

Resettlement Planning Document

Land Acquisition and Resettlement Plan for the Sukkur Area Sanitary Landfill at Rohri
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PAK: Sindh Cities Improvement Investment Program

The Land Acquisition and Resettlement Plan for the Sukkur Area Sanitary Landfill at Rohri 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.

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Abbreviations

ADB	– Asian Development Bank
AP	– Affected Person
DO	– District Officer
EA	– Executing Agency
Facility	– Multitranchise Financing Facility
GoS	– Government of Sindh
LAA	– Land Acquisition Act
LAC	– Land Acquisition Collector
LAR	– Land Acquisition and Resettlement
LARF	– Land Acquisition and Resettlement Framework
LARP	– Land Acquisition and Resettlement plan
NSUSC	– North Sindh Urban Services Corporation
P&DD	– Planning and Development Department
PSU	– Program Support Unit
SCIP	– Sindh Cities Improvement Investment Program
TMA	– Taluka Municipal Administration
TO	– Taluka Officer

Definition of Terms

Affected Household: All persons residing under one roof and eating from the same kitchen, who are adversely affected by the Project, or any of its components; may consist of a single nuclear family or an extended family group

Affected Person (AP): Any person affected by loss of assets or income due to Program-related changes in the use of land, water or other natural resources

Compensation: Cash or in-kind payment of the replacement cost of an asset lost due to Program-related impacts

Entitlement: Range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation, which are due to affected persons, depending on the nature of their losses, to restore their economic and social base

Involuntary Resettlement: Unavoidable resettlement losses as a consequence of development projects, compelling APs to rebuild their lives, incomes and asset bases elsewhere

Land Acquisition: The process whereby a person is compelled by a government agency to alienate all or part of the land a person owns or possesses to the ownership and possession of the government agency for public purpose in return for compensation

Rehabilitation: Compensatory measures provided under the ADB Policy Framework on Involuntary Resettlement other than payment of the replacement cost of acquired assets

Relocation: The physical resettlement of an AP from her/his pre-Program place of residence

Replacement Cost: The value determined to be fair compensation for various types of agricultural and residential land, crops, trees, and other commodities based on current market rates; the cost of rebuilding houses and structures at current market prices of building materials and labor, without depreciation or deductions for salvaged building material

Vulnerable Groups: Distinct group of people who may suffer disproportionately from resettlement effects

EXECUTIVE SUMMARY

Site Ownership and Affected Persons: Land acquisition and resettlement (LAR) impacts in this solid waste management development are minimized by obtaining uncultivated and otherwise unused government land, leased in part (40 acres) by a single quarry operator, the only Affected Person.

Site Location and Land Status: The 100 acre site required for the sanitary landfill is located at Global Positioning System (GPS) coordinate 27°39'33.00"N, 68°54'39.53"E in the Deh of Nando Kohistan, the Tapa and Taluka of Rohri and District of Sukkur, within a property with a total size of approximately 100 acres. It is the property of the Government of Sindh (GoS) under the custodianship of the office of the District Officer (DO) Revenue of Sukkur. It is partially leased out under a license from the Mines and Minerals Development Department of the GoS.

Expected Gender Impact: An adverse differential impact by the landfill development on either the men or the women of the affected person (AP) household is not to be expected and any gender impact, if at all, would be insignificant.

Consultation and Information Dissemination: The single AP and quarry operator was consulted and is being provided with a Sindhi Summary of the LARP. This LARP will be available at the Rohri Taluka Municipal Administration (TMA) Office for public inspection. A Grievance Redress Mechanism has been stipulated in the LARP and was explained to the single AP during the consultation meeting.

Land Acquisition Process: The TMA Rohri will acquire 100 acres of land for this development from GoS at a rate to be fixed in consultation with the Finance Department. 13 March 2008 has been determined as the cut-off date for the land acquired under the subproject. The single affected household leases the land and will be compensated for all expenses in relation to the lease of 40 acres of the affected land, including application fee, land survey and lease fee, as indicated by the Mines and Minerals Department and amounting to PRs68,000. The compensation must be paid in full to the AP prior to the possession of the land and the award of civil works contracts. A provisional resettlement budget totaling PRs85,000, which requires updating after the determination of a land transfer rate by the Department of Finance of GoS, is provided. Monitoring requires the provision of documents demonstrating the conclusion of negotiations with the AP and payment of compensation. An implementation schedule indicates milestones within an approximate timeframe.

I. Scope of Land Acquisition and Resettlement

1. The objective of the Sindh Cities Improvement Investment Program (SCIP or the Investment Program) is to improve the quality, reliability and coverage of water supply, waste water and solid waste management (SWM) services by incentivizing and supporting effective management and sustainable financing of urban service providers. The Investment Program consists of four parts: (i) urban planning, institutional development and program management support, including implementation support through technical assistance for a Program Support Unit (PSU), an Urban Policy and Strategic Planning Unit, and urban services corporations (USCs); (ii) urban water supply and waste water management improvement with the construction and rehabilitation or extension of various related infrastructure facilities; (iii) SWM improvement with the provision of related infrastructure facilities, including four sanitary landfills under Tranche 1; and (iv) transition and operational support funding to USCs. SCIP is financed by the Asian Development Bank (ADB) through a Multitranche Financing Facility (the Facility), which includes several subprojects in each tranche. The first tranche provides investments in urban planning, institutional reforms and program implementation support, as well as water supply, wastewater and solid waste infrastructure in the urban areas of Sukkur, New Sukkur, Rohri, Khairpur, Larkana and Shikarpur. The first tranche supports operationalization of the North Sindh Urban Services Corporation (NSUSC). This short land acquisition and resettlement plan (LARP) has been prepared for the Sukkur Area Sanitary Landfill at Rohri, serving the urban areas of Sukkur, New Sukkur and Rohri, under the first tranche.

2. Land acquisition and resettlement (LAR) impacts in this SWM development are minimized by obtaining uncultivated and otherwise unused government land leased in part (40 acres) by a single quarry operator.

3. To assess the permanent impact of land acquisition for the construction of a sanitary landfill on 100 acres of government land, two site visits and walks at the affected land were undertaken and the related revenue (Appendix 1) and registration (Appendix 2) documents and survey maps (Appendix 3) were inspected and recorded at the office of the Mukhtiarkar of the Revenue Department at the Rohri Taluka. The 100-acre site required for the sanitary landfill is located at Global Positioning System (GPS) coordinate 27°39'33.00"N, 68°54'39.53"E in the Deh of Nando Kohistan, the Tapa and Taluka of Rohri and District of Sukkur, within a property with a total size of approximately 100 acres. The barren land shows no traces of cultivation, built structures or any other land use and is the property of the Government of Sindh under the custodianship of the office of the District Officer (DO) Revenue of Sukkur. It lies within a large hilly area used for quarry operations by contractors leasing government land under licenses from the Mines and Minerals Development Department of the Government of Sindh, with an office in Sukkur City. One quarry operator holds a lease since 13 February 2006 for 40 acres located within the site. He has, according to the records of the Mines and Minerals Development Department, made investments in obtaining and maintaining the lease (application fee, land survey and lease fee). However, for the past 2 years he has not commenced quarrying operations and therefore does not to this date derive any income or other benefits supporting his household's livelihoods from the unused land. Table 1 indicates the status of this AP and affected assets at the site.

Table 1: Affected Persons and Assets in the Sanitary Landfill Development, Rohri

Item		Number
Leaseholder		1
Male		1
Female		0
Vulnerable households		0
Barren land (leasehold)	Acres	40
	No. of leaseholders	1
	Landowner	Government of Sindh
>10% productive income generating assets lost	Acres	0
	No. of owners/lessees	0
Residential land	Acres	0
Structures	No.	0
APs to be displaced	No. of persons	0
	No. of households	0

4. A socio-economic survey with the single AP could not be carried out, since, although he was available for a consultation and site visit, he declined to provide further information about his socio-economic status. The AP is a quarry operator with an undisclosed number of quarries on leased government land as well as other businesses in the subproject area and in Karachi. The public interactions between the ethnic Pathan and government officials as well as other persons are characterized by a significant show of respect for the AP who thus commands high social status. Although his income was not disclosed, it may safely be assumed that it is above the poverty and vulnerability levels.

II. Objectives, Policy Framework and Entitlements

5. The objective of this LARP is to stipulate all relevant procedures and compensation entitlements for the acquisition of land under the Sukkur Area Sanitary Landfill at Rohri, while safeguarding the livelihoods of APs. The Land Acquisition and Resettlement Framework (LARF) for SCIP determine all provisions of this LARP. The policy framework and entitlements for the Investment Program are based on the Land Acquisition Act (LAA) of 1894 and successive amendments as applicable to the Province of Sindh, the Sindh Katchi Abadi Act of 1987 and the ADB Policy on Involuntary Resettlement of 1995, as indicated in Section F of the LARF. No specific entitlement matrix is required as the single leaseholder will be compensated for termination of the lease and applicable costs. In order to determine the compensation due to the current leaseholder of a portion of the affected land at Rohri, this LARP has been prepared by GoS.

III. Gender Impact and Mitigation Measures

6. The single leaseholder of the affected land does not to this date derive any income or other benefits supporting his household's livelihoods from the unused land. Therefore, an adverse differential impact by the landfill development on either the men or the women of the household is not to be expected and any gender impact, if at all, would be insignificant. As the AP household resides in the city of Karachi, it was not possible to carry out a socio-economic and gender impact assessment with a female household member.

IV. Information Dissemination, Consultation and Disclosure Requirements

7. This LARP was prepared after consultation with stakeholders. The single AP, i.e. leaseholder of a portion of the affected land, was consulted by the land acquisition and

resettlement (LAR) consultants of the Program during a site visit on 13 March 2008. He was informed about the subproject and its intent to acquire the land and his leasehold record at the Sukkur City office of the Mines and Minerals Department of the Government of Sindh was cross-checked and verified. The government's ownership of the affected land was also verified at the office of the Mukhtiarkar Rohri. The leaseholder stated his agreement to relinquish his lease in exchange for the compensation of his investment in the acquisition and maintenance of the lease. The transfer of the government to TMA as well as the possibility of acquiring the site through compensation of the leaseholder was discussed with the relevant local level Revenue Department officers, the Rohri Mukhtiarkar, Assistant Mukhtiarkar and Tapadar, as well as the Assistant Director of the Sukkur Mines and Minerals Department, the Taluka Officer (TO) of the Taluka Municipal Administration (TMA) Rohri and the TO and Deputy TO of the TMA Sukkur.

8. The Sindhi summary of this LARP has been provided to the single AP is placed at the Rohri TMA Office. The English version of the full LARP is on the ADB website.

V. Grievance Redress Mechanisms

9. To address AP grievances about LARP implementation, a Grievance Committee will be established. However, with careful observance of the provisions of the LARF and LARP by all stakeholders involved, grievances can be avoided. The AP will be informed about the Grievance Redress Mechanism during public consultations and through the publication of this LARP. Table 2 sets out the successive steps of the grievance redress mechanism.

Table 2: Grievance Redress Mechanism

Steps	Responsible Actors to be addressed by Affected Persons (AP)	Provisions
1	North Sindh Urban Services Corporation (NSUSC) Safeguards Cell	Informal settlement within 10 days of lodging of complaint
2.a	Grievance Committee	Discussion, referral and resolution of complaint within 30 days
2.b	Land Acquisition Collector (LAC) / District Officers (DO) Revenue at Sukkur	Land and crop compensation related grievances
2.c	NSUSC Safeguards Cell	Grievances pertaining to all other types of assets
3.a	Grievance Committee	AP re-lodges complaint within 1 month of decision under step 2 with supporting documents, to be referred to NSUSC Management
3.b	NSUSC Management	Rules on re-lodged complaint within 21 days in accordance with the land acquisition and resettlement framework (LARF)
4	Appropriate Court of Law	In accordance with sections 18 to 22 of Land Acquisition Act (LAA) 1894

10. If necessary, the aggrieved AP will first address the Safeguards Cell of the NSUSC, whose officers will strive for an informal settlement within 10 days of lodging of the complaint. If the complaint cannot be settled, the grievance will be referred to the Grievance Committee. Within 30 days the committee will discuss the matter and refer land and crop compensation related grievances to the Land Acquisition Collector (LAC) / District Officers (DO) Revenue at Sukkur, or grievances pertaining to all other types of assets and incomes to the NSUSC Safeguards Cell, and obtain a resolution. If the complaint still remains unresolved, it can be re-lodged by the AP within one month of the LAC or Safeguards Cell decision with the Grievance Committee which refers it to the Management of NSUSC. The AP must produce all relevant documents supporting his claim. The Management of NSUSC will rule on the issue(s) within 21 days of its re-lodging with the Grievance Committee. The NSUSC decision must be in compliance with the provisions of the LARF. If the grievance redress mechanism fails to satisfy

the aggrieved AP, he can submit the case to the appropriate court of law as set out in sections 18 to 22 of the LAA (1894).

11. The Grievance Committee will comprise the Mukhtiarkar and Tapadar of the Rohri Taluka and Tapa, the elected Rohri Taluka Councilor of the Rohri Tapa, the TO Infrastructure and Services of the Rohri TMA, and the Social Safeguards Officer of the Safeguards Cell of NSUSC.

VI. Compensation

12. The TMA Rohri will acquire 100 acres of land for this development from the GoS. 13 March 2008 has been determined as the cut-off date for the land acquired. The AP will be compensated for all his expenses in relation to the lease of 40 acres of the affected land, including application fee, land survey and lease fee, as indicated by the Mines and Minerals Department. Compensation to the AP will be paid in full prior to the possession of the land and the award of civil works contracts. The 100 acres of government land under the custodianship of the Revenue Department will be transferred to the TMA Rohri by the Land Utilization Department.

VII. Institutional Framework

13. Roles and responsibilities for the design, implementation and supervision of LAR functions within SCIP are vested with a number of different institutional actors. Planning and Development Department (P&DD) of the GoS as the Investment Program Executing Agency (EA) and through its Program Support Unit (PSU) will provide counterpart finances including the LAR budget, supervise the preparation of this LARP, and oversee the compliance of the Program and its subprojects with the LARF and this LARP. The PSU, however, will carry out LARP preparation functions, until these can be assumed by NSUSC upon its operationalization. All LARP implementation functions, as well as the update of the LARF and this LARP, will be transferred to the Safeguards Cell of the NSUSC.

14. The NSUSC Safeguards Cell will closely liaise with the Sukkur District Revenue Office and its pertinent Taluka and Tapa offices. Under the Provincial Board of Revenue, the Sukkur District Revenue Office with the DO Revenue, who is also the Land Acquisition Collector (LAC), and its officers at the Rohri Taluka level, Mukhtiarkar, and Sultankot Tapa level, Tapadar, is responsible for land administration, valuation and acquisition. These officers verify and validate LARPs and compensation rates, and deliver any compensation for land, crop and tree to the AP. The Rohri TMA will assume the ownership of the affected land, and then transfer the long-term use rights for the establishment and operation of the sanitary landfill to the NSUSC through a Services and Asset Management Agreement (SAMA), agreed between the TMA(s) and NSUSC.

VIII. Resettlement Budget and Financing

15. The AP will be compensated for all his expenses in relation to the lease of 40 acres of the affected land. Table 3 indicates the cost incurred as verified with the Mines and Minerals Department in Sukkur. An as yet unknown rate for the transfer of the land from the GoS to the TMA Rohri will be fixed by the Land Utilization and Finance Departments at a future date. This LAR budget will accordingly be updated. The total amount for compensation and the land transfer to TMA will be paid by the EA from the budget for Sukkur, New Sukkur and Rohri sanitary landfill land acquisition.

Table 3: Provisional Budget for the LARP of the Sukkur Area Sanitary Landfill

Asset Type	Unit	Unit cost (PRs.)	No. of units	Cost (PRs)
Land				
Application for lease	Application	10,000	1	10,000
Land survey	Survey	50,000	1	50,000
Lease fee	Acre/year	100	40/2	8,000
Land transfer rate	Acre	To be determined	23	To be determined
Subtotal				68,000
Contingencies	25%			17,000
Total (provisional)				85,000

Source: ADB estimates.

IX. Monitoring and Evaluation

16. As only a payment of cash compensation is required, monitoring will be confined to the provision of documents which demonstrate the conclusion of negotiations with the AP and evidence of payment of compensation, to be submitted to ADB prior to the award of civil works.

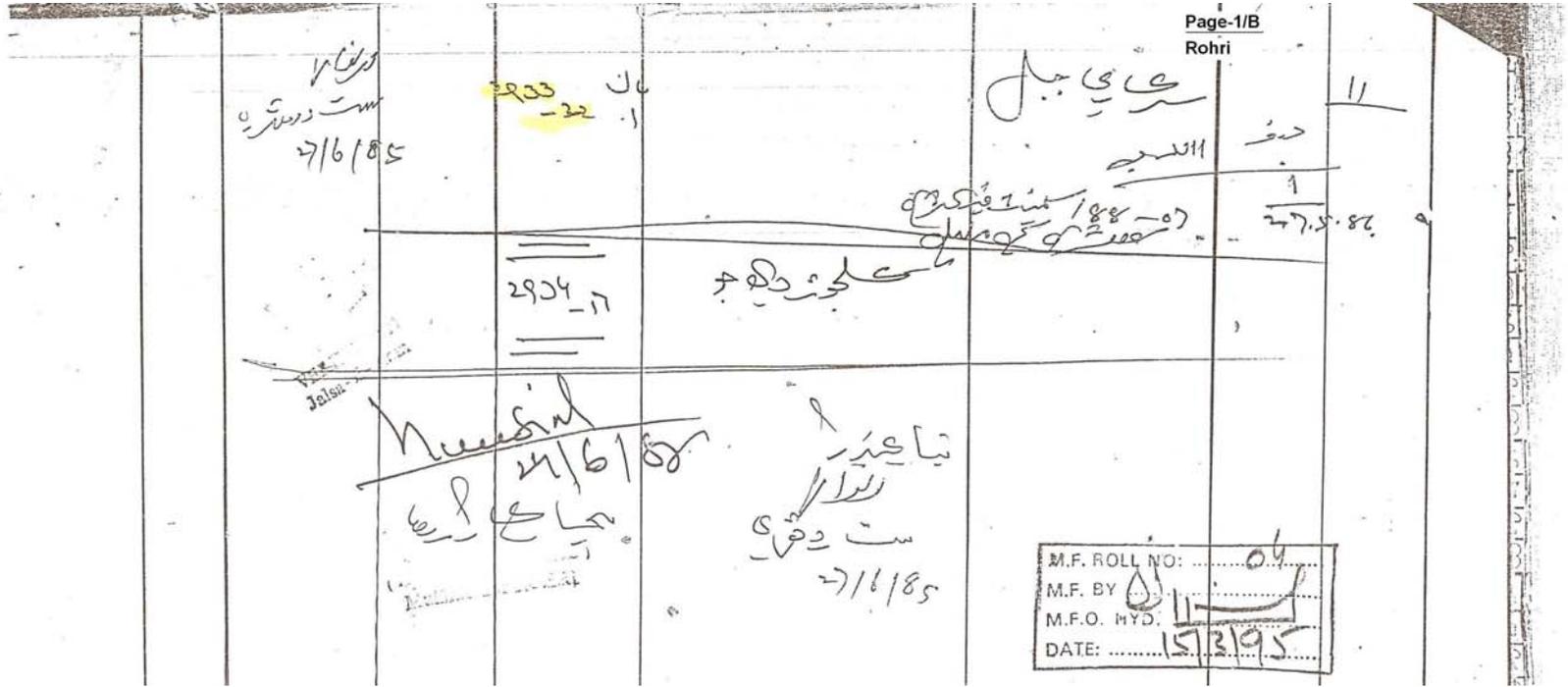
X. Implementation Schedule

17. The following implementation schedule outlines the expected time framework for the implementation of this LARP, beginning with the date of subproject implementation (Table 5).

Table 5: Land Acquisition and Resettlement Plan Implementation Schedule

No.	Activity	Month of Subproject Implementation		
		1	2	3
1.	Action Plan for Subproject Land Acquisition and Resettlement (LAR)			
2.	Set-Up of LAR Institutions			
2.1	Designation of all concerned LAR staff			
2.2	Training of all concerned LAR staff			
2.3	Grievance redress mechanism in place			
3.	Land Acquisition and Resettlement Plan (LARP) Update			
3.1	Detailed measurement survey update			
3.2	Public consultations and negotiations on update			
3.3	Updated resettlement plan and budget			
3.4	Submission of updated LARP to NSUSC			
3.5	Dissemination & agreement on update with AP			
3.6	Submission of updated LARP to Executing Agency/PSU; TMA			
3.7	Submission of updated LARP to ADB			
3.8	Approval of Final LARP with budget			
3.9	Public disclosure of LARP and LAR documents			
4.	LARP Implementation			
4.1	Disbursement of Compensation			
4.2	Finalization of land transfer to TMA			
4.3	Documentation of LAR process			
4.4	Submission of payment receipts to NSUSC and ADB			
4.5	Award of civil works contracts			
5	Review of LARP implementation (Monitoring)			

ADB = Asian Development Bank; NSUSC = North Sindh Urban Services Corporation; PSU = Program Support Unit; TMA = Taluka Municipal Administration



Revenue record for proposed sanitary landfill site, Rohri
 District: Sukkur / Taluka: Rohri / Tapa: Rohri / Circle: Rohri / Deh: Nandho Kohistan

S.No	Record entry No.	Plot/survey No.	Name of owner	Area of plot	Land use type	Cultivated/ uncultivated	Name of Tenant	Type of structure on plot	Market land value	Revenue land value
1.	1.	1.	Government Mountains	2933-32	Un-Irrigated	Uncultivated	No Tenant	No Structure	-	-

The land is state land. It has never been sold, hence revenue land value and market value have not been shown.

**REGISTRATION RECORD FOR LEASE AT
PROPOSED SANITARY LANDFILL SITE, ROHRI**

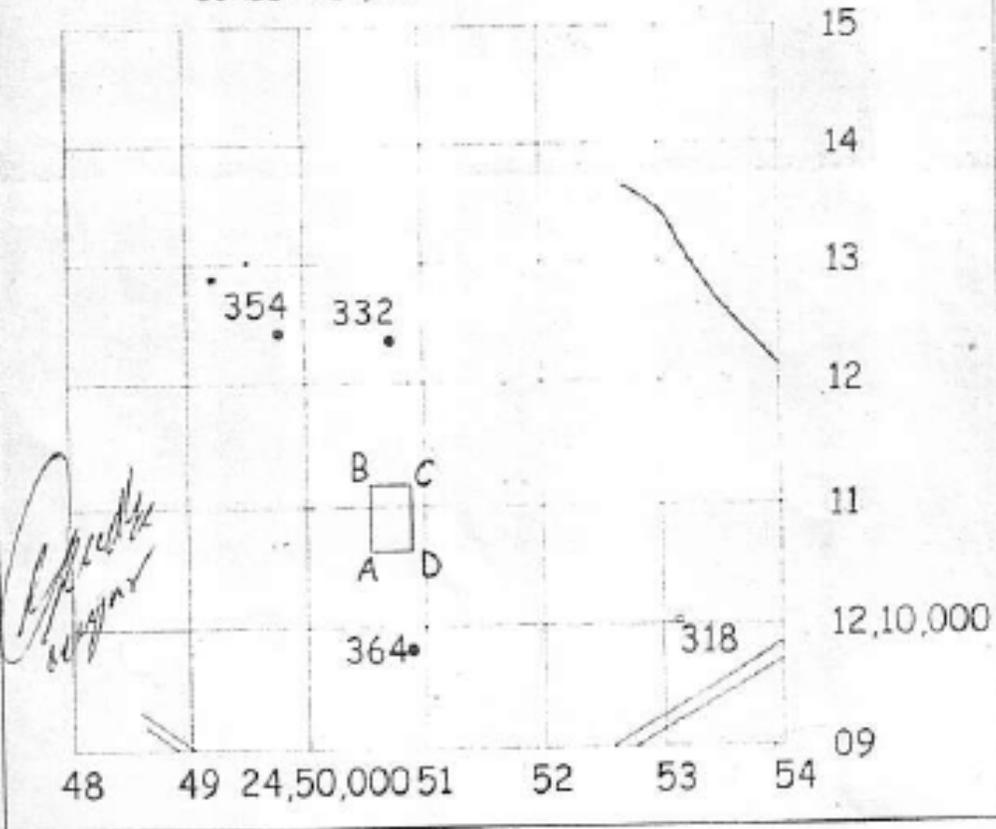
PLAN SHOWING THE AREA APPLIED FOR
MINING PERMIT OF HARD LIME STONE
NEAR ROHRI DISTRICT SUKKUR.
BY: NAJEEBULLAH KHAN

TOTAL AREA : 40.00 ACRES

POINTS	EASTINGS	NORTHINGS
A	24,50,537.04	12,10,626.76
B	24,50,537.04	12,11,176.76
C	24,50,889.04	12,11,176.76
D	24,50,889.04	12,10,626.76

SCALE:- 1:50,000

SHEET NO: 40-A/14



[Signature]

SURVEY MAP FOR PROPOSED SANITARY LANDFILL SITE, ROHRI

