awareness measures, including collaboration with the line agencies.

**f) Monitoring and Reporting**

- The RP includes provision for monitoring by NGO/ RO and quarterly, mid-term, and post-project monitoring and evaluation by external agency. The NGO involved in the implementation of the RP will be required to supply all information, documents to the external monitoring consultants.

**D. Documentation and Reporting by NGO**

4. The NGO selected for the assignments shall be responsible to:
- Submit an inception report within three weeks; on signing up of the contract including a work plan for the whole contract period, staffing and personnel deployment plan, and a withdrawal plan at the end of the period of contract. The withdrawal plan shall be detailed and reflect how the DPs will maintain the assets created and transferred to the DPs.
  - Prepare monthly progress reports to be submitted to the RO, with weekly progress and work charts as against the scheduled timeframe of RP implementation.
  - Prepare and submit quarterly reports on a regular basis, to be submitted to the EA.
  - Submit a completion report at the end of the contract period summarizing the actions taken during the project, the methods and personnel used to carry out the assignment, and a summary of support/assistance given to the DPs.
  - All other reports/documentation as described in these terms of reference.
  - Record minutes of all meetings.

### Appendix 9: Indicative Implementation Schedule

	Activity	2014				2015				2016				2017			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
<b>Project Preparation</b>																	
1	Identifications of project roads	■															
2	Conduct socioeconomic survey, census (including IOL)	■	■														
3	Prepare social safeguard planning documents (RF, due diligence reports, RPs)		■	■													
4	Recruitment and confirmation of MPRDC HQ Environment and Social Unit staff		■	■													
5	Confirmation of PIU-level social safeguard focal points		■	■													
	ADB and Government approval of Social Safeguard Planning Document for sample roads		■	■													
6	ADB and Government approval of of Social Safeguard Planning Document for non-sample roads		■	■													
7	Procurement of civil works		■	■		■											
8	Procurement of NGO (if required)		■	■		■											
<b>Land Acquisition for Non-Sample Projects (if required)</b>																	
7	Land Acquisition (for non-sample roads, if required)			■	■	■	■	■	■								
8	Payment of Compensation (if required)			■	■	■	■	■	■								
9	Relocate houses, shops, businesses			■	■	■	■	■	■								
10	Clear the ROW			■	■	■	■	■	■								
<b>Rehabilitation of DPs</b>																	
13	Income Restoration (if required)			■	■	■	■	■	■	■	■	■	■	■	■	■	■
1	Restoration of Community Resources			■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Construction</b>																	
11	Issue notice for commencement of civil works <sup>25</sup>							■	■	■	■	■	■	■	■	■	■
12	Civil works							■	■	■	■	■	■	■	■	■	■
<b>Ongoing Activities</b>																	
14	Management Information System	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
15	Grievance Redressing	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
16	Consultations with DPs	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
17	Internal Monitoring	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
18	External Monitoring – if significant impact is present	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

<sup>25</sup> No physical relocation will occur until compensation and entitlements are provided and rehabilitation of income is in place.

## Appendix 10: Resettlement Sample Budget Table

Ref. No	Component	Unit	Unit Rate (in lakhs)	Quantity	Amount Rs in Lakhs
1	<b>Land &amp; Building</b>				
1.1	Private Land	Sq.m			
1.2	Temporary Structures	Sq.m			
1.3	Semi-permanent Structures	Sq.m			
1.4	Permanent Structures	Sq.m			
1.5	Private well	Unit			
1.6	Compound wall (Stone masonry)	Running Meter			
2	<b>R&amp;R Assistance</b>				
2.1	Building restoration grant for partially affected structures	Sq.m			
2.2	Ex-gratia amount for not giving land-for-land	One Time			
2.3	Subsistence allowance for residential owners	One Time			
2.4	Subsistence allowance for commercial owners	One Time			
2.5	Subsistence allowance for residence cum commercial owners	One Time			
2.6	Subsistence allowance for commercial squatters	One Time			
2.7	Rental allowance	One Time			
2.8	Shifting allowance	One time			
2.9	Subsistence allowance for employees	One time			
2.1	Assistance for vulnerable households	One Time			
3	<b>Community Assets</b>				
3.1	Well	Unit			
3.2	Bus shelter	Unit			
3.3	Hand pump	Unit			
3.4	Water tap	Unit			
3.5	Part of School building	Unit			
3.6	Places of Worship	Unit			
3.7	Compound wall of community structures	Unit			
3.8	Water tank	Unit			
3.9	Public toilet	Unit			
3.10	Other government buildings	Unit			
4					
4.1	Training for staff	LS			
4.2	NGO Recruitment	LS			
4.3	Monitoring and Evaluation consultants	LS			
4.4	Administrative expenses	LS			
4.5	Dissemination of Entitlement matrix, RP, etc.	LS			
	Sub Total				
	Contingency @ 10%				
	Total				
	<b>Rounded off to</b>				

## Appendix 11: Indicative Monitoring Indicators

### Delivery of Entitlements

- Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix.
- Disbursements against timelines.
- Identification of the displaced persons losing land temporarily, e.g. through soil disposal, borrow pits, contractors' camps, been included.
- Timely disbursements of the agreed transport costs, relocation costs, income substitution support, and any resettlement allowances, according to schedule.
- Provision of replacement land plots.
- Quality of new plots and issue of land titles.
- Restoration of social infrastructure and services.
- Progress on income and livelihood restoration activities being implemented as set out in the income restoration plan, for example, utilizing replacement land, commencement of production, the number of the displaced persons trained in employment with jobs, microcredit disbursed, number of income-generating activities assisted.
- Affected businesses receiving entitlements, including transfer and payments for net losses resulting from lost business.

### Consultation and Grievances

- Consultations organized as scheduled including meetings, groups, and community activities.
- Knowledge of entitlements by the displaced persons.
- Use of the grievance redress mechanism by the displaced persons.
- Information on the resolution of the grievances.
- Information on the implementation of the social preparation phase.
- Implementation of special measures for Indigenous Peoples.

### Communications and Participation

- Number of general meetings (for both men and women).
- Percentage of women out of total participants.
- Number of meetings exclusively with women.
- Number of meetings exclusively with vulnerable groups.
- Number of meetings at new sites.
- Number of meetings between hosts and the displaced persons.
- Level of participation in meetings (of women, men, and vulnerable groups).
- Level of information communicated—adequate or inadequate.
- Information disclosure.
- Translation of information disclosure in the local languages.

### Budget and Time Frame

- Land acquisition and resettlement staff appointed and mobilized on schedule for the field and office work.
- Capacity building and training activities completed on schedule.
- Achieving resettlement implementation activities against the agreed implementation plan.
- Funds allocation for resettlement to resettlement agencies on time.
- Receipt of scheduled funds by resettlement offices.

- Funds disbursement according to the resettlement plan.
- Social preparation phase as per schedule.
- Land acquisition and occupation in time for implementation.

### **Livelihood and Income Restoration**

- Number of displaced persons under the rehabilitation programs (women, men, and vulnerable groups).
- Number of displaced persons who received vocational training (women, men, and vulnerable groups).
- Types of training and number of participants in each.
- Number and percentage of displaced persons covered under livelihood programs (women, men, and vulnerable groups).
- Number of displaced persons who have restored their income and livelihood patterns (women, men, and vulnerable groups).
- Number of new employment activities.
- Extent of participation in rehabilitation programs.
- Extent of participation in vocational training programs.
- Degree of satisfaction with support received for livelihood programs.
- Percentage of successful enterprises breaking even (women, men, and vulnerable groups).
- Percentage of displaced persons who improved their income (women, men, and vulnerable groups)
- Percentage of displaced persons who improved their standard of living (women, men, and vulnerable groups)
- Number of displaced persons with replacement agriculture land (women, men, and vulnerable groups)
- Quantity of land owned/contracted by displaced persons (women, men and vulnerable groups)
- Number. of households with agricultural equipment
- Number of households with livestock

### **Benefit Monitoring**

- Noticeable changes in patterns of occupation, production, and resource use compared to the pre-project situation.
- Noticeable changes in income and expenditure patterns compared to the pre-project situation.
- Changes in cost of living compared to the pre-project situation.
- Changes in key social and cultural parameters relating to living standards.
- Changes occurred for vulnerable groups.
- Benefiting from the project by the displaced persons.

**Appendix 12: LAR Planning and Implementation Monitoring Form**

<b>Date:</b>	<b>Total number of economically and physically displaced households/entities:</b>
<b>Subproject site:</b>	

**A. LAR processing**

LAR Activity	Task Completed (✓)	Displaced households (No.)			Comments
		Completed to date	Total	%	
Mobilize LAR officers, incl. PIU, consultant		--	--	--	
Screen LAR impacts		--	--	--	
Provide existing records of DPs & affected assets		--	--	--	
Prepare preliminary detailed technical design and maps of LAR impacts		--	--	--	
Undertake field verification of LAR impacts and identify/minimize		--	--	--	
Hold LARC meetings		--	--	--	
Hold first DP consultation meeting and elect DPC		--	--	--	
Establish and operate GRM		--	--	--	
Finalize detailed technical design & LAR Impact Map		--	--	--	
Carry out census of DPs & Inventory of Lost Assets					
Declare cut-off date and notify DPs					
Carry out socio-economic survey					
Undertake Detailed Measurement Survey and Valuation of Lost Assets					
Prepare draft Final LARP		--	--	--	
Contract external experts for verification of monitoring		--	--	--	

LAR Activity	Task Completed (✓)	Displaced households (No.)			Comments
		Completed to date	Total	%	
Hold consultation meeting with DPs on draft Final LARP					
Reach negotiated agreements with individual DPs					
Revise draft Final LARP		--	--	--	
Submit revised draft Final LARP to ADB		--	--	--	
Hold consultation meeting with DPs on revised draft Final LARP					
Finalize LARP		--	--	--	
Provide IA and EA endorsement of Final LARP		--	--	--	
Disclose endorsed Final LARP to DPs and on ADB website					
Conclude agreements with DPs					
Initiate expropriation procedures if necessary					
Request and obtain resolution for funding of LAR from government		--	--	--	
Transfer of 100% LAR funds to {name of agency in charge of land administration and LAR, and IA/PIU		--	--	--	
Hold consultation meeting on disbursement and LARP implementation schedule					
Disbursement of compensation completed					
Relocation strategy implemented					
Income restoration strategy in place		--	--	--	
Income restoration completed					
Land and structures acquired					
Civil works commenced (where LARP provisions are implemented)		--	--	--	

**B. Compensation, relocation and income restoration**

LAR Activity	Task Completed (✓)	Displaced households (No.)			Units <sup>26</sup>			Cost (local currency)			Comments
		Compl. to date	Total	%	Compl. to date	Total	%	Compl. to date	Total	%	
<b>Disburse compensation payments</b>											
<b>Land</b>											
<i>Agricultural</i>											
Irrigated											
Non-irrigated											
Pasture											
Wasteland											
Pond											
Lease reimbursement for tenants											
<i>Residential</i>											
Type 1											
Type 2											
Type 3											
<i>Commercial</i>											
Type 1											
Type 2											
Type 3											

<sup>26</sup> Indicate applicable unit of measurement or omit if specific units cannot be identified and applied.









## **Appendix 13: Sample TOR for the External Monitor**

### **A. Introduction**

1. Monitoring and evaluation will include, but will not be limited to, (i) the progress and effectiveness of the implementation of the RP; and (ii) the evaluation of income restoration and post-resettlement conditions of the displaced persons (DPs) and affected communities, including host communities.

### **B. Objectives and Requirements of Monitoring and Evaluation**

2. The objectives of monitoring and evaluation are to assess whether the LARP is implemented on schedule and within budget and whether the goals and principles of the LARP are achieved. Specifically, monitoring and evaluation will focus on the following aspects of the DPs' situation and the resettlement process.

- Social and economic situation prior to and after land acquisition and/or resettlement;
- Timely disbursement of funds;
- Functioning of the grievance redress mechanism
- Environmental conditions;
- Social adaptability after resettlement;
- Rehabilitation of vulnerable groups
- Special items related to the vulnerable groups;
- Condition and quality of land temporarily acquired when it is returned to the original land users;
- Measures taken to restore affected livelihoods; and,
- Living conditions and economic status of DPs following resettlement in comparison to the “without project” scenario.

3. Monitoring and evaluation will include (i) the verification or establishment of a socio-economic baseline of the DPs prior to actual {land acquisition, physical displacement/relocation, loss of assets or disruption of businesses (as relevant)}; (ii) verification of internal monitoring data and reports; (iii) the regular monitoring of their {resettlement or displacement/relocation (as relevant)} and adjustment during Project implementation; and (iv) evaluation of their situation for a period of {one or two years} after {land acquisition or displacement or relocation (as relevant)}. In addition, qualitative and quantitative evaluation will be made on the sustainability of living conditions of DPs. Investigation will include consultations and observations with DPs, IAs, local officials, village leaders, as well as a quantitative sample survey of at least 20% of displaced households. Focus group discussion will be conducted with male and female DPs, and vulnerable groups.

4. If the findings of the EM indicate significant compliance gaps, the EM will work with the EA and PIU to prepare a separate corrective action plan (CAP) in cooperation with the relevant stakeholders, to address pending or new LAR impacts. The EM will monitor and report on the implementation of the CAP.

### **C. Monitoring Indicators**

5. Monitoring will include process, output and outcome indicators. The monitoring framework and formats stipulated in the RF and RP will be adopted. The following general indicators will be covered.

- Disbursement of entitlements to DPs and enterprises/businesses: compensation, relocation, housing, cultivated farmland, and employment as specified in the LARP.
- Provision of relocation options: the affected persons must move into chosen resettlement/housing option at least one month before physical displacement/relocation; for those opting for self-construction, payment of compensation and provision of housing sites should be completed at least three months before physical displacement/relocation; the compensation for construction of houses should be equivalent to the replacement cost; the DPs must receive their entitlements and allowances on time.
- Development of economic productivity: re-allocation of cultivated land, land restoration, job opportunities available to DPs, number of DPs employed or unemployed.
- Standard of living: Throughout the implementation process, the trends in standards of living will be observed and the potential problems in the way of restoration of standards of living will be identified and reported. The Monitor will carry out a comprehensive socio-economic survey after the completion of resettlement implementation to document the standards of living and the conditions of the DPs after resettlement. The survey will be updated annually.
- Restoration of civic infrastructure: all necessary infrastructure should be restored at the resettlement sites at least up to a standard equal to the standard at the original location; the compensation for all infrastructure should be sufficient to reconstruct it to the same quality
- Effectiveness of resettlement planning. Adequacy of assets measurement, entitlements, sufficiency of budget, and timeliness of mitigation measures.
- Level of satisfaction of DPs: level of satisfaction of DPs with various aspects of the resettlement program; the operation of the mechanisms for grievance redress will be reviewed and the speed and results of grievance redress measures will be monitored.
- Social adaptability and cohesion: impacts on children, indigenous peoples/ethnic minorities and other vulnerable groups, public participation, DPs' attitudes and reaction to post resettlement situation, number of complaints and appeal procedures, implementation of preferential policies, income restoration measures, and improvements in women's status in villages.
- Other Impacts. The monitor will verify if there are unintended environmental impacts and impacts on employment and incomes.

#### **D. Special Considerations**

6. Special attention will be paid to women, indigenous peoples/ethnic minorities/groups, as well as the poor and vulnerable groups during monitoring; these include:

- The status and roles of women: Closely monitor any change in women's status, function and situations. At least 40% of DPs surveyed will be women.
- Differential impacts on indigenous peoples/ethnic minority groups. Closely monitor the socioeconomic status of indigenous peoples to ensure that they have not been further marginalized. Monitoring indicators should to the extent possible be disaggregated by gender and ethnicity.
- Care and attention to vulnerable groups: Closely monitor living conditions of the poor, the elderly, the handicapped, female headed households and other vulnerable groups after resettlement, to ensure that their livelihood is improved.

- Monitoring and evaluation will provide information on the utilization and adequacy of resettlement funds.