Resettlement Plan

IND: Railway Sector Investment Program

Daund-Gulbarga Double Tracking Subproject (Karnataka Section)

CURRENCY EQUIVALENTS
(as of 16 March 2011)

Currency unit – Indian rupee (Rs)
Rs 1.00 = $ 0.02222
$1.00 = Rs 45.00

ABBREVIATIONS

ADB Asian Development Bank
APs affected persons
BC backward castes
DC district collector
EA executing agency
GRC Grievance Redress Committee
IA implementing agency
IP indigenous peoples plan
IPPF indigenous peoples planning framework
LAA Land Acquisition Act 1894, as amended in 1984
LAA Bill-2007 Land Acquisition Bill of 2007 (Proposed Amendment to LAA)
M&E monitoring and evaluation
MFF multi-tranche financing facility
NGOs non-government organizations
ORRP Orissa Resettlement and Rehabilitation Policy
PAFs Project affected families
PIUs Project implementation units
R&R resettlement and rehabilitation
RF resettlement framework
RO resettlement officer
RP resettlement plan
RVNL Rail Vikas Nigam Limited
SCs scheduled castes
SIA social impact assessment
STs scheduled tribes

WEIGHTS AND MEASURES

km kilometer
Km/h kilometer per hour
m meter
m² square meter

NOTE

In this report, "$" refers to US dollars.
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Table of Contents

Executive Summary 3
  1. Background and Subproject Description 5
  2. Scope of Land Acquisition and Resettlement 6
  3. Objectives, Policy Framework, and Entitlements 6
  4. Entitlements as per the resettlement framework 7
  5. Socioeconomic Profile of the DPs 9
  6. Gender Impact and Mitigate Measures 9
  7. Information Dissemination, Consultation, Participatory Approaches and Disclosure Requirements 9
  8. Grievance redress mechanisms 11
  9. Compensation, Relocation, and Income Restoration 11
  10. Institutional Framework 11
  11. Resettlement Budget and Financing 11
  12. Implementation Schedule 12
  13. Monitoring and Reporting 13

List of Figures and Tables
Figure 1 Subproject Map 5
Table 1 Entitlements as per the resettlement framework 7
Table 2 Resettlement Budget 12
Table 3 Implementation Schedule 13
Executive Summary

i. The Railway Sector Investment Program has been formulated by the Ministry of Railways (MOR), Government of India (Executing Agency [EA]), and will receive financing from the Asian Development Bank (ADB) using the multi-tranche financing facility (MFF) loan modality. This is a Resettlement Plan (RP) prepared for the Karnataka section under the Daund-Gulbarga Double Tracking subproject which is based on the detailed engineering design. The subproject area starts from Hotgi and ends at Gulbarga, which spreads over a total of 98.028 kilometers (kms).

ii. The subproject will not entail any land acquisition or resettlement. Based on the detailed engineering design, it was assured that there will be no requirement for land acquisition and hence no resettlement is foreseen in the subproject. However, based on the engineering design, a verification survey was conducted by the social team along with the engineering team. They found four displaced households of agricultural squatters containing 42 displaced persons (DPs), 23 males and 19 females. These households are non-titleholders and have been cultivating some of the railway land. All four squatter households were found to be of the socially vulnerable categories.

iii. This Resettlement Plan is based on national and state laws and policies as well as ADB’s Safeguard Policy Statement (2009) (see Resettlement Framework [RF]). Based on these policies and laws the entitlement matrix agreed to in the RF outlines the various entitlements of displaced households (see below Section 4).

iv. No households headed by women will be displaced by the Subproject. The proposed program activities will not have any negative impact on women. Public participation and community consultation was integrated in social and resettlement assessment for the Project. This RP was prepared in consultation with stakeholders. Consultations were carried out in three phases both formally and informally during the plan preparatory stage. The consultation process will be continued throughout the project activities. The RP will be made available in the local language, i.e., Kannada language during public meetings at the community level and also made available at the local level public offices, such as District Collectors’ Offices and Block Development Officers’ Offices. The RP will be disclosed on ADB’s and the EA’s websites. A Grievance Redress Committee (GRC) at each district level will be formed to deal with disputes and DPs’ grievances and facilitate timely implementation of the project. The subproject will not lead to any physical displacement of DPs, and hence the need for relocation of DPs does not arise.

v. The Ministry of Railways will be the Executing Agency (EA) and the Rail Vikas Nigam Limited will be the Implementing Agency (IA) for the project and responsible for the design and implementation of this RP. The existing RVNL zonal office in Mumbai will act as the PIU for implementation of this subproject and supported by other technical teams at the RVNL Headquarters level in Delhi (HQ). For resettlement activities, HQ will do the overall coordination, planning, and financing. The PIU, Mumbai will be responsible for implementation of the RP for this subproject.

vi. All costs related to Resettlement and Rehabilitation (R&R) assistance for livelihood restoration and administrative cost will be considered as an integral component of project costs and ensure timely disbursement of funds for RP implementation. The total cost for R&R
assistance and implementation of this RP is Rs. 199,180/- (Rupees one lac ninety nine thousand one hundred and eighty only)

vii. Disbursement of resettlement and rehabilitation assistance will be completed before the start of civil works. All land required will be provided free of encumbrances to the contractor prior to handing over of project sites and the start of civil works. The resettlement implementation will be monitored internally due to the small-scale impact. Internal project monitoring and reporting will be carried out by HQ/PIU.
RESETTLEMENT PLAN

DAUND-GULBARGA DOUBLE TRACKING SUBPROJECT: KARNATAKA SECTION

1. Background and Subproject Description

1. The Railway Sector Investment Program has been formulated by the Ministry of Railways (MOR), Government of India (Executing Agency [EA]), and will receive financing from the Asian Development Bank (ADB) using the multi-tranche financing facility (MFF) loan modality. It includes a plan for efficiency-improvement measures to railway organization, work processes and procedures to complement the physical investments to improve the commercial orientation of railway services as well as a railway sector analysis. In addition, a number of track doubling, electrification and/or similar subprojects are included in the first tranche and possibly for future tranches.

2. This is a Resettlement Plan (RP) prepared for the Karnataka section (Hotgi to Gulbarga) under the Daund-Gulbarga Double Tracking subproject. The RP is based on the detailed engineering design. The subproject area starts from Hotgi (at Chainage 470.040 km) and ends at Gulbarga (at Chainage 568.068 km) which spreads over a total of 98.028 kms. The subproject passes through the Gulbarga district of Karnataka. Some of the villages through which the corridor passes are Hotgi, Tilati, Akalkot Road, Nagansur, Borotii, Dudhan, Kulali, Gaudgaon, Ganganpur Road, Hunsil, Adgil, Savalgi, Babalad and Gulbarga. The subproject map is shown in Figure 1:

![Figure 1: Subproject Map (Hotgi to Gulbarga)](image)

3. Efforts have been made by the engineering team during the subproject design to minimize land acquisition and resettlement impacts. The design for the doubling of the existing railway line has been fit within the exiting railway land with no additional land acquisition
necessary. The two major steps taken by the engineering team to minimize the resettlement are to keep the proposed Right of Way (RoW) within the existing railway RoW and to avoid the construction of new sub stations in favor of upgrading the existing stations.

2. Scope of Land Acquisition and Resettlement

4. The Subproject will not entail any land acquisition and resettlement. Based on the detailed engineering design, it was stated that there will be no requirement for land acquisition and hence no resettlement is foreseen in the subproject. However, based on the engineering design, a verification survey was conducted by the social team along by physically walking along the proposed alignment accompanied by the engineering team. There are only four displaced households who were found to be agricultural squatters. A census survey was also carried out to assess any impact of the Subproject on these displaced households. The verification survey confirmed that there will be no land acquisition and resettlement required for the subproject but revealed that four agricultural squatter households are displaced: 42 affected persons, consisting of 23 males and 19 females. These households are non-titileholders and have been cultivating some of the railway land. Out of the four displaced squatter households one household belongs to the Scheduled Caste (SC) category, while the other three households belong to the Other Back Ward Classes (OBC) category. Hence, all the displaced squatters belong to the vulnerable categories. However, it is assessed that one of them will completely lose their source of livelihood.

3. Objectives, Policy Framework, and Entitlements

5. The objectives of the RP are to mitigate all unavoidable impacts due to land acquisition and resettlement and to provide a guideline on implementation of the resettlement issues. The policy framework and entitlements for the Program are based on national laws, including The Land Acquisition Act, 1894 (LAA, amended in 1984), national policies, such as the National Rehabilitation and Resettlement Policy, 2007 (NRRP). Also applicable are ADB’s Safeguard Policy Statement (2009) and the agreed-upon Resettlement Framework (RF). Based on these, the following core general involuntary resettlement principles applicable are as follows:

(i) Screen the project (and each subproject) to determine whether it triggers these resettlement principles and to determine the scope of resettlement planning required through a census/survey of all project-displaced persons.

(ii) Every effort will be taken to avoid physical displacement and/or any other adverse impacts on livelihood, income sources, community resources and infrastructure. If physical displacement and/or other adverse project impacts are unavoidable, the following actions will be taken to ensure that DPs do not get impoverished because of the project.

(iii) Consult and inform all DPs on land acquisition, compensation, and rehabilitation, and inform them of their entitlements.

(iv) Provide special project assistance to meet the needs of vulnerable displaced people such as poor, landless, elderly, woman-headed households, tribal communities and informal settlers and squatters.

(v) Improve or at least restore livelihoods of all displaced households through cash-for-land compensation at replacement value for acquired or damaged property.

(vi) Provide well-planned and budgeted income restoration and improvement programs for the benefit of DPs.
(vii) All common property resources lost due to the project will be replaced or compensated by the project.
(viii) If land acquisition is through negotiated settlement, the project will ensure the persons who enter into negotiated settlements will maintain the same or better income and livelihood status.
(ix) Project displaced households without titles to land are eligible to resettlement assistance.
(x) Disclose resettlement information and plans including consultation documentation before the project appraisal in a form, manner and language(s) accessible to the displaced people and other stakeholders. The final resettlement plans and their updates will also be disclosed to the displaced people and other stakeholders in the same manner.
(xi) The full costs of resettlement will be included in the presentation of the costs and benefits of the project.
(xii) Pay compensation and provide other entitlements to each displaced person before physical displacement and/or any construction contract is awarded.

6. In accordance with the involuntary resettlement principles listed above, all DPs will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets, and scope of the impacts including socio-economic vulnerability of the displaced persons and measures to support livelihood restoration if livelihood impacts are envisaged. The displaced persons will be entitled to the following five types of compensation and assistance packages:

   (i) compensation for the loss of land, crops/ trees at their replacement cost;
   (ii) compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
   (iii) assistance in lieu of the loss of earnings/income;
   (iv) assistance for shifting; and
   (v) Rebuilding and/ or restoration of community resources/facilities.

4. Entitlements as prescribed in the resettlement framework

7. Based on the above broad principles, a detailed description of each compensation measure and assistance to be provided is given in the entitlement matrix which is applicable across all subprojects (Table 1).

<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Definition of DPs</th>
<th>Entitlement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. LOSS OF TREES AND CROPS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Loss of trees, crops,</td>
<td>Standing crops, trees on ROW</td>
<td>Owners and beneficiaries of land</td>
<td>Compensatio n at market value</td>
<td>(a)Compensation to be paid by DC at the rate estimated by (i) the Forest</td>
</tr>
<tr>
<td>perennials</td>
<td>land</td>
<td></td>
<td></td>
<td>Department for timber trees; (ii) State Agriculture Extension Department for crops; and (iii) Horticulture Department for perennial</td>
</tr>
<tr>
<td>Type of Loss</td>
<td>Application</td>
<td>Definition of DPs</td>
<td>Entitlement</td>
<td>Details</td>
</tr>
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<td>-------------</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>trees</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(b) Cash compensation at market value determined as per (a) above to title holder and non-title households including informal settlers/squatters for loss of trees, crops and perennials</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(c) 60 days advance notice to DPs to harvest fruits, standing crops, and remove trees</td>
</tr>
</tbody>
</table>

**B. LOSS OF LIVELIHOOD/ PROVISION OF ADDITIONAL SUPPORT TO VULNERABLE GROUP**

2. Loss of income and work days due to displacement, as per note (D)
   - Households displaced by ROW
   - Head of households identified by the DC list and SES

   ▶️ Resettlement and Rehabilitation Assistance
   - (a) Cash assistance for 90 days at the local agricultural wage rate as per State norms
   - (b) Training Assistance of Rs.4,000/- for income generation per household, as per note (B).
   - (c) Temporary employment in the project construction work to DPs with particular attention to DPs below poverty line (BPL) by the project contractor to the extent possible.

3. Any loss to vulnerable groups
   - Households displaced by ROW
   - Vulnerable households including households headed by women, BPL, SC, ST, disabled and elderly

   ▶️ Additional Assistance to vulnerable groups
   - Assistance in the form of the grant will be paid to those below the poverty line and the vulnerable including households headed by women, SC, ST, disabled and the elderly at the rate of Rs.10,000 per eligible household.

DP = displaced persons, BPL = below poverty line, DC = District Commissioner, ROW = right-of-way, SC = scheduled caste, ST = scheduled tribe, SES = socioeconomic survey
Notes:

(A) In the State where rules are in vogue for negotiated settlement/consent award, the EA will hire an Independent Evaluator registered with Government, who will assess the replacement cost of land. The EA through the Independent Evaluator will assess as follows: (i) appraise recent sales and transfer of title deeds and registration certificates for land in urban and rural areas of the district, (ii) appraise circle rate (valuation of land property established by an administrative area) in urban and rural areas of the district, (iii) appraise agricultural productivity rate for land 20 years yield. The Negotiation Committee will consider the input given by the Independent Evaluator, while arriving at the negotiated value of the land. However, in case where there is no Law in regard to award of compensation as per mutual negotiated settlement, the State Government will be requested to take the assessment of the replacement cost as per the above criteria and the difference between the market value determined by the State Government and replacement cost will be paid as resettlement assistance.

(B) Wherein the total ex-gratia assistance paid to each displaced family shall not be less than Rs.20,000/- which shall include the shifting allowance, transitional allowance, training allowance, vulnerable grant i.e. each displaced family shall be offered an amount of not less than Rs.20,000/- as resettlement & rehabilitation assistance, which is over and above the cash compensation for land, structure, etc. paid as per State Laws.

(C) The compensation for houses, buildings and other immovable properties will be determined on the basis of replacement cost by referring to relevant Basic Schedule of Rates (B.S.R.) as on date without depreciation. While considering the BSR rate, the Independent Evaluator registered with the Government will use the latest BSR for the residential and commercial structures in the urban and rural areas of the region, and in consultation with the owners.

(D) Displacement would mean those losing their livelihood only e.g. employee/agricultural labourer/sharecropper.

5. Socioeconomic Profile of the DPs

All the four households displaced economically in the subproject belong to Hindu religion Out of the four displaced squatter households one household belongs to the Scheduled Caste (SC) category, while the other three households belong to the Other Back Ward Classes (OBC) category. Among DPs 70% are literate and 50% engaged in agriculture while 25% DPs are doing some business and another 25% are labourers. All the displaced squatters belong to the vulnerable categories.

6. Gender Impact and Mitigation Measures

8. No households headed by women will be displaced by the Subproject. Women in the subproject areas are largely involved in household work, cultivation and other agricultural activities. There will be no negative impact foreseen on women due to the subproject construction. Therefore, no specific plans or actions required for any mitigation measures for women in the subproject area.

7. Information Dissemination, Consultation and Disclosure Requirements

9. Public participation and community consultation were integrated into social and resettlement assessment for the subproject. This RP was prepared in consultation with
stakeholders. Consultations were carried out in three phases both formally and informally during the preparatory stages. Consultations were carried out during May 2008 with various stakeholders as part of the inception site visit. A screening survey was conducted during early June 2008 where a second round of consultations was held. The third rounds of consultations were carried out during the detailed social and resettlement survey in the months of February and March, 2009. The social survey team during the physical verification and walk over survey conducted public consultations at various locations such as Hotgi (8 participants), Akalkot Road (12 participants and Gulbarga (18 participants) through focus group discussion in order to gather peoples' feedback on the project. Additionally, census survey questionnaires were also used with the four displaced agricultural squatter households. Consultations with non-MOR officials were also carried out, including the local revenue officers, officials from the Tehasil, Gulbarga district collector’s office and the engineers of the consultant team. The main objective of the consultations with the non-railway officials was to gather area-specific information as a valid input for the planning and especially deriving at a holistic approach to prepare the RP. Key issues raised during the consultations are summarized as follows:

(i) People consulted understand that there will be no impact on land acquisition and resettlement
(ii) Most of the people are aware of the Subproject as there was an initial consultation carried out during the design and preparation for the electrification components of the project
(iii) People welcomed the approach that the Subproject will not cause any damage in terms of displacement and that this Subproject will provide temporary employment during construction
(iv) They are of the opinion that doubling of the track may bring more trains, improving the reliability of the rail service; current services do not provide frequent trains to commute between towns
(v) Proper measures need to be taken to restore loss of livelihood
(vi) Proper safety measures should be adopted for preserving cultural property like temples, play grounds, and burial grounds. Consent of the community and due consultation are required. These should be replaced by the project authority if there is any damage.
(vii) There are no reported archaeological sites or protected areas in the vicinity of the subproject area
(viii) Local people urge that contractors should be advised by the project authority to employ local people with due consultation with the local community and with the elected bodies
(ix) Most of the participants perceive positive impacts from the Subproject
(x) According to the people, the consultation process is quite fruitful and they want continuous consultation during the project construction phase

10. The consultation process will be continued throughout the project cycle. The RP will be made available in Kannada language during public meetings at the community level. Copies of the RP in English and Kannada language will also be made available at the local level public offices, such as District Collector’s Offices and Block Development Officer’s Office, as soon as the plans are available. The RP will be disclosed on ADB’s and EA’s websites. The report of this disclosure, giving detail of date and location, will be shared with ADB.
8. **Grievance Redress Mechanisms**

11. According to the RF, a Grievance Redress Committee (GRC) will be formed at each district level to deal with the disputes and DPs’ grievances and facilitate timely implementation of the project. Since the number of displaced persons on this subproject is small, it is suggested that the GRC will only include two persons: the District Collector (DC; or District Magistrate) or a representative from the Collector’s Office (as committee chair), and a representative from the PIU Mumbai. The GRC will meet once in a month to address the grievances of DPs if any. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, compensation, and other assistance. Records of all GRC meetings and proceedings will be kept and made available in a timely fashion upon request of any participant.

9. **Compensation, Relocation, and Income Restoration**

12. The Subproject does not require any land acquisition and does not cause any demolition of structures. Therefore, there are no negative resettlement impacts in terms of displacement of DPs. All properties displaced under this subproject will be compensated at replacement cost and each DP whose income or livelihood is displaced by a subproject will be assisted to improve or at least restore it to pre-project level. Cash compensation and other entitlements prescribed in the Entitlement Matrix will be provided to each DP before taking possession of the properties. DPs will be provided with an advance notice of 60 days prior to possession being taken of the properties. All assistance will be paid to DPs at least one month prior to commencement of construction activities. The subproject will have some minimal impact on the livelihood of 4 squatter households who will be assisted as per the entitlement matrix and there is no requirement for relocation of any DPs.

10. **Institutional framework**

13. The Ministry of Railways will be the Executing Agency (EA) and Rail Vikas Nigam Limited will be the Implementing Agency (IA) for the project and responsible for the design and implementation of this resettlement plan. A Project Implementation Unit (PIU) is already existing for the subproject at Mumbai which is looking after the overall planning (engineering and safeguards) for the subproject (double tracking). This PIU will be supported by other technical teams at the RVNL Headquarters level in Delhi (HQ). For resettlement activities, HQ will do the overall coordination, planning, and financing. The implementation of this subproject will be the responsibility of PIU, Mumbai.

14. The IA staff for subproject preparation and implementation will include one designated officer from the existing PIU who will additionally look after the social and resettlement issues. There will be a Resettlement Officer (RO) in HQ who will be responsible for the overall planning and implementation of resettlement activities. The HQ through the designated official in Mumbai PIU will be responsible for updating the resettlement plan if required. The designated officer at the PIU level will be assisted by the Resettlement Officer of the HQ. There will be no requirement to hire an NGO due to such negligible impact of the subproject on land acquisition and resettlement.

11. **Resettlement Budget and Financing**

15. Detailed budget estimates for this RP are given below, which will be included in the overall tranche budget. All cost related to R&R assistance and administrative cost will be
considered as an integral component of project costs and ensure timely disbursement of funds for RP implementation. The EA, through its IA will approve the cost and the budget will be allocated in advance in the annual budget of the project authority. All the costs for necessary assistances will be allocated in advance by the IA and will be disbursed prior to the start of the civil work. The subproject does not entail any land acquisition and therefore, in the case of assistance and other rehabilitation measures, the IA will directly pay the money or any other assistance as stated in the RP to DPs. The designated official in PIU will be involved in facilitating the disbursement process. The total cost for R&R assistance and implementation cost of this RP is Rs. 199,180/- (Rupees one lac ninety nine thousand one hundred and eighty only). The breakup of cost is described in Table 2.

Table 2: Resettlement Budget

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit Rates</th>
<th>Total Quantity</th>
<th>R&amp;R Costs (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. R&amp;R Assistance</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Three months minimum wages</td>
<td>@ Rs.120/ per day</td>
<td>4 households</td>
<td>43,200</td>
</tr>
<tr>
<td>2. Resettlement and Rehabilitation Assistance (Ex-Gratia assistance)</td>
<td>20,000</td>
<td>4 household</td>
<td>80,000</td>
</tr>
<tr>
<td>including Training and Vulnerable Group Assistance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td></td>
<td></td>
<td>123,200</td>
</tr>
<tr>
<td><strong>B: R&amp;R Support Cost/Administrative</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Lump sum for various administrative cost</td>
<td></td>
<td></td>
<td>50,000</td>
</tr>
<tr>
<td><strong>TOTAL (in Rs.)</strong></td>
<td></td>
<td></td>
<td>173,200</td>
</tr>
<tr>
<td>Contingency (15% of the total)</td>
<td></td>
<td></td>
<td>25,980</td>
</tr>
<tr>
<td><strong>Grand Total (in Rs.)</strong></td>
<td></td>
<td></td>
<td>199,180</td>
</tr>
</tbody>
</table>

12. Implementation schedule

16. Disbursement of R&R assistance will be completed before the start of civil works. All land required will be provided free of encumbrances to the contractor prior to handing over of project sites and the start of civil works. However, public consultation and internal monitoring will be continued for the entire duration of the project. The implementation schedule for RP implementation including various sub-tasks and time lines matching the civil works schedule is in Table 3.
Table 3: Implementation Schedule

<table>
<thead>
<tr>
<th>Activities</th>
<th>Months</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 2 3 4 5 6 7</td>
</tr>
<tr>
<td>Establishment of PIU</td>
<td>★</td>
</tr>
<tr>
<td>Consultations and disclosure</td>
<td>★ ★ ★ ★ ★ ★</td>
</tr>
<tr>
<td>Issue notice to DPs to harvest their crop</td>
<td>★</td>
</tr>
<tr>
<td>Disbursement of Compensation and resettlement assistance</td>
<td>★</td>
</tr>
<tr>
<td>Takeover possession of acquired property</td>
<td>★ ★</td>
</tr>
<tr>
<td>Handover land to contractors</td>
<td>★</td>
</tr>
<tr>
<td>Start of civil works</td>
<td>★</td>
</tr>
<tr>
<td>Monitoring</td>
<td>★ ★ ★ ★ ★ ★</td>
</tr>
</tbody>
</table>

13. Monitoring and Reporting

17. Only internal monitoring and reporting will be carried out by HQ/PIU because the number of displaced households is small. The existing PIU of RVNL (at Mumbai) through its designated official in charge will keep the record of the implementation of the RP and will provide the information to the HQ RO. The internal monitoring by HQ/PIU will include whether the DPs are assisted properly and their timely receipt of the assistance with advance notice. Monitoring reports will be prepared by the EA and semi-annually submitted to ADB for review.