

# Resettlement Framework

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## IND: Karnataka Integrated Urban Water Management Investment Program

Prepared by Karnataka Urban Infrastructure Development and Finance Corporation  
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## CURRENCY EQUIVALENTS

(as of 30 January 2014)

Currency unit	=	Indian rupee/s (Re/Rs)
Re1.00	=	\$0.0157
\$1.00	=	Rs 63.423

## ABBREVIATIONS

ADB	—	Asian Development Bank
BPL	—	below poverty line
CBO	—	community-based organization
CC	—	city corporation
CDP	—	comprehensive development plan
CLIP	—	city level investment
CPMU	—	central project management unit
DC	—	deputy commissioner
DLRC	—	district level resettlement committee
DPR	—	detailed project report
DP	—	displaced person
EA	—	executing agency
ELSR	—	elevated level storage reservoir
GLSR	—	ground level storage reservoir
Gol	—	Government of India
GoK	—	Government of Karnataka
GRC	—	grievance redressal committee
IWRM	—	integrated water resources management
KMRP	—	Karnataka Municipal Reforms Project
KUIDFC	—	Karnataka Urban Infrastructure Development and Finance Corporation
KUWSDB	—	Karnataka Urban Water Supply and Drainage Board
LA	—	land acquisition
LAA	—	Land Acquisition Act
LA and R&R	—	land acquisition and resettlement and rehabilitation
MFF	—	multitranchise financing facility
MLA	—	member of legislative assembly
NGO	—	nongovernment organization
NKUSIP	—	North Karnataka Urban Sector Investment Program
O&M	—	operations and maintenance
PIU	—	project implementation unit
PMDSC	—	project management and design supervision consultant
PMU	—	project management unit
PWD	—	Public Works Department
RPMU	—	regional project management unit
RoW	—	right of way
SES	—	socioeconomic survey
SPS	—	Safeguards Policy Statement
SR	—	storage reservoir
STP	—	sewage treatment plant
TMC	—	town municipal council
TOR	—	terms of reference

ULB	—	urban local body
WSS	—	water supply and sanitation
WTP	—	water treatment plant
WWTP	—	wastewater treatment plant

### **WEIGHTS AND MEASURES**

ha	—	hectare
kL	—	kiloliter
km	—	kilometer
lpcd	—	liter per capita per day
m	—	meter
m <sup>2</sup>	—	square meter

### **NOTES**

- (i) The fiscal year (FY) of the Government of India and its agencies begins on 1 April and ends on 31 March. "FY" before a calendar year denotes the year in which the fiscal year ends, e.g., FY2011 begins on 1 April 2011 and ends on 31 March 2012.
- (ii) In this report, "\$" refers to US dollars.

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## **I. INTRODUCTION**

### **A. Project Background**

1. Karnataka Integrated Urban Water Management Investment Program (KIUWMIP, the Program) was initiated by the Asian Development Bank (ADB) with the Government of India (GoI) aims to improve water resource management in urban areas in a holistic and sustainable manner consistent with the principles of Integrated Water Resources Management (IWRM). Investment support will be provided to modernize and expand urban water supply and sanitation (UWSS), and strengthen institutions to improve water use efficiency, productivity, and sustainability. The Program will consist of three tranches (projects) and Projects 2 and 3 activities will be selected based on (i) IWRM improvements impact on the State's water resources, (ii) ULBs reform willingness, and (iii) infrastructure gap.

2. As required by ADB Safeguard Policy Statement (2009) and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Government of India, to the extent that is possible the Program activities will have to avoid any involuntary land acquisition and resettlement impacts. This framework is intended to provide guidance for all aspects of land acquisition and resettlement that cannot be avoided in the investment. It describes land acquisition and resettlement principles, assesses the legal framework for land acquisition and, describes standard procedures and methods of redress, and outlines steps that will be taken to minimize, plan, and to implement and monitor the impact of land acquisition and resettlement. Three towns of the Tungabhadra sub-basin: Byadagi, Davangere, and Harihar are selected for Project 1 subprojects and representative of subprojects to be financed under the Program.

3. The selection of the subject MFF Tranche 1 towns for the UWSS program was made within the context of IWRM. The towns of Byadgi, Harihar, and Davangere were selected following a process in concurrence with the stakeholders, with emphasis on IWRM and opportunities for public-private partnership (PPP). The feasibility study deals with all aspects of UWSS in the selected Tranche 1 towns. One of the reasons for selecting these towns is their close proximity to each other. The towns will collectively provide a wider customer base of sufficient size to attract international experienced contractors in the operation and maintenance (O&M) of the proposed facilities under the program.

4. The urban local bodies (ULBs) are the statutory entities responsible for providing water and wastewater service to the people. However, these ULBs suffer from a resource crisis, without capacity or capability to operate and maintain these civic infrastructure systems.

5. The estimated land requirement for a proposed water and wastewater development program for all the four towns is shown below.

**Table 1: Land Requirement for Subprojects<sup>a</sup>**

Sl. No.	Output	Subproject	Component	Total Land Requirement	Remarks
1	<b>Water Supply Infrastructure</b>	Byadgi TMC	Water supply: distribution network, storage reservoir (SR) (1 location)	625 m <sup>2</sup> , 11 km of trunk main and 100 km distribution network	Replacement/improvement of distribution pipelines/facilities proposed along existing road RoW. All proposed SRs to be built on existing government/ ULB land. WTP within existing WTP location/compound
		Harihar	Water supply: distribution network, SR (2 locations), WTP	425 m <sup>2</sup> for SR; 157 km distribution network	Replacement/improvement of distribution pipelines/facilities proposed along existing road RoW. One SR proposed to be built on existing government/ULB land. Land for another SR will be donated by one housing cooperative society. WTP augmentation within existing WTP compound
		Davenagere	Water supply: Replacement/ rehabilitation of distribution pipelines, SR (11 locations)	2,475 m <sup>2</sup> (225 m <sup>2</sup> x 11); 35 km trunk main and 800 km distribution network	Improvements in water supply network proposed along existing road RoW. All sites for SRs are located within corporation parks/ land owned by CC.
2	<b>Sanitation Infrastructure</b>	Byadgi TMC	Wastewater: sewage treatment plant (STP), pumping station	Approx. 4 ha needed for WSP <sup>b</sup> treatment technology for STP and 100 m <sup>2</sup> for PS, about 79 km sewer network	Land available: 5.79 ha, to be acquired by ULB. PS to be located within existing STP premise. Sewers will be laid along the roads and pathways.
		Byadgi TMC	Community toilet	Approx. 225.4 m <sup>2</sup> of land will be needed for construction of community toilet in 8 slum areas for 530 households (HH)	As per ULB land is available; however, details of land not provided. Community toilets will have to be built on government/ULB land
		Harihar	Waste water: PS (4 locations) and sewer network	50ft x50ft 72 km sewer network	Two PS to be located on government lands, to be transferred to ULB. Two PS will be located in donated lands from private entities. Sewers will be laid along middle of roads and highways.
		Harihar	Community toilet	Approx. 198.4 m <sup>2</sup> of land will be needed for construction of community toilets in 5 slum areas for 752 HH	Land is yet to be identified. Government/ULB land will be needed for construction of community toilets.
		Davengere	Wastewater: Sewer lines, PS, STP for District 3	STP – Approx. 4 ha, PS – 225 m <sup>2</sup> Sewer line network for about 300 km for SD 1, 2, and 3 to be laid	One government land identified for PS. Agricultural land parcels of 3.3 ha identified for STP. This is to be acquired. Sewer lines can be laid in the middle of, the roads.



Sl. No.	Output	Subproject	Component	Total Land Requirement	Remarks
		Davengere	Community toilets	Approx. 201.8 m <sup>2</sup> of land will be needed for construction of community toilet in 9 slum /poor HH areas for 3,805 HH	Land is yet to be identified. Government/ULB land will be needed for construction of community toilet. Part of the toilet construction programs will be derived from GoK's development fund reserved for SC/ST @ 22.75% of budget.

<sup>a</sup> As of the identified component during project preparation on January 2014 KIUWMIP advance action review mission.

<sup>b</sup> WSP – Waste Stabilization Pond, least costly technology with minimum O&M requirement. For Davengere, District 3, more advanced technology will be adopted.

## B. Involuntary Resettlement Impact

6. KIUWMIP visualizes minimum involuntary resettlement impact in terms of land acquisition and economic displacement. Discussions with the commissioners of the reference city municipal corporations made it clear that the ULBs prefer to purchase land where absolutely necessary rather than going for land acquisition. Involuntary resettlement impacts will also be further minimize through (i) utilize the existing facility area, within the Government's land and RoW, and when possible, voluntary land donation; (ii) advance notification prior to civil works and maintaining access to affected communities/ business; (iii) avoid full road closure, conducting works at night (whenever possible) and limiting period of time for open trenches, (iv) providing assistance for vendors and hawkers in shifting to alternative locations. Subprojects in all the four ULBs in need of new and improved water supply and sewage infrastructures will be accommodated mostly within the facilities' existing premises, or will require minimal land acquisition and resettlement. Additional water supply networks and new sewer lines will be laid along roads and pathways within the RoW. The civil works for these improvements will be carried out while taking people's convenience in view wherever applicable. Subprojects involving construction of storage reservoirs, new sewage treatment plants, and pumping stations will be on government land or land owned by municipalities, wherever available.

7. For subprojects in Byadgi and Davengere towns, where additional land will need to be acquired for the construction of a sewage treatment plant and pumping station, draft resettlement plans were prepared in case of land acquisition, thus triggering the application of ADB policy on involuntary resettlement. Temporary impacts, in the form of loss of income, may occur in most subproject towns during the construction of civil works. The draft resettlement plans prepared for Byadgi, Davengere, and Harihar towns included compensation requirements for roadside businesses that may be affected during the construction of water supply and sewerage network systems.

## II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENT

### A. Objectives

8. This section describes the principles and objectives governing the assessment, preparation, and implementation of a resettlement plan, and is consistent with ADB's policy requirements. It compares applicable national laws and regulations and the safeguard policy statement and delineates measures to fill gaps, if any. It describes the criteria for screening and selecting subprojects and/or components and mitigating the IR impacts, including the required mechanism for land purchase (negotiated settlement) and land donation activities.

9. This resettlement framework (RF) is prepared to provide guidance to the ULBs and the Karnataka Urban Infrastructure Development and Finance Corporation (KUIDFC) in all aspects related to land acquisition and resettlement impacts under the investment, or in the event of unanticipated involuntary resettlement impacts during implementation of the subprojects under Tranche 1. This RF applies to all displaced persons (DPs) with land status affected permanently or temporarily due to subproject activities, including purchase and temporary use during construction. It also applies to people whose use of state land, sanctioned or not, changes as a result of the investment. The RF does not apply to state land transferred from one authority to another, or used for reconstruction, unless third parties are adversely affected by the transfer or use.

## **B. Policy Framework**

10. The resettlement principles adopted in this framework recognize The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Government of India, ADB Safeguards Policy Statement (SPS) of 2009 and ADB's Operation Manual F1/OP (2013).

### **ADB's Involuntary Resettlement Policy**

11. Basic principles of ADB's SPS where involuntary resettlement is unavoidable are noted below.

- (i) Involuntary resettlement should be avoided whenever feasible.
- (ii) Where population displacement is unavoidable, it should be minimized.
- (iii) All lost assets acquired or displaced will be compensated based on the principle of replacement cost.
- (iv) Each involuntary resettlement is conceived and executed as part of a development project or program. The displaced persons (DPs) need to be provided with sufficient resources to reestablish their livelihoods and homes with a time-bound action plan in synchronization with civil works.
- (v) The DPs are to be fully informed and consulted in details.
- (vi) The absence of a formal title to land is not a bar to entitlements.
- (vii) The displaced persons are to be identified and recorded as early as possible to establish their eligibility, through a census, which serves as a cutoff date, and prevents subsequent influx of encroachers.
- (viii) Particular attention must be paid to vulnerable households, including those without legal title to land or other assets; households headed by women; the elderly or disabled; and indigenous groups. Assistance must be provided to help them improve their socioeconomic status.

The full resettlement costs are to be included in the project costs and benefits. A comparison between The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and ADB's Safeguard Policy Statement (SPS) is presented here to understand the difference between state and national level policy and acts, and ADB's policy.

**Table 2: Comparison between 2013 LARR Act and ADB's SPS**

<b>ADB SPS Policy Principle</b>	<b>2013 Act</b>	<b>Remarks</b>
Involuntary resettlement should be avoided whenever feasible; if unavoidable it should be minimized.	Followed	
Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	Followed	
Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.	Followed	
Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.	Followed	
Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.	Followed	
Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.	Followed	
Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	Followed	
Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	Followed	
Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound	Prepared	The LARR Act refers to the RR scheme

implementation schedule		
Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	Followed	The LARR does not recognize updated plan
Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	Followed	
Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	Followed	
Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	Not specified	

### C. Resettlement Framework

12. The Resettlement Framework (RF) prepared for KIUWMIP ADB's SPS of 2009, and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Government of India and adopts the following resettlement principles:

- (i) Resettlement impacts of each subproject will be avoided or minimized, exploring all viable alternative subproject designs.
- (ii) Where the resettlement impacts are unavoidable, the DPs should be assisted in improving or at least regaining their standard of living.
- (iii) The DPs will be involved in the subproject preparation planning, and implementation and resettlement information will be disclosed to all of them.
- (iv) Vulnerable groups, including households headed by women, the elderly, the disabled, and indigenous groups, those without legal title to land and property, and those living below the poverty line (BPL) will be given special assistance to improve their socioeconomic status.
- (v) The absence of formal title to land is not a bar to policy entitlements.
- (vi) Compensation for all lost assets acquired or affected is based on the principle of replacement cost.
- (vii) Restoration of livelihoods and residences of the DPs will be facilitated with adequate resources, and with a time-bound action plan in coordination with civil works.
- (viii) DPs are to be assisted in integrating economically and socially into host communities where physical displacement takes place, so that adverse impacts on the host communities are minimized and social harmony are promoted.
- (ix) Opportunities for negotiated land purchase will be explored. In such cases of negotiated settlement and land donation, government will engage an independent third party for supervising and validating these procedures as per ADB Safeguard Policy Statement Safeguard Requirement 2, paragraph 25.
- (x) All payments, including compensation for loss of land, assets, structures, trees, income, and common properties will be made prior to physical or economic displacement and commencement of civil construction work.

13. Subprojects to which the framework will be applied would broadly have four types of resettlement impacts that will require mitigation measures. The types of impacts are (i) loss of assets, including land, houses/shelters, and other assets attached to them; (ii) loss of standing crops and trees; (iii) loss of livelihood or future income opportunities; and (iv) loss of common property resources, and loss of access or limited access to such resources.

14. Displacement under the subproject will be limited to the area required for the subproject and its safety zone. No structures or other hindrances will be within this zone. Every effort will be made during subproject design and preparation to minimize acquisition of land and other assets and to reduce adverse resettlement impacts. The structures/assets falling outside the project working zone will be left undisturbed as far as possible.

#### **D. Negotiated Settlement**

15. ADB's Safeguard Policy Statement for involuntary resettlement does not apply to negotiated settlements, unless failed negotiation leads to compulsory land acquisition by expropriation.<sup>1</sup> It also encourages the borrower/client to acquire land and other assets through negotiated settlement, thereby avoiding lengthy land acquisition procedures and legal battles. However, the borrower/client will ensure, through meaningful consultation with the displaced persons and those without legal title, adequate and fair price for land and other assets. The borrower/client will have to engage an independent external party to document the negotiation and settlement processes. The borrower/client will agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements. A similar process will be followed for voluntary donation of land, where an external independent entity will supervise and document the consultation process and validate the land donation process as per legal requirement.

16. The steps to be followed and measures to be taken by the ULBs for negotiated settlement according to ADB's SPS, Safeguard Requirement 2, are as follow:

- (i) **Step 1.** The ULB will start identifying required land portions for water supply and sanitation (WSS) infrastructure, preferably a suitable government/ ULB-owned plot. If such land is not available, identification of private land owned by individuals, families, or organizations willing to sell that piece of land will be carried out, and preliminary negotiation started with the legal titleholders. ULB will also search for the land title, if there are any legal or other critical issues involved (such as, jointly owned land, land under legal dispute, etc).
- (ii) **Step 2.** Social impact assessment will be conducted to determine the socioeconomic conditions of the affected parties and the legal status of the land. This will be carried out with the support of the design consultant (DC). It precedes a detailed measurement survey (DMS) to identify final requirements of the land for WSS component. The whole exercise will be supervised by the ULB, engineer of DC, and monitored by the regional project management unit (RPMU).
- (iii) **Step 3.** Negotiated settlement process will start between the willing landowners and other partners (in case of joint ownership) and the ULB chairman and staff to arrive at a consensus. During negotiation, the requirements, the design of the subproject, what the plot will be used for, and provisions under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Government of India and ADB policy will be explained to

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<sup>1</sup> ADB Policy Paper: Safeguard Policy Statement, June 2009, Safeguard Requirements 2: Involuntary Resettlement.

the landowner. Prior to the negotiation meeting, the ULB will engage an independent third party (preferably from the locality, a senior leader of the community, agency, or NGO/CBO) in consultation with the RPMU and deputy commissioner. The independent third party will keep records of meetings, prepare minutes of meetings, and be prepared to submit these if required. The minutes of all the meetings will be recorded for transparency, and will be sent along with a note on negotiated land price to the RPMU. The independent third party should ensure balanced information is provided to both parties on the value of the affected land.

- (iv) **Step 4.** If negotiated price for sale of land is not accepted by the land owners, the DC can forward a proposal to the principal secretary, Department of Land Revenue, Government of Karnataka, for a higher rate, with the reason for such a proposal. If the negotiation fails to lead to an agreement, ULB will seek another plot of land or adapt an involuntary land acquisition approach as defined in this framework.

## E. Land by Donation

The steps to be followed and measures to be taken by the ULBs for voluntary land donation are as follow:

- (i) **Step 1.** The ULB will also be open to the possibility of land donation from the interested person/community. The land requirement will be explained to the interested donors. ADB's SPS Safeguard Requirement 2 will also be explained to the people willing to donate land. An independent third party will be engaged in case of land donation. The donation of land must not result in any significant impact to the donors. This will be confirmed by the assessment of the independent third party.
- (ii) **Step 2.** After donation of land is decided by the donors, the ULB commissioner will initiate formalization of the land donation by issuing a letter to the willing donors, with details of the public purpose for which the land is required. The donors will reciprocate by responding to the intent of donation for the specific purpose. Then the ULB will take necessary legal steps to formalize the donation of land.
- (iii) **Step 3.** The Deed of Gift will be registered in the name of the ULB commissioner, and all necessary fees and stamp duties will be borne by the ULB. Henceforth, land ownership will be transferred to the ULB and the land record will be revised, with the Record of Rights showing the change in ownership.
- (iv) If negotiations on land donation do not yield positive results, it may trigger application of ADB's policy on involuntary resettlement, and application of ADB SPS (2009) Safeguard Requirement 2 will be invoked. Preparation of the resettlement plan (RP), as per ADB policy mentioned in the SPS (2009) will be required, and this resettlement framework (RF) will be followed for preparation of the RP. Central and regional PMUs will instruct the design consultant to start the process of RP preparation once a detailed measurement survey is complete. A land acquisition process will be initiated by the ULB once land requirement is finalized, and the potential DPs properly consulted. The details of LA procedure will be as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Government of India. The acquisition procedure will also follow procedure and requirement as defined in this RF.

## **F. Eligibility Status of the Displaced Person (DP)**

17. According to ADB's safeguard requirement described in the SPS, three kinds of displaced persons are eligible for compensation, assistance, and benefits. They are:

- (i) persons who lost land/assets in their entirety or in part, who have formal legal rights to the land;
- (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws (such as customary right over land by tribal people);
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law; and
- (iv) vulnerable households, defined as poor households below the poverty line (BPL) as determined by the state, female-headed households, scheduled castes,<sup>2</sup> and schedule tribes<sup>3</sup> as determined by the Government of Karnataka.

18. ADB's IP policy applies to all three kinds of displaced persons. Adequate and appropriate compensation for land and structures at replacement cost will be provided to (i) persons having legal title over land; (ii) those without legal title but with claims recognized under national laws; and (iii) those occupying land without legal title or claim recognized under national laws, but who will be compensated for loss of structures and other assets except land. The displaced people under category (iii) are eligible for compensation and assistance only if they occupied the land prior to the project cutoff date

## **G. Resettlement Plan (RP) Preparation**

19. As part of project preparation, a screening exercise will be undertaken by ULB using ADB's Screening and Categorization forms for involuntary resettlement to assess the potential involuntary and resettlement impacts to the affected population (Annex 11).

20. As per the ADB's OM Section F1/OP October 2013 (Para 8), the screening process categorizes projects by the probable involuntary resettlement impacts. A category A project will likely have significant<sup>4</sup> impacts on land acquisition and resettlement (LAR). Category B projects are likely to have limited impacts on LAR, while category C projects are not expected to have impacts. For projects in category A and B, an RP will have to be prepared by the implementing agencies for review and approval by ADB. For category C projects, no specific document needs to be prepared.

21. The RP will be prepared for different components, if required, based on the results of an initial survey following preliminary/detailed design. Different activities are required to prepare an RP:

- (i) survey on the involuntary resettlement (IR) impacts after the final detail design of the project sites are finished;

<sup>2</sup> A scheduled caste community, as listed in the Constitution of India, belongs to the lowest strata in the Hindu caste system, and is economically and socially marginalized.

<sup>3</sup> A scheduled tribe community, as listed in the Constitution of India, is the indigenous people, economically and socially marginalized. Protection is provided in the Constitution of India for their cultural, customary rights and social identity preservation.

<sup>4</sup> The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income-generating).

- (ii) consultation with affected communities;
- (iii) census and DMs (detail measurement) activities; and
- (iv) preparation of RP following the ADB SPS requirements.

22. A draft RP is prepared based on the possible land acquisition impacts following the land requirement and IR impacts survey. After the final detail design (engineering) is finished, the draft RP will be updated and finalized. The final RP will be reviewed and approved by ADB prior to contract award.

23. The RP will be updated and prepared by the design consultant (DSC) and ULB's resettlement officer, with guidance from KUIDFC safeguard specialist. The RP will be brought to the notice of affected persons. The RP will be prepared in English, with main content translated into the local language, and made known to the public (this can include posters and/or resettlement booklets). The RP will be structured in the following manner:

- (i) Executive Summary;
- (ii) Project Description;
- (iii) Scope of Land Acquisition and Resettlement;
- (iv) Socioeconomic Information and Profile;
- (v) Information Disclosure, Consultation, and Participation;
- (vi) Grievance Redress Mechanisms;
- (vii) Legal Framework; and
- (viii) Entitlements, Assistance, and Benefits.

## **H. Entitlement Matrix**

24. The entitlement matrix provides guidance for compensation, resettlement, and rehabilitation assistance planning. The entitlement matrix lists various types of losses, defines eligibility criteria and entitlements, and provides basic parameters for preparation of compensation and resettlement benefits.



Table 1: Entitlement Matrix<sup>a</sup>

Sl. No.	Type of Loss	Type of Impact	Type of Displaced Person	Compensation Entitlement
1	Land (residential / agricultural)	Permanent	Owner (s) with legal title/customary rights of land to be identified during detailed survey	<ol style="list-style-type: none"> <li>1. Cash compensation at replacement value or open market value of land and free of taxes.</li> <li>2. Subsistence cash allowance will be based on minimum wage rate of Rs 157.34 per head per day for period of (a) 6 months if residual land unviable; (b) for a period of 3 months if residual land viable. This includes the time for preparing the remaining land/ procuring new land until the legal process is completed, or as detailed in 2013 LARR Act whichever higher</li> <li>3. If displaced household is vulnerable,<sup>b</sup>, compensation for entire or part of land is by means of land-for-land if so desired by HHs, provided land of equal productivity is available. PIU should find alternate plot of equal productivity in lieu of land lost within close vicinity for the WHH to be provided as security for future. For other vulnerable DPs, if equal productive land is not available, cash compensation may be alternate option.</li> <li>4. Rehabilitation assistance for owners categorized as vulnerable (female/disabled family headed, indigenous persons, BPL<sup>c</sup> HH) in form of cash assistance to purchase income generating equipment or acquire skill training of their choice, or as determined in the 2013 LARR Act.<sup>d</sup></li> <li>5. All fees, taxes, and other charges (registration, etc.) incurred for replacement land will be borne by the project.</li> </ol>
		Permanent	Tenants, leaseholders, and sharecroppers	<ol style="list-style-type: none"> <li>1. Cash assistance based on 3 months' income from land</li> <li>2. Reimbursement for unexpired lease in case of leaseholders</li> <li>3. Assistance to leaseholder to find new land/place;</li> <li>4. Rehabilitation assistance for tenants categorized as vulnerable (female/disabled family head, indigenous persons, BPL<sup>e</sup> HH) in form of cash assistance to purchase income-generating equipment or acquire skill training of their choice, subject to a limit of Rs. 40,000<sup>f</sup> or as determined in the 2013 LARR Act which ever higher. This provision includes the tenants of the negotiated land settlement.</li> </ol>
		Permanent	Encroachers: titled or nontitled land users who have extended their activities illegally into the government land	<ol style="list-style-type: none"> <li>1. Vulnerable HH will be given cash assistance to purchase income generating tools/equipment, or for skill development training of their choice subject to a limit of Rs 40,000 Or as determined in the 2013 LARR Act which ever higher.</li> <li>2. Priority to be employed during construction, if so desired</li> </ol>
2	Commercial/ industrial, residential, agricultural land	Permanent	Owner (titleholder, legalizable user)	<ol style="list-style-type: none"> <li>1. Cash compensation at replacement value or open market value of land and free of taxes</li> <li>2. Subsistence cash allowance based on minimum wage rate of Rs 157.34 per head per day: (a) for a period of 6 months if residual land</li> </ol>

				<p>unviable; (b) for a period of 3 months if residual land viable Or as determined in the 2013 LARR Act which ever higher.</p> <p>3. If displaced household is vulnerable,<sup>b</sup>, compensation for entire or part of land is by means of land-for-land if so desired by HHs, provided land of equal productivity is available. The alternate plot should equal productivity in lieu of land lost and within close vicinity for the WHH to be provided as security for future. For other vulnerable DPs, if equal productive land is not available, cash compensation may be alternate option or as determined in the 2013 LARR Act which ever higher.</p> <p>4. Rehabilitation assistance for owners categorized as vulnerable (female/disabled family headed, indigenous persons, BPL <sup>c</sup> HH) in form of cash assistance to purchase income generating equipment or acquire skill training of their choice, subject to a limit of Rs. 40,000.<sup>d</sup> or as determined in the 2013 LARR Act which ever higher</p> <p>5. All fees, taxes, and other charges (registration, etc.) incurred for replacement land will be borne by the project.</p> <p>6. Provision of title for remaining land to legalizable user</p>
			Lessee, tenant	Cash refund at rate of rental fee proportionate to size of lost plot and duration of remaining lease period already paid
			Non-titled user (squatter, encroacher)	Provision of access to land under existing land allocation or legalization schemes; either as titled or rental/lease land or as determined in the 2013 LARR Act which ever better off for the affected DP.
		Temporary	owner/occupant/land users	<p>1. Rental value during period of temporary occupation/ loss of access to land</p> <p>2. Compensation for lost income during temporary occupation</p>
3	Structures (residential/ commercial—such as houses, shops, barns, garage, outhouse) and other fixed assets (pumps, wells, fences, etc.)	Permanent	Owner(s) of structures to be affected by the project (with or without legal status to the land, including squatters/ encroachers)	<p>1. Replacement value of structure according to Basic Schedule of Rates plus cost of labor</p> <p>2. Where loss of structure is partial and the remaining portion is not viable for living any more, compensation should be for whole structure; otherwise, compensation will be for affected structure only.</p> <p>3. Free transport facility or shifting assistance of Rs. 3,000 (one-time payment)</p> <p>4. Registration cost and taxes, associated with new house, if any, will be borne by the project.</p> <p>5. Right to salvage material from existing structure</p> <p>6. Subsistence allowance in cash of Rs. 157.34 per day (for 3 months) based on minimum wage rates<sup>9</sup> for vulnerable households Or as determined in the 2013 LARR Act which ever higher.</p>
		Permanent	Leaseholders occupying affected structures	<p>1. Reimbursement of unexpired lease.</p> <p>2. Free transport facility or shifting assistance of Rs. 3,000 (one-time and payment)subsistence allowance of Rs157.34 per day (for 3 months) based on minimum wage rates for vulnerable households Or as determined in the 2013 LARR Act which ever higher.</p>

				<ol style="list-style-type: none"> <li>3. Replacement value of assets created by lessee according to Basic Schedule of Rates and cost of labor</li> <li>4. Right to salvage material from structure created by lessee</li> <li>5. Vulnerable households will be given cash assistance to purchase income generating equipment/tools or get training of their choice subject to a limit of Rs. 40,000.</li> </ol>
4	Loss of access to the commercial structure within the subproject area	Permanent	Tenants/leaseholders occupying affected structures	<ol style="list-style-type: none"> <li>1. For tenants, 3 months' rental assistance to be provided based on rental value which DP is currently paying</li> <li>2. For leaseholder, reimbursement of unexpired lease</li> <li>3. Subsistence allowance for 3 months based on minimum wage rates of Rs. 157.34 for vulnerable households or as determined in the 2013 LARR Act which ever higher.</li> <li>4. Cash assistance for purchase of income generating equipment/skill training if they so desire, for vulnerable households</li> <li>5. Free transport facility or shifting assistance of Rs. 3,000 (one-time payment) or as determined in the 2013 LARR Act which ever higher.</li> <li>6. Right to salvage material from existing structure, if any part thereof was built/extended by the tenant/ lessee</li> </ol>
		Permanent	Squatters/encroachers using the affected structure	<ol style="list-style-type: none"> <li>1. All DPs will be given advance intimation of 60 days to shift from the public land.</li> <li>2. Free transport facility or shifting assistance of Rs. 3,000 (one-time payment) or as determined in the 2013 LARR Act which ever higher.</li> <li>3. Subsistence allowance for 3 months based on minimum wage rate of Rs. 157.34 for the vulnerable households or as determined in the 2013 LARR Act which ever higher.</li> <li>4. Cash assistance for purchase of income generating equipment/skill training if they so desire, for vulnerable households</li> </ol>
5	Loss of standing crops/trees within subproject area	Permanent/ temporary	Owner (titled/untitled) of trees/ crops/: encroachers cultivating government land, informal land users	<ol style="list-style-type: none"> <li>1. Notice will be given to crop/tree owners to minimize the loss.</li> <li>2. Cash compensation for lost standing crops and loss of future harvest (maximum of 2 years) will be paid. Compensation for cash crop will be based on market rate of that harvesting season.</li> <li>3. Compensation for perennial crops to be calculated as annual net product value multiplied by number of productive years remaining. For trees, it will be based on the market value of timber in case of timber-bearing trees and replacement cost in case of fruit-bearing trees. If the trees are yet to reach age of maturity for calculating economic value, cost of seedlings, saplings, and agricultural inputs will be added to the compensation valuation.</li> <li>4. For vulnerable households, subsistence allowance for one cropping cycle in case of seasonal crop</li> </ol>

6	Loss of livelihood/ income	Permanent	Owner of business (registered and informal)	<ol style="list-style-type: none"> <li>1. Cash compensation equal to lost income for one year, based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records</li> <li>2. Provision of re-training, job-placement, additional financial grants and income generating equipment and organizational/logistical support to establish DP's alternative income generation activity Or as determined in the 2013 LARR Act which ever higher</li> </ol>
		Permanent	Employees working in commercial establishments	<ol style="list-style-type: none"> <li>1. Assistance to persons affected due to employer being displaced, based on (1) actual wage as recorded in the formal contract or (2) minimum wage rate for 3 months' income</li> <li>2. Assistance to be linked to project related employment opportunities, if so desired Or as determined in the 2013 LARR Act which ever higher</li> </ol>
		Temporary	Employees working in commercial establishment	<ol style="list-style-type: none"> <li>1. Cash compensation equal to duration of wages lost</li> </ol>
		Temporary	Owner of business including hawkers/vendors, agricultural laborers temporarily affected during construction	<ol style="list-style-type: none"> <li>1. Cash assistance equivalent to an average of maximum daily net income to be paid or the number of days /weeks of temporary disruption</li> <li>2. Free transport facility or one-time shifting assistance of Rs. 3,000 will be provided.</li> </ol>
		Permanent	Farm/agricultural worker	<ol style="list-style-type: none"> <li>1. Assistance based on minimum wage rate for 3 months</li> <li>2. For vulnerable persons: <ol style="list-style-type: none"> <li>a.) Cash assistance for purchase of income-generating equipment subject to a maximum of Rs. 40,000</li> <li>b) Skill development training, if they so desire</li> <li>c) Assistance to be linked to project related employment opportunities, if so desired</li> </ol> Or as determined in the 2013 LARR Act which ever higher </li> </ol>
7	Relocation	Permanent/ temporary	Owners, tenants of the affected structures/ assets	<ol style="list-style-type: none"> <li>1. Shifting assistance will be provided to the DPs to move from the place proposed for acquisition to a new place. The amount of the shifting assistance will be decided based upon volume of material/assets to be shifted and distance to new place. ULB may provide free transport facility for this Or as determined in the 2013 LARR Act which ever higher</li> </ol>
8	Loss of community/social facility (such as cultural/religious heritage objects/place of worship, etc.)	Permanent	Community or local body owning the structure/ assets /place or object of worship	<ol style="list-style-type: none"> <li>1 Restoration/replacement and improvement of community assets, such as water pumps, wells, school, temples, shrines, and cultural heritage sites</li> </ol>

				2	Enhancement of community resources and replacement of resources likely to be depleted Or as determined in the 2013 LARR Act which ever higher
9	Any other loss not identified				Unidentified involuntary impacts shall be documented and mitigated based on principle provided in the ADB's SPS and under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

<sup>a</sup> **Terms used in entitlement matrix:**

**Subsistence allowance** is a transitional allowance offered to all DPs whose livelihood will be affected due to the subproject and which will be utilized/ consumed by DPs. Subsistence allowance will be decided based on minimum wage rate as defined by Karnataka state (current rate being Rs.157.34). Minimum wage rate is being determined by the State Government and The Planning Commission of India each year based on consumer price index and according to different skill based economic activities. For vulnerable households, subsistence allowance will be supplemented by income generating/skill development training.

<sup>b</sup> Vulnerable households include women-headed household (WHH), families belonging to BPL category, disabled/ elderly-headed household, and indigenous people/ST/BC.

<sup>c</sup> BPL- Below poverty line. Poverty line is fixed by the Planning Commission of India as a daily per capita income of Rs 32 in urban areas and Rs 25 in rural areas. In a revised estimate, the Planning Commission has determined the poverty line in Karnataka, with reference year of 2004-2005, as per capita monthly income of Rs 417.84 in rural areas and Rs 588.06 in urban areas.

<sup>d</sup> The rehabilitation assistance has been determined based on: (a) Agricultural equipments cost – as per requirement of the farmers – which include purchase of submersible pump set with pipelines for irrigation, costing around Rs 38,000, rounded up to Rs.40,000. (b) Another vocational training sought for is computer training course as provided by Deptt. of Electronics and Communications (DOEAC), Govt. of India, which is Rs 40,000 including cost of training fees for 3 months (Rs7500), transport cost (RS.2500) and purchase of one computer with accessories (Rs 35000). Other training programs are also considered. But cost of DOEAC computer course and / or purchase of agricultural equipments for irrigation are found to be the highest. So, Rs 40,000 is set to be upper limit of subsistence allowance. (See Table7, Income Restoration Scheme, pg 37). NGO will assist in identification and purchase of income generating equipment/asset.

<sup>e</sup> BPL- Below poverty line. Poverty line is fixed by the Planning Commission of India as a daily per capita income of Rs 32 in urban areas and Rs 25 in rural areas. In a revised estimate, the Planning Commission has determined the poverty line in Karnataka, with reference year of 2004-2005, as per capita monthly income of Rs 417.84 in rural areas and Rs 588.06 in urban areas.

<sup>f</sup> NGO will assist in identification and purchase of income generating equipment/asset.

<sup>g</sup> Minimum wage rates are fixed by the Government of Karnataka each year, comprising basic pay and variable dearness allowance according to Gazette Notification no. KAE 96 LMW 2005 dt 31.07.07. Minimum wage rate for agricultural works has been fixed at Rs 157.34 per day for the year 01 April 2012 to 31 March 2013. It may change depending on the consumer price index for the next financial year commencing in April 2013.

### III. SOCIOECONOMIC INFORMATION

#### A. Survey

25. For proper rehabilitation of DPs, socioeconomic survey and a census will be undertaken in each sub-project with involuntary resettlement impacts under the Program. The socioeconomic surveys will be based on preliminary technical designs of the sub-project identified. The socioeconomic survey will help assessing the Investment Programs socioeconomic impacts on the affected community and people. The census will help in determining the magnitude of displacement, prospective losses, better targeting of vulnerable groups, ascertaining actual costs of resettlement, preparing and implementing a rehabilitation program. The methodology for conducting socioeconomic surveys and database management (to be used for Resettlement Plan preparation) is indicated in **Annex C**. a brief of the survey to be undertaken is given below:

- (i) *Baseline Socio-economic Sample Survey*. The purpose of the baseline socio-economic sample survey is for establishing monitoring and evaluation parameters and used as a benchmark for monitoring the socio-economic status of DPs. The survey shall cover 10 percent DPs and 20 percent Significantly Affected Persons<sup>15</sup>. The survey will collect the gender disaggregated data to address gender issues in resettlement. The survey shall carry out the following (i) preparation of accurate maps of the sub-project area and update the same; and (ii) analysis of social structures and income resources of the population.
- (ii) *Census*. The purpose of the census is to register and document the status of the potentially affected population<sup>16</sup> within the Investment Program area. The census shall cover 100 percent of the Displaced Persons. The census will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood.

#### B. Preparation of Resettlement Plan (RP)

26. The Resettlement Plan (RP) will be prepared based on the results of the census and from information drawn from the baseline socio-economic sample survey; the database on DPs should be complete before RP preparation. The RP preparation will be governed by the Category of impacts it is likely to have. These are as follows:

- (i) **Category A**. A proposed project is classified as category A if it is likely to have significant <sup>17</sup>involuntary resettlement impacts. A resettlement plan, including assessment of social impacts, is required.
- (ii) **Category B**. A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.
- (iii) **Category C**. A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.
- (iv) **Category FI**. A proposed project is classified as category FI if it involves the investment of ADB funds to, or through, a financial intermediary

27. During subproject preparation, a detailed social impact assessment (SIA) survey will be undertaken after detailed engineering design is finalized. This will include census of all potentially affected persons/communities and a baseline sample socioeconomic survey (SES). One experienced NGO will be engaged to conduct the SES and census and submit the findings of the survey to the borrower (EA) through the regional program management units (RPMU), which will be used to prepare the RP, if required.

28. The objective of preparing the SIA is to ascertain potential impact of involuntary resettlement (IR) and to identify degree of impact. While conducting SIA, the team will be supported by the project management design and supervision consultant (PMDSC). The SIA survey should be preceded by the detailed measurement survey (DMS), after final engineering design is completed, to finalize the physical assets/infrastructures to be affected. The methodology for conducting census and data collection for a baseline socioeconomic study as part of the SIA is as follows.

- (i) Identify local NGO/CBOs of the subproject area and carry out preliminary consultation with them and potential displaced families.
- (ii) Prepare SIA data collection and consultation format and test run these during preliminary consultation survey.
- (iii) Before commencement of census, the SIA survey team identifies and marks the affected household structures and community resource structures, if any, and identifies site locations on land revenue maps/drawings for land to be affected. In case of revenue map/sketches, reference can be drawn from Google maps to compare potential sites. During land identification (vacant or under cultivation), help from revenue officials/staff should be sought for clarifying plot details, such as use, ownership, and legal issues, if any.
- (iv) A census of 100% potentially displaced households and a baseline sample socioeconomic survey (SES) will be conducted with the help of detailed measurement survey drawings/maps of the subproject sites/alignments and land revenue maps/sketches for verification of the sites/alignments to be affected. The samples for SES should be representative of all sections of society within the project impact zone. Inventory of all assets with potential impact, including status of land ownership with documents in favor of ownership status, leasehold, tenancy, etc., will be made during census to measure quantum of loss. Assessment of incomes and livelihoods likely to be affected should be a major component of the survey. Identification of vulnerable people/groups who are disproportionately affected will be made. Gender issues will be highlighted to identify gender concerns with respect to the project, and benefits and adverse impact, if any, will be brought to the fore.
- (v) A census cutoff date will be established for eligibility of entitlement. Information regarding the cutoff date will be documented and disseminated throughout the project area. Usually, the date of census is the cutoff date for all displaced persons, including squatters and encroachers. In case of land acquisition, the date of notification under section 4(11) serves as the cutoff date.
- (vi) During the census and SES, group discussions should be held with specific sections of the society/community with focus on women, indigenous people, BPL families, community-managed common resources, youth, and senior citizens. Key persons of the locality, like ULB officials/commissioners, ward council members, and land revenue officials (*tehsildar*) should be interviewed for in-depth views and information.
- (vii) All these data will be collated and analyzed to form the basis of SIA. An inventory of lost assets and list of potential displaced families/persons will be prepared and constitute an important document of LARP. The SIA survey and preparation of the report will be supervised and monitored by ULB. Land acquisition proposal will contain revenue drawing showing details of the areas/plots, and will be marked on the maps.
- (viii) After finalization of the SIA report based on census land acquisition and RP will be prepared, as required, by design consultants (DC). The RP will be scrutinized

and approved by the district land acquisition official and ULB *tehsildar* as well as the RPMU officers.

29. Based on compiled and analyzed baseline census and SES data, involuntary resettlement impacts will be assessed and the RP will be prepared. The preparation of the RP will be in consultation with the affected people/families. The level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks.

#### **IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE**

##### **A. Consultation and Participation**

30. Consultation with the primary and secondary stakeholders is an important tool for the successful preparation and implementation of RP. The primary stakeholders include displaced persons (DP), the project beneficiaries, the host population (in cases where DPs need to be relocated elsewhere), and the implementing agency, the ULBs. The secondary stakeholders are other individuals or groups with interest in the project, and include elected representatives of the ULBs, local or national government, policy makers, advocacy groups, and NGOs.

31. The participatory consultation process will adopt a range of formal and informal consultative methods, including in-depth interviews with key informants, FGDs, meetings, and workshops, apart from interaction with individual DPs. The consultation activities will be undertaken at various stages of project: (i) project initiation, (ii) RP preparation, and (iii) RP implementation. The consultation process will also vary according to requirements at various levels of the project.

##### **Project initiation stage**

32. At this stage, only a tentative project proposal and its consequences will be discussed. Project components, potential benefits, and risks that are likely to be involved are the main topics of discussion at this stage. Hence, community leaders and local NGOs/CBOs will be the targeted audiences whom the project proponent will approach to discuss the basic plan and designs. The ULB will take the initiative to divulge the proposal and start the consultation process. The consultation will be more of dissemination of project information for the community to understand the overall issues of the project. The resettlement officer (RO) will maintain records of these consultations and keep minutes of the meetings. Response of the community—oral and written, if any—will also be recorded for future discussion, design options, etc.

33. After draft design for technical components is prepared, and when potential involuntary resettlement impacts can be assessed tentatively, consultation will include the potential DPs, apart from the community leaders. At this stage, it will be possible to identify impact on the vulnerable people, including women-headed households, indigenous people, BPL families, and others. Hence, the consultation process will be more of the FGD method, with each potentially affected group consulted separately. Particular emphasis will be on the vulnerable people, and the discussion mode will be informal and in a manner comprehensible manner to the participants. Small groups under each category will be invited, and the project design, including the risks and benefits, will be explained to them. The details of the consultations and their responses will be recorded and taken into consideration for project design and planning.



## **RP preparation stage**

34. As part of RP preparation, SIA will commence with a census and socioeconomic survey of the potentially affected families. Upon the completion of final detail engineering design, a detailed measurement survey (DMS) will be done to identify the scale and final nature of the involuntary resettlement impacts to be experienced by the affected population. This will set off the finalization of the RP for potentially displaced families, mitigation actions, funding requirements, and institutional preparedness. The implementing agency will also be required to publicly disclose the project census cutoff date to determine the eligibility of the affected people on the compensation and other entitlements.

35. Consultations will be held with the head of the households/members of the potentially displaced families, voluntary organizations, CBOs, major state-level stakeholders including government agencies and ULBs, and vulnerable groups such as women-headed households and tribal and ethnic minority communities. Consultation method will be more focused on individual interviews with the DPs, FGD sessions with the small groups, including the vulnerable families, and interviews with key stakeholders at government and community levels. The detailed information on project impact, particularly adverse impacts, and entitlement will be explained to the DPs in a transparent and easily understandable manner, and their response recorded. The purpose of consultation at this level will be to get views from well-informed stakeholders about the project and its involuntary resettlement impact, which will help in finding alternate design options to minimize resettlement impact.

36. All consultations will be organized by ULBs, and RO will be responsible for conducting/arranging participatory consultation and disclosure meetings in such a manner that the DPs and the stakeholders at community level will feel free to express their views without coercion, fear, or hesitation. If there are any changes in project design in sites or alignment depending on inputs of the consultation process, these will be made known to the DPs. Participatory consultation with the DPs will be documented and an appendix provided to the RP containing consultation meeting details, minutes of the meetings, and list of participants. This will improve content and quality of the RP, as well.

## **RP implementation stage**

37. During RP implementation, consultation with the DPs should be part of the regular RP activities for successful implementation with minimum hurdles. The resettlement NGO appointed by the ULB will prepare detailed consultation and disclosure plans, and carry on consultation and disclosure of the entitlement package accordingly. The nature of consultation will be to inquire about progress of RP activities and constraints, if any, faced by the DPs. In case of land acquisition, more intense and frequent consultation with the DPs will be done and their entitlement disclosed to them. Emphasis will be on regular consultation with the vulnerable DPs, including women-headed households and indigenous people, to prepare for the physical displacement, if any, and provide necessary help and assistance if physical displacement is involved.

## **Consultation for income restoration program**

38. Some vulnerable persons are likely to be affected, either temporarily during construction or permanently due to land acquisition. Income restoration programs for these vulnerable affected persons are required. For that purpose, more intense and frequent consultation with the individuals will be made in order to identify individuals for the program, assess their need,

capability, and willingness, and above all identify and select skill development training institutes for the purpose.

39. The process of public consultation will be as follows.

- (i) The concerned ULBs are the key stakeholders, and they, with support from the resettlement NGO, will be the focal organization for the income restoration program. The resettlement impact of the project and the categories of people likely to be affected/displaced will be described to the ULBs. The stakeholders' consultation will be in the form of workshops and meetings.
- (ii) The tools to be used for public consultation are key informant interviews, structured questionnaires, and focus group discussions in order to identify perceived needs, qualifications, willingness, and capabilities of the vulnerable persons for whom income restoration training will be organized.
- (iii) During initial social and resettlement assessment, the potentially affected people were informed about the ensuing project and land requirement for the project components. The road vendors, hawkers, and small business owners/operators were also informed about proposed work, and that there will be temporary impact during construction phase. Further consultation will be made during detailed measurement survey, when actual impact will be assessed and number of affected/displaced persons and families will be known.
- (iv) During the census and socioeconomic survey, the vulnerable affected families will be identified and their preferred vocations, acquired skill, and preference for skill training will be recorded. This will be useful to design the income restoration program, as well as for training institute identification and budget assessment.
- (v) A market survey will be carried out by the NGO for product viability and skill employability in case of new skill development training and enterprises. The feedback of the survey will be shared with the DPs. The mode of consultation will be on the personal and individual level with each of the individuals selected for livelihood restoration program.

## **B. Disclosure**

40. The level of disclosure will commensurate with the progress of RP preparation and implementation. In the RP preparation phase, the DPs, and particularly the indigenous people's community, should be taken into confidence. As mentioned, disclosure is a critical activity throughout the stages of RP preparation and implementation.

41. In the RP preparation phase, project impact on involuntary resettlement will be disclosed during SIA, and feedback from potential DPs and the community will be further investigated for identifying design options. After careful examination of all possible means to avoid and minimize involuntary resettlement impact, project activities and possible impacts will be finalized and disclosed to the DPs in the form of a resettlement plan (RP).

42. To provide for more transparency and for further involvement of the displaced persons and other stakeholders, the final RP, approved by central PMU and ADB, will be disclosed through the RPMU to the DPs, community leaders, people's representatives, and government agencies at district and ULB level. It will be translated into the local language, and its summary published in regional newspapers. For an effective disclosure of the RP, a brief RP containing project impact and entitlement options will be printed in local language other than English and distributed to the DPs. A copy of the brief RP prepared for disclosure will be sent to ADB. The

same will be printed in pamphlets and posted in prominent government offices, ward councils, and ULB offices.

43. During RP implementation, the DPs will be informed of procedures for accessing their entitlement benefits. If physical displacement occurs, the relocation sites, along with all infrastructure facilities, will be disclosed to the DPs for their endorsements. In case of income restoration, disclosure on skill development training and feedback on market survey of the products will be made. These disclosure activities will be the responsibility of the resettlement NGO, under supervision of the resettlement officer (RO) of the RPMU.

44. The project implementation unit (PIU) at ULB level, and under central and regional PMU at KUIDFC, will extend and expand the consultation and disclosure process during the detailed design and project implementation stage. The resettlement NGO will ensure ongoing consultations and public awareness programs during project implementation. This task will be carried out in coordination with the PIU, design consultant, and contractors to ensure the communities are made fully aware of project activities in all stages of construction. A community participation action plan will be prepared by the NGO in consultation with ULB. The community in general and the affected families, vendor associations in particular, will be consulted and made aware of the civil works under project activities prior to construction and about the ADB policy of involuntary resettlement.

45. Draft project information disclosure (PID) is attached as Annex 8. This pamphlet will be finalized and adjusted where relevant to the project site activities. It will be distributed to the affected communities during public consultations and posted publicly in various strategic places. The Program's RF, RPs and semiannual monitoring reports will also be placed on the ADB website.

## **V. COMPENSATION, INCOME RESTORATION, AND RELOCATION**

### **A. Compensation**

46. It is envisaged that land requirement for subproject components for water supply and wastewater under Tranche 1 towns will be minimal, and wherever land is absolutely required, the priority would be to identify government/ULB-owned land to be used for project activities. In absence of these lands, subject ULBs will search for landowners willing to sell land to government, and will directly purchase through negotiated settlement.

47. Under the negotiated settlement procedure, the district level committee (DLC) constituted, to be formed under the program to strengthen institutional capacity, will do the market survey to find out actual transaction rates in the open market to match the replacement cost of land. The land registrar at district/*tehsil* level will make a list of willing landowners for sale of land to the government.

48. In the event of failed negotiated settlement due to unwillingness of the potential seller or inhibitive cost of land under negotiation, land acquisition becomes a necessary option for acquiring land for the project, land acquisition procedure under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Government of India will take effect. The method and legal body empowered for valuation of land and other assets to be calculated under 2013 Land Acquisition Act are explained below.

49. Classification of land will be determined by official record as on cutoff date. The Record of Rights, Tenancy, and Crops (RTC) will be reviewed for confirmation by the displaced households. A land market survey will be carried out under supervision of the DLC to ascertain prevailing open market value of the land, which may be influenced by various factors, such as location, connectivity, soil type, productivity, irrigation facilities, etc.

## **B. Valuation of Affected Assets**

50. For valuation of affected structure, land, trees, assets related to land, etc., several processes are in place. There are specific methods for valuation of assets depending on kinds of assets.

### **1. Replacement value of land**

51. For determining replacement value of land, the district level resettlement committee (DLRC) will be constituted under the chairmanship of the deputy commissioner, and comprising the district LA officer, resettlement officer (to be appointed by ULB), and RPMU's LA/resettlement officer, among others. The committee will take the following actions to assess land valuation:

- (i) Committee will take into account the average of market value of land.
- (ii) Committee will take into account the average of these rates for actual transaction for similar lands in the last 3 years, for which sale deeds are registered. (This also refers to the actual transaction rate/compensation paid for similar lands, acquired by agencies such as housing boards and/or under recent ADB projects.) District land registration office will provide transaction rates for registered sale deeds for the last 3 years.
- (iii) For determining classification/current use of land, land revenue official records on the cutoff date shall be taken into consideration, and the record of Rights, Tenancy, and Crops (RTC) shall be reviewed for confirmation of land title by the affected households. If 75% or more land holding of a DP is acquired, or when the part of a land remaining after acquisition becomes economically unviable after acquisition, the owner of such land/property shall have the right to seek acquisition of his entire contiguous holding/property, provided the residual land is less than his minimum economic holding.
- (iv) A land market survey will be carried out by the DLRC to ascertain prevailing market values of land. This shall take into account the operating open market transaction rates, influenced by various factors such as location of land and connectivity, type of soil, crops grown, available irrigation and other facilities, etc.
- (v) Final replacement value will be fixed by the DLRC, considering the highest rate derived from among all assessed values.

### **Replacement value for immovable property**

52. For valuation of immovable properties, such as residential and commercial structures, crops, fruit and timber bearing trees, the following government departments will work out the compensation rates:

- (i) Houses and buildings. The value of the houses, buildings, and other immovable properties of the DPs shall be determined at the relevant Basic Schedule of

- Rates (BSR)<sup>5</sup> published by the Government of Karnataka, plus the cost of labor and transfer of the construction materials.
- (ii) Seasonal crops. If notice for harvest of standing seasonal crops cannot be given, then valuation of lost standing crop at market value will be made. Besides, valuation of for loss of standing crop for 1 addition year will be made, and compensation for that will be paid for both permanent and temporary loss of agricultural crops.
  - (iii) Perennial crops. Valuation for perennial crops will be calculated as annual net product value multiplied by number of productive years remaining. The Department of Agriculture will determine the valuation of crops.
  - (iv) Timber-bearing trees. Value will be based on the market price of timber and will be determined by the Forest Department.
  - (v) Fruit-bearing trees. Market value of products multiplied by number of productive years remaining will be the basis of the valuation of fruit-bearing trees. If the trees are yet to reach age of maturity for calculating economic value, cost of seedlings, saplings, and agricultural inputs will be added to the compensation valuation. Valuation of fruit trees will be done by the Department of Horticulture.

### **Valuation of other assets**

53. Compensation for the assets attached to land (such as wells, irrigation units, etc.) will be based on replacement value. DLRC shall estimate this through detailed market surveys. Displaced persons will be given the right to take all movable assets attached with land, such as irrigation pump sets, etc.

54. The value of the houses, buildings, and other immovable properties of the DPs shall be determined for the purpose of payment of compensation at the relevant Basic Schedule of Rates (BSR) published by the Government of Karnataka. The Public Works Department (PWD) is the authorized body for determining the valuation of structures. Compensation for trees having value for timber will be determined as per market value by the Forest Department, while valuation of fruit-bearing trees will be determined by the Horticulture Department. The DLRC will be responsible for collecting all the rates from respective government departments, and will coordinate with DLC for calculating total compensation of each DP for loss of land and other assets as stipulated under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

55. Apart from compensation for land, trees, crops, structures, and other assets, assistance for loss of income and livelihood will also be paid to the DPs as per the entitlement matrix. These resettlement assistances will be calculated by the DLRC. All compensation and resettlement assistance will be paid to the entitled DPs prior to commencement of civil works, and the land/structures which will be acquired after payment in full shall be handed over to the ULBs free of all encumbrances, such as debt, mortgage, etc. If any loan taken on such land/properties remains unadjusted, the balance amount of loan will be deducted from the total compensation. The acquired land/properties shall vest with the ULB/ competent authority.

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<sup>5</sup> Unlike land rates, the BSR is revised and published every year and is adopted by government agencies to determine the cost of civil works.

### **C. Income Restoration and Relocation**

56. The objective of income restoration activities is to ensure that no DP shall become worse off compared to pre-project status due to the project. During initial social and resettlement impact assessment, it was envisaged that land acquisition will have permanent impacts on a few landowners and some temporary impact may affect livelihood and income of daily wage earner or small business enterprise owners during construction. Other than the landowners, a few agricultural laborers and tenants may lose their livelihood permanently, and may thereby be reduced to vulnerable status when land is acquired.

#### **Income restoration strategy**

57. The income restoration strategy will be either short-term or long-term. For temporary resettlement impacts that are likely to occur during civil construction, short-term income restoration measures will be adopted. All temporarily affected DPs will receive subsistence/transitional allowances and shifting assistance as short-term measures. These temporary impacts will affect roadside vendors, hawkers, and small business owners running operations from tiny kiosks and moveable cycle vans, most of whom are vulnerable. The duration of impact will be for a very short period, which may even be shortened by judicious planning of the construction program, such as nighttime construction or trenchless pits. However, loss of income that the small business enterprise (SBE) owners will suffer will be lessened through payment of subsistence assistance for the maximum daily income earned by each of the vendors/hawkers and SBE owners for the number of days or weeks their business will remain closed. Special care will be taken to ensure that these temporarily affected SBE owners will set up their business once again, either in the same location or elsewhere, in areas of their choice. The vendors/hawkers will receive special shifting assistance for transportation of their items for sale.

58. Long-term measures will depend on degree of disruption of economic activities/livelihoods, and the permanently affected vulnerable DPs will be brought within the fold of income restoration programs. The entitlement matrix provides income restoration assistance for the permanently affected vulnerable DPs in various forms. For those who already possess professional skills and are pursuing professions based on that skill, income restoration measures will include cash assistance for purchase of equipment or tools. This will facilitate their enhanced productivity, and result in better finished products and increased production. For others who may want to acquire new skills, income restoration measures will include vocational skill development training programs. The mode of assistance will be decided according to the affected persons' willingness, need, and requirement based on consultation. The vulnerable DPs include women-headed households (WHH), physically disabled heads of households, families belonging to scheduled castes and scheduled tribes, and below poverty line (BPL) families. Definitions of these BPL families and scheduled castes and tribes have been provided in the entitlement matrix. Income restoration programs/schemes will be designed based on the information collected from the detailed socioeconomic survey (SES) during project implementation.

59. However, according to initial social and resettlement assessment conducted during the project preparatory stage, it has been found that all the affected/displaced households are cultivators with an agricultural tradition being followed for generations. It is unlikely that these families will be interested in any other skill development training. Besides, the heads of household of displaced families are of an age when it has become difficult to change attitude or acquire new skills. However, the options of skill development training and cash assistance for

acquiring equipment have been made available in the entitlement, apart from provision of training for younger members of displaced families. The resettlement NGO will evaluate the options based on updated RPs, repeated consultation, and detailed survey, and identify persons eligible for income restoration measures. Available resource base and existing skill of the DPs, as well as their socioeconomic status, educational qualification, and cultural pattern, will be considered while formulating income restoration programs..

60. The timeline for skill development training, training options for the DPs belonging to the vulnerable category, budgetary provisions, etc. will be detailed during project implementation. The resettlement NGOs will be responsible for identification of the DPs for income restoration programs according to need assessed, skill possessed, willingness, and capacity. Wherever possible, the income restoration schemes will be included in the existing government schemes for future sustenance. The project social safeguard/resettlement officers at ULB and RPMU levels will ensure DPs' access to these schemes and subsequent follow-up. The resettlement NGO will prepare a list of possible income restoration options in consultation with APs, having examined the local employment opportunities and market survey for product salability and quality service affordability among the local community/market.

61. The strategy for the income restoration program is as follows: For selection of the skill development trainings, participatory consultations and FGD with various groups of DPs identified according to selected skill development trainings will be conducted by the NGO, with guidance from the RO engaged by ULB. The DPs' perception about training need, existing skills, and prospects for the new skills and advanced training needs will be recorded. The skills may be for self-employment or wage earning, and the beneficiaries' (DPs) preference will be respected while selecting the type of skill development training. After selecting the skills in consultation with the DPs, the NGO will conduct a market survey to identify skill and service requirements in the area and nearby district towns, and potential labor/self-employment recruitment sources. This survey output will further fine-tune the selection of trades and skills to be developed and training to be imparted. Identification of the training institutes is crucial, and will be done by the NGO in consultation with ULB. The identified institutes will be contacted and their budget and expertise reviewed by ULB. Selection of training institutes will be based on expertise in providing necessary skill trainings, their capability to provide in-house hand-holding training, and their record of providing employment in suitable places. Preference will be given to provision of self-employment opportunities. One stakeholder workshop will be organized in each ULB for the potential DPs enlisted for skill development trainings, where responsible people from financial institutions, industrial houses, training institutes, ULB representatives, NGO, and the DPs will be present. All queries put forward by the DPs will be answered by proper representatives present. Selection of the skill training for the DPs will be finalized following the workshop.

62. Detailed breakdown of a few skill development/income restoration schemes is given below.

**Table 7: Income Restoration Scheme**

S.no.	Income Restoration/Skill Development Training	Course Period	Cost (Rs)
<b>Computer course</b>			
	DOEACC <sup>a</sup> course fee	40 weeks	20,000
	Transportation cost (@ Rs 40 /RT	3 days/week	4,800
	Study/course materials and practice	Ls	12,000
	Examination fee	Ls	2,500
	Miscellaneous cost		700
	Total cost per person		40,000

<b>Mobile repairing course<sup>b</sup></b>			
	Course fee @ Rs 3500/month	3 months	10,500
	Transportation cost @ Rs 40 / RT	8 days/month	1,000 (approx)
	Examination/exposure visit cost	Ls	3000
	Tool kits	Ls	6000
	Miscellaneous		500
	Total cost per person		21,000
<b>Two-wheeler repair mechanic course</b>			
	Course fees @ Rs 4000	5 months	20,000
	Transportation cost @ Rs 40/RT	20 days/ month	4000
	Tool box		12,000
	Miscellaneous		500
	Total cost per person		36,500

<sup>a</sup> Department of Electronics and Accreditation of Computer Course, Government of India. Weblink: [doeacc.gov.in](http://doeacc.gov.in).

<sup>b</sup> Course provided by Nokia.

63. Computer “O” level course is a Government of India-recognized course with guaranteed employment after successful completion. The course mentioned here is the basic one, and there is an advanced course as well, which is a more lucrative option. It is understood that the young and high school educated members from the DPs’ families will be more interested in this type of training rather than more stereotyped and conventional income-generation schemes. It has been recommended, keeping the young urban person in view.

64. Initial assessment of temporary impact revealed that most of the vulnerable hawkers/ vendors on roadsides are the fruit vendors, whose major problem is keeping fruits from getting rotten. Fruit preservation techniques could be studied to minimize loss of income during construction days.

## 2. Relocation

65. The Program’s will, to the extent that is possible, avoid any physical displacement/ relocation of the affected peoples. In the event that physical relocation is required the project will ensure that (i) adequate shifting assistance and livelihood subsistence allowance, as required, will be provided to all relocated/physically displaced households/ business, either for permanent or temporary; (ii) relocations sites will be disclosed to the affected people for endorsement, along with their facilities; (iii) options are available for the affected families to choose for independent or assisted relocations by the project; and (iv) the relocations sites (with the required associated facilities), assets compensation and other assistance have to be completed prior the physical relocation of the affected people and started of the civil works in the related project areas. The recruited resettlement NGO, when required, will assist and monitor the relocation process of the affected people. Adequate relocation budget should be made available by the EA for timely relocation implementation and included in the final RP. Requirements for relocation and resettlement activities as stipulated under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, will also have to be fully complied.

## VI. GRIEVANCE REDRESS MECHANISM

66. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate, and facilitate concerns, complaints, and grievances of the DPs in relation to the project’s social and environmental performances. The main objective of the GRM will be to



provide time-bound action and a transparent mechanism to resolve social and environment concerns.

67. A project GRM will cover the project's towns for all kinds of grievances, and will be regarded as an accessible and trusted platform for receiving and facilitating project-related complaints and grievances. The multi-tier GRM for the program will have realistic time schedules to address grievances, and specific responsible persons identified to address grievances, and to whom the DPs have access to interact easily.

68. Awareness of grievance redress procedures will be created through a public awareness campaign with the help of print and electronic media and radio. The resettlement NGO will ensure that vulnerable households are also made aware of the GRM, and assured that their grievances will be redressed adequately and in a timely manner.

69. There will be multiple means of registering grievances and complaints: by dropping grievance forms in complaint/suggestion boxes at accessible locations, or through telephone hotlines, email, post, or writing in a complaint registrar book in ULB's project office. There will be a complaint registrar book and complaint boxes at the construction site office to enable quick response to grievances/complaints for urgent matters. The name, address, and contact details of the persons, with details of the complaint/grievance, location of problem area, and date of receipt of complaint will be documented. The RPMU's social development/resettlement officer will be responsible at the project level for timely resolution of the environmental and social safeguard issues and registration of grievances, and communication with the aggrieved persons. Annex 1 is the draft PID to be distributed to all affected communities and DPs, which includes the contact numbers of the respective ULB officers responsible for the KIUWMIP.

#### **A. Grievance Redress Process**

70. There will be several tiers for the grievance redress process. Simple grievances for immediate redress will first be resolved onsite by the contractor. If unaddressed for up to 7 days, the complainants may go to the PIU officer in ULB responsible for resettlement/social issues. The project engineer and the resettlement NGO will assist in resolving the issues. Name, designation, and contact number of personnel responsible for grievance redress at ULB and RPMU will be posted at the contractor's and the PMDSC's site office, in full view of the public. The NGO will be involved in a community mobilization and awareness campaign. Grievances of immediate nature should be resolved onsite or within ULB/PIU level within 15 days of registration of grievances.

71. All grievances that cannot be resolved by ULB/PIU within 15 days will be forwarded to RPMU's social safeguards/R&R officer and PMDSC specialist, who will review and resolve this within 15 working days of registration, with the assistance of the resettlement NGO and concerned PIU/ULB personnel, if required.

72. The grievances of critical nature and those that cannot be resolved at RPMU level should be referred to grievance redress committee (GRC)/steering committee (ST) set up at district level, to be settled within 30 days. All documents related to grievances, follow-up action taken, and an explanatory note on nature, seriousness, and time taken for grievance redress shall be prepared by the RPMU social safeguard/R&R Officer and circulated to GRC/SC members at least a week prior to scheduled meeting. The decision taken at the GRC/SC level will be communicated to the DPs by the RPMU social safeguards/R&R officer through ULB/PIU and the resettlement NGO.

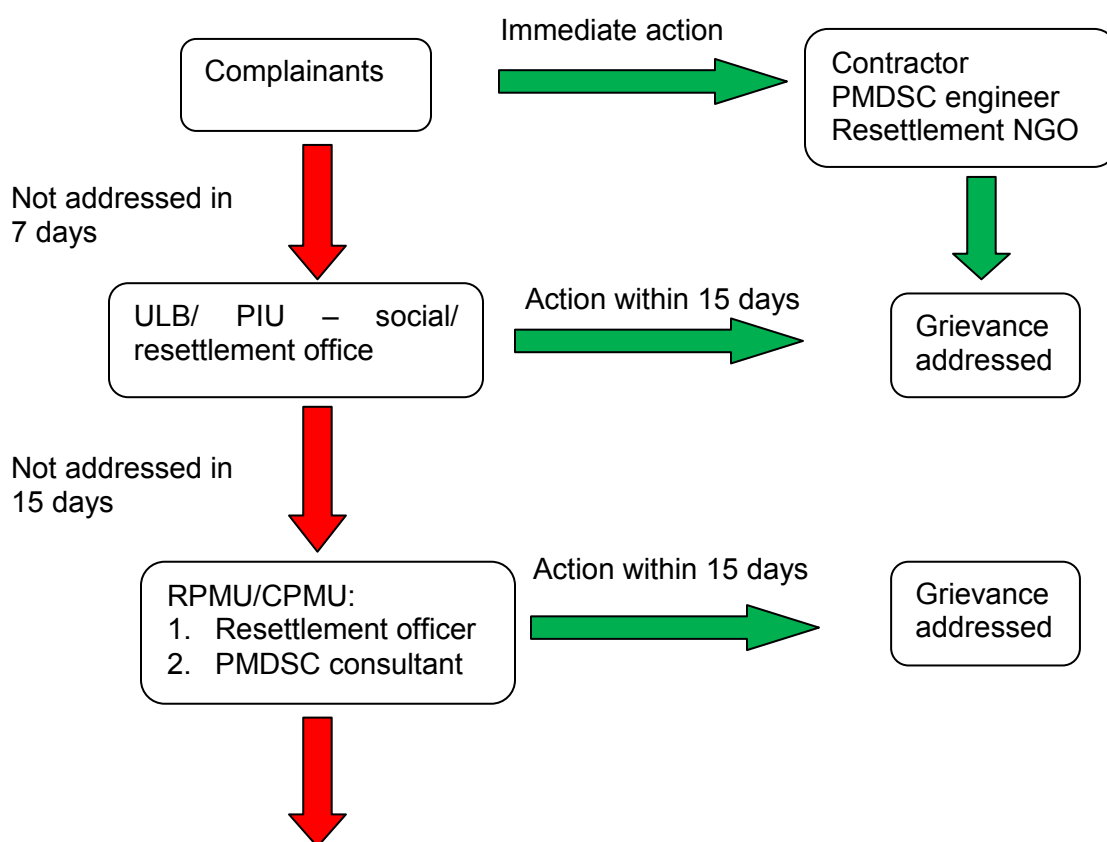
73. For any issues that remain unresolved by the GRC or SC, or if the decision made at such meetings are not acceptable, the complainants /DPs can approach the Court of Law, as per Government of Karnataka legal procedure.

## B. GRC/SC Composition and Selection of Members

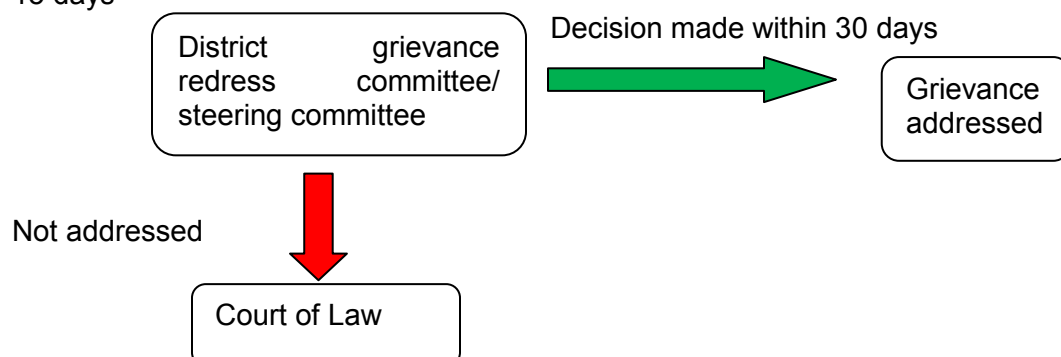
74. The GRC/SC for the project will be headed by the deputy commissioner (DC) of the district with members as follow: (i) ULB commissioners of project towns; (ii) revenue department (registrar) official; (iii) RPMU social safeguard/R&R Officer of KIUWMIP; and (iv) ULB officer who will convene the periodic meeting of the GRC and will shoulder responsibility for keeping records of grievances/complaints in detail, with help from resettlement NGO. Other members, such as NGO/CBO representatives, ward council representatives, and DPs' representatives will be selected by the ULB commissioner to represent these groups in the GRC/SC meeting. The NGO should also deploy one person on the team who will be responsible for coordinating with all GRC members and the DPs for grievance redress. The project GRC will not prevent the DP to use the legal complaint procedure under the Government judicial system or under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

75. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism (AM) through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB Indian Resident Mission (INRM). The complaint can be submitted in any of the official languages of ADB's DMCs. The ADB Accountability Mechanism information will be included in the PID to be distributed to the affected communities, as part of the project GRM. The grievance redress process is shown in Figure 1.

**Figure 1: Grievance Redress Process**



Not addressed in  
15 days



## VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

### A. Existing Institutional Structure and Capacity

76. Karnataka Urban Infrastructure Development & Finance Corporation (KUIDFC) is the nodal executing agency (EA) responsible for implementing KIUWMIP. KUIDFC is a fully-owned Government of Karnataka company incorporated under the Companies Act, 1956. In the context of KIUWMP, KUIDFC will establish a central project management unit (CPMU) and regional project management unit (RPMU) at the district level.

77. The subproject ULBs will be the implementing agency (IA), supported by the project implementing unit (PIU) that implements subproject components, including resettlement activities, if any. Some of the projects ULBs, like Davengere and Harihar, have experience in implementing working procedures of ADB and other MFIs to undertake and implement the subprojects under KIUWMIP. However, the staff, officers, or even commissioners currently engaged in executing projects under NKUDIP may not be continuing their present responsibilities, and are likely to be transferred as per normal government procedure for transfer and promotion. In such event, new staff and officers appointed to execute resettlement activities for KIUWMIP subprojects will need to be trained and educated in ADB's involuntary policy, as stated in SPS. The ULBs will also have to employ a designated resettlement officer (RO). They should be selected based on their experience in handling resettlement activities for similar external aided projects. The RPMU, along with the ULBs, in its capacity as project implementing unit (PIU), should ensure that the staff and officers are updated on recent safeguards requirements of SPS, 2009. If required, an orientation should be organized to develop their capacity in understanding and implementing involuntary resettlement activities.

78. The NGO will have an important role in carrying out daily RP finalization, updating, and implementation, from project preparation stage until completion of the RP, including income restoration activities, if any. The NGO's key personnel should have a thorough understanding and knowledge of ADB's safeguard policies/guidelines, preferably with experience in implementing RP activities for ADB or other external financing agencies. The NGO should also undergo capacity development and orientation on ADB safeguard requirements. Most importantly, the NGO has a key role in income restoration (IR) activities for the vulnerable

people who are entitled to IR assistance. The NGO should deploy experts in identifying skill development training and conduct market surveys for effective follow-up of the IR trainings.

## **B. Training and Capacity Building**

79. The RPMU and PIU staff and officials may not be aware of the ADB's policy on IR, particularly entitlement of the nontitled affected persons. The project design and supervision consultants also need to be aware of the ADB policy on involuntary resettlement and its requirements. The resettlement NGO will be instrumental in recording the impact during detailed design finalization at implementation stage. Besides, the NGO has a key role in monitoring all implementation activities, which will include identification of AFs, types of impact, eligibility, and entitlement as per approved RP.

80. To implement all these activities, the NGO will need to have a good understanding of ADB's policy requirement. Keeping all these in view, training modules will be prepared before implementation commences. One will be organized for awareness creation of ADB policy among RPMU personnel, as well as the design engineers (PMDSC). Another rigorous training will be arranged for the NGO, which will be primarily responsible for implementation of the RP, making the APs aware of their rights and entitlement, making GRM effective, and monitoring all RP activities according to plan.

81. Since the ULB is the major implementing authority, the personnel responsible for RP implementation will be given training in ADB policy, as well. In the event of negotiated land purchase or donation of land, third party monitoring is an essential requirement and part of compliance of social safeguard issues. The training component will also include modality of such third party monitoring, evaluation, documentation, and endorsement. The training activity will be conducted by the KUIDFC resettlement officer and/or the assigned national resettlement specialist of PMDSC with qualified experience and familiarity with ADB SPS (2009) and its requirements. The training will be conducted prior to RP finalization and its implementation.

## **C. Implementation**

82. The institutions involved for the RP preparation and implementation are the district authorities, requisitioning authorities/project implementing unit (ULBs), regional project implementation unit (RPMU), and the CPMU (KUIDFC). The CPMU will engage a design consultant (PMDSC) to conduct the census and SIA, with assistance from the recruited NGO, and after devising possible design to minimize resettlement impacts, will prepare an RP. The RPMU will be responsible for scrutiny of the draft RP and will receive approval from ADB. The ULB, supported by the project implementation unit and NGO as the implementing agency (IA), will be primarily responsible for implementing RP activities on a day-to-day basis. Each of these bodies is responsible for certain functions related to RP implementation; hence, coordination among them is essential.

83. The RP preparation, finalization, and implementation activities will cover:

- (i) identification of cutoff date, consultations, conducting census, and preparation of photo identity cards and notification for land acquisition, if any. All eligible DPs will be issued identity cards containing details, types of loss, and entitlement as early as possible to avoid encroachers and squatters taking possession of land after cutoff date. These identity cards will be verified by the PIU, NGO, and the DPs with signatures of all involved;

- (ii) preparing the DPs for physical relocation through consultation process, if required, and identification of eligible DPs for economic resettlement with the help of income restoration training;
- (iii) establishing project grievance redress mechanism (GRM) and procedures;
- (iv) providing additional support, assistance, and compensation to those people who face significant impacts (more than 10% of their land being acquired and/or being physically displaced from housing);
- (v) providing additional support, assistance and compensation to vulnerable groups, including female-headed households, the poor, disabled, or families with significant numbers of elderly or disabled members, to ensure that they are not severely affected;
- (vi) completing all compensation and assistance for physical/economic displacement before the start of civil works. APs will get sufficient notice to vacate their property before civil works begin. All physical relocation, compensation/assistance payment schedules will be completed in 1.5 years. However, economic rehabilitation activities, including income restoration programs, will take longer to complete, depending on nature of trainings. The vocational training will commence after physical relocation, if any, and payment of compensation and assistance is likely to continue for a period of 3 to 6 months, depending on nature of training;
- (vii) during implementation, the NGO will submit monthly progress reports on the RP implementation to the RPMU through the ULB (PIU). The RPMU supported by the RO, will conduct regular internal monitoring of resettlement implementation and prepare semiannual monitoring reports for submission to the CPMU, which will be further submitted to ADB. The reports will contain progress made in RP implementation, with particular attention to compliance with the principles and entitlement matrix set out in the resettlement framework. The report will also document consultation activities conducted, provide summary of grievances or problems identified, complaints lodged by the DPs, and actions taken to redress such complaints; and
- (viii) the resettlement officer of RPMU, ULB officials, and NGO staff will undergo an orientation and training program designed for resettlement management. The training activities will focus on issues concerning (i) principles and procedures of land acquisition; (ii) ADB's safeguard policy requirement; (iii) public consultation and participation; (iii) entitlements and compensation disbursement mechanisms; (iv) GRM; and (v) monitoring of resettlement operation. The orientation and training will be financed by the RPMU and will occur prior to commencement of RP preparation, in the beginning of RP implementation and midway through RP implementation. The RPMU will ensure that resettlement budgets are delivered on time to the ULB and the PIU for timely RP implementation. NGO's financial support will also be provided by RPMU and included in project cost.

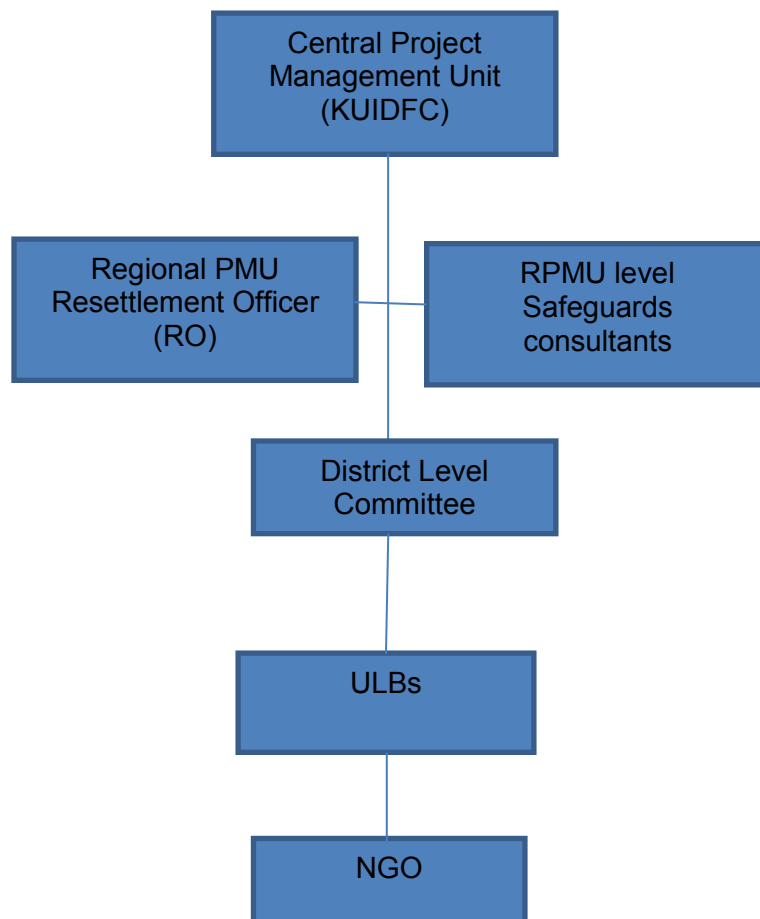
84. The roles and responsibilities of the various Institutions/ organizations are listed in Table 8 below.

**Table 8: Roles and Responsibilities of Institutions**

S. No.	Activities	Responsible Authority/ Agency	Time Schedule
<b>Project RP Preparatory Stage</b>			

S. No.	Activities	Responsible Authority/ Agency	Time Schedule
1	Finalization of designs/alignments Detailed project design report by finalizing design option to minimize resettlement impact	a. CPMU to appoint design consultants (PMDSC) b. RPMU to appoint resettlement NGO at all ULBs c. ULB (PIU) will finalize designs with assistance from PMDSC d. RPMU to engage one third party independent evaluator for motoring land purchase/land donation/land transfer process (in case negotiated settlement is involved)	15 days  15 days  7 days
2	Disclosure of proposed land acquisition/ negotiated land purchase Issuance of public notice for LA Negotiation for land purchase Formation of district level resettlement committee (DLRC) Consultation/ FGD with DPs/ landowners by RO	DC to issue public notice under Section 4(1) of LAA RPMU to: Complete formation of district Level resettlement committee (DLRC) Appoint designated resettlement officer (RO) at PIU (ULB) RO at ULB level to start negotiation/consultation with the landowners/DPs	30 days/1 month Section 4 (1) notification to be issued by concerned deputy commissioner of district. All land acquisition activities to be conducted as a separate LA process by DLRC and to continue simultaneously with RP activities
<b>RP Finalization Stage</b>			
3	Census enumeration/SIA survey of DPs in case of failed negotiated settlement, preparation and distribution of photo identity cards  Public disclosure of project cutoff date upon completion of the DMS survey	Design consultant to conduct census and prepare SIA report. NGO will prepare photo identity cards after verification of DPs ULB to monitor census/SIA survey to be conducted by consultant ULB to publicly disclosed the project cutoff date through media RPMU will recommend to prepare RP depending on project impact	45 days for census and SIA 15 days for verification 15 days for preparation and distribution of identity cards
4	Conduct FGD/meetings/workshop during SIA / census survey	RO engaged by PIU (ULB) to convene meetings/workshop depending on project requirement. Apex NGO to attend based on requirements	To continue throughout RP preparation and implementation phase
5	Calculation of replacement costs of land/ property/ assets for acquisition, if any	DLRC will compute replacement cost of all assets to be acquired based on data available from census/SIA and verifying with market value	15 days
6	Categorization of DPs for entitlement eligibility	NGO to categorize DPs as per entitlement eligibility/type of loss, and prepare microplan based on entitlement and loss	15 days
7	Formulate all compensation and assistances for the DPs and economic rehabilitation measures, if required  Conduct consultation/discussion/meeting with the DPs for compensation/ IR activities	DLRC to prepare compensation and rehabilitation measures, if required RO with assistance from NGO will calculate resettlement assistance and finalize income restoration activities, if required, for inclusion in draft RP ULB to organize meeting with DPs to disclose detailed information on loss, entitlement, mitigation measures	30 days  30 days (both activities to continue simultaneously)  15 days

S. No.	Activities	Responsible Authority/ Agency	Time Schedule
8	Finalizing compensation and rehabilitation packages Preparation of draft RP	Design consultant to finalize compensation and resettlement packages in consultation with DLRC and ULBs and will prepare draft RP RPMU to evaluate RP in the light of ADB compliance and RP budget and seek ADB's approval	30 days  15 days
9	Disclosure of draft RP, particularly final entitlement and rehabilitation packages to all DPs	ULB to circulate copies of draft RP with entitlement packages to all stakeholders in disclosure meeting, where NGO/CBOs/ people's representatives will be present DPs to approve/accept entitlement and rehabilitation measures in the RP	15 days  15 days
10	Approval of RP	ADB to approve all three subproject RPs RPMU to arrange for translation and disclosure of final RP among the DPs and stakeholders	15 days  15 days
<b>RP Implementation Stage</b>			
11	Payment of compensation of land/assets to the landowners Payment of land through negotiated settlement       Payment of resettlement assistance to eligible DPs	RPMU will provide fund allocation Disbursement of land compensation/ negotiated price of land by DLRC with support of NGOs and LA officer at ULB level   Third party evaluator to monitor and evaluate process of land purchase/ donation  Disbursement of resettlement assistance to be monitored by special land acquisition officer (SLAO) at RPMU level	15 days 30 days for actual disbursement - to be paid after completion of all LA processes – within 1 year from issuing Section 4 (1).   7 days (for third party evaluation) to submit report  15 days
12	Consultation with DPs regarding IR measures, including skill training selection, market survey, and identification of training institute	NGOs, along with RO, to conduct meetings at individual and community level, to identify households requiring assistance during rehabilitation measures	35 days to complete consultation/market survey IR training will vary from 3 to 6 months depending on training need
13	Grievance redress	RPMU to set up GRC at district level ULB to convene meeting on receiving complaints NGO to coordinate GRC meeting and assist DPs, especially the vulnerable, with access to GRC	To continue during RP implementation level
14	Monitoring and reporting	ULB will prepare quarterly progress reports with cooperation from NGO/ RO and send to RPMU RPMU to report RP activities to ADB RPMU will monitor activities of ULB/ DLRC (for LA payment only) RPMU to prepare RP implementation activities including safeguard compliance report and submit to ADB	Every quarter during RP implementation  Throughout RP implementation  Throughout project implementation - every quarter

**Figure 2: Resettlement Implementation Arrangements**



## **VIII. IMPLEMENTATION SCHEDULE**

85. The project 1 activities are to be implemented over a period of 3 years. The detailed design stage is expected to commence in 2013, and the construction period will cover 36 months. The template of the RP implementation schedule to be used in future subproject activities is attached as Annex 9.

## **IX. BUDGET AND FINANCING**

86. The cost of all compensation and R&R activities will be an integral part of the overall project cost, which will be borne by KIUWMIP. The RPMU will allocate funds for all land acquisition/land purchase and resettlement activities, and instruct appropriate departments for disbursement, in this case the district collector and ULB. For payment of land and other assets under LA and for purchase of land through negotiated settlement, if such a situation arises, the RPMU will place funds with the deputy commissioner (DC) of the district for disbursement through him of the DLRC. For payment of resettlement assistance and income restoration, if required, funds will be placed with ULB for disbursement to the DPs through DLRC/RO. ULB will take due care to keep documents of payment disbursement for all land purchased through negotiation, and towards compensation payment for land acquisition and R&R activities.

87. Where involuntary resettlement will be unavoidable, detailed budget estimates for each subproject will be prepared and included in the RP. The budget shall include: (i) detailed costs of land acquisition, relocation, if applicable, and livelihood and income restoration; (ii) source of funding; (iii) administrative costs; (iv) monitoring cost; (v) cost of hiring an NGO; (vi) arrangement for approval; and (vii) the flow of funds and contingency arrangements. All land acquisition, compensation, relocation and rehabilitation, administrative, monitoring, and consultant costs as well as income and livelihood restoration costs will be borne by the RPMU, which will ensure timely disbursement of funds to the DC's office for land acquisition and to the ULB for disbursement of resettlement assistances, and also for cost of hiring resettlement NGOs for RP implementation.

88. The subproject funds for necessary disbursement for land purchase/LA and R&R activities, if necessary, will be kept in custody of the requisitioning authority, the subject ULBs, based on the valuation computed by the DLRC. The requisitioning body will deposit the fund with the DC for disbursement of land and assets compensation and purchase of land. The fund shall be placed 1 month prior to disbursement to keep the time frame of the resettlement schedule effective.

## **X. MONITORING AND REPORTING**

### **A. Monitoring**

89. Monitoring involves periodic checking to ascertain whether resettlement activities are progressing according to the RP. Monitoring will cover physical and financial components, and provides a feedback to keep the program on schedule. The RPMU, with support from ULBs, will conduct regular internal monitoring of resettlement implementation and prepare 6-monthly progress reports for submission to ADB and disclosed in the ADB and EA websites. The reports will detail progress made in RP implementation, with particular attention to compliance with the principles and entitlement matrix set out in the resettlement plan. The report will also identify potential difficulties and issues hindering RP implementation in coordination with civil

construction works. The report will provide a summary of issues or problems identified and actions taken to resolve the issues, and provide a summary of grievances or complaints lodged by households and actions taken to redress such complaints. The resettlement NGO will prepare internal quarterly reports in consultation with RO, to be posted at ULBs, and submit these to the RPMU.

90. In RP implementation, the internal monitoring system will perform the following key tasks:

- (i) administrative monitoring to ensure that implementation is on schedule, funds for LARP execution released in a timely manner, and grievances dealt with adequately;
- (ii) preparation of a sample baseline database on the socioeconomic condition of the DPs, with pre-project information derived from the SIA database at RP preparation stage, and with a comparison to be made with the present condition of the DPs during RP implementation stage and after the relocation process, if involved; and
- (iii) feedback of rehabilitation measures taken to ensure that people are settled and recovering from the resettlement process. This will be part of impact evaluation that will assess effectiveness of the RP and reestablishment of the DPs after the resettlement stage.

## **B. Monitoring and Reporting**

91. The RPMU will submit a social safeguard compliance monitoring report along with a regular progress report. The progress report will be submitted on a quarterly basis. Preparing the social safeguard monitoring report will be the responsibility of social safeguard/R&R officer at RPMU level. Assistance from the RO at ULB will be sought to prepare this report. ADB's observation, if any, will be addressed and incorporated in the monitoring report. A separate semiannual monitoring report on social safeguards will be submitted by the RPMU to ADB for review and disclosure. The sample of resettlement supervision milestones for monitoring RP implementation is attached in Annex 12.

92. For projects with involuntary resettlement category A, an independent evaluation agency/expert will be hired by EA in agreement with ADB to undertake external monitoring for the RP implementation for the entire project period. The initial social assessment indicates that the subprojects under KIUWMIP are category B, which will not require external independent monitoring. The monitoring/evaluation will be carried out every 6 months during project implementation. The independent monitoring report will also contain evaluation of the RP implementation and its efficacy, provide valuable insight into the constraints in the way of implementation of RP and verify the internal monitoring prepared by the EA.

93. The monitoring indicators for evaluation of the objectives achieved under the resettlement and rehabilitation program are of three kinds:

- (i) process indicators, indicating project inputs, expenditure, staff deployment, etc. and the effectiveness of consultation undertaken during RP implementation;
- (ii) output indicators, indicating results in terms of numbers of affected people compensated/assisted and resettled, skill development training organized, credit disbursed, and number of DPs capable of reorganizing their economic livelihood; and
- (iii) impact indicators, related to the long-term effects of the project on people's lives, including social network regained, economic standard sustained, etc.

94. Monitoring will also cover the physical progress of project-provided resettlement sites, if any are established. It will also evaluate access to infrastructural facilities at the relocation sites, and the performance of NGO, ULB, and RPMU in implementing resettlement activities. The Independent external monitor will submit biannual monitoring report to the EA and ADB. The Terms of Reference of the External Monitor are attached as Annex 6.

## ANNEX 1: DEFINITIONS

**Assistance** refers to the support provided to DPs in the form of ex-gratia payments, loans, asset services, training and skills development, etc. in order to improve the standard of living and reduce the negative impacts of the project.

**Below poverty line (BPL) households** are households whose monthly income is less than a designated sum, as determined by the Government of Karnataka (Rs. 24,000 per annum), will be considered below poverty line. However, this is reviewed from time to time based on the consumer purchase index and announced by the Planning Commission, Government of India. Recently, a per capita income of Rs 25 a day in rural area and Rs 30 in urban area were fixed by the Planning Commission as the poverty line.

**Compensation** refers to the amount paid under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Government of India, for private property, structures, and other assets acquired for the project. In this context, compensation refers to payments made by the government when title of a property is transferred from a private entity to the government.

**Cutoff date** is the date of notification under Section 4 (11) of the 2013 Land Acquisition Act, considered as cutoff date for APs who have legal title to the land/property, and which is proposed for acquisition. In the case of squatters, encroachers, and unauthorized occupants, the date of the census/socioeconomic survey conducted by the implementing agency will be considered the cutoff date for entitlements under the project.

**Deputy commissioner** is the administrative head of a district.

**Displaced persons (DPs)** are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

**Encroachers** are persons who have extended their building, agricultural lands, business premises, or work places into government lands.

**Hawkers and vendors** are persons whose economic activity might be temporarily affected during construction work.

**Impact zone** is the area under the subproject where displacement will be limited, as required for the subproject and its safety zone.

**Poverty line** is based on the poverty indicators identified by the Government of Karnataka (Rs. 24,000 per annum).

**Private property owners** are those who have legal title to land, structures, and other assets.

**Replacement value** of the acquired assets and property is the amount required for the displaced household to replace/reconstruct lost assets through purchase in the open market. Depreciation of the value of structures due to their age should not be applied and all transaction cost of LAR will be borne by the project.

**Requisitioning authority** shall mean any company, corporate body, institution, or any other organization for whom land is to be acquired by the appropriate government agency, and includes the appropriate government agency if the acquisition of land is for such government agency, either for its own use or for subsequent allotment of such land in public interest to a body corporate, institution, or any other organization or to any company under lease, license or through any other system of transfer of land to such company, as the case may be.

**Squatters** are those who have illegally occupied lands for residential, business, or other purposes.

**Tenants and sharecroppers** are those persons having bona fide written or unwritten tenancy agreements, with a private property owner having clear property titles, to occupy a structure or land for agricultural use, residence, and business.

**Vulnerable households** are all households headed by women, disabled persons, and indigenous persons, as well as BPL households.

## ANNEX 2: CENSUS AND BASELINE SOCIOECONOMIC SURVEY GUIDELINES

### A. Cutoff Date

1. The cutoff date for those who have legal title is the date of notification under Section 4 (1) of the Land Acquisition Act. The date of census is the cutoff date for those who do not have legal standing for eligibility of assistance under the project. People moving into the project area after this cutoff date will not be entitled to compensation/resettlement assistance payment. Persons who were not enumerated during the census, but can show documentation or evidence that he/she is rightfully a displaced person, will be included. The ULB is responsible for such verification. Only those DPs within the impact zone will be considered eligible for support under the subproject.

### B. Census Requirement and Contents

2. Census of households and individuals located within the project impact zone will be carried out, and documents of the legal status, status of tenancy, leasehold right, etc. will be collected during the census. During the census, a sample socioeconomic survey will be undertaken to portray social and economic conditions at pre-project level. It will provide a demographic overview of the potentially affected population who will be brought within the fold of the resettlement plan (RP). Household assets, resource base, and sources of livelihood will also be noted. It will cover 100% of the potentially affected population within the project impact zone.

3. The census will cover the following aspects of the potentially affected displaced persons (DP):

- (i) **Resource base** – includes land, water, forest, etc., which provide for the economic sustenance of the people under pre-project conditions. During the conduct of the census, legal boundaries of affected properties and the right of way (RoW) will be verified. Structures, trees, irrigation sources, and other assets will be recorded.
- (ii) **Economic base** – includes the modes and magnitude of production, such as agriculture, other livelihood patterns, consumption pattern, and various economic institutions linked with productive resources.
- (iii) **Household census** – covers immovable property owned by the APs and other resources in their possession/use. These surveys will be carried out in collaboration with local and host communities, as well as with the local representatives, such as GP/ULB members.
- (iv) **Social structures** – the social institutions, structure of the family and society, norms, customs, cultural traditions, activities, patterns of leadership, and institutions of social network are contained in this aspect.
- (v) **Displaced persons** – the census will identify prima facie the legal titleholders, tenants, sharecroppers, encroachers, and agricultural day/contract laborers who are likely to be displaced due to project execution. DPs who belong to the ST and SC populations in accordance with the ST and SC lists of the Government of Karnataka, and the vulnerable APs such as the old, handicapped, infirm, orphans and destitute, women-headed households, and those below poverty line will be mentioned particularly.

## C. Census Procedures

4. The following procedure will be adopted in carrying out the census:
  - (i) Preliminary screening will provide information on initial social impact assessment.
  - (ii) Verification of legal boundaries of project area will document existing structures, land plots, and others physical assets. This involves:
    - identification of suitable resettlement sites, in close proximity to the affected area if required;
    - All encroachments, private land holdings, and others assets in the project area to be documented;
    - assets, structures, land holdings, trees, etc. to be recorded; and
    - all information is to be computerized; photography/video recordings to be used to document existing structures.
  - (iii) The baseline socioeconomic survey shall cover information on the various categories of losses and other adverse impacts likely to affect the people within project area.
  - (iv) The census shall identify potentially affected populations, with special attention to vulnerable groups.
  - (v) Assessment on the value of various assets will be made, with cooperation from DLRC/RO at ULB level, to record correct valuation of the assets.

## D. Database Management

- (i) **Data sources** – As a prerequisite for conducting the primary household surveys, relevant information will be collected from secondary sources. These include:
  - revenue records maintained at the ULB/Land Revenue office, with regard to land particulars for facilitating acquisition of land, properties, and resettlement of the displaced persons;
  - last census records for demographic and social infrastructural information;
  - development agencies at government level to get information on various developmental programs/schemes for specific sections of the population, like those living below poverty line, scheduled tribes, scheduled castes, etc. which can be utilized for rehabilitation measures, if required; and
  - local organizations, including NGOs, in order to involve them and integrate their activities in the economic development programs of the displaced population.
- (ii) **Data collection** – Interviews and surveys will be conducted at each household level among potentially displaced households, completing the household socioeconomic profile. Each of the households surveyed and the structure/land likely to be affected by the project has to be numbered, their legal documents collected, and interviews documented and photographed. Public consultation has to be conducted with the displaced persons (DPs). In these exercises, women among the DPs are to be involved to elicit their views and opinions on the overall planning of resettlement activities. Discussions with a cross-section of the affected population will help towards understanding the problems and preferences of the DPs.
- (iii) **Data analysis** – The analysis will cover the following: population, population density, age, sex ratio, literacy rates, level of educational achievement, occupation, income, expenditure, gender issues, issues of indigenous people, religious groups, and people below poverty line.

- (iv)      **Data update** – Since there is generally a time gap between the census and land acquisition and resettlement procedure, which will take at least 1 year, it implies that actual physical relocation of DPs may be delayed by at least a year. Therefore, it is suggested that NGOs responsible for implementation of RP, along with the ULB, should conduct a rapid appraisal to continuously update information during project implementation in concurrence with civil works execution.



### ANNEX 3: CONSULTATION AND DISSEMINATION

Consultation with the DPs at every stage of RP preparation and implementation is essential for successful and distress-free implementation of the RP. It is also required that information disclosure at every stage of project implementation involves DPs' participation. There should be interactive consultation among the DPs, resettlement NGO, ULBs, and representatives of the RPMU at ULB level. This will enable the informed DPs to express their views and opinions that will be incorporated in the decision-making process, and will also help build mutual trust and confidence.

- (i) **Consultation.** The overall goal of the consultation program is to disseminate project information and to incorporate APs' views in the RP. The specific aims of the consultations are to:
  - improve project design to ensure fewer conflicts and delays in implementation;
  - facilitate development of appropriate and acceptable entitlement options;
  - increase long-term project sustainability and ownership;
  - reduce problems of institutional coordination;
  - make the R&R process transparent; and
  - make income restoration strategies sustainable, and improve coping mechanisms.
- (ii) **Information dissemination campaign.** An intensive information dissemination campaign for DPs should be conducted at the outset of RP implementation. This campaign will be designed by the ULB and project consultant and executed by the resettlement NGO. The objectives of the campaign are:
  - to help counter rumors and prevent distress;
  - to assist in preparation for relocation to new sites; and
  - to ensure all questions of the APs are answered to the best ability; print and audiovisual materials will be of secondary use in such areas.
- (iii) All the comments made by the APs will be documented in the project record and summarized in project monitoring reports.

**ANNEX 4: PUBLIC CONSULTATION AND DISCLOSURE PLAN**

Activity	Task	Timing (Date/ Period)	No. of People	Agencies Involved	Feedback/ Issues/ Concerns Raised	Remarks
Stakeholder identification	Mapping of the project area					
Project information dissemination	Distribution of information leaflets to affected persons (APs)					
Consultative meetings with APs during scoping phase	Discuss potential impacts of the project					
Public notification	Publish list of affected lands/sites in a local newspaper; establish eligibility cutoff date					
Socioeconomic survey	Collect socioeconomic information on AP's perception of the project					
Consultative meetings on resettlement mitigation measures	Discuss entitlements, compensation rates, grievance redress mechanisms					
Publicize the resettlement plan (RP)	Distribute leaflets or booklets in local language					
Full disclosure of the RP to APs	Distribute RP in local language to APs					
Web disclosure of the RP	RP posted on ADB and/or EA website					
Consultative meetings during DMS	Face-to-face meetings with APs					
Disclosure after detailed measurement survey (DMS)	Disclose updated RP to APs					
Web disclosure of the updated RP	Updated RP posted on ADB and/or EA website					

## **ANNEX 5: TERMS OF REFERENCE FOR RESETTLEMENT NGO**

### **A. Project Background**

1. Karnataka Integrated and Sustainable Water Resources Management Investment Program (KIUWMIP), has been initiated by the Asian Development Bank (ADB) with the Government of India to invest in urban water supply and sanitation (UWSS) for selected Tranche 1 towns within the context of an integrated water resource management (IWRM) approach. Water supply and wastewater systems suffer from under-investment throughout the state of Karnataka, and desired level of public service is extremely constrained. Water supply is intermittent and available only for limited periods, with limited capacity to meet public demand. The need to purchase water from tankers has serious economic consequences. Wastewater collection and treatment systems are either non-existent or poorly maintained. Absence of scientific wastewater treatment and sewer systems often leads to contamination of groundwater supplies and poses a risk to public health. If the issues associated with poor water management in the state are not resolved, economic growth will be stunted, public health will deteriorate, and water resource disputes will escalate.

2. The ULB will be the implementing agency for the project and will be responsible for preparing social analysis and resettlement plans for all subprojects, and in accordance with this framework. The ULB would prepare a resettlement plan (RP) and submit the same to the regional project management unit (RPMU) for review and approval prior to commencement of project component implementation.

### **B. Scope of Work**

3. The objectives of the NGO appointed for the implementation of the resettlement plan are:

- (i) to support the ULB with grassroots skills and capacity for field activity in the implementation of the RP;
- (ii) to identify, through census survey, potential Displaced Persons (DP), prepare and distribute identification cards to the DPs, and educate them on their entitlements and obligations under the RP;
- (iii) to assist the DLRC/ROs in disbursement of compensation and resettlement assistance and ensure that DPs obtain their full entitlements under the RP. Where options are available, the NGO shall provide advice to DPs on the relative benefits of each option;
- (iv) to conduct market surveys for income restoration programs, link the DPs to the respective vocational trainings for income restoration, and assist in relocation to identified sites, if applicable;
- (v) to assist the DPs in the redressal of grievances through the grievance redress mechanism established as part of the RP;
- (vi) to assist the resettlement officer of ULBs in preparing internal monitoring reports; and
- (vii) to organize consultation and discussion meetings with the DPs, the community leaders, and other stakeholders throughout RP preparation and implementation.

### **C. Tasks**

4. The NGO will work as a link between the ULB, the community leaders, and the DPs. The NGO will be responsible for assisting the DPs during physical resettlement, if any, and the

rehabilitation process, and shall ensure that all of the provisions laid down in the RP are implemented appropriately and effectively. To this effect, the NGO will:

- (i) develop rapport between the DPs and the project authorities. This will be achieved through regular meetings with both ULB representatives and the DPs. Meetings with the ULB will be held at least fortnightly, and regular consultation with DPs will be held as and when necessary throughout the implementation. All meetings and decisions taken are to be documented;
- (ii) assist the ULB in undertaking public information campaigns in Kannada, at the commencement of the project, to inform the affected communities of:
  - the need for shifting of squatters and encroachers;
  - the need for LA;
  - the resettlement policy, resettlement framework, and entitlement packages; and
  - the likely consequences of the project on the economic livelihood of the communities/persons;
- (iii) identify and verify project beneficiaries through surveys and distribute identity cards to the eligible beneficiaries only;
- (iv) assist DPs in getting compensation for their land and properties acquired for the project, and in receiving resettlement assistances as per RP;
- (v) sort out grievances, assist the DPs in gaining access to the GRC, and make them aware of the redressal method. If necessary, the NGO will accompany the aggrieved DPs to appropriate GRC members and see through the grievance redress mechanism until the DPs get redressed;
- (vi) assist DPs in identifying suitable land for relocation, wherever necessary. Where suitable government land is not available, the NGO will assist the DP in locating a landowner willing to sell his land, and will assist in the negotiation of the purchase price;
- (vii) assist project authorities in making arrangements for the smooth relocation of the APs and their businesses. This will involve close consultation with the DPs to ensure that the arrangements are acceptable to them;
- (viii) ensure proper utilization of the compensation money by the DPs, particularly the vulnerable DPs, received under the R&R package;
- (ix) assist DPs in getting benefits from various government development programs, particularly for house construction. The NGO will coordinate the training programs for sustainable livelihood and assist in identifying the required skills for livelihood rehabilitation and the training institutes to teach these skills. The NGO shall coordinate with other government departments and other NGOs working in the area to ensure that all the skill development trainings are known to the DPs, to enable them to select the appropriate training;
- (x) develop micro-level plans for resettlement and rehabilitation in consultation with the DPs and the ULB where relevant. A plan shall be prepared and agreed for each DP, and will include:
  - a list of options for loss of land, assets, and livelihood, to be made known to the DPs. The NGOs will explain to the DPs the options available and assist them in selection;
  - arrangements for shifting, if required;
  - awareness about existing government development programs by the DPs;
  - data on inputs, outputs, and impact indicators for the ULB to monitor RP implementation and prepare internal monitoring report ; and
  - any other responsibility as may be assigned for the welfare of the affected

- households; and
- (xi) assist in the identification of sites for the relocation of cultural properties and community assets, especially for the affected Indigenous community. This is to be done in consultation with the affected community and the ULB.

#### **D. Methodology**

5. In order to carry out the above tasks, employees of NGOs are to be stationed in the subproject area. Besides interaction with the DPs on an individual basis to regularly update the baseline information, group meetings will also be conducted by the NGOs on a regular basis. The frequency of such meetings will depend on the requirements of the DPs, but should occur at least once a month, to allow the DPs to remain up-to-date on project developments. NGOs will encourage participation of individual DPs in such meetings by discussing their problems regarding LA, R&R, and other aspects relating to their socioeconomic lives. Such participation will make it easier to find a solution acceptable to all involved.

#### **E. Reporting**

6. The NGO shall submit an inception report with detailed action plan, manpower deployment, time schedule, and detailed methodology within 30 days of the commencement of the assignment. The NGO should also submit quarterly progress reports on the activities carried out and proposed activities for the coming month. The quarterly progress reports will include the following data on indicators as required by the ULB:

- (i) updated data on APs and data on additional APs coming due to changes, to be submitted within 2 months of the commencement of the assignment;
- (ii) micro-level plans for each AP on the project, to be submitted to the ULB for information within 3 months of the commencement of the services. Where changes occur during project implementation, necessary changes in the micro-level plans will be reflected, and the NGO will update the relevant plans and resubmit them to the ULB; and
- (iii) upon completion of the assignment, the NGO shall submit a final report summarizing the actions taken during the subproject implementation, the methodology and manpower used to carry out the work, and a summary of assistance given to each AP under the subproject.

#### **F. Time Schedule**

7. It is estimated that the NGO services will be required for 18 months for participating in the implementation of RP. However, this may be rescheduled based on the exact nature of the activity and changes, if any, in the project plan.

#### **G. Key Personnel**

8. A team leader, a gender specialist, and a social development specialist, apart from the support staff, will be required to carry out the activities. The key professionals should have combined professional experience in the areas of socioeconomic surveys, resettlement and rehabilitation, participation, community development, and training for economic rehabilitation activities. The staffing requirements may be reviewed based on field requirements.

## **ANNEX 6: TERMS OF REFERENCE FOR EXTERNAL MONITOR**

### **A. Project Background**

1. Karnataka Integrated Urban Water Management Investment Program (KIUWMIP), has been initiated by the Asian Development Bank (ADB) with the Government of India to invest in urban water supply and sanitation (UWSS) for selected Tranche 1 towns within the context of an integrated water resource management (IWRM) approach. Water supply and wastewater systems suffer from under-investment throughout the state of Karnataka, and desired level of public service is extremely constrained. Water supply is intermittent and available only for limited periods, with limited capacity to meet public demand. The need to purchase water from tankers has serious economic consequences. Wastewater collection and treatment systems are either non-existent or poorly maintained. Absence of scientific wastewater treatment and sewer systems often leads to contamination of groundwater supplies and poses a risk to public health. If the issues associated with poor water management in the state are not resolved, economic growth will be stunted, public health will deteriorate, and water resource disputes will escalate.

2. Keeping this WSS requirement for the subproject towns in view, additional land will be required for construction of new infrastructures as well as rehabilitation of existing infrastructures in poor condition. This will trigger involuntary resettlement, and ADB's policy of addressing such resettlement impact will come into force in this ADB-funded project. For that purpose, one resettlement framework (RF) and one resettlement plan (RP) have been prepared for each project, and will be implemented as per the implementation schedule. As part of RP implementation progress, all resettlement activities will be monitored by an external monitor.

### **B. Objective of Monitoring**

3. Monitoring and evaluation are important activities in RP implementation that address compliance to the agreement outlined in the plan, particularly in the fulfillment of objectives of ADB's Policy of Involuntary Resettlement. The main task of the monitoring and evaluating agency would be to carry out impact assessment of RP implementation and to handle process documentation. The agency will ensure the achievement of the resettlement goal, safeguard the livelihood and living standards of the physically displaced families before and after relocation, and ensure recording of DPs' view on resettlement, compensation, and grievance redress procedure. It will also evaluate the progress of the rehabilitation process. In case of economic displacement, the post-resettlement economic standards of the displaced families, particularly of the vulnerable groups, will be critically appraised.

4. The agency should also identify the best practices and factors responsible for the success of the implementation of the RP, and simultaneously, the factors responsible where matters related to R&R are not been successfully implemented.

### **C. Scope of Work**

5. The key activities to be focused on during external monitoring are:
- (i) to verify and review internal monitoring reports prepared by the project;
  - (ii) to make a comparative study before and after relocation;
  - (iii) to identify and select impact indicators;
  - (iv) to conduct impact assessment (through methods discussed in the next section);
  - (v) to assess the efficiency, effectiveness, impact, and sustainability of the resettlement procedures; and

- (vi) to help in future resettlement policy formulation and planning.

**D. Methods:**

- (i) Key informant interviews with select local leaders, community representatives, ULB and DLRC officials on resettlement activities and implementation
- (ii) Focus group discussions on specific topics on compensation, services at resettlement areas, income restoration, and gender to be discussed in groups of DPs
- (iii) Structured direct observations, such as field observations on the status of resettlement implementation, and individual and group interviews
- (iv) Case studies on DPs or communities from various social classes to assess impact of resettlement

**E. Reporting**

6. An inception report describing the work plan, time frame, and resettlement site visit must be provided within a fortnight after the contract is signed. The external monitoring agency will submit half-yearly reports during project implementation. External monitoring will verify the results of internal monitoring, and evaluate whether the objectives of the plan are being met. The external monitor will submit reports to ADB and the central PMU or RPMU. One completion report will be prepared after RP implementation is complete. The completion report will consist of evaluation of RP implementation, its efficacy, and whether resettlement objectives were met with. The report will advise on means to improve RP implementation.

**F. Necessary Qualification of the Evaluating Team**

7. The agency carrying out the evaluation work must be a team of professionals with prior experience in the field of resettlement and rehabilitation. The team must have the ability to hold discussions both with the decision makers and at the grassroots level.

# ANNEX 7: LAND DONATION DOCUMENT OF AMRAVATHI HOUSE BUILDING COOPERATIVE SOCIETY

(Regd : No. AR 31/DVG/E/org/9360/84-85)



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AMARAVATHI HOUSE BUILDING CO-OP. SOCIETY LTD.,

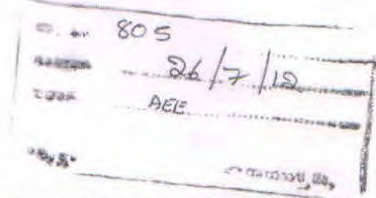
Post : AMARAVATHI, HARIHAR - 577 601.

ಸಂಖ್ಯೆ No.:

Date : 26-07-2012

ಪೌರಾಯುಕ್ತರು,  
ನಗರಸಭೆ ಕಾರ್ಯಾಲಯ,  
ಹರಿಹರ.

ಮಾನ್ಯರೇ,



ವಿಷಯ:- ಹರಿಹರ ತಾಲ್ಲೂಕು, ಅಮರಾವತಿ ಹೌಸ್ ಬಿಲ್ಡಿಂಗ್ ಕಾಲೋನಿ ಆವರಣದಲ್ಲಿ 50'X50' ಅಡಿಗಳು ವಿಸ್ತೀರ್ಣವುಳ್ಳ ನಿವೇಶನವನ್ನು ಓವರ್ ಹೆಡ್ ಟ್ಯಾಂಕ್ ನಿರ್ಮಿಸಲು ನಗರಸಭೆಗೆ ಜಾಗ ನೀಡುವುದರ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ:- (1) ತಮ್ಮ ಪತ್ರ ಸಂಖ್ಯೆ: ನಸಹ/ಕೆ.ಎಂ.ಆರ್.ಪಿ/ಸಿಆರ್/ಇತರೆ/2012-13 ದಿನಾಂಕ 30-06-2012

(2) ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಾರ್ಯಾಲಯದ ಪತ್ರ ಸಂಖ್ಯೆ: ಪುರಸಭೆ (1) ಸಿಆರ್/262/2010-2011 ದಿನಾಂಕ 31-01-2011

(3) ನಗರಸಭೆ ಕಾರ್ಯಾಲಯ, ಹರಿಹರ ಇವರು ಹಸಗವಾಡಿ ಪಂಚಾಯಿತಿಗೆ ಮಾಹಿತಿಗಾಗಿ ಕಳುಹಿಸಿದ ಪತ್ರ ಸಂಖ್ಯೆ: ನಸಹ/ಡಿಪಿಜಿ/ಸಿಆರ್/283/2011-2012 ದಿನಾಂಕ 13-01-2012

(4) ಹರಿಹರ ತಾಲ್ಲೂಕು ಹಸಗವಾಡಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ಅಮರಾವತಿ ಗ್ರಾಮವನ್ನು ಮತ್ತು ಅಮರಾವತಿ ಕಾಲೋನಿಯನ್ನು ಹರಿಹರ ನಗರಸಭೆ ಆಡಳಿತದ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡಿಸುವ ಕುರಿತಾದ ಪತ್ರ ಸಂಖ್ಯೆ: ಸಿಆರ್/28/2011-2012 ದಿನಾಂಕ 21-09-2011

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ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ನಗರಸಭೆಯ ವತಿಯಿಂದ ಅಮರಾವತಿ ಹೌಸ್ ಬಿಲ್ಡಿಂಗ್ ಕಾಲೋನಿ ಹಾಗೂ ಪಕ್ಕದ ಗ್ರಾಮಗಳಿಗೆ ನೀರು ಪೂರೈಸುವ ಉದ್ದೇಶವಿದ್ದು, ಒಂದು ಓವರ್ ಹೆಡ್ ಟ್ಯಾಂಕ್ ನಿರ್ಮಿಸಲು 50'X50' ಅಡಿಗಳು ಜಾಗವನ್ನು ನಮ್ಮ ಕಾಲೋನಿ ದೇವಸ್ಥಾನಗಳ ಪಕ್ಕದಲ್ಲಿ ಕೊಡಲು ಕೇಳಿರುವುದು ಸ್ವಾಗತಾರ್ಹ. ನಮಗೆ ಜಾಗ ಕೊಡಲು ಯಾವ ಅಭ್ಯಂತರ ಇರುವುದಿಲ್ಲ. ಆದರೆ, ಈ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ನಮ್ಮ ಸಂಘದ 4 ಜನ ಪದಾಧಿಕಾರಿಗಳು ತಮ್ಮನ್ನು ಮೀದ್ದು ಕಂಡು ನಮ್ಮ ಕಾಲೋನಿಯ ನೀರು ವಿತರಣೆ ವ್ಯವಸ್ಥೆಯನ್ನು ನೀರಗಂಟಿ ಸಮೇತ ವಹಿಸಿಕೊಳ್ಳಬೇಕೆಂದು ಮನವಿ ಮಾಡಿಕೊಂಡಿರುತ್ತೇವೆ. ಈಗಾಗಲೇ ನಾವು ಪ್ರತಿ ವರ್ಷ ಮನೆ ಮನೆಗೆ ರೂ.1260/- ಗಳ ನೀರಿನ ಕಂದಾಯವನ್ನು ನಗರಸಭೆಗೆ ಸಂದಾಯ ಮಾಡುತ್ತಿದ್ದೇವೆ.

ಆದರೆ, ನಗರಸಭೆಯಿಂದ ಬರುವ ನೀರು ನಮ್ಮ ಕಾಲೋನಿಯ ಮುಖ್ಯ ಸಂಗ್ರಹಣ ಟ್ಯಾಂಕ್‌ಗೆ ಬಂದು ಬೀಳುತ್ತಿದ್ದು, ಅಲ್ಲಿಂದ ಪ್ರತಿ ಮನೆಗೆ ಪುನಃ ಪಂಪ್‌ಮಾಡಿ ಮನೆ ಮನೆಗೆ ನೀರು ವಿತರಣೆ ಮಾಡುವುದು ಮತ್ತು ನಿರ್ವಹಣೆ ವೆಚ್ಚವೆಂದು ಅಮರಾವತಿ ಸೊಸೈಟಿ ವತಿಯಿಂದ ಪ್ರತಿ ತಿಂಗಳು ರೂ.55/- ಪ್ರತಿ ಮನೆಯಿಂದ ಸಂಗ್ರಹ ಮಾಡುತ್ತಿದ್ದೇವೆ. ಆದರೆ, ನಿವಾಸಿಗಳು ನೀರಿನ ಕಂದಾಯವನ್ನು ನಗರಸಭೆಗೆ ಕೊಡುತ್ತಿದ್ದು, ಸಂಘದವರು ಸಂಗ್ರಹಿಸುವ ರೂ.55/- ತಮಗೆ ಹೆಚ್ಚಿನ ಹೊರೆಯಾಗಿದೆ ಎಂದು ವಾದಿಸುತ್ತಿದ್ದು, ಕೆಲವರು ಅನಾವಶ್ಯಕ ಸಮಸ್ಯೆಯನ್ನು ಸೃಷ್ಟಿಸುತ್ತಿರುವರು.

ಈ ವಿಷಯವಾಗಿ ಉಲ್ಲೇಖ (2) ರಲ್ಲಿ ಕಾಣಿಸಿದಂತೆ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಸಹಿತ ನೀರಿನ ವಿತರಣೆ ವ್ಯವಸ್ಥೆಯನ್ನು ನಗರಸಭೆಯವರು ವಹಿಸಿಕೊಳ್ಳುವುದರ ಬಗ್ಗೆ ತಮ್ಮ ಜರುಗಿಸಲು ಆದೇಶಿಸಿರುತ್ತಾರೆ. ಇದರ ಜೊತೆಗೆ ನಗರಸಭೆ, ಹರಿಹರ ಇದರ ಪತ್ರ ಸಂಖ್ಯೆ: ನಸಹ/ಇ' ವಿಭಾಗ, ಸಿಆರ್/31/2004-05 ದಿನಾಂಕ 19-05-2005, ನಗರಸಭೆ ಹರಿಹರ ದಿನಾಂಕ 01-03-2004 ರ ಪತ್ರದ ಪ್ರತಿಯನ್ನು ತಮ್ಮ ಅಪಗಾಹನೆಗಾಗಿ ತರಲಾಗಿದೆ.

(ಪುಟ 2 ರಲ್ಲಿ ಮುಂದುವರಿದಿದೆ)



ಅಮರಾವತಿ ಜಾತ್ ಬಾಲ್ಯಾನ್ ಕೆ-ಈ ಸೆಕ್ಷನ್.  
 ಅಮರಾವತಿ ರಿಲೀಸ್ ಹರಿದರ ವಿ||  
 ದಾಖಲೆಗೆ ಬಿಟ್ಟು

ARUN'S  
 PAGE NO.  
 DATE 12/7/2012

ದಿನಾಂಕ 12.7.2012 ರಂದು ಗುರುವಾರ ಪೊಲೀಸ್  
 6 ಗಂಟೆಗೆ ಅಮರಾವತಿ. ಜಾತ್ ಬಾಲ್ಯಾನ್ ಕೆ-ಈ ಸೆಕ್ಷನ್  
 ಅಧೀನದಲ್ಲಿ ಪದಾಧಿಕಾರಿಗಳು ವಿಚಾರಣೆಗೆ ಕರೆಸಲು ಬಂದಿದ್ದು  
 ಈ ದಿನ ಕೈಕೊಂಡ ವಿಚಾರಣೆಗಳು ಸಮಾಪ್ತವಾಗಿ ವಿಚಾರಣೆ  
 ಸೇರಿ ಕೈಕೊಂಡ ವಿಚಾರಣೆಗಳು 40% ನಂತರ ವೇರಾಂಗನೆಯಲ್ಲಿ  
 ಯಾವುದೇ

ಕ್ರಮ ಸಂಖ್ಯೆ	ವಿವರ	ವಿಚಾರಣೆ
1.	B. Gurusiddappa	Gurusiddappa
2.	M. V. Varnekar	Varnekar
3.	M. S. K. K. K. K.	K. K. K. K.
4.	Krishna Balakundri	Krishna Balakundri
5.	Gurur K. K. K.	K. K. K. K.
6.	K. S. Patil	K. S. Patil
7.		
8.		
9.		

ವಿಚಾರಣೆ - ಅಧೀನದಲ್ಲಿ/ಅಧೀನದಲ್ಲಿ, ಅಮರಾವತಿ ಜಿಲ್ಲಾ ಕೋರ್ಟ್  
 ಅಮರಾವತಿ, ಹರಿದರ ವಿ|| ದಾಖಲೆಗೆ ಬಿಟ್ಟು ಇದರಲ್ಲಿ  
 ಮಗ್ಗುಲಿನಲ್ಲಿರುವ ನಾಲ್ಕು ವಿಚಾರಣೆಗಳು ವಿಚಾರಣೆಗೆ ಬಂದಿದ್ದು  
 ಬಂದಿರುವ ವಿಷಯವು ಕ್ರಮ ಕಾರ್ಯವಾಗಿ ನಡೆದಿದೆ. (ಕೆ.ಎಂ.ಆರ್.ವಿ.)  
 ರಿ.ಆರ್/ಇತರೆ/2012-13, ದಿನಾಂಕ 30.6.2012  
 ಮೇಲಿನ ವಿಷಯ ವಿಚಾರಣೆಗೆ ಅಮರಾವತಿ ಜಿಲ್ಲಾ ಕೋರ್ಟ್  
 ಕೋರ್ಟ್ ನಲ್ಲಿ ನಡೆದಿದ್ದು 500000 ರೂ.ಗಳ  
 ವಿಚಾರಣೆಯನ್ನು ಕೆಳಗೆ ವಿಚಾರಣೆಗೆ ಬಂದಿದ್ದು ನಾಲ್ಕು ವಿಚಾರಣೆ  
 ಬಂದ ವಿಷಯಗಳು

### **TRANSLATION OF ANNEX 7**

Resolution of Amaravathi House Building Cooperative Society

Subject: Handing over land measuring 50 ft x 50 ft for construction of OHT by Amravati Housing Colony, Harihara Taluka

Letter is addressed to CMC, Commissioner by the Secretary, Amaravathi House Building Cooperative Society, dated 26 July 2012

One meeting was assembled on 12 July 2012, Thursday at 6 p.m. and only GB members were present.

Subject of Meeting:

Handing over of 50 ft by 50 ft piece of land of Ganapati Devasthana to CMC as per CMC, Commissioner's letter no. KMRP/CR/Misc/ 202-13 dated 30 June 2012

The matter has been thoroughly discussed and brought to the notice of everybody present here. They have resolved to transfer a piece of land measuring 50'x50'. They have requested the CMC commissioner to have the present water supply system monitored by CMC authority only. The members are willing to donate the piece of land situated on the western corner of the compound.

## ANNEX 8: DRAFT PAMPHLET ON PID (PROJECT INFORMATION DISCLOSURE)

### A. Program Background

1. Karnataka Integrated Urban Water Management Improvement Program (KIUWMIP) is an ADB-financed program on the improvement of sustainable urban service of water supply and sanitation (UWSS) for selected towns/ULBs of Karnataka. The towns suffer from irregular and insufficient urban water service. The towns were selected based on IWRM principle and manageability of program implementation through the PPP model. Selection of the towns was in consultation with the project proponent, KUIDFC, and subject towns through a series of stakeholder consultations.

### B. Project Description and Component

2. The urban local bodies (ULBs) of Tranche 1 towns are the statutory entities responsible for providing water and wastewater service to the people. However, the ULBs suffer from resource crisis, without capacity or capability to operate and maintain these civic infrastructure systems. At present, there is no wastewater treatment facility, the water supply system needs renovation, and the water treatment facility needs augmentation. The table below lists WSS components required.

Sl. No.	Output	Subproject	Component
1	<b>1.1: Water Supply Infrastructure</b>	Byadgi TMC	Water supply: distribution network, storage reservoir (SR) (1 location)
		Harihar	Water supply: distribution network, SR (2 locations), WTP
		Davenagere	Water supply: Replacement/ rehabilitation of distribution pipelines, SR (11 locations)
2	<b>1.2: Sanitation Infrastructure</b>	Byadgi TMC	Wastewater: sewage treatment plant (STP), pumping station
		Byadgi TMC	Community toilet
		Harihar	Waste water: PS (4 locations) and sewer network
		Harihar	Community toilet
		Davengere	Wastewater: Sewer lines, PS, STP for District 3
		Davengere	Community toilets

### C. Involuntary Resettlement impact

3. For construction of STP and PS, land parcels with a total area of 9.09 ha will be acquired. In all, 12 families are likely to be affected, of which 11 are landowners and the remaining one is the tenant cultivator at Byadgi. The owners at Byadgi do not cultivate land and have leased out land to the single lessee/tenant. In Davengere, the owners are the cultivators. Structures, including pump sets for irrigation, will also be lost. Except for three WHHs, none are vulnerable families. One plot of government land owned by the Agriculture Marketing

Department will be transferred to the Harihar ULB. For construction of one ELSR at Harihar, land will be donated by the housing cooperative society and will be transferred to the ULB.

4. For laying of water supply pipelines, temporary impact is envisaged. In all, 86 hawkers/vendors and mobile vendors will lose their business for about 7 days. Of these, 46 are vulnerable. Parking of vehicles will also be disrupted during construction. Alternate safe parking arrangements will be made for these vehicles. Sewer lines will not cause any impact.

#### **D. Policy and Principle of RP Implementation**

5. The resettlement principles adopted for mitigating involuntary resettlement impacts will adopt The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Government of India and the Asian Development Bank (ADB) Safeguards Policy Statement (SPS) of 2009 and Operations Manual F1 (2013). The RP has been prepared keeping all these policies and principles in view, and will be implemented after updating impacts during the detailed design and measurement survey.

#### **E. Entitlement**

6. Compensation for land will be based on market value following The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Government of India. The landowners who are women heads of households (WHH) will also receive an alternate plot of land of equal productivity to ensure their social security. Crop compensation will be paid for the standing crops at the highest market rate for 2 years in addition to subsistence allowance for a period of 3 months. Loss of perennial trees (areca nut in Davengere) will be paid in accordance with their product value at market rate for the remaining productive years. Cash assistance will be made for the purchase of equipment as income restoration measures or provision of skill development training for the vulnerable APs. The hawkers/vendors with temporary loss of income during the construction period will be paid a subsistence allowance at the rate of highest daily income, and a lump sum as shifting assistance. Temporary car parking will be arranged at a suitable place, and provision for security personnel will be made for the duration of the period for parked vehicles. A tentative budgetary provision of Rs 55,923,072 or \$1,039,463 has been made to meet the cost of land acquisition and resettlement.

#### **F. Institutional Arrangement**

7. ULBs will be the PIU responsible for implementation of the RP, and KUIDFC will act as the RPMU, which will have a social safeguard/development officer to guide ULBs and monitor RP activities. ULBs will engage one resettlement officer for RP implementation, and one NGO will be employed at ULB level to assist the RO and implement all RP activities as well as carry on consultation with the DPs. For the purpose of best management, one NGO will be employed for Davengere and Harihar and another for Byadgi and Ranebennur. For computation and disbursement of LA compensation and resettlement assistance, a district level resettlement committee (DLRC) will be set up.

#### **G. Grievance Redress Mechanism**

8. To resolve all project-related grievances and complaints, a common social and environmental grievance redress mechanism will be in place. The common and simple grievances will be sorted out at project site level by the RO and NGO within 7 days. More

serious ones will be sent to the RPMU and forwarded to the grievance redress committee (GRC) at district level to be resolved within a period of 1 month. If the DPs are not satisfied with the SC's decision, they can approach the Court of Law of the state.

**Contact detail for inquiry:**

Name: Designation: Project implementation unit KIUWMIP Telephone no: E-mail: Address: Harihar/Davengere/Byadgi/Ranebennur	Name: Designation: Regional project management unit KIUWMIP Telephone no: E-mail: Address: Haveri/Davengere
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## ANNEX 9: IMPLEMENTATION SCHEDULE

Implementation Schedule																											
Activities	Base Year (prior to Start of Implementation)												Year 1				Year 2				Year 3						
	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4			
Establish PMU with Safeguard officer																											
Engage Safeguard personnel in ULB																											
Establish GRC and SC																											
Appoint Contractor with safeguards personnel																											
Appoint NGO - one for Davengere/Harihar, One for Byadgi/ Ranebennur																											
Conduct IR training for the NGO, Consultants, Project Staff and contractors																											
Conduct detailed measurement survey along with final IR impact assessment																											
Update Draft RP showing final impact as per final design																											
Identification of Vulnerable DPs for employment in project construction																											
Consultations and disclosure of Updated RP to ULB, DP																											
Review by PMU & approval by ADB																											
Disclosure of Final RP to ULB, DPs, community, incl GRM																											
Issuance of ID Cards																											
Payment of Compensation & Assistance prior to start of construction as required																											
Issuance of notice to DPs to vacate - after compensation payment																											
Assets registration and transfer of acquired property in the name of ULB																											
Start of civil construction work																											
Repair, reconstruction of assets/ facilities, structures, utility connections																	To be undertaken with other deptt immediately										
<b>Key:</b> M- Month, Q - Quarter. Schedule is tentative and to be finalised after detailed measurement survey is done.																											
RP to be updated based on detailed measurement survey (DMS).																											
Construction will follow payment of compensation and assistance and after serving notice to shift for road side Hawker/vendor																											
Construction will be in phases and schedule for construction & RP implementation should be in coordination with each other																											

## ANNEX 10: INVOLUNTARY RESETTLEMENT IMPACTS SCREENING CHECKLIST

### A. Introduction

1. Each subsection/section needs to be screened for any involuntary resettlement impacts which will occur or have already occurred. This screening determines the necessary action to be taken by the project team.

### B. Information on subsection/section:

- a. District/administrative name: \_\_\_\_\_
  - b. Location (km): \_\_\_\_\_
  - c. Civil work dates (proposed): \_\_\_\_\_
  - d. Technical description: \_\_\_\_\_
- 

### C. Screening Questions for Involuntary Resettlement Impact

2. Below is the initial screening for involuntary resettlement impacts and due diligence exercise. Both permanent and temporary impacts must be considered and reported in the screening process.

Involuntary Resettlement Impacts	Yes	No	Not Known	Remarks
Will the project include any physical construction work?				
Does the proposed activity include upgrading or rehabilitation of existing physical facilities?				
Will it require permanent and/or temporary land acquisition?				
Is the ownership status and current usage of the land known?				
Are there any nontitled people who live or earn their livelihood at the site or within the corridor of impact (COI)/right of way (RoW)?				
Will there be loss of housing?				
Will there be loss of agricultural plots?				
Will there be losses of crops, trees, and fixed assets (i.e. fences, pumps, etc.)?				
Will there be loss of businesses or enterprises?				
Will there be loss of incomes and livelihoods?				
Will people lose access to facilities, services, or natural resources?				
Will any social or economic activities be affected by land use-related changes?				
Are any of the affected persons (AP) from indigenous or ethnic minority groups?				If yes, please describe the situation

**D. Involuntary Resettlement Impact**

3. After reviewing the answers above, EA/safeguard team will confirm that the assigned/ proposed project/subproject/ section:

☐ has involuntary resettlement (IR) impact, so a resettlement plan (or corrective action plan) is required

☐ has no IR impact, so no resettlement plan is required

Prepared by:	Verified by:
Signature:	Signature:
Name:	Name:
Position:	Position:
Date:	Date:



**ANNEX 11: OUTLINE OF A RESETTLEMENT PLAN**

<b>TOPIC</b>	<b>CONTENTS</b>
<b>Executive Summary</b>	Provides a concise statement of project scope, key survey findings, entitlements, and recommended actions.
<b>Project Description</b>	Provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both, and identifies the project area. It also describes the alternatives considered to avoid or minimize resettlement. Includes a table with quantified data, and provides rationale for the final decision.
<b>Scope of Land Acquisition and Resettlement</b>	<ul style="list-style-type: none"> <li>discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;</li> <li>describes the scope for land acquisition (provides maps) and displaced persons; and</li> <li>provides details of any common property resources that will be acquired.</li> </ul>
<b>Socioeconomic Information and Profile</b>	<p>Outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings. This section:</p> <ul style="list-style-type: none"> <li>defines, identifies, and enumerates the people and communities to be affected;</li> <li>describes the likely impacts of land and asset acquisition on the people and communities affected, taking social, cultural, and economic parameters into account;</li> <li>discusses the project's impacts on the poor, indigenous, and/or ethnic minorities and other vulnerable groups; and</li> <li>identifies gender and resettlement impacts, and the impact of the socioeconomic situation on the needs and priorities of women.</li> </ul>
<b>Information Disclosure, Consultation, and Participation</b>	<ul style="list-style-type: none"> <li>identifies project stakeholders, especially primary stakeholders;</li> <li>describes the consultation and participation mechanisms to be used during the different stages of the project cycle;</li> <li>describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;</li> <li>summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;</li> <li>confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and</li> <li>describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination), and the process for consultation with affected persons during project implementation.</li> </ul>
<b>Grievance Redress Mechanisms</b>	Describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons, and how gender sensitive they are.
<b>Legal Framework</b>	<ul style="list-style-type: none"> <li>describes national and local laws and regulations that apply to the project, and identifies gaps between local laws and ADB's policy requirements; discusses how any gaps will be addressed;</li> <li>describes the legal and policy commitments from the executing agency for all types of displaced persons;</li> <li>outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; sets out the compensation and assistance eligibility criteria, and how and when compensation and assistance will be provided; and</li> <li>describes the land acquisition process and prepares a schedule for meeting key procedural requirements.</li> </ul>
<b>Entitlements, Assistance, and Benefits</b>	<ul style="list-style-type: none"> <li>defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);</li> <li>specifies all assistance to vulnerable groups, including women, and other special groups; and</li> <li>outlines opportunities for affected persons to derive appropriate development benefits from the project.</li> </ul>
<b>Relocation of Housing and Settlements</b>	<ul style="list-style-type: none"> <li>describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensuring that gender concerns and support to vulnerable groups are identified).</li> <li>describes alternative relocation sites considered; community consultations conducted;</li> </ul>

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	<p>and justification for selected sites, including details about location, environmental assessment of sites, and development needs;</p> <ul style="list-style-type: none"> <li>• provides timetables for site preparation and transfer;</li> <li>• describes the legal arrangements to regularize tenure and transfer titles to resettled persons;</li> <li>• outlines measures to assist displaced persons with their transfer and establishment at new sites;</li> <li>• describes plans to provide civic infrastructure; and</li> <li>• explains how integration with host populations will be carried out.</li> </ul>
<b>Income Restoration and Rehabilitation</b>	<ul style="list-style-type: none"> <li>• identifies livelihood risks and prepares disaggregated tables based on demographic data and livelihood sources;</li> <li>• describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land), and discusses sustainability and safety nets;</li> <li>• outlines measures to provide a social safety net through social insurance and/or project special funds;</li> <li>• describes special measures to support vulnerable groups;</li> <li>• explains gender considerations; and</li> <li>• describes training programs.</li> </ul>
<b>Resettlement Budget and Financing Plan</b>	<ul style="list-style-type: none"> <li>• provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation;</li> <li>• describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items);</li> <li>• includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and</li> <li>• includes information about the source of funding for the resettlement plan budget.</li> </ul>
<b>Institutional Arrangements</b>	<ul style="list-style-type: none"> <li>• describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;</li> <li>• includes institutional capacity building program, including technical assistance, if required;</li> <li>• describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and</li> <li>• describes how women's groups will be involved in resettlement planning and management.</li> </ul>
<b>Implementation Schedule</b>	<p>Includes a detailed, time bound implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.</p>
<b>Monitoring and Reporting</b>	<p>Describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.</p>

**ANNEX 12: RESETTLEMENT SUPERVISION MILESTONES**

<b>No.</b>	<b>Resettlement Tasks</b>	<b>Target</b>	<b>Responsible Agency</b>	<b>Completion Deadline</b>	<b>Status and Additional Deadlines</b>
<b>1.</b>	<b>Disclosure</b>				
1.1	Information booklet	# of copies			
1.2	Resettlement plan distribution to resettlement offices/villages/APs	# of copies			
1.3	RP placed on ADB website				
1.4	Updated RP based on DMS Distribution to resettlement offices/villages/APs	# of copies			
<b>2.</b>	<b>Resettlement Plan &amp; Budget</b>				
2.1	Complete redline survey (map)				
2.2	Approval of RP & budget				
2.3	Approval of compensation rates				
2.4	Staking survey				
2.5	Updated RP based on DMS				
<b>3.</b>	<b>Compensation Agreements</b>				
3.1	Village agreements	# of villages			
3.2	Enterprise agreements	# of businesses			
3.3	Household agreements	# of APs			
<b>4.</b>	<b>Detailed Measurement Survey (DMS)</b>	# of APs			
<b>5.</b>	<b>Detailed Rehabilitation Plans</b>				
5.1	Initial village rehabilitation plans (if applicable)	# of villages			
5.2	Refined village rehabilitation plans (if applicable)	# of villages			
5.3	Farmland adjustment agreements(if applicable)				
5.4	Assistance for Vulnerable Groups	# of APs			
5.5	Technical training plan for AF	# of APs			
<b>6.</b>	<b>Implementation Capacity</b>				
6.1	District resettlement staff	# of staff			
6.2	Designate village representatives	# of staff			
6.3	Training of staff	# of staff			
6.3	Setting up grievance redress committees	# of staff			
<b>7.</b>	<b>Monitoring &amp; Evaluation</b>				
7.1	Baseline survey	Sample			
7.2	Set-up internal supervision	As per RP			
7.3	Contract external monitor	As per RP			
7.4	Internal monitoring reports	Quarterly			
7.5	External monitoring reports	Semi-annual			