

Resettlement Framework

July 2018

PAK: Sindh Secondary Education Improvement Project

Prepared by Sindh Province School Education and Literacy Department (SELD) for the Asian Development Bank.

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CURRENCY EQUIVALENTS

(as of 2 July 2018)

Currency unit	–	Pakistan rupee/s (PRe/PRs)
PRe 1.00	=	\$0.0082
\$1.00	=	PRs121.55

ABBREVIATIONS

ADB	Asian Development Bank
CAS	compulsory acquisition surcharge
CPID	community participation and disclosure
CSOs	civil society organizations
C&W	Communications and Works
AHs	affected households
DMS	detailed measurement survey
GOP	Government of Pakistan
GOS	Government of Sindh
GRC	grievance redressal committee
GRM	grievance redressal mechanism
IA	implementing agency
IP	indigenous people
IPP	indigenous peoples' plan
IR	involuntary resettlement
ISA	initial social assessment
LAA	Land Acquisition Act
LAC	land acquisition collector
IR	involuntary resettlement
RF	resettlement framework
RP	resettlement plan
NGOs	non-government organizations
PIU	project implementation unit
RSU	Reforms Support Unit
SDDR	social due diligence report
SEF	Sindh Education Foundation
SELD	Secondary Education & Literacy Department
SES	socio-economic surveys
SPS	Safeguard Policy Statement
TA	technical assistance
TOR	terms of reference

GLOSSARY

compensation	Payment in cash/voucher or kind offered to affected persons against the replacement of the lost asset, resource and income.
country safeguard systems	A country's legal and institutional framework, consisting of its national, sub national, or sectoral implementing institutions
cut-off-date	Eligibility for entitlements by a cut-off date, determined as the completion day of social impact assessment (SIA) survey including impact assessment to prepare inventory of lost assets, affected persons census and socioeconomic baseline survey.
affected household	A household affected by the project-related impacts to their assets (land/structure, trees and crops etc.) including asset losses (permanent or partial), induced changes in land use rights or restricted access to productive resources and income losses.
economic displacement	Loss of productive assets i.e. land, commercial structures/assets, and 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.
encroachers	People who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project or persons who have trespassed government land, adjacent to his/her own land or asset, to which he/she is not entitled, by deriving his/her livelihood there. Such act is called "encroachment".
entitlement	The range of measures comprising compensation in cash/voucher or kind, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and business restoration which are due to affected persons, depending on the type and degree nature of their losses, to restore their social and economic base.
household	A household means all persons living and eating together as a single-family unit and eating from the same kitchen whether they are related to each other.
implementing agency	Implementing agency means the agency, public or private, that is responsible for planning, design and implementation of a development project.
income restoration	Income restoration means re-establishing income sources and livelihoods of affected persons.
Inventory of lost assets	Descriptive list of all assets lost to the project, including land, immovable property (buildings and other structures), and incomes with names of owners.

involuntary resettlement	Land acquisition and resettlement for a public purpose based on eminent domain law without the consent of displaced persons.
land acquisition	Land acquisition means the process whereby a person is compelled by a public agency to alienate all or part of the land she/he owns or possesses, to the ownership and possession of that agency, for public purposes in return for fair compensation.
physical displacement	Relocation because or lost residential land and structure, or shelter because of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or no access to legally designed parks and protected areas.
rehabilitation	Assistance provided to APs to supplement their income losses to improve, or at least achieve full restoration of, their pre-project living standards and quality of life.
replacement Cost	Compensation for acquired land, structures and other assets, including (i) fair market value, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable payments, if any.
vulnerable APs	Distinct groups of people who might suffer disproportionately from resettlement effects by the project because of their disadvantaged or vulnerable status. They are the households below poverty line or will become below poverty line because of loss to assets and/or livelihoods and include the landless and those without legal title to acquired land, the elderly, female headed households, or disabled persons.

NOTE

In this report, "\$" refers to United States dollars.

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I. INTRODUCTION

A. Project Background

1. Education indicators for Pakistan are grim, with a low adult literacy rate, low expected years of schooling, as well as considerable challenges in terms of access and quality of learning.¹ Educational challenges in Sindh are more acute than in Pakistan generally. They include limited access and poor quality of education coupled with weak education governance and management. The performance of the education sector is weak in Sindh, especially at the secondary education level.² Wide disparities to access education are evident across geographical regions, socio-economic clusters and gender in Sindh.

2. In recent years, Sindh has initiated several reforms to address challenges in its education sector and has a well formulated education sector plan, the Sindh Education Sector Plan (SESP) 2014–2018. Sindh Government has engaged international finance institutions to support the implementation of its education sector reforms agenda. The World Bank and the United States Agency for International Development (USAID) are key development partners in Sindh. However, ongoing interventions remain inadequate to achieve SESP objectives and additional resources is required to meet challenges in the education sector. Therefore, the Sindh Government has requested ADB's assistance through the \$75 million Sindh Secondary Education Improvement Project (SSEIP). The project will be implemented across Sindh, but its civil works component will be focused on 10 districts in southern Sindh.

B. Resettlement Framework

3. The SSEIP output 1 aims at infrastructure development to build around 160 secondary school blocks in existing School Education and Literacy Department (SELD) compounds in 10 districts in southern Sindh. While the plan is to select schools with available land to accommodate an additional secondary school blocks, it is uncertain if all prioritized schools will have sufficient available land and if there are no third-party users that may be affected by the civil works. The site selection and design activities are ongoing for all project school sites. As a result, the list and location of schools is yet to be finalized and it is unlikely that these will be finalized before ADB Board approval. This resettlement framework is prepared to guide SELD in the conduct of due diligence to screen school sites and civil works for potential involuntary resettlement (IR) impacts and address unavoidable impacts as per the ADB Safeguard Policy Statement (SPS) 2009.

4. Once the school sites and detailed design of the secondary school blocks have been finalized, all school sites will be visited to screen IR impacts, determine safeguard requirements for project school sites in each district and accomplish safeguards due diligence reports and documents for each district accordingly.

5. Further, if any of the school sites selected for construction of secondary blocks involve previously donated land, there may be a risk of non-mutation of land title to the government or school. If such land mutation issues and associated IR impacts are not identified and mitigated at an early stage of project planning and design, it can jeopardize smooth implementation of the SSEIP and compliance to ADB's social safeguards requirements. A rigorous screening and impact assessment is required to avoid, minimize or mitigate potential issues and claims regarding third-party land uses or non-mutation of land title at some of the project school sites.

6. This resettlement framework guides social safeguards impact screening and assessment for selected school sites, and preparation of social safeguards documents including

¹ World Development Indicators. World Bank; UNESCO Global Education Monitoring Report. 2016.

² Secondary education comprises middle school (grades 6-8) and lower secondary school (grades 9-10).

social due diligence reports and/or resettlement plans (RPs) if so required. It defines the legal and policy framework, eligibility criteria and entitlements for affected persons including physically and/or economically displaced persons to ensure fair and timely compensation on replacement cost basis, relocation and rehabilitation provisions for physically displaced and income restoration measures for economically displaced persons. It sets out procedures for subproject screening, social impact assessment, consultation, participation and disclosure, grievance redress, monitoring and reporting systems, etc. and explains the institutional and financial arrangements for social safeguards.

7. The RF fulfills ADB's SPS 2009 requirements pertaining to IR safeguards and complies with Pakistan's Land Acquisition Act of 1894, and provincial rules, regulations and guidelines for land acquisition and resettlement. The Government of Sindh has endorsed this RF. SELD as project executing agency and the SSEIP project implementation unit (PIU), which will be established within the SELD's reform support unit (RSU), are responsible for its application. This RF will be subject to review and updating if any change in project scope or additional financing is envisaged or if there are amendments or updates in the country's legal system or ADB's policy during execution of the project.

C. Project Description

8. The project has three outputs: (i) new secondary school blocks operated under EMO program constructed in 10 districts in southern Sindh, (ii) teaching capacity in five key subjects improved, and (iii) secondary education examination system strengthened.

9. Output 1 will finance construction of around 160 new secondary school blocks within existing SELD school compounds in 10 districts in southern Sindh.³ A small number of prototype school designs will be adopted and used as per site requirements to avoid acquisition of new land parcels, and to minimize resettlement related impacts that may emerge due to clearance of site to execute project school works. Acquisition of additional land acquisition will be avoided. However, it is not certain if site clearance may result in impacts on encroached assets or termination of third-party land use rights from existing school land. Some of the potential impacts that could arise during execution of project works for different school sites are highlighted below:

- (i) Loss of encroached assets (other than land) including crops, trees and structure located on existing school land; or state land/public land allocated for school at new location;
- (ii) Displacement (physical or economic) of affected households/persons due to clearance of their residential/productive and commercial assets from the project school sites;
- (iii) Income losses due to lost livelihood or Income sources or impaired access to resources.

D. IR/Indigenous Peoples (IP) Screening Criteria for Project School Sites

10. The SPS 2009 provides a systematic approach to screen and categorize projects based on the significance level of adverse impacts of the project or any of its components. Until the list and location of the schools and the detailed design of the secondary school block are finalized, it is uncertain if the proposed works will involve land acquisition or impacts third-party users. It is also unknown if any of the sites have pending land issues or unmutated land ownership documents. Nonetheless, project school sites involving acquisition of private land and assets will not be considered eligible for financing and the sites with third party land use rights will be reviewed rigorously to avoid, minimize and mitigate any impacts. If avoidance is not possible, it will be ensured that the project school sites to be included in the project should follow the screening provided in this RF.

³ These districts are: Badin, Matiari, Mirpur Khas, Sanghar, Sujawal, Tando Allah Yar, Tando M. Khan, Tharparkar, Thatta, and Umer Kot.

11. The IR impacts of the 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 significance of impacts of a subproject on IPs is determined by assessing (i) the magnitude of impact in terms of (a) customary rights of use and access to land and natural resources; (b) socioeconomic status; (c) cultural and communal integrity; (d) health, education, livelihood, and social security status; and (e) the recognition of indigenous knowledge; and (ii) the level of vulnerability of the affected IP community.

- (i) **Category A.** A subproject will be classified as category A for IR and/or IP safeguards if it is likely to have significant involuntary resettlement impacts and/or significant impacts on IPs. An RP or combined RP/IP plan, including assessment of social impacts, is required. If detailed design is not yet available, a draft RP/IP plan may be prepared which will be updated/finalized following detailed design and Land Acquisition Act (LAA) 1894 procedures. However, any project school site or sites requiring acquisition of land with significant social safeguard impacts will be excluded or replaced with other appropriate sites with available government land.
- (ii) **Category B.** A subproject will be classified as category B for IR and/or IP if it includes involuntary resettlement impacts that are not deemed significant and/or likely to have limited impacts on IPs. A RP or combined RP/IP plan including assessment of social impacts is required. If detailed design is not yet available, a draft RP/IP plan may be prepared which will be updated/finalized following detailed design. Nonetheless design modification will be considered to maximum possible extent to avoid the impacts and if avoidance is not possible the IR/IP impacts will be mitigated and compensated following provisions of the RF.
- (iii) **Category C.** A subproject will be classified as category C for IR and/or IP safeguards if it has no involuntary resettlement impacts and/or impact on indigenous people are not expected. A social due diligence report (DDR) will be prepared.

12. Due diligence will be conducted as and when site selection is final, and engineering and design teams are on board and accordingly consolidated safeguards due diligence reports (SDDR) will be prepared for project school sites without IR impacts in each project district. In case any sites with potential IR impacts are identified, they will be subject to preparation of RP as per provisions of this RF. Close monitoring will be continued during subproject implementation to identify, assess and address any construction related emerging issues.

E. Executing/Implementing Agencies

13. The SELD is the executing agency of the SSEIP. A dedicated project implementation unit (PIU) will be established within SELD. This RF has been prepared by the executing agency in accordance with the ADB's SPS 2009 and national laws and procedures outlined in the Pakistan Land Acquisition Act (LAA) 1894 as amended time to time, and the rules and regulations of the Sindh Government. The RF has been endorsed by the executing agency and will be applicable to all project sites under the loan.

F. Existing Capacity of the Executing agency /Implementing Agency

14. The SELD lack human resource, capacity and understanding on safeguards management including but not limited to planning, preparation and implementation of resettlement planning documents and handling grievances during implementation of project. In implementing SERP II financed by the World Bank, SELD formed a Schools Infrastructure Development Unit (SID) that included only one coordinator for Environment to manage

safeguards. Likewise, SBEP unit looking after USAID project lacks any designated staff to handle and manage social safeguards. Safeguards issues are mainly handled by the project supervision consultants engaged by USAID.

15. This highlighted the need for SELD's capacity building through qualified human resource and on-the-job assistance and coaching of designated safeguards staff for their better understanding on ADB's safeguards requirements and management of project safeguards including but not limited to screening and assessment of impacts, planning, preparation, implementation and monitoring of social due diligence reports (DDRs), resettlement plans (RPs), gender action plan (GAP) and other social aspects in line with ADB requirements. A Safeguards Management Cell (SMC) in the Project Implementation Unit will be established .

G. ADB's IR/IP Related Conditions to Process and Implement the SSEIP

16. The appraisal of lending and project loan signing will be conditional to preparation/disclosure of an RF for the project loan acceptable to ADB. Awarding and commencement of works will be based on the following social safeguards-related conditions:

- a. **Civil works contract awards** will be conditional to the preparation/disclosure of ADB accepted SDDR for IR category C project school sites and, government endorsed and ADB accepted implementation-ready final RP prepared based on detailed design and reflecting final impacts inventory, compensation cost, list of entitled affected persons and implementation schedule synchronized with construction activities for project school sites with IR impacts.

Commencement of civil works will be conditional to issuance of no objection by ADB upon acceptance of SDDR for IR category C projects school sites and/or confirmation of full implementation of RP⁴ including (i) delivery of compensation/rehabilitation costs to all affected persons as per RP entitlements and (ii) income and livelihood rehabilitation program with relevant budgetary cost in place for the project school sites with IR impacts. Such a condition will be spelled out in the text of civil works contract.

II. Legal and Policy Framework

A. IR Legal and Policy Framework

17. This RF has been prepared considering Pakistan's laws relevant to land acquisition and resettlement and ADB's SPS 2009 for IR and indigenous peoples (IPs). To resolve any gaps between the two sets of instruments, i.e. Pakistan's LAA 1894 and ADB's SPS 2009, the framework provides measures to reconcile and address the gaps in a manner consistent with SPS 2009's compliance requirements.

B. LAA 1894

18. In Pakistan, the LAA 1894 with its successive province specific amendments governs land acquisition. The LAA regulates the land acquisition process and enables the federal and provincial governments to acquire private land for public purposes through the exercise of the right of eminent domain. Land acquisition is a provincial government's responsibility and if the land acquisition emerged for the project, Land Acquisition Act 1894 with its successive

⁴ Full implementation of RP means i) compensation for acquired assets is paid to all APs, ii) sufficient efforts to contact and document APs having legal and administrative impediments have been made, iii) unpaid compensation secured in escrow account to ensure the APs having legal and administrative impediments could be paid as and when they approach after resolving their issues and iv) income restoration and rehabilitation program is in place as per RP provisions.

amendment by Sindh government will apply. The LAA and its implementation procedures require that following impact identification and valuation exercise about land required for public interest projects, land and assets (structures (if any), crops and trees etc.) appended to acquired land are compensated in cash at the current market rate to the titled landowners. The LAA mandates that land valuation is to be based on the last 3 to 5 years average registered land-sale rates. However, in several recent cases, the median rate over the past 1 year, or even the current rates, has been applied with an added 15% compulsory acquisition surcharge. In addition to the provisions of LAA, related regulations setting out the procedures for land acquisition have been provided in province specific rules.

19. The LAA specifies a systematic approach for acquisition and compensation of land and other properties for development projects. It stipulates various sections pertaining to notifications, surveys, acquisition, compensation and apportionment of awards, along with dispute resolution, penalties and exemptions. Specified formalities must be observed and notifications be issued for private land to allow the acquiring agency to enter private land and carry out surveys, investigations and finalize their land plans for subsequent land acquisition notification. Damage to crops during survey and investigations must be compensated.

20. The start of the land acquisition process for public purposes is triggered with the notification of need for land acquisition under Section 4 of the LAA which allows the conduct of surveys and measurements on the potentially required land. Once the specific plot/s have been identified as required for public purpose, a declaration to that effect is notified under Section 6 of the LAA. Land will be marked and measured and notices to persons interested will be issued. Valuation and assessment of compensation will be made based on fair market value and other criteria described in Section 23 of the LAA. Inquiry on the measurements and valuations made on the acquired property and final award is done under Section 11 of LAA. Once award is notified under Section 12 of the LAA and compensation payments can start. However, the law only recognizes "legal" owners of property supported by records of ownership such as land record title, registered sale deeds, or agreements. The affected persons losing unrecorded/registered land use rights, assets and improvements made to occupied non-titled land are not compensated under LAA 1894 provisions. However, in Katchi Abadis⁵ declared and notified under the Sindh Katchi Abadis Act of 1976, the limited rights to compensate the occupants of residential structures/plots are accepted under the Act.

C. ADB's Safeguard Policy Statement 2009

21. SPS 2009 defines affected persons as 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) due to (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

22. SPS 2009 covers losses whether such losses and/or involuntary restrictions are full or partial, permanent or temporary. SPS 2009 is based on 12 basic principles:

- (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 affected persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned NGOs. Inform all affected persons of their entitlements and resettlement

⁵ Katchi Abadis are unplanned housing settlements (slums) urban areas or on government land along rural settlements.

options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and IPs, and those without legal title to land. Establish a grievance redress mechanism (GRM). Support the social and cultural institutions of affected persons and their host population. Where IR 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 affected persons through (a) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (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 affected persons with needed assistance, including: (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 to ensure that people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that affected 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 RP elaborating on affected persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft RP, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final RP and its updates to affected 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 IR impacts, consider implementing the IR 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 standards of living of affected persons, and whether the objectives of the RP have been achieved by taking into account the baseline conditions, and the results of resettlement monitoring. Disclose monitoring reports.

D. Comparison of Key LAA and ADB Policy Principles and Practices

23. The Pakistan LAA 1894, with successive amendments by Sindh and ADB SPS 2009 diverge on some key points.⁶ The key ADB Policy Principles are (i) the need to screen the project early on in the planning stage, (ii) carry out meaningful consultation, (iii) at the minimum restore livelihood levels to what they were before the project, improve the livelihoods of displaced vulnerable groups (iv) prompt compensation at full replacement cost is to be paid (v) provide affected persons with adequate assistance, (vi) ensure that affected persons who have no statutory rights to the land that they are working are eligible for resettlement assistance and compensation for the loss of non-land assets and (vii) disclose all reports.

24. The LAA 1894 in contrast to ADB SPS does not require adequate consultation with affected parties; it simply requires that declaration and notice be given about land acquisition or occupation for temporary uses and the purposes for which it is required. Nor does the law require consultations with affected persons, documenting the process and preparation of a “land acquisition plan” with explanation on compensation eligibility, entitlements and payment time lines. The LAA bars compensation entitlement for affected persons without formal legal title or legally constituted agreements and does not provides compensation for income losses inflicted by Acquisition of land and assets. Table 1 summarizes the differences between the LAA and ADB safeguards and the measures to address these.

Table 1: Comparison of LAA 1894 and ADB SPS 2009 with gap bridging measures

Pakistan LAA 1894 with successive Sind Amendment	ADB SPS 2009	Measures to Address the Gap
Compensation for land and other assets is based on average values and department unit rates that do not ensure replacement market value of the property acquired. However, LAA requires that a 15% compulsory acquisition surcharge supplement the assessed compensation.	affected persons are to be compensated for all their losses at replacement cost, including transaction cost and other related expenses, without deducting for depreciation.	The valuation for the acquired land, structures and other assets will be based on full replacement costs keeping in view the fair market values, transaction costs and other applicable payments that may be required, without deducting for depreciation of structures. A 15% compulsory acquisition surcharge will be added to the compensation. PIU will closely coordinate with the BOR on the valuation process to ensure that the RF provisions for determining compensation amounts are observed.
No provision for resettlement expenses, income/livelihood rehabilitation measures or allowances for displaced poor and vulnerable groups.	Requires support for rehabilitation of income and livelihood, with focus on those with severe losses, poor and vulnerable groups.	Additional assistance will be provided to cover resettlement expenses (transportation and transitional allowances), loss of income, and provide support to vulnerable persons and those severely impacted (considered to be those losing more than 10% of their productive assets).
Lack of formal title or the absence of legally constituted agreements is a bar to compensation/rehabilitation. (Squatters and informal tenants/leaseholders are not entitled to compensation for loss of structures, crops).	Lack of formal title is not a bar to compensation and rehabilitation. All affected persons, including non-titled affected persons, are eligible for compensation of all non-land assets.	Squatters, informal tenants/leaseholders are entitled to compensation for loss of structures and livelihood and for relocation.

⁶ ADB Safeguard Policy Statement, July 2009.

Pakistan LAA 1894 with successive Sind Amendment	ADB SPS 2009	Measures to Address the Gap
Has no specific requirement for the preparation of a RP	Requires the preparation of a RP based on social impact assessment and consultation with affected persons elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	Draft RPs based on preliminary design, and final RPs based on detailed design will be prepared for subprojects that involve IR issues.
There are emergency provisions in the procedure that can allow civil works to proceed before compensation is paid.	Requires that affected persons are compensated and provided other resettlement entitlements before physical or economic displacement.	Civil works may only proceed after the resettlement plan is implemented and compensation for loss of assets and other allowances are fully paid.
No convenient grievance redress mechanism except recourse of appeal to formal administrative jurisdiction or the court of law	Requires the establishment of accessible grievance redress mechanisms to receive and facilitate the resolution of affected persons' concerns about displacement and other impacts, including compensation	SELD/PIU will establish easily accessible grievance redress mechanism available throughout project implementation that will be widely publicized within respective subproject area and amongst the affected persons.
There is no requirement for monitoring resettlement implementation and disclosure of resettlement plans and monitoring reports	Requires that RP implementation is monitored, and RP and monitoring reports are disclosed in an accessible place and a form and language(s) understandable to APs and other stakeholders.	RP implementation will be monitored both internally and externally. The draft and final RPs, and monitoring reports will be disclosed to affected persons, posted in the SELD's and ADB website for public disclosure.
There is no requirement for meaningful consultation with affected parties; LAA requires that declaration and notice be given about land acquisition or occupation for temporary uses and the purposes for which it is required	Requires meaningful consultations with affected persons and host communities, to inform all displaced persons of their entitlements and resettlement options.	Affected parties will be consulted in a meaningful manner, in accordance with the requirements of SPS, as part of the project design and implementation process; information on entitlements and options will be provided and affected persons will also be consulted during monitoring.

E. Remedial Measures to Bridge the Gaps

25. To reconcile Pakistan's legal and regulatory system for involuntary land acquisition (LAA 1894) and ADB's IR Safeguards as in SPS 2009, and address the gaps between the two systems, the following principles will be adopted for the project.

(i) Project IR policy

26. IR screening for all school sites will be conducted following screening criteria explained in section I(E) above, as and when project school siting and design is final. Sites involving acquisition of private land and assets will be avoided and design modifications will be reviewed and considered to avoid, minimize or mitigate involuntary resettlement impacts causing physical

and/or economic displacement of formal or informal land users of school or government land. A consolidated SDDR for each district will be finalized and endorsed to ADB for acceptance before award of civil works contracts. In the case of school sites involving IR impacts, a comprehensive assessment of social impacts, involving (i) detailed measurement of affected assets and a census of all affected households/affected persons owning/occupying affected assets will be conducted, (ii) inventory of losses linked to the entitled APs and valuation of lost assets (VLA) will be finalized, (iii) and a socio-economic survey of AHs will be carried out and accordingly consolidated RPs will be prepared for all school sites included under a civil works contract package. Planning, preparation and implementation of RPs will follow principles below:

- (i) Meaningful consultations will be carried out throughout project planning, implementation and monitoring periods and affected persons or IP groups and other stakeholders will be consulted and informed as well as given an opportunity to participate in IR planning and implementation activities.
- (ii) Each draft or updated/final RP duly endorsed by SELD/PIU and cleared by ADB will be disclosed on the ADB's and SELD's websites. Hard copies including translated copies (in language understandable to local community) will be placed at SELD/PIU's office and other accessible places in or near project schools site and surrounding area. The RP or RP/IP provisions, particularly those on impact assessment and valuation, eligibility and entitlements, compensation delivery and grievance redress mechanisms will be disclosed to the affected persons and/or IPs by SELD/PIU through disseminating information brochures, placing/installing information boards/banners at conspicuous places near and around school locations and surrounding villages.
- (iii) A project-based GRM with representation of all stakeholders will be established at the time of project inception and will be kept intact and functional throughout project implementation period to address the social issues related to project design, resettlement planning and implementation, restriction of access to resources and basic amenities during construction and any other social matter that arises during implementation of the project. Concerns on land title, land compensation assessment and apportionment issues/disputes etc. will be addressed following the GRM procedures provided under LAA 1894.
- (iv) Compensation eligibility will be limited to the cut-off date announced by SELD/PIU. Since the project will not invoke LAA 1894 provisions because land acquisition is not considered under the project and IR impacts may be confined to compensate formal and informal land use rights not covered under LAA 1894 provisions. In this case, cut-off date will be established and declared as the day of commencement or completion of social impacts assessment survey and census of affected persons. The process for announcement of cut-off date will be fully documented with record maintained to avoid any superfluous claims by ineligible APs entering the project after announcement of cut-off date.
- (v) Lack of legal title will not be a bar to compensation under the project, and all titled and non-titled affected persons occupying required land and land-based assets on or before the cut-off date will be eligible for compensation, relocation and rehabilitation measures, as applicable, regardless of nature and type of impacts (permanent or temporary, full or partial). affected persons without legally recognizable claims to land will be eligible for compensation to the extent of affected assets other than land as well as relocation and rehabilitation support under RP provisions and entitlements.
- (vi) Compensation of structures will be at full replacement value, either through the replacement structures⁷ of equivalent or higher value and quality or through cash compensation at replacement cost.⁸ Depreciation will not be considered in the

⁷ For replacement structures all transaction costs will be paid by the project or included in compensation payments to the APs.

⁸ Full replacement cost involves fair market value, transaction costs, interest accrued, transitional and restoration costs and other applicable payments without depreciation.

compensation for structures and affected persons will be allowed to collect salvaged material. It will be ensured that affected persons are not displaced physically or economically before payment of compensation and other entitlements for their lost assets and income and livelihood restoration program is in place.

- (vii) Incomes and livelihood sources lost, including but not restricted to crops and trees or interruption of business activities and employment, will be fully compensated at replacement cost. affected persons who are permanently losing incomes and livelihood sources as well as poor and vulnerable affected persons will be entitled to income restoration measures like credit facilities, training and employment assistance to maintain or improve their livelihoods.
- (viii) Any lost civic infrastructure and community services will be either restored at site or established at a replacement land prior to commencement of civil works for the subproject.
- (ix) APs that need to relocate will be entitled for compensation for lost housing at full replacement cost, relocation assistance and transitional support for establishing their residential structures at places of their choice.
- (x) The RP and/or combined RP/IPP implementation progress and effectiveness of the implementation of each subproject RP and RP/IPP including livelihood restoration measures put in place for affected persons /IPPs will be monitored during and evaluated after RP and/or RP/IPP implementation and social monitoring reports will be compiled and shared with ADB in a manner as agreed in the RP and /or RP/IPP.

(ii) **Specific Provisions for disadvantaged or vulnerable households and Aps**

27. One of the SPS 2009 requirements on IR is to improve the standards of living of the displaced poor and other vulnerable groups who may experience adverse impacts disadvantageously from project because of their disadvantaged/vulnerable status. Typically, those below poverty line, the landless or those without a title to land, the elderly, female headed households, women and children, and IPs comprise the disadvantaged or vulnerable groups within a project's displaced population.

28. **Vulnerable AHs.** To identify households, the following vulnerability indicators have been established for census and socio-economic assessment for RP under SSEIP. Displaced households that exhibit one or more of the conditions below will be considered vulnerable:

- (i) AHs with income equal to or below officially designated national poverty line;
- (ii) Landless or those without legal or legally recognizable title to the acquired land from which their livelihood depends on;
- (iii) DHs with or without children that are headed by a disabled person, elderly or woman; and/or
- (iv) IPs or ethnic minorities with their fragile socio-economic structure vulnerable to disproportionate impact from project activities.

29. Vulnerable households with specific impacts on their livelihood due to lost assets will be identified during the census and socio-economic survey for each project school site and will be indicated in respective RP. Such households will be consulted on measures to safeguard against impoverishment and accordingly livelihood and income restoration measures for rehabilitation and enhancement of their livelihood will be provided in the respective RPs and ensured during execution of the subproject.

30. **Provisions for Displaced Women.** Acquisition of household assets can impact the women disproportionately due to their fragile socio-economic status and it could be difficult for them to re-establish their socio-economic activities at relocation sites because of restricted mobility or poor literacy rates. During impact assessment and census of AHs, the women-headed households and their occupied and affected assets will be documented. Although, the

women are entitled for compensation of their titled land and land-based assets similar to male counterparts under LAA provisions. In cases where formal land titles are not recorded, special attention is required to ensure their rights are not deprived due to vulnerable status in society. To safeguard women needs and interests, following measures will be considered during impact assessment, census of affected persons, designing rehabilitation/resettlement provisions and preparation of the RPs under SSEIP.

- (i) Gender segregated socio-economic baseline and impact inventory linked to the entitled affected persons will be developed and women shall be compensated for assets occupied by them or in their name. Female headed households will be considered as vulnerable and are entitled for additional assistance for vulnerable households.
- (ii) During census and socio-economic assessment, meaningful consultations will be conducted with displaced women through focus group discussion and individual meetings to identify the concerns and mitigation required in resettlement planning and accordingly the RPs will detail the scope of IR impact on women and wherever required separate gender action plan will be developed.
- (iii) The resettlement entitlements and compensation package against lost household assets will include findings of the consultative meetings and focus group discussions with women affected persons during RP planning and implementation.
- (iv) In case of compensation for household assets, efforts will be ensured to pay compensation in the joint accounts of the spouses (if possible) and in case of provision of replacement asset, i.e., land or structure (residential/commercial), it will be ensured that the provided asset is transferred in the joint ownership of the male and female counterparts of the AHs; and
- (v) Gender sensitive GRM with women participation will be ensured to facilitate the aggrieved women (if any) to lodge complaints and get their concerns resolved.

31. **Indigenous Peoples.** IP safeguards requirements as defined in the SPS 2009 are triggered when the projects (direct or indirect) impacts are identified on the assets or resources of some distinct group of people or tribe with their socio-economic, cultural, administrative and legal institutions different from the mainstream population or if territories or natural or cultural resources that distinct tribal group/community own, use occupy, or claim as an ancestral domain or asset are affected by the subproject. There are no socio-cultural groups in the project area that may be considered as IP communities. Therefore, IP safeguards under the ADB's SPS 2009 will not be triggered for the project.

32. Nevertheless, if IPs are identified at any project school sites when selection and design for all target schools in the 10 districts is completed or during execution of the project, SELD/PIU will engage qualified and experienced experts to carry out a gender-sensitive social impact assessment (best suited and culturally appropriate) to determine the project impacts on the IPs. And if impacts on IPs are documented, SELD/PIU will explore all possible project design options to avoid or minimize the physical and economic displacement of IPs and in cases where avoidance of impacts is not possible the SELD/PIU will follow ADB's IPs policy and procedures to prepare a combined RP and IPP for the subproject having impacts on IPs. Based on detailed socio-economic assessment of IPs (if any), the combined RP and IPP will explain the means and procedures adopted to address the needs of IPs and the compensation provided to offset the project adverse impacts. During execution of the civil works it will be ensured that IPs' dignity, indigenous knowledge, cultural and social value are fully respected and preserved.

(iii) **Change of Subproject Scope or identification of Unanticipated Impacts**

33. In the case of changes to project scope or identification of unanticipated impacts during subproject implementation that are not covered under the eligibility and entitlement provisions of this RF, new and additional eligibility and entitlement provisions will be determined in

accordance with the IR safeguards requirements of the ADB's SPS 2009 and the applicable legal framework of Pakistan. Accordingly, the RF will be updated and disclosed on the ADB and SELD/PIU websites. Based on the updated RF, specific RPs will be updated with new eligibility and entitlement provisions because of unidentified impacts and the concerned affected persons of such RPs will be consulted and RP provisions, including new entitlements, will be disclosed to them. Nonetheless, the standards agreed and established for the eligibility and entitlement provisions in this RF shall be maintained or may be raised, but not lowered in any update of this RF or any RP prepared for the project.

(iv) **Compensation Eligibility and Entitlement**

34. **Cut-off date.** The eligibility for compensation will be limited to the government announced cut-off date for each project district for all project school site located within the district that involves IR and/or IP impacts. The cut-off date shall be set and announced by the government during planning and preparation of RP to prevent influx of outsiders and to avoid false and frivolous claims for compensation, relocation and livelihood rehabilitation during RP implementation and execution of project works. For impacted private asset or third-party land use rights on selected project school sites, the date of completion of social impact assessment and census survey of affected persons in will be the cut-off date for compensation under provisions of this RF. Any person who enters and occupy the project land or any assets established therein after cut-off date will not be eligible for compensation however, the APs will be served a prior notice to vacate the project site and remove their assets. They will be allowed to take their salvaged materials free of cost.

35. If sites with land acquisition are included after change in project scope, the provisions of LAA 1894 will be followed and the cut-off date for acquiring land will be the day when formal declaration of land acquisition under Section-6 is notified and published in the official gazette.

36. The SELD/PIU will establish and notify a cut-off date for each district separately to facilitate RP planning, preparation, implementation and smooth execution of project works. The cut-off date will be disclosed to the affected persons through formal and informal means including publicizing through local newspapers, consultative meetings, focus group discussions, field surveys and other informal means of communication i.e. face-to-face communication with affected persons and communities. The disclosure process of cut-off date will be formalized through documentation of consultation meetings and issuing disclosure reports.

(v) **Compensation Entitlements**

37. In the context of IR and IP safeguard requirements, affected persons entitled to compensation under RP include those who face loss of their assets and are displaced physically (relocation, loss of residential land, or loss of shelter) and/or economically (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. Accordingly under the provisions of this RF, the persons who hold/occupy an assets and have third party land use rights at project school sites on or before cut-off date and who will be subject to face temporary or permanent loss (full or partial) of their assets including structures (residential, commercial or other), crops/trees and improvement (if any) made to land or will face interruption of land use rights due to clearance of project school site will be eligible and entitled for compensation and rehabilitation/income restoration provisions as summarized in text below and entitlement matrix (Table-2) under the provisions of this RF.

38. Since land acquisition will not be involved and the project impact may be limited to clearing of project school sites, hence the eligible affected persons entitled for compensation under this RF may include but not limited to the categories defined below:

- Affected persons having formal or informal but legally recognizable land use rights under national laws or customs will be eligible for compensation against their affected assets located on government land required for project purpose. Such affected persons may include people who have customary usufruct right to the state land or people who have inherited, occupied, and utilized the land for generations but lack titles simply because the state has not formalized the land records and issued title to them.
- Affected persons without formal legal rights or recognizable claims under national law and customs and may include all squatters, tenants, sharecroppers, and wage labourers. Although such affected persons lack legal or recognizable rights to the asset they occupy at the time of cut-of-date but because of lost assets or impacted livelihoods they will be considered affected persons eligible to receive compensation for assets other than land and resettlement assistance.
- Cultivators or those whose livelihood is dependent on acquired assets, business operators of affected commercial structures and their employees whether registered under law or informal and the identified vulnerable groups.

39. Compensation will be based on the category of affected person and type of losses with compensation eligibility and entitlement limited to cut-of-date. The entitlement matrix developed based on the project policy and relevant provisions of the LAA 1894 is presented in Table 2 below. The entitlement provisions with mechanics to calculate the unit rates or amount of allowances for entitlement in each category is explained in the EM and during RP preparation the compensation amount for each impact type can be finalized in consultation with affected persons and relevant stakeholder to reflect the actual situation at the time of implementation. Nonetheless, the entitlement provisions and mechanic compensation unit rates in RPs will not be lower than the provisions explained in the entitlement matrix below.

Table 2: Eligibility and Entitlement Matrix

Type of Loss	Specification	Eligibility	Entitlements
1. STRUCTURES			
Residential, agricultural, commercial,	Partial Loss of structure	Owner (including non-titled land user, squatters or encroachers)	<ul style="list-style-type: none"> • Cash compensation for affected structure (taking into account functioning viability of remaining portion of partially affected structure) for its restoration to original use at full replacement cost computed at market rate for materials, labor, transport and other incidental costs, without deduction of depreciation. • Right to salvage materials from lost structure;
		Lessee, tenant	<ul style="list-style-type: none"> • Cash refund at rate of rental fee proportionate to size of lost part of structure for remaining lease period and compensation for extensions/improvements (if any) made by lessee/tenant to lost part of structure at full replacement cost.
	Full loss of structure and relocation	Owner (including non-titled land user, squatters or encroachers)	<ul style="list-style-type: none"> • Cash compensation at full replacement cost, including all transaction costs, such as applicable fees and taxes, without deduction of depreciation for age, for self-relocation and right to salvage material of the affected structure; and • Severe impact allowance for lost structure to owners facing full loss to their residential or commercial structure or any productive asset.

Type of Loss	Specification	Eligibility	Entitlements
		Lessee, tenant	<ul style="list-style-type: none"> • Cash refund at rate of rental fee proportionate to duration of remaining lease period; and • Compensation at full replacement cost for any improvements made to lost structure by lessee/ tenant.
	Moving of minor structures, (stalls kiosks fences, sheds, etc.)	Owner, lessee, tenant and non-titled land users	<ul style="list-style-type: none"> • Cash compensation for relocation of structure at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age) Or • Relocation of the structure by the Project.
Public or Community structures and infrastructure	Restoration of structures and services	Custodian (public department/community organization) of asset and local community with other beneficiaries of services.	<ul style="list-style-type: none"> • The public and community structures or infrastructure will not be dismantled unless replacement assets or infrastructure is in place to continue uninterrupted services. For this purpose, following entitlements will be considered: • Construction of replacement asset of better or at least same quality to shift facilities and continue services in replacement asset; or • Payment of compensation on replacement cost to the custodian of assets (public department or the community organization) for re-establishing replacement asset at alternate location at their own. • Nonetheless the affected structure will be retained intact in either case for un-interrupted service delivery until replacement asset is fully established.
2. CROPS AND TREES			
Crops and Trees	Affected crops	Cultivators including titled and non-titled land users	<ul style="list-style-type: none"> • Cash compensation (one-year crop) at current market rate proportionate to size of lost plot, based on crop type and highest average yield over past 3 years or as assessed through the respective Agricultural Departments.
		Parties to sharecrop arrangement	<ul style="list-style-type: none"> • Same as above and distributed between land owner and cultivators according to legally stipulated or traditionally/informally agreed share in crop produce.
	Affected Fruit and non-fruit trees	Cultivator including titled and non-titled land users	<ul style="list-style-type: none"> • Cash compensation for fruit trees at current market rate of crop type and average yield (i) multiplied, for immature non-bearing trees, by the years required to grow tree to productivity or (ii) multiplied, for mature crop bearing trees, by the average years of crops forgone; plus, cost of purchase of seedlings and required inputs to replace trees. • Cash compensation for timber trees at current market rate of timber value of species at current volume, plus cost of purchase of seedlings and required inputs to replace trees.

Type of Loss	Specification	Eligibility	Entitlements
3. RESETTLEMENT & RELOCATION ASSISTANCE			
Relocation Assistance	All types of structures affected	All APs titled/untitled requiring to relocate as a result of losing land and structures	<ul style="list-style-type: none"> • If affected persons are required to relocate to project relocation sites, they will be provided with secure tenure to the replacement land and structures and access to civic amenities including electricity, water supply and sewage as well as school and health center (if applicable); • The project will provide logistic support to all eligible APs in relocation of their assets and salvaged material of affected structures to project-based relocation site or alternate place of AP's choice;
Transport allowance	All types of structures requiring relocation	All APs and tenants required to relocate as a result of losing land and structures	<ul style="list-style-type: none"> • For residential structure; a lump sum amount as per ground situations to cover transportation costs for all occupants and their belongings to the project-based relocation site or location of affected persons choice within the project district. • For commercial structure or agricultural farm structure a lump sum amount as per ground situations for shifting of affected assets and belongings to alternate location/site for re-establishment of the asset.
House rent	All types of structures requiring relocation	All APs and tenants required to relocate as a result of losing land and structures	<ul style="list-style-type: none"> • Rental assistance as a lump sum amount computed based on prevailing rental rate for a period as agreed between the affected person and project team but up to six months maximum, to assist the affected persons for temporary relocation during the period their affected structures are restored or constructed at alternate location.
4. INCOME RESTORATION			
Impacted land-based livelihoods	Restricted third party land use rights	All APs with land-based livelihoods affected	<ul style="list-style-type: none"> • Land for land compensation through provision of plots of equal value and productivity as that of lost and if land-based compensation is not possible than non-land-based options below will be considered to restore livelihood in addition to cash compensation at full replacement costs for other assets lost. • Project based employment opportunities for affected persons will be worked out and included in bidding documents; or Training with additional financial support to invest as well as organizational/ logistical support for establishing alternate means of livelihood.
Restricted access to means of livelihood	Avoidance of obstruction by subproject facilities	All APs	<ul style="list-style-type: none"> • Un-interrupted access to agricultural fields, business premises and residences of persons in the project area will be ensured in consultation with the affected persons.

Type of Loss	Specification	Eligibility	Entitlements
Businesses	Temporary business loss due to partially affected productive assets	Owner of business (registered, informal)	<ul style="list-style-type: none"> Cash compensation equal to lost income during period of business interruption up to 3 months based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records or computed based on officially designated minimum wage rate.
	Permanent business loss due to permanent loss of productive asset.	Owner of business (registered, informal)	<ul style="list-style-type: none"> Cash compensation equal to lost income for 6 months based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or computed based on officially designated minimum wage rate; and Provision of project-based employment to one of the grown household member or re-training with opportunity for additional financial grants and micro-credit and organizational/logistical support to establish affected persons in alternative income generation activity
Employment	Employment loss (temporary or permanent) due to lost productive assets.	All laid-off employees of affected businesses	<ul style="list-style-type: none"> Cash compensation equal to lost wages at comparable rates as of employment record for a period of 3 months (if temporary) and for 6 months (if permanent) or in absence of record computed based on official minimum wage rate; or Provision of project-based employment or re-training, with additional financial as well as organizational/logistical support to establish affected persons in alternative income generation activity.
5. SPECIAL PROVISIONS			
Vulnerable APs	Livelihood improvement	All vulnerable APs including those below the poverty line, the landless and those without legal title to land, the elderly, women and children, and indigenous peoples.	<p>In addition to applicable compensation entitlements for affected assets and resettlement/income restoration entitlement explained from 1 to 4 the vulnerable affected persons will be provided with:</p> <ul style="list-style-type: none"> Subsistence allowance for 3 months either computed based on officially designated minimum wage rate or other rehabilitation measures computed in consultation with affected persons based on income analysis and defined in the RPs accordingly. Assistance to access legal and affordable access to adequate housing and Preference for provision of project-based employment to improve or at least to restore living standard of the affected household.

III. IMPACT ASSESSMENT AND SOCIOECONOMIC INFORMATION

40. It was not possible to screen potential school sites during project appraisal as the list of project school sites is still under preparation and building design for the secondary school blocks has not been prepared. Before awarding of any civil works contract, social due diligence including impact screening and assessment, identification and socio-economic analysis of potentially

affected persons, preparation of requisite due diligence documents commensurate with the social impact assessment is to be furnished by the executing agencies/IA for all project school sites included in the project. The PIU will closely coordinate with the resources mobilized through TRTA to assist and support the safeguards team to access the sites, gather requisite information for impact screening and assessment and deliver required documents once the school sites have been finalized.

41. For screening and assessment of IR impacts, the safeguards specialists will closely coordinate with the project school design engineers in field surveys to discuss and suggest options to avoid and minimize IR impacts and to prepare SDDR and RPs if required accordingly. This social impact assessment and socio-economic analysis including screening of project school sites, documenting inventory of lost assets (ILA) with census of affected persons, conducting socio-economic assessment (SEA), detailed measurement survey (DMS) and VLA for affected assets (if any) at project school sites with IR impacts will follow the procedures explained below. The results of the assessment will be presented in aggregate form in the SDDRs or RPs including impacts inventory and compensation cost linked to respective AHs/affected persons.

A. Impact Assessment and Screening Exercise

42. Impact assessment and screening of existing primary/elementary school sites included in list as candidate project school sites in all districts will be started early and the project engineering team will be coordinated to avoid and minimize the resettlement impacts to maximum possible extent. The land titles of existing school land, IR/IP impacts (if any) due to encroached school land or established third party uses including encumbrances/risks from non-mutated previously donated school land will be identified and documented. Impact assessment and screening will follow template attached as Annex-I to determine potential IR and IP impacts for each selected project school sites in the remaining districts. The IR and IP impact significance of each project site will be determined following criteria outlined in section 1.5 of this RF and guidelines below will be followed to ensure compliance to the safeguards objective i.e. avoid, minimize and mitigate the impacts if avoidance not possible.

- (i) School sites involving acquisition of additional land or schools' sites where land acquisition through donation is assumed in anticipation of ADB finances will be identified in each project district and excluded from the final list.
- (ii) Land title record for project school sites will be reviewed and wherever required land title will be got mutated in the name of school or relevant government authority before execution of project works at site;
- (iii) Efforts will be ensured to confine project school building design within available school owned/ occupied land to avoid and minimize the IR impacts.
- (iv) Any IR and IP impacts likely to emerge from clearance of encroachments and established third party land uses will be assessed and documented.
- (v) Initial impact assessment and screening checklists including preliminary information about likely impacts and anticipated number of affected persons will be prepared for each project sites to guide preparation of consolidated SDDRs and RP, if so required for each project district.

43. This early assessment will assist to avoid project school sites with significant IR impacts, minimize and mitigate the IR impacts of less significance, plan and prepare requisite safeguards documents. Preparation of consolidated SDDRs will follow the template provided as Annex-II and identified project school sites with IR impacts in a district will follow RP template Annex-III to finalize a consolidated RP. The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential IR impacts and risks from all identified sites in each project district. Based on findings of initial assessment and screening of safeguards impacts, the procedures explained in sections below will be followed for detailed

impact assessment, conducting census and socio-economic surveys of affected persons, measurement and valuation of assets and preparation of SDDRs or RPs.

B. Census Survey and Inventory of Lost Assets

44. The SELD's/PIU's land acquisition and resettlement staff and consultants tasked with resettlement planning will work closely with the design engineers in the field to avoid or minimize IR impacts through design modifications and conduct detailed assessment to prepare inventory of affected assets with baseline census of AHs for mitigating and compensating the IR impacts. Project school land periphery will be marked based on final design and the land revenue authorities and occupiers of project school land/affected assets will be consulted to determine school land ownership status and use rights of affected land and assets. The land plan/maps with marked IR impacts preferably superimposed on the cadastral map will be prepared and accordingly the ILA will be finalized. The census survey of AHs will be conducted on 100% basis and the affected persons facing loss of their assets will be recorded and linked to the inventory of lost asset.

45. Pre-structured questionnaires will be used for census survey to enumerate all affected persons including those facing physically and economically displacement due to lost residential or productive assets (arable land or commercial structures/business enterprise). The census questionnaire will include sections on DH's profile to collect and record household characteristics (family type with population size (gender segregated), ethnicity, literacy status (gender segregated), household income level with income sources and vulnerability status). The census will also inquire into the compensation preferences and expectations of each DH. The census will: (i) register who the potential affected persons are; (ii) assess their income and livelihoods; (iii) prepare inventory of their assets affected due to the project; and (iv) collect gender disaggregated information on the economic and socio-cultural conditions of affected persons.

46. The data on affected assets and census of AHs will be used to prepare a quantitative ILA linked to the entitled affected persons as IR impact database. The ILA will be corroborated or updated with information from relevant government sources such as land record and property registration authorities. If necessary, outdated official records will be got updated to reflect on ground situation.

47. Efforts will be ensured to complete impact assessment based on final design of all project schools in each district. Based on detailed engineering design for all school sites in a project district and the census of affected persons, DMS, valuation of affected assets and computation of compensation entitlements on replacement cost basis will be conducted.

C. Socioeconomic Assessment

48. Besides census of 100% AHs, SPS 2009 requires a sample based (25%-30% of the affected population) socio-economic assessment of affected households, but the sample size can be adjusted in inverse proportion to commensurate with the study universe i.e. higher the universe will require lower percentiles and smaller universe will require a higher percentiles of sample population. As per SSEIP design, perceived IR impacts will be limited to few affected households scattered at different project school sites in a district and selection of a representative sample for socio-economic assessment will be difficult rather impossible. It will be ensured to record socio-economic information of all affected households to understand and document social and economic status of the AHs and develop socio-economic baseline database accordingly. The census survey questionnaire will include additional questions to capture socio-economic status of the AHs and other survey tools and techniques including focus group discussions, key informant interviews and walkthrough surveys could also be used to have a vivid idea about socio-economic trend and profile of the population around project school

sites. This survey will assist to investigate the affected persons socio-economic condition, identify the project impacts on affected persons and to establish a benchmark for monitoring and evaluating the implementation of a subproject's compensation and rehabilitation program.

49. Wherever possible, data collection and presentation will be disaggregated by gender and other relevant social characteristics, depending on the social groups of concern (for example ethnic minorities and IPs or vulnerable groups). The key variables for survey and the data collection will focus on: (i) household demographic profile; (ii) assets ownership status and patterns; (iii) household income sources, income levels and expenditure patterns; (iv) women status and decision making role in household affairs; (v) availability and access level to social service; and (vii) specific impacts on the poor, IPs, women and other vulnerable groups, if identified during census of affected households. It may also provide base line information on AP's views about the project, compensation for their impacted assets including applicable costs for resettlement and rehabilitation of affected persons.

D. Detailed Measurement Survey and Valuation of Lost Assets

i. Detailed Measurement Survey

50. A DMS will be carried out with participation of affected persons for identifying and providing the measurement of the exact dimensions and quantities of all affected assets, including (as applicable), buildings, communal/public or cultural/religious facilities, crops, trees and lost business and income sources and wages due to clearance of available school/government land for execution of project works. The DMS will be the basis for assets valuation and compensation calculation (on replacement cost) for impacted assets and lost income sources as well as determination of relocation, rehabilitation and income restoration entitlements and finalization of compensation budget to be included in the RP.

51. The DMS will provide the exact size, type and use with qualitative and quantitative assessment (structures or other assets appended to land) of each impacted/acquired asset or its impacted part if not fully affected. It will also provide a precise assessment on lost housing, loss of productive assets and income sources with quantum (permanent or temporary) of lost income to determine physically and economically displaced persons. Income losses due to loss of productive assets will also be determined either based on tax records or recorded accounts (if available) or through consultative process with the affected persons. Agriculture based income losses will be assessed and quantified on the lost harvests by measuring the lost cropped area of all applicable crop types and fruit and/or timber wood trees grown on affected land.

52. Once DMS and valuation of assets is completed, entitled affected persons and corresponding compensation costs, and socio-economic baseline of DHs will be consolidated and maintained as computerized IR database for each RP and will be used as baseline during RP implementation and monitoring during execution phase of the project.

ii. Valuation of Lost Assets

53. The SPS 2009 requires that the compensation for acquired assets should be on replacement cost basis including fair market value, transaction costs, transitional support, interest accrued and other applicable payment under law, while Section 23⁹ of LAA 1894 explains the compensation determining mechanism based on market value. Besides waiving of

⁹ Section 23 of the LAA requires to consider the following in computing compensation: (i) fair market value as of section 4, (ii) sustained crop and tree losses, (iii) losses resulted from severing of land, (iv) losses for injuriously affecting other immovable or moveable holding and earnings, (v) losses for compelled change of residence or business place and (vi) diminution of profits, etc.

taxes, fees or any charges on land subject to acquisition, the affected land owners are provided with additional land acquisition surcharge at the rate of 15% of assessed land compensation cost. Although the mechanism for compensation assessment under LAA are somehow consistent to the SPS requirements but compensation cost assessed under law usually fall below the replacement cost because of the tendency of undervalued registration of recorded transactions.

54. The LAA provisions trigger only when land is acquired to provide mechanism and procedure to compensate titled land and assets owners and occupiers only who are recorded in land record or those who have legally recognizable claims under national law. While, the affected assets and persons without formal legal title are not considered eligible for impact assessment, valuation and compensation under LAA provisions. Since the project works will be confined within existing school with no acquisition of land, so the LAA provisions will not be triggered. Therefore, to bridge the gap, this RF suggests the mechanism below for valuation of impacted assets on replacement cost including land and assets that may be located on the project school land.

55. **The Land:** The school sites/locations, wherever, acquisition of private land is likely, will not be considered under the project. If land acquisition cannot be avoided, SELD/PIU will facilitate calculation of fair market value of land by considering the factors including but not limited to: (i) estimated land costs determined based on yearly average from recorded transactions in preceding one year from date of publication of section-4 under LAA, (ii) the price paid for similar land types recently acquired in the project area and paid price for similar land types in recent private transactions (recorded before notification under Section-4) (iii) consultation with respectable people, property agents and appraisers who are disinterested with regard to the value of the land; and iv) review of updated land valuation tables, other available information and instructions on valuation of assets under national laws and LAA procedures.

56. **Temporary occupation of land:** The provisions of this RF will not be applicable for temporary occupation of land for contractor's facilities like camp sites, stack yards etc. When land is required for contractor's facilities, the contractor will procure temporary occupation of land by leasing the land on terms and rate directly negotiated and agreed between contractor and respective land owners. Such lease agreements will be documented and signed between parties and will be notarized through respective quarters. However, SELD/PIU will ensure the lease terms are judicious and cover provisions on restoration of land to its original use if it is not otherwise agreed between the contractor and the land owners. The provisions on establishment of campsites, stock yards and temporary diversions will be included in the EMP prepared for the project and shall be monitored accordingly.

57. In cases where land is required temporarily for constructions of diversions or other project related temporary facilities, SELD/PIU can itself procure occupation of such land on a termed lease either by invoking section-35 of the LAA or through direct negotiations with the land owners. In either case the lease agreements will follow mutually agreed lease rates not below the prevalent lease rates in area and restoration costs as well. Such temporary occupation term will not exceed three years and the land owners will be provided with the agreed lease money and incidental land restoration costs to restore the land to its original use before taking possession of land.

58. **Assets other than land,** including structures, crops, tress if affected due to temporary occupation of land will also be compensated on replacement cost without depreciation and salvage material will be allowed to be taken by the affected persons. For providing compensation on replacement cost for affected assets other than land, following measures will be considered for valuation and assessing unit compensation rates for different asset types:

- **Buildings and structures** (residential, commercial, public/communal or any other) will be valued at replacement cost based on size and type of affected assets by taking into account construction type, quality and prevalent market rates for construction material and labor to re-establish similar structure at nearby location or on alternate site. Calculation of compensation for the partial and full loss of structure will be determined based on functional viability of the structure. Compensation will be provided to restore partially affected structure or to re-establish similar structure on nearby alternate location. The following guidelines will be followed:
 - a. Partially affected structure when remaining structure is functionally viable and can be continued in use, it will be valued and compensated on replacement cost bases to the extent of affected part of structure for restoration of impacted structure;
 - b. Partially affected structure when not restorable to its original use or a fully affected structure will be valued on full replacement cost basis following mechanism explained in first bullet above.
 - c. In addition, the costs for relocation and installation of applicable amenities (water supply and sanitation, power supplies i.e. electricity/gas supply and communication lines etc.) will also be computed at replacement cost and included in compensation package.
 - d. Depreciation, salvageable materials or transaction costs and taxes will not be deducted rather salvage will be allowed to the affected persons.
 - e. Preferably, unit rates for building structures will be evaluated either through building division of public works department at district level in Sindh or by the executing agency/IA with assistance from its building works staff at district level and the Engineers in PIU/Design and Construction Supervision Consultants through analyzing prevailing market rates of material and labor or by using relevant but updated composite schedule rates (CSR) for buildings that are published regularly.
- **Crops** will be valued at current market rates of gross annual value of harvest as determined by the relevant provincial agricultural department.
- **The loss of fruit and non-fruit** bearing trees will be compensated based on their type, productive age and the market value of the produce for the remaining period of its average life or a period required to grow a new tree with same production potential. The value of younger but un-productive fruit trees will be based on the expenditure made to bring the tree to its current state. Coordination will be made with the agriculture and horticulture departments of the Sindh for assessment of fruit tree losses.
- **Timber wood** trees will be assessed based on the average volume and quality of wood produced and taking into consideration the size and classes as determined and assessed by forest department i.e. assessment based on tree type, girth, height and volume of wood produce.
- **Lease rate/rent for temporary use** of land will be fixed as per prevailing market rate through mutually negotiated agreement with the affected persons.

E. Preparation of RP

59. Based on the results of the census, DMS, valuation of affected assets, and consultations with the affected persons and key stakeholders, the SELD/PIU (assisted by the resettlement specialist and design team mobilized through consultants) will prepare the RP to address IR impacts for ADB review and clearance. The RP will include compensation for affected assets

on replacement cost basis with resettlement, relocation and income restoration costs for affected persons as well as measures to assist vulnerable including women to improve or at least restore their living standard to pre-project level in strict compliance to the provisions of this RF. Each RP will include (i) executive summary; (ii) project description; (iii) scope of land acquisition and resettlement; (iv) socioeconomic information and profile; (v) information disclosure, consultation and participation; (vi) GRM; (vii) legal and policy framework; (viii) entitlement, assistance, and benefits; (ix) relocation of housing and settlement (if relevant); (x) compensation, income restoration and rehabilitation; (xi) resettlement budget and financing plan; (xii) institutional arrangements; (xiii) implementation schedule; and (xiv) monitoring and reporting plan.

IV. CONSULTATION, PARTICIPATION AND INFORMATION DISCLOSURE

A. Consultation, Participation and Information Disclosure strategy (CPID)

60. Consultations, participation and information disclosure will be an integral part of social safeguards impacts screening and assessment, planning, design and preparation of required social safeguards documents including RPs at project design stage as well as during RP implementation and social safeguards management and monitoring throughout project execution. The SELD/PIU will devise and implement a comprehensive consultation, participation and information disclosure (CPID) strategy to ensure the stakeholders who are directly or indirectly involved in the project including: (i) residents and community in project school vicinity; (ii) students, parents and teachers; (iii) affected persons, marginalized/vulnerable beneficiary groups; and other government officials and civil society in project districts. CPID will be an ongoing process that will : (a) begin in the subproject preparation stage and is carried out on an ongoing basis throughout the subproject cycle; (b) provides timely disclosure of relevant and adequate information in manner readily accessible and understandable; (c) enables to document and address the concerns of stakeholders including APs; and (d) enables the incorporation of all relevant views of affected persons and other stakeholders into decision making, such as project design, mitigation measures, and implementation issues. Consultation should be carried out in a manner commensurate with social fabric of the subproject area and the impacts on affected communities.

61. As part of CPID, meaningful consultations will be carried out particularly with affected persons, beneficiaries and other key stakeholders during project design, conducting social due diligence and preparation and implementation of SDDR/RPs of the subproject. The consultation results will be documented and considered to incorporate in project design and RP preparation and implementation wherever possible to address community concerns. Meanwhile, specific consultations will be carried out with the affected persons to solicit their views, identify their needs and preferences for compensation, rehabilitation and relocation. The affected persons will be thoroughly informed on the results of the census and impact assessment and their preferences for compensation and other resettlement assistance will be given due consideration and separate consultation meetings with women and vulnerable will be held to ensure their voices are not constrained by powerful sections of the community.

62. The consultation and information disclosure process will continue throughout project implementation period and the executing agency/IA safeguards staff will retain a close liaison with the local community, APs and other key stakeholders. The affected persons will be informed on their rights, eligibility, compensation entitlements, payment procedures and requirements. The project-based GRM with grievance handling mechanism will be explained to the local communities, affected persons and other relevant stakeholders. The information related to processing of claims, payment of compensation, project works implementation timelines and delivery of resettlement, rehabilitation and income restoration costs/measure will be provided repeatedly. For continued coordination, Affected Community Liaison Committees (ACLC) could be established in the village/settlement where project school site is

located. The consultation meetings with all stakeholders will be recorded and documented comprehensively and meeting record including signed attendance lists, photographs and minutes of the key issues reviewed, addressed and agreements reached will be maintained.

B. Information disclosure and dissemination

63. The RF for the project will be disclosed on ADB and SELD's websites before appraisal of the project. The SDDRs and RPs (if required) to be prepared once the school locations and detailed designs have been finalized will also be disclosed on the ADB and SELD's website and to affected persons and other stakeholders by placing copies at accessible locations including the relevant school sites and taluka/tehsil offices of the respective district along the subproject corridor.

64. The RF and summary of the RPs detailing information about subproject description and LAR impacts, legal framework, compensation eligibility and entitlements, GRM, institutional arrangement, compensation payment process and implementation time frame will be translated into local language and will be disclosed to the APs and local communities.

65. SELD/PIU will prepare IR information brochure in local Language including summary information on the key aspects of the IR process of a subproject including but not limited to subproject description and IR impacts, GRM with institutional set-up, general eligibility and entitlement provisions, and the timing of IR activities etc. Such brochure will be disseminated to the APs during RP preparation and updating. The information brochure will be updated with every RP update as and when required. In addition, the cut-off date and other information on relevant issues will be disclosed to APs and other stakeholders in the project area and near school sites through leaflets, installing hoardings and banners in local language. For illiterate people, other suitable communication methods could be used.

66. Any corrective action plan (CAP), if required and prepared during the project implementation as well as Social Monitoring Reports about RP implementation and social safeguards management for the project will be disclosed to the affected persons and on executing agencies/implementing agencies and ADB's website.

Table 3: Consultation, Participation and Information Disclosure Strategy

CPID action	Stakeholders	Method	outcome
During RP preparation			
IR impacts assessment and ILA.	Affected households, affected persons and local community, Design consultants, SELD/PIU project staff and relevant officials of revenue department.	Individual meetings focus group discussions.	Stakeholders including affected persons informed on project impacts. affected persons concerns recorded and mitigated.
Census, SES survey and announcement of IR cut-off date	Affected households, affected persons and local communities, Design consultants and SELD/PIU project staff, Local land revenue and other relevant government authorities	Quantitative survey, and key informant interviews, Individual meeting, FGDs and walk through surveys	DHs/ affected persons profile and IR related concerns and suggestions recorded. Cut-of date disclosed and explained.
DMS and Asset Valuation	Affected households and affected persons, IR consultants and SELD/PIU project staff,	Individual meetings focus group discussions	Impacts and asset valuation explained

CPID action	Stakeholders	Method	outcome
	Local land revenue and other relevant government authorities and property appraisers including local notables and communities.	and key informant interviews.	to the affected persons.
Consultation meetings on (draft) final RP.	DHs/ affected persons, local communities, SELD/PIU design and IR staff and design consultants, Local land revenue and other relevant government authorities, local notables and communities including CBOs and CSOs etc.	Formal RP disclosure meeting/workshop	The RP provisions disclosed and documented.
During RP implementation			
Disclosure of RP	DHs/ affected persons, local communities, Executing agency's/IA's Project and IR staff, Local land revenue and other relevant government authorities, local notables and communities including CBOs and CSOs etc.	Disclosure through websites, by placing hard copies of at accessible places in project corridor and through disseminating translated (Local language) summary of RP to DHs/APs.	The RP uploaded on ADB and executing agency websites. The affected persons and other stakeholders informed on RP provisions.
Grievance redress mechanism established and functional	Affected persons, Local Communities, SELD/PIU project engineering and land staff, and supervision consultants with civil work contractors, Local land revenue and other relevant government authorities, local notables and communities including CBOs and CSOs etc.	Individual meetings focus group discussions and by disseminating GRM related information through leaflets, brochures and installing hoardings in the project corridor.	APs fully aware and accessing project based GRM to address their concerns.
RP implementation arrangement and timelines	Affected persons, Local Communities, SELD/PIU project land staff, Local land revenue and other relevant government authorities, local notables and communities including CBOs and CSOs etc., and supervision consultants with civil work contractors,	Individual meetings focus group discussions, delivery of compensation payment notices and installing hoardings in the project corridor.	Affected persons compensation claims processed and paid.
Social Safeguards/RP monitoring	SELD/PIU project IR staff, internal and external monitors affected persons, and local communities, and SELD/PIU and ADB.	Individual meetings, Key informant interviews FGDs and disclosure of monitoring results/reports on web.	RP implementation progress assessed, and monitoring reports disclosed to affected persons and through web.

V. INSTITUTIONAL ARRANGEMENTS

67. The land acquisition and resettlement planning, preparation, implementation and monitoring of subproject as well as compensation/rehabilitation program described in this RF involves several institutional actors and distinct processes to be carried out by different agencies. The main institutions that will be involved in the IR activities are the SELD as EA and the PIU as IA. For project IR and IP impact assessment, detailed measurement and valuation of assets (land and other assets) acquired for the project, other line departments/agencies, such as land revenue department, forest and agriculture department will also be involved. The institutional arrangement for supervision and implementation and of IR process as per provisions of this RF is explained below.

F. Executing Agency: Schools Education and Literacy Department

68. As executing agency the SELD will have overall responsibility for the project including planning, design and financing of all IR tasks and cross-agency coordination for timely preparation, and implementation and monitoring of RPs and other social safeguards management activities under the project. However, the SELD being an administrative department has limited role, experience and institutional set-up in planning, design and implementation of infrastructure development projects and safeguards management of IFI projects. Although, for ongoing reforms in education sector, specific units are established in the SELD to support and implement reforms agenda as well as implementation of school infrastructure development projects financed by the Government or through assistance from IFIs, but such units have limited project-specific institutional resource and capacity.

69. The EA will execute project-related functions and responsibilities through its Reforms Support Unit (PIU) designated as IA for school infrastructure development component of ADB financed SSEIP. While the soft component on development of android based curriculum, technology uses assessment, capacity building and support, establishment and provision of AV facilities (LEDs, TVs and tablets etc.) and solar power systems to ensure uninterrupted supplies will be implemented through Sindh Education Foundation, a semi-government organization established under SEF Act 1992 to support education through multifarious interventions.

G. Implementing Agency: Reforms Support Unit

70. PIU, which is headed by the Chief Program Manager (CPM), will be mandated to implement infrastructure development activities, including but not limited to project design, procurement and effective handling of safeguards. Presently, the PIU is looking after soft component of the school's reform agenda under SERP. Under the project, PIU will be responsible for day to supervision of project execution and delivery of safeguards management following provisions outlined in the RF in a manner consistent with the ADB policy principals and national legal framework. PIU will screen assess and document social safeguard impacts (IR and IP safeguards), prepare SDDR and RPs for projects sites with having IR impacts before award of civil works. It will implement and track RP implementation progress to ensure full implementation of RPs is confirmed before allowing construction works on site with IR impacts.

71. SELD/PIU both have capacity constraints and need a dedicated unit in PIU for smooth implementation of the project. Accordingly, a project implementation unit (PIU) headed by a Project Director with experts on safeguards management, engineering, procurement, financial administration and monitoring and evaluation will be established. In addition, opportunities need to be explored to engage PIU support consultants on safeguards management (environment and IR specialist) to strengthen safeguards implementation of SSEIP and capacity building of PIU staff.

(i) **Project Implementation Unit**

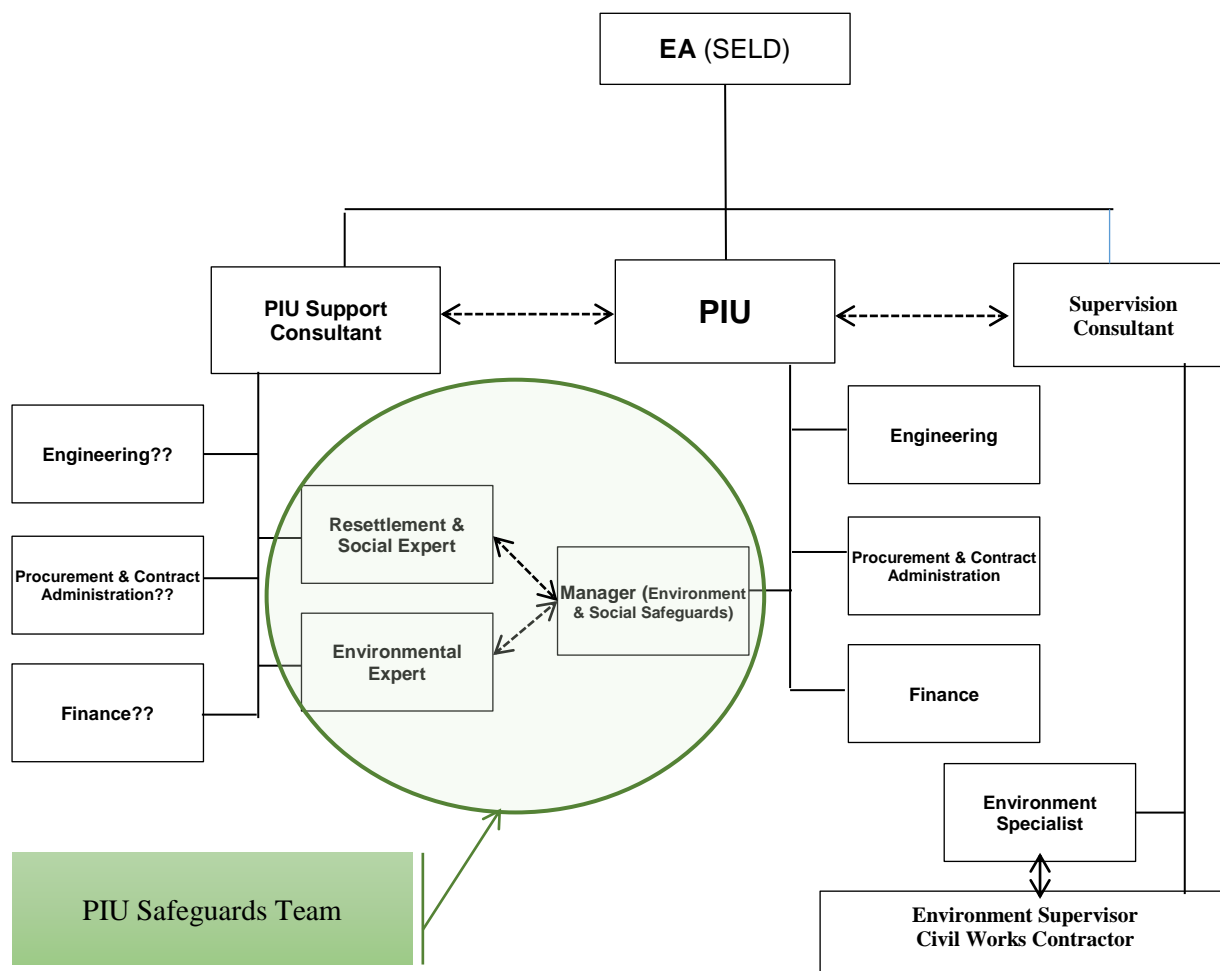
72. All project level activities including day to day tracking of project implementation and safeguards management progress will be executed through PIU to be created for implementation of the investment component under the project. The PIU will be responsible for general project execution of the project and streamlining the safeguards management at different project school sites throughout project execution period. PIU will include dedicated staff for safeguards management, engineering and design, procurement and financial administration. However, it is perceived that the PIU will not get experienced staff due to non-compatible salary structure in government sector and the designated staff from other units will not be able to apprehend safeguards issues, plan, prepare and implement safeguard documents in a manner consistent with provisions outlined in this RF and ADB's SPS 2009 requirements. The PIU's capacity in safeguards management and for preparation, implementation and monitoring of RPs will be augmented by a resettlement expert engaged through PIU's support consultants.

(ii) **PIU Support Consultants (PSC)**

73. The PIU support consultants will support PIU in project design, procurement and contract administration, safeguards management and oversight on construction-related activities. The PSC will mobilize the experts on environment and social safeguards with a proven safeguards management capacity in IFI-financed projects. The environment and social safeguards experts will coordinate with safeguards team in the PIU to support it in day to day safeguards tasks and deliver quality safeguards documents for IA's/EA's review and endorsement to ADB.

74. The safeguards management staff in PIU supported by its social safeguards experts will ensure early screening and assessment of IR impact, census and socio-economic analysis of affected households and enlist affected persons facing IR impacts. Following impact screening and assessment, the PIU safeguards team will prepare SDDRs and/or RPs for the project sites without and/or with IR impacts, respectively. It will also supervise RP implementation and monitoring activities and prepare periodic RP implementation and social monitoring reports for PIU's and SELD's review and endorsement to ADB. For improved safeguards management, the Safeguards staff in PIU will liaise with the ADB safeguards team to seek guidance on emerging safeguards issues and requirements during execution of the project. The safeguards management institutional set-up of PIU is presented in the figure below.

Figure 1 Proposed PIU structure highlighting safeguards Team



75. Some specific safeguards management tasks to be performed by PIU with technical support through PIU support consultants will include but not limited to the following:

- i. Conduct safeguards screening and impact assessment determine project school site impact significance level following criterion explained in the project RF and share screening check lists with responsible ADB's safeguards staff through project team leader for review and guidance; and prepare social due diligence reports for project school sites without IR impacts and share with ADB for review and acceptance;
- ii. Initiate process of detailed impact assessment, coordinate in land acquisition process and resettlement planning activities for the subproject; collect compile and analyze impact and census data, socio-economic information of affected persons and valuation of affected assets; finalize census of affected persons linked with project impacts by type, category and severity; prepare compensation packages for each affected persons on replacement cost basis for affected assets and by including relocation, rehabilitation and income restoration costs as applicable under agreed entitlements in RF; and accordingly finalize the RP (as and when required). Based on final inventory of lost assets linked to census of affected persons, prepare and issue ID cards particularly to the affected persons without legal or legally recognizable title about land and other lost assets to avoid frivolous claim and complaints subsequently.

- iii. Coordinate with APs and other stakeholders including line government departments and civil society organizations (CSO) and conduct meaningful consultation with all APs and other interested stakeholders on the IR related issues and maintain a record of the consultation including consultation meeting attendance sheets, pictorial profile and meeting minutes;
- iv. Establish and operationalize project-based GRM at PIU level with its nodes extended to project school sites; facilitate logging and tracking of complaints and conduct field investigation on complaints tendered by the affected persons or other aggrieved parties; establish project GRC to review, investigate and address grievances in a time efficient manner; and establish record keeping system for complaint etc. Further, assist to constitute project school site (village level) community liaison committees (CLC) to act as GRM nodes at village level for review and redress the grievances at project school sites in consultation with project GRC;
- v. Coordinate with line government departments at the district and sub-districts including Land Revenue Department, Forest Department and Agriculture Department as well as with local community, property agents and appraisers for asset (land and other assets) valuation and compensation calculation in a manner consistent with this RF provisions.
- vi. Ensure that land acquisition activities after publication of Section 4 including updating land records, land price assessment, issuance of subsequent notifications and land awards are announced in shortest possible time and the awarded compensation is reflective full replacement cost as outlined in this RF (refer section III - F).
- vii. Implement CPID strategy as outlined in this RF and ensure timely disclosure of information to all affected persons about project design alignment, land acquisition notifications issued by the LAC and facilitate information dissemination and consultation with APs on all matters and disclosure of RP provisions and information about the GRM and compensation payment mechanism by formal and informal means;
- viii. Mobilize and facilitate the affected persons to process their compensation claims and receive compensation and coordinate with and support the LAC and Project Director during preparation of claims, issuance of compensation vouchers (for land and land-based assets under LAA provisions) and cheques for R&R allowances including income restoration cost under RP provisions.
- ix. Establish and maintain IR database at PMU, track day to day RP implementation and compensation payment progress and keep RP database updated and readily available for review and use to generate RP implementation progress reports and periodic social monitoring reports.
- x. Track critical path activity in processing, preparation and implementation of RP activities; identify construction related social and IR issues, prepare and implement corrective actions as appropriate; and ensure award of contracts and implementation of works is consistent with project appraisal and implementation conditions outlined in RF.
- xi. Prepare periodic (biannual) social monitoring reports including: progress on compensation payment with demonstrated efforts for full implementation of RP; consultation, participation and information disclosure activities implemented; and grievances recorded, reviewed and resolved during monitoring period. Nonetheless, the monitoring reports will also include information on construction related unanticipated impacts identified with implemented corrective actions and other social issues encountered and addressed during monitoring period.

H. The District Government Departments

76. The jurisdiction and functions for land administration, valuation, acquisition and compensation rests with provincial Board of Revenue which exercises its jurisdiction and functions through its field level land revenue and administration officers including Commissioner, Deputy Commissioner and Assistant Commissioner. The Assistant commissioner being land administration officer at Taulqa (sub-district) level is nominated as Land Acquisition Officer for respective jurisdiction of Taluqa. All land acquisition affairs, including publication of notifications under LAA provisions, identification and assessment of land, determination and delivery of compensation for land acquired under law are executed through the LAO.

77. Functions pertaining to assessment of compensation of non-land assets rest on Provincial line-agencies and their District level offices. Assessment of compensation for, buildings' and other built infrastructure will be done through buildings division in communication and works department, crops and productive trees will be assessed by the Department of Agriculture and horticulture; and the compensation for wood trees losses will be assessed by the Department of Forestry. None, the less the PIU will coordinate with above said line departments and agencies to ensure the compensation assessment is on replacement cost and provision of RF are fully complied during assessment and payment of compensation for affected assets.

I. Finance Department (GoS) and Flow of IR Finances

78. The Finance Department will be responsible to allocate and timely release finances for land acquisition and resettlement as per PC-I of the SSEIP or if not covered therein, will provide special allocations as and when needed for SSEIP. The Finance wing in the EA will be responsible for timely release the required IR funds to IA for its deposit in the project account at the disposal of PMU. Following acceptance of government endorsed RPs by ADB, the PIU will start its implementation process and disburse IR compensation to respective affected persons for acquired assets as per RP entitlements and provisions.

J. Coordination Initiatives

(i) Project Steering Committee

79. The Secretary SELD as EA head has the overall responsibility for project execution, supervision of different project related activities and actions including safeguards management activities to be carried out by the PIU and other different units in SELD. For efficient project processing and execution of project actions, coordination with and between other line departments in GoS like, Planning, Finance and Administration is pivotal. To synchronize role of relevant other government departments involved in project planning, design, finance and administrative approvals for SSEIP, the SELD will establish a project steering committee (PSC) to review and oversee the project progress and improve coordination among different departments. In IR matters the PSC will provide policy direction on IR matters and facilitate IR activities i.e. land acquisition and resettlement planning, preparation and implementation as per agreed RF provisions between GoS and the ADB. The proposed composition of the steering committee is provided below:

- | | |
|--|---------------------------------|
| • Secretary SELD | Chair of the Steering Committee |
| • Representative of P & D Board Sindh | Member |
| • Representative of Board of Revenue Sindh | Member |
| • Representative of Finance Department | Member |
| • Chief Program Manager (RSU) | Member |
| • PD PIU for SSEIP | Secretary/Member |

(ii) IR Coordination Committees at District Level

80. During planning and implementation of IR activities, support will be required from different government departments/agencies particularly for, impact identification and assessment, valuation of assets and delivery of compensation for affected assets. To improve coordination between project IR team in PIU and line government departments in project districts, a project level IR committee headed by PD, PIU with Manager Safeguards as secretary of the IR coordination committee will be constituted. The committee will meet at least quarterly or as and when required on emerging needs to ensure coordination between line departments, facilitate impact identification and assessment, timely valuation of assets and review implementation progress, and provide guidance and support to PIU safeguards team as necessary. The composition of proposed IR coordination committee will be as below:

- | | |
|--|------------------------|
| • Project Director PIU | Chair of the committee |
| • Manager Engineering PIU in EA | Member |
| • Assistant Engineer District Works Division of SELD | Member |
| • Land Revenue Officer of sub district/Tualka | Member |
| • Representatives (equal or above the rank of Assistant Director) from in line District government departments i.e. (Land, Agriculture/Horticulture and Forest etc.) | Members |
| • Safeguards manager of PIU in EA | Secretary/Member |

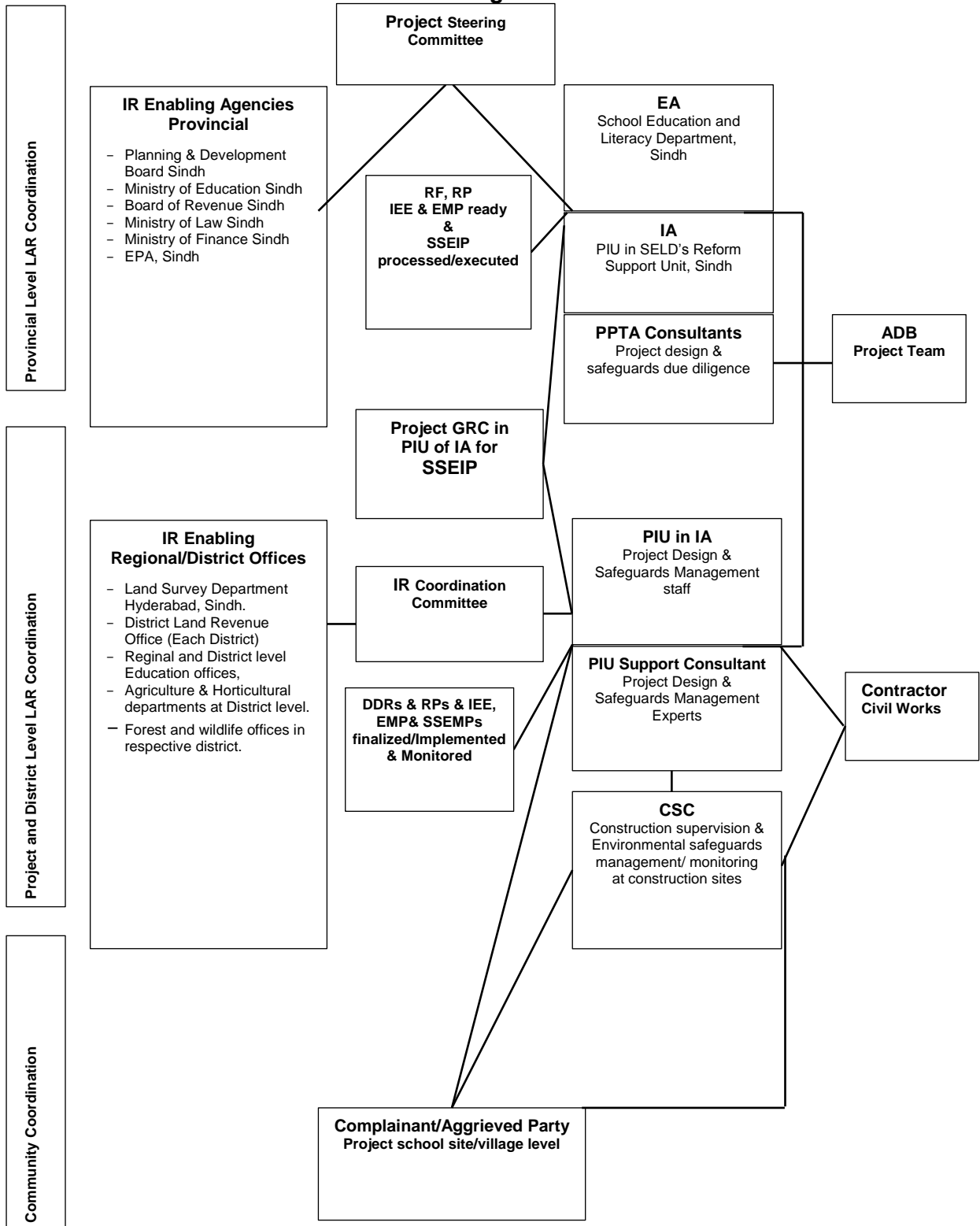
K. Civil Works Contractors

81. The project school sites with IR impacts will not be open for commencing project civil works until implementation of RP is confirmed and construction is allowed. However, the civil works contractors selected for construction of project schools in each district will be tasked with managing temporary displacement at sites for land parcels to be required for contractor's facilities like camp offices and stockyards used for construction purposes, including making arrangements with affected persons for temporary occupation of land, payment of compensation and restoration of affected land to its original state. Contractors are obliged to commence civil works only at project school sites where RPs have been fully implemented and confirmed as such. The contractors' supervisory staff will participate in IR capacity building provided by the IR consultants of the project/facility. These requirements will be included in the works contracts and loan covenants.

L. Grievance Redress Committee

82. A project-wide GRM will be set up for all subprojects under the investment program to address grievances arising from social and environmental impacts. The GRM will have a two-tiered structure at the subproject level and a third tier at the EA level, enabling immediate local responses to grievances and higher-level review for addressing more difficult cases not resolved at the local level. At project/subproject level, a grievance redress committee will be established to operationalize the GRM at the level. The formation of GRC and its functions will commensurate with subproject needs and requirements and will be elaborated in each subproject RP. An institutional set-up including other departments line departments at district level that may involve during project processing, design, implementation and in IR management for SSEIP with different levels of coordination nodes and arrangements are presented in the figure 2 below.

Figure 2 Institutional set-up & coordination nodes for Safeguards Processing and Management.



VI. GRIEVANCE REDRESS MECHANISM

83. A project-based GRM will be set up to record, review and address grievances related to IR issues and safeguards management and social issues emanating during execution of project works. This RF determines the structure, roles and functions of the GRM to review and address safeguards related grievances that may arise during implementation of the project and execution of project works at each project school site. The purpose of the GRM regarding IR is to receive, review and resolve grievances from physically and economically displaced persons and thereby, facilitate the fair implementation of this updated RF and the related subproject RPs.

84. Efforts will be exhausted to avoid grievances through strong consultations participation and information disclosure strategy (CPID) and the IR activities will be conducted in accordance with this RF provisions. Nevertheless, some problems will not be resolved through CPID actions and a project based GRM will be established to provide an accessible and cost-effective forum to the affected persons and other aggrieved parties to approach and get their concerns and issues resolved. Likely safeguard issues that can be raised and resolved through GRM may include complaints and concerns on (i) identification and documentation of affected assets, (ii) omissions and errors in ILA and affected persons names in census, (iii) concerns on assets valuation, awarded compensation, apportionments and disbursement of compensation and entitlement provisions stipulated in a specific RPs, (iv) delays in payment of relocation and rehabilitation costs etc.; and v) other social issues like damage to existing facilities and interrupted access to resources etc.

85. This RF suggests a multi-tier GRM i.e. (i) at project level ii) civil works contract package or project district level and iii) project school site level for affective handling and redress of grievances raised by affected persons on safeguard issues. The project RPs will include specific actions and provisions that will ensure to make the GRM accessible to all project affected communities in general and to vulnerable, including the poor, elderly, handicapped, female heads of households, as well as women and ethnic minorities. Each RP will indicate specific mechanisms to ensure accessibility for specific groups of affected persons.

86. At project level a project-based GRC headed by the Project Director will be established and it will be the ultimate level of grievance redress in the project-based GRM. The APs not satisfied with the GRC findings and decision will be at liberty to approach relevant court of law for seeking relief under National legal recourse. To ensure that all geographic reaches and relevant administrative units involved in the project are covered, the project level GRC will set up (i) a local mechanism with grievance redress focal points i.e. Grievance Redress Officer (GRO) for each civil works contract package or project district; and (ii) an affected persons liaison committee for each affected school site under a civil works contract.

f. Stages in complaints and grievance handling

87. A three-stage grievance redress system will be available to affected persons under the project and if the affected persons are not satisfied with the provided mechanism or opts to approach available remedy under law they will be at liberty to approach relevant court of under national legal recourse. However, the complainants resolved in the GRM will be exempted from all administrative and legal fees that might be incurred are applicable in the resolution process of grievances. The GRM process for the project is shown below.

- (i) **First Level, School Head or School Building Supervisor.** The complainant may register his/her complaint verbally or in writing to the school head or school building supervisor. The school head or school building supervisor will document and keep the files of all complaints that it handles. Any complaint registered by the school head or

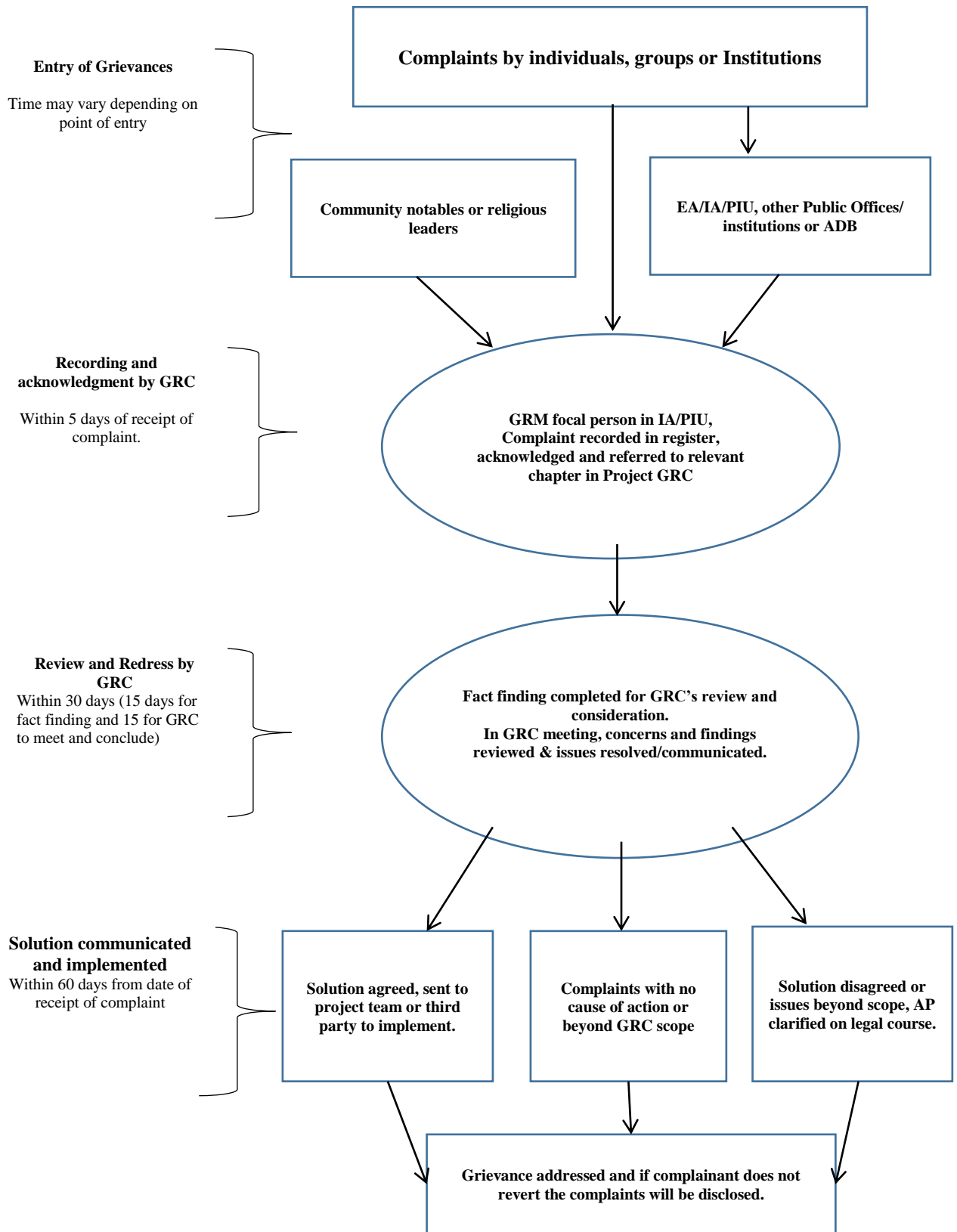
building supervisor will be resolved preferably in 15 days from receipt or will be escalated to second level of the GRM for review and redress.

- (ii) **Second level, Grievance Redress Officer at contract package or district level.** Any complaint either directly tendered or escalated from first level of GRM or forwarded by the project GRC will be registered in a complaint log register and the GRO will seek assistance for the safeguards experts to review and investigate the issues within 15 days of receipt of the complaint. After investigating the issue, he will invite the aggrieved person for a meeting to arrive at a solution within 30 days from receipt of complaint. He will communicate his decision to the aggrieved party. If the complainant requires, he will elevate the issue to the project GRC at project level. In case, the GRO did not communicate with the aggrieved person, he can raise his complaint to the project GRC after lapse of 30 days after submission of his complaint to the GRO.
- (iii) **Third Level, Project GRC.** The Project GRC is the ultimate level in the project based GRM to review and resolve the grievances. Any complaint escalated to the project GRC or tendered directly with project GRC will be resolved within 60 days from receipt of the complaint. The project GRC focal person will log complaint in register and will acknowledge it to the complainant within 5 days of receipt of complaint. After initial review and conducting fact finding of the issues raised in complaint, project GRC will coordinate with the relevant engineering and design teams in PIU support and supervision consultants to discuss and clarify plausible solutions to redress the grievance and will provide a personal hearing to the aggrieved person to record her or his concerns and communicate the decision on their grievance. If the aggrieved person agrees with the decision, it will be implemented, and the complaint closed. If the aggrieved person is not satisfied with the decision, they will be informed and advised to elevate the issue to the respective court of law. A sequential diagram showing the grievance flow process and timelines to resolve grievances by the project GRC is presented in Figure 3 below.

g. Grievance Recording and Reporting

88. The PIU will maintain a system for the recording of queries, suggestions, and grievances of the affected persons. All queries, suggestions, and grievances as well as resolutions thereon will be documented, and the record will be maintained for subsequent monitoring. The progress on the complaints will be communicated to the IA and EA for their review on monthly basis or as and when required it is required. The IA will ensure the GRM is fully operational in the PIU and GRM costs are included in the project cost, as part of the contingency. The IA will depute GRO from its available staff at project district level or if necessary will appoint staff to be placed and mobilized through PIUs to act as GRO for civil works contract package or project district level.

Figure 3 Grievances flow with timelines and redress system for SSEIP



VII. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation

89. Given the nature of the intervention, land acquisition and physical or economic dislocation of affected persons is unlikely, and it is expected that clearance of available government land may interrupt third party land uses either formal (legal or legally recognizable) and/or informal (non-titled land uses by encroachers/squatters). The EA/IA will ensure that all impacts and relevant affected persons losing access to land uses and their established assets are fully documented in the relevant RPs and compensated as per provisions of this RF. The compensation for acquired assets will be on replacement cost bases and all the affected people including legal titled asset owners or those with established formal or informal use rights. Unavailability of formal title will not be a bar to compensation under the provisions of this RF, however, the affected persons without land title will be compensated for their affected assets other than land only.

B. Income Restoration

90. The income losses accruing to affected persons due to lost assets will be compensated to offset adverse impacts and ensure their living standards are maintained if not improved. The EA/IA will assess the lost income due to acquisition of assets or restricted asset uses during execution of the project. Affected assets used as income/livelihood source including arable land, business and commercial structures and entitled affected persons facing income losses will be documented and income restoration provisions with entitled allowances will be incorporated in the respective RPs. In case of land-based livelihood losses, identification and provision of alternate lands with secure tenure basis to the affected APs irrespective of the land and land use titles will be explored. To offset impacts for lost income from affected business/commercial structures, income losses (if any) will be determined and paid as one-time allowance calculated following tax declaration and other available record or calculated based on minimum wage rate announced by the Government of Pakistan if income is undocumented and tax records are unavailable. In addition to provisions for compensating lost income, an income restoration plan including training on skill development and financial support measure to assist APs to adopt alternative income sources will be considered and included in the RPs. Such skill development and income restoration measures will be based on consultations with affected communities and relevant stakeholders.

C. Relocation and Resettlement

91. Given the project interventions, project impacts are merely perceived to restrict land use to the extent of small land parcels required for construction of school building. Mass relocation or resettlement of affected communities is not envisaged under the project at this preliminary stage, but, it is likely that the AHs/ affected persons may require shifting of their salvaged material and belongings out of the project school land. Costs incurred to relocate affected assets, belongings and salvaged material out of project location will be documented and compensated following provisions of the RP.

VIII. LAND ACQUISITION AND RESETTLEMENT FINANCING AND IMPLEMENTATION

A. IR Cost estimation and Budgeting

92. The allocation and provision of the financial resource is responsibility of the EA for affective management of project IR and IP requirements including acquisition land free from encumbrances, establishment of relocation/resettlement sites, payment of compensation for acquired assets, entitled relocation and resettlement costs and implementation of income restoration measures etc. Hence, the land acquisition, compensation, assistance, relocation and rehabilitation of income and livelihood will be considered as an integral component of project costs and will be accordingly estimated and included in the project PC-1 to ensure adequate funds are made available. Provision of costs required to acquire land will be the responsibility of the government and the EA will ensure to get requisite allocations are made in the counterpart financing by government.

93. All IR costs will be precisely assessed and reflected in the itemized RP budget including compensation costs for acquired land (if applicable) and other assets, applicable relocation, resettlement and income restoration costs as well as administrative costs including costs for RP implementation institutional arrangement, monitoring and evaluation and the contingencies. All assessed IR costs should be fully incorporated in the project PC-I to be approved by the government to ensure the IR funding are fully secured for each project/subproject.

B. Flow of Funds for RP Implementation

94. The GOS will finance the cost of IR under SSEIP from counterpart funds. The Finance Department will allocate and transfer funds for the project's IR management as and when required by the SELD, the EA for project. The EA through its IA will ensure opening of a project imprest account by the PIU and allocated IR funds will be transferred to project account at disposal of the IA. The IA through PIU will ensure timely deposit of land acquisition costs (if applicable) in the respective district/subdistrict treasury at disposal of land acquisition officer to complete land acquisition process and award compensation under LAA 1894 provisions. The IR costs required for delivery of R&R and income restoration costs and other entitled allowances under RP provisions will be placed at the disposal of the project director PIU for disbursement of compensation as per government endorsed and ADB accepted RP provisions.

C. Compensation Disbursement

95. The compensation for land and land-based assets covered under land award will be disbursed by the LAC through crossed cheque of vouchers debited to the district treasury, while the entitled R&R costs and allowances will be paid by issuing crossed cheque in the name of the entitled affected person by the PD PIU which will be charged to the project account. The Land Acquisition Officer will start payment of compensation of acquired land (if so required) immediate after announcement of awards under LAA provisions while, the payment process for other entitlement covered under RF and RP could be paid as and when government endorsed final implementation ready RP (prepared based on detailed design and final impact inventory and affected persons list) is reviewed and cleared by ADB. Nonetheless, the disbursement will take place, after due notification of time and place to the affected persons and the affected persons will be assisted and mobilized to get the requisite support documents for processing of their claims and delivery of compensation accordingly. For transparency purposes the efforts will be ensured to pay the compensation thorough crossed cheque or compensation vouchers debit able to affected person's bank accounts or district treasury. However, if the subproject impact area proves difficult and without banking facilities

or the entitled compensation amounts are meagre and affected persons decline to open bank accounts, the provision of payment through cash or any other means accepted under law can be considered.

96. ADB's SPS 2009 and provisions under this LARF require that no physical displacement or economic displacement occurs until (i) compensation for acquired assets including other entitlements under respective RP is fully paid and (ii) a comprehensive and adequately budgeted income and livelihood restoration program is in place to assist affected persons to restore their income and livelihoods. To ensure compliance with SPS 2009 principles and provisions outlined in the RF, the SELD/PIU will ensure full implementation of respective RPs before taking possession and displacing the affected persons from their assets.

97. It is likely that the compensation payment to disputing affected persons (affected persons having disputes on compensation apportionment and/or asset title) and those affected persons having some legal and administrative impediments may get stuck for longer periods. In such cases, the LAA provides to place unclaimed compensation in the treasury or at disposal of relevant court under section 31 LAA. ADB's SPS 2009 provides to place such compensation in an escrow account to ensure respective affected persons are paid as and when they approach after resolution of their issues. PIU and PIU will demonstrate all best possible efforts (fully recorded) to outreach the affected persons having legal and administrative impediments to compensation. The ADB-PRM draft guidance notes on handling of compensation to affected persons with legal and administrative impediments provided as Annex-IV will be followed.

D. RP Implementation Schedule and Commencement of Works

98. The safeguards due diligence and RP preparation and implementation requirements and schedule may vary based on readiness level of project school sites selection, design and civil works contract packaging in each project districts. To streamline preparation of RPs with civil works award all project school sites included in a contract package will be reviewed and screened for potential IR impacts and consolidated RPs will be prepared for each contract package separately. It is likely that each civil works contract package may include project school site with and without IR issues and to address IR issue of selected sites a consolidated RP will be prepared. The consolidated RP prepared for a contract package will include a staggered implementation schedule explaining the project school sites (school site without IR impacts) immediately ready for construction and timelines for implementation of different activities and delivery of compensation fully synchronized with construction schedule for the project school sites with IR impacts. Civil works contract will not be awarded before government endorsed implementation ready RP is accepted by ADB, and construction works will not be allowed for project school sites where full implementation of RP is not confirmed as per provision of the RF and provided in specific RPs.

IX. MONITORING, EVALUATION AND REPORTING

A. Overview

99. All RPs will be subject to monitoring to review progress on RP implementation activities, adjust for effective implementation, identify issues of concern, prepare and implement corrective actions if required to meet the objectives of SPS 2009 requirements provisions of this RF. Since, the project will not involve land acquisition and only a few APs are expected from each contract package with site specific impact mostly related to land use restriction under the project. Internal monitoring will focus on the progress of clearance of affected assets from government land, full payment to affected persons/AHs, resolution of grievances, if any, and compliance with the overall social safeguards policy. Besides, monitoring may cover the progress on requisite institutional set-up and timely delivery of inputs related to achieving the RP and project's overall objectives.

B. Monitoring Methodology

100. RP implementation and safeguards management activities for each subproject in a tranche project will be subject to internal monitoring and evaluation. Monitoring will include day to day tracking progress about IR planning and implementation activities including compensation payment progress, consultation and community feedback campaigns launched, resettlement, rehabilitation and income restoration measures implemented, community concerns and grievances recorded and resolved, and corrective actions implemented etc. The PIU will be responsible for internal monitoring and share RP implementation progress and periodic monitoring reports with the EA/IA and the ADB. The PIU safeguards team will review and validate inventory of losses and APs list through consultations with affected persons and DMS of the affected assets before starting compensation payment process. The APs entitled to compensation will be provided with special IDs for processing and payment of their claims. The validated inventory of losses and affected persons list will constitute a base line for monitoring of RPs implementation progress and safeguards team in PIU will manage and maintain updated IR databases including quantified data on impacted assets with type, census details of the affected persons and compensation entitlements with payment progress against the entitlements and payable costs to each affected person, etc. Potential monitoring indicators from which specific indicators can be developed and refined according to the census and ILA are set out in Table 4 below.

Table 4: Potential indicators for internal monitoring

Monitoring Aspects	Potential Indicators
Institutional set-up and resource allocation.	<ul style="list-style-type: none"> ▪ RP implementation and monitoring institutional set-up in place. ▪ Budgeted RP costs released and placed at disposal PIU for implementation of RP. ▪ Grievance redress mechanism established and explained to the affected persons and affected communities. ▪ Coordination initiative implemented and displaced persons committees notified for continued consultations and participation of affected persons in RP implementation and monitoring.
Delivery of Entitlements	<ul style="list-style-type: none"> ▪ Compensation entitlements disbursed, compared with number and category of losses set out in the entitlement matrix. ▪ Relocation and rehabilitation costs and income restoration support provided as per entitlements and schedule ▪ Social infrastructure and services restored as and where required. ▪ Entitlements against lost business including transitional support to re-establish enterprises delivered. ▪ Income and livelihood restoration activities being implemented as set out in the income restoration plan.,

Restoration of living standard and income	<ul style="list-style-type: none"> ▪ Affected residential structures reconstructed/restored at relocation sites outside ROW limits. ▪ Impacted business structures (shops/stalls) constructed/relocated outside construction limits and business/income activity restored. ▪ Number and percentage of displaced persons covered under livelihood restoration and rehabilitation programs (women, men, and vulnerable groups). ▪ Extent of participation in rehabilitation programs with degree of satisfaction about support received for income restoration. ▪ Number of displaced persons who have restored their income and livelihood patterns (women, men, and vulnerable groups). ▪ No. of affected persons (especially vulnerable) provided opportunities in project related employment. ▪ Percentage of displaced persons who improved their income and living standard (women, men, and vulnerable groups)
Consultation and Grievances	<ul style="list-style-type: none"> ▪ Consultations organized as scheduled including meetings, groups, and community activities. ▪ RP disclosure and information dissemination activities implemented and knowledge of entitlements by the displaced persons ▪ Community awareness about grievance redresses mechanism and its use. ▪ Progress on grievances recorded and resolved including information dissemination to affected persons on the resolution of the grievances. ▪ Information on the implementation of the social preparation phase and implementation of special measures for vulnerable groups including Indigenous Peoples (if any).
Communications and Participation	<ul style="list-style-type: none"> ▪ Number of meetings held with affected persons (male and female) to explain RP provisions, grievance redress mechanism and compensation disbursement mechanism. ▪ Assessment about Level of information communicated—adequate or inadequate. ▪ Number of affected persons (male female) participated in the meetings. ▪ Number of meetings and consultations held with vulnerable and indigenous people (if any) with number of participants and level of information communicated
Benefit Monitoring	<ul style="list-style-type: none"> ▪ Compared to pre-project situation: ▪ Changes noticed in patterns of occupation and resource use. ▪ Changes observed in cost of living, income and expenditure patterns. ▪ Changes access level and frequency with respect to social and cultural parameters. ▪ Changes observed for vulnerable groups and IP.

E. Reporting Requirements and Disclosure of Monitoring Reports

101. The PIU will prepare and submit semi-annual (if not agreed otherwise in the RPs) social safeguards monitoring reports to ADB as part of project implementation performance monitoring. The safeguards team in PIU will prepare periodic monitoring reports including progress on resettlement implementation, grievance redress and other social issues and corrective actions implemented for the PIU's and SELD's review and sharing with ADB. The PIU will also prepare specific reports confirming full implementation of RP implementation on different contract packages for ADB's review to allow construction on project school sites with IR impacts. All monitoring reports will be disclosed on ADB and SELD's websites as and when cleared by ADB.

Social Safeguards Screening Form

A. Introduction

1. Subprojects are assigned an involuntary resettlement category depending on the *significance* of the probable involuntary resettlement impacts. Subprojects are categorized as A, B or C depending on the number of persons that will experience major impacts which is defined as (i) being physically displaced from housing, or (ii) losing 10% or more of productive assets or both. Subprojects where 200 or more persons will experience major impacts will be categorized as 'A' for IR and the sub projects with IR impacts of lessee's significance will be categorized as B and the subprojects without IR impacts will be categorized as C. For category A and B subprojects the RPs commensurate with the impact significance will be prepared, implemented and monitored in compliance with safeguards requirement-II of ADB's SPS 2009.

2. Subprojects are also categorized as A, B or C regarding Indigenous People (IP) depending on the significance of adverse impacts to IPs. Subprojects that will cause significant adverse impacts on customary rights to land/natural resources, socioeconomic status, cultural and communal integrity, health, education, livelihood and social security of IPs are categorized as 'A' while the projects with limited impacts on IP will be given category B and the subproject where IP impacts are unlikely will be placed in category C. For category A and B subprojects the IPs or combined RP/IPP commensurate with the impact significance will be prepared, implemented and monitored in compliance with safeguards requirement-III ADB's SPS 2009.

3. Initial IR and IP screening of the project is conducted at early stage to demonstrate likely impacts, effort and resources required for planning, preparation and implementation of IR/IP safeguards documents. Follow-up screening is required to be done at the detailed design phase when the exact boundaries of the subproject corridor of impact including project activities and land acquisition and resettlement impacts are identified.

B. Instructions

4. The screening checklist below will be used for screening of IR and IP impacts of different project school sites selected for construction of secondary school building blocks under the project. The checklists will be completed by the PIU in SELD assisted by the Resettlement Specialists mobilized by the project Implementation Consultants based on prototype design and updated checklists following detailed design will be shared with ADB safeguards officer to seek guidance and advice for preparation of SDDRs or RPs/IPs commensurate with the impact significance in a manner consistent with ADB's safeguards requirements.

5. The social safeguard screening and categorization of a subproject is a continuing process. If there is a change in a subproject design and scope requiring IR impact change or unanticipated impacts identified during course of implementation that may result in category change, the PIU/SELD will review the likely impacts following this screening check list and will report to ADB project officer and safeguards officer for seeking guidance to update/revise the category and RP accordingly or prepare an addendum RP/IPP or corrective action plan to ensure project implementation is consistent with the ADB's safeguards requirements.

Screening Questions for Involuntary Resettlement/Indigenous People

A: Basis Information

Name of the School - _____
 Coordinates - N _____ E _____
 Location - Village: _____
 - Union Council _____
 - Talluqa _____ District _____
 Year of establishment - _____
 Number of Villages served - _____

B: School population and Teaching staff

School Type - Boys _____ Girls _____ Mix _____
 Current Students Population
 By Gender - Boys _____ Girls _____
 Current Teaching staff - _____
 By Gender - Male _____ Female _____

C: Identification of land availability and potential IR impacts

i) If upgradation of Existing Primary/Elementary or Middle School (Add pictures/google image indicating existing school building, encroachments (if any) and available school/surrounding land for new building.)											
Land occupied by existing School building			Available School owned land for new building			Additional land required for new building					
Acre	Jareeb	Ghunta	Acre	Jareeb	Ghunta	Acre	Jareeb	Ghunta			
ii) If project school is at new site, government land available and required for establishment of school.											
Available Government Land (Put values below)					Additional Land required (Put values below)						
Acre	Jareeb	Ghunta	Acre	Jareeb	Ghunta						
iii) Check and validate ownership status (as of record) for existing and required land (Tick relevant box).											
a) Existing school Land					b) land required						
Education Dept.	Other authority	<input type="checkbox"/> Leased	<input type="checkbox"/> Other	<input type="checkbox"/> Government owned	<input type="checkbox"/> Private owned	<input type="checkbox"/> Communal	<input type="checkbox"/>	<input type="checkbox"/> Other			
iv) Which documents are available/collected to confirm title/ownership of school land or additional required land?											
Existing School land					Additional land required						
<input type="checkbox"/> Copy of record of land rights register	<input type="checkbox"/>	<input type="checkbox"/> Mutation in land record or registered transaction	<input type="checkbox"/>	<input type="checkbox"/> Copy of record of land rights register	<input type="checkbox"/>	<input type="checkbox"/> Mutation in land record or registered transaction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
v) Is available government land or land parcel to be acquired for project being used as (Tick relevant Box):											
Agricultural land		Residential land		Commercial land		Grazing land		Other productive use.			
Yes	No	Yes	No	Yes	No	Yes	No	Yes	No		
vi) Will clearance of government or acquired land result into loss to any of following assets (Tick the relevant box)?											
shelter/residence		Business enterprise		Crops		Trees		Any other fixed assets		Impaired access	
Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No

D: Identification and initial screening of project related potential impacts on IPs(Tick relevant Box)?

vii) Are community groups falling in any categories of "tribes" or "minorities" considered under National Law or Policies as tribal people, scheduled tribes, Ethnic/National minorities or cultural communities? (Tick relevant box)?			
<input type="checkbox"/> Yes	<input type="checkbox"/> No		
If Yes, please tick relevant box in section below.			
Tribal people <input type="checkbox"/>	Scheduled/Hill tribes <input type="checkbox"/>	Ethnic / National Minorities <input type="checkbox"/>	Cultural Communities <input type="checkbox"/>
viii) Do these tribal groups ethnic/National Minorities have following characters established or recognized under country socio-political regime, law and polices?			
Self-identify as distinct social / cultural group with distinct language	Maintain collective attachment to distinct ancestral habitat/territories.	Maintain distinct cultural, economic, social and political institutions.	

Yes	No	Yes	No	Yes	No
ix) If answer to above is yes, then gather information below to identify potential impacts to indigenous groups/persons explain, is the project?					
Directly or indirectly benefit/target the Indigenous People		Directly/indirectly affect social, cultural and economic institutions/beliefs of Indigenous People		Implemented in area owned/occupied by or claimed as ancestral land of IP	

E: Asset/Livelihood Impact Assessment due to proposed facilities

Proposed facilities (Class Rooms, staff room, Labs and Library, AV room, Lavatories etc.)	Area required Square meter	Location within available government land (In school periphery or out of existing school land)	Impact description (land, structure, crops and tress) Summarize each impact type with affected area and numbers	Potential number of Affected Persons			
				Total AP	Total IP	Severely affected	Vulnerable

F. Adverse Impacts on IPs in Addition to Loss of Land, Assets or Livelihood

Adverse impacts on Indigenous People in Addition to Loss of Land/Assets or Access to Land/Assets or Livelihood:

(explain or write none if not identified)

F. Involuntary Resettlement/Ethnic Minority Category1

- [] Category A for IR or EM, to be excluded from the Project
- [] Category B for IR and IP: A combined RP and IPP is required
- [] Category B for IR and Category C for IP, an RP is required
- [] Category C. for IR and IP; only action limited to ensuring meaningful consultations, participation and information disclosure to maximize culturally appropriate interventions during execution to maximize benefits and address concerns of local communities

G. Need for Income Restoration Program (for subprojects categorized as B for IR)

- [] No considered severely affected or vulnerable, income restoration program not required.
- [] Some {estimated number} AHs/APs can be considered either severely affected or vulnerable, income restoration program is required

Screened by: _____

Validated by: _____

Name and Designation _____

Name and Designation _____

Date: _____

Date: _____

OUTLINE FOR SOCIAL DUE DILIGENCE REPORT SSEIP

I) INTRODUCTION

1. This section should give a crisp introduction to the project highlighting ADB's support to strengthen Secondary Education infrastructure and system in Sindh Province. The scope and objective of the SDDR should be highlighted.

II) PROJECT DESCRIPTION

A. Project Description

2. This section provides a general description of the project, discusses project components highlighting the physical infrastructure investment component with likely impacts on land including acquisition or third party land uses. It may focus on a) physical infrastructure (construction of secondary school building blocks), b) soft component including capacity development and improvements in examination systems.

III) OBJECTIVES OF DUE DILIGENCE AND METHODOLOGY

B. Objective and Scope of due diligence

3. This part should provide a crisp back ground for conducting due diligence and define its objectives and scope.

C. Methodology

4. This section should explain the tools and instruments with application methodology to conduct the due diligence and may include: review of available secondary information/data, impact screening and assessment checklists, questionnaire for structured consultations through individual interviews and focus group discussions with different stakeholders etc.

D. Applicable LAR Policy for the project:

5. This section should briefly introduce applicable National Legal Framework for acquiring land and ADB's SPS 2009 to deal project IR requirements and provide a crisp detail on adopted LAR policy for the project i.e. Resettlement Framework prepared for the and agreed between the EA and ADB. Highlight IR/IP screening and assessment requirements as provided in the project RF and preparation of requisite resettlement Planning documents i.e SDDR and RPs commensurate with the identified IR impacts.

IV) DUE DILIGENCE FINDINGS AND SUGGESTED MEASURES

A. IR impact screening and Assessment:

Land Availability and Third Party Land Use issues:

6. This section should explain site specific information on available land for project schools (for each district or contract package) to construct the secondary school building blocks following any of the prototype design. The third party land uses on school land should be identified and documented to determine non-land impacts. Meanwhile the design and site alternatives should be explained for avoiding the LAR impacts or mitigating the impacts following applicable LAR policy as defined in the RF for the project.

Mitigation measures to avoid/minimize potential IR issues:

7. The prototype design options (4) to be considered for construction of school buildings should be summarized for different school locations as per as per site requirements and land available to construct buildings. In cases, wherever required, further mitigations/adjustments in design, if needed, should be discussed with engineers and explained to minimize the impacts to maximum possible extent. Instead of discussing each and every project school location, the school sites with similar features and/or applicable prototype design could be clubbed together and explained in one sub-heading.

Way forward

8. The information for school site with and without IR impacts in each project district or contract package should be summarized in a table including information columns about school location, building design type, potential IR impacts (third party land uses) and action required (, design adjustments to avoid impact and preparation of due diligence or RP). While, the impact screening and assessment check lists should be annexed to the report for more site specific details. Quantified data and provided a rationale for suggested decision on IR impacts and requisite LAR documentation including preparation of RPs for sites with IR impacts will help to guide on actions required for effective safeguard planning, preparation and implementation.

B. Consultations with Stakeholders

9. This section should explain i) project stakeholders including primary stakeholders and secondary stakeholders, ii) describes consultation methodologies/tools used and iii) compile consultation and information dissemination findings by summarizing consultation results highlighting concerns raised by community and measures suggested to address those in project execution. This may also elaborate the information disclosure requirements and plan to continue consultations during project execution.

C. Institutional set-up for IR plaining and management.

10. This Section should give a brief on EA's institutional capacity with proposed actions to enhance EAs capacity on safeguards management particularly focused t point below.

- a. Available and proposed institutional set-up.
- b. Capacity development program.

D. Review of Grievance Redress Mechanisms and proposed actions.

11. A brief note on grievance redress mechanism and system (formal and informal) in practice for each project district should be provided as background and the project specific GRM with formal and informal nodes should be elaborated.

V) CONCLUSION AND RECOMMENDATIONS

12. Based on DDR findings, the project school sites without IR/IP impacts and With IR and IP impacts should be concluded and clearly earmarked in each project district contract package. Accordingly, i) design measures to be considered to avoid IR impacts during detailed design, ii) following detailed design, timed action plan for updating of DDRs and iii) further IR/IP investigations and preparation of RPs for project school sites with identified IR impacts should be recommended.

Annex- III**Outline of a Land Acquisition and Resettlement Plan**

This outline is part of the Safeguard Requirements. A RP 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 RP.

I. Executive Summary

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

II. Project Description

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

III. Scope of Land Acquisition and Resettlement

This section:

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

IV. 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:

- Define, identify, and enumerate the people and communities to be affected;
- Describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- Discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- Identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

V. Information Disclosure, Consultation, and Participation

This section:

- Identifies project stakeholders, especially primary stakeholders;
- Describes the consultation and participation mechanisms to be used during the different stages of the project cycle;

- Describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- Summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- Confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- 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 affected persons during project implementation.

VI. Grievance Redress Mechanisms

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

VII. Legal Framework

This section:

- 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.
- Describes the legal and policy commitments from the executing agency for all types of displaced persons;
- 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.
- Describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

VIII. Entitlements, Assistance and Benefits

This section:

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

IX. Relocation of Housing and Settlements

This section:

- Describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- Describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;

- Provides timetables for site preparation and transfer;
- Describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- Outlines measures to assist displaced persons with their transfer and establishment at new sites;
- Describes plans to provide civic infrastructure; and
- Explains how integration with host populations will be carried out.

X. Income Restoration and Rehabilitation

This section:

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

XI. Resettlement Budget and Financing Plan

This section:

- 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.
- Describes the flow of funds (the annual resettlement budget should show the budget scheduled expenditure for key items).
- Includes a justification for all assumptions made in calculating compensation rates and other cost estimates (considering both physical and cost contingencies), plus replacement costs.
- Includes information about the source of funding for the resettlement plan budget.

XII. Institutional Arrangements

This section:

- Describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- Includes institutional capacity building program, including technical assistance, if required;
- Describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
- Describes how women's groups will be involved in resettlement planning and management.

XIII. 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.

XIV. Monitoring and Reporting

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

Annex-IV

Guidance Note on Handling Compensation Cases with Legal and Administrative Impediments	
Policy Requirement	Pay compensation and provide other resettlement entitlements before physical or economic displacement. ¹⁰
Key Issues	<p>1. ADB Safeguard Policy Statement (SPS 2009) requires the borrower/client to ensure that no physical displacement or economic displacement will occur until (i) compensation at full replacement cost¹¹ has been paid to each displaced person (DP) for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan have been provided to DPs; and (iii) a comprehensive income and livelihood rehabilitation program, supported by an adequate budget, is in place to help DPs improve, or at least restore, their incomes and livelihoods. While compensation is required to be paid before displacement, full implementation of the LARP might take longer.¹² To ensure policy compliance, specific provisions are included in the Project/Loan agreements to keep on-hold civil works until compensation payments are fully paid to the DPs.</p> <p>2. Compensation for both land and non-land assets is deemed to have been paid when the amount in cash or cheque has been provided to DPs¹³ or deposited into their bank account, or in an escrow account.¹⁴ Depositing the compensation in an escrow account, in lieu of providing cash or cheque to the DP is justified only when sufficient good-faith efforts and all legal requirements for contacting and notifying the DPs have been made.</p> <p>3. Pakistan's Land Acquisition Act (1894) allows the government to take possession of the acquired land once land award has been made as per LAA Section 11, and payment has been made or deposited to the court as per LAA Section 31. Accordingly, the Collector is required to pay the full amount to the DP, unless (a) the DP refuses to receive the amount, (b) there is no competent person to receive the compensation, or (c) if there is a dispute as to the title to receive the compensation. Such cases may be referred to the court and the compensation amount deposited in the court.¹⁵ In case the DPs or their representatives did not come forward to collect their compensation, the amount may be deposited in the Revenue Department payable to the DPs, after exerting due efforts to contact and encourage them to appear and notifying the DPs in which treasury the deposit has been made.¹⁶ Similarly, the Acquiring Officer is required (as per SO 28), to the extent</p>
<i>SPS and legal covenants</i>	
<i>When is compensation considered paid?</i>	
<i>LAA requirement on compensating before displacement</i>	

¹⁰ See Involuntary Resettlement Safeguards Policy Principle 11, ADB Safeguards Policy Statement (2009), page 17.

¹¹ SPS defines full replacement cost for land and non-land assets as based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In case of non-land assets, depreciation of structures and other assets should not be taken into account. See SR 2: Involuntary Resettlement, ADB SPS (2009), para 10.

¹² See SR 2: Involuntary Resettlement, ADB SPS (2009), para 14.

¹³ Displaced persons include: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The borrower/client is required to provide adequate and appropriate replacement land and structures or cash compensation at full replacement cost for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance, if applicable, prior to their relocation. DPs without legal rights to the affected land should be compensated for the loss of their non-land assets, and for other improvements to the land, at full replacement cost prior to their relocation provided they occupied the land or structure before the cut-off date. See SR 2: Involuntary Resettlement, ADB SPS (2009), para 7-8.

¹⁴ An escrow account is a separate, dedicated or trust bank account for keeping money that is the property of others. It is relevant in the case of absentee landlords whose property is acquired for a public purpose, or when there is litigation regarding the compensation amount for land acquisition. This mechanism enables payment of compensation once the legal cases were settled and ownership documents were submitted. Source: A Planning and Implementation Good Practice Sourcebook – Draft Working Document, ADB November 2012, para 152.

¹⁵ Reference to the court may only be made after the lapse in the period in Section 18 (2) of the LAA.

¹⁶ Financial Commissioner Standing Order No. 28 Land Acquisition, para 88 (V), page 29

	<p>possible, to make payments to DPs in or near the village to which the DPs belong to, in order to reduce the amount of undisbursed compensation payments.</p> <p>4. Both the LAA (1894) and ADB SPS (2009) require that DPs are compensated before displacement, but allow a mechanism for dealing with cases with legal and administrative impediments to disbursing compensation payments provided that sufficient good-faith efforts are demonstrated in (a) contacting, notifying and assisting DPs, and (b) delivering compensation payments. This guidance note clarifies:</p> <ol style="list-style-type: none"> i. What are cases with legal and administrative impediments to payment of compensation to DPs? ii. What are the requirements under the LAA related to cases with legal and administrative impediments to payment of compensation to DPs?; and, iii. When can good-faith efforts be considered as sufficient and how to document that good-faith efforts have been made?
<p><i>Cases with legal and administrative impediments</i></p>	<p>5. Cases with legal and administrative impediments to payment of compensation include:</p> <ol style="list-style-type: none"> i. DPs who did not accept the award due to objection to the measurement of the land or affected asset, the amount of compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested; ii. Absentee land owners (DPs living overseas or in other parts of the country), and without an authorized representative to collect compensation; iii. DPs with pending inheritance mutations; iv. DPs unenthusiastic to collect meager compensation amount; v. DPs unable to alienate the acquired asset either being a juvenile with no legally documented guardian or due to other issues.
<p><i>Cases not valid as legal and administrative impediments</i></p>	<p>6. Non-disbursement/non-delivery of compensation due to (a) insufficient funds or delay in approval of funds; or (b) insufficient staff or resources does not justify payment of compensation to DPs after displacement. EAs/IAs have the power and responsibility to ensure that sufficient funds and staffing are available in a timely manner to undertake the required land acquisition. Similarly, non-compensation of affected non-land assets (structures) and improvements owned by DPs who have no formal rights to the affected land is not considered as a valid legal and administrative impediment (see footnote 4).</p>
<p><i>Why is it important to address cases with legal and administrative impediments?</i></p>	<p>7. DPs facing legal and administrative impediments could only be paid when they overcome those and in such cases, it is uncertain when DPs will actually receive their compensation, causing untoward delay in project execution due to complaints received from the DPs and burden to local communities and project stakeholders. More importantly, these impediments prevent the project from assisting these DPs to enhance, or at least restore, their livelihoods and to improve the standards of living of the displaced poor and other vulnerable groups.</p>
<p><i>Good-faith efforts for cases with legal and administrative impediments</i></p>	<p>8. Although compensation of these DPs is beyond the control of the EA, and are mainly dependent of the actions of the DPs or ruling/decision from a third-party i.e. the court or BOR, good-faith efforts are needed from the EA/IA to (a) contact and notify DPs through their last known address, village heads or kin; (b) inform DPs who to contact or where to proceed to collect their compensation; and (c) possible actions that may help them receive their compensation.</p>

<p><i>Need for sustained community outreach</i></p>	<p>9. It is important that the LAR management team¹⁷ undertakes continued community consultations and outreach to locate, assist and guide DPs with legal and administrative impediments. Documentation of the efforts by the LAR management team including multiple visits¹⁸ to villages with pending compensation payments, organizing village meetings, posting of notices in public places, serving notices at last known address of DPs and publishing the names of unpaid DPs in the print media is needed to demonstrate that due efforts were conducted in addressing cases with impediments.</p> <p>10. Some issue-specific measures to confirm DPs understanding about the availability of compensation, payment mechanism, time-lines as well as DPs agreement to the commencement of works (wherever required) while the issue is being resolved can help show and validate the efforts exhausted by the EA to achieve the policy objectives, and enable the decision makers to allow the construction works accordingly. For each issue, documentation requirements and recording of certification statements are discussed below and standard templates for additional documentation are provided against each issue as and wherever required:</p>
<p><i>Cases with title disputes and litigation</i></p>	<p style="text-align: center;">i) Land Title Disputes or Litigations amongst the DPs or Court References Against Award</p> <p>11. Where the DPs have title disputes before the competent courts of law or have filed references against award, payment of compensation could only be made after the court decrees which may take years. Further, right to appeal against court's decree cannot be forfeited or denied under law which could further delay the payment. In such cases, payment of compensation in a given time frame is impossible and it would be appropriate to deposit compensation in treasury at courts disposal to make sure the DPs are paid as and when court verdicts passed. For these cases, the process provided in the succeeding paras should be followed.</p> <p>12. Immediately after identifying such cases, the EA after seeking court's permission should deposit the compensation in the court for payment to DP as and when court decides their reference or title dispute. The receipt and records for such deposits should be maintained at the EA's project office. Meanwhile, the EA through its LAR staff should liaise with the DPs to inform them about the compensation payment mechanism and compensation deposited in the treasury or the court. The EA's project office should prepare and maintain the following record:</p> <ul style="list-style-type: none"> • Database/listing and field reports on activities done to identify and screen DPs with their legal/administrative issues including nature of dispute and reference court where pending • Field reports on activities done to coordinate with the DPs for early resolution of their issues and with courts for seeking permission/guidance and deposit of compensation in treasury at court's disposal. • Copy of the delivery of notices (with signed receipt) to the DPs confirming deposit of amount at court's disposal and clarifying mechanism for payment.

¹⁷ The LAR management team may include Land Acquisition and Resettlement Staff engaged by the EA i.e. EA's Land Management Staff, Land Acquisition Collector deputed by BOR, Resettlement Specialists and social mobilizers either recruited by the EA or mobilized through Consultants (Safeguards Management or Construction Supervision Consultants) to support the EA in effective LAR management..

¹⁸ Repeated visits in three consecutive months scheduled for each village by the Land Acquisition Collector/Land Acquisition Unit of the EA to deliver compensation to unpaid DPs and identify those with legal and administrative impediments. The repeated visits should be documented showing visit schedule, information disclosure reports, list of persons met and field visit reports duly endorsed by the local community and the village headman confirming number of identified DPs with legal and administrative impediments.

Absentee land owners**ii) Absentee Land Owners (DPs Living Overseas or in Other Parts of the Country).**

13. Many rural households migrate to cities for better livelihood opportunities and standard of living. Moreover, hereditary division over time resulted in the segmentation of agricultural land parcels into unproductive units. While some families with land and assets in different parts of the country divide their land based on their places of residence, many do so without legally formalizing such settlements and getting land records updated accordingly. Some family members who have migrated overseas permanently or for livelihood had land in their name or retained their respective share in family-owned land as per land revenue records. All such land owners who own or have share in the land as per record but are not living in the village are termed as absentee land owners.

14. Whenever the land is acquired, the absentee land owners¹⁹ are also shown as affected persons to the extent of their share in that land. The compensation to absentee land owners could not be made due to their non-appearance for processing and payment of compensation. LAA requires that notices are delivered against each land parcel either through (a) co-sharers in the acquired land parcel, (b) DPs relatives living in the village, or (c) through the village headman. The legal requirement is to serve notices to DPs at their places of residence either through special messenger or registered post, which can only be met if the whereabouts and residence of the absentee land owners is known. An additional measure that may be considered to notify absentee land owners whose whereabouts are unknown is by publishing their names in print media (National Daily News Paper).²⁰

15. It is vital to collect information about the DP's contact details including the mailing and residential address to reach out to and facilitate absentee DPs in receiving payments. The following measures are proposed to contact absentee landowners and maintain record of all efforts made by the EA:

- Identify and record DPs relation in affected village or local contact person, collect information about DP's present place of residence. See template 1 below:

Template 1: Record on DPs not living in the project area (other villages/cities in Pakistan or Overseas).						
						Date Prepared: _____
Name of Village _____		Tehsil _____		District _____		
#	Name of DP	Impact Type	Person contacted in village and his cell No.	Relationship with DP	Current Residence of DP with contact No.	Remarks
1	Add DP name as of impact inventory	Add Impact, i.e., „Land Tree Crops Structure etc.	Add name of person contacted with his cell number and other particular if any	Uncle, Brother, neighbour etc	Add current address of DP with contact number and city/country of residence.	Signature of the Person contacted
2						
3						
4						
Information Collected By		Witnessed by		Information verified by		
Sd _____ :		Sd. _____ (headman or DPC President/member) :		Sd _____ :		
(SM team names) _____ :		(Name of headman/president or member committee): _____ :		Resettlement Specialist. _____ :		

- Deliver formal notice to the DP's last known address (recorded in template 1) through registered post with acknowledgement receipt attached.

¹⁹ Land owners who are recorded in the land holding rights register as owners but they have shifted from the village to other areas in the country or overseas for better income opportunities and living standard.

²⁰ InNTCHIP tranche-1 and NHDSIP tranche –II projects (i.e M-4 Faisalabad-Gojra Section (ADB Loan 2400) and Sukkur-Jacobabad (N-65) (ADB Loan 2540)) and the National Motorway M-4 Gojra-Shorkot Section Project (ADB Loan 3300), the notices with the names of the DPs who have not come forward to collect compensation were published in the National News Papers (Urdu language) as a last resort effort to approach unpaid DPs for compensation delivery.

Make sure to keep on file as scanned-copy of the notice and acknowledgement receipt.

- In case no contact person or relative of the DPs is identified in the village and the local community confirms DPs whereabouts are unknown, a certification statement from any of the resident land owner in the village preferably by the president or member of the Displaced Persons Committee (DPC) and duly witnessed by (a) the village headman and, (b) land revenue patwari should be recorded and maintained. See Template 2 below (to be translated to Urdu).

Template 2: Statement from Village headman or other notable in village/area when the whereabouts of DP are not known

Date prepared: _____

Particular of DP and acquired land parcel

Name of DP _____ (enter DP Name with Parentage) Resident of _____ (Enter DP Last known address) Land Plot _____ KhasraNos _____ Located Village _____

Statement:

I _____ (put name here) _____ the president/member of village DPC or local resident land asset/owner, on behalf of the other residents in village solemnly declare that:

- The DP and his family owned acquired land as per land records but for last (-----) they have never been seen in the village.
- To my information, the DP and his family never lived in village, neither any relative of DP lives in village/area nor any of the village resident know the whereabouts of the DP and his family.
- I affirm that the EA with assistance of DPC has exerted full efforts to outreach the DPs in village and those living in other areas and clarified that compensation cost for unpaid DPs is deposited in treasury that can be claimed as and when the DPS show-up to claim.
- This statement is given free of coercion and compulsion which is witnessed by the Village Headman and land revenue Patwari of village -----.

The Declarant

Sign/Thumb Impression

Name _____

Village Headman/Local resident land owner _____

Resident of _____

Witnessed By

We the Village Head man and land revenue Patwari of village _____ (Put village name here), personally know Mr/Mrs _____

President/member of DPC or local resident land owner of village _____, and witness veracity of statement made by him affirming that the

DP Named _____ (Put name of DP here) himself or any of his family members are not living in village/area since/for ----- and their current places of residence are not known to any of the local residents in village.

Signed

Signed

Name: Mr. _____

Name: Mr. _____

Village Headman Chak. _____

Land Revenue Patwari Chak. _____

DPs with pending inheritance mutation

iii) DPs with Pending Inheritance Mutations

16. Land records are maintained by the local land revenue authorities who are responsible to enter land mutation transactions as and when reported by the landowners and update land records accordingly. In case of inheritance mutations, some heirs of DPs who passed away fail to get inheritance mutations recorded and get land records updated accordingly. Further, on an average land acquisition process is completed almost in two years and during the course of acquisition or after land awards are announced some DPs pass away without receiving their entitled compensation. Although the legal heirs of the deceased DP are eligible for compensation, they could not be paid until the inheritance mutation is recorded and remaining land of deceased DP is transferred in their name.

17. Under the law, heirs of the DP should report and apply to the local land revenue authorities about the demise of the DP and apply for the updating of the land record. Upon receipt of the application, the land revenue authorities undergo a legal process to record the inheritance mutation, update the land record reflecting the names of legal heirs and their respective shares in the land record. When it is done, the compensation can be paid to the legal heirs as per their respective share. This process normally takes three to four months. For cases where inheritance mutations are not timely reported, recording becomes more difficult and can take a longer period to complete.

18. When it is determined that the DP has passed away, the LAR management team should coordinate with the legal heirs of the DP for apprising them the process for compensation payment and assist them in approaching land revenue authorities to get their inheritance mutations recorded. The LAR management team should carry-out the following activities to facilitate the mutation of inheritance and early payment of compensation to the heirs and document their efforts:

- Identify all living legal heirs of the DP, visit the heirs residing in the village and guide them on the process and facilitate in inheritance mutation process:
- Collect a statement from the legal heirs²¹ confirming that their inheritance mutation of land is pending, acknowledging the EA's efforts to assist them, indicating awareness that funds are available for compensation delivery, and concurring that works may commence while their inheritance mutation is being processed.
- Keep copies of the signed statement in the EA project office files. See Template³ below (to be translated to Urdu):

Template 3: Inheritor's Statement When Inheritance Mutation is Pending	
	Date Prepared: _____
Particulars of DP and acquired land parcel	
Name of DP _____ (enter DP Name with Parentage as of land record), owner of Acquired Land Plot _____ Khasra Nos _____ Located in Village _____, District _____ Province _____	
Statement by the Inheritor's	
We the persons listed below as legal heirs of DP---(put name of DP here)----- against acquired land referred above solemnly declare that:	
<ul style="list-style-type: none"> • The inheritance mutation of above said acquired land is pending; • We understand that compensation can be claimed/paid according to inheritance mutation recorded in land record and we are coordinating with the Land Revenue Authorities in this regard; • _____ (Name of Staff, Office and EA) has clarified that compensation amount already deposited in treasury can be paid to legal heirs as and when the inheritance mutation issues are resolved; • We have no objection to the commencement project works on our plot while our inheritance mutation of land is being processed; and • This statement is given free of coercion and compulsion which is witnessed by Village Headman and APC president. 	
The Declarant	
Sign/Thumb Impression Name _____ Resident of _____	Sign/Impression Thumb Name _____ Resident of _____
Sign/ Thumb Impression Name _____ Resident of _____	Sign/ Thumb Impression Name _____ Resident of _____
Sign/ Thumb Impression Name _____ Resident of _____	Sign/ Thumb Impression Name _____ Resident of _____
Witnessed By	
We the Village Headman and President APC village-----, personally know the above signatories as legal heirs of the DP, and confirm and witness the statement above.	
Signed Name: Mr.----- Village Headman Chak-----	Signed Name: Mr.----- President DPC Chak-----

iv) DPs Who are Unable to Alienate the Acquired Asset:

19. The DPs who being a minor/juvenile or because of mental disability/lunacy are not capable to alienate the acquired land under law and so could not be compensated directly. The law provides that compensation could be paid through legally-designated guardians or managers who can act and alienate the immovable property on behalf of the minor or the lunatics. In cases where the guardians are not designated by the court, the compensation remains pending until the minor attains the age of majority and claim compensation.

²¹ To the extent possible, all legal heirs living within the village should sign the Statement. If some heirs are not available to sign, the LAR management team should prepare a field report indicating who are the heirs who were not able to sign the statement and the circumstances why they were not able to sign i.e. out of the village or country, ill, etc. The LAR management team should also record the names of heirs who are out of the village or country and their last known address and advise the other heirs to relay the information to those who are away.

DPs unable to alienate the land

20. It is common that children inherit their parents' immovable properties, but is kept in possession and used by adult male members of the extended family or kinship group as a joint family asset. It is not a common practice to appoint guardians following the Guardians and Wards Act of 1890. Hence, compensation of DPs with minor ages kept on-hold until the DP becomes of legal age unless a valid guardian certificate is produced. Although such cases are not many, it is important to guide the adults who provide care to these minors or lunatics to approach the right forum or court for appointing a guardian under law.

21. It is recommended that the LAR management team to carry-out the following activities in dealing with pending guardian's appointment and in documenting its efforts:

- Coordinate with the Living Parent or other grown up members of the household the DP is living with, guide them on the process of appointing a guardian.
- Collect a certification statement from the Living Parent or other grown up member of the household the DP is living with, that i) confirms EA's efforts to notify and guide them and secure funds for compensation payment, ii) states that the appointment of guardian is pending, and iii) concurs to the commencement of civil works on the plot while the guardianship certificate is being processed. Such statement should be witnessed by the village headman and the village DPC chairman or member. See Template 4 below(to be translated to Urdu).

Template 4: Guardian Statement if DP is Juvenile

Date Prepared: _____

Particular of DPs and acquired land parcel
 Name/Names of DPs i) _____ (enter DP Name/names of DPs with Parentage), ii) _____ and iii) _____ Resident of _____ (Enter DP current address) _____ Own acquired Land Plot _____ KhasraNos _____ Located Village _____

Statement by Guardian
 I _____ (put name here) _____ the (mother/father/brother/sister/uncle (put relation of elder with whom the minor DP/DPs lives) of DP/DPs i), _____ (put name of DP/DPs here) ii), _____ iii) _____ as natural guardian solemnly declare that:

- The DP/DPs is/are minor who lives with me and as natural guardian of DP/DPs, I am responsible for his/her/their well-being and bringing him/her/them up;
- _____ (indicate name of staff, unit, and EA) has clarified that compensation amount, already deposited in treasury, can be paid to legal guardian of DP/DPs after production of the valid Guardian Certificate issued by the competent court;
- A petition for issuance of guardians certificate is filed/being filed in the competent court and the court's decision is pending;
- The awarded compensation in name of DP/DPs will be collected upon issuance of guardian's certificate by court; however, as natural guardian I have no objection to commencement of project works; and
- This statement is given free of coercion and compulsion which is witnessed by Village Headman and DPC president.

The Declarant
 Sign/Thumb Impression _____
 Name _____
 Relationship with DP _____
 Resident of _____

Witnessed By
 We the Village Headman and President APC village-----, personally know Mr/Mrs _____ and witness veracity of statement made by confirming that the Minor DP/DPs named above lives with him/her in village/city (Put name of village city here).

Signed _____ **Signed** _____
 Name: Mr.----- **Name: Mr.-----**
 Village Headman Chak----- **President DPC Chak-----**

v) DPs with Meagre Compensation

22. The compensation amount itself proves driving factor for DPs to submit their claims. In cases where small land holdings are in joint ownership with a number of entitled persons, corresponding compensation amount shares for each DP become very small (\$100 and below). A good number²² of DPs fall in this category and they never show-up to collect compensation. The situation is further aggravated when

²² In the National Motorway M-4 Gojra-Shorkot Section Project, almost ± 10% DPs are entitled to a compensation below 100 US \$.

<p><i>DPs with meager compensation</i></p>	<p>such DPs also face other legal or administrative issues like pending inheritance mutations of acquired land or living overseas and other parts in the country.</p> <p>23. Although the law provides a mechanism that includes payment in cash at the village or compensation payment through money order in case of absentee land owners²³, such is no longer practiced. The only available mode is payment through voucher debit-able to the treasury which requires the DP to travel repeatedly to the district/tehsil headquarter to receive their compensation, making the transportation cost higher than their compensation.</p> <p>24. It is recommended that the LAR management team to explore other payment modes allowed under the LAA including cash payment or payment through money order if the DP is living out of project area. If such unclaimed compensations are deposited at court's disposal as legal remedy, it will be of no gain because a significant number of the DPs will remain unpaid. Following actions should be taken and recorded to explore specific measures and seek guidance from BOR in this aspect.</p> <ul style="list-style-type: none"> • Define a maximum slab of amount to be termed as meagrecompensation and get it endorsed by the EA; • Document coordination efforts with BOR including i) official correspondence and ii) meetings with BOR to seek guidance on the issue at the project and EA levels. • Maintain a record of actions taken by the project team for payment to DP or deposit of compensation at court's disposal following guidance from BOR.
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²³ Rule 87, Financial Commissioner's (Board of Revenue) Standing Order No 28 (1909) on land acquisition procedures.