

Land Acquisition and Resettlement

Internal Monitoring Report (E-35, Hassanabdal – Havelian Expressway, Package -II)

May 2015

PAK: National Trade Corridor Highway Investment Program (NTCHIP) Tranche - II

Prepared by National Highways Authority for the Asian Development Bank.

NOTES

- (i) The fiscal year (FY) of the Government of the Islamic Republic of Pakistan and its agencies ends on 30 June.
- (ii) In this report, "\$" refers to US dollars.

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

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

**GOVERNMENT OF PAKISTAN
NATIONAL HIGHWAY AUTHORITY**

**HASANABDAL-HAVELIAN EXPRESSWAY (E-35)
LAND ACQUISITION & RESETTLEMENT
INTERNAL MONITORING REPORTS FOR PACKAGE-II**

May, 2015

TABLE OF CONTENTS

1. Background
2. Objectives of IMR
3. Status of LAR Activities up till 30th May, 2015
 - 3.1 Approval of LARF
 - 3.2 Approval of LARP
 - 3.3 Approval of SSMC Model
4. Land Acquisition Status
5. Project Resettlement Impacts
6. Existing Institutional Arrangements for Land and Resettlement
 - 6.1 Addressal of DPs Grievances
 - 6.2 Formation of DPCs
7. Existing Payment Process
8. Up-to Date Status of Payment of Compensation
9. Court Cases
10. Conclusions

1. Background

Pakistan's traffic movements are primarily concentrated along the north-south 'National Trade Corridor' (NTC) – Peshawar-Lahore-Karachi – which serves domestic needs, and also links the main industrial centers in Punjab and neighboring countries in the north-west (Afghanistan) and north (China) with international markets through the southern Karachi area ports. The GOP envisions significant increase in trade/transit traffic from China both through sea and land after opening of the Gawadar port and has, therefore, decided to improve the existing KKH (N-35) to the dual carriage expressway level. However, due to tremendous land acquisition and resettlement issues related with the option, the NHA decided to the construct Hasanabdal – Havelian expressway (E-35) on new alignment and link it to the National Trade Corridor, to save the travel time and to improve connectivity with China.

Phase-I consists of road portion from Hassanabdal to Havellian. The length of Phase-I is 59.6 km. The Phase-I is further divided into 03 packages as per following details.

Package	Section	Location	Chainage
I	1	Punjab Province	000+000 - 007+000
I	2	KPK Province	000+007 - 020+300
II	-	KPK Province	020+300 - 039+500
III	-	KPK Province	039+500 - 059+600

The E-35 Expressway (Phase – I) starts from M-1 near Burhan interchange and end at Havellian. The Package-II of phase-I is planned to be funded from the ADB sponsored MFF-National Highway Development Sector Improvement Programme (NHDSIP). It is located in Tehsil Haripur of the District Haripur and its total length is 19.2 km. It starts from Jari Kas at the chainage of 20+400 km and ends at Maqsooda interchange near Sarai Saleh at the chainage 39+560 km after crossing Hattar Road and Haripur – Khanpur Road. The design for Package-II has been finalized. The Package includes the construction of new 7.3 meter wide 2 lane dual carriageway (19.2km) with Jersey barrier as median, 2 interchanges, 3 flyovers, 10 underpasses, 1 bridge over railway crossing, and service area at one location. The carriageway will include paved shoulders at inner and outer sides. The Expressway will be fenced from both sides and six (15) feet service road will be provided on both sides where required. The Right of Way (RoW) of the Expressway is 80 m.

Land Acquisition and Resettlement Framework (LARF) have been approved by the Bank. The land is acquired under the Land Acquisition Act 1894. The process of compensation under land awards is at advanced stage and about 96 % of the affected land owners have been paid so far.

2. Objectives of the IMR

LAR activities for Package-2 have been started by NHA in anticipation of ADB funding for the project. The objective of the Internal Monitoring Report (IMR) is to provide an up-to-date progress of land and resettlement related activities at the project.

3. Status of LAR Activities up-till 30th May, 2015

The status of LAR activities up-till 30th May, 2015 is given as under.

3.1 Approval of Land Acquisition and Resettlement Framework (LARF)

The LARF for the project have been approved by the ADB and disclosed at NHA's website as per ADB requirements.

3.2 Approval of Land Acquisition and Resettlement Plan (LARP)

The LARP has also been approved by the ADB and disclosed at NHA's website as per ADB requirements.

3.3 Approval of Social Safeguards Management Consultants (SSMC) Model

In order to effectively implement the LARP and address the social safeguard issues, NHA have decided to employ SSMCs and the Chairman NHA has approved the proposal to this extent. The hiring of SSMCs is in progress.

4. Land Acquisition Status

The land acquisition process for the project has been completed and about 3297 kanals (412 Acres) have been acquired in 14 mouzas falling within the RoW. Mouza-wise detail of acquired land is provided in **Table-1**.

Table-1: Mouza-wise Detail of Affected Land Owners

Sr. No	Name Of Mouza	Total Land of DPs (Kanal)	Affected Land within 80m RoW (Kanal)	No. of DPs
1	Monan	307	52	96
2	Muradabad	291	102	105
3	Derwesh	182	76	250
4	Ali Khan	389	131	462
5	Dhoian Khushki	895	256	358
6	Shah Muhammad	2750	421	191
7	Chechian	274	42	84
8	Dhedar	392	145	308
9	Seria	1423	423	370
10	Bandi Seria	556	116	143
11	Mirpur	1444	290	814
12	Kot Najibullah	1812	647	558
13	Ganja Kamala	794	360	634
14	Sarai Saleh	1107	235	589
	Total	12616	3297	4962

5.

6. Resettlement Impacts of the Project

The resettlement impacts of the project are summarized in Table-2, as follows.

Table-2: Summary of Resettlement Impacts

Sr.#	Type of Impact	Unit	Package 2
1	Land	Kanal	3297
2	Structures		
	Houses	No.	80
	Brick Kilns	No.	04
	Poultry Farms	No.	05
	Shops	No.	04
3	Tubewells		03
4	Trees		
	Fruit	No.	359
	Non-Fruit	No.	629
5	Crops	Kanal	2704

7. Existing Institutional Arrangements for Land And Resettlement

NHA has established a Project Implementation Unit (PIU) under the General Manager E-35 at Abbotabd. The PIU presently comprises of a Project Director, Assistant Director (Engineering), Assistant Director (Land) and Land Acquisition Collector (LAC) with support land staff. The PIU currently lack the resettlement and social mobilization capacity for efficient implementation of LARP. NHA and ADB have agreed to acquire the services of Social safeguard Management Consultants to plug the capacity gap and assist NHA in the preparation and implementation of LARP.

7.1 Addressal of DPs Grievances

Presently, a grievance redress mechanism has been established A Grievance Redress Committee headed by the PD is functioning. Director (LM&IS), AD (land) and LAC are the member of the GRC. The grievances are received and responded to by the members of the GRC. The DPCs are kept involved in the redressal process. Due to lack of necessary staff the records of complaints is not maintained. The complaints/ grievances received are briefly discussed below;

- Most of the complaints received pertain to the assessment of prices by the Provincial Revenue Departments. The complainants have been informed that the prices are assessed on the basis of average of the transactions carried out during the last one year and that they were allowed an opportunity by the Land Collector to record the grievances prior to announcement of award. The complainant still can approach the Referee courts for revision of prices.

7.2 Formation of Displaced Persons Committees (DPCs)

DPCs in all the 14 mouzas have been established vide Notification No LAC.E-35/NHA/Atd/12/1358 Dated 25 April 2012. These committees are taken on-board by the project staff in addressing the grievances of the DPs.

8. On-Going Process for Disbursement of Compensation

The disbursement of compensation to the DPs is in progress for Package II of E-35. The amount is disbursed to the DPs by the LAC. No other Project functionary participates in the payment process. The progress of payment by the LAC is reported to the higher offices of NHA and Revenue Department in the form of monthly report. The following interim disbursement arrangements are in place at the Project Office.

- A team comprising LAC, Quanoogo and 02 Patwaris is carrying out the disbursement task. As a first step, as per requirements of the LAA, announcements are made in the relevant village/ area before one day of the scheduled visit of the disbursement team. People are asked to come to a specified place (generally prominent place in the village) along with their NICs and land ownership documents to receive their compensation.
- On the specified date, the LAC with his staff holds a meeting. The Patwari identifies the DP as per his NIC and fard-e-malkiat issued by revenue office and takes his signatures on the acquaintance roll and affixes his thumb impression, which is mandatory.
- After this activity, the voucher is prepared by Quanoogo. The voucher includes the details about affected land with land types and the compensation costs, as per acquaintance roll. DP signs the voucher. The thumb impression of the DP and his NIC number on the voucher is mandatory. Two witnesses also sign the voucher with their

NIC number. Then LAC signs the voucher. The voucher is handed over to the DP and a copy is kept in the record.

- The DP brings this voucher to the District Account Office. This office after confirming the identity of the voucher bearer with two witnesses, issues a cross cheque to the AP of his amount payable from National Bank of Pakistan, Haripur.
- The DP deposits this cheque in his account in a bank and the amount is transferred to his account.
- The vouchers for trees and assets are issued separately by the LAC.

9. Up-to-Date Status of Payment of Compensation

As mentioned earlier, the land for the project has already been acquired under the LAA in the 14 villages of Package 2. The disbursement of compensation for land and land based assets, admissible under the LAA is in progress. More than 97 % of the compensation has been paid to the DPs. The payment of allowances like livelihood restoration, rehabilitation, crops compensation, severance, etc under the ADB policy is in process. More than 95 % compensation of the allowances has been paid to the DPs. This IMR essentially covers the payment to DPs for land and land based assets compensation as per land awards. A summary of the payment up to 30th May, 2015 is provided in Table-3 below and the details are given in Annexure 1, 2,3,4 and 5 for land, structures, Non fruit trees, fruit trees and allowances respectively. No payment on account of crop compensation is made so far.

Table-3: Summary of Compensation Payments

Impact Type	Total DPs	DPs Paid	Total Amount (Rs.)	Amount Paid (Rs.)	% amount Paid
Land	4962	3777	778,313,767	709,689,219	91.20
Structures	106	106	129,977,146	129,977,146	100
Fruit Trees	29	16	6,483,760	6,231,560	96.11
Non-Fruit Trees	168	78	2,827,227	1,452,641	51.38
Total	5265	3977	917,601,903	847,350,566	92.34

10. Receipt of Payment U/S 18 of LAA

The LAA provides that if a person, in spite of proceedings under sections 5a, 9 and 10 is not satisfied with the Award in any way, he is allowed to go the court of law for the rectification of his grievances. For this purpose, he is required to receive the Award amount under protest. He records his protest on the acquittance roll at the time preparation of payment voucher.

According to information from the LAC, about 550 land owners have gone to the court of law u/s 18. The LAC facilitates the DPs by providing them the documents related to their compensation amounts and calculation of average year (owsat yaksala) for different categories of land.

11. Conclusion

Considerable progress has been achieved in the process of payment of land compensation and disbursement of rehabilitation and resettlement allowances. The LARP has been approved and the payment of allowances is in process as per provisions of the LARP. The procurement of Social Safeguards Management Consultants (SSMC) is also a critical action to ensure the effective implementation of LARP.

Annexure-1: Village-wise summary of Land payment

Sr. No.	Village	Affected Land (Kanal)	No of DPs		Total Amount (Rs.)	Amount Disbursed Rs.	Balanced Amount Rs.	%age
			Total	Paid				
1	Monan	52	96	77	3,880,788	3,252,479	628,309	83.81
2	Murad Abad	102	105	62	5,455,760	5,003,512	452,248	91.71
3	Derwesh	76	250	131	16,976,028	13,637,796	3,338,232	80.34
4	Ali Khan	131	462	343	20,743,337	20,459,352	283,985	98.63
5	Dhoian Khushki	256	358	308	30,017,328	25,339,606	4,677,722	84.42
6	Shah Mohammad	421	191	160	219,414,576	199,677,348	19,737,228	91.00
7	Chechian	42	84	67	6,158,640	6,110,188	48,452	99.21
8	Dhedhar	145	308	274	68,242,524	53,336,020	14,906,504	78.16
9	Seria	423	370	324	63,417,698	58,024,712	5,392,986	91.50
10	Bandi Seria	116	143	119	30,386,528	29,478,419	908,109	97.01
11	Mirpur	290	814	576	21,566,357	20,051,724	1,514,633	92.98
12	Kot Najibullah	647	558	527	215,588,017	208,794,419	6,793,598	96.85
13	Ganja Kamala	360	634	516	64,778,293	55,699,144	9,079,149	85.98
14	Sarai Saleh	235	589	293	11,687,893	10,978,924	708,969	93.93
	Total	3297	4962	3777	778,313,767	709,843,643	68,470,124	91.20

Source: LAC E-35, PD office, Abbotabad

Annexure-2: Mouza-wise Summary of Payment For Affected Structures

S.NO	MOUZA	PAID DP,s	Total Amount (Rs.)	Amount Disbursed Rs.	Balanced Amount Rs.	%age
1	MONAN	2	3,358,653	3,358,653	0	100
2	MURADABAD	1	283,500	283,500	0	100
3	DARWESH	1	746,390	746,390	0	100
4	ALI KHAN	37	49,438,388	49,438,388	0	100
5	DOYIAN KHUSHKI	4	6,652,038	6,652,038	0	100
6	CHAK SHAH MUHAMMAD	0	0	0	0	0
7	CHECHIAN	8	12,761,935	12,761,935	0	100
8	DHEHDAN	7	4,655,186	4,655,186	0	100
9	SERIA	5	2,797,324	2,797,324	0	100
10	BANDI SERIA	9	20,816,326	20,816,326	0	100
11	MIRPUR	4	3,925,174	3,925,174	0	100
12	KOT NAJIBULLAH	18	12,524,211	12,524,211	0	100
13	GANJA KAMALA	2	3,342,266	3,342,266	0	100
14	SARAE SALEH	8	8,675,758	8,675,755	0	100
Total		106	129,977,149	129,977,146	0	100

Annexure-3: Payment for Non-Fruit Trees

Sr. No.	Name of Mouza	No. of DPs	No. of DPs paid	No. of DPs Unpaid	Compensation Amount (Rs)	Disbursed Amount (Rs)
1	Seria	18	11	7	278,796	183,861
2	Ali Khan	25	22	3	274,534	250,788
3	Monan	4	0	4	58,680	0
4	Sarai Saleh	19	5	14	481734	179233
5	Bandi Seria	3	3	0	122,411	122,411
6	Shah Mohammad	11	3	8	265,050	43,750
7	Muradabad	3	1	2	72,528	23878
8	Derwesh	5	1	4	48,351	3986
9	Chechian	3	3	0	137,113	137,113
10	Dhoian Khushki	15	9	6	323,311	224,529
11	Mirpur	18	5	13	267,514	44,581
12	Dhedar	14	4	10	154,714	80,687
13	Ganja Kamala	10	6	4	93,043	48225
14	Kot Najibullah	20	10	10	249,448	132,817
Total		168	83	85	2,827,227	1,475,859

Source: LAC E-35, PD office, Abbotabad

Annexure-4: Payment for Fruit Trees

Sr. No.	Name of Mouza	No. of DPs	No. of DPs paid	No. of DPs Unpaid	Compensation Amount (Rs)	Disbursed Amount (Rs)
1	Seria	4	2	2	291,165	122,675
2	Ali Khan	5	3	2	203,930	146,330
3	Monan	2	0	2	3,640	0
4	Sarai Saleh	4	3	1	47,690	45,800
5	Bandi Seria	0	0	0	0	0
6	Shah Mohammad	1	1	0	5,762,400	5,762,400
7	Muradabad	0	0	0	0	0
8	Derwesh	0	0	0	0	0
9	Chechian	7	4	3	134,565	131,160
10	Dhoian Khushki	0	0	0	0	0
11	Mirpur	0	0	0	0	0
12	Dhedar	2	1	1	29,050	15,025
13	Ganja Kamala	0	0	0	0	0
14	Kot Najibullah	4	2	2	11,320	8170
Total		29	16	13	6,483,760	6,231,560

Source: LAC E-35, PD office, Abbotabad

Annexure-5: Payment for Crops

Sr. No.	Name of Mouza	No. of DPs paid	Compensation Amount (Rs)	Disbursed Amount (Rs)	Disbursement %age
1	MONAN	27	101,530	33,636	33.13
2	MURADABAD	14	92,188	57,065	61.90
3	DARWESH	33	135,410	90,201	66.61
4	ALI KHAN	48	162,360	102,764	63.29
5	DOYIAN KHUSHKI	85	508,200	441,425	86.86
6	CHAK SHAH MUHAMMAD	39	759,825	430,195	56.62
7	CHECHIAN	17	80,300	55,000	68.49
8	DHEHDAN	50	1,340,160	1,217,533	90.85
9	SERIA	71	1,125,000	386,380	34.34
10	BANDI SERIA	19	8,1510	29137	35.75
11	MIRPUR	47	436,095	225,714	51.76
12	KOT NAJIBULLAH	73	1,609,575	958,363	59.54
13	GANJA KAMALA	57	478,650	300,345	62.75
14	SARAE SALEH	41	511,500	183,310	35.84
Total		621	7,422,303	4,511,068	60.78

Annexure-6:
Summery of Allowances (Vulnerable DP's, affected structures DP's & Labours)

S/ No	Name of Mauza	Vulnerable Allowances			Structure Allowance			Labour Allowance		
		Total Dps	Paid	Pending	Total Dps	Paid	Pending	Total Dps	Paid	Pending
1	Dedan	09	09	0	07	07	0	0	0	0
2	Seria	21	21	0	05	05	0	0	0	0
3	Kot Najib ullah	05	05	0	14	14	0	03	03	0
4	Ganja Kamala	04	04	0	01	01	0	0	0	0
5	Bandi Seria	03	03	0	07	07	0	16	15	01
6	Chechian	09	09	0	07	07	0	0	0	0
7	Dhoian Khushki	22	22	0	01	01	0	05	05	0
8	Darwesh	16	16	0	01	01	0	0	0	0
9	Mirpur	13	13	0	02	02	0	0	0	0
10	Murad Abad	07	07	0	0	0	0	0	0	0
11	Chak Shah Muhammad	09	09	0	0	0	0	0	0	0
12	Monan	0	0	0	02	02	0	02	02	0
13	Ai Khan	16	16	0	35	35	0	0	0	0
14	Sarai Saleh	02	02	0	07	07	0	0	0	0
Total		136	136	0	89	89	0	26	25	01