

Resettlement Framework

July 2010

IND: North Eastern State Roads Investment Program

Prepared by Ministry of Development of North Eastern Region for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 16 July 2010)

Currency unit	–	Indian rupee (Rs)
Rs1.00	=	\$0.0214546235
\$1.00	=	Rs46.610000

ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	affected person
BSR	–	Basic Schedule of Rates
CSC	–	Construction Management Consultant
EA	–	Executing Agency
GRC	–	Grievance Redressal Committee
IA	–	Implementing Agency
LAA	–	Land Acquisition Act, 1894
LVC	–	Land Valuation Committee
MDONER	–	Ministry of Development of North Eastern Region
NRRP	–	National Rehabilitation and Resettlement Policy, 2007
PD	–	Project Director
PIU	–	project implementation unit
PMC	–	Project Management Consultant
PWD	–	Public Works Department
R&R	–	resettlement and rehabilitation
RF	–	resettlement framework
RP	–	resettlement plan

WEIGHTS AND MEASURES

km	–	kilometer
m	–	meter

NOTE

In this report, "\$" refers to US dollars.

This resettlement framework 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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RESETTLEMENT FRAMEWORK

A. Introduction

1. The North Eastern State Roads Investment Program funded by the Asian Development Bank (ADB) will have two major components, i.e., improvement of existing road network and institutional strengthening of state level road sector institutions in the North Eastern Region of India.
2. The scope of the proposed investment program includes widening and strengthening of selected existing road sections. As per traffic and safety requirement, the existing single lane carriageway (3.5 m) will be upgraded to intermediate lane carriageway (5 m) and/or two lane carriageway (7 m).
3. This Resettlement Framework (RF) has been formulated to guide the preparation of RPs for additional subprojects under the investment program. The RF identifies the broad scope of the investment program and outlines the policy, procedures and institutional requirements for preparing RPs for subsequent subprojects. The RF will apply to all future tranches under the proposed multitranche financing facility (MMF) for the investment program and it will be reviewed and updated to ensure relevance and consistency with applicable country legal frameworks and ADB's Safeguard Policy Statement, 2009 (SPS), as amended from time to time. The executing agency of the investment program (EA) will be the Ministry of Development of North Eastern Region¹ (MDONER). The implementing agencies (IAs) for individual subprojects will be Public Works Departments (PWDs) of the concerned State Governments. MDONER through Project Implementation Units (PIUs) will be responsible for conducting the social assessment and formulating RPs for subprojects, as outlined in this RF. The draft RPs will be endorsed by the EA and submitted to ADB for review and approval prior to civil works contract award. Compensation and other assistances will be paid to all the affected persons (APs) prior to commencement of construction activities at least 3 months prior to displacement or dispossession of assets.

B. Review of Government Policy and ADB Requirements

4. The National Rehabilitation and Resettlement Policy of 2007 (NRRP-2007) [updating the National Policy on Rehabilitation and Resettlement of 2003], represents a significant milestone in the development of a systematic approach to address resettlement issues in India and closes significantly the gap between Indian national policies and those of ADB. The Land Acquisition Act (LAA) of 1894 (as amended in 1984) gives directives for the acquisition of land in the public interest and provides benefits only to titleholders. The LAA also does not provide replacement cost for the loss of land and assets. By contrast, the NRRP recognizes non-titleholders, although the basic requirement is for the non-titleholder to have been in the project-affected area at least 3 years prior to the declaration of the area as an affected area. The state-level policies are not so comprehensive as far as various types of losses and entitlements are concerned. Overall, then, it can be concluded that the NRRP complies with most of the provisions made under ADB's SPS.
5. One outstanding difference between GOI and ADB policies regards the cut-off date for access to resettlement and rehabilitation (R&R) compensation. According to the NRRP-2007 the cut-off-date for non-titleholders' eligibility for compensation/assistance is three years

¹ MDONER was set up in September 2001 to act as the nodal Department of the Central Government to deal with matters pertaining to socio-economic development of the eight States of North East India.

preceding the date of declaration of the affected area and for the titleholders it is the date of notification under LAA. To bring this RF in accord with ADB requirements, this RF mandates that in the case of land acquisition, the date of publication of preliminary notification for acquisition under section 4.1 of the LAA will be treated as the cut-off date and for non-titleholders such as squatters the date of project census survey or a similar designated date declared by the executing agency will be considered as cut-off date.

6. Besides the NRRP-2007 and LAA, land acquisition in the tribal areas of the states of Assam, Meghalaya, Tripura and Mizoram as specified in the Sixth Schedule [Articles 244(2) and 275(1)] of the Constitution of India shall abide by the provision made therein. The provision made under subsection 3 of this section, the Regional Council for an autonomous region in respect of all areas within such region and the District Council for an autonomous district in respect of all areas within the district except those which are under the authority of Regional Councils, if any, within the district shall have power to make laws with respect to—

a) the allotment, occupation or use, or the setting apart, of land, other than any land which is a reserved forest for the purposes of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town:

Provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or unoccupied, for public purposes by the Government of the State concerned in accordance with the law for the time being in force authorizing such acquisition;

- b) the management of any forest not being a reserved forest;
- c) the use of any canal or water-course for the purpose of agriculture;
- d) the regulation of the practice of *jhum* or other forms of shifting cultivation;
- e) the establishment of village or town committees or councils and their powers;
- f) any other matter relating to village or town administration, including village or town police and public health and sanitation;
- g) the appointment or succession of Chiefs or Headmen;
- h) the inheritance of property;
- i) marriage and divorce;
- j) social customs.

7. All laws made under this paragraph shall be submitted forthwith to the Governor and, until assented to by him, shall have no effect.

8. However as cited above in case of compulsory acquisition of land for the public purpose the LAA shall be applicable superseding District Council Act making it unanimous for other districts in the state having no such Acts. This provision will be applicable to the project roads falling in the following districts of respective states as presented in the Table 1.

Table 1: Name of Districts under District Council Provision

Name of the State	Name of the District Council
Assam	The North Cachar Hills District The Karbi Anglong District The Bodoland Territorial Areas District
Meghalaya	Khasi Hills District Jaintia Hills District The Garo Hills District
Tripura	Tripura Tribal Areas District
Mizoram	The Chakma District The Mara District The Lai District

C. Resettlement Principles for the Investment Program

9. Based on the above analysis of government provisions and ADB policy the broad resettlement principle for this investment program shall be the following:

- The negative impact on persons affected by the subproject would be avoided or minimized as much as possible;
- Where the negative impacts are unavoidable, the persons affected by the subproject and vulnerable groups will be identified and assisted in improving or regaining their standard of living.
- Information related to the preparation and implementation of resettlement plan will be disclosed to all stakeholders and people's participation will be ensured in planning and implementation;
- Land acquisition for the subproject would be done as per the LAA, 1894. The Act specifies payment of adequate compensation for the properties to be acquired. Additional support would be extended for meeting the replacement value of the property. The affected persons who does not own land or other properties, but have economic interests or lose their livelihoods will be assisted as per the broad principles described in this document.
- Selection of alternate alignment with least involuntary resettlement (IR) impacts;
- Before taking possession of the acquired lands and properties, compensation and R&R assistance will be paid in accordance with the provision described in this document;
- An entitlement framework for different categories of people affected by the subproject has been prepared and accordingly the entitlement matrix has been worked out. Provisions will be kept in the budget for those who were not present at the time of enumeration. However, people moving in the subproject area after the cut-off date (the date of notification under LAA-1894 for titleholders and the date of census survey for non-titleholders such as encroachers and squatters) will not be entitled to any assistance.
- Appropriate grievance redressal mechanism will be established at the subproject level to ensure speedy resolution of disputes.
- All activities related to resettlement planning, implementation, and monitoring would ensure the involvement of women and other vulnerable groups, if any.

- Consultations with the APs will continue during the implementation of resettlement and rehabilitation works.

10. In accordance with the R&R measures suggested for the investment program, all affected households and persons 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 affected persons. The affected 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 value;
- II. Compensation for structures (residential/ commercial) and other immovable assets at their replacement value;
- III. Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- IV. Assistance for shifting and provision for the relocation site (if required), and
- V. Rebuilding and/ or restoration of community resources/facilities.

D. Valuation of Affected Assets

11. The valuation of affected land and structures will be governed by the following process:

12. Land surveys for determining the payment of compensation would be conducted on the basis of updated official records and ground facts. The land records containing information like legal title, and classification of land will be updated expeditiously for ensuring adequate cost compensation and allotment of land to the entitled displaced persons. In cases of areas under the District council / village council in tribal areas, where official land records don't exist, formal land/property boundaries of private property owned by the tribal households can be determined through the process of community consultation and discussion with village elders and village council members. Based on such information, land can be classified and land record can be updated and compensation assessment can be made. In the states where the district council is under operation, although the land is notified from the district collector's/ deputy commissioner's office, the verification of ownership is done by the district/village council in consultation with the village people and assessment of compensation also done by the revenue officials based in the district council. After determination of ownership and compensation amount the same is sent to the district collector. Records as they are on the cut-off date will be taken into consideration while determining the current use of land. The uneconomic residual land remaining after land acquisition will be acquired as per the provisions of Land Acquisition Act. The owner of such land/property will have the right to seek acquisition of his entire contiguous holding/ property provided the residual land is less than the average land holding of the district.

13. For land acquisition the District Collector/Deputy Commissioner will decide the compensation for acquired land as per the legal provisions. If the compensation amount is less than the market/replacement value of the land, the competent authority will award the compensation and the difference between the award rate and market / replacement rate will be paid by the EA as 'grant'. The project authority will determine the possible replacement cost of land and assets to be acquired, possibly on the market rate through an independent valuer preferably hired from land and revenue department. This difference between the award money and the market/replacement rate will be determined by an independent Land Valuation Committee (LVC) before resettlement plan (RP) implementation i.e. during physical verification and updation of database. The LVC will be formed only where land acquisition is involved. In

case of insignificant resettlement impacts with no land acquisition the cost of structures can be determined by the PWD itself with the help of their Building Wing.

14. The value of houses, buildings and other immovable properties will be determined on the basis of relevant Basic Schedule of Rates (BSR) as on date without depreciation. While considering the BSR rate, IAs will ensure that it uses the latest BSR for the residential and commercial structures in the urban and rural areas of the region. Compensation for properties belonging to the community or common places of worship will be provided to enable construction of the same at new places through the local self-governing bodies like Village Panchayat/village council in accordance with the modalities determined by such bodies to ensure correct use of the amount of compensation.

15. Compensation for trees will be based on their market value. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops fruit bearing trees will be decided by the EA in consultation with the Departments of Forest, Agriculture and Horticulture. The Compensation will be paid before taking possession of the land/properties.

16. The independent valuer will assess the compensation rates for various types of losses during the preparation of detailed designs and implementation of RP. Also, to ensure that the rates reflect current replacement costs, the LVC will verify and approve the estimates wherever felt necessary. The methodology for verifying the replacement cost for each type of loss will include, but not be limited to, the following:

- a) For valuation of land: Appraisal of recent sales and transfer of title deeds, informal sale and purchase of land among people in the project area, registration certificates for land in urban and rural areas of the district and consultation with local panchayats, district council, village council and APs; Determination of whether the rates established for the project are sufficient or not to purchase the same quality and quantity of land based on compilation of appraised rates;
- b) For valuation of crops and trees: Survey of market prices in the district and adjacent districts for different types of crops to establish an average market price and an assessment to know whether the compensation is less or greater than that price; All compensation should be equivalent or higher than the prevalent market prices and The income loss will be calculated as annual produce value for one season to 3 seasons depending on the nature of crops/trees.
- c) For valuation of structures: To evaluate the compensation for structures to find out whether the amount will enable APs to rebuild or replace their affected structures. This is to be done by consulting land owners on the following:
 - From where they use to buy materials
 - Type of shops (private or state-owned)
 - Distance to be traveled
 - Sources (local or foreign) and the cost of various materials
 - Who will built the structures (owner or contractor) and whether they will use the hired labor or their own labor;
 - Obtaining cost estimates by meeting at least three contractors/suppliers in order to identify cost of materials and labor
 - Identifying the cost of different types of houses of different categories and compare the same with district level prices.

17. Even after payment of compensation, APs would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that APs can take away the materials so salvaged within 48 hours of their demolition, otherwise, the same will be disposed by the project authority without giving any further notice.

18. APs receiving compensation for trees will be allowed to take away timber of their acquired trees for their domestic use. Trees standing on the land owned by the government will be disposed off through open auction by the concerned Revenue Department/ Forest Department. APs will be provided with an advance notice of three months prior to relocation. Further, all compensation and assistance will be paid to APs at least 3 months prior to displacement or dispossession of assets.

E. Entitlement Matrix

19. ADB's SPS specifies that compensation should be paid for the lost assets on the basis of current replacement cost and resettlement assistance for lost income and livelihoods should be provided to both title holders and *non-title holders*.

20. In this investment program compensation for both land and non-land assets will be provided to all titleholder families being affected. Compensation for non-land assets/structures will be paid to all squatters and only encroachers who belong to 'vulnerable group' and any 'special claimant' category. The "Vulnerable Group" comprises of (i) APs below poverty line (BPL), (ii) APs belong to Scheduled Caste and Scheduled Tribe category, (iii) women headed households, (iv) elderly distressed persons, and (v) disabled persons. "Special Claimants" refers to people with traditional or customary land rights, roadside residences/SBE owners with permits from local authority/government body to which they are paying annual tax for the same. As a long term settlers and in contrast to roadside squatters and informal dwellers they are recognized as equivalent to titleholders.

21. An Entitlement Matrix² has been developed, which recognizes and lists various types of losses resulting out of the project and provides the basic tools and guidelines for preparation of compensation and resettlement packages (refer to Table 2).

Table 2: Entitlement Matrix

	Type of Loss	Unit of Entitlement	Entitlement	Details
A. LOSS OF LAND & ASSETS				
1	Loss of Agricultural land and assets	a) Titleholder b) Sharecroppers c) Special Claimants d) APs with traditional/ customary rights	Compensation at Market/ Replacement cost	a) Land acquisition for the Project will be as per Land Acquisition Act 1894. b) If the compensation determined by the Competent Authority is less than the "market price / replacement value", then the difference is to be paid by the EA as assistance. c) APs will be explained the process and their views will be taken into consideration while determining the market/replacement value. d) If the residual plot(s) is (are) not viable, i.e., less than average land holding of the district, there are three options to be given to the AP: <ul style="list-style-type: none"> The AP remains on the plot, and the compensation and assistance paid to the tune of

² During detailed design stage if the scope of the project alters then this entitlement matrix will be updated further and necessary arrangements will be made ensuring such changes are in compliance with ADB policy and guidelines.

	Type of Loss	Unit of Entitlement	Entitlement	Details
				<p>required amount of land to be acquired.</p> <ul style="list-style-type: none"> • Compensation and assistance are to be provided for the entire plot including residual part, if the owner of such land wishes that his residual plot should also be acquired by the project authority provided residual land is quantified less than average land holding of the districts. The project authority will acquire the residual plot and pay the compensation for it also. • If AP is from vulnerable group, compensation for the entire land for land will be provided for acquired land, if AP wishes so, provided that the land of equal or more productive value is available. <p>e) Transitional allowance of Rs. 2000 per month for 9 months if the residual land is not viable or for 3 months when the residual land is viable</p> <p>f) In case of severance due to the acquisition of agricultural land, an additional grant of 10% of the amount will be paid for land acquisition.</p> <p>g) All fees, stamp duties, taxes and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the project authority.</p>
2	Loss of non-agricultural land (i.e.- homestead and residential structures)	a) Titleholder/ Owner (Residential) b) Special Claimants c) APs with traditional/ customary rights	Compensation at Market/ Replacement cost	<p>a) Compensation for the loss of residential land will be paid at market/replacement value.</p> <p>b) If replacement cost is more than the compensation determined by the Competent Authority, then difference is to be paid by the project authority in the form of "assistance".</p> <p>c) AP will be provided replacement cost of the residential structure (part or full), which will be calculated as per the prevailing basic schedule of rates (BSR) without depreciation, subject to relevant "quality standards" of BSR as maintained by Govt/Local Bodies .</p> <p>d) Transitional assistance of Rs. 2000 per month in the form of grant to cover a maximum nine months rental accommodation.</p> <p>e) A lump sum shifting allowance of Rs. 2,500 to the affected households.</p> <p>f) Right to salvage material from demolished structure and frontage etc.</p> <p>g) Project assisted relocation option will be provided to those whose residential structures becomes non-livable as a result of project impacts and a relocation site will be developed in consultation with these affected households.</p>
3	Loss of non-agricultural land (i.e.- loss of Commercial land and structures)	a) Titleholder/ Owner (Commercial) b) Special Claimants c) APs with traditional/ customary rights	Compensation at Market/ Replacement cost	<p>a) Compensation for the loss of land will be paid at the market/replacement value.</p> <p>b) If replacement cost is more than the compensation determined by the Competent Authority, then difference is to be paid by the project authority in the form of "assistance".</p> <p>c) AP will be provided replacement cost of the commercial structure (part or full), which will be calculated as per the prevailing basic schedule of rates (BSR) without depreciation, subject to relevant "quality standards" of BSR as maintained by Govt./Local Bodies.</p>

	Type of Loss	Unit of Entitlement	Entitlement	Details
				<ul style="list-style-type: none"> d) Transitional assistance of Rs. 2000 per month in the form of grant for a period of 6 months depending on the extent of impact. e) A lump sum shifting allowance of Rs. 2,500 to the affected households. f) Right to salvage material from demolished structure and frontage etc. g) Training would be provided for upgradation of skills @ Rs. 2500 per family. h) Project assisted relocation option/ relocation site will be provided to those whose commercial structure can no longer be used as a commercial enterprise as a result of the Project.
4.	Loss of access to agricultural land	<ul style="list-style-type: none"> a) Sharecroppers b) APs with traditional/customary rights c) Leaseholders/ HH with short term and long term permits/ land passes 	Compensation for loss of perennial and non perennial crops and trees and livelihood support	<ul style="list-style-type: none"> a) For non-perennial crops, advance notice to APs to harvest their crops. In case of standing crops, cash compensation at current market value of mature crops for loss of standing agricultural crops only. Grant equal to market value of crop lost plus cost of replacement of seeds for the next season's harvest towards loss of crops before harvest due to forced relocation. b) Compensation for perennial crops and trees calculated as annual produce value for one season times 1 to 3, depending on the nature of crops/trees. c) Training will be provided to all those losing primary source of income. The training will cover both vocational as well as micro enterprise development aspects. The duration of training will be 10 days spread over a month. The cost of training will include transport as well as course material. The training will be organized in the local Panchayat headquarter / village council to minimize cost on travel. d) Additionally, seed capital of Rs 5000/- will also be made available to these households linked to productive assets.
5	Loss of Residential Tenancy	Residential tenants	Assistance	<ul style="list-style-type: none"> a) The amount of deposit or advance payment paid by the tenant to the landlord or the remaining amount at the time of expropriation. (This will be deducted from the payment to the landlord). b) A sum equal to 3 months rental in consideration of the disruption caused. c) Compensation for any structure that tenant has erected on the property. (This will be deducted from the payment to the landlord). d) Shifting allowance of Rs.2500 lump sum for shifting.
6	Loss of Commercial Tenancy	Commercial Tenants	Assistance	<ul style="list-style-type: none"> a) The amount of deposit or advance payment paid by the tenant to the landlord or the remaining amount at the time of expropriation. (This will be deducted from the payment to the landlord). b) A sum equal to 3 months rental in consideration of the disruption caused. c) Compensation for any structure the tenant has erected on the property. (This will be deducted from the payment to the landlord). d) Shifting allowance of Rs.2500 lump sum for shifting. e) Transitional assistance of Rs 2000/- per month for

	Type of Loss	Unit of Entitlement	Entitlement	Details
				3 months will be paid to all commercial tenants.
B. LOSS OF LIVELIHOOD				
7	Loss of wage earnings (agriculture and other employees of commercial units)	Individual	Assistance	<ul style="list-style-type: none"> a) This is valid for persons indirectly affected due to their employer being displaced. Assistance is to be paid on a case by case basis, as per the prevailing local wage rates for three months. b) Alternative Economic Rehabilitation support and training for up-gradation of skill. c) Employment opportunity for APs in the road construction work
8	Non-perennial crops	Household	Notice to harvest standing crops	<ul style="list-style-type: none"> e) Advance notice to APs to harvest their crops; f) In case of standing crops, cash compensation at current market value of mature crops for loss of standing agricultural crops only. g) Grant equal to market value of crop lost plus cost of replacement of seeds for the next season's harvest towards loss of crops before harvest due to forced relocation..
9	Perennial crops such as fruit trees	Household	Compensation at "market value"	Compensation for perennial crops and trees calculated as annual produce value for one season times 1 to 3, depending on the nature of crops/trees.
10	Livelihood losses for agriculture and commercial title holders, SBEs, tenants	Titleholders, Tenants & Special Claimants	Training Assistance & Seed Capital for setting up Micro Enterprise	<ul style="list-style-type: none"> a) Training will be provided to all those losing primary source of income. The training will cover both vocational as well as micro enterprise development aspects. The duration of training will be 10 days spread over a month. The cost of training will include transport as well as course material. The training will be organized in the local Panchayat headquarter to minimize cost on travel. b) Additionally, seed capital of Rs 5000/- will also be made available to these households linked to productive assets.
C. LOSSES of NON-TITLEHOLDERS				
11	Loss of land and structures by encroachers	Household	Will receive no compensation for land but compensation for structures to the vulnerable group	<ul style="list-style-type: none"> a) Encroachers will be notified and given a time in which they will be required to remove their assets and harvest their crops. b) To be assisted on case to case basis by considering relevant facts on family income and existing assets only in the case of persons being members of the vulnerable group. c) Compensation for structures at replacement cost to the vulnerable person. d) Training would be provided for upgradation of skills @ Rs. 2500/- per family to the APs belonging to vulnerable groups and losing their commercial activities. e) Right to salvage materials from the demolished structure.
12	Loss of structures to Squatters/ Informal settlers	Household	Will receive no compensation for land but assistance for lost non-land assets	<ul style="list-style-type: none"> a) Compensation for the loss of structure at replacement cost. b) A lump sum shifting allowance of Rs. 2,500 to the affected households. c) Transitional allowance of Rs. 2000 for a period of 3 to a maximum of 9 months depending on the extent of impact d) Training would be provided for up gradation of skills @ Rs. 2500/- per family to the APs belonging to vulnerable groups and losing their

	Type of Loss	Unit of Entitlement	Entitlement	Details
				commercial activities. e) Additionally, seed capital of Rs 5000/- will also be made available to only vulnerable squatter households linked to productive assets. f) Right to salvage materials from the demolished structure.
13	Loss suffered by shifting Business – Mobile Vendors	Household	Not eligible for compensation or “assistance”	Only ambulatory vendors that have been granted license for operating from fixed locations will be considered as kiosks.
14	Kiosks	Household	“Assistance” for business disruption	The Assistance will be paid as a flat sum of Rs.3000
D. ADDITIONAL SUPPORT TO VULNERABLE GROUP				
15	Loss of Primary source of income by vulnerable titleholders and squatters households	Vulnerable household category (BPL, WHH, SC, ST, Physically Handicapped)	Additional assistance for training or equivalent	a) A special one time assistance to vulnerable households @Rs.2000. b) As an alternative to economic rehabilitation support, the equivalent amount may be paid in cash.
E. LOSS OF COMMUNITY INFRASTRUCTURE/COMMON PROPERTY RESOURCES				
16	Common Property Resources	Community	Compensatory replacement	Cash compensation or reconstruction of the community structure in consultation with the community.
F. ANY OTHER IMPACT				
17	Temporary impact during construction include disruption of normal traffic, increased noise levels, and damage to adjacent parcel of land / assets due to movement of heavy machinery	Community / Individual	Compensation	a) The contractor shall bear the cost of any impact on structure or land due to movement of machinery during construction b) All temporary use of lands outside proposed RoW to be through written approval of the landowner and contractor. c) Location of Construction camps by contractors in consultation with PWD.
18	Any other impact not yet identified, whether loss of asset or livelihood	Individual Household/ Community	Compensation/ Assistance	Unforeseen impacts will be documented and mitigated based on the principles agreed upon in this policy framework.

AP= affected person, BPL = below poverty line, SC = scheduled caste, ST = scheduled tribe, WHH = women-headed household.

F. Procedure for RP Preparation

22. RPs for additional subprojects will be prepared in the following manner:

- (i) the PIU will undertake social impact assessment surveys for each identified subproject, based on the detailed design;
- (ii) if impacts are found to be significant,³ full RPs will be prepared for each additional subprojects;
- (iii) if impacts are not significant, short RPs will be required for each additional subproject preparation, and
- (iv) RP will include measures to ensure that socio-economic conditions, needs, and priorities of women are identified and that the process of land acquisition and resettlement does not disadvantage women.

23. The PIU will be assisted by the Social Development/ Resettlement Specialist under the Design and Project Management Consultant (DPMC) for tranche-1 road sections and by Construction Supervision Consultant (CSC) for subsequent tranches for preparation and implementation of the RPs. RPs will comply with national resettlement policies and the principles outlined in this agreed RF, ADB's SPS and other social safeguard guidelines. Approval of RPs for each additional subproject by ADB will be a condition for the contract of civil works, including compensation payments prior to displacement. MDONER through PIUs will set the cut-off date on the day of notice (LAA Section 4) for titleholders and the date of census survey for the non-titleholders.

24. MDONER through the PIUs will ensure that this RF is closely followed when any RP is formulated for additional subprojects. The MDONER will further ensure that adequate resettlement budgets are allocated and delineated by the respective state on time to PIUs, and involve NGOs for smooth and timely implementation of RP.

G. Institutional Arrangements

25. For resettlement planning and successful implementation of RP there will be a set of institutions involved at various levels and stages of the investment program, which are MDONER, State PWDs, Non-government Organization (NGO)⁴, Grievance Redressal Committee (GRC), and LVC.

26. For resettlement activities, the EA, i.e MDONER, will do the overall coordination, planning, implementation, and ensure that states allocate adequate finances for costs related to land acquisition and resettlement for the subprojects. MDONER will be supported by the PMC to ensure timely and effective implementation of RPs. MDONER will coordinate with State PWDs/ PIUs for subproject level RP related activities. The institutional framework and the roles and responsibilities of various institutions to be involved in the R&R activities of the subprojects and implementation of RP are described below.

³ Resettlement is significant when 200 or more people experience major impacts. Major impacts are defined as involving affected people being physically displaced from housing and/or having 10% or more of their productive, income generating assets lost.

⁴ Engagement of NGO will be required when the resettlement impacts are significant, while in cases of insignificant resettlement the respective PWD may not opt to engage an NGO but can rather increase its field support and carry out the activities related to resettlement implementation.

1. PIU

27. PIUs will be established at each state level headed by a Project Director (PD) responsible for the overall execution of the subprojects in the state. The PD will be responsible for (i) overall implementation of R&R activities according to the Plan including responsible for land acquisition and R&R activities in the field; (ii) ensure availability of budget for R&R activities; (iii) liaison with district administration for support for land acquisition and implementation of R&R; (iv) and selection and appointment of the NGOs.

28. Each PIU will depute one full-time official as the Resettlement Officer (RO) for the duration of resettlement activities, with relevant experience in land acquisition and resettlement issues. The PIU will maintain all databases and work closely with APs and other stakeholders. Based on regularly updated data, a central database will also be maintained by PIU.

29. The PIU officials and RO will undergo an orientation and training in resettlement management at the beginning of the subproject. The training activities will focus on issues concerning (i) principles and procedures of land acquisition, (ii) public consultation and participation, (iii) entitlements and compensation disbursement mechanisms, (iv) Grievance redressal, and (v) monitoring of resettlement operation. The RO will work closely with the District Collector to expedite the payments of compensation for land acquisition and assistance to APs.

2. NGO

30. Involuntary resettlement is a sensitive issue and strong experience in R&R matters along with community related skills will be required by the PIU in order to build a good rapport with the affected community and facilitate satisfactory R&R of the APs. To overcome this deficiency, experienced and well-qualified NGO in this field will be engaged to assist each of the PIUs in the implementation of the RP.

31. The NGO would play the role of a facilitator and will work as a link between the PIU and the affected community. Further the NGO will educate the APs on the need to implement the subproject, on aspects relating to LA and R&R measures and ensure proper utilization of various compensations extended to the APs under the R&R entitlement package. After the approval of the final RP and database of APs, the NGO will issue identity cards to the entitled persons.

3. LVC

32. An LVC will be established headed by a senior officer from the land revenue department at state/district level and include representatives from department of agriculture, forest, horticulture, representatives from the Zilla Parishad/district councils, local panchayats/ village councils, affected persons, independent valuer engaged by IA, NGO representatives and RO/representative from the PIU. This committee will not operate for full time and will be functional at the time of finalization of RP budgets and during land acquisition.

33. The LVC will be responsible for finalizing the values of the affected assets taking into account the prevalent replacement value on the basis of land market survey, undertaken by the independent valuer appointed by the PIU. The prices for land and other assets established and approved by the LVC will be used for compensation for the subprojects. These rates will be reviewed and updated on an annual basis during the course of subproject implementation.

4. GRC

34. The RP will have a mechanism to ensure that the benefits are effectively transferred to the beneficiaries and will ensure proper disclosure and public consultation with the affected population. However, need also exists for an efficient grievance redressal mechanism that will assist the APs in resolving queries and complaints. Therefore, formation of GRC will be most important for grievance redressal and it is anticipated that most, if not all grievances, would be settled by the GRC. The GRCs are expected to resolve the grievances of the eligible persons within a stipulated time. The decision of the GRCs is binding, unless vacated by court of law.

35. The GRC will be constituted at PIU level only comprising Project Director, Resettlement Officer, representative from local NGOs, elected representative from Zilla Parisad/District Council, representatives of affected persons including vulnerable groups and women in the committee. The GRC will continue to function, for the benefit of the APs, during the entire life of a subproject including the defects liability periods.

36. The response time prescribed for the GRCs is three weeks. Since the entire resettlement component of a subproject has to be completed before the construction starts for the whole subproject, the GRC will meet at least once in three weeks to resolve the pending grievances. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, compensation, relocation, and other assistance. The agencies responsible for resettlement planning and implementation are presented in Table 3.

Table 3: Agencies Responsible for Resettlement Implementation

Activity	Agency Responsible
Appointment of Resettlement officer (RO) in IA	PIU
Organizing resettlement training workshop	PIU/DPMC
Social Assessment and Preparation of land acquisition plan, Resettlement Plan (RP) and Indigenous People development Plan (IPDP) as required	PIU through DPMC for Tranche-1 and through CSC for subsequent tranches.
Public consultation and disclosure of RP	PIU/DPMC/CSC
Co-ordination with district administration for land acquisition	PIU/CSC
Hiring of (Non Government Organization) NGOs	PIU/CSC
Constitution of land valuation committee and grievance redress committee	PIU/ CSC/NGO
Review and obtaining of approval of resettlement and land acquisition plans	PIU
Submission of land acquisition proposals to District Commissioner	PIU
Compensation award and payment of compensation	District Commissioner
Payment of grants	PIU/CSC/Independent Valuer/ NGO
Taking possession of acquired land and structures	PIU
Handing over the acquired land to contractors for construction	PIU
Notify the date of commencement of construction to APs	PIU
Assistance in relocation, particularly for vulnerable groups	PIU/ NGO
Internal monitoring of overall RP Implementation	PIU/NGO
External Monitoring and Evaluation	External Monitoring by Project Management Consultant (PMC) engaged by EA

DPMC = Design and Project Management Consultant, IA = implementing agency, NGO = nongovernment organization, PIU = project implementation unit, PMC = Project Management Consultant, RP = resettlement plan.

H. Consultation and Disclosure of RP

37. Project information will be disseminated by PIUs through public consultation and provision of project information. Each additional subproject RP will be prepared and implemented in close consultation with the stakeholders, particularly APs, through focus group discussions and stakeholder consultation meetings. Each RP will be made available in local language(s) during focus group discussions and stakeholder meetings at the village/ community level to ensure inputs from stakeholders. Female-headed households will be consulted by NGO preferably with female fieldworkers. A resettlement information leaflet containing information on compensation and resettlement options will be made available in local language(s) and distributed to APs. Each AP will be provided information regarding specific entitlements. Disputes on entitlements can be forwarded to the PIU for appropriate action. The summary RP will be disclosed on the ADB website, and information dissemination and consultation will continue throughout the subproject implementation period.

I. Monitoring and Evaluation

38. Internal monitoring will be the responsibility of the PIUs and NGO(s) which will include:

- (i) **administrative monitoring:** daily planning, implementation, feed back and trouble shooting, individual AP database maintenance, and progress reports;
- (ii) **socio-economic monitoring:** case studies, using baseline information for comparing AP socio-economic conditions, evacuation, demolition, salvaging materials, morbidity and mortality, community relationships, dates for consultations, and number of appeals placed; and
- (iii) **impact evaluation monitoring:** Income standards restored/improved, and socioeconomic conditions of the affected persons. Monitoring and evaluation reports documenting progress on resettlement implementation and RP completion reports will be provided by the IA to EA for review and approval from ADB.

39. The PMC to be engaged by MDONER is for overall monitoring and evaluation of the project progress for resettlement implementation. The PMC, with previous experience in resettlement activities and familiarity with Government and ADB's SPS, will be engaged with ADB concurrence within three months of the loan effectiveness. The PMC will monitor and verify RP implementation to determine whether resettlement goals have been achieved, livelihood and living standards have been restored, and provide recommendations for improvement. The PMC will undertake biannual monitoring and impact evaluation on a sample basis during midterm and investment program completion. Monitoring will also ensure recording of AP's views on resettlement issues such as; AP's understanding of entitlement policies, options, and alternatives; site conditions; compensation valuation and disbursement; grievance redress procedures; and staff competencies. An important function of the PMC is to advise the EA on safeguard compliance issues. If significant non-compliance issues are identified, the EA is required to prepare a corrective action plan to address such issues. The PMC will also evaluate the performance of the PIU and NGOs. The PMC will report its findings simultaneously to the EA and the reporting responsibility of monitoring to ADB lies with the EA. The monitoring reports will be sent to ADB twice a year.

J. Implementation Schedule

40. The period for implementation of RP has been taken as for 36 months under three broad categories i.e subproject preparation, land acquisition, and monitoring and evaluation. However,

incases of subprojects with insignificant impact the duration of RP implementation period with be reduced considerably. The land acquisition process in India is very lengthy, however, in this investment program context, the RP implementation process will be considerably shortened in most of the cases because of no involvement of land acquisition. Monitoring and evaluation will continue beyond the period of implementation, planning, surveying, assessing, policy development, institution identification, AP participation, income restoration and implementation are typical RP related activities to be performed. However, the sequence may change or delays may occur due to circumstances beyond the control of the investment program. The indicative implementation schedule provided in Table 4 for the proposed Tranche-1 road sections can be adjusted accordingly.

Table: 4 Implementation Schedule

Project Activities	1 st Year				2 nd Year				3 rd year			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
A. Project Preparation Phase												
Census survey of the Project												
Finalization of alignments and estimates of losses & number of APs and RP disclosure												
Establishment of PIU, GRC, LVC, Field offices												
Appointment of NGOs												
Preparation of LA Plan by IA												
Updating of AP list based on detailed design												
Review and approval of RP												
Information Campaign & community Consultation												
B. LA Activity & RP implementation												
Publication of notification under LA Act - appointment of competent authority												
Replacement cost survey by independent valuer												
Creation of database of APs and verification of entitlement												
Determination of Compensation & issue of award by competent authority												
Payment of compensation for Land & structures												
Payment of all other eligible assistance												
Relocation of APs												
Han over of site for and start of construction work												
C. Monitoring and Evaluation												
Internal Monitoring by PIU												
External Monitoring by PMC												

AP = affected person, GRC = Grievance Redressal Committee, IA = implementing agency, LA = land acquisition, LVC = Land Valuation Committee, NGO = nongovernment organization, PIU = project implementation unit, PMC = Project Management Consultant, RP = resettlement plan.

K. Resettlement Budget

41. Detailed budget estimates for each RP will be prepared by the IA which will be included in the overall subproject cost estimate. The budget shall include:

- a) detailed costs of land acquisition, relocation, and livelihood and income restoration and improvement;
- b) source of funding; and
- c) arrangements for approval, and the flow of funds and contingency arrangements.

42. All land acquisition funds will be provided by the IA. All land acquisition, compensation, relocation and rehabilitation of income and livelihood will be considered as an integral component of subproject costs.