

Resettlement Plan Implementation Monitoring Report

For the period covering January–June 2018
Project Number: 38412-023
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India: Assam Integrated Flood and Riverbank Erosion Risk Management Investment Program — Project 1

Prepared by the Flood and River Erosion Management Agency of Assam (FREMAA) for the State Government of Assam and the Asian Development Bank.

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Assam Integrated Flood and Riverbank Erosion Risk Management Investment Program

Bi-annual Social Monitoring Report January 2018 to June 2018

Submitted to:

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Flood and River Erosion Management Agency of Assam
(FREMAA)

Government of Assam

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A. IMPLEMENTATION PROGRESS UNDER TRANCHE I

1. LAND ACQUISITION AND RESETTLEMENT

Background

Government of Assam (GoA) applied for a loan from the Asian Development Bank (ADB) to finance the *Assam Integrated Flood and Riverbank Erosion Risk Management Investment Program (AIFRERMIP)*. The Project-1 under Tranche-I comprises Civil Works for the priority riverbank protection and flood embankment renovation works, at the three selected subproject sites of Palasbari-Gumi, Dibrugarh and Kaziranga, along with procurement of equipment, consulting services and operational costs for the first three years. (Note - the Kaziranga subproject is shifted to Project 2 under Tranche-II due to late receipt of the environmental clearance from Gol).

Embankment work in both Palasbari and Dibrugarh in Project-1 under Tranche-I are the portion of the Civil Works which entail land acquisition (LA) and have an impact on the resettlement and rehabilitation (R&R) issues in the subprojects. Hence, Resettlement Plans for both the subprojects and implementation as well as monitoring arrangements as per ADB Safeguard Policy and loan agreement are required for mitigating the impacts. Previous Resettlement Plans were prepared for both Palasbari and Dibrugarh during PPTA in 2009.

Updating of Resettlement Plans

Preparation of the Resettlement Plans (RP) - was completed for the 3 subprojects (Palasbari, Dibrugarh and Kaziranga) during the project preparation stage in 2009. All three RPs were agreed by the Government of Assam (GoA) and approved by ADB. The focus of LA and R&R activities in PMC are to update the Resettlement Plans prepared in 2009 in accordance with the most up-to-date information on the ground and in coordination with the civil work plan. Since Kaziranga subproject was shifted to Project 2 under Tranche II update of only Palasbari and Dibrugarh RPs was completed in 2014 and approved by ADB under Project 1.

The Project-1 under Tranche-I comprised Civil Works for the priority riverbank protection and flood embankment renovation works, at the three selected subproject sites of Palasbari-Gumi, Dibrugarh and Kaziranga, along with procurement of equipment, consulting services and operational costs. The Kaziranga subproject has been moved to Project II (Tranche 2) due to delay in environmental clearance from Gol. Table 1 includes details of each of the sub-projects.

Table 1: Description of Sub-Projects under Tranche 1

Sub-Project	Package Details
Palasbari	<ul style="list-style-type: none">• Embankment works (retirement) of 5.02 kms;• Riverbank protection works of 4.9 kms;
Dibrugarh	<ul style="list-style-type: none">• Strengthening and widening of the existing embankment of 8.53 kms;• Riverbank protection works at Mothola Reach-Revetment of 2.4 kms;• Construction of porcupine screens;

The embankment work in both Palasbari and Dibrugarh are the portion of the Civil Works which require land acquisition (LA) and have an impact on the resettlement and rehabilitation (R&R) issues along the subprojects. The remaining Civil Works listed in Table 1, are restricted to the riverbank and will not have an impact on the land acquisition as well as rehabilitation and resettlement.

Under the ADB Involuntary Resettlement, the Tranche 1 Investment Program was categorized as an “A” project, and therefore Resettlement Plans (RPs) were prepared for both Palasbari and Dibrugarh in 2009 during PPTA stage. The update of the Resettlement Plans in accordance with the most up-to-date information on the ground and in coordination with the Civil Works plans was finalized and approved by ADB in May 2014 for Palasbari and July 2014 for Dibrugarh.

1.1 IMPACTS AND RP IMPLEMENTATION UNDER PALASBARI SUBPROJECT

The project will impact 446 HHs affecting 1373 persons. The village/ward wise breakup is given in Table 2 below:

Table 2: Distribution of Affected HHs and Persons in Palasbari

No.	District	Village/ Town/ Ward	Affected Households	Affected Persons
1.	Kamrup	Kochpara	36	94
2.	Kamrup	Hudumpur Village	36	57
3.	Kamrup	Hudumpur Town	68	180
4.	Kamrup	Palasbari Ward 6	31	105
5.	Kamrup	Palasbari Ward 5	56	187
6.	Kamrup	Palasbari Ward 1	97	353
7.	Kamrup	Palasbari Ward 2	15	73
8.	Kamrup	Sadilapur	63	218
9.	Kamrup Metro	Majirgaon	44	106
Total:			446	1373

There were a total of 774 structures, 38 income restoration cases, and 37,312 trees identified as impacted in Palasbari – a total of 38,124 impacts.

A summary of impacts in each civil work package is at Table 3.

Table 3: Summary of Impacts in Each Civil Work Packages - Palasbari

Civil Work Package	Number Affected People due to displacement or residence	Number Affected People due to displacement or commercial structures	Number Affected People due to displacement or commercial and residential structures	Number of Affected People that losses their land	Number of Affected People losses other assets (and type of assets)
Palasbari riverbank protection (under water works)	NIL	NIL	NIL	NIL	NIL
Palasbari embankment construction and riverbank protection (above	217 HHs 976 APs	15 HHs 65 APs	4 HHs 18 APs	136 HHs 612 APs	193 HHs 868 APs

water works)					
Gumi - riverbank protection	NIL	NIL	NIL	NIL	NIL

1.1.1 Payment of Compensation against Land, Structures and Trees/Horticulture

Total land required to be acquired for Palasbari subproject is 36.33 ha the detailed break up is as at Table 4 below:

Table 4: Break up of Land Required for Palasbari Subproject

Subproject	District	Land Required in ha		
		Private Land	Govt. Land	Total
Palasbari	Kamrup	23.57	9.33	32.9
	Kamrup Metro	2.56	0.87	3.43
Total		26.13	10.20	36.33

GoA completed release of fund for payment of compensation against land, structures, trees etc. through FREMAA for both private and government land for Palasbari subproject by May 2014. Summary of payment of compensations over private land till end of December 2015 is at Table 5 below:

Table 5: Summary of Payment of Compensation over Private and Government Land - Palasbari

Civil Work Package	Private Land				Government Land	
	Compensation against Land		Compensation against structures and tress		Compensation against structures and tress	
	Number of Affected Persons	Compensation Paid	Number of Affected Persons	Compensation Paid	Number of Affected Persons	Compensation Paid
Palasbari riverbank protection (under water works)	NIL	NIL	NIL	NIL	NIL	NIL
Palasbari embankment construction and riverbank protection (above water works)	136	130	203	203	126	124
Gumi - riverbank protection	NIL	NIL	NIL	NIL	NIL	NIL

1.1.2 Payment of Resettlement Assurances

A summary of payment of resettlement and income restoration assurances is at Table 6.

Table 6: Summary of Payment of Resettlement Assurances - Palasbari

Civil Work Package	Number Affected People Eligible for Resettlement Assurances	Number Affected People Assurances Paid	Number Affected People Eligible for Resettlement Assurances	Number Affected People Assurances Paid
Palasbari riverbank protection (under water works)	NIL	NIL	NIL	NIL
Palasbari embankment construction and riverbank protection (above water works)	224	224	39	39

Gumi - riverbank protection	NIL	NIL	NIL	NIL
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1.2 IMPACTS AND RESETTLEMENT PLAN IMPLEMENTATION ACTIVITIES IN DIBRUGARH

There were a total of 462 affected households and 2179 affected persons identified in the 6 villages/ wards as shown in Table 7.

Table 7: Distribution of Affected HHs and Persons in Dibrugarh

No.	District	Village/ Town/ Ward	Affected Households	Affected Persons
1.	Dibrugarh	Japaragoan	12	80
2.	Dibrugarh	MaijanBarsaikia	39	181
3.	Dibrugarh	Ward No. 16	182	808
4.	Dibrugarh	Ward No. 22	83	460
5.	Dibrugarh	Ward No. 7	43	113
6.	Dibrugarh	Ward No. 9	103	537
Total:			462	2179

There were a total of 501 structures, 66 income restoration cases, and 1292 trees identified as impacted in Dibrugarh – a total of 1859 impacts.

A summary of impacts in each civil work package is at Table 8.

Table 8: Summary of Impacts in Each Civil Work Package

Civil Work Package	Number Affected People due to displacement or residence	Number Affected People due to displacement or commercial structures	Number Affected People due to displacement or commercial and residential structures	Number of Affected People that losses their land	Number of Affected People losses other assets (and type of assets)
Dibrugarh riverbank protection (Motholla Oakland)	NIL	NIL	NIL	NIL	NIL
Dibrugarh Town Protection dyke rehabilitation	349 HHs 1455 APs	78 HHs 325 APs	22 HHs 88 APs	57 HHs 256 APs	298 HHs 1252 APs

1.2.1 Payment of Compensation against Land, Structures and Trees/Horticulture

Total land required to be acquired for Dibrugarh subproject is 9.43 ha the detailed break up is as at Table 9 below:

Table 9: Break up of Land Required for Dibrugarh Subproject

Subproject	District	Land Required in ha		
		Private Land	Govt. Land	Total
Dibrugarh	Dibrugarh	2.25	7.18	9.43
Total		2.25	7.18	9.43

A summary of payment of compensation against private and government land is at Table 10.

Table 10: Summary of Payment of Compensation against Private and Government Land - Dibrugarh

Civil Work Package	Private Land				Government Land	
	Compensation against Land		Compensation against structures and tress		Compensation against structures and tress	
	Number of Affected Persons	Compensation Paid	Number of Affected Persons	Compensation Paid	Number of Affected Persons	Compensation Paid
Dibrugarh riverbank protection (Motholla Oakland) -	NIL	NIL	NIL	NIL	NIL	NIL
Dibrugarh Town Protection dyke rehabilitation -	57	53	80	76	366	341

1.2.2 Payment of Resettlement Assistancess

Payment status of resettlement assistances remained same as 65 APs were tenants and they shifted to some other locations once the civil work started in encumbrance free land. These APs could not be traced despite best effort by FREMAA. With regard to payment of income restoration assistance, one eligible AP expired before start of civil work near his shop and the family closed down the shop also expressed un-willingness to receive the assistance.

A summary of payment status of Resettlement Assistancess is at Table 11

Table 11: Summary of Payment of Resettlement Assistancess - Dibrugarh

Civil Work Package	Number Affected People Eligible for Resettlement Assistancess	Number Affected People Assistancess Paid	Number Affected People Eligible for Resettlement Assistancess	Number Affected People Assistancess Paid
Dibrugarh riverbank protection (Motholla - Oakland) -	NIL	NIL	NIL	NIL
Dibrugarh Town Protection dyke rehabilitation -	414	349	78	77

2. Status of LA and Resettlement Implementation for (Tranche-I)

Palasbari Subproject:

- 487 out of total 501 PAPs received compensation against land, structures and trees/horticulture products till the end of this period;
- Disputes delays the compensation payment in 14 cases;
- 15 Bigha 0 katha 8 Lesa of additional land has been purchased under direct purchase provision of land act.
- Pending Zirat payment to 1 AP of Direct Purchase has been paid during this period.

- All R&R assistances have been paid to PAPs;
- Income Restoration Assistance has been paid to all eligible PAPs
- 109 landless families identified for rehabilitation by providing land for land;
- Entire 5019 M of encumbrance free land, handed over to SIO by DCs and SIO in turn handed over the land to the contractor for completion of civil work.

Complaints and Court Cases

Total 61 numbers of complaints were received by GRC out of which forty were from Palasbari Town Ward No. 2, 10 each from Hudumpur and Sadilapur, and 1 from Parli town. All 61 complaints have been resolved amicably.

Dibrugarh Subproject:

- 342 out of 366 PAPs having no right over the land have been paid compensation against structures and trees/horticulture products till end of this period;
- Total 414 PAPs were to be given R&R assistances out of which 370 PAPs have been paid compensation against structures and trees/horticulture products during last period. The remaining PAPs could not be traced as they have shifted from the site.
- Payment of pending revised Zirat has been paid to all remaining 13 APs during this period.
- Income Restoration Assistance has been paid to 76 out of 78 eligible PAPs
- Entire 8.53 km of encumbrance free land, has been handed over to SIO by DC and SIO in turn handed over the land to the contractor for start of civil work.

Compliance of Safeguard Requirements under Tranche I:

There are no outstanding issues on compliance of safeguard requirements under Tranche I. Para 10 of the Aide Memoire of ADB Mission of April 20th to 3rd May 2018 and 23rd May 2018 clearly indicated this as - "During the July 2017 monitoring visit, 13 non-title-holders and 1 title-holder were identified as not having been paid compensation of Zirat under Project 1. In November 2017, the Mission urged FREMAA to resolve the outstanding payments immediately. In March 2018, a mission was fielded by a Social Development Specialist (ADB consultant) to support FREMAA in resolving the issues. In May 2018, FREMAA informed the Mission that all outstanding Project 1 households have now been paid Zirat compensation, and that all the outstanding 42 affected people of Palasbari sub-project have been allotted land at Boratoli resettlement site. FREMAA shared with ADB the records confirming payments and the handing over of possession to the affected people, as well as communication from Circle Officer, Palasbari Revenue Circle. Documents were found to be in order by the ADB consultant. Also, on 23 May 2018, FREMAA informed ADB that the land development works in Kochpara have been completed. Therefore, there are no outstanding issues regarding FREMAA's compliance to the safeguards requirements of Project 1."

However, the documentary evidences of the compliances of the safeguard requirements are provided below:

Figure 1: APR against Payment of Zira t to Mr. Bubul Kalita, Palasbari Sub-project

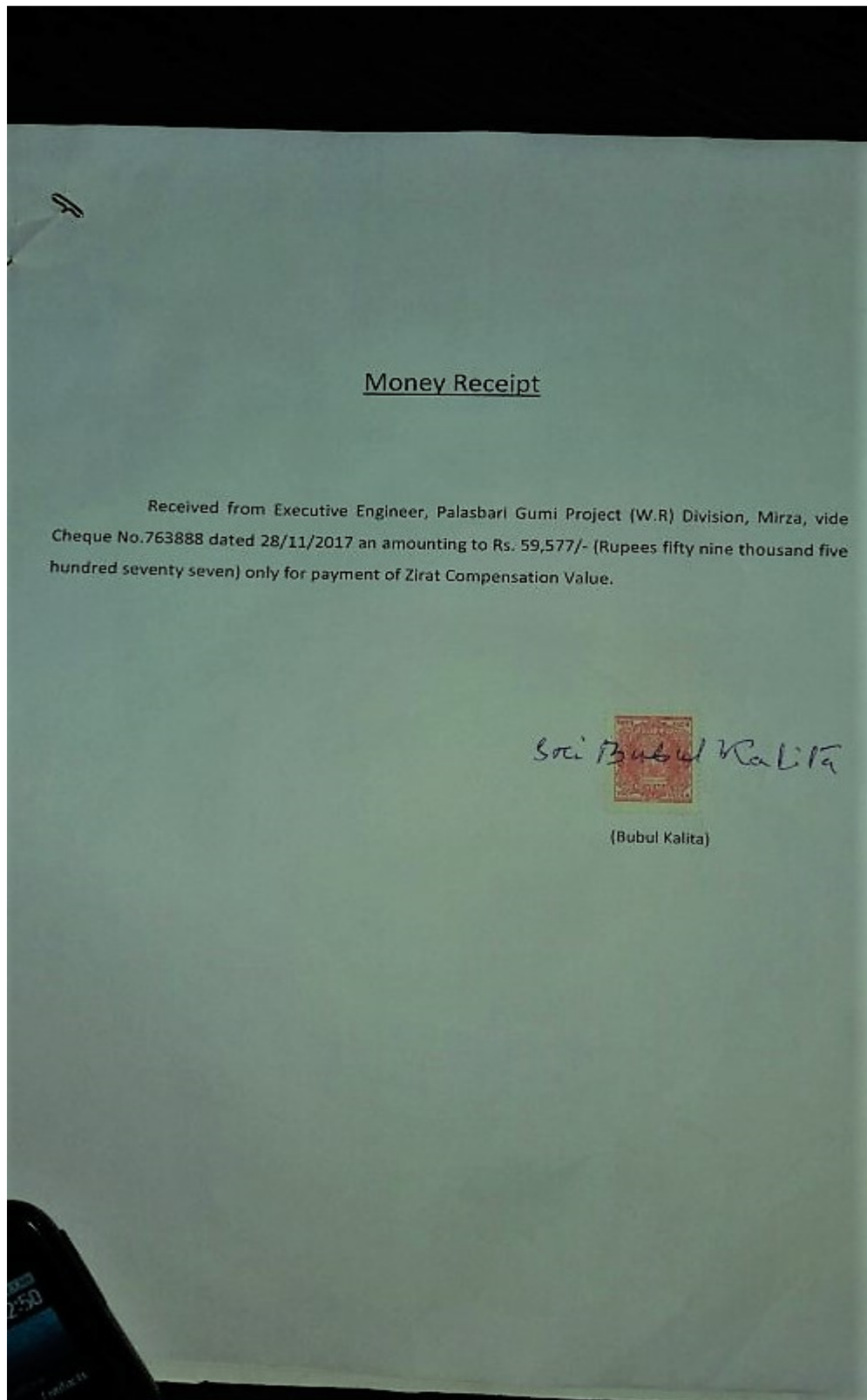





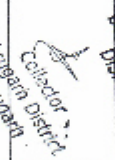



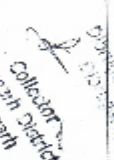

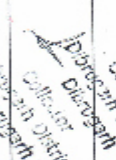




Figure 2: APRs against Payment of Zirant to 13 Remaining APs of Dibrugarh

A. I.R. IN CONNECTION WITH RECEIPT OF COMPENSATION IN . (DRA-42/2012/74 IN CONNECTION WITH CONSTRUCTION OF DIP DYKE UNDER TRANCH-I)						
District: Dibrugarh		Circle-Dibrugarh East Revenue Circle				
Sl. No.	Name of the person occupying the Land	Type of Land	Name of Ward.	Amount paid	Signature of the Recipient with date	Signature of Collector
1	SMTI MAHA DAS, W/O D. NEST DAS	Govt.	Purana Amolpatty	80,500.00	 27/11/2012	
2	SRI ACHUT KR. DAS, S/O DURGASWAR DAS	Govt.	Purana Amolpatty	120,000.00	 27/11/2012	
3	SMTI. SURAJA DAS, W/O RENU DAS	Govt.	Purana Amolpatty	174,500.00	 27/11/2012	
4	SRI RAJUL DAS, S/O BISHAH KHAN	Govt.	Purana Amolpatty	650,000.00	 27/11/2012	
5	SRI KANAKIYA PRADIT, S/O BIKRAM	Govt.	Purana Amolpatty	280,200.00	 27/11/2012	
6	SRI KULDEB KHAN, S/O MUSUR KHAN	Govt.	Mawaripatty	388,000.00	 27/11/2012	
7	SRI RAHMAH KHAN, S/O BASHAH KHAN	Govt.	Mawaripatty	123,880.00	 27/11/2012	

Col. Mahabir Khan







		Amolapatty					Collector Dibrugarh District
1	Govt.	Purana Amolapatty	44,200.00	 <i>Shree K Mon</i>	<i>Shree K Mon</i>		Collector Dibrugarh District
ajuddin	Govt.	Purana Amolapatty	73,100.00	 <i>Musab Ali</i>	<i>Musab Ali</i>		Collector Dibrugarh District
Moina Das	Govt.	Purana Amolapatty	26,400.00	 <i>L</i>	<i>Moina</i> <i>gandharva</i>		Collector Dibrugarh District
amal Das	Govt.	Purana Amolapatty	78,150.00	 <i>SAIT B S T A T M</i>	<i>Moina</i>		Collector Dibrugarh District
iram Das	Govt.	Purana Amolapatty	93,700.00	 <i>Gadiga</i>	<i>Moina</i>		Collector Dibrugarh District

Figure 3: Photographs of Additional Land Filling at Kochpara Rehabilitation Site, Palasbari



Engagement of External Monitor of RP Implementation of Tranche I

- ADB decided to engage the external monitor from ADB side and external and carried out site visits to both the sub-projects of Dibrugarh and Palasbari during September 2017 to March 2018. The external monitoring report has been submitted by the ADB consultant directly to ADB.

B. STATUS OF TRANCHE II ACTIVITIES

3. INVOLUNTARY RESETTLEMENT

3.1 The Government of Assam (GOA) is implementing the Assam Integrated Flood and Riverbank Erosion Risk Management Investment Program to enhance the reliability and effectiveness of flood and riverbank erosion risk management (FRERM) along the Brahmaputra River in the Assam region. The population living in the flood prone areas of the Brahmaputra River Basin in Assam will benefit both directly and indirectly due to this program. The program is being implemented through a multi-tranche financing facility from the Asian Development Bank (ADB). The Flood and River Erosion Management Agency of Assam (FREMAA), is currently implementing the subprojects proposed under Tranche-I and proposes to take up the implementation of Tranche-II subprojects.

3.2 The program aims to improve key infrastructure for flood and erosion management including improvement and rehabilitation of embankments, riverbank protection and flood proofing works along the Brahmaputra River to protect vital state economic interests and to improve the socio-economic conditions of the flood plain inhabitants, including poverty reduction of the poorer and vulnerable groups in the project area. Thus, the proposed program has been expected to enhance the security against floods and riverbank erosion through provision of comprehensive interventions comprising of mitigations, institutional strengthening and capacity building of state and local level agencies of the Water Resources Department (WRD). The Program activities involve (i) construction of river bank protection in selected high priority/subproject areas; (ii) strengthening and improvements of existing embankments; (iii) construction of new embankment; (iv) non-structural measures such as forecasting and early warning systems, and preparedness; (v) alternative measures such as community flood proofing in selected localities; and (vi) project management support. The three subprojects proposed under Tranche-II and details of the contract packages proposed under each subproject is given below.

Table 12: Description of Subprojects under Tranche-II

Sub-Project	Package Details
Palasbari-Gumi	i) G-1: Bank protection 1.2 km (Gumi Site); ii) G-2: Bank protection 5 km (Gumi Site); iii) P1: Bank protection work from Ch. 0 to 3000 m + construction of sluice gate + Spur Rehabilitation (Palasbari Site); iv) P-2: Bank protection work from Ch. 3000 m To 6400 m (Palasbari Site);
Dibrugarh	i) D-1: Dibrugarh-Bank protection at Rohmorla 2.7km ii) D-2: Dibrugarh-Embankment rehab of Oakland Dyke iii) D-3: Dibrugarh-Bank protection DTP Dyke 1.05km iv) D-4: Dibrugarh-Pro-siltation measures in form of PSC Porcupine
Kaziranga	i) Package K 1: Construction of Sluice Gate 3 Nos+ Bank Protection works 4km ii) Package K 2: Pro-siltation measures iii) Package K 3: Emergency work (earthworks)

Status of Land Acquisition under Tranche II is given in the Table below:

Table 13: Status of Land Acquisition in connection with Tranche-II Projects

Palashbari – Gumi Sub-Project: Palasbari Site (Palasbari Circle)

Private Land Required (In Hectare)	Govt. Land Required (In Hectare)	Govt. Land Handed over (In Hectare)	Total Land Required (In Hectare)	Land Acquisition Estimate approval status at Govt. level	Status of Awards at Govt. level	Fund Released for payment of Compensation (Rs)
10.46	5.08	5.08	15.54	6 LAE approved by Rev.& D.M. Deptt.	4 Awards approved by Rev. & D.M. Deptt. 2 under process for approval	112,729,334.00

Palashbari-Gumi Sub-Project: Gumi Site (Goroimari)

Private Land Required (In Hectare)	Govt. Land Required (In Hectare)	Govt. Land Handed over (In Hectare)	Total Land Required (In Hectare)	Land Acquisition Estimate approval status at Govt. level	Status of Awards at Govt. level	Fund Released for payment of Compensation (Rs)
3.76	5.54	5.54	9.3	1 LAE under examination, remaining will be taken up immediately after end of the monsoon season.	Nil	Nil

Gumi Site Chamaria Revenue Circle

Private Land Required (In Hectare)	Govt. Land Required (In Hectare)	Govt. Land Handed over (In Hectare)	Total Land Required (In Hectare)	Land Acquisition Estimate approval status at Govt. level	Status of Awards at Govt. level	Fund Released for payment of Compensation (Rs)
0	5.79	0	5.79	Nil	Nil	Nil

Dibrugarh Sub-Project

Private Land Required (In Hectare)	Govt. Land Required (In Hectare)	Govt. Land Handed over (In Hectare)	Total Land Required (In Hectare)	Land Acquisition Estimate approval status at Govt. level	Status of Awards at Govt. level	Fund Released for payment of Compensation (Rs)
38.89	12.67	12.67	51.56	11 LAE submitted to Revenue & D.M Deptt and 10 cases approved.	4 Awards approved, 6 is under process.	208,638,429.00

Kaziranga Sub-Project

Private Land Required (In Hectare)	Govt. Land Required (In Hectare)	Govt. Land Handed over (In Hectare)	Total Land Required (In Hectare)	Land Acquisition Estimate approval status at Govt. level	Status of Awards at Govt. level	Fund Released for payment of Compensation (Rs)
1.61	0.55	0.55	2.16	3 LAE Submitted to Revenue & D.M. Deptt. for approval.	0.0	0.0

Source: Email submitted to ADB dated 4th June 2018.

4. Submission of Documents

The following is the status of Involuntary Resettlement documents:

Table 14: Project 2 Resettlement Document/Work Status

Project 2 Resettlement Documents/Work status			
Sl.	Package/Document	Details of Work	Status
1	Updated Resettlement Frame Work	N/A	Approved by ADB and disclosed in ADB website
2	Dibrugarh Package-D2	Up-gradation of existing Oakland dyke of 9.1 kms and Bank Protection Work from Rohmorla to Nagaghuli of 2.7 Km.	Approved by ADB and disclosed in ADB website
3	Dibrugarh Package-D1	Bank protection works from Spur No. 5 to Spur No. 7 of DTP Dyke of 1.02 Km.	Approved by ADB and disclosed in ADB website
4	Palasbari Package -P1 & P2	Rehabilitation of a spur and bank protection works from Dokhola to Makadhu area of 6.3 kms at Palasbari site.	Approved by ADB and disclosed in ADB website
5	Gumi Package-G1 & G2	Bank protection works at Barbhita area of 1.2 km and Taparpathar area of 5 km at Gumi site.	Under process of ADB approval.
6	Kaziranga Package -K1	Construction of 3 numbers of sluice gate and bank protection work of 4 K.M	Due Diligence carried out in March and April 2018 no IR impact identified.
7	Kaziranga Package – K2	Pro siltation measures with porcupine screens at different locations;	Due Diligence carried out in March 2018 no IR impact identified.
8	Kaziranga Package – K3	Emergency work (earthwork)	Due diligence carried out in March 2018 and IR impacts identified including impac to indigenous people. A combined Resettlement and Indigenous Peoples Plan has been submitted to ADB and under process for approval.
9	Project Communication Strategy	Preparation of the strategy	Submitted to ADB and approved
10	TOR RP Implementation Support NGO-Dibrugarh	TOR revised as recommended by ADB.	Approved by ADB.
11	TOR RP Implementation Support NGO-Kaziranga	NGO service not required due to reduction of scope of work.	Approved by ADB. However, due to change of Scope of civil work during November

Project 2 Resettlement Documents/Work status			
Sl.	Package/Document	Details of Work	Status
			2017ADB Mission requirement of NGO service is to be finalized.
12	TOR RP Implementation Support NGO-Palasbari	TOR revised as recommended by ADB.	Approved by ADB.
13	Project Social Due Diligence report	Covering entire Project	Submitted to ADB on 13/10/2017 ADB PCR Mission awaited.
14	Project Completion report (PCR)	Covering entire Project I life on LA and IR.	Submitted to ADB
15	Draft Executive Summary of PCR on LA & IR.	As recommended by November 2017 ADB Mission.	Submitted to ADB.
16	Identification and submission of list of active SHGs in all RP Packages	As requested by ADM Mission November 2017	Submitted to ADB.
17	Identification and submission of list of active Mahila Samitis (Women Committee) in all RP Packages	As requested by ADM Mission November 2017	Submitted to ADB.

C. COMPLIANCE OF ADB SAFEGUARD REQUIREMENTS UNDER TRANCHE I

5. INVOLUNTARY RESETTLEMENT

Table 15: Status of Loan Covenants (Schedule 5)

Item No.	Covenant	Status of Compliance
Schedule 5, Para 6	Undertake the Project and the Subprojects in accordance with applicable laws and regulations of the Borrower and the State, and ADB's Policy on <i>Involuntary Resettlement</i> (1995), as set out in Resettlement Framework and relevant Resettlement Plan	Update of Resettlement Plans of Palasbari and Dibrugarh Subprojects have been done in accordance with the applicable laws and regulations of the Borrower and the State, and ADB's Policy on Involuntary Resettlement and same has been done during RP implementation.
Schedule 5, Para 7(a)	Subject to compliance with all applicable laws and regulations of the Borrower and the State, the SEA shall acquire or make available the land and right to land free from any encumbrances, and clear the utilities, trees, and any other	Entire encumbrance free land of 8400M in Dibrugarh and of 5019 M in Palasbari has been made available to the contractor. All obstructions like utilities, trees etc. have been cleared.

Item No.	Covenant	Status of Compliance
	obstruction of such land, required for commencement of construction activities in accordance with the schedule agreed under the relevant civil work contract.	
Schedule 5, Para 7(b)	The SEA shall ensure that all land and right-of-way required by the Subprojects will be made available in a timely manner and that the provisions of the Resettlement Plans, including compensation and entitlements for affected households and persons, will be implemented in conformity with applicable laws and regulations of the Borrower and the State, and ADB's Policy on <i>Involuntary Resettlement</i> (1995), as set out in Resettlement Framework and agreed Resettlement Plan	Fund for payment of compensation against the land, assets and R&R assistances as per the approved RP and the payment have been made except a few unresolved court cases and family dispute in case of land and missing APs in case of R&R assistances
Schedule 5, Para 7(c)	The SEA shall ensure that prior to land acquisition and any resettlement under each Subproject, the related RP including its update based on consensus of affected persons, is disclosed with all necessary information made available to persons affected by the Project and confirm that it be uploaded onto ADB's website. The SEA shall ensure that all compensation programs are completed as outlined in the RPs prior to commencement of civil works contract under a Subproject.	Relevant information on land acquisition and resettlement has been disclosed to the project affected persons. Information disclosure write up in local language is being prepared and displayed in the prominent public places in and around the Subproject areas of Palasbari and Dibrugarh. It has been confirmed that all information disclosed is uploaded in ADB side. It has been ensured that all compensation programs are completed as outlined in RPs prior to commencement of civil works in both Dibrugarh and Palasbari subprojects.
Schedule 5, Para 8	Submit progress and completion reports on land acquisition and resettlement for Subprojects under the quarterly progress reports for the Project.	Quarterly and bi-annual progress reports on land acquisition and resettlement for Dibrugarh and Palasbari subprojects have been submitted to ADB.
Schedule 5, Para 8	Engage an independent monitoring and evaluation agency to assess performance and impacts of land acquisition and resettlement and submit external	ADB has engaged the external monitor from ADB side and external monitor consultant had submitted the report to ADB directly.

Item No.	Covenant	Status of Compliance
	monitoring report to ADB on a semi-annual basis for review.	

Table 16: Compliance of ADB's Safeguard Requirements (Involuntary Resettlement)

Part-I

Item No.	Resettlement Task	Responsible Agency	Progress to Date/Remarks
1.0	RESETTLEMENT MANAGEMENT		
Institutional Arrangements			
1.1	Financing and budget, adequacy, timely availability, outstanding concerns	FREMAA	<ul style="list-style-type: none"> • Financing pattern established • Adequate budget provision made in the RPs • Fund released on time to DCs (for disbursement of compensation against land and assets) and SIOs (for disbursement of R&R assistances) • There are no outstanding concerns.
1.2	Establish PIU, resettlement staff as in RP, APs database, training	GoA/FREMAA	<ul style="list-style-type: none"> • PIUs in form of SIOs for Palasbari and Dibrugarh Subprojects established • Resettlement staff as per updated RPs in place • APs database for Palasbari and Dibrugarh Subprojects prepared • Training to the concerned officials imparted.
Updating of RP based on Detailed Design			
1.3	Update-RP - revise based on DMS, revise implementation schedule, revise budget	FREMAA and PMC	<ul style="list-style-type: none"> • Update of RPs completed based on DMS • Revised implementation schedule prepared • Budget revised in updated RPs accordingly.
1.4	Approve compensation rates – approved, adequacy as per RP, APs informed.	DCs, FREMAA and ADB	<ul style="list-style-type: none"> • Compensation rate approved as per updated RPs • Information to APs ongoing.

Item No.	Resettlement Task	Responsible Agency	Progress to Date/Remarks
Disclosure and Grievance Redress Arrangements			
1.5	Disclose RP, updated RP, disclosed to APs in local language, disclose revised RP on ADB website.	FREMAA, PMC, NGOs and ADB	<ul style="list-style-type: none"> • 2014 updated RPs have been disclosed to APs in local language • Disclosure of updated RPs in local language is in process • The updated RPs in ADB website.
1.6	Appoint grievance redress committees - terms of reference, appointment, publicity among APs, recording of complaints and decisions, satisfaction with process and reviews.	FREMAA, DCs, SIOs, NGOs and External Monitor	<ul style="list-style-type: none"> • GRC appointed under the Chairmanship of concerned DCs vide Notification No. AFRERM(P)/PROJ.45/ 2012/31 dated 27/04/2012 detailing its functions • Publicity among APs on grievance redress mechanism carried out • Recording of complaints and decision to resolve the complaints in place • Review of the process to be taken up by the external monitor.
Monitoring and Reporting Arrangements			
1.7	Set up internal monitoring system, staffing of offices responsible for resettlement, responsibility, reporting, verify utilization of monitoring reports for management decision-making purposes	FREMAA and External Monitor	<ul style="list-style-type: none"> • Internal monitoring system established • Staffing done as per the updated RPs with responsibility • Reporting system in place • Verification of utilization of monitoring reports for management decision making process is to being taken up by the external monitor
1.8	Appoint external monitoring agency	FREMAA/ADB	ADB has engage the external monitor from ADB side and external monitor consultant had submitted the report to ADB directly.

D. SOCIAL DEVELOPMENT AND SAFEGUARDS

Social Safeguard as a part of the loan component in Tranche-I, FREMAA have been complied the all necessary activities relating to Social Safeguard loan covenants. Under the Social Safeguard domain, the project activities had been focused on ensuring of beneficiaries to contribute the local employment and poverty reduction.

6. Social Safeguard Action:

FREMAA had been focused on compliance of Social Safeguard Policy of ADB while project implementation is taken up and the project encourages employment of local people in civil works as a part of short term measures of poverty reduction. As per ADB guidelines, the contractors were encouraged to provide employment to:

- local people especially PAPs in civil works – during execution of underwater bank protection work under Palasbari –Gumi Sub-project about 80% of the labourers were from local community.
- at least 20% women in works which they can handle easily. However, the target could not be fully achieved due to nature of civil work and Socio-cultural reasons.

Following items are Social Safeguard Action, as complied under this project:

- Implementation agency disclosed Project 1 Gender Action Plan (GAP) [ANNEXURE-I], Indigenous Peoples Planning Framework (IPPF), Summary Poverty Reduction and Social Strategy (SPRSS) to the project affected person.
- Implementation agency conducted public consultation with affected peoples, discussed special needs of specific groups such as landless and marginal farmers, women, embankment squatter population, and other minority groups such as scheduled tribes and castes.
- Implementation agency had worked closely with the affected persons, concerned local administrative authorities and local based organizations.
- Consultations were held with women and disadvantaged APs throughout the project life.
- Implementation agency had set up an impartial complaint handling mechanism and develops processes and mechanisms for resolving social conflicts in project-related organizations.
- Provided training on participatory planning, gender mainstreaming, and other social development related areas.
- MIS was established to incorporate social safeguard and gender aspects in properly.
- Social Impact reports were prepared for Dibrugarh & Palasbari-Gumi sub project after field observation.
- Rehabilitation of 109 Landless APs in 3 rehabilitation sites.

Compliance with social safeguards and safety issues at work sites:

- ❖ PMC assists SIOs in finalizing the compliance report on issues of safeguards and safety at work sites.
- ❖ The contractors were advised to submit the compliance report on social safeguards and safety along with their bills.
- ❖ FREMAA suitably enforces compliance report on social safeguards and safety at work sites, from SIOs and contractors periodically during progress of works.

- ❖ All Grievances raised by PAP's were resolved by formed of Grievance Redressal Committee established under the project.

7. Labour rights and protection

- ❖ Scrutinized social safeguard and safety issues as per contract agreement in respect of works being executed by contractors for Palasbari, Gumi and Dibrugarh and file status report to FREMAA.
- ❖ Advised the contractors to conduct AIDS/HIV awareness camps at work sites, attended the awareness camp organised by contractor at Dibrugarh DTP dyke on 20th September, 16 and describing about AIDS/HIV's symptoms, prevention methods etc among labour and local people.
- ❖ Attended the awareness camp organised by contractor at Gumi on 29th November, 16 and describing about AIDS/HIV's symptoms, prevention methods etc among labour and local people.
- ❖ Attended the awareness camp organised by contractor at Palasbari on 11th January, 17 and describing about AIDS/HIV's symptoms, prevention methods etc among labour and local people.

Contractor's has distributed condoms, first aid items viz: Adhesive bandages (band aids, sticking plasters), Bandages (for securing dressings), Antiseptic wipes & sprays, Pain killer tablet, Anti diarrhea medicine, Hydrogen peroxide etc among labours in Awareness camp.

Preparation for Project 2 Activities:

Table 17: Project 2 Social Safeguard Documents Status

SL	Documents	Details of work	Status
1.	Indigenous People Planning Framework	As per ADB SPS 2009	Submitted to ADB
2.	Summary of Poverty Reduction and Social Strategy	As per ADB SPS 2009	Submitted to ADB
3.	GAP	As per ADB SPS 2009	Submitted to ADB
4.	List of FHH of all packages	As per request of ADB Mission during November 2017 ADB Mission	Submitted to ADB
5.	List of ST & SC of all packages	As per Aide Memoire of November 2017 ADB Mission	Submitted to ADB

6.	List of SHGs and Mahila Samities (Women Organization)	As per Aide Memoire of November 2017 ADB Mission	Submitted to ADB
7.	Sex-disaggregated data of project staff at FREMAA and SIOs	As per Aide Memoire of November 2017 ADB Mission	Submitted to ADB
8.	Social Safeguard of PCR	Update of GAP Implementation	Submitted to ADB
9.	Draft Executive summary of PCR.	On Social Safeguard	Submitted to ADB

