

Social Safeguards Due Diligence Report

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India: Maharashtra Rural Connectivity Improvement Project—Additional Financing

Prepared by Maharashtra Rural Roads Development Agency, Government of Maharashtra for the Asian Development Bank.

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CURRENCY EQUIVALENTS

(As of 15 February 2020)

Currency Unit: Indian Rupee (₹)
US\$1.00 = ₹71.6

ABBREVIATIONS

| | |
|---------|--|
| ADB | Asian Development Bank |
| AE | Assistant Engineer |
| AP | Affected Person |
| BPL | Below Poverty Line |
| CC | Cement Concrete |
| CD | Cross Drainage |
| CPF | Community Participation Framework |
| CPP | Community Participation Plan |
| DRR | Due Diligence Report |
| EE | Executive Engineer |
| FGD | Focus Group Discussion |
| GP | Gram Panchayat |
| GRC | Grievance Redress Committee |
| GRM | Grievance Redress Mechanism |
| IR | Involuntary Resettlement |
| MGNREGA | Mahatma Gandhi Rural Employment Guarantee Act |
| MMGSY | Mukhya Mantri Gram Sadak Yojana |
| MRCIP | Maharashtra Rural Connectivity Improvement Project |
| MRRDA | Maharashtra Rural Road Development Association |
| MOU | Memorandum of Understanding |
| MFF | Multi-tranche Financing Facility |
| PD | Project Director |
| PDS | Public Distribution System |
| PIU | Project Implementing Unit |
| PMGSY | Pradhan Mantri Gram Sadak Yojna |
| PMU | Project Management Unit |
| PRI | Panchayati Raj Institution |
| RoW | Right of Way |
| SC | Scheduled Caste |
| SPS | ADB's Safeguards Policy Statement, 2009 |
| SSDDR | Social Safeguard Due Diligence Report |
| ST | Scheduled Tribe |
| VAP | Vulnerable Affected Person |

GLOSSARY

Affected Persons (APs): Affected persons are people (households) who may lose their land or source of livelihood due to voluntary donation for the project. It may be all or part of their physical and non-physical assets, irrespective of legal or ownership titles.

Encroacher: A person, who has 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.”

Gramsabha Resolution: A resolution drawn up by unanimous and collective decision of villagers. The resolution drawn up for the purpose of the project refers to identification of the affected persons, extent of their losses by unique identification and signed consent of the affected persons to donate voluntarily the identified assets for the project purpose. The resolution is also signed by the village sarpanch, village president and other villagers including senior citizens of the village.

Panchayat: An institution (by whatever name called) of self-government for rural areas constituted at the village, intermediate, and district levels under article 243B of the Constitution of India. A panchayat is a body of directly elected people responsible for development of activities in an area. The three levels of panchayat comprise gram panchayat at village level, intermediate panchayat at block level, and zilla panchayat at district level. In Madhya Pradesh, the village panchayat is empowered to execute undisputed cases of land mutation.

Village level mechanism for grievance redress: Village committees are constituted comprising the village sarpanch, village president and senior citizens for the purpose of redressal of grievances

Sarpanch: Elected head of the Gram Panchayat

Vulnerable Affected Person (VAP): Vulnerable people affected by the project are defined as (i) households living below the poverty line as per the state poverty line for rural areas; (ii) households who will lose income and move below the poverty line as a result of loss to assets and/or livelihoods; (iii) households losing structure, households headed by women, scheduled caste, scheduled tribe, or the disabled.

Zilla: A district which is the first administrative division at the state level.

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I. INTRODUCTION

1. This Social Safeguards Due Diligence Report (SSDDR) outlines the findings of social safeguard screening and covers 100% of the Maharashtra Rural Connectivity Improvement Project (MRCIP) – Additional Financing. During the design phase, MRCIP management and ADB agreed that the Project will avoid all impacts to involuntary resettlement and Indigenous Peoples. MRCIP- Additional Financing will therefore not trigger ADB's Safeguard Policy Statement 2009. MRCIP has been designed to avoid impacts to Indigenous Peoples communities and involuntary resettlement. The project will not use eminent domain to acquire land, nor cause any physical or involuntary economic displacement.

II. PROJECT DESCRIPTION

2. Under Mukhya Mantri Gram Sadak Yojana (MMGSY), the Maharashtra Rural Road Development Association (MRRDA) plans to upgrade 30,000 Km of rural roads in 34 rural districts of Maharashtra. **Figure 1.1** presents the location of project districts where the rural roads are located. MRRDA requested Asian Development Bank (ADB) to finance US \$500 million for the 2019-2020 road improvement programme (Phase V) that will cover approximately 6300 km of rural roads in the state. ADB approved Loan 3805-IND: Maharashtra Rural Connectivity Improvement Project (ongoing project) on 7 August 2019 for an amount of \$200 million from its ordinary capital resources. The loan and project agreements were signed on 6 September 2019. The ongoing project will improve 799 rural roads amounting to around 2150 km.

3. The proposed project Maharashtra Rural Connectivity Improvement Project (MRCIP) – Additional Financing is programmed as a 2022 firm project in ADB's country operations business plan (COBP) 2020–2022 for India.¹ The Rural Development Department, Government of Maharashtra will be the executing agency and MRRDA will be the implementing agency. The MRCIP-Additional Financing will improve 1100 rural roads and 230 bridges amounting to around 2,900 km. The project will improve connectivity between rural communities, productive agricultural areas, and socioeconomic centers in Maharashtra. The overall MRCIP aims to achieve the following outputs:

4. **Output 1: Conditions and safety of selected rural roads improved and maintained.** The project will improve the condition of about 5,000 km of rural roads including 236 bridges—connecting rural communities with productive agricultural areas and socioeconomic centers—to all-weather standards, with climate resilience and safety features.² The roads and bridges will incorporate climate resilience measures such as improved cross and side drainage, increased surface elevations, and stronger embankments in the designs. Environmentally friendly alternative sealing options such as asphalt blended with plastic waste will be piloted on selected road segments. Other new technologies such as fiber reinforced concrete and pre-cast concrete arch bridge will also be piloted for further practical application in similar settings. The roads and bridges will be covered under contractual maintenance for 5 years following construction.³

5. **Output 2: Capacity of rural infrastructure agency and awareness among road users in the state enhanced.** Capacity development of rural infrastructure agency will involve training

¹ ADB. 2019. *Country Operations Business Plan: India, 2020–2022*. Manila

² Roads were selected from the priority list of the district road development plans. Safety measures include cautionary and information signs, guard posts, and speed breakers.

³ The same contractors that build the roads will perform routine maintenance for 5 years. The government will finance all maintenance costs.

MRRDA on road safety, road asset management, contract management, climate resilient design and construction, and impact evaluation of the project. A mobile mapping tool will also be introduced to regularly monitor the progress of the works and evaluate the development impacts along the project roads. Capacity development of road users in the state will include (i) improving road users' awareness on road safety and gender-based violence (including sexual exploitation, human trafficking, and prevention of sexually transmitted infections); and (ii) enhancing women workers' road construction and maintenance skills. Under this output, the project team will develop manuals for construction and maintenance of rural roads with climate-resilient and gender-inclusive designs.

6. It has been agreed that the project roads under MRCIP—Additional Financing will not have any land acquisition. Construction will be carried out mostly within existing road corridor/right-of-ways,⁴ with widening and minor realignments in some cases, which will require narrow strips of land to be made available. In such cases, the voluntary land donation system will be used in keeping with ADB's overarching safeguard policy, to "avoid adverse impacts of projects on the environment and affected people, where possible" (SPS 2009, para 43).

7. Similar to ongoing MRCIP project, the proposed 1100 roads under MRCIP-Additional Financing are existing narrow roads and tracks of varying width. Most of the 230 bridges proposed are existing but in damaged condition. The roads are located in 34 districts while the bridges are located in 30 out of the 36 districts in the state. The proposed project design aims to improve the existing roads and bridges, add safety and climate resilient features where possible. All design features were finalized in consultation with the individuals and communities living alongside the road and the habitations directly linked by the bridges. The project's design features include: widening narrow roads, provision of side drains, adequate and appropriate cross drain structures, community protection measures including retaining walls, addressing road safety issues viz. junction improvement, speed control measures at sensitive locations (speed bumps, signage etc.), and the shifting of utility structures close to the carriage way.

8. From the safeguards point of view, the project adopts the following basic principles:

- (i) That the project benefits will realistically offset the size of the donated land;
- (ii) In case negotiations for voluntary land donation fail, eminent domain or other powers of the state will not be used;
- (iii) The donation will be limited to only land and minor assets (houses and major assets will be excluded from donation); and
- (iv) For households donating land, no physical displacement will take place.

9. There is very limited requirement of additional land for the project as the works will be carried out mostly within the existing road corridor/right-of-way. Narrow strips of additional land will be required to address road safety, bridge approaches and short-term construction-related requirements viz. diversion for construction of cross drainage (CD) structures. In such cases, eminent domain will not be used but instead a voluntary land donation system will be used in accordance with ADB's requirements. The government will ensure (i) full consultation with landowners and any non-titled affected people on alignment selection; (ii) that voluntary donation does not severely affect the living standards of the affected persons, (iii) that any voluntary donation is confirmed through verbal and written record; and (iv) that an adequate grievance redress mechanism is in place.

⁴ The Government of Maharashtra has legal ownership of the right-of-ways.

10. Further to these, modifications to the design by reduction of carriage width within congested habitation areas, alignment shifts, and modifications in cross-sections etc., to the extent required from safety considerations has been considered to avoid involuntary resettlement. Local community consultation and transect walks in each proposed road has been extensively carried out to screen the likely impacts on land and road side structures due to the project.

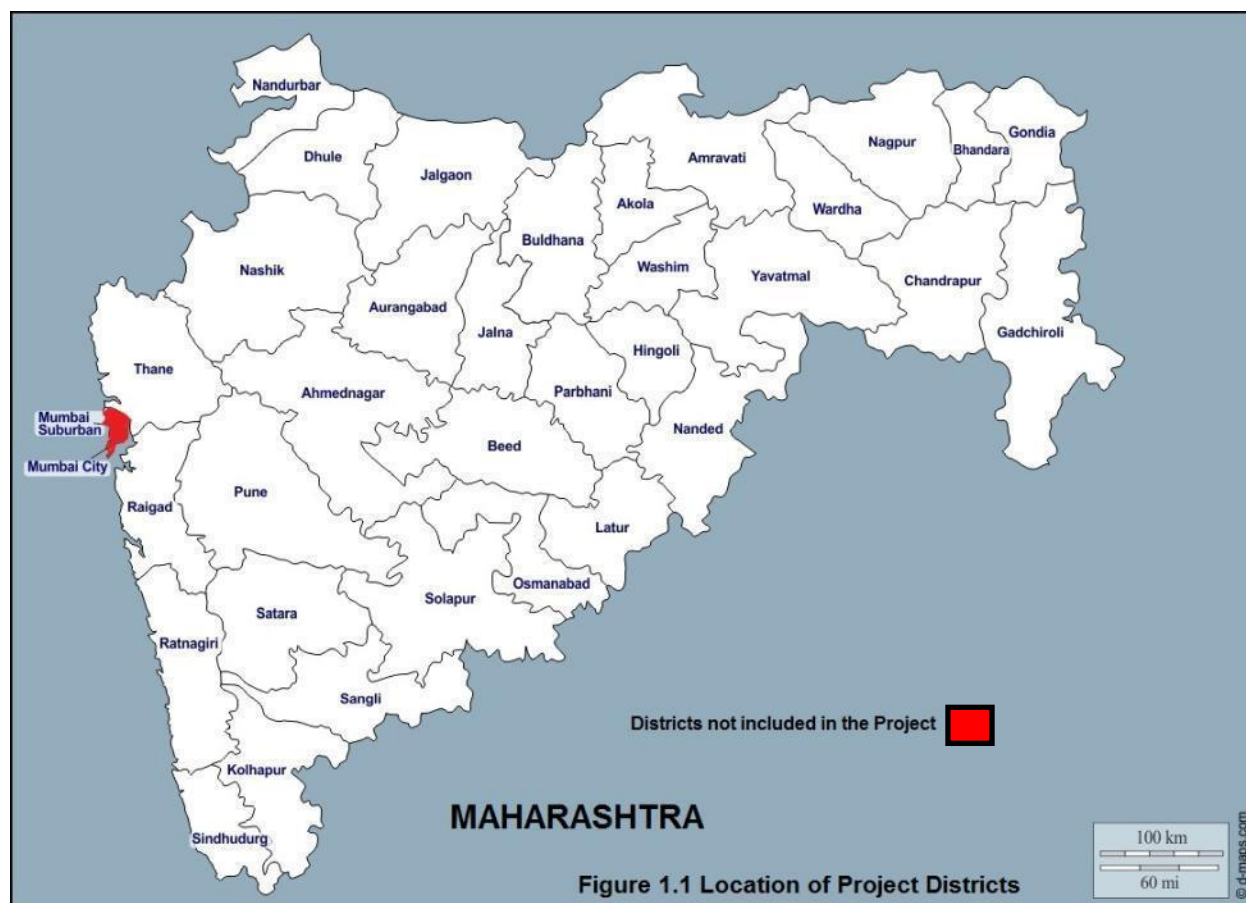
11. Below table 1.1 summarizes the road lengths and bridges proposed in each district respectively.

Table 1.1 District wise Details of Proposed Roads

| SI No | District | Proposed Roads | | | Proposed Bridges | |
|--------------------------|------------|----------------|-----------------|---------------|-------------------|----------------|
| | | No. of Pkgs. | Number of Roads | Length (Km) | Number of Bridges | Length (Km) |
| 1 | Akola | 7 | 37 | 116.51 | 8 | 496.00 |
| 2 | Amravati | 7 | 24 | 73.01 | 12 | 510.00 |
| 3 | Buldana | 6 | 33 | 61.58 | 3 | 150.00 |
| 4 | Washim | 4 | 24 | 58.95 | 8 | 293.00 |
| 5 | Yavatmal | 9 | 32 | 74.90 | 2 | 66.00 |
| Amaravati Region | | 33 | 150 | 384.95 | 33 | 1515.00 |
| 1 | Aurangabad | 9 | 35 | 107.30 | 7 | 443.00 |
| 2 | Beed | 10 | 37 | 132.00 | 6 | 474.26 |
| 3 | Hingoli | 5 | 30 | 79.88 | 2 | 99.00 |
| 4 | Jalna | 10 | 34 | 127.85 | 6 | 228.00 |
| 5 | Latur | 10 | 32 | 80.45 | 7 | 324.00 |
| 6 | Nanded | 7 | 34 | 68.69 | 16 | 568.60 |
| 7 | Osmanabad | 9 | 63 | 132.26 | 13 | 675.08 |
| 8 | Parbhani | 10 | 40 | 96.15 | 4 | 276.00 |
| Aurangabad Region | | 70 | 305 | 824.58 | 61 | 3087.94 |
| 1 | Palghar | 7 | 23 | 57.58 | 8 | 265.50 |
| 2 | Raigad | 11 | 23 | 61.61 | 5 | 169.00 |
| 3 | Ratnagiri | 9 | 48 | 106.20 | | |

| | | | | | | |
|----------------------|------------|------------|-------------|----------------|------------|-----------------|
| 4 | Sindhudurg | 6 | 24 | 64.83 | 5 | 184.00 |
| 5 | Thane | 3 | 10 | 19.47 | | |
| Konkan Region | | 36 | 128 | 309.69 | 18 | 618.5 |
| 1 | Bhandara | 8 | 18 | 76.72 | 9 | 458.00 |
| 2 | Chandrapur | 7 | 15 | 64.11 | 9 | 455.10 |
| 3 | Gadchiroli | 2 | 2 | 9.78 | 2 | 70.00 |
| 4 | Gondia | 8 | 34 | 84.58 | 12 | 548.00 |
| 5 | Nagpur | 13 | 27 | 115.66 | 3 | 198.00 |
| 6 | Wardha | 7 | 28 | 90.65 | 19 | 639.00 |
| Nagpur Region | | 45 | 124 | 441.50 | 54 | 2368.10 |
| 1 | Ahmednagar | 11 | 66 | 167.51 | 7 | 288.00 |
| 2 | Dhule | 7 | 20 | 70.90 | 12 | 588.00 |
| 3 | Jalgaon | 10 | 33 | 107.29 | 20 | 793.00 |
| 4 | Nandurbar | 5 | 17 | 68.19 | 8 | 594.00 |
| 5 | Nashik | 8 | 39 | 101.92 | 8 | 406.00 |
| Nashik Region | | 41 | 175 | 515.81 | 55 | 2630.00 |
| 1 | Pune | 10 | 67 | 132.28 | 2 | 119.02 |
| 2 | Satara | 9 | 36 | 80.90 | | |
| 3 | Sangli | 8 | 38 | 92.93 | 1 | 55.00 |
| 4 | Solapur | 11 | 45 | 124.52 | 12 | 571.53 |
| 5 | Kolhapur | 8 | 32 | 57.96 | | |
| Pune Region | | 46 | 218 | 488.59 | 15 | 745.55 |
| State Total | | 271 | 1100 | 2965.12 | 236 | 10965.09 |

Figure 1.1 presents location of the districts in which the project roads are located.



III. SOCIAL SAFEGUARDS IN MRCIP

12. The project adopts the following strategy to address the social safeguards and other social risks in MRCIP

A. Participatory Project Planning, Voluntary Land Donation and Resettlement

13. The Community Participation Framework (CPF) establishes guidelines for community consultation that comply with ADB social safeguards requirements. The CPF details the procedural steps and requirements to be followed for all subprojects to be included under the Maharashtra Rural Connectivity Investment Program (MRCIP).

14. The project aims to improve rural roads in the state; generally a combination of existing bituminous roads, cement concrete (CC) roads in habitation areas and earthen roads to a carriage way standard of 3.75m. In case of limited land availability in habitation areas; CC roads of 3.5 m carriage way have been proposed.

15. Additional land required for road improvement including requirements to address road safety, bridge approaches and short-term construction-related requirement under the MRCIP has

been secured through voluntary donation by the land/asset owners. The CPF establishes the guidelines to ensure that donation is voluntary and the negative social and economic impacts due to the project will be avoided or minimized. The community consultation processes for the project preparation result in a set of documents that collectively serve as a plan for mitigating likely negative impacts of each subproject. This process follows the ADB social safeguard requirements involving voluntary donations:

- (i) full consultation with landowners and any non-titled people on site selection;
- (ii) ensure that voluntary donations do not severely affect the living standards of APs and are directly linked to benefits, with community sanctioned measures to replace any losses that are agreed through verbal and written record by affected people;
- (iii) verify that voluntary donations are in fact voluntary and did not result from coercion, confirmed through verbal and written record, verified by an independent third party, such as a designated non-government agency or legal authority and adopted through constitutional process; and
- (iv) adequate grievance redress mechanisms are in place.

16. In the CPF, Vulnerable households are defined as (i) those headed by women, (ii) Scheduled Tribes (ST), (iii) Scheduled Castes (SC), (iv) Disabled persons, (v) Households Below Poverty Line (BPL) as per the state poverty line for rural areas, (vi) Households who are or will become BPL as result of loss to assets and / or livelihoods and (vii) Households losing structures. Vulnerable APs are identified through census survey and support and additional assistance provided to them in the form of linking them with existing government and state rural development programmes.

B. MRCIP approach to Social Safeguards

17. MRCIP approach to avoid all impacts that trigger IR Safeguard of SPS 2009 is in keeping with ADB's overarching safeguard policy, to "avoid adverse impacts of projects on the environment and affected people, where possible" (SPS 2009, Para 43).

18. The Project has avoided triggering IR Safeguard of SPS 2009 by (i) screening 100% of the project for land acquisition requirements and (ii) designing the project to avoid involuntary land acquisition, physical displacement and involuntary economic displacement.

19. The Project will assess if it will directly or indirectly affect the dignity, human rights, livelihood systems, or culture of indigenous peoples.

20. The Project will use 'avoidance measures' to address all potential scenarios that could trigger IR safeguard of SPS 2009. During the screening process, potential impact scenarios were identified. These include where road improvements and bridges could (i) adversely impact groups of Indigenous Peoples, (ii) cause physical displacement to titled or non-titled persons, (iii) encroach on private land, or (iii) displace structures, crops and/or businesses belonging to titled and non-titled affected persons. Table 1.2 outlines each potential impact scenario and the 'avoidance measure' adopted within the MRCIP to ensure that SPS 2009 is not triggered.

21. Table 1.2 indicates that private land owners will have the option to voluntarily donate land and non-title holders with assets located on government land can voluntarily shift structures, harvest crops and/or move small businesses (kiosks) off the road right of way for the project. In such cases, the project must follow a strict set of guidelines that ensure donations are voluntary

and do not negatively impact the affected person. The MRCIP Community Participation Framework outlines all conditions and project assistances provided to affected peoples who, of their own volition, wish to donate land or move assets. Importantly, titled and non-title holders are under no obligation to donate. Table 1.2 outlines alternate avoidance measures that will be adopted by the project to avoid disruption.

Table 1.2: MRCIP Impact Scenarios and Avoidance Measures

| Impact Scenario | MRCIP Avoidance Measures | ADB SPS 2009 triggered |
|---|--|------------------------------------|
| Road improvement/ Bridge approach would cause physical displacement to titled or non-titled person(s) | <p>MRCIP will not cause physical displacement to any affected person in the project; including titled and non-titled persons.</p> <p>MRCIP will use design features - such as redirecting the road, constricting C/W, slope protection wall, speed bumps and road signs to improve the road.</p> <p>The road section will be dropped from the Project if physical displacement cannot be avoided using design solutions.</p> | IR Safeguard will not be triggered |
| Road widening would encroach on private land | <p><i>Option One:</i> Private land owners have the option to voluntarily donate private land to the project on the basis of strict guidelines outlined in the MRCIP Community Participation Framework.</p> <p><i>Option Two:</i> The existing road will be improved <u>without</u> widening and safety features added (speed bumps and road signs).</p> <p><i>Option Three:</i> The road section will be dropped from the Project if additional land is not available and impacts cannot be avoided using design solutions.</p> | IR Safeguard will not be triggered |
| Road improvement would displace structures, crops and/or businesses belonging to titled and non-titled persons. | <p><i>Option One:</i> Titled and non-title persons will have the option to voluntarily move structures (including small kiosks) and harvest crops before construction. See guidelines outlined in the MRCIP Community Participation Framework.</p> <p><i>Option Two:</i> The existing road will be improved by avoiding impacts to structures, crops and/or businesses and safety features added (speed bumps and road signs).</p> <p><i>Option Three:</i> The road section will be dropped from the Project if impacts to structures, crops and/or businesses cannot be avoided using design solutions.</p> | IR Safeguard will not be triggered |

IV. METHODOLOGY FOR ASSESSING SOCIAL SAFEGUARDS COMPLIANCE DURING PROJECT PREPARATION

22. A two-stage approach was taken to project screening. The first stage involved participatory project screening along all 1100 rural roads and 236 bridges included within the MRCIP Additional Financing. A team of trained Social Development Officers conducted transect walks with affected people (including community representatives, vulnerable and marginalized groups) along each road section.⁵ The aim of the transect walk was to identify all involuntary resettlement impacts and determine whether Indigenous Peoples are present along the project roads or in the project area and if they will be negatively impacted because of the project. **Annexure 1** provides details of the stage one project screening process. Findings were captured in Community Participation Plans (CPPs). In total 1100 CPPs for roads and 230 CPPs for bridges were compiled for the project. Total transect walk participants were (i) 34,718 participants for roads, of which 8,624 (24.8%) were women and (ii) 7,494 participants for bridges, of which 1,943 (25.9%) were women.

23. The second stage of the project screening involved a due diligence of all CPPs by an experienced Social Development Specialist. The Social Development Specialist had trained all Social Development Officers involved in the stage one project screening. Two methods were adopted by the Social Development Specialist in verification of the project screening: (i) a desk-based review of project screening documents and (ii) field visits to sample roads and bridges.



24. The Social Development Specialist undertook a desk-based review of all 1100 CPPs for roads and 230 CPPs for bridges. For indigenous people, Maharashtra state has gazetted notification that declared blocks in thirteen districts as fully or partially scheduled areas. For field checks, CPPs were randomly selected from each district of the project covering both road and bridge projects from scheduled areas as well as from other blocks. Field visits were carried out during November 2019 to February 2020 covering 295 roads and 160 bridge sites. During the field visits, community consultations, interviews and group discussions were carried out involving officials of MRRDA/PIUs, design consultants, officials of other line agencies like Sarpanch, PRI Member, eminent citizens, community leaders and women in the project area. The document review aimed to identify whether involuntary resettlement impacts, Indigenous groups and any vulnerable people would be impacted in the project. The desk-based review also aimed to verify that the Social Development Officers had comprehensively followed and documented the transect walk procedures, as per the guidelines within the MRCIP Community Participation Framework.

V. FINDINGS

25. For the Involuntary Resettlement safeguard, the project screening confirms that 1094 of the 1100 rural roads and 230 of the 236 bridge approaches are free of encumbrances.⁶ The existing RoW in 1094 roads is sufficient for construction and no non-title holders will be impacted within the RoW (government land). The original road and bridge design was identified to intersect

⁵ The Transect Walk procedure is outlined within the MRCIP Community Participation Framework. PIU representatives and the project design engineers were also present for all transect walks.

⁶ Project screening confirms that no Common Property resources (community land, places of worship etc.) are impacted by the MRCIP Additional Financing and that private lands for donation is free from any dispute of ownership.

private land along six roads and structures or private land in six bridge approaches in MRCIP Additional Financing. In case of the roads; the private land belongs to total 46 affected people of which 28 are vulnerable and the same for the bridges is 16 of which eleven are vulnerable. The roads are: (i) MSH - Kadhao to Duni in Dharani block of Amaravati district, (ii) T-13 To Tintaraj Murumkar wasti/Sable wasti in Bhoom block of Osmanabad district, (iii) Wagharde to Titari and (iv) Sonval to Tarhavad Javde via Borad Akasapur both in Sahada block of Nandurbar district (v) MDR-97 to Chinchgavhan road in Malegaon block of Nashik district and (vi) Ped to Vithumala road in Tasgain block of Sangli district. The bridges are (i) Bridge on road From Tintaraj to Murumkarwasti /Sable wasti at ch 0/800 in Bhoom block of Osmanabad district, (ii) Bridge on road from T 09 to Kothali CH 0/800 in Omerga block of Osmanabad district, (iii) Bridge @ Ch. 0/725 km on Kakadkunt to Ranzani Road (MRL-18) and (iv) Bridge @ Ch. 1/630 km on SH-03 To Itwai Road (LR-04) both in Akkalkuwa block of Nandurbar district (v) Bridge @ Ch. 2/360 km on Shrikhed to BhorteK Road (LR-29) in Sahada block of Nandurbar district and (vi) Bridge on road from Kanhersar To Zodapwadi road at Ch 0/175 in Khed block of Pune district. **Table 1.3** presents the district/region wise summary of affected persons due to the project and population of habitations connected by the project roads and bridges.

Table 1.3 District/Region wise Details of Affected Persons

| SI No | District | Proposed Roads | | | Proposed Bridges | | |
|--------------------------|-----------|-----------------|-----------|-----------|-------------------|-----------|-----------|
| | | Number of Roads | AP | VAPs | Number of Bridges | AP | VAPs |
| 1 | Amravati | 1 | 11 | 11 | | | |
| Amaravati Region | | 1 | 11 | 11 | | | |
| 1 | Osmanabad | 1 | 1 | 0 | 2 | 2 | 0 |
| Aurangabad Region | | 1 | 1 | 0 | 2 | 2 | 0 |
| 1 | Nandurbar | 2 | 27 | 17 | 3 | 11 | 11 |
| 2 | Nashik | 1 | 6 | 0 | | | |
| Nashik Region | | 3 | 33 | 17 | 3 | 11 | 11 |
| 1 | Pune | | | | 1 | 3 | 0 |
| 2 | Sangli | 1 | 1 | 0 | | | |
| Pune Region | | 1 | 1 | 0 | 1 | 3 | 0 |
| State Total | | 6 | 46 | 28 | 6 | 16 | 11 |

26. **Description of Impacts.** In Amaravati, Osmanabad, Nandurbar, Nashik, Pune and Sangli districts, additional agricultural land belonging to 46 APs of which 28 are vulnerable was identified by the design engineers to be a requirement for the project. No structure will be affected due to the project road proposals. For the bridges, people in Pune district decided to voluntarily move the temporary fence back from the road rather than opt for the approach road design to be changed for the proposed bridge project. Agricultural land belonging to 16 APs of which 11 are vulnerable was identified by the design engineers to be a requirement for the project. These agreements were documented and witnessed by an independent third party as per the project guidance on voluntary donation (see MRCIP Community Participation Framework). The 39 affected and vulnerable people will be provided benefits during the project implementation as per the MRCIP Community Participation Framework.

27. **Vulnerable People.** This due diligence confirms that the 39 vulnerable people identified to be affected will be provided benefits during the project implementation as per the MRCIP Community Participation Framework. The Social Development Specialists observed that some vulnerable people with job cards are already receiving employment under MGNREGA in works implemented by the Panchayats. PMU further confirmed that vulnerable persons will be provided provisions of essential commodities by linking them with the Public Distribution System (PDS) at

subsidized rates. Six PISC Social and Gender Specialists will be appointed by MRRDA to support project implementation. These specialists will monitor and report on all assistances provided to the vulnerable affected persons and report the same in the social safeguard monitoring report.

28. **Voluntary donations.** Stage two of the screening process confirms that voluntary donations made by total 62 affected people have verbal and written records that were witnessed by an independent third party. Village level meetings were held with affected persons and signatures taken in the presence of 'Sarpanch'/ 'Panchayat Secretary' and the PIU engineer. Records demonstrate the signature of other attendants of the village community in the voluntary donation meeting in addition to the sarpanch and the Panchayat Secretary.

29. **Indigenous People.** The screening of sample roads identified the scheduled tribes living in the project area for more than 3/4 generations. Some tribes identified themselves as migrants from neighbouring states like Gujarat and Madhya Pradesh. Maharashtra has identified and gazette scheduled areas in 13 out of the 36 districts in the State. **Tables 1.4** and **1.5** show that 125 out of proposed 1100 roads and 36 out of the 230 proposed bridges are located in these scheduled areas respectively. The proposed roads are existing roads and the residents are already following social and cultural practices (observing same festivals) followed by others in addition to some of their own festivals. Some of these tribes worship their traditional deities. The government has given them 'Patta' (certificate of right to land) for the land they have been cultivating for generations. Agriculture is their main source of income. Many of them (men and women) work as labour in nearby forest areas recruited by Forest department or in the nearby service centers during lean agricultural season. There are contractors who recruit groups of these people during lean agricultural time to work in bigger urban centers (sugar factories and highway construction works etc.). Few also run small shops (tea stall etc.) in the nearby service centers. Government has set up residential schools in the scheduled areas where their children study free of cost.

Table 1.4 Maharashtra RCIP - Additional Financing Roads in Scheduled Area

| Full Scheduled Area | | | | | Partly Scheduled Area | | | | |
|---------------------------|-------------|-------------|-------------------------------|----------------------------|-----------------------|-------------|-------------|-------------------------------|----------------------------|
| Block | No of roads | Length (Km) | Pop. in habitations connected | Scheduled Tribe Population | Block | No of roads | Length (Km) | Pop. in habitations connected | Scheduled Tribe Population |
| District Amaravati | | | | | | | | | |
| Dharni | 1 | 4.1 | 2093 | 1851 | | | | | |
| District Yavatmal | | | | | | | | | |
| | | | | | Ghatanji | 3 | 6.13 | 6571 | 960 |
| | | | | | Maregaon | 5 | 7.78 | 3239 | 743 |
| | | | | | Ralegaon | 5 | 9.5 | 8151 | 1952 |
| District Nanded | | | | | | | | | |
| | | | | | Kinwat | 2 | 4.04 | 1316 | 960 |
| | | | | | Mahur | 6 | 11.07 | 5653 | 743 |
| District Palghar | | | | | | | | | |
| Dahanu | 4 | 9.56 | 2212 | 2212 | Palghar | 6 | 15.27 | 16998 | 9304 |
| Talsari | 3 | 6.27 | 2460 | 2460 | Vasai | 1 | 0.88 | 3375 | 3046 |
| Vikaramgad | 3 | 13.46 | 7884 | 7772 | | | | | |
| Wada | 5 | 12.16 | 8050 | 4339 | | | | | |
| District Thane | | | | | | | | | |
| Shahpur | 9 | 22.99 | 14984 | 4546 | Bhivandi | 6 | 10.36 | 16309 | 3799 |

| Full Scheduled Area | | | | | Partly Scheduled Area | | | | |
|----------------------------|-------------|-------------|-------------------------------|----------------------------|-----------------------|-------------|-------------|-------------------------------|----------------------------|
| Block | No of roads | Length (Km) | Pop. in habitations connected | Scheduled Tribe Population | Block | No of roads | Length (Km) | Pop. in habitations connected | Scheduled Tribe Population |
| | | | | | Murbad | 2 | 4.55 | 4362 | 1648 |
| District Chandrapur | | | | | | | | | |
| | | | | | Rajura | 3 | 10.4 | 7446 | 520 |
| District Gadchiroli | | | | | | | | | |
| Aheri | 1 | 6.25 | 634 | 113 | | | | | |
| Dhanora | 1 | 7.13 | 1283 | 915 | | | | | |
| District Dhule | | | | | | | | | |
| | | | | | Saktri | 6 | 23.67 | 11609 | 9807 |
| | | | | | Shirpur | 8 | 33.73 | 48805 | 16031 |
| District Jalgaon | | | | | | | | | |
| | | | | | Yaval | 2 | 8.32 | 19319 | 6571 |
| | | | | | Raver | 3 | 14.7 | 19797 | 2167 |
| District Nandurbar | | | | | | | | | |
| Navapur | 6 | 19.59 | 14706 | 14405 | Nandurbar | 7 | 31.72 | 22519 | 9075 |
| | | | | | Shahda | 4 | 16.88 | 7858 | 6431 |
| District Nashik | | | | | | | | | |
| Peth | 1 | 6.9 | 1136 | 1127 | Nashik | 7 | 11.81 | 26243 | 7360 |
| District Pune | | | | | | | | | |
| | | | | | Ambegaon | 8 | 20.71 | 34446 | 2658 |
| | | | | | Junnar | 6 | 12.12 | 11377 | 1755 |

Table 1.5 Maharashtra RCIP - Additional Financing Bridges in Scheduled Area

| Full Scheduled Area | | | | Partly Scheduled Area | | | |
|----------------------------|---------------|------------|-------------------------------|-----------------------|---------------|------------|-------------------------------|
| Block | No of Bridges | Length (m) | Pop. in habitations connected | Block | No of Bridges | Length (m) | Pop. in habitations connected |
| District Amaravati | | | | | | | |
| Dharni | 4 | 197 | 9388 | | | | |
| District Nanded | | | | | | | |
| | | | | Mahur | 1 | 40 | 783 |
| District Palghar | | | | | | | |
| Dahanu | 1 | 17.5 | 7919 | | | | |
| Mokhada | 4 | 83.8 | 26639 | | | | |
| Vikaramgad | 3 | 167.6 | 14544 | | | | |
| District Chandrapur | | | | | | | |
| | | | | Korpana | 2 | 90 | 2318 |
| District Gadchiroli | | | | | | | |
| Dhanora | 1 | 16 | 1089 | Armori | 1 | 64 | 2586 |
| District Dhule | | | | | | | |
| | | | | Saktri | 4 | 284 | 32015 |
| | | | | Shirpur | 1 | 40 | 3013 |
| District Jalgaon | | | | | | | |
| | | | | Chopda | 3 | 55 | 2391 |
| | | | | Yaval | 2 | 60 | 10622 |
| | | | | Raver | 1 | 98 | 5582 |
| District Nandurbar | | | | | | | |
| Navapur | 1 | 48 | 4155 | Shahda | 2 | 125 | 7428 |
| Taloda | 1 | 80 | 11353 | | | | |
| Akkalkuwa | 2 | 216 | 6485 | | | | |
| Akrani | 1 | 77 | 3549 | | | | |
| District Nashik | | | | | | | |
| Kalwan | 1 | 25 | 3174 | | | | |

30. The social safeguard team had detailed discussion with the tribal community in the project roads and bridge locations. Discussions revealed that the project will not adversely affect the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affect the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset. It will positively contribute to their livelihood during the construction where they will find employment and after construction will have better access and save time to travel to service centers for employment, education, and health facilities etc.



31. The social safeguard due diligence screening finds that that no adverse impacts are anticipated as a result of the project. The project will not physically displace indigenous people, affect indigenous people common property resources or indigenous people ancestral lands. The indigenous people population expects to benefit from improved road conditions and enhanced disaster readiness like flood etc. experienced in Maharashtra in 2019.

32. ADB's SPS 2009 indigenous people safeguard seeks to ensure that indigenous peoples (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts

as a result of projects, and (iii) can participate actively in projects that affect them. As per ADB's SPS 2009, the project is not required to produce a separate indigenous people plan because the majority of direct project beneficiaries are indigenous peoples and only positive impacts are identified.⁷ The project meets these criteria and as such, the indigenous people plan elements have been integrated throughout the project design.

VI. GRIEVANCE REDRESS MECHANISM

33. The project screening process confirms that a village grievance redress committee is established in all sub-project roads and bridges. Each GRC comprises the sarpanch and other prominent citizens of the village. The GRC at the field level will keep a record of written and verbal complaints including date of the GRC meeting, number and types of grievances received, name of the complainant and time taken for redressal of the grievance. Grievances that cannot be resolved at this level and in cases where the complainant is not satisfied with the decision will be referred to the second level GRC at the district level headed by the PIU Executive Engineer.

VII. INSTITUTIONAL ARRANGEMENT

34. MRRDA has established the Project Management Unit (PMU) with the Project Director and two Deputy Project Directors. Recruitment process is on for the Project Implementation Support Consultants (PISC). The PISC will have six Social and Gender Specialists, one located at each of the six regional offices headed by the Superintending Engineers (SEs). The Social and Gender Specialists will continue consultations, undertake monitoring of CPP implementation and assist in the grievance redress mechanism in place. They will provide the technical assistance in documentation of GRC meetings and outcomes. They will continuously screen the project for Involuntary Resettlement and Indigenous Peoples impacts in accordance with ADB's SPS 2009.



35. During the project preparation, ADB consultants have conducted workshops for MRRDA officials and the design consultants on CPF and preparation of CPPs. It also envisaged that further workshops will be conducted for capacity building of MRRDA staff and the civil contractors to address safeguard issues during the project implementation and operation stage.

⁷ ADB. 2009. Safeguard Policy Statement. Manila. See Appendix 3, Safeguard Requirements 3: Indigenous Peoples, para. 17.

VIII. CONCLUSION

36. During the consultations with local community it was revealed that the communities require better road surface (pavement) but do not see a great necessity of any improvements to road horizontal geometry, which leads to land acquisition and involuntary resettlement. However, option of land donation is kept open for the community to facilitate smooth implementation of the project.

37. The communities perceive that the proposed additional financing of MRCIP project for both the roads and bridges will have a positive effect in the overall development in the rural areas.

38. The field visits and review of CPF documentation revealed that

- (i) Transect walks have been conducted and consultation with the village communities have been held in all the project roads and bridges proposed under MRCIP additional financing.
- (ii) The design consultants assisted the PIUs in documenting the records of transect walk, conduct of the gramsabha meetings as per CPF requirements while designing the project. Only six out of the 1100 roads and six of the 236 bridges proposed for improvements under MRCIP additional financing have APs and written records of voluntary donations are maintained by the PIUs.
- (iii) Village level committees have been formed in all the GPs where the project roads are located for addressing any grievance that may arise.
- (iv) None of the project roads impacted Common Property Resources (CPRs) like community land, places of worship etc. Local adjustments to the design by reduction of carriage width within congested habitation areas, alignment shifts, and modifications in cross-sections etc., to the extent required from safety considerations has been considered in the design to avoid involuntary resettlement.

39. In conclusion, this SSDDR has outlined the findings of social safeguard screening covering 100% of MRCIP additional financing. The SSDDR confirms that MRCIP will avoid all impacts to involuntary resettlement and Indigenous Peoples. The project will therefore not trigger ADB's Safeguard Policy Statement 2009. MRCIP has been designed to avoid impacts to Indigenous Peoples communities and involuntary resettlement. The project will not use eminent domain to acquire land, nor cause any physical or involuntary economic displacement. This SSDDR confirms the project categorization as C for Indigenous Peoples and C for Involuntary Resettlement.

ANNEXURE 1

Description of Project Screening Stage One

1. The PIUs assisted by the design consultants conducted transect walks in all the proposed roads and bridges under the project. The consultation meetings were attended by the panchayat officials and land owners/ non-titled persons on site selection. Various stakeholders from the government (EE/AE of PIUs), *Panchayati Raj* Institutions (PRIs), and the local community participated in the wind shield survey cum transect walk.
2. Community consultation sessions primarily focused on avoiding/ minimizing displacement due to the project roads and approaches for the bridges ascertaining unanimity amongst villagers and womenfolk on proposed alignment. The consultation with the community also focused on avoiding/ minimizing displacement due to the sub-project roads and bridges. Inside habitation areas and in village sections the road width has been restricted (in some cases the carriage way is restricted to 3.5 m) to avoid damage to residential or commercial structure.
3. Community consultations also focused on road safety awareness that was canvassed among the school children, teachers and parents as well as through distribution of leaflets.
 - a. ***Voluntary donations do not severely affect the living standards of APs and are directly linked to benefits, with community sanctioned measures to replace any losses that are agreed through verbal and written record by affected people***
4. Subsequent to the transect walks, the PIUs with help of Gram Panchayats conducted formal consultation with all those persons likely to get affected as a result of the road improvement. "Gramsabha" meetings were held at Gram Panchayat level attended by the Sarpanch, secretary, senior citizens of the village and the village community including all the APs and the PIU officials. During the conduct of the transect walks, all APs were identified, fully consulted on the voluntary donation process.
5. Vulnerable APs (VAPs) were identified through census survey, nature of loss (for example agricultural land loss) among others, and support/ assistance to the APs were finalized in consultation with the community through the village panchayat in case of all the project roads having APs.

Issues identified during Transect Walk and Community Consultation



Existing road - MDR-97 to Chinchgavhan (Nashik District)



Structure adjacent to Dahiwadi to Devkar, Chavan , Sutar Wasti Road (Sangli district)



Existing road MSH 14 Kadav to Dhuni (Amaravati district)



Religious structure adjacent to road - ODR 23 to Khari (Amaravati District)



Structure adjacent to SH-50 (Manchar) to Mulewadi road (Pune district)



Structure adjacent to existing road - Lavel Awashi road (Ratnagiri district)



Approach Road to proposed bridge Kanhersar To Zodapwadi At CH0/175 (Pune district)



Existing road Kakarda to Junkaripada (Nandurbar district)



Existing Approach to proposed bridge SH 279 to Sangvi (Akola District)



Bridge on SH-355 Kharbi To Panjara- Mandhal Road - GP Meeting



Bridge on SH-355 Kharbi To Panjara- Mandhal Road - GP Meeting



Community Consultation Meeting - ODR 23 to Khari (Amaravati District)

ANNEXURE 2

Sample MoU

Road : MSH - Kadhao to Duni, Dharani Block, Amaravati District

ANNEX 7: MEMORANDUM OF UNDERSTANDING (MoU)

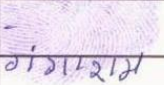
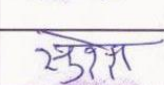
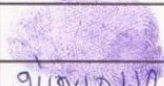
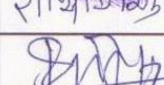
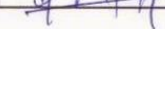

MEMORANDUM OF UNDERSTANDING

The memorandum of understanding is made on 4.03.20 day of Wednesday between the persons listed below on the

one part (hereinafter collectively referred to as "the First Party") and the governor of (state) through Sri/~~Scimiti~~

I. I. Khan (designation) Executive Engineer (hereinafter referred to as the Second Party).

1. That the First Party is the encroacher of Government Land of the respective acres (OR OTHER UNITS AS APPLICABLE) of land as listed below in village Kadhar block Dharai tehsil Dharai
2. That the First Party has taken part in the transect walk conducted under the requirements of the Pradhan Mantri Gram Sadak Yojana (PMGSY) and has been made to understand the benefits of obtaining a rural road for the village under PMGSY
3. That the first Party hereby will willingly leave their existing land as detailed in the list below for the Pradhan Mantri gram development of (PMGSY) rural road in the village Kadhar under Duni panchayat, for the benefit of the villagers and the public at large on which they have encroached on to the Second Party.
4. The First Party/would not claim any compensation in return since leaving their encroached land is not related to their existing livelihood.
5. That the Second Party agrees to clause 3.
6. That the Second Party shall construct and develop the PMGSY road and take all precautions to avoid damage to land adjacent to PMGSY road.
7. That the First Party also assures the Second Party that the First Party that will not indulge in any wilful act of damage to PMGSY road or obstructing the movement of public and vehicles on the PMGSY road.
8. That both the parties here to agree that the PMGSY road so constructed/developed shall be public premises.
9. That the Provisions of the MEMORANDUM OF UNDERSTANDING will come into effect from the date of signing of this deed.

| S.No. | Name | Area Encroached (m ²)Acre | Description of land granted for PMGSY Rural Road Construction | Signature |
|-------|----------------------------|---------------------------------------|---|---|
| 1 | SOMA, Gonda Bhilavkar | 370 | 10 |  |
| 2 | Gaugram Bhava, Kasdekar | 60 | 10 |  |
| 3 | Suresh, Bapurav, Kasdekar | 160 | 10 |  |
| 4 | Sukram, Bhayalal, Kasdekar | 90 | 10 |  |
| 5 | Sobaram Bhunya, Bhilavkar | 370 | 10 |  |
| 6 | Suresh, punya, Kasdekar | 30 | 10 |  |

| | | | | |
|----|------------------------------|-----|----|--------------|
| 7 | Sundarlal Chunya Kasdekar | 100 | 10 | 3692mm |
| 8 | Sbaurtal, Manu, Kasdekar | 80 | 10 | B.S. 12/8/12 |
| 9 | Baushhi Manu, Kasdekar | 80 | 10 | 11/11/12 |
| 10 | Maugilal, Bhunya, Bhilavekar | 210 | 10 | 9/11/12 |
| 11 | Sakaram, Bhunya, Kasdekar | 30 | 10 | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

(add as many more who are giving up their claim on the above said land)

IN WITNESS WHERE OF the parties here to have signed this deed on the day and the year first above written.

Signatures of the First Party

1. _____
2. _____
3. _____

(all the signatures of the First Party should be obtained)

Witnesses:

1. Bethu 2. महेश्वर
- जिला दुला १२/११/१२
2. साक्षात १२ (मा.संपद)
- जालका धारणी 3. H. B. Bhatkar

(Signature, name and address) पोलीस फाईल
कडावा गा. धारणी

(Signature, name and address)

Signature for and on behalf of Second Party

1) [Signature]
2) (R. K. NAGTAP)
Deputy Engineer
Mukhya Mantri Gram Sadak Yojna
MRRDA, Amravati

[Signature]
I. I. Khan
Executive Engineer
PMGSY, MRRDA, Amravati

Note : The Witnesses Will include the panchayat head and the Junior Engineer conducting the transect walk, More witnesses can be added - including NGO's, village elders etc.

