

To : The Special Project Facilitator, ADB
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Coy to : Mr Werner E. Liepach
Country Director Pakistan, ADB
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Pakistan

Subject : **Design and Land Compensation of Expressway E 35**

Dear Special Project Facilitator ADB,

I take this opportunity to draw your attention to a project which you have very graciously sanctioned for the development of communication infrastructure in Pakistan. E 35, commonly known as Expressway in Pakistan, being constructed to improve bilateral trade with China, provide China additionally an easy access to our ports like Karachi and Gwador in times to come and link north of the country with the Federal Capital / South. The length of this road reportedly is about 110 kms but its aim, planning parameters and design is a jealously guarded secret for reasons best known to NHA, revenue staff involved in the acquisition of land and elite of our nation, the local politicians.

Being victims of this gruesome conspiracy, we were able to dig out certain facts which we earnestly want to bring to your kind notice. If ignored, these would compromise the basic spirit of assistance provided by ADB in the light of 'Involuntary Resettlement Safeguards', increase the existing distance between Mansehra to Rawalpindi by over 30 kms due to fault design / alignment, enhance the cost of the project manifold by acquiring rich agricultural land and lead to huge displacement of people with little relief. Loss of rich agricultural land would be an ecological disaster for the area in particular and Pakistan in general. I would deliberate over each of these

points in some length to apprise you of the gravity of situation, nature of urgency and the likely fallout.

Objectives, scope and policy principles for the 'Involuntary Resettlement Safeguards'(copy attached) have been very carefully drafted by your esteemed Bank, preventing realization of any project which is detrimental ecologically, economically and aimed at exploitation of the helpless farmers in the name of development. The Safeguards clearly state that before commencement of the project its design would be made known to the people; owners and farmers would be involved in fixing compensation, provided alternate land and rehabilitated through equally beneficial enterprises. You would be horrified to know that not one of the 12 policy principles have been even vaguely considered for realization of E35. Despite repeated appeals highlighting misdeeds in the survey of the road and its demarcation no heed was paid by either the NHA or the local revenue staff. A letter addressed to Commissioner Hazara Division, NHA and the ADB dated 26 August 2010 and another letter dated 13 June 2011 sent to NHA through Federal Minister for Communication are attached for your perusal.

Roads serve as arteries, linking the people through cheapest, shortest and fastest links. A cursory look at the proposed design raises queries which are hard to justify. Some observations on the proposed design/ alignment of E 35 and land compensation aspects are as under:-

- **Alignment / Design** . The bulk of light and heavy traffic from China, Gilgit Baltistan and Hazara Division of Khyber Pakhtunkhwa Province is south bound passing through Islamabad / Rawalpindi. E 35 should therefore emanate from Motorway M1 between interchanges of Bahatar and Fatehjang and connect Taxila with Haripur remaining on the eastern side of Railway Line and Road Taxila – Hattar – Haripur instead of Burhan Interchange. This would accrue following advantages:-
 - This option would afford more than 30 Kms shorter distance to the communities served by E 35 on regional and local basis.
 - Acquisition of land in this option would cost much less as this part of land is far cheaper, especially between Taxila and Haripur compared to rich fertile / commercial land between Hassanabdal and Haripur.
 - This option would also suit the heavy traffic of Industrial complexes between Haripur and Taxila / Wah and reduce its load on GT Road.
 - Over 30 Kms shorter distance would not only save travelling expense / time of communities served by E 35, but would also save on fuel expense for all times to come. This factor alone makes the current design highly uneconomical in the long run.

- The current alignment involves a number of un-necessary interchanges due to meandering alignment of E 35, criss crossing GT Road time and again.
- Less number of interchanges in our proposed option would considerably reduce the cost of road development.
- As per existing proposal, the alignment of E 35 between Haripur and Mansehra has also been made longer via Dhamtor instead of Tabathar beyond Havelian without any justifiable reasons.

➤ **Land Acquisition Flaws.** Land compensation aspect for the affectees also suffers from serious legal and procedural flaws as mentioned below:-

- The project as a whole has not yet been conceived / planned in totality because of unresolved design and land issues. Phase wise, piecemeal payment of land compensation as planned would make the design inflexible in case of any later change and would make the recoveries from land affectees almost impossible.
- The land Revenue Act of Pakistan safeguards the interests of land owners in line with ADB 'Involuntary Resettlement Safeguards', whereby due cognizance is given to the ***yearly average of land sales, present market value and future potential of land***. On the contrary, Revenue Department is basing compensation cost on the ***yearly average alone*** disregarding other aspects to make the project look less expensive and more palatable to NHA and ADB. Here it may be noted that the yearly average rate is generally far less than the market value because mostly land owners have not sold their ancestral land for decades. Besides, sale deeds are normally under quoted by both seller and buyer to save on taxes.
- Agricultural land is required to be categorized twice a year by the Revenue Department as per policy to determine the yield and tax to be levied. Revenue Department of Haripur District has not carried out this review since long; as a result the category of land today is far higher than what is registered with them. The compensation of land assessed as per their record therefore is outdated and much lower than the actual category and value of land.
- It may also be noted that most fertile and irrigated land serving as food basket for Haripur District is being acquired which is not only discouraged by the Land Acquisition Act but also makes the project far costlier besides causing huge resettlement issues.
- No plan has been made for rehabilitation of land affectees, a serious violation of the ADB Involuntary Resettlement Safeguards.

- Acquisition of fertile irrigated land for a **fenced** E 35 would divide the land of small land owners on both sides thus making it inaccessible for approach and irrigation by the farmers. This would also divide the community leading to social and economical problems.
- The area left inside the loop of interchanges and in their immediate proximity cannot be used for any meaningful purpose by the land owners. This aspect has been ignored by the land acquisition department.
- Gross violation of human rights as a consequence of aforementioned observations would lead to serious law and order situation, inordinately delaying the project and undermining the image of ADB.

➤ **Recommendations.** Following sequence of action is suggested :-

- ADB must immediately stop the acquisition process including disbursement of compensation to the land affectees. This would obviate subsequent complications owing to any change in the alignment and design.
- E35 be re-aligned as per aspirations of the people of Hazara Division and seeing the volume of public and cargo traffic from Gilgit Baltistan and Hazara Division via Haripur towards Taxila and areas down south vis- a- vis Burhan. A statistical survey on this account by an independent body will prove our view point.
- E 35 should therefore be re-aligned along route - Dhok Jhandu (between Bhatar and Fatehjang interchanges on M1) – Taxila Museum – Hattar – Chachian – Sarai Saleh – Havelian – Tabathar – Abbottabd Public School instead of present alignment emanating from Burhan on M 1. This will make the route shorter by more than 30 Kms. Map showing proposed and existing alignment is enclosed.
- Cost benefit analysis of a lengthy road via Burhan instead of Taxila in the long run be carried out by an independent body.
- Number of interchanges due to meandering alignment of E 35 criss crossing GT Road time and again be minimized by making it almost straight.
- Interchanges as in case of Jari Kas and Hattar should not be planned in rich irrigated agricultural land or commercial areas to safeguard rights of the land affectees in line with Land Revenue Act and ADB policy guidelines.

- Land compensation to the land affectees be made with mutual consultation on existing market rates also considering the future potential of land to prevent lengthy litigation, subsequent additional cost and delay of the project.
- ADB must protect the rights of land affectees by implementing instructions on Involuntary Resettlement Safeguards.
- To resolve the disputes and arrive at a consensus on design of E35 and land compensation, a high power commission comprising representatives of ADB, NHA, Revenue Department, land affectees and communities be constituted.

Having knocked at all doors and failed, ADB is being approached as a last hope for redressing our grievances. I have taken this initiative on behalf of a large community, kept hostage by a callous and greedy political elite, Revenue Department and NHA.

With regards,

Sincerely yours,

Brigadier Retired Sardar Sohrab Alam,

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Dated : 5 October 2011.

Names of other APs were deleted per complainants' request.