

Resettlement Plan

November 2012

PAK: Flood Emergency Reconstruction Project

Prepared by National Highways Authority for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 12 November 2012)

Currency unit	–	Pakistani Rupees (PRs)
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\$1.00	=	PRs96.00

ABBREVIATIONS

AD	–	Assistant Director
ADB	–	Asian Development Bank
DPs	–	Displaced Persons
COI	–	Corridor of Impact
DCR	–	District Census Report
DD	–	Deputy Director
DO(R)	–	District Officer (Revenue)
DDOR	–	Deputy District Officer (Revenue)
GRC	–	Grievance Redress Mechanism
EDO	–	Executive District Officer
ESU	–	Environment and Social Unit
FERP	–	Flood Emergency and Reconstruction Project
Ft.	–	Feet
GOP	–	Government of Pakistan
IA	–	Implementing Agency
IP's	–	Indigenous People
IR	–	Involuntary Resettlement
Km.	–	Kilometers
KPK	–	Khyber PakhtoonKhwa
LAA	–	Land Acquisition Act 1894
LAC	–	Land Acquisition Collector
LAR	–	Land Acquisition and Resettlement
LARP	–	Land Acquisition and Resettlement Plan
M&E	–	Monitoring and Evaluation
NESPAK	–	National Engineering Services Pakistan (Pvt.) Ltd.
NGO	–	Non Governmental Organization
NHA	–	National Highway Authority
PMC	–	Project Management Consultant
PMU	–	Project Management Unit
ROW	–	Right-of-Way
S.ft	–	Square Feet
SPS	–	Safeguard Policy Statement 2009

NOTES

- (i) The fiscal year (FY) of the Government of the Islamic Republic of Pakistan and its agencies ends on 30 June.
- (ii) In this report, "\$" refers to US dollars.

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**NATIONAL HIGHWAY AUTHORITY
GOVERNMENT OF PAKISTAN**

**Flood Emergency Reconstruction Project
(FERP)**

ADB Loan No: 2742-Pak

**N 95: Chakdara to Kalam Road Project – Section 3 starting from
Fatehpur to Kalam (RD 82+000 to RD132+700)**



LAND ACQUISITION AND RESETTLEMENT PLAN

12 November 2012

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| <b>Abbreviation</b> | <b>Description</b>                                 |
|---------------------|----------------------------------------------------|
| AD                  | Assistant Director                                 |
| ADB                 | Asian Development Bank                             |
| DPS                 | Displaced Persons                                  |
| COI                 | Corridor of Impact                                 |
| DCR                 | District Census Report                             |
| DD                  | Deputy Director                                    |
| DO(R)               | District Officer (Revenue)                         |
| DDOR                | Deputy District Officer (Revenue)                  |
| GRC                 | Grievance Redress Mechanism                        |
| EDO                 | Executive District Officer                         |
| ESU                 | Environment and Social Unit                        |
| FERP                | Flood Emergency and Reconstruction Project         |
| Ft.                 | Feet                                               |
| GM                  | General Manager                                    |
| GOP                 | Government of Pakistan                             |
| IA                  | Implementing Agency                                |
| IP's                | Indigenous People                                  |
| IR                  | Involuntary Resettlement                           |
| Km.                 | Kilometers                                         |
| KPK                 | Khyber PakhtoonKhwa                                |
| LAA                 | Land Acquisition Act 1894                          |
| LAC                 | Land Acquisition Collector                         |
| LAR                 | Land Acquisition and Resettlement                  |
| LARP                | Land Acquisition and Resettlement Plan             |
| M&E                 | Monitoring and Evaluation                          |
| NESPAK              | National Engineering Services Pakistan (Pvt.) Ltd. |
| NGO                 | Non Governmental Organization                      |
| NHA                 | National Highway Authority                         |
| PMC                 | Project Management Consultant                      |
| PMU                 | Project Management Unit                            |
| ROW                 | Right-of-Way                                       |
| S.ft.               | Square Feet                                        |
| SPS                 | Safeguard Policy Statement 2009                    |

## **GLOSSARY**

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Country of Safeguard                  | A country's legal and institutional framework, consisting of its national, sub national, or sectoral implementing institutions and relevant laws, regulation, rules and procedures that pertain to the policy areas of environmental and social safeguards.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Displaced Persons                     | In the context of involuntary resettlement, displaced persons 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.                                                                                                                                                                                                                                                               |
| Economic Displacement                 | Loss of land, assets, access to assets, income sources, or means of livelihood 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| External Experts                      | Experts not involved in day-to-day project implementation or supervision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Highly Complex and Sensitive Projects | Projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts<br>.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Meaningful Consultation               | A process that (i) begins early in the preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive , and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. |
| Physical Cultural Resources           | Movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings and may be above or below ground or under water. Their cultural interest may be at the local, provincial, national, or international level.                                                                                                                                                                                                                                                       |

|                       |                                                                                                                                                                                                                         |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Physical Displacement | Relocation, loss of residential land, or loss of shelter 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. |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## **EXECUTIVE SUMMARY**

### **A. PROJECT DESCRIPTION**

1. ADB is supporting the Government of Pakistan in implementing a Flood Emergency & Reconstruction Project (FERP), which entails restoration/reconstruction and rehabilitation of road projects in Pakistan. National Highway Authority (NHA) is the project executing agency (EA) for all national road projects.

2. The road portfolio, amongst other road projects, also includes N 95: a 134 km long road from Chakdara to Kalam in Khyber Pakhtunkhwa (KPK) – an important National Highway linking minor roads/tracks and villages of Swat valley, passes through major towns like Mingora, Khawazakhela, Fatehpur, Madyne, Behrain and ends at Kalam, and it requires urgent rehabilitation work with construction of few sub-sections that have been completely washed away by the floods. N95 has been divided in 3 sections, Section I: 37 km long section starting from Chakdara to Mingora, Section II: 45 km long section starting from Mingora to Khawazakhela/ Fatehpur & Section III (under ADB financing): 50.7 km long section starting from Fatehpur at RD 82+000 and ending at Kalam RD 132+700 km, which is the sole part of the Project.

3. The 2010 flood & torrential/persistent monsoon rains severely impacted section III of N95 at different locations, necessitating urgent rehabilitation and construction work. Section III has been further divided in 6 packages that include varying lengths of road requiring acquisition of small parcels of land at scattered places, and an aggregate of about 41 km area, do not require land acquisition and/or any resettlement (LAR) impacts. While 9.94 km of different reaches, which require acquisition of land and have resettlement impacts. Work in these areas cannot commence, until preparation and implementation of ADB approved LARP along with monitoring report confirming full LARP implementation.

4. The project right of way (ROW) varies from 10 to 15 meters. Project components include; a) main carriageway, and b) 22 bridges. The project requires acquisition of about 26.57 acres land which is required to construct small stretches of road, the 2010 floods completely washed away. This LARP has been prepared by the National Highway Authority based on 100 % census of Displaced Persons (DPs) linked with project impacts including land, different types of structures, trees together with payable cash compensation and different allowances provided to help DPs restore their lost incomes. In addition to DPs census, socio-economic and impacts assessment surveys of project area was also carried which involved consultations, interviews, focus group discussions with the DPs and other stakeholders, in accordance with the requirements of ADB's Safeguard Policy Statement 2009 (SPS).

5. Project designed was finalized in March 2012 and social impact assessment (SIA) surveys were conducted in June, 2012, which were updated in August 2012. NHA through a team of consultants, district revenue department, forest and agriculture departments and construction & works department (C&W) conducted the focus census survey of DPs and finalized cash compensation to be paid to the DPs based current market rate of land, structures, trees and other public utilities. The SIA surveys were completed on 16<sup>th</sup> June, 2012 and the same date was established as cut-off date. This cut-off-date was communicated to the DPs in consultation meetings along the carriageway.

6. Contract award signing is conditional upon the preparation of implementation-ready LARP, acceptable to ADB, in accordance with approved land acquisition and resettlement framework (LARF) and ADB's Safeguard Policy Statement (SPS 2009), reflecting final impacts, DPs census, and final compensation rates of land, structures, and trees, as approved by relevant government departments. The mobilization of contractor will be conditional upon the implementation of ADB approved LARP; full delivery of compensation/ rehabilitation provisions and confirmation by monitoring report.

## **SCOPE OF LAND ACQUISITION AND RESETTLEMENT**

7. The total land acquired for the project is 26.57 acres in 10 villages of district Swat; 9 villages in tehsil Bahrain and 1 in tehsil Khawaza Khela. The total land 26.57 acres acquired, comprises 24.6 acres of privately owned land followed by 0.24 acres of communal land and 1.74 acres of government land. The assets affected include removal of 112 fruit and wood trees, 10 building structures, 5 temporary structures and 28 electric poles requiring relocation.

## **SOCIO-ECONOMIC INFORMATION AND PROFILE**

8. A complete census of the DPs, on 100 % basis, was carried out by using a structured questionnaire. A sample survey was carried out to develop a socio-economic baseline of the general population all along the ROW. Using a stratified random sampling technique, 275 respondents including 125 women were selected for socioeconomic profiling. For this purpose, the total number of DPs was taken as the universe of the sample. The findings of this survey were validated through FGDs of men and women conducted in all the affected villages. The results are explained below.

9. The project is located in Swat district of KPK province. The total area of the district is 5337 km<sup>2</sup> (1318796 Acres). The district consists of four Tehsil, namely SWAT, Matta, Khazakhella and Bahrain. The district administration offices are situated at SWAT. The Project area falls in Tehsil Bahrain (major part) and Khazakhella (minor part).

10. Using District Population Census Report 1998 as reference, the projected population of district Swat for the year 2011 comprises 193, 4960 persons. The urban population is 13.8 percent of the total population. Female population is less compared with male population and the overall sex ratio is calculated as 106.3 percent. Average family size in the Project area is 8.2.

11. In the Project area, society is structured on kinship basis. Tribal identity is gradually losing its importance and Khan is common identity. Household decision making is males centered. Women perform multiple roles but inside home. Rich and influential people are accepted as community leaders; especially in collective welfare and development of the area. Also, the traditional leader in the village is the "Malik", the elder who has respect in the community.

12. The DPs are involved in multiple income earning activities; About 8% DPs have farming as sole income earning profession. Remaining 82% DPs perform professions like agriculture, job/service, livestock rearing and business.



## **INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION**

13. A series of public consultations, participation and information disclosure meetings continued during the month of June, August and October 2012 in all affected villages. N-95 Project. Environment and social unit (ESU) of NHA for N 95 project, together with land acquisition collector, local patwaris, representatives of project consultants and project TA consultant conducted consultation meetings with the DPs. Details of consultation meetings with issues discussed and remedies are provided in the chapter on consultations.

14. People of Project area perceive the N95 road to be their life line, the reconstruction of which will restore communication and transportation links which were destroyed or washed away by 2010 floods. With road construction they will be able to transport and market their agriculture produce and other products in and outside the area. They also hope construction of road will provide them faster and safer travel and improvement in travel and tourist activities.

## **GRIEVANCE REDRESS MECHANISM**

15. A grievance redress mechanism has been provided to redress the project related issues including the impact assessment, asset valuation, resettlement and social issues with active participation of DPs. Before invoking formal grievance redress system the concerns of the aggrieved DPs will be examined at the village level through involvement of the Affected Persons Committees (APCs) at village level. Further details are provided in the section on grievance redress mechanism.

## **LEGAL AND POLICY FRAMEWORK**

16. The LARP has been prepared in accordance with Pakistan's Land Acquisition Act of 1894, the approved LARF and ADB's SPS 2009. The ADB policy objective is to avoid involuntary resettlement wherever possible, or minimize involuntary resettlement where avoidance is not possible by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups. The LAA considers only cash compensation based on average transaction value to only the title holders. SPS requires compensation at replacement cost to all titled and non-titled persons. This leaves gap between LAA and SPS and to reconcile this gap, the approved LARF provides a set of gap filling measures whereby NHA agrees to provide compensation at replacement cost (based on negotiated compensation prices for land) and allowances to all DPs (titled and non-titled) which will help DPs restore their incomes and livelihoods.

## **ENTITLEMENTS, ASSISTANCE AND BENEFITS**

17. The DPs losing land, structures, assets, income are entitled to cash compensation at replacement cost (as agreed between DPs and NHA/LAC through negotiated price deal) and allowances enabling restoration of lost incomes and livelihoods. Cash compensation is free of all types of taxes, transaction fees and depreciation, etc. The DPs are also allowed to salvage the affected material in addition to cash compensation and allowances. Agricultural land impacts of titleholders will be compensated at agreed market rate determined through private negotiations between DPs and NHA/LAC. Livelihood restoration allowances will be over and above the agreed compensation rates. Vulnerable people (DPs below the poverty line) will be

supported by a one-time paid allowance in cash equal to 03 months of inflation adjusted official poverty line (OPL).

## **RELOCATION, REHABILITATION AND INCOME RESTORATION**

18. The DPs will be compensated and supported by income restoration support (allowances) that have been fixed based on consultations between DPs and NHA.

## **RESETTLEMENT BUDGET AND FINANCING PLAN**

19. Resettlement Budget includes compensation for land, building structures/houses, government structures, temporary structures, trees, electric poles, and different type of income restoration allowances. The total amount of resettlement budget is **Rs. 25, 39, 73,018 (253.97 million)**, which includes land acquisition cost Rs.194.48 million, cost of structures Rs.14.8 million, and monitoring and evaluation cost Rs.10.89 million, administrative charges Rs.2.18 million and contingencies cost Rs. 23.1 million.

## **INSTITUTIONAL ARRANGEMENT**

20. For implementation of LARP there will be a set of institutions involved in LARP implementation. Of these, the primary institutions involved in implementation are the following: Besides, there will be Grievance Redress Committee (GRC) and DPs Consultation Committees (DPCs) under the institutional arrangements for LARP implementation.

- National Highway Authority (NHA)
- Project Management Unit (PMU)
- Environment and Social Unit (ESU)
- Project Management Consultant (PMC)
- District Government (DG)

## **IMPLEMENTATION SCHEDULE**

21. The process of land acquisition and resettlement is planned for completion within three (3) months (October – December 2012) that includes finalization and approval of LARP, setting up of institutional arrangements, transfer of LARP funds to district office revenue for payments to DPs, formation and functioning of GRC and DPCs, disclosure of Urdu summary of LARP and payments to the DPs. LARP and project and execution of implementation sale deeds, payments and taking possession of land. However, the schedule is subject to modification depending on the progress of the project activities. Implementation of resettlement and related activities will take place after the project supervision consultant is mobilized, who will work closely with, and assist, PMU in all resettlement related activities.

## **MONITORING AND REPORTING**

22. LARP activities under the Project will be subjected to internal monitoring by a qualified and experienced M&E expert either through ESU or PMC. Construction work will be contingent upon confirmation of LARP implementation by internal monitor in the form of a detailed monitoring report covering payments made to the DPs including land compensation and allowances.

## SECTION 1: PROJECT DESCRIPTION

### 1.1 Project Background

23. ADB is supporting the Government of Pakistan in implementing a Flood Emergency & Reconstruction Project (FERP), which entails restoration/reconstruction and rehabilitation of road projects in Pakistan. National Highway Authority (NHA) is the project executing agency (EA) for all national road projects.

24. The road portfolio, amongst other road projects, also includes N 95: a 134 km long road from Chakdara to Kalam in Khyber Pakhtunkhwa (KPK) – an important National Highway linking minor roads/tracks and villages of Swat valley, passes through major towns like Mingora, Khawazakhela, Fatehpur, Madyne, Bahrain and ends at Kalam, as shown (below) in Fig 1.1 & 1.2. The road requires urgent rehabilitation work with the construction of few sub-sections that have been completely washed away by the floods during 2010. The road, N95 has been divided into three (3) sections and detail is given below:

- **Section I: 37 km long section starting from Chakdara to Mingora.** It passes through flat/rolling terrain, carriageway width (6.5 - 7m), shoulder (unpaved, 1 - 2m) both sides. Minor damages have been restored, however existing pavement structure needs rectifications and new overlay. The section comprises tourist attractions and receives enormous traffic volume.
- **Section II: 45 km long section starting from Mingora to Khawazakhela/ Fatehpur.** It passes through rolling/hilly terrain, carriageway width (5.5 - 6m), shoulder (unpaved, 1m) both sides. Few damaged bridges (small spans) proposed to be reconstructed. New pavement structure will be required. This section also receives substantial traffic volume.
- **Section III: 50.7 km long section starting from Fatehpur at RD 82+000 and ending at Kalam RD 132.700 km (under ABD financing).** It passes through hilly/mountainous terrain having steep gradient at places. Road mostly runs parallel to river Swat. In this section, existing road adversely damaged at frequent places needs urgent reconstruction /rehabilitation as per NHA standards. This section has been further divided in 6 packages (detail is given in Table 1) that include varying lengths of road requiring acquisition of small parcels of land at scattered places (10 km), and an aggregate of about 41 km area that do not require land acquisition and/or any resettlement (LAR) impacts.

**Table 1.1: Classification of Packages**

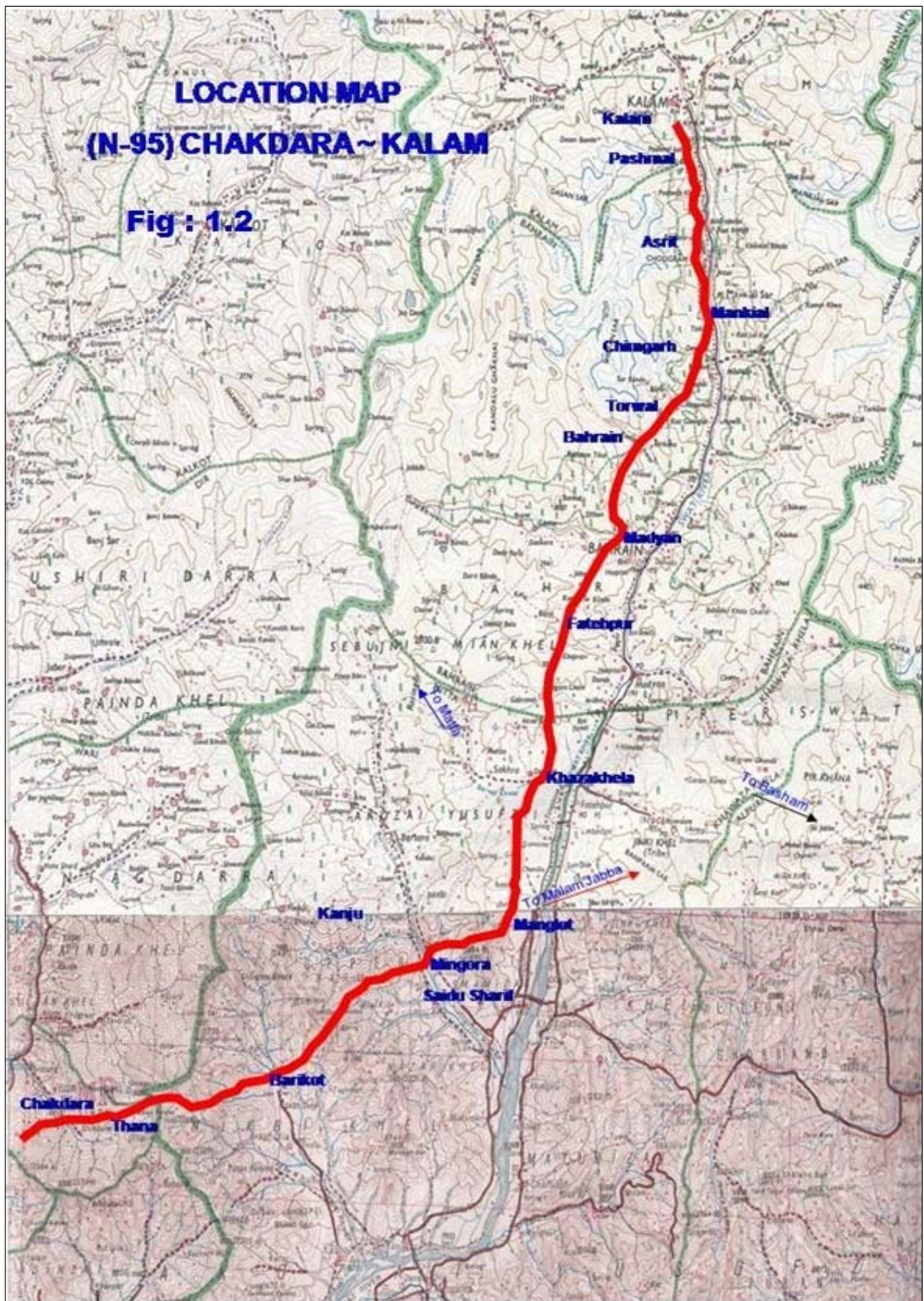
| Packages | RDs (Km) |         | Location with Area |
|----------|----------|---------|--------------------|
|          | To       | From    |                    |
| 1        | 82+000   | 89+700  | Fatehpur – Madyan  |
| 2        | 89+700   | 97+310  | Madyan – Bahrain   |
| 3        | 97+310   | 108+675 | Bahrain - Chimgarh |
| 4        | 108+675  | 117+250 | Chimgarh – Asrit   |
| 5        | 117+250  | 125+800 | Asrit – Pashmal    |
| 6        | 125+800  | 132+675 | Pashmal – Kalam    |

# KHYBER PAKHTUNKHWA PROVINCE

**Fig :1.1**







25. The 2010 floods & torrential/persistent monsoon rains severely impacted section-III at different locations, necessitating urgent rehabilitation and construction work. The damages occurred are classified as below:

**26. Washed away reaches 9.94 km (20%):** Existing road at places along river Swat washed away and requiring realignment of eroded portion and involve acquisition of land and resettlement impacts. The washed away reaches require preparation and implementation of land acquisition and resettlement plan (LARP). Further details of reaches with LAR impacts are provided in **Table 3**.

**27. Eroded reaches 6.3 km (12%)** Existing road at numerous places partially damaged and requiring rehabilitation work but will not require any land acquisition and resettlement impact.

**28. Intact reaches 34.435 km (68%)** requiring rehabilitation work within existing right of way but will not require any land acquisition and/or resettlement impacts. The detail of reaches without LAR impacts is presented in **Table 2**.

29. The project component includes the carriageway and 22 bridges with RoW ranging from 10 – 15 meters. No land acquisition is involved in about 41 km area including bridges that are being built within the existing right of way, owned by NHA. Furthermore, clearance of bridges from any land acquisition and resettlement impacts have also been validated by the revenue department through the land acquisition collector (LAC) and on-site visits by local patwari along with project designer. For further details, a matrix of bridges confirming clearance from LAR impacts is given as **Annex-I**. The LARP is prepared by National Highway Authority (NHA) based 100% census of DPs linked with project impacts including land and land based structures; socio-economic survey of 25% sample of DPs covering the project area and meaningful consultation with DPs and other stakeholders, conducted in the light of ADB safeguard policy, 2009.

## 1.2 Sections with and without LAR Impacts

30. Section III is further divided in 2 major subsections; subsection A, which has no LAR impacts, and subsection B that have scattered LAR impacts.

**Subsection A:** comprising 40.735 km area does not involve land acquisition and resettlement impacts. The impacts screening checklists and categorization forms of involuntary resettlement (IR) and indigenous peoples (IPs) have been prepared for this section and categorized as C. Therefore no resettlement plan is required for subsection A, hence allowed for the commencement of civil work. It is also ensured that only the clear width of the RoW will be taken to avoid the disturbance of even encroachers (if it is found) and meaningful consultation with mobile vendors facilitating their movement bit away during the construction period. The detail is given in Table 2.

**Table 1.2: Section A: Area Free from LAR Issues**

| S# | RDs (Km) |        | Length (Km) | Remarks          |
|----|----------|--------|-------------|------------------|
|    | To       | From   |             |                  |
| 1  | 82+000   | 85+225 | 3.225       | <b>No LAR: T</b> |
| 2  | 85+700   | 89+000 | 3.3         |                  |
| 3  | 89+850   | 91+250 | 1.4         |                  |
| 4  | 91+550   | 97+310 | 5.76        |                  |

|              |         |         |               |                                                                                                                                                                                                                                                  |
|--------------|---------|---------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5            | 98+400  | 100+100 | 1.7           | These road stretches do not involve any LAR impacts, as confirmed by NHA, LAC and Design Consultant.<br>NHA's ESU for FERP provided IR and IP checklists which ADB cleared as without LAR impacts after necessary review and field verification. |
| 6            | 103+600 | 106+300 | 2.70          |                                                                                                                                                                                                                                                  |
| 7            | 107+650 | 108+400 | 0.75          |                                                                                                                                                                                                                                                  |
| 8            | 108+675 | 112+000 | 3.325         |                                                                                                                                                                                                                                                  |
| 9            | 112+700 | 113+200 | 0.5           |                                                                                                                                                                                                                                                  |
| 10           | 113+600 | 119+350 | 5.75          |                                                                                                                                                                                                                                                  |
| 11           | 119+750 | 122+700 | 2.95          |                                                                                                                                                                                                                                                  |
| 12           | 123+300 | 128+800 | 2.5           |                                                                                                                                                                                                                                                  |
| 13           | 125+800 | 132+675 | 6.875         |                                                                                                                                                                                                                                                  |
| <b>Total</b> |         |         | <b>40.735</b> |                                                                                                                                                                                                                                                  |

**Subsection B:** comprises 9.94 km of different reaches, which require acquisition of land and resettlement impacts. Work in these areas cannot commence, until NHA prepares a LARP and confirms its implementation to ADB through monitoring agency or a consultant. The detail of the subsection is documented in Table 3.

**Table 1.3: Details of Area with LAR Issues**

| S#           | RDs (Km) |         | Length (Km)  | Remarks                                                                                                                         |
|--------------|----------|---------|--------------|---------------------------------------------------------------------------------------------------------------------------------|
|              | To       | From    |              |                                                                                                                                 |
| 1            | 85+225   | 85+700  | 0.475        | All these areas have land acquisition and resettlement impacts, and require preparation, implementation and monitoring of LARP. |
| 2            | 89+000   | 89+850  | 0.850        |                                                                                                                                 |
| 3            | 91+250   | 91+550  | 0.300        |                                                                                                                                 |
| 4            | 97+310   | 98+400  | 1.090        |                                                                                                                                 |
| 5            | 100+100  | 103+600 | 3.500        |                                                                                                                                 |
| 6            | 106+300  | 107+650 | 1.350        |                                                                                                                                 |
| 7            | 108+400  | 108+675 | 0.275        |                                                                                                                                 |
| 8            | 112+000  | 112+700 | 0.700        |                                                                                                                                 |
| 9            | 113+200  | 113+600 | 0.400        |                                                                                                                                 |
| 10           | 119+350  | 119+750 | 0.400        |                                                                                                                                 |
| 11           | 122+700  | 123+300 | 0.600        |                                                                                                                                 |
| <b>Total</b> |          |         | <b>9.940</b> |                                                                                                                                 |

## 1.3 Analysis of Alternatives Considered

### 1.3.1 Option-1: No Project

31. Without the project, the existing road from Fatehpur to Kalam (part of N-95) will continue for the main mean of transportation of the area. Currently, the road condition is poor which damaged severely due to flood 2010 and is insufficient to cater the traffic load. Traffic jams is common at population centers such as Fatehpur, Madyan and Bahrain, resultantly, the locals movements are hindered, even the accident are reported during the peak season. In addition, the traffic runs in very slow speed throughout the alignment, i.e., travelling time has increased to five times than the normal time, resultantly, wasting of money and time. There are the instances that patients died prior to reaching hospital during emergency. Moreover, the business opportunities of the area are associated with the tourists which are declined due to poor road condition, so without-project scenario will continue to increase the negative impacts generated by increased traffic loads on the existing road, which lacks adequate capacity (e.g., traffic jams, noise, low speed, higher emissions, and accidents). With continuous growth of



travelers and residential infrastructures, the existing road will continue to deteriorate, affecting travel by local residents, tourists, and other transit road users, hence this option is not considered.

### **1.3.2 Option-2: Construction and Rehabilitation of Existing Alignment (Project Implementation)**

32. This option involves the construction and rehabilitation of the existing alignment (N-95), destroyed during the flood 2010. The road will not only meet the local needs in context with routine travelling activities but will cause the socio-economic uplifting of the area. The proposed project is partially constructed on a new alignment, which will traverse through private land etc, causing LAR issues. The LAR is involved only in those sections which were completely washed away due to flood; hence LAR is unavoidable under these circumstances. However, the efforts are made by making change in design to avoid the sensitive and religious structures and to minimize the LAR issues at possible extent. Consequently, the project will have impact on 212.5 kanals of land, eight (8) residential structures, one (1) commercial structure, one (1) Government structure (Police check Post), five temporary structures (wooden cabin) and 28 electric poles. The need for expropriation of private land triggers the ADB safeguard policy which aims to ensure that people affected with resettlement due to the development of a public project funded by the ADB are adequately compensated for their losses. Regardless of the fact that the LAR is involved but the affected population showed their willingness with the project as long as appropriate mitigation measures are put in place to minimize the negative impacts and compensate DPs where impacts cannot be avoided and provide support for restoration of their livelihoods. The NHA/PMU/ESU is committed to provide compensation as agreed between DPs together with livelihood restoration allowances.

## **1.4 Scope of the LARP**

33. The scope includes the preparation of Land Acquisition and Resettlement Plan (LARP) for the carriageway of Section-III (Fatehpur - Kalam), N-95 project under the legal and policy framework of "Government of Pakistan" and ADB Safeguard Policy Statement, June 2009".

## **1.5 Need for a LARP**

34. The N95 project requires reconstruction of road sections that have been completely washed away by the floods and those severely damaged so that lost and damaged sections can be reconstructed quickly to restore transportation and socioeconomic and trade activities in the area. Construction of lost or washed away sections involves small pieces of private land and associated assets. This requires preparation of a LARP. A LARP therefore has been prepared which provides details about project impacts, compensation eligibility and entitlements. The main objectives of the LARP are to:

- Present a strategy for achieving the objectives of the resettlement policy;
- Provide a framework for implementation of the stated strategy to ensure timely acquisition of assets, payment of compensation and delivery of other benefits to displaced persons;
- Provide details on the policies governing land acquisition, the range of adverse impacts and entitlements, and implementation of the project



facilitating the DPs' efforts to improve their living standards, income earning capacity and production levels or, at least restore them to pre-project levels;

- Provide details on the public information, consultation and participation, and grievance redress mechanism in project planning, design and implementation;
- Identify and provide an estimate of required resources for implementation of recommended strategies; and
- Provide a framework for supervision, monitoring and evaluation of LARP implementation.

## SECTION 2: PROJECT IMPACTS

35. The project involves the reconstruction and rehabilitation of the road comprising 50.7 km of Fatehpur – Kalam section. Of the total road length of 50.7 km, about 80% area (40.7 km) does not have any LAR impacts. But the remaining 20% area (10km) have scattered land acquisition and resettlement impacts. The available ROW of carriageway ranges from 10 to 15 meters. In area without LAR, reconstruction activity is confined within the available ROW. But for area with LAR impacts construction activity will exceed the ROW for which about 26.57 acres of land has been acquired through negotiation between DPs and NHA/LAC. **Figure 2.1** shows section wise impacts:

## 2.1 Project Impacts

### 2.1.1 Land Acquisition on Permanent Basis

36. Total land acquire for the project is 26.57 acres of land on permanent basis in 10 village; 9 in Tehsil Bahrain and 1 in Tehsil Khawaza Khela. The total land acquired 26.57 acres comprises 24.6 acres of privately owned land followed by 0.24 acres of communal land and 1.74 acres of government land. The assets affected include removal of 112 fruit and wood trees, 10 building structures, 5 temporary structures and 28 electric poles requiring relocation. Process of transfer of government land to NHA has already begun with transfer of funds from NHA to the concerned provincial government departments.

**Table 2.1: Mouza Wise Break-up of State Land**

| S. No. | Name of Mouza | Affected Area (Kanal)     | Name of Department Holding Possession |
|--------|---------------|---------------------------|---------------------------------------|
| 1      | Madyan        | 1.1                       | Livestock and Dairy Development       |
| 2      | Laikot        | 7.95                      | Forest Department                     |
| 3      | Kadam         | 0.9                       | Police Department                     |
| 4      | Kadam         | 2.1                       | District Council                      |
| 5      | Baharain      | 1.29                      | Local Government                      |
| 6      | Balakot       | 0.6                       | Forest Department                     |
|        | <b>Total</b>  | <b>13.94 (1.74 acres)</b> |                                       |

37. The Shamilat/ communal is located only in two Mouzas, i.e., 1.2 kanal in Madyan and 0.7 kanal is existed in Mouza Kadam. The Shamilat is the common property and the compensation will be made through affidavit as decided during consultation meetings between NHA/LAC and share-holders.

38. For the assessment of permanent acquisition of land, latest revenue record prepared by LAC and concerned revenue officials was used. According to these records, all the affected land was classified into agriculture, pasture, residential and barren. However, as per notification (**Annexure – II**) of Government of KPK, the all the land acquired for the project is treated as commercial and subsequently the land price was determined through negotiations between DPs and NHA/LAC. The Mouza-wise detail of the private land to be acquired is given in Table 2.2.

**Table 2.2: Mouza Wise detail of Private Land**

| Sr. No | Name of Mouza | Area Notified (Kanal)        | Actual Affected Area (Kanal) | No. of Owners |
|--------|---------------|------------------------------|------------------------------|---------------|
| 1      | Pakalay       | 66.9                         | 12.3                         | 7             |
| 2      | Madyan        | 56.55                        | 0.5                          | 13            |
| 3      | Bahrain       | 210.8                        | 14.51                        | 42            |
| 4      | Laikot        | 85.3                         | 9.3                          | 19            |
| 5      | Balakot       | 433.8                        | 12.6                         | 13            |
| 6      | Cham Garhi    | 247                          | 41.95                        | 40            |
| 7      | Kadem         | 138.1                        | 27.85                        | 29            |
| 8      | Torwal        | 218.85                       | 64.05                        | 31            |
| 9      | Satal         | 23.75                        | 9.05                         | 30            |
| 10     | Jarai Pia     | 160.6                        | 4.6                          | 7             |
|        | <b>Total</b>  | <b>1641.65 (205.2 acres)</b> | <b>196.71 (24.6 acres)</b>   | <b>231</b>    |

The table shows that 231 land owners will be affected due to land acquisition. None of the sharecropper/tenant was identified during the census of DPs. Similarly, no farm labourer/ worker were identified on the affected land.

### 2.1.2 AFs extent of Impact

39. The road is to be built on a new alignment that has affected about 231 land owners who would need to be compensated at negotiated price. The land was taken by the army during 2010 owing to give the passage for commuters', as previous route was washed away by the flood. Hence, only option left with the army to take this piece of land for the rehabilitation of Fatehpur – Kalam section (N-95). The project does not have severe impact, as the income from the affected land was nominal, even DPs were making earning from other sources, i.e., farming from other piece of land, livestock rearing, doing jobs in private and government sectors, labor work in the main cities and establishing of own business etc.

**Table 2.3: AF Extent of Impact**

| Category     | Number of DPs | Total Land (Acre) | Affected Land (Acre) | Remaining Land (Acre) | Source of earning                                                         | Impact Significance                                                      |
|--------------|---------------|-------------------|----------------------|-----------------------|---------------------------------------------------------------------------|--------------------------------------------------------------------------|
| < 10%        | 78            | 70.38             | 5.79                 | 64.59                 | Business, Govt/Private employee, Labour work, Livestock rearing & Farming | No significant impact, as DPs have nominal income from the affected land |
| 10% - 20%    | 106           | 41.71             | 6.14                 | 35.57                 | Business, Govt/Private employee, Labour work, Farming & Livestock rearing | No significant impact, as DPs have nominal income from the affected land |
| >20%         | 47            | 39.28             | 12.67                | 26.61                 | Business, Govt/Private employee, Labour work, Farming & livestock rearing | No significant Impact as DPs have nominal income from the affected land  |
| <b>Total</b> | <b>231</b>    | <b>151.37</b>     | <b>24.6</b>          | <b>126.77</b>         |                                                                           |                                                                          |

### 2.1.3 Temporary Lease of Land for Project Works.

40. About 20 acres of land will be temporarily required for setting up of project camp offices, residential quarters, workshop, etc. The contractor through negotiation with the land owners in the form of lease agreement under the intimation and approval of the PMU will get the land on lease, which will be restored and returned to the land owners in its original condition. The conditions to this extent will be made in the bidding document.

### 2.1.4 Project Impact on Crops

41. The revenue record and consultant data shows that project does not have any impact either on the standing crops or any harvested field. The land was handed over to the Army by land owners on voluntarily basis (leaving compensation to be later paid by the road builder (NHA) during actual reconstruction of the road) to enable Army engineers to temporarily restore the road links that had been washed away by the floods.

### 2.1.5 Loss of Trees

42. The project has impact on the fruit and non-fruit trees which will ultimately be removed from the ROW. According to field assessment, these trees were 112 in number, i.e., 100 are fruit trees and 12 are non-fruit trees as reflected in Table 2.4. All the non-fruit trees, are used for fire wood, weighing 88 mound (One mound=40 kgs). Among affected fruit trees, black persimmon are 44%, cherry trees 25 %, walnut 29 % and apricot 2 %, as given in (**Annexure –IX**). The mouza-wise information in respect of number and types are summarized in Table 2.4.

**Table 2.4: Mouza Wise Detail of the Trees**

| Sr. No.      | Name of Mouza | Non-Fruit Trees |              | Fruit Trees |             |
|--------------|---------------|-----------------|--------------|-------------|-------------|
|              |               | DPs             | No. of Trees | DPs         | Fruit Trees |
| 1            | Laikot        | -               | -            | 1           | 25          |
| 2            | Chumgarhi     | 1               | 1            | 14          | 24          |
| 3            | Kedaam        | 1               | 7            | 7           | 9           |
| 4            | Torwal        | 2               | 4            | 14          | 42          |
| <b>Total</b> |               | <b>4</b>        | <b>12</b>    | <b>36</b>   | <b>100</b>  |

Source: Census Survey by Agriculture Department & Consultant

### 2.1.6 Loss of Structures

43. According to the field investigation, the Project has impact on ten (10) building structures. These include eight (8) houses, one commercial unit (4-shops) and one (1) police check post. In addition, five temporary structures (wooden cabin) and 28 electric poles will also be relocated. The owners will be compensated on the basis of replacement cost for the loss of their building structures. Similarly, for the government structures, the assessed amount will be transferred to the account of respective departments.

44. Additionally, the affectees will be provided with shifting allowance as well. Village/Mouza-wise comparison shows that all these building structures are significantly affected and will be fully compensated. These structures are scattered and located along the entire stretch and no mass relocation is required. The details of affected structures are listed below in Table 2.5.

### 2.1.7 Impact on Income / Livelihood

45. The project will impact the livelihood source of five cabin owners, regardless of the fact four (4) shops who is the sole proprietor to be affected. These shops have been closed since 2010 and after flood these were not opened. Hence, livelihood allowance is not required under this situation. However, the additional compensation allowance will be provided in case of being vulnerable.

## 2.2 Cut-Off Date

46. The cut-off date for determining the eligibility of displaced persons for compensation can best be defined at the time of completion of the SIA study. The date was set by ESU/PMU as a part of its implementation program, after consultations with DPs and other stakeholders during the socio-economic, focus census survey and consultation meetings at grass-root level. Consequently, the impacts assessment survey was completed on 16<sup>th</sup> June, 2012 by NESPAK/ESU/PMU and the same date was established as cut-off date.

47. It was agreed that the Persons who occupy the area thereafter would not be eligible for compensation or any form of resettlement assistance. Such persons, if any, will be given one month advance notice to vacate the occupied premises and dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated and the owner will not pay any penalty. Forced eviction will only be considered after all other efforts are exhausted.

### **2.3 Indigenous People**

48. It has been verified that project does not have any impact on the indigenous people; even none of the IP is present in the Project area. Therefore ADB's Policy will not trigger here.

### **2.4 Archeological, Historical and Religious Sites**

49. Field investigation shows that none of the archaeological, historical and religious sites are existed within the ROW or in the vicinity of proposed project corridor.

The summary of affected structures and extent of impact is presented in Table 2.5 and the village/mouza-wise list of affected people along-with the allowances is provided in **Annexure-III** and the results are summarized in Table 2.6.

**Table 2.5: Mouza-wise summary of Affected Structures and Extent of Impact**

| Sr. No.      | Name of Mouza   | Houses                      |                        |           | Shops                       |                        |            | Government Building         |                        |            |
|--------------|-----------------|-----------------------------|------------------------|-----------|-----------------------------|------------------------|------------|-----------------------------|------------------------|------------|
|              |                 | Total Covered Area (Sq. ft) | Affected Area (Sq. ft) | % age     | Total Covered Area (Sq. ft) | Affected Area (Sq. ft) | % age      | Total Covered Area (Sq. ft) | Affected Area (Sq. ft) | % age      |
| 1            | Chamgarhi       | 1,848                       | 370                    | 20        | 0.00                        | 0.00                   | 0.00       | 0.00                        | 0.00                   | 0.00       |
| 2            | Kedam           | 2,008                       | 1381                   | 68        | 0.00                        | 0.00                   | 0.00       | 960                         | 960                    | 100        |
| 3            | Torwal          | 1,056                       | 216                    | 20        | 0.00                        | 0.00                   | 0.00       | 0.00                        | 0.00                   | 0.00       |
| 4            | Sorbat (Torwal) | 2,232                       | 2,232                  | 100       | 0.00                        | 0.00                   | 0.00       | 0.00                        | 0.00                   | 0.00       |
| *5           | Satal           | 4,308                       | 4,308                  | -         | 1,260                       | 1,260                  | 100        | 0.00                        | 0.00                   | 0.00       |
| **6          | Laikot          | 490                         | 490                    | -         | 0.00                        | 0.00                   | 0.00       | 0.00                        | 0.00                   | 0.00       |
| <b>Total</b> |                 | <b>11,788</b>               | <b>8,997</b>           | <b>73</b> | <b>1,260</b>                | <b>1,260</b>           | <b>100</b> | <b>960</b>                  | <b>960</b>             | <b>100</b> |

\*The residential structure belongs to very poor families (2 in number), just located at the embankment and is under serious threats, i.e., top of the mountain, where there is a steep slope, so committee decided to include that particular structure in the compensation package as well. \*\*The structure is included in the compensation package due to high risk of project impact during construction. Similarly, 748 sq.ft covered area is included in Mouza Kedam (S#2) due to propose impact of the structure.

**Table 2.6: Summary of Project Impacts**

| Sr. No.      | Mouza     | No. of DPs Per Impact |           |                  |              |                   |                          |                        |            |
|--------------|-----------|-----------------------|-----------|------------------|--------------|-------------------|--------------------------|------------------------|------------|
|              |           | Land                  | Structure | Structure + Land | Land + Trees | Structure + Trees | Land + Structure + Trees | AP's Losing Employment | Total      |
| 1            | Pakalay   | 7                     | -         | -                | -            | -                 | -                        | -                      | 7          |
| 2            | Madyan    | 13                    | -         | -                | -            | -                 | -                        | -                      | 13         |
| 3            | Bahrain   | 42                    | -         | -                | -            | -                 | -                        | -                      | 42         |
| 4            | Laikot    | 18                    | 1         | -                | 1            | -                 | -                        | -                      | 20         |
| 5            | Balakot   | 13                    | -         | -                | -            | -                 | -                        | -                      | 13         |
| 6            | Chamgarhi | 24                    | -         | -                | 15           | -                 | 1                        | -                      | 40         |
| 7            | Kadem     | 21                    | 6         | -                | 7            | -                 | 1                        | -                      | 35         |
| 8            | Torwal    | 15                    | -         | -                | 14           | -                 | 2                        | -                      | 31         |
| 9            | Satal     | 30                    | 2         | -                | -            | -                 | 1                        | -                      | 33         |
| 10           | Jarai Pia | 7                     | -         | -                | -            | -                 | -                        | -                      | 7          |
| <b>Total</b> |           | <b>190</b>            | <b>9</b>  | <b>-</b>         | <b>37</b>    | <b>-</b>          | <b>4</b>                 | <b>-</b>               | <b>241</b> |

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SECTION 3: SOCIO-ECONOMIC INFORMATION AND PROFILE

3.1 General

50. This section presents the socio-economic baseline environment of the project area. In order to obtain comprehensive and detailed socio-economic information of DPs, the formal survey was conducted at primary level; however, to make the data more reliable, the data from the secondary sources was also consulted.

3.2 Information/Data Collection Methodology

51. In order to prepare the LARP, data was gathered through different techniques and methodologies and is derived from primary and secondary sources. Primary data was collected through following data collection tools: (i) socio economic household survey; (ii) women profile survey (iii) Focus census. The copy of the data collection tools is available in the **Annexure-IV**. Focus census survey was carried out for the entire DPs falls in the Right of Way. The socio-economic survey and women profile survey was done through random sampling interviews of 275 respondents, including 125 women from the project area. The respondents belonged to all walks of life and included residents, farmers, community leaders, key influential persons, businessman, labors, and all possible stakeholders. These people were interviewed regarding the socio-economic status of the household and potential benefits / problems related to the execution of the Project. Besides, the people were also consulted to know their view point regarding the alternatives in case of adverse affect of the project, none of the respondents responded over the project alternative, they emphasized on the implementation of the project. The findings of this survey were validated through FGDs of men and women conducted in all the affected villages. In these FGDs, 132 males and 58 females participated. The purpose of these FGDs was to make the findings of the socio-economic survey more representative of the conditions prevailed in the project area.

52. Secondary information was collected from available documents/data i.e. District Population Census Reports 1998 of SWAT district, due-diligence report (NHA), land folders from the design consultants, SPS 2009, revenue record, building and fruit trees record prepared by the C&W and Agriculture department respectively. In addition, meetings were held with the officials of revenue, C&W, WAPDA, forest and agricultural department; feedback of all these meetings has also been kept in view for this study.

3.3 Identification of DPs

53. Any person, whose land, asset / infrastructure, source of income or access to resources/ workplace is likely to be affected by the project's operations, is a Displaced Person (DP). These include mainly the residents, land owners, business operators and owners of any asset located within ROW. The total number of such affected families along the project corridor comes to 241.

3.4 Census of DPs and Their Assets

54. A complete census of the DPs, except nine percent (9%) who has left the area after coming flood (2010) or settled somewhere else but have a piece of land here in the project area, now nobody has any information about their position, though it will

be the responsibility of PMU/District Government/LAC to find them prior to LARP implementation, so as these DPs know their compensation package and in case of dissatisfaction, they can register complaint at proper forum. However, under this situation only the land related information was derived from the revenue record regarding the absentees. The census aimed at to register and document the number and status of DPs likely to be physically displaced or affected otherwise as a result of the project and, therefore, entitled to compensation. The cut-off date for the census of the DPs was established as **16th June, 2012** for entitlements under the project to determine the eligibility for compensation. Any person moving into the ROW after this date was not considered as entitled to any compensation. The following features of the DPs were addressed in the census.

- Demographic Profile
- Social system
- Nature of business / occupation
- Type and value of affected land
- Type of affected trees and their value
- Type and value of affected structures / assets owned
- Replacement costs of affected structures / assets
- Ownership documentation, if any
- Income from affected source and other sources
- Vulnerable groups (identified below the poverty line)
- Identification of loss of income sources

3.5 Description of the Project Area

55. The project is located in Swat district of KPK province. The total area of the district is 5337 km² (1318796 Acres). The district consists of four Tehsil, namely Swat, Matta, Khazakhella and Bahrain. The district administration offices are situated at Swat. The Project area falls in Tehsil Bahrain (major part) and Khazakhella (minor part).

3.6 Demographic Characteristics

56. The information collected through focused census survey indicates that the number of male population is greater as compared to the female population. The location and size of the settlements in the area is dictated by the availability of water sources. Due to the presence of perennial water source, population is not scattered and is existed in the form of main settlement.

3.6.1 Population Growth Patterns

57. According to the District Population Census Report 1998, the population of Swat District was 1257,602 in composition to 1981, when the population was 715,938, thereby showing an increase of 78 percent. Consequently, based on the projected figure, the population of district Swat for the year 2011 is calculated as 1934,960. The urban population is 13.8 percent of the total population. The population of female is less as compared to male and the overall sex ratio is calculated as 106.3 percent.

3.6.2 Family Size

58. Average family size in the Project area is calculated as 8.2 members per household which is slightly less than the district family size, i.e., 8.9. This clearly reveals the existence of extended family system which is still dominating in the Project Area. Field investigation shows that the number of adult male outnumbers the female.

3.6.3 Housing Characteristics

59. Household characteristics of the population indicate the living status and social well-being of the households. Almost in all the villages of the study area, majority (72%) of the houses are owned by a single owner. However, some joint owners (28%) are also residing in the Project area. Majority of the houses (71%) of the study area have ordinary construction (Katcha structure) with timber roof and mud mortar, whereas moderate standard buildings with cement masonry (Pacca structure) and dry stone masonry (semi-pacca structure) are 12% and 17% respectively. Majority of the respondents (75%) have 2-3 room houses, whereas, about 15 % and 10 % have 4-5 rooms and more than five rooms respectively as given in Table 3.1 (**Annexure-V**)

3.7 Social Organization

60. In the Project area, society is structured on kinship basis. Tribal identity is gradually losing its importance and Khan is common identity. Most of the decisions are made at the household level. The rich and influential people are accepted as community leader; especially in collective welfare and development of the area. Also, the traditional leader in the village is the “Malik”, the elder who has respect in the community.

3.7.1 The Family

61. The area has a predominant tradition of joint families, which is losing its ground. Male siblings reside in one household even after marriage. New life style have motivated people towards a nuclear family system, but sometimes economic compromises and cultural values restrain them from adopting this type of family system. The family ties are still good and relatively less materialistic. As a social institution, the family is still very strong.

3.7.2 Caste System

62. The Project area is inhabited by people of different tribes and races. The tribal and ethnic affiliations are showing sign of weakening with the expansion of modern education and social intermixing besides the emergence of a new affluent class of people working abroad in the Middle East and other places where money or financial soundness becomes the hallmark rather than ethnic or tribal association. However, Torwali, Kohistani, Gujjar, Syed, Pastoon and Mian families are present in the Project Area.

3.7.3 The Marriages

63. Endogamy is the prevalent style of marriage. The people are not monogamous as like second marriage. Mother has mostly advisory role compared to father in decision making about the marriages of their sons/daughters. Neither the groom nor the bride is allowed to choose his or her life partner. The decision of the parents is considered final; however, sometimes the bridegroom is consulted before a final decision is made.

3.7.4 Conflicts Resolution Mechanism

64. The Study area has relatively a peaceful environment. Tribal vendetta are rare and usually do not prolong for years. Common conflicts arise from time to time and are resolved at community level or by court of laws. Mostly, in case of a conflict between two individuals only the females or closest friends take sides of the conflicting rivals so there are chances that personal conflict will transform into a tribal vendetta. Generally, the people of the study area prefer to settle their disputes at community level. However, in case of serious conflict the people adopt the legal procedures.

3.8 Culture and Religion

65. Dwellers of the study area have little time for the pursuit of recreational activities. Normative order is quite similar to the rest of the District. Birth of child is welcomed and Azan is recited in the ears of the newborn baby. The Aqiqa ceremony is held when the head of the child is shaved and goat or sheep is slaughtered. The common people use ordinary cloth, which is not costly. As usual three meals are taken in a day by a majority of the people.

66. Co-operation is a prerequisite for survival of a society. Co-operation is necessary for welfare as well as for development activities. The people have very old tradition of cooperation. One of the forms of co-operation is called “Hashar”, where people collectively manage the woods from the forest for construction of houses of one another. Another form of the “Hashar” is to cut the grass of each other and store it to use as dry fodder in winter.

3.8.1 Religious Beliefs

67. All the respondents were reported to be Muslim. The people generally have conservative outlook on life and are particular in observance of religious ceremonies. Majority of the respondents normally offers prayers and keep fasts during the month of Ramzan.

68. Religious extremism was in full swing for last couple of years, as the Mullas in the shape of Taliban forced the local population to adhere the religious obligations. Now, the situation has become normal after the army’s operation against Taliban.

69. Majority of the population belong to Sunni sect of Islam. They believe in Hanfi interpretation of Shariah. The people have a religious disposition and practices Islam according to its fundamental principles. Inheritance is divided according to the Islamic principles and even daughters are given their property right accordingly.

3.9 Infrastructures

3.9.1 Road

70. Non-availability of metallic road has hampered the transportation and, consequently the trade activities. Due to the high maintenance cost of the vehicles, transporters demand high fares, which further affect the trading. Construction of metallic road is required to accelerate the economic activities.

3.9.2 Power supply

71. Electricity is available to all the people residing in the Project area. Field investigation revealed that 100% of the respondents have access to electricity, regardless of the fact that 20% are consuming the electricity from private source. The

Government did not completely rehabilitate the power infrastructure after the devastation played by flood 2010. The people of the area also have serious reservation regarding the unscheduled and prolonged power failure. The detail of respondent is given in Table 3.2 available in **Annexure-V**.

3.9.3 Water Supply

72. The main source of drinking water is an important indicator for the well-being of the population. However, availability of drinking water is the concerns for the natives of the Project area as the people have limited access to water supply provided by the government. According to field investigation, the people are using the water through pumping sources directly from the spring. The women are also practiced to fetch the water from the spring. There are the instances where people use the river water to meet their domestic water requirement; even women are seen doing laundry on the river bank.

73. However, as per 1998 housing census, the government tap water scheme is available inside the house to 38.28% of the housing unit while 61.72 % housing units still use outside source as drinking water. The facility inside the house is higher in urban area as compared to the rural area, where the majority of the households are depending on the source of drinking water outside the house.

3.9.4 Health

74. A health condition is one of the major determinants of a society's social development and quality of life. Healthy manpower is imperative for derive to advancement and economic growth. The health status is satisfactory in the Project area, no serious disease was reported by the respondents. However, water related diseases like malaria and diarrhea are common.

75. The health facilities provided by the government in the Project area are very limited. Field data shows that only 28% of the respondents have access to health facilities while other are compelled to consult some private practitioners and quacks etc. for their medical treatment.

3.9.5 Education

76. Education is not only an index of social welfare but it also bears upon the ability to participate in emerging socio-economic opportunities. The educational infrastructures available from the government are at limited scale, consequently the people have to spend extra money on education in the shape of sending the children to other areas for education or simply quit the study, as they can't afford the extra burden, which ultimately affects the literacy rate of the area leading to national level. However, 56 showed satisfaction on the available educational infrastructures.

77. The table 3.3 (Annexure-V) portrays a complete picture of the educational level in the Project area. It is evident from the data that among the respondents 60% are illiterate and those who graduated or Master degree holders are 7% and 3% respectively. About 9% of the population has primary level education, 4% and 14% of the respondents have respectively middle to metric level, while the respondents having intermediate level constitute only 3%.

3.10 Average Landholdings

78. The survey reveals that mostly the small landholders are present in the Project area. It is evident that 54% of the affectees/DPs have landholding up to 02 kanals. Contrary to this, only 1% falls in higher landholding category. The 23% of the respondents have landholding 6 – 50 kanals, while 15% and 7% have between 2 – 4 kanals and 4 -6 kanals respectively.

Table: 3.4 Average Landholdings of the Respondents

Sr. No	Landholding Category	Frequency (No. of AFs)	Percentage
1	Upto 2 kanals	126	54
2	2 ~ 4 kanals	34	15
3	4 ~ 6 kanals	17	7
4	6 ~ 10 kanals	22	10
5	10 ~ 25 kanals	25	11
6	25~50 kanals	5	2
7	Above 50 kanals	2	1
Total		231	100

Source: Revenue Record

3.11 Agriculture

3.11.1 Cropping Pattern

79. Crops are categorized under two types, Rabi and Kharif, according to their cultivation seasons. Rabi crops are sown in winter and harvested in late winter or during early summer. Kharif crops are sown in summer and harvested in late summer or early winter. The Rabi crops include wheat (major), fodder and a few vegetables. Kharif crops include maize (major), fodder and a few vegetables. The fruits are also produced throughout the year.

3.11.2 Livestock

80. Livestock rearing is considered to be an important source of income. Like other areas of Pakistan, people do practice of rearing livestock, as an economic source. Almost all the animals are reared; however, goat is reported as a major animal. In addition, animal like sheep, cow, buffalo and horse are also reared up to some extent. The number of animal with their keeping ratio is provided in Table 3.5 (Annexure-V).

3.12 Economic Features

3.12.1 Livelihood

81. Numerous income generating activities are practiced in the Project area. Farm income is not the only earning source of the people of the Project area, but they also earn their livelihood from off-farm incomes. These include: Wage labor, selling of wood by cutting the forest trees, operating own business such as running a grocery shop, hotel management, renting out vehicles and government services like teaching, lady health visitors, employ in police and army etc. However, major source of income is farming; 66% of the DPs earn by farming fruit, vegetable and fodder, while 8% earn by raising livestock. Other 26% are mostly engaged as laborers followed by miscellaneous vocations, which are illustrated in Table 3.6 (Annexure-V).

3.12.2 Income Levels

82. Mostly, the monthly income levels of the respondent's families vary from Rs.100000 to Rs. 250000. Means monthly income of the people has been calculated as Rs. 20525. Majority (80%) of the respondents have the monthly income level up to Rs. 25000. The details of respondents' income are illustrated in table.

Table 3.7: Monthly Household Income of the Respondents

Sr. No	Income Level(Rs./Month)	Number of Households	Percentage (%) of household
1	Up to 5000	5	3
2	5001-10000	56	37
3	10001-25000	58	39
4	25001 and above	31	21
Total		150	100

3.12.3 Expenditure

83. The average monthly expenditures are calculated as Rs.17361/-. These expenditures include food and non-food items like fuel, education, health, clothing, utility charges and other miscellaneous expenditures. Almost half of the population (52%) is spending in between Rs.10000 – Rs.25000, the families spending between Rs. 25001- Rs. 40000 are 19% while 25% are spending up to Rs.10000. Only 4% families are spending more than Rs.40000/- per month as depicted in Table 3.8.

Table 3.8: Household Expenditures

Sr. No.	Description of Expenditure	Expenses	
		No.	%
1.	10,000<	38	25
2.	10,000 - 25,000	78	52
3.	25,001 – 40,000	28	19
4.	40,000>	6	4
		150	100

3.12.4 Money Borrowing Patterns

84. Majority (75%) of the residents did not borrow money while only 25% borrowed during the year preceding the data collection. Borrowed money ranges between Rs.10, 000 – 100,000, among borrowers, 87% borrowed between Rs. 10,000 – 50,000, 6% between Rs. 51000 – 80,000 and 7% Rs.81000 – 100,000.

85. Money borrowed by 90% of the respondent was mainly used for meeting the household needs (i.e., household expenditure, marriages, education, illness, construction of houses and daily expenses etc; whereas, about 6% got loan for business and 4% for agriculture.

86. Among those who borrowed, 5% borrowed from bank, 65% from money lender and 30% borrowed from private source. Out of those who borrowed money, 78% do not have to pay any interest, while 20% pay an interest of 10 -13% and there are 2%, who have to pay 15% interest as shown in Table 3.9 (Annexure-V).

3.13 Material Possession/Assets

87. To know the economic status of a family, it is imperative to know the material assets possessed by them, as material assets are well thought-out to be the indicators of family's financial status and quality of life. One can evaluate from the given assets as to how adequately or inadequately the family is spending on their living expenses. The respondents were asked to enumerate each of the enlisted items they possess. Frequencies and percentages of the possessions are calculated in Table 3.10

Table 3.10: Possession of Household Items

Sr. No.	Item	No.	%	Sr. No.	Item	No.	%
1	Refrigerator	11	7	7	Motor Cycle	23	15
2	Television	42	28	8	Car	18	12
3	Washing Machine	24	16	9	Mobile Phone	135	90
4	Electric Fan	38	25	10	E. Water Pump	28	19
5	Electric Iron	32	21	11	Computer	5	3
6	Sewing Machine	34	23	12.	Radio / Tape	33	22

Source: Socioeconomic Survey of the Project Area by Consultant

3.14 Cross River Communication

88. The people have intensive interaction across the river, Swat on kinship basis. The available source of communication, in the absence of proper bridge is Chairlift, locally called as "Zango", positioned at various places, mentioned in the Table below (3.11). The chairlifts are the important source for the locals to communicate each other due to the perennial flow in the river. These chairlifts are installed on self help basis and are not well-built, as in recent past an incident happened in village Chamgarhi due to breaking of wire, eight people were died at the spot. Hence, the local community wants the proper installation of these chairlifts from the project funding.

Table 3.11: Locations of Chairlifts in the Project Area

S.NO	Chainage	Village
1	82+100	Jari Pai
2	98+400	Bahrain
3	102+280	Kedam
4	107+200	Chumghari
5	117+400	Asrit (Laykot)

3.15 Stakeholders' Views about the Project

89. The proposed project will help for the uplifting of socio-economic activities of the area. The respondents were asked to give their views about the project. All of them welcomed the project and their views are mentioned as under:

- The tourist activities will be promoted in the area;
- The people will have an easy access to grain market and also in low price
- Time saving and comfortable transport facilities will be available to the people of the project area
- People will have good health and educational facilities
- The communication will be improved at local/regional level
- More employment opportunities will be created, consequently the outward migration will be minimized

- The cross river communication will be enhanced through the installation of proper chairlifts at various places of the project area

3.16 Occupations and Income Status of DPs

3.16.1 Poverty Profile

90. Poverty has various forms and dimensions changing from place to place and across the time. Not only the low income but lack of access to basic needs such as education, health, clean drinking water and proper sanitation are also indicators of poverty.

91. According to the economic survey (2005 -2006) of Pakistan, the poverty line is defined as Rs. 879. The latest estimate of inflation-adjusted poverty line per capita monthly income is Rs. 1942.66 in 2012. Out of 239 DPs the analysis indicates that falling under severance, the income of 129 DPs are below the OPL and they are considered as vulnerable.

92. The survey has revealed that DPs are involved in different income earning activities. Farming is the main occupation and 73 percent of the DPs are practicing it, including 8% who have sole farming profession. However, the 65% of AFs substantiate their livelihood by working in some other occupations along with agriculture. The other major occupations include laborers (35%), livestock rearing (19%), private services (17%), businessman/Shopkeeper (14%) and government services (07%). The 69% of the DPs have the holding up to 4 kanals, which is insufficient enough to meet the family's livelihood needs. People are engaged in other income generating activities to support their livelihood. The income status of the AFs on per capita basis is provided in Table 3.12.

Table 3.12: Details of DPs Occupation, Annual, Monthly and Average Income

Occupation	No. of DPs	Family Members	Annual Income	Monthly Income	Average Income
Businessman	34	287	27356798	2279733	7943
Govt.Service	18	156	4417112	368093	2360
Pvt.Service	41	356	8967674	747306	2099
Labors	82	630	13961000	1163416	1847
Livestock	46	368	9527496	793958	2157
Farming (sole)	20	180	4962720	413560	2298
Total	241	1977	69192800	5766067	2917

3.16.2 Vulnerable DPs

93. The vulnerable DPs as identified by income analysis are 129, including five which do not own land; simply wooden cabin structures are affected and are living below the OPL. These DPs are entitled for the vulnerability allowance.

3.16.3 Female Headed Families

94. There was no female headed family identified during the survey of the affectees.

3.16.4 Tenants / Sharecroppers/ Squatters:

95. No tenants, sharecroppers and leaseholder were identified along the project corridor.

3.16.5 The Elderly, Women & Children and Indigenous People:

96. There was no family identified from the affected land owners & affected household owner/Cabin owner, which is headed by elderly, women & children or belong to indigenous people category.

3.17 Gender and Development

3.17.1 Role, Position and Status of Women

97. Study area has a unique history regarding the status of women. To some extent a woman in Study area has control over the property acquired from her husband as gift and, as the Islamic law of inheritance is followed, she may claim her right in both her parents' and husband's property as well. The socio-economic profile of the women of the area is discussed as under;

98. Table 3.13 (Annexure-V) indicates that an overwhelming majority (73%) of the respondents was married and majority (60%) of them was married on reaching the age category 15 – 25 years. Surprisingly, 27% of the women were married at the age of 46 and above; however, 11% and 2% were married in between the categories 26 – 35 and 36 – 45 years respectively.

99. Due to social circumstances, the women are unable to get higher education. Among the literate women (66%), majority (52%) has obtained the education at primary level or middle level while hardly 14% touch metric or inter level.

100. Women were asked if they wanted to acquire education, a significant majority (87%) supported the female education provided the educational infrastructures were available at their door steps. Similarly, 93% demanded the additional skills for themselves, i.e., embroidery or sewing skills etc.

101. Women independency status was checked through a question of spending money as per their wishes. Almost all the women were free to spend the money but after taking into confidence their male counterpart.

102. Women were also inquired whether they were working with any women organization; none of them was working with any organization, even 98% informed about the non-existence of any female organization in the Project area.

103. The pressing needs as perceived by the respondents were to have a hospital, school, road and employment opportunities for the women of the study area.

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## **SECTION 4: INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION**

### **4.1 General**

104. Information dissemination, consultation and participation of affected persons are an integral part of the development project. It helps to reduce the likely conflicts, minimize the risk of project delays, and enables the project to be more economical and socially viable. The meaningful consultation process was carried out in the light of ADB Safeguard policy and Land Acquisition and Resettlement Framework. Meaningful consultation is a process that begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle, timely disclosure of relevant & adequate information, that is understandable and readily accessible to affected people, undertaken in free atmosphere, gender inclusive & responsive and pay particular attention to the needs of disadvantaged and vulnerable groups, especially landless, female headed households, women & children, indigenous people and those without legal title to land. The Specific objectives of the public consultation, participation and information disclosure are as follows:

- To share fully the information about the proposed project, its components and activities with affected people;
- To obtain information about the needs, priorities and reactions of the DPs regarding proposed policies and activities;
- To obtain the co-operation and participation of the DPs in the resettlement planning and implementation process;
- To ensure the transparency in all the project activities;
- To establish accessible and effective grievance redress procedures;
- Increase public confidence about the proponent, reviewers and decision makers; and
- Create a sense of ownership among the stakeholders regarding the project.

### **4.2 Identification of Key Stakeholders**

105. A stakeholder is any person, group or institution that has an interest in an activity, plan or program. This includes intended beneficiaries and intermediaries, winners and losers, and those involved or excluded from decision-making processes. These can be divided into two broad groups:

- Primary stakeholders are those ultimately affected, either positively (beneficiaries) or negatively (for example, whose residence, businesses or land subject to expropriation owing to the execution of Project). The other stakeholders identified included local representatives, village elites, government officials and general public.
- Secondary stakeholders are those with some intermediary role including the executing agency, consultants, suppliers and service providers.

106. All the stakeholders have different types of stakes pertinent to their professions. However, the stakeholders were identified through the revenue record, socio-economic survey, field observation and visiting of Project area.

### 4.3 Consultation and Participation Mechanism

107. A series of public consultation, participation and information disclosure meetings continued during the month of June and August, 2012 in all the ten (10) Mouzas/villages of N-95 Project. It is a two way process wherein the PMU/ESU, Revenue, Consultant (NESPAC), beneficiaries and affected persons listen to each other and discuss their views and concerns in a project. The efforts were made to give the maximum chances to affectees to freely express their views/concerns regarding the project. Afterwards, LARP public disclosure meetings were held during the month of October, 2012 with the affectees to disclose the LARP findings.

108. The affectees were well informed about the date, time and venue of meetings. The meetings were held in an open and common place, which was easily accessible to everybody. The following mechanism was used for the public consultation process;

- Consultative meetings held with the general stakeholders
- Focused group discussions held with key stakeholders, for instance, affectees by land, residence and business, women, the poor people experiencing particular kinds of losses. In addition, the beneficiaries were also included in the focus groups discussion.
- Individual interviews with affectees on a household basis and
- Formal consultation meetings at grass-root level and with the representatives of DP's and officials of concerned departments.

109. These meetings and discussions were held to learn about the views and concerns of the DPs and general public on the proposed development works. The concerns raised by the stakeholders were considered in developing the entitlement matrix and resettlement plan, in order to enhance the project acceptability for the general public on social considerations.

### 4.4 Information Disseminated

110. The consultation meetings were focused on the following information:

- Project introduction; its activities and impacts;
- Assessment of losses and socio-economic survey
- Sharing of ADB safeguard policy
- Land acquisition process, formation of private negotiation committee to determine the land prices;
- Entitlement matrix; compensation and disbursement procedure;
- Income restoration and rehabilitation;
- Grievances redress mechanism;
- Cut of date for compensation eligibility
- Discuss overall land acquisition and resettlement related impacts of the project; and
- Demand, priorities and reactions of the affected people regarding the proposed Project.

111. **Table 4.1** provides a summary of the public consultations. **Annex -VI** provide the list of participants and photographs relating to the consultations held during 2012.

**Table 4.1: Summary of Public Consultations**

| Sr. No. | Village /Mouza | Venue       | Date       | Number of Participants |
|---------|----------------|-------------|------------|------------------------|
| 1       | Jarai Pia      | Jarai Pia   | 11-06-2012 | 3                      |
|         | Torawal        | Torawal     |            | 10                     |
|         | Pakalay        | Pakalay     |            | 4                      |
| 2       | Madain         | Madain      | 12-06-2012 | 5                      |
|         | Kedam          | Kedam       |            | 12                     |
|         | Balakot        | Balakot     |            | 4                      |
|         | Bahrain        | Bahrain     |            | 8                      |
| 3       | Satal Garhi    | Satal Garhi | 13-06-2012 | 8                      |
|         | Cham Garhi     | Cham Gharhi |            | 11                     |
|         | Laykot         | Laykot      |            | 5                      |
| 4       | Kedam          | Kedam       | 15-08-2012 | 7                      |
|         | Torawal        | Torawal     |            | 8                      |
|         | Balakot        | Balakot     |            | 5                      |
|         | Satal Garhi    | Satal Garhi |            | 6                      |
|         | Chum Garhi     | Pakalay     |            | 10                     |
| 5       | Jarai Pia      | Jarai Pia   | 16-08-2012 | 4                      |
|         | Madain         | Madain      |            | 5                      |
|         | Bahrain        | Bahrain     |            | 10                     |
|         | Laykot         | Laykot      |            | 5                      |
|         | Pakalay        | Pakalay     |            | 4                      |
| 6       | Torawal        | Torawal     | 23-10-12   | 6                      |
|         | Chum Garhi     | Chum Garhi  |            | 9                      |
|         | Balakot        | Balakot     |            | 5                      |
|         | Laikot         | Laykot      |            | 4                      |
|         | Kadam          | Kadam       |            | 7                      |
| 7       | Bahrain        | Bahrain     | 24-10-12   | 6                      |
|         | Satal Garhi    | Satal Garhi |            | 6                      |
|         | Madain         | Madain      |            | 4                      |
| 8       | Jarai Pia      | Jarai Pia   | 25-10-12   | 4                      |
|         | Pakalay        | Pakalay     |            | 5                      |
| Total   |                |             |            | 190                    |

#### 4.5 Participants Concerns and redress

112. The people of the area were appeared to be convinced about the Project owing to continuous awareness campaign and chain of meetings held during the preparation of LARP since June 2012 onward August and finally disclosure of LARP in October 2012. People of Project area has very positive views about the Project and supports it. They perceived that project will help to transport their agriculture product in the market easily and also at cheaper rate, as transportation of goods has become very expensive for them now-a-days. They will enjoy a comfortable and safer life with minimum time consuming. In addition, tourist's activities will be promoted, which help in the socio-economic uplifting of the area. Regardless of the facts that abundant of benefits are associated with the Project, the local population

raised their concerns as well during the consultation meetings. These concerns along with the redresses are summarized in Table 4.2.

**Table 4.2: Participants' Concerns and their Redress**

| Sr. No. | Concerns                                                                                                                                     | Redressed                                                                                                                                                                                                                            | Responsibility                                |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| 1       | Judicious compensation at par with the market value should be given to all the DPs.                                                          | DPs were assured that market rate based on the private negotiation would be paid for compensation of assets as per LAA and ADB safeguard policy.                                                                                     | NHA, LAC & DOR                                |
| 2       | Non-titled affected persons will not be included in the compensation package                                                                 | Non-titled affected persons will be compensated according to ADB's involuntary resettlement policy.                                                                                                                                  | NHA, LAC& DOR                                 |
| 3       | Bridges should be provided near the main settlements                                                                                         | The provision for the Bridges has already been made and design is under progress                                                                                                                                                     | NHA & Design Consultants                      |
| 4       | Land price should be announced before land acquisition                                                                                       | Land prices will be finalized through private negotiation with the affectees/DPs.                                                                                                                                                    | Private Negotiation committee, LAC, DOR & NHA |
| 5       | The compensation for the bifurcated land should be given to affectees.                                                                       | The negotiated compensation will be given as agreed between LAC/NHA and DPs. Only small parcels of land are required for construction of small road links or slopes/protection walls. No bifurcated land is involved in the project. | DOR, LAC & NHA                                |
| 6       | The graveyard located at RD 90+250 – 90+350 should be protected                                                                              | The alternation in design has been made to shift the alignment on river side to protect the graveyard.                                                                                                                               | NHA & Design Consultant                       |
| 7       | The section/ RDs, 89+700 -89+850 should be included in the Project as there will be no use of this piece of land after the road construction | The alternation in the design has been made and the area is included in the project                                                                                                                                                  | NHA & Design Consultant                       |
| 8       | The unskilled workers should be hired at local level during the construction phase.                                                          | The contractor will be bound to hire the local people as a part of contract agreement.                                                                                                                                               | NHA, PMC & Contractor                         |
| 9       | The compensation for the losses due to the floods should also be given.                                                                      | This does not come under NHA's responsibility. DPs may contact Provincial Natural Disaster Management Authority (PNDMA) for this purpose.                                                                                            | DPs, PNDMA                                    |
| 10      | Can we take debris of the damaged structures and trees to be cut with us?                                                                    | Yes. Affected structures and trees are salvageable.                                                                                                                                                                                  | DOR, LAC &NHA                                 |
| 11      | The Project should be completed within the timelines.                                                                                        | Yes. The Project Management Consultant will be recruited who will monitor and report the day to day performance of the contractor.                                                                                                   | PMC & NHA                                     |

|    |                                                                                                                                                                                                                                    |                                                                                                                                                                                                                  |                                |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| 12 | Land transfer record is not updated so how the compensation payment would be done.                                                                                                                                                 | The revenue officials have updated the land record to avoid any ambiguity during the compensation process.                                                                                                       | LAC, DOR & NHA                 |
| 13 | The assessment of fruit and non-fruit trees will not be done properly                                                                                                                                                              | The assessment of trees would be done by the concerned departments and ensure the compensation at par with the market rate.                                                                                      | Agriculture, Forest, DOR & NHA |
| 14 | Sufficient time should be given to affectees/DPs for making their houses empty.                                                                                                                                                    | The DPs will be given 30 days notice period for vacating their houses.                                                                                                                                           | LAC, DOR & NHA                 |
| 15 | Will the owners of temporary structures (wooden cabins) are entitled for the shifting allowance? Additionally, they should be allowed to re-install their cabins after the completion of the construction activities in their area | All the wooden cabin holders will be provided the shifting allowance of Rs.2000/cabin and subsequently allowed to re-install their cabins after the completion of the construction activities.                   | LAC, DOR, PMC & NHA            |
| 16 | When the compensation process will be initiated                                                                                                                                                                                    | The compensation process will start as soon as NHA provides money to the district revenue office for payment to the DPs. However, the civil work will not be initiated until the payment is made to all the DPs. | LAC, DOR, PMC & NHA            |
| 17 | The people of the area may be deprived from the electric supply during the construction activities                                                                                                                                 | The alternative arrangements will be made during the relocation of electric poles.                                                                                                                               | WAPDA, PMU & NHA               |
| 18 | The existing chairlifts will be damaged during project implementation.                                                                                                                                                             | DPs can contact District government or PNDM cell for this purpose.                                                                                                                                               | DOR                            |

### Views of Women in Consultation Meetings

113. According to SPS June 2009, meaningful consultation process is gender inclusive and responsive and tailored to the needs of disadvantaged and vulnerable groups. The consultant's female staff conducted the consultation meetings and individual interviews with the women to explore the gender related issues. A summary of consultations with women is as under:

114. About 90% women were found well aware about the project and they perceived the road construction much more advantageous for restoration of transport and socio-economic and business activities in the area. They expect road construction will increase economic activity and will help in socioeconomic uplift in the area. which is presently under crises for the last several years due to occurrence of disasters in the area and terrorist activities of Talibans. The women participants showed positive attitude towards the project as it will improve access to health and education and markets, which they cannot benefit from due to lost road links.

115. Apart from the positive effect, the women also expressed concerns regarding the Project, which are discussed as under;

- They showed concern that they would not get proper compensation for the loss of their land and land based assets. Consequently, unable to purchase land and construct the same house in other area. However, the female staff updated them that land required for the project is in small parcels and all land owners will be paid a negotiated price which is agreed upon by the DPs and with that price they will be able to buy replacement land in the area.

#### **4.7 Disclosure of LARP**

116. Key features of this LARP have already been disclosed to the DPs during consultation meetings while conducting the census and socio-economic surveys and field level informal interaction among DPs, consultants and NHA staff.

##### **4.7.1 Objective of Disclosure**

117. To keep more transparency in the LARP implementation process and for further active involvement of DPs and other stakeholders, the information was disseminated through disclosure of LARP document. The booklet summarizing the provisions of LARP was given to DPS whose land, other assets and incomes are affected by the road project. The objective of the booklet was to inform the DPs regarding essential compensation and rehabilitation policy for Fatehpur – Kalam road project (N-95) and number of basic issues relative to the modalities of implementation of the compensation and rehabilitation program.

##### **4.7.2 Methodology**

118. The summary was translated into Urdu language to make it fully understandable to all locals/affected people. A copy of information Brochure/Booklet was distributed among DPs through community meeting/gathering at one common place at village level and by understanding door-to door visits of affected families.

119. To ensure the proper disclosure of information brochure/booklet to all DPs, the following approach was adopted:

- A notice was given to DPs for a community especially DPs gathering/meeting at nearby of their places for the disclosure of LARP summary in the form of “Information Brochure/Pamphlets”. In case of absentee of some DPs, the neighboring DPs were requested to share the information with the other concerned DPs as well
- PMU again visited the DPs at village level to ensure that specific information has been reached to those who could not be available during the visit of disclosure team
- To ensure the distribution of Brochure to the DPs, the following information was also recorded:
  - i. ID card No of DPs
  - ii. Acknowledgement receipts along with signatures of recipients
  - iii. Receipts in case of registered post mails.



- To make sure the availability of Brochures whenever needed to some DPs and other local people, a copy of Information Brochure was placed at following places :
  - i. Project coordination office, Peshawar
  - ii. NHA office, Swat
  - iii. Revenue office, Bahrain and Khazakhella (Tehsil headquarter)
  - iv. Displaying the Brochure at common place
  - v. To ensure the distribution of Brochures/Pamphlets to the right/listed DPs, the disclosure team along with concerned revenue officer participated in the disclosure process for this project.
- The DPs were informed that in case of additional information, they can contact the concerned official either through telephone or mail service. The contact number/address of the concerned official was given in the Brochure.

#### **4.7.3 Distribution of Brochures/Pamphlets**

120. The information Brochures (in Urdu language) were distributed among DPs during October 23-25, 2012. A copy of the Brochure is presented in **Annex-VII**.

#### **4.7.4 DPs Feedback Regarding Information Disclosure**

121. In addition, DPs were also consulted to provide their feedback related to the information disclosure. The following are the main points which were highlighted during the consultation with DPs:

- This type of information disclosure was never seen that everybody is well informed about the project activities.
- DPs were happy to know that the land acquisition is done as per agreed market rate through private negotiation and compensation will be paid to DPs prior to initiate the civil work. In addition, they will get the replacement cost for the loss of their building structures.
- DPs and local community were very pleased to have this road improvement and offered their cooperation in the execution of the project.
- This is the first time in their lives that somebody consulted, discussed and informed them regarding LAR activities where compensation will be made against the loss.
- Local community appreciated the project management that there would be a complaints redress method, where all conflicts/issues will be resolved.
- Under this project, they have received timely information relating to the project impacts, potential impacts, potential losses and eligibility for entitlement of compensation.

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SECTION 5: GRIEVANCE REDRESS MECHANISM

5.1 General

122. It is very common that the affectees have the grievances in a development project, especially where the LAR is involved. Although, a legal mechanism is available in the form of Land Acquisition Act, 1894 to address the concerns of affectees related to land acquisition but there is no provision for resettlement and rehabilitation or livelihood restoration available for DP in the act. This leaves gaps in LAA and ADB policy as far as compensation and resettlement and rehabilitation aspects are concerned. In order to address these gaps and resulting concerns or grievances of DP, a grievance redress mechanism is required. Such mechanism is fundamental to achieving transparency in the resettlement process. It is ensured that DPs will know the procedure to approach and have full access to a grievance redress mechanism (GRC) that can investigate charges of irregularities/ ambiguities and complaints received from them and provide an early resolution. The main objective of the grievance redressed procedure will be to provide a mechanism to mediate conflict and cut down on lengthy litigation, which often delays such infrastructure projects.

5.2 Grievance Procedure

123. There will be a Grievances Redress Mechanism established and available to the DPs for resolution of their concerns. Before invoking the formal grievance redress system the concerns of the aggrieved DPs will be examined at the village level through involvement of the Displaced Persons Committees DPCs (**Annexure-VIII**), formed at village level. The concerned sociologist (male/female, PMC) will, act as focal person in their respective territorial limits to get the grievances recorded, investigated and discussed during meetings; facilitate the DPCs to propose the remedial actions at their level in accordance with the provisions of the resettlement plan and resettlement framework and; coordinate with the concerned project officials to ensure that the DPCs recommendations are implemented accordingly.

124. A two tier grievance redress mechanism will be established as a part of Land Acquisition and Resettlement Plan for the timely resolution of the issues at local level (PMU) and raise concerns to NHA HQ level in case of disagreement with GRC decision at 1st level.

5.3 First Level of GRM

125. If the DP is not satisfied with the entitlement and compensation procedure documented in the LARP, he/she has the right to register complaint, either verbal/written for redress purpose, however, GRC will deal with this complaint and make written records in case of verbal as well. GRC is supposed to resolve the complaint within three weeks of its registration. In case the aggrieved person is not satisfied with the decisions of GRC, he/she has the liberty to go to the higher level of GRM for resolution of grievances. Following are the members of GRC committee at local level.

1. Project Director, Chairman, assisted by PMU staff
2. District Officer Revenue, (DOR), Member, assisted by Tehsildar
3. Land Acquisition Collector (LAC), Member, assisted by Qanogo and Patwari
4. Resettlement Specialist (Member), assisted by junior Sociologist(male/female)

5. Affectees' Representative (Member)

5.4 Second Level of GRM

126. If the affected person is not satisfied with the decision of 1st level, he/she can file appeal to second level of GRM in NHA HQ, within 07 days. The second tier will acknowledge the complainant, scrutinize the record of the GRC, investigate the remedies available and ask for additional record as supporting document. The GRM is supposed to make the decision within 21 days of receipt of application/complaint which will forward to Project Director and the complainant accordingly. However, if the complainant is still dissatisfied with the decision, he/she can go to the court of law. The committee at 2nd tier will be comprised on the following;

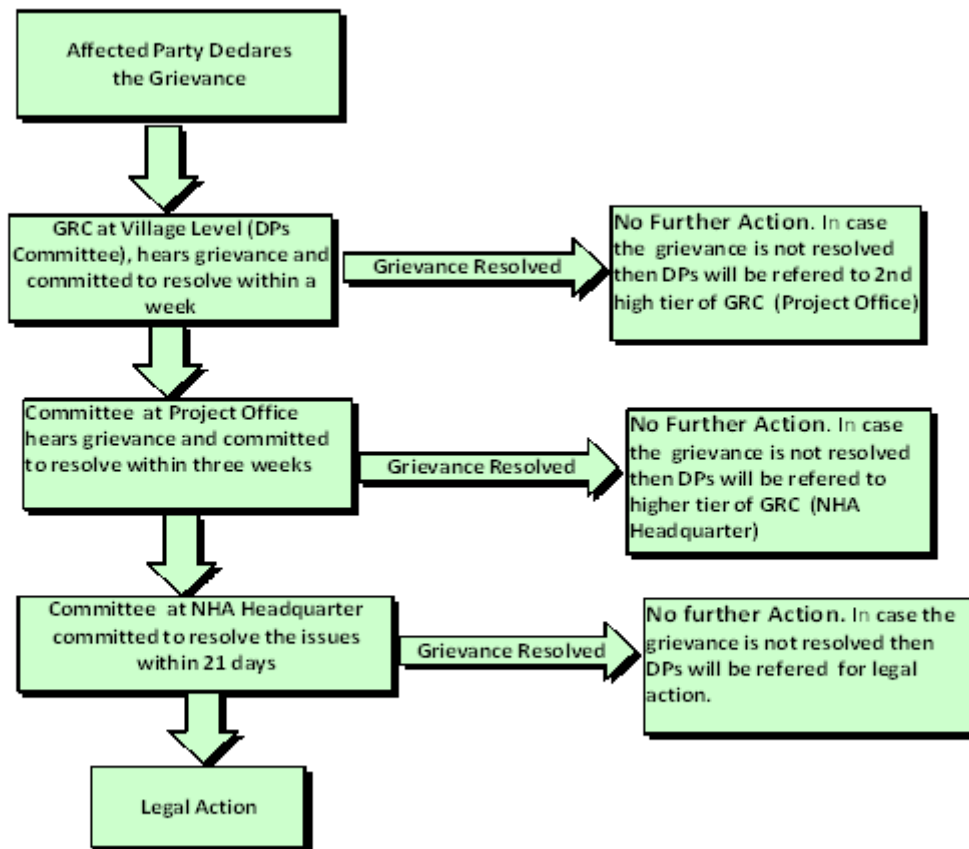
1. General Manager, Chairman
2. Director FERP, Member
3. Assistant Director Land, Member
4. ESU, Member
5. Resettlement Focal Person

5.5 Title Disputes and Court References against Award

127. The title disputes under land acquisition act are beyond the preview of the GRC hence all such disputes will be dealt as per provisions of the law. However, the GRM will provide first hand information to the DPs about their rights and obligations under the statutes and facilitate them to follow the course of law to get their issues/cases resolved or lodge reference against awarded compensation if the DPs desire so.

128. DPs will be exempted from all administrative and legal fees incurred due to the grievance redress procedures. All complaints received in writing (or written when received verbally) will be documented.

Fig 5.1: Framework for Grievance Redress Mechanism



SECTION 6: LEGAL AND POLICY FRAMEWORK

6.1 General

129. This section describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how the gap will be addressed; describe methodology for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

6.2 Legal Framework

130. The existing law and regulations on land acquisition and resettlement are described as under:

6.2.1 Pakistan's Law and Regulations on Land Acquisition and Resettlement

131. The 1894 Land Acquisition Act (LAA) with its successive amendments is the main law regulating land acquisition for public purpose. The LAA has been variously interpreted by local governments, and some provinces have augmented the LAA by issuing provincial legislations. The LAA requires that following an impacts assessment/valuation effort, land and crops are compensated in cash at market rate to titled landowners and registered land tenants/users. The LAA mandates that land valuation is to be based on the median rate over the past 1 year, from the issue date of section-4. Due to widespread land under-valuation by the Revenue Department, current market rates are now frequently applied with an added 15% Compulsory Acquisition Surcharge as provided in the LAA.

132. Based on the LAA, only legal owners and tenants registered with the land revenue department or with formal lease agreements are eligible for compensation/livelihood support. For those without title rights, there is no law in Pakistan or Khyber Pakhtunkhwa (KPK).

133. The LAA does not openly mandate for specific rehabilitation/ assistance provisions benefiting the poor, vulnerable groups, or severely affected DPs, nor does it overtly provide for rehabilitation of income/livelihood losses or resettlement costs. This, however, is often done in many projects through adhoc arrangements negotiated between a specific IA and the DPs.

134. The law deals with matters related to the acquisition of private land and other immovable assets that may exist on it when the land is acquired for public purpose. The right to acquire land for public purposes is established when Section - 4 of the LAA is triggered. The LAA specifies a systematic approach for acquisition and compensation of land and other properties for development projects. It stipulates various sections pertaining to notifications, surveys, acquisition, compensation and apportionment awards along with dispute resolution, penalties and exemptions.

135. However, for the acquisition of land of N-95 project, section 11-A was applied, which enables the Collector to acquire land through private negotiations upon request of head of the acquiring department.

136. Upon receipt of any such request the collector is empowered to constitute/notify

a committee for assessment of market value of land and verification of title of ownership. The committee will complete the process of valuation of land within a period of sixty days from the start of process of negotiation and if the committee is of the opinion that the land owner and the representative of acquiring department have agreed to the price of land then it shall submit its report and recommendation to the head of the Acquiring Department for getting approval. On agreement by Head of Acquiring Department, with negotiated market value determined by the committee, the collector shall then direct parties to execute sale deed in favor of acquiring department on stamp paper.

6.3 ADB's Involuntary Resettlement Safeguards

137. The SPS 2009 is based on the following objectives: To avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups. The following principles are applied to reach these objectives:

- 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;
- Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring & 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 (if any), 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;
- 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.
- 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.

- 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.
- 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.
- 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.
- 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 implementation schedule.
- Disclose a draft resettlement plan or the compensation matrix, eligibility criteria or rates determined for the affected land, structures, trees etc., 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.
- 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.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- 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.

6.4 Comparison of Key LAA (1894) and ADB Policy Principles and Practices

138. Differences between Pakistan Land Acquisition Act (LAA) and ADB Policy on resettlement are outlined in **Table 6.1**. The objective of this comparison is to identify if and where the two sets of procedures are in conformity with each other and more importantly where there are differences and gaps. The key issue is that by following the ADB assessment procedures, the requirements of Pakistan and KPK regulatory systems are in compliance. Conversely, if the Government of Pakistan and also the KPK systems are followed then there are likely to be shortfalls in comparison to the ADB requirements. The key ADB Policy Principles are (i) the need to screen the project early on the planning stage (ii) carry out meaningful consultation (iii) at the minimum restore livelihood levels to the pre-project conditions and improve the livelihoods of the affected vulnerable groups (iv) prompt compensation at full replacement cost is to be paid (v) provide displaced people with adequate assistance (vi) ensure that displaced people who have no statutory rights to the land that they are working are eligible for resettlement assistance and compensation for the loss of no-land assets and (vii)

disclose all reports.

Table 6.1: Comparison of LAA and ADB's SPS 2009

Pakistan's Land Acquisition Act, 1894	ADB Involuntary Resettlement Policy
Government does not have a national or provincial policy on resettlement and rehabilitation of affected persons.	ADB Safeguard Policy Statement encompasses principles on the environment, resettlement and indigenous people.
Land compensation only for titled landowners or holders of customary rights.	Lack of title should not be a bar to compensation. Requires equal treatment of those without clear land titles (for example squatters, or other informal settlers) in terms of their entitlements for resettlement assistance and compensation for the loss of non-land assets.
Only registered land owners, share croppers and leaseholders are eligible for compensation of crop losses.	Crop compensation is to be provided irrespective of the land registration status of the affected farmer/ share cropper. Crops for two seasons Rabi (winter) and Kharif (summer) for full one year are to be compensated based on existing market rates and average farm produce per unit area
Tree losses are compensated based on outdated officially fixed rates by the relevant Forest and Agriculture Departments.	Tree losses are to be compensated according to market rates based on productive age or wood volume depending on tree type. The entire removed tree will remain the property of the owner for them to salvage.
Land valuation is based on the (Ausat Yaksala) transactions. However, recent practice is that prices based on the average over the last one year prior to acquisition commencing is applied.	Land valuation is to be based on market rate determined through the private negotiation.
The valuation of structures is based on official rates with depreciation deducted from gross value of the structure and also 15% of the value of salvage materials.	The valuation of built-up structures is based on current market value but with consideration of cost of new construction of the structure, with no deduction for depreciation but the DPs allowed to take the salvage material free of cost.
The decisions regarding land acquisition and the amounts of compensation to be paid are published in the official Gazette and notified in accessible places so that the people affected are well informed.	Information related to the quantification and valuation of land, structures, other immovable assets, entitlements and amounts of compensation and financial assistance are to be disclosed to the displaced persons prior to project appraisal period.
There is no provision for income restoration and rehabilitation measures. There are also no special allowances for the displaced poor and other vulnerable groups including women. There are no requirements to assess opportunities for benefit sharing.	The ADB Policy requires rehabilitation for lost income and special DP expenses during the relocation process. There are also provisions to be made for transitional period costs and livelihood restoration. It also require to improve the standard of living for displaced poor and other vulnerable households, including women to at least national minimum standards by providing access to legal and affordable

Pakistan's Land Acquisition Act, 1894	ADB Involuntary Resettlement Policy
	housing, land and income generating resources.
Prepare and disclose Resettlement Plans (RPs). There is no law or policy that requires preparation of RPs.	Resettlement Plans are prepared and disclosed.
Grievances redress is established through the formal land acquisition process at a point in time or through appeals to the court.	Provide mechanisms that are accessible locally and available throughout project implementation.
Only compensation is paid but not resettlement allowances, there is no mechanism to ensure payment is made before displacement.	All compensation and allowances to be paid prior to physical or economic dislocation.
No requirements to prepare and disclose monitoring reports.	Prepare and disclose monitoring reports.
No requirement for Project Completion Report (PCR), to report against completed resettlement.	PCR required.

6.5 Remedial Measures to Bridge the Gap

139. Project specific resettlement issues have been addressed to assist non-titleholder persons and bridge the gap between existing practice and the main guidelines of the ADB SPS 2009 with regards to involuntary resettlement. To reconcile the inconsistencies between Pakistan LAA (1894) and the ADB Policy (SPS 2009), the NHA has prepared the LARF for the Project, ensuring that compensation is provided at replacement cost for all direct and indirect losses so that no one is worse off as a result of the project. The AFs have been provided with necessary allowances that may be relocated; suffer businesses losses, or may be vulnerable, as per LARF and ADB SPS (2009) provisions.

6.6 Methodology for Determining Valuation and Compensation Rates at Replacement Basis

6.6.1 Unit Rates of Land

140. The land for the Project is acquired through private negotiation. The Section-4 for all the 10 Mouzas falling in the alignment was issued in January-April 2012. The unit value of land is based on the negotiated rate with the DPs. The committee comprising LAC, DDOR and NHA conducted negotiations with DPs in DOR offices in Bahrain and Swat respectively. The DPs expressed their willingness to the rates offered by the committee, which was recorded on the statement (**Annexure –IX**). The negotiated compensation rates agreed upon by DPs are given in the table 6.2 below. The detailed process adopted for determining the land rate through private negotiation is given in **Annexure – X**

Table 6.2: Mouza wise Unit Rates (Rs./ Kanal)

Sr. No.	Mouza	Private Land	
		Rs/sqft	(Rs/Kanal)
1	Paklai	300	1,633,500

2	Madyan	300	1,633,500
3	Bahrain	300	1,633,500
4	Laikot	80	435,600
5	Balakot	95	517,275
6	Cham Garhi	125	680,625
7	Kadam	150	816,750
8	Torwal	150	816,750
9	Satal Garhi	300	1,633,500
10	Jarai Pia	300	1,633,500

6.6.2 Unit Rates of Houses/ Buildings/Structures

141. Houses/ buildings falling within the RoW, have been assessed by the ESU/Revenue/C&W staff. During the survey, different types of building structures were identified and these were classified into two categories *Kacha*, and *Pucca*.¹ Keeping in view the type of materials used in the construction of these structures. The Executive Engineer (XEN), Roads, SWAT Communication and Works (C&W) Department, Govt. of KPK was approached by the ESU to make the assessment of the structures for the compensation purpose. The XEN vide his letter dated 22-06-2012(copy attached as **Annexure-XI**), provided the rates as depicted in (Table 6.3), along with the compensation cost of the DPs.

Table 6.3: Unit Rates of Structures

Sr. No.	Type of Structure	Unit	Rate (Rs.)
1	Pacca Construction with Roof CGI	Ft. ²	1200
2	Pacca Construction (RCC building)	Ft. ²	1100
3	Kacha Construction	Ft. ²	800 -1000

Source: C & W Department, Swat,

6.6.3 Unit Rates of Trees

142. The affected fruit trees falling in the ROW have been assessed by the EDO (Agriculture), SWAT vide letter No.4755/297/Acq dated 18/06/2012 (**Annexure-XII**). The fruit trees have been valued based on annual net product market value per tree for a period of 5 years. This period is required to grow a new plant of same species to the age of production. The entire removed fruit tree will remain the property of the owner for them to salvage.

6.6.4 Unit Rate of Non-Fruit Trees

143. Privately owned non fruit trees are compensated at a cost equivalent to market price of fuel wood available from each tree. The entire removed tree will remain the property of the owner for them to salvage. The unit rate of non-fruit tree was collected

¹ For assessment purpose, all the structures were divided into following two categories depending upon the nature of construction and type of material used in the project area.

Pacca Structure: T.R girder roof, cement mortar, cement plastering and concrete flooring and RCC building

Kacha Structure: Wooden girder, wooden battens, mud mortar, mud plastering and mud flooring

by ESU, revenue staff through concerned forest officer keeping in view the market rate of fuel wood of these non-fruit tree.

6.6.5 Unit Rate of Wooden Cabins

144. As decided during the consultation meeting that only the shifting charges of wooden cabins will be paid to DPs to shift their cabins at proper place until the construction work is going on in the area and after the completion of construction activities, DPs will be allowed to re-install their wooden cabins again.

6.6.6 Unit Rate of Electric Poles

145. The unit rate of electric poles is has been finalized by ESU and DDOR through concerned Sub-Divisional Officer (SDO), WAPDA on the basis of relocation charges that include the transportation, installation (digging soil down to 36 feet) and other labor cost.

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## **SECTION 7: ENTITLEMENTS, ASSISTANCE AND BENEFITS**

### **7.1 General**

146. This section defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures in terms of an entitlement matrix; identify and document the households who will be eligible for transitional livelihood support, specifies all assistance to vulnerable groups, including women, and other special groups; and outlines opportunities for affected persons to derive appropriate development benefits from the project.

### **7.2 Compensation Eligibility**

147. Any individual, household or community affected by the Project activities is eligible for compensation and other resettlement assistance depending upon the nature of impact. The detail is discussed below;

- Persons with formal rights to land (including customary and statutory rights of occupancy recognized under the laws of each respective country)
- Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of each respective country or become recognized through a process identified in the resettlement and compensation plan
- Those who have no claim to land they are occupying or using
- All land owning DPs losing land or non-land assets, i.e., trees whether covered by legal title or traditional land rights;
- DPs losing the use of structures and utilities, including titled and non-titled owners, registered, unregistered, tenants and leaseholders plus encroachers and squatters. (However, no tenants, leaseholders and non-titled owners have been identified in the ROW.  
DPs losing business, income and salaries of workers or a person or business suffering temporary effects, such as disturbance to land, crops and business operations both permanently and also temporarily during construction.
- Loss of communal property, lands, and public infrastructure.
- Vulnerable displaced persons identified through the impact assessment and FGD.
- In the event of relocation, all DPs will receive transitional and other support to re-establish shelter and livelihoods.
- Compensation eligibility is attached with the cut-off date that has been established as **16-06-2012**.

### **7.3 Compensation Entitlements**

148. Entitlement provisions for DPs losing land, structures, assets, income; and entitled for rehabilitation subsidies, will include land losses, residential and commercial structures losses and trees losses, a relocation subsidy, and a business losses allowance; based on tax declarations and / or lump sums, in case of non-availability of such documentation, in accordance with the inflation adjusted Official Poverty Line (OPL), as discussed in section 3 of the report. The land impacts of titleholders will be compensated on the agreed rate based on private negotiation. The land based assets including structures and trees will be compensated at full replacement costs. In addition relocation assistance and transitional/income restoration support will apply on the basis of social impact assessment. The Project has significant impact as the impact

where a structure/asset/income is impacted by more than 20%. The compensation entitlements according to the extent of impacts are defined as follows.

### **7.3.1 Owners of Land**

149. The owners of land (un-cultivable) will be paid according to the rates as agreed by the DPs and determined by the price negotiation committee during June 2012. The detail of rate is given in Table 6.2 in Section-6 of the LARP. The cultivable land was not identified, as the acquired land is being used for road purpose since 2010.

### **7.3.2 Business Owner**

150. The owners of the business structures with significant impacts are entitled for the following compensation.

- Full compensation for the total covered area of the affected shop/ structure according to its construction type at replacement cost basis.
- One time paid Shifting allowance @ Rs. 5,000/- on lump sum basis, as determined on the basis of discussions with the mini trucks/ tractor trolley operators during FDGs.
- Additional allowance 3 months of inflation adjusted OPL in case of vulnerable  $1942.66 \times 8.9 \times 3 = 51869$ ).
- The business owners, who abandoned their businesses during and after the floods in 2010, are not entitled to livelihood allowance for the businesses they stopped about 2 years ago.

151. Similarly, the owners of the wooden cabins with temporary structures are also entitled for the following compensation.

- One time paid Shifting allowance @ Rs.2000/- on lump sum basis as decided during the consultation meetings.
- Additional allowance 3 months of inflation adjusted OPL in case of vulnerable  $1942.66 \times 8.9 \times 3 = 51869$ ).

### **7.3.3 Owners of Houses/ Residential Structures**

152. The owners of the houses with significant impacts are entitled for the following compensation.

153. In case the structure can be built on the remaining space of the affected house, full compensation for the total covered area of the house at replacement cost basis.

- One time paid house rent for 06 months @ Rs. 4,000/- ( $4000 \times 6 = \text{Rs. } 24,000/-$ ) for renting a residence during the construction period as transitional allowance.
- One time paid Shifting allowance @ Rs. 5,000/- on lump sum basis.
- Additional allowance 3 month of inflation adjusted OPL in case of vulnerable ( $1942.66 \times 8.9 \times 3 = 51869$ ).

### **7.3.4 Income Restoration and Rehabilitation Assistance for Loss of Employment**

154. The following constitutes the income restoration and rehabilitation assistance for the DPs losing their employment due to this project:

- (a) **Project-related Employment:** (for construction work involving unskilled and semi-skilled workers): severely affected and vulnerable DPs will be given priority in work opportunities created by road construction. They may be employed as drivers, carpenters, masons, clearing and digging work, and if possible, as clerks or basic administration support staff, if qualified. To this end, the NHA will ensure to add clauses in the contractor's contract to give preference to DPs in recruiting personnel for their activities.

### 7.3.5 Relocation Assistance for Rehabilitation

155. The NHA does not have land or space in the ROW available to resettle the DPs losing houses. In view of this limitation, NHA has agreed following relocation strategy with the DPs:

- For affected houses and commercial structures, full cash compensation at replacement cost basis.
- Rental assistance for 06 months @ Rs. 4,000/- per month.
- One time paid Shifting Allowance @ Rs. 5,000/- on lump sum basis for household and commercial affectees, as determined on the basis of discussions with DPs and transport operators (mini trucks/ tractor trolley operators) during FDGs.
- Additional allowance 3 month of inflation adjusted OPL in case of vulnerable ( $1942.66 \times 8.9 \times 3 = 51869$ ).
- Rs. 40,000/= as compensation against cost of electricity connections they lo to the project.

### 7.3.6 Fruit Trees

156. Fruit and non-fruit trees will need removal from the ROW. These will be compensated on current market rates. The fruit trees will be compensated based on annual net product market value with additional compensation for a period of 5 years. This period is required to grow a new plant of same species to the age of production. Privately owned non-fruit trees will be compensated at a cost equivalent to market price of fuel wood available from each tree. The entire removed trees will remain the property of the owner for them to salvage.

### 7.3.7 Assistance for Vulnerable People

157. Vulnerable people (DPs below the poverty line) will be supported by a one-time paid allowance in cash equal to 03 months of inflation adjusted OPL, in addition to other admissible allowances and priority in employment –related jobs in project.

### 7.3.8 Entitlement Matrix

158. Based on the above discussed eligibility criteria and compensation entitlements and keeping in view the nature of losses and implementation issues of the proposed project, an Entitlement Matrix (EM) has been prepared as provided in **Table-7.1**.

**Table 7.1: Entitlement Matrix**

| Type of Loss                          | Application                                            | Definition of DPs         | Compensation Entitlements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------|--------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land                                  | All AFs who lose their residential and commercial land | Owner (legal/legalizable) | <ul style="list-style-type: none"> <li>Cash compensation on the basis of agreed rate determined by the private negotiation committee comprising DPs, NHA/LAC and DOR.</li> <li>Additional payment equal to the inflation rate, if the payment is delayed for 06 months after the assessment of land.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                             |
| Residential and commercial structures | All AFs who lose their premises Permanently            | Owner of the Structure    | <ul style="list-style-type: none"> <li>Cash compensation at full replacement cost for affected structures either completely or partly (up to 20% of the total structure (get full compensation of the structure) and other fixed assets, free of salvageable materials, depreciation and transaction cost and also transportation cost. Fees and taxes (if applicable) will be waived.</li> <li>Additional allowance 3 month of inflation adjusted OPL in case of vulnerable (<math>1942.66 \times 8.9 \times 3 = 51869</math>).</li> <li>Rs. 40,000/= as compensation against cost of electricity connection.</li> <li>Rental assistance for 06 months @ Rs. 4,000/- per month.</li> </ul> |
| Power Transmission Line (Poles)       |                                                        | WAPDA                     | Rs.25000/- per pole for the rehabilitation of the affected transmission line.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Trees                                 | All affected trees                                     | Owners                    | <ul style="list-style-type: none"> <li>Fruit trees: compensation to reflect income replacement as assessed by Agriculture department based on market value of annual produce, projected for number of years the tree can potentially produce fruit.</li> <li>Non-Fruit trees: will be compensated at a cost equivalent to market price of fuel wood available from each tree based on the unit rates as provided by the Forest Department. The market rate of ailanthus and corcuse is Rs.300 and Rs. 450 for 40kg respectively.</li> </ul>                                                                                                                                                 |
| Relocation of Temporary Structures    |                                                        | All cabin owners          | One time paid in lump sum, an amount of Rs.2000/- to shift the cabins at suitable place during the construction period                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Relocation/                           |                                                        | All DPs to be             | One time paid in lump sum, an                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| <b>Type of Loss</b>              | <b>Application</b>    | <b>Definition of DPs</b> | <b>Compensation Entitlements</b>                                                                                                                                                                                    |
|----------------------------------|-----------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Transportation Allowance         |                       | relocated                | amount of Rs. 5000/- to shift the materials of affected structures.                                                                                                                                                 |
| Vulnerable DP livelihood support |                       | All DPs below the OPL.   | <ul style="list-style-type: none"> <li>•Additional Cash allowance equivalent to 03 months of inflation adjusted OPL.</li> <li>•Priority in project related employment, ensured through bidding document.</li> </ul> |
| Unanticipated impacts            | Unanticipated Impacts | All DPs                  | Will be dealt with strictly in accordance with the approved LARF and entitlement matrix of this LARP.                                                                                                               |

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SECTION 8: RELOCATION, REHABILITATION AND INCOME RESTORATION

8.1 General

159. This section describes options for relocating housing and other structures, including replacement cash compensation, and/or self-relocation; outlines measures to assist displaced persons for establishing at new sites; describes income restoration programs, including multiple options for restoring all types of livelihoods and describes special measures to support vulnerable groups and women.

8.2 Relocation of DPs

160. NHA has no space available to resettle the DPs in or around the ROW or provide alternate housing, except those who have their wooden cabins (used as small businesses) affected temporarily, who will be accommodated around the ROW after the completion of the construction activities.

161. Consequently, 8 owners of affected houses and 01 shop owner have to relocate their residences/shops to another location in the same vicinity. The relocation strategy was discussed in detail with the owner of the affected houses/business structures during consultation process. The owners of the houses showed their willingness to relocate themselves to a new place at their own with cash compensation provided for the affected structure. Similarly, the owner of the shops preferred cash compensation for the losses of their business premises (land) and structures. He will rebuild the structure at his own convenience by purchasing land in the same vicinity available to them to re-establish their business. In view of this limitation, the following relocation strategy has been adopted.

- For affected houses, full compensation for the total covered area of the structure at replacement cost basis. The NHA will provide full details about the compensation to the affected AFs. Further, rental assistance (as transitional support) for 06 months @ Rs. 4,000/- per month will be paid to facilitate them for hiring the residences during construction period of their houses. The owners will be given 01 month advance notice for vacation of affected structure at the time of payment of compensation amount. The details of compensation payments for each type of construction along with allowances have been provided in **Annexure- XIII**.
- The owner of the commercial structures will be compensated for the loss of total structure at current market prices. Additionally, will be paid livelihood allowance equal to 3 months of net income from business (no permanent business affectee is identified here). The owner will be given 01 month advance notice for vacation of affected structure at the time of payment of compensation amount.

8.3 Rehabilitation of DPs

162. Entitlement provisions for the DPs losing land, houses; and income losses and rehabilitation subsidies include provisions for land losses, houses and buildings losses, trees losses, a relocation subsidy, and a business losses allowance based on their average income as per census survey and / or lump sums. Each category of affectees is described in more detail as follows:

8.3.1 Owner of Private Land

163. There are 231 owners losing part of their land within the ROW. They are entitled to cash compensation for the loss of their land, acquired by the NHA. The land has been acquired through private negotiation and price is agreed among all the DPs. NHA is responsible (through LAC) for disbursing all compensation payments, before the land is taken into custody.

8.3.2 Owners of Trees

164. A total number of 100 fruit trees owned by 36 persons and 12 non-fruit trees owned by 4 persons will be compensated. The valuation of fruit trees has been made on the basis of unit rates provided by the DO (Agriculture), SWAT by taking into consideration the type, age, size and productivity of the fruit trees. The valuation of non-fruit trees was assessed on the basis of unit rate prevailed in the market for the fuel wood.

8.3.3 Owners of Built-Up Property (Residential)

165. As revealed by the survey, 8 structures of different types, owned by eight (8) owners will be impacted by the project. The owners are entitled to cash compensation for the loss of their built-up property / structures, on a replacement-cost basis plus the cost of shifting. The NHA is responsible (through LAC) for disbursing all compensation payments and the contractor will not be allowed to demolish the structure until the compensation amount has been paid to the DPs.

8.3.4 Owners of Built-Up Property (Commercial)

166. As per field investigation, single commercial unit (4-shops) owned by a one (1) person will be impacted by the project. The owner is entitled to cash compensation for the loss of his built-up property / structures, on a replacement-cost basis plus the cost of shifting. The NHA is responsible (through LAC) for disbursing all compensation payments and the contractor will not be allowed to demolish the structure until the compensation amount has been paid to the affectee.

8.3.5 Owners of Temporary Structures

167. The project has impact on five road-side kiosks (wooden cabins) owned by five (5) person. The owners are entitled for the shifting allowance. The NHA is responsible (through LAC) for disbursing all compensation payments and the contractor will not be allowed to relocate the structure until the compensation amount has been paid to the DPs

8.3.6 Additional Assistance for Vulnerable

168. The income analysis of DPs as provided in Section-3 has revealed that the number of vulnerable households comes to 129, **(List Provided in Annexure-XIII)**. Their incomes are below the OPL. These include 121 farmers, two (2) household owners losing their residential structures, one (1) the owner of commercial structure and five (5) owners of the wooden cabins. Such people are considered as vulnerable. These DPs will be paid at the rate of **Rs.51869/-**

8.4 Income Restoration of DPs

169. The project envisages the construction of road by acquiring 10-15 m ROW. All livelihood and income restoration activities will be implemented as given in the entitlement matrix. The following constitutes the income restoration strategy for this project for DPs who suffer livelihood losses.

8.4.1 Livelihood Allowance

170. None of the DP is entitled for the livelihood allowance.

8.4.2 Transitional Allowance

171. None of the business operator is entitled for transitional allowance regardless of the fact there is one (1) shop owner and his business was abandoned during flood 2010, consequently shops are closed since that period. However, he is given vulnerable allowance (low income level) in addition to compensation of building structures.

8.4.3 Project Related Employment: (for unskilled and semi-skilled tasks during construction)

172. Severely affected and vulnerable DPs will be given priority for project-related employment opportunities as drivers, carpenters, masons, clearing and digging work, and if possible, as clerks or basic administration support staff. To this end, the NHA will incorporate such clause in the contracts of the civil works contractors that they will give preference to severely affected and vulnerable DPs in recruiting personnel, skilled and unskilled labor for project related works.

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## SECTION 9: RESETTLEMENT BUDGET AND FINANCING PLAN

### 9.1 General

173. This section provides the indicative compensation cost estimates for land acquisition, building structures, trees and rehabilitation of the affectees. Efforts were made to work out realistic cost estimates/values that are applicable for fair compensation to the affectees. For this purpose, concerned Government Departments i.e. Building, Revenue and Agriculture were consulted; subsequently, market surveys were carried out in order to evaluate and apply the unit rates based on the ground realities. The prices for different commodities were obtained from relevant government Departments and the Land cost was assessed for each Mouza/village located in ROW through private negotiation committee.

### 9.2 Components of the Cost

174. Total land and land based assets/structures falling in the RoW have been identified and enlisted. House structures or buildings partly being affected would be compensated accordingly as per entitlement matrix. In case the affected part of the building structure is substantial (20% or more than the total structure) and becomes of no use to the owner, would have to be compensated fully. In addition to this resettlement and rehabilitation costs for the affectees and the costs of government property have also been finalized.

### 9.3 Compensation Costs

175. The Compensation cost Rs. **Rs. 25, 39, 73,018 (253.97 million)** includes the cost of land, building structures/houses, commercial structures, government structures, trees, relocation of electric poles, shifting charges and vulnerable allowance for the affectees falling in the ROW.

176. Quantification of all these items has been made based on the data collected through physical measurements conducted in the field by the consultant, revenue, agriculture, C&W, PMU/ESU/NHA. These building/commercial structures and houses have been categorized based on construction material used. Quantities and costs have been developed in consultation with the DPs in the light of prevailed market rate.

#### 9.3.1 Cost of Land

177. The total Cost of 198.61 Kanal of private land, including 1.9 kanal Shamilat acquired for the construction of road (N-95), is Rs. 187.292 million, assessed through private negotiation. Village wise summary of land price is given in Table 9.1. Its detailed cost finalized and approval from Land acquisition committee is attached as **Annex-X**.

**Table 9.1: Mouza Wise Cost of the Affected Land**

| Sr. No. | Village/ Mouza | Compensation (Rs.) |
|---------|----------------|--------------------|
| 1       | Jarai Pia      | 7,514,100          |
| 2       | Paklai         | 20,092,050         |

|                    |             |                                                  |
|--------------------|-------------|--------------------------------------------------|
| 3                  | Madyan      | 2,776,950                                        |
| 4                  | Bahrain     | 23,702,085                                       |
| 5                  | Laikot      | 4,051,080                                        |
| 6                  | Balakot     | 6,517,665                                        |
| 7                  | Cham Garhi  | 28,552,218                                       |
| 8                  | Kadam       | 23,318,212                                       |
| 9                  | Torwal      | 52,312,837                                       |
| 10                 | Satal Garhi | 14,783,175                                       |
| Total              |             | 183,620,372                                      |
| 2% TMA charges     |             | 3,672,407                                        |
| <b>Grand Total</b> |             | <b>187,292,779</b><br><b>Rs. 187.292 million</b> |

### 9.3.2 Cost of Government Land

178. The land falls in the RoW belong to provincial government departments is 13. 94 Kanal. The land is located in five different Mouzas/villages and total cost is Rs.71, 91,995/ (**7.191 million**).

### 9.3.3 Cost for the Affected Structures

**179.** With the construction of road section-III of N-95, total ten (10) structures including eight (08) houses, one (1) commercial unit (4 shops) and one government structures are affected. The final compensation cost is Rs. 140, 80,800 (**14.08 Million**). All these structures are affected up to 20% -100% of their covered area and are fully compensated. However, two residential structures belongs to very poor families (2 in number), just located at the embankment and are under serious threats, i.e., top of the mountain, where there is a steep slope, so committee decided to include those particular structures in the compensation package as well. Similarly, the two more houses are included in the compensation package due to project impact during construction stage. Affectees of these buildings will be allowed to take the salvage material. Moreover, no depreciation cost was considered while assessing the structural prices of these structures. The detailed cost of the commercial structures is attached as **Annex-XI**.

### 9.3.4 Cost of the Affected Trees

**180.** Total 112 trees, 100 fruit trees and 12 non-fruit trees would be cut due to project execution. The valuation of compensation for fruit trees is based on their market values. The price of fruit trees was calculated by the Agriculture Officer, who apart from the price assessment did the census of fruit tree as well. The detail of fruit assessment with ownership list is attached as **Annex-XII**. The cost of the fruit trees finalized considering the types and productive age of fruit trees and total cost is Rs.12, 23,000 (**Rs.1.22 million**).

181. However, the cost of the non-fruit is based on unit rate prevailing in the market for the fuel wood. All the non-fruit trees, are used for fire wood, weighing 88 maunds (One maund=40 kg). The detail is discussed in Table 9.2.

**Table 9.2: Cost of Affected Wood Trees**

| Sr. No. | Type of Wood Tree | Weight of fuel Wood (Maunder) | Unit Rate (Rs) | Cost (Rs)                            |
|---------|-------------------|-------------------------------|----------------|--------------------------------------|
| 1       | Ailanthus         | 71                            | 300            | 21,300                               |
| 2       | Crocus            | 17                            | 450            | 7,650                                |
| Total   |                   | 88                            | -              | <b>28,950/-<br/>(0.028 Millions)</b> |

### 9.3.5 Cost for Electrification of Building Structures

182. The cost of electricity connection is Rs. 40,000/ building structure. There are total nine (09) private affected buildings, including one commercial structure. Hence, the total of Rs. 360,000 **(0.36 million)** is finalized for the electrification purpose.

### 9.3.6 Cost of the Affected Electric Poles

183. A total of 28 electric poles will be relocated due to project execution and the unit rate for each pole is Rs. 25000/-, which makes the total Rs. 700,000/- (0.7 million) for all the poles.

### 9.3.7 House Rent Allowance

184. There is provision of house rent allowance for the affected houses for their support during the transition period. There are total eight (8) houses and are entitled for house rent allowance. The total budget provision for the house rent allowance is Rs.1, 92,000 **(0.19 million)**.

### 9.3.8 Shifting Allowance/ Charges

185. The AF's by houses and commercial enterprises will need support for transportation of household goods, commercial stocks, usable raw material and other commercial goods like wooden cabins etc to their new appropriate place of shifting. Therefore, provision has been made for shifting allowance for all 14 AF's. The shifting charges will be paid once and total budget is Rs. 55,000 **(0.0 55 million)**. The detail is discussed in Table 9.3.

**Table 9.3: Cost of Shifting Charges**

| Sr. No. | Type of DPs  | Number | Unit Rate (Rs) | Final Cost (Rs) |
|---------|--------------|--------|----------------|-----------------|
| 1       | Residence    | 8      | 5000           | 40,000          |
| 2       | Commercial   | 1      | 5000           | 5000            |
| 3       | Wooden Cabin | 5      | 2000           | 10000           |
| Total   |              | 14     | -              | <b>55,000/-</b> |

### 9.3.9 Additional Allowance for Vulnerability

186. There are total 129 vulnerable affectees **(Annexure-XIII)**, which falls below the OPL in the light of their income level. These are 121 land affectees, two (2) are residential affectees, one (1) is owner of commercial structure and five (5) are the affectees of temporary structures (wooden cabins). These DPs will get the vulnerable

allowance. In addition, vulnerable affectees will be given special employment opportunities during the construction phase of the project. The total amount of vulnerability allowance finalized is Rs. 66, 91,104 **(6.691 million)**.

#### 9.4 Monitoring and Evaluation

187. Monitoring and evaluation of the LARP implementation process will be required through proper setup of internal and external monitoring. For this purpose a sum of **Rs. 10,890,781 (10.89 million)** @ of 5% of the total cost) are provided in the budget estimate.

#### 9.5 Administrative Cost

188. Administrative cost for the implementation of the LARP is also required and provision is made in the budget @ 1% of the total cost i.e. **Rs 2,178,156 (2.18 million)**.

#### 9.6 Contingencies

189. Contingencies cost amounting to **Rs. 2, 3,08,8456 (23.1 Million)** @ 10% of the total cost has been added in the budget estimate to cover various unforeseen/ contingencies expenditure for LARP implementation and inflammation.

#### 9.7 Taxes

190. There is not any taxable item in the compensation package for the affectees; therefore, no tax either from Provincial or Federal Government is applicable.

#### 9.8 Summary of Budget

191. The total requirement of funds for compensation payments, restoration and rehabilitation measures amounting to **Rs. 25, 39, 73,018 (253.97 million)** is given below in **Table 9.4**. With these financial provisions satisfaction of the project affectees is ensured and the grievances will be minimized.

**Table 9.4: Summary of Budget**

| Sr. No. | Description                     | Quantity/Total Number | Unit    | Unit/Rate | Total Cost | Rs. (Million) |
|---------|---------------------------------|-----------------------|---------|-----------|------------|---------------|
|         |                                 |                       |         | (Rs.)     | (Rs.)      |               |
| 1       | Private Land Compensation       | 198.61                | Kanal   | Various   | 187292779  | 187.29        |
| 2       | Government Land Compensation    | 12.1                  | Various | Various   | 7191995    | 7.19          |
| 3       | Structure & Assets Compensation |                       |         |           |            |               |
|         | Houses                          | 08                    | S.ft    | Various   | 119,26,800 | 11.92         |
|         | Shops                           | 01                    | S.ft    | 1100      | 1386000    | 1.39          |
|         | Government Structure            | 01                    | S.ft    | 800       | 768000     | 0.77          |
|         | Fruit Trees                     | 100                   | No      | Various   | 12, 23,000 | 1.22          |
|         | Non-Fruit Trees                 | 12                    | No      | Various   | 28,950     | 0.03          |
|         | Electrification                 | 9                     | No      | 40000     | 360,000    | 0.36          |
|         | Electric Poles                  | 28                    | No      | 25000     | 700,000    | 0.7           |
| 4       | Livelihood Allowance            |                       |         |           |            |               |
|         | House Rent Allowance            | 8                     | Family  | 24000     | 1,92,000   | 0.19          |

| Sr. No. | Description                                          | Quantity/Total Number | Unit   | Unit/Rate | Total Cost   | Rs. (Million) |
|---------|------------------------------------------------------|-----------------------|--------|-----------|--------------|---------------|
|         |                                                      |                       |        | (Rs.)     | (Rs.)        |               |
| 5       | Shifting Allowance                                   |                       |        |           |              |               |
|         | Household                                            | 8                     | Rs.    | 5000      | 40,000       | 0.04          |
|         | Commercial shops                                     | 1                     | Rs.    | 15000     | 5,000        | 0.015         |
|         | Wooden Cabins                                        | 5                     | Rs.    | 2000      | 10,000       | 0.01          |
| 6       | Vulnerability Allowance                              | 129                   | Family | 51869     | 66,91,101    | 6.69          |
|         | Total (A)                                            |                       |        |           | 21,78,15,625 | 217.81        |
| 7       | Monitoring and Evaluation @ 5% of the Total Cost (A) |                       |        |           | 10,890,781   | 10.89         |
| 8       | Administrative Cost @ 1% of the Total Cost (A)       |                       |        |           | 2,178,156    | 2.18          |
|         | Total (B)                                            |                       |        |           | 23,08,84,562 | 230.84        |
| 9       | Contingencies @ 10% of the Total Cost (A+B)          |                       |        |           | 2,308,8456   | 23.1          |
|         | Grand Total                                          |                       |        |           | 25,39,73,018 | 253.97        |

**Source:** \* Land price was determined through private negotiation, building rate was taken from C&W, rate of fruit trees & non fruit trees were taken from Agriculture & Forest Department respectively and relocation of electric poles from WAPDA, Swat.



## **SECTION 10: INSTITUTIONAL ARRANGEMENTS**

### **10.1 General**

192. The implementation of LARP requires involvement of various adequate institutions at different stages of project cycle. This section deals with roles and responsibilities of various institutions for a successful implementation of the LARP. The primary institutions to be involved in the process are as follows:

- National Highway Authority (NHA)
- Project Management Unit (PMU)
- Environment and Social Unit (ESU)
- Project Management Consultant (PMC)
- District Government (DG)

### **10.2 Roles of Various Institutions**

193. NHA is the Implementing Agency (IA) and has overall responsibility for land acquisition, resettlement and rehabilitation including preparation, implementation, monitoring and financing of all LAR tasks and cross-agency coordination. NHA will exercise its functions through the Project Management Unit (PMU), ESU and PMC.

194. NHA is responsible to provide funds for LARP implementation. The LARP funds will be transferred from NHA to the Regional General Manager NHA in KPK for onward transfer to the District Officer Revenue (DOR) for disbursement to the DPs.

195. PMU is responsible to prepare, monitor safeguards in accordance with the Land Acquisition and Resettlement Framework (LARF), ADB's Safeguard Policy Statement (SPS) 2009. Establish the grievance redress mechanism with a dedicated grievance officer to address all project related grievance and to carry out monitoring and evaluation study regularly and on time. In addition, conduct spot checks for physical verification of safeguard compliance and complete the checklist for the project.

196. The ESU is responsible for preparing, implementing, monitoring, disclosing, and submitting reports to ADB and the EA. ESU is also responsible for safeguard compliance as well as grievance handling.

197. PMC is responsible to support PMU/ESU in the preparation, implementation and monitoring of safeguard activities in complying with the LARF and Safeguard Policy Statement (SPS). In addition, PMC will provide the support for establishing a grievance mechanism and capacity development.

198. District-based agencies have jurisdiction over land and non-land compensation. Land acquisition functions rest with Provincial Boards of Revenue represented at District level by the District Officer Revenue (DOR)/Land Acquisition Collector (LAC). Other staff members of the Revenue Department, most notably Quano and Patwari, carry out specific roles such as titles identification and verification of the ownership. Functions pertaining to compensation of non-land assets rest on Provincial line-agencies and their District level offices. Buildings compensation pertains to the buildings and works department, productive trees compensation pertains to the Department of Agriculture, the compensation for wood trees losses pertains to the Department of Forestry and the compensation assessment of electric poles is linked with the WAPDA.

### **10.3 Land Acquisition and Compensation Disbursement Process**

199. The project is of an emergency nature. IN keeping with urgency for construction, NHA has acquired the land based on negotiations with DPs, which is a speedy way of acquiring the land and paying negotiated or agreed compensation rate to the DPs. NHA is committed to implement the LARP within the time specified in the implementation schedule, i.e. within 3 months from October to 31 December 2012.

#### **10.3.1 Land acquisition through private negotiations**

200. The land acquisition through private negotiation was carried out by the two committees, one was constituted by NHA and second committee was formed by DOR. The compositions of the committees are as follows;

##### **Approved Committee of Acquiring Department (NHA)**

- i. General Manager (Khyber Pakhtunkhaw), Member
- ii. Director (LM), Peshawar, Member
- iii. Deputy Director (Accounts), Peshawar, Member
- iv. Assistant Director (LM), HQ, Member
- v. Land Acquisition Collector, Peshwar, Member

##### **Approved Committee of Revenue Department**

- i. D.D.O Finance Swat, Member
- ii. DDO Baharain Swat, Member (nominated due to the absence of Tehsildar Baharain)
- iii. T.M.O Baharain, Member
- iv. T.M.O Khawazakhela, Member
- v. Tehsildar Khawazakhela, Member

201. The committees' members carried out negotiations with the DPs through consultation meetings arranged in the respective Mouzas/villages and subsequently with their representatives in the respective DDOR/Tehsildar offices. There was no pressure on the DPs regarding the determination of land price, they were agreed through serious of meetings. The DPs willingness is given in **Annexure-IX**. Subsequently, the committees unanimously decided to recommend the negotiated rates of the land with the aggregate cost estimate on account of land compensation for the approval of the competent authority of the Acquiring Department/Chairman NHA, Islamabad.

#### **10.3.2 Compensation Disbursement**

202. As the funds are transferred to DOR, Swat, he will arrange the meeting of the afore-mentioned committees and assign the tasks (below) for the disbursement process.

- DDO finance, Swat will write a letter to any private bank to facilitate the DPs for opening their bank account. The bank account will be opened in private Bank, either United Bank Limited (UBL) or Muslim Commercial Bank (MCB) etc to avoid any delay, which usually occurs in case of National Bank, that go on more investigations due to presence of militants (Talibans) in the area. In addition, he will coordinate with DOR while the preparation and distributing the cheques to DPs and will ensure the on time distribution of cheques to DPs.

- Land Acquisition Collector (LAC) along with concerned Tehsildar (with the assistance of Quanoogoo and Patwari) will prepare the acquaintance roll and subsequently compensation vouchers, as the vouchers are prepared, LAC will submit the DOR for authenticity. The Deputy/Director Land (NHA) will facilitate them in the process.
- The compensation notice will be served to DPs by T.M.O (through concerned Patwari) and DPs will be asked to open their bank accounts to receive the compensation amount through cross cheque from the office of DOR, Swat.
- The village level meeting will be organized (through Quanoogoo and Patwari) and announcements will be made in the relevant village two-days before the scheduled visit of the disbursement team, comprised on concerned Tehsildar, Director land and Land Acquisition Collector. The People will be asked to come to a specified place (generally prominent place in the village) along with their NICs and land ownership documents to receive their compensation.
- On the specified date, the disbursement team along with Quanoogoo and Patwari identifies the DP as per his NIC and fard-e-malkiat issued by revenue office and takes his signatures on the acquaintance roll and affixes his thumb impression, which is mandatory. The voucher certified by DOR will be handed over to DP and copy will kept in the record. In addition, the disbursement team will enlist the absent DPs.
- The DP brings this voucher to the District Account Office. This office after confirming the identity of the voucher bearer with two witnesses, issues a cross cheque to the DP of his amount payable from UBL /MCB etc, Mingora, Swat. The DP deposits the cheque and consequently the amount will be transferred in his accounts.
- In case the bank account is not opened by any DP, the payment will be made through affidavit in the account of nominee, nominated by the specific DP, who will also submit the payment confirmation report. Similarly, same procedure will be adopted in case the NIC is not available.

203. It is the responsibility of the district revenue committee to find out the absent DPs, so as they could also get their compensation payment. In case of any clue about the absentee, the district revenue committee will contact him even in other cities. However, in case of dealing with the permanent absentees, a bank account will be managed under separate head and compensation amount of all the absent DPs will be transferred there and ensured by committees/PMU that nobody could draw this amount. The payment status of the absentees must be reflected in the monitoring reports.

204. The Tehsildar will update the record for the Shamilat (through concerned Quanoogoo and Patwari), as it is still not updated; the entire land in the particular village is reflected by the name of single shareholder instead of multiple shareholders. Therefore, land record must be updated prior to disbursement to avoid any unpleasant situation.

205. Tehsildar (through Quanoogoo and Patwari) will update the land record in the light of ground situation. The total acquired area reflected in the summary is 212 .5 Kanal private land and 12.05 Kanal state land but actually it is, 196.71 Kanal private

land, 13.94 State land and 1.9 Kanal is Shamilat. LAC and Director land will make follow up and ensure the timely correction in the summary document.

206. NHA/PMU is responsible to make an agreement with the locals of relevant village (through village committee for the operation and maintenance of the chairlift. The five members committee, established by ESU/DOR is responsible for the operation and maintenance of chairlift in the respective village. The village level committees are established as given in **Annex-VIII**.

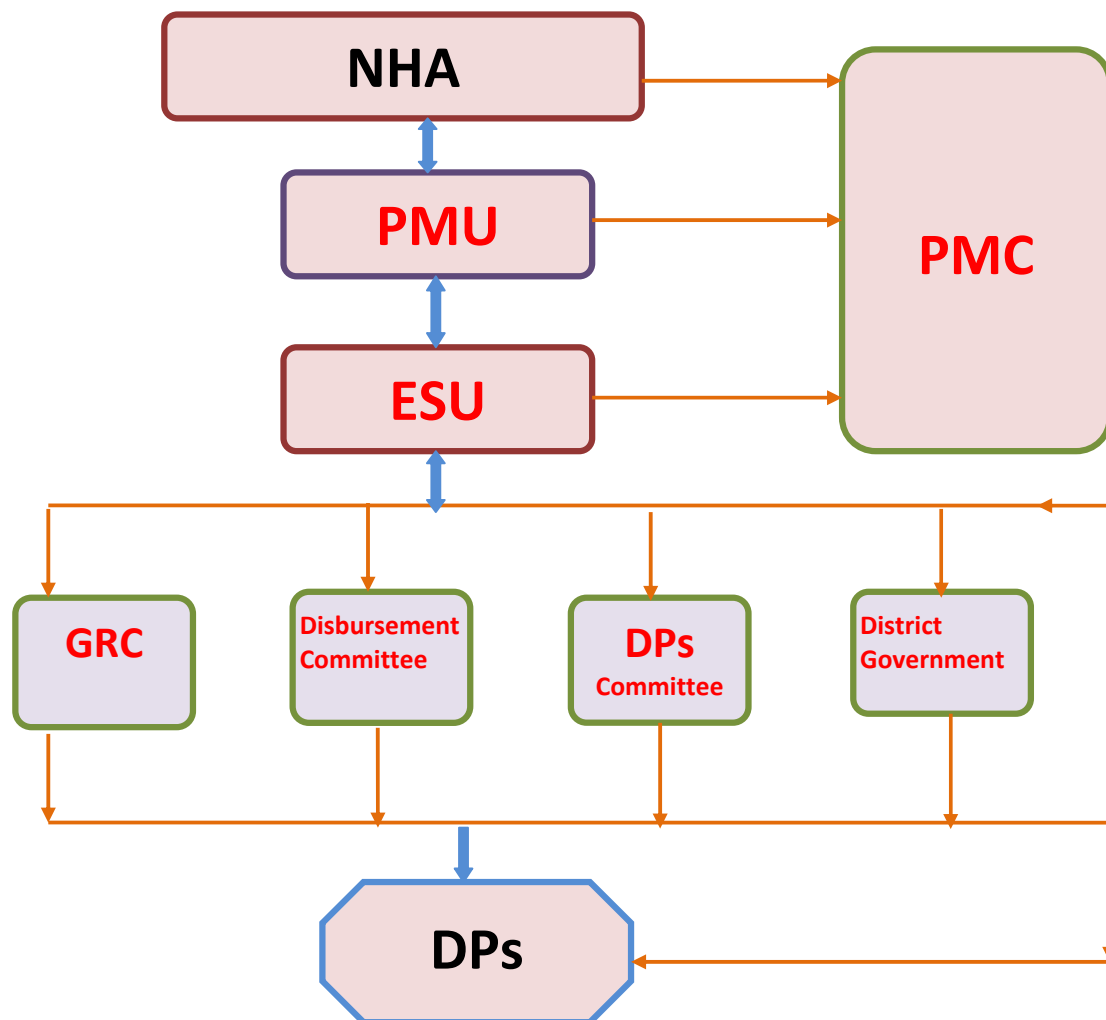
207. ADB reviews and approves the LARP and carries out supervision missions to review and monitor the LARP implementation. Notice to proceed to civil works is used based on full implementation of LARP and confirmation through monitoring report.

208. The roles and responsibilities in the chronological order of various organizations to be involved in implementation of LARP are summarised in Table: 10.1. However, the institutional arrangement is illustrated in the below Figure: 10.1.

**Table 10.1: Institutional Roles and Responsibilities**

| Activities                                                                                                                | Agency Responsible         |
|---------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>1. Preparation of LARP</b>                                                                                             |                            |
| Preliminary Meetings with District Government and DPs for the disclosure of project details and proposed land acquisition | NHA/PMU/ESU                |
| Conducting SIA study and Census of all DPs                                                                                | ESU/PMU/Consultant/DC/LAC  |
| Conducting FGDs/ consultation meetings                                                                                    | ESU/PMU/Consultant/DG/LAC  |
| Computation of Replacement Values of land and other assets proposed for acquisition                                       | NHA/LAC /DG                |
| Categorization of DPs for finalizing entitlements                                                                         | NHA/ESU/PMU/LAC/Consultant |
| Formulating compensation and rehabilitation measures conducting discussions/ meetings with all DPs and other stakeholders | ESU/PMU/LAC/Consultant     |
| Finalizing entitlements and rehabilitation packages                                                                       | ESU/PMU/LAC/DG             |
| Disclosure of final entitlements and rehabilitation packages                                                              | NHA/ESU/PMU/LAC            |
| Updating of land record, especially Shamilat                                                                              | DOR/ESU                    |
| <b>2. Approval of LARP and Implementation</b>                                                                             |                            |
| Approval of LARP                                                                                                          | ADB                        |
| Sale Deed Execution and Payment & Taking possession of land and other assets                                              | PMU/ESU/LAC/DC             |
| Find out the absent DPs                                                                                                   | PMU/LAC/DC                 |
| Implementation of proposed rehabilitation measures                                                                        | ESU/PMU/PMC/DG/LAC         |
| Consultations with DPs during rehabilitation activities                                                                   | ESU/PMU/PMC/DG/LAC         |
| Grievances Redressal Mechanism                                                                                            | ESU/PMU/GRC/LAC/PMC        |
| <b>3. Monitoring</b>                                                                                                      |                            |
| Monitoring Reports                                                                                                        | NHA/Monitor Expert         |

**Fig. 10.1: Organogram**



## **SECTION 11: IMPLEMENTATION SCHEDULE**

### **11.1 Introduction**

**209.** The section deals with the implementation of Land acquisition and resettlement plan. The time for implementation of resettlement plan will be scheduled as per the overall project implementation. All activities related to the land acquisition and resettlement must be planned to ensure that compensation is paid prior to displacement and commencement of civil works construction. Public consultation, internal monitoring and grievance redress will be undertaken intermittently throughout the project duration. However, the schedule is subject to modification depending on the progress of the project activities. The civil works contract for the project will only be awarded after all compensation and relocation has been completed and rehabilitation measures are in place.

### **11.2 LARP Implementation Schedule**

**210.** Considering the magnitude of resettlement impact and other property issues, it is expected that the PMU/ESU/PMC will be able to implement the LARP within the period of three months, i.e., from 1<sup>st</sup> of October to December 31, 2012, as illustrated in Table 11.1, envisages the sequence of activities. However, the sequence may change or delays may occur due to circumstances beyond the control of the Project and accordingly the time can be adjusted for the implementation of the plan.

**211.** Implementation of LARP and related activities will take place after the project management consultant is mobilized, who will work closely with, and assist, PMU in all resettlement related activities.

**TABLE 11.1: LARP IMPLEMENTATION SCHEDULE**

| Sr No | Item                                                 | October -2012 |   |   |   | November -2012 |   |   |   | December -2012 |   |   |   |
|-------|------------------------------------------------------|---------------|---|---|---|----------------|---|---|---|----------------|---|---|---|
|       |                                                      | 1             | 2 | 3 | 4 | 1              | 2 | 3 | 4 | 1              | 2 | 3 | 4 |
| 1     | Finalization of LARP in the light of ADB comments    |               |   |   |   |                |   |   |   |                |   |   |   |
| 2     | LARP Disclosure                                      |               |   |   |   |                |   |   |   |                |   |   |   |
| 3     | Hiring of Internal Monitoring Expert                 |               |   |   |   |                |   |   |   |                |   |   |   |
| 4     | Public Consultation and information disclosure       |               |   |   |   |                |   |   |   |                |   |   |   |
| 5     | Transfer of LARP Funds to GM KPK and DOR             |               |   |   |   |                |   |   |   |                |   |   |   |
| 6     | Establishment of GRC and DPCs                        |               |   |   |   |                |   |   |   |                |   |   |   |
| 7     | Payment of compensation including allowances         |               |   |   |   |                |   |   |   |                |   |   |   |
| 8     | Possession of land                                   |               |   |   |   |                |   |   |   |                |   |   |   |
| 9     | Contractor mobilization/ commencement of civil works |               |   |   |   |                |   |   |   |                |   |   |   |
| 10    | Internal monitoring Report                           |               |   |   |   |                |   |   |   |                |   |   |   |

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SECTION 12: MONITORING AND REPORTING

12.1 Monitoring and Reporting

212. Monitoring and Evaluation (M&E) are critical activities in involuntary resettlement, caused by various infrastructure development projects, like this project. Monitoring involves periodic checking to ascertain whether activities are progressing as per schedule while evaluation is essentially to sum up, at the end of the subproject, assessment of actual achievement in comparison to those aimed at during the implementation. In other words, monitoring apparatus is crucial mechanism for measuring project performance and fulfillment of the project objectives.

213. The project LAR impacts have been rated as insignificant and the LARP has been categorized as B for Involuntary Resettlement Policy of ADB. As per SPS requirement, the LARP will be monitored internally by NHA. For this purpose, NHA will engage an experienced and qualified monitoring expert to carry out internal monitoring of LARP and provide monitoring reports acceptable to ADB. The monitoring report will cover the following:

- Actions and commitments described in the LARP are implemented fully and on time,
- Eligible affected people receive their full compensation entitlements within agreed timeframe,
- LARP actions and compensation measures are effective in sustainable enhancing (or at least restoring) affected people's living standards and income levels,
- Complaints and grievances lodged by Project affected people are followed up and that where necessary, appropriate corrective actions are taken up and implemented, and
- If necessary, changes in LARP procedure are made to improve delivery of entitlements to Project affected people

214. Since the LARP implementation period is only 3 months, therefore, monthly internal monitoring reports will be provided to highlight payments made to the DPs and LARP being implemented. A separate monitoring report will be provided to ADB to confirm the implementation of LARP with full delivery of compensation to the DPs. This will be provided before mobilizing or commencing the civil works. Monitoring reports will reflect on the following aspects of LARP:

- LARP implementation and payments being made to the DPs;
- Socio-economic baseline, census and inventory of losses of pre-displaced persons to Identify gaps in the resettlement baseline data and suggest steps to update the data; database, LARP surveys, etc
- Compensation in accordance with entitlement matrix;
- Consultations with DPs, officials, community leaders for preparing review report;
- Assessment of resettlement implementation progress, efficiency, effectiveness and sustainability; and
- Identify lessons learned.
- Suggest remedial actions with time-based outputs.
- Support capacity development efforts.

سیلاب کی ہنگامی تعمیر نو کا منصوبہ (FERP)

تعاون: ایشیائی ترقیاتی بینک (ADB)

(N-95) روڈ پراجیکٹ

فتح پور -- کلام سیکشن

(Km 82+000 - Km 132+700)

معلوماتی کتابچہ

برائے

معاوضہ جات حصول اراضی اور دوبارہ آباد کاری

اکتوبر 2012

ڈائریکٹر (FERP) نیشنل ہائی وے اتھارٹی (NHA)

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پراجیکٹ مینجمنٹ یونٹ (PMU)

No:FERP/PMU /

Date: / /2012

مسما:

ولڈت:

قومی شناختی کارڈ نمبر:

پتہ:

عنوان: معلوماتی کتابچہ برائے معاوضہ جات حصول اراضی اور دوبارہ آباد کاری بسلسلہ تعمیر نو سڑک ازفتح پور۔ کلام سیکشن (N-95)، ضلع سوات

السلام و علیکم:

حکومت پاکستان نے ایشیائی ترقیاتی بینک کے تعاون سے سیلاب کی ہنگامی تعمیر نو کا منصوبہ (FERP) شروع کیا ہے۔ اس منصوبے کے تحت بحیثیت سب پراجیکٹ تعمیر سڑک ازفتح پور۔ کلام ضلع سوات 50.7 کلومیٹر شروع کی جائے گی۔ اس منصوبے کے لئے مختصر حصول اراضی و دوبارہ آباد کاری کا پلان تیار کیا گیا ہے۔ جس کا بنیادی مقصد معاوضوں کی ضروری تفصیل برائے حصول اراضی و آباد کاری ہے۔

اس خط کے ساتھ منسلک منصوبے سے متعلق معلوماتی کتابچہ کی ترسیل کا بنیادی مقصد مقامی آبادی خاص طور پر متاثرین کو اس امر سے آگاہ کرنا ہے کہ کن بنیادوں متاثرین اور ان کے متاثرہ اثاثہ جات کا معاوضہ ادا کیا جائے۔ دیگر یہ کہ بحالی سے متعلق مسائل کن بنیادوں پر حل کئے جائیں گے۔ اس کتابچہ میں متاثرین کو مسائل کی دادرسی کے لئے طریقہ کار اور متعلقہ دفاتر کے متعلق معلومات بھی فراہم کی گئی ہے۔ آپ اس خط کی کاپی پر دستخط کر کے واپس منسلک لفافہ میں بند کر کے بھجوائیں تاکہ یقین دہانی ہو کہ آپ کو کتابچہ موصول ہو گیا ہے۔ اگر آپ کو اس خط کی مندرجات یا کسی پہلو پر مزید معلومات درکار ہوں تو برائے مہربانی نیچے دیئے ہوئے پتے پر رابطہ کریں۔

ثقلین حیدر

ڈائریکٹر (FERP) نیشنل ہائی وے اتھارٹی (NHA)

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کاپی برائے اطلاع بمعہ کتابچہ

1- جنرل منیجر خیبر پختون خواہ

2- ڈسٹرکٹ آفیسر ریونیو سوات

LARP دستاویزات برائے N-95 روڈ پراجیکٹ

ایشیائی ترقیاتی بینک (اے ڈی بی) پاکستان میں سیلاب سے متاثرہ سڑکوں کی بحالی اور تعمیر نو کے لیے (سیلاب کے ہنگامی تعمیر نو منصوبہ کے ذریعے) حکومت پاکستان کی مدد کر رہا ہے۔ اور منصوبہ پر عمل درآمد NHA کروا رہا ہے۔ N-95 بھی دیگر سڑکوں کی طرح اس منصوبہ کا جزو ہے۔ N-95 ایک اہم قومی سڑک ہے جو صوبہ خیبر پختونخواہ کے ضلع سوات میں واقع ہے یہ 134 کلومیٹر طویل سڑک جو Chakdara سے شروع ہو کر وادی سوات کے اہم شہروں Fathepur, Bahrain, Madian, سے ہوتے کلام پر اختتام پزیر ہوتی ہے۔ N-95 کو تین سیکشنوں میں تقسیم کیا گیا ہے۔

سیکشن	مقام	لمبائی	چینج
I	چکدرہ۔ میگورہ	37 کلومیٹر	000+000 - 37+000
II	میگورہ۔ فتح پور	45 کلومیٹر	37+007 - 82+000
III	فتح پور۔ کلام	50.7 کلومیٹر	82+000 - 132+700

سیکشن تین FERP (سیلاب کے ہنگامی تعمیر نو منصوبہ) کا واحد حصہ ہے یہاں سڑک کی بحالی اور تعمیر نو کی فوری ضرورت ہے کیونکہ وہاں سڑک بری طرح متاثر ہوئی ہے۔ اور تقریباً 10 کلومیٹر میں زمین کا حصول (acquire) ہے۔ وہاں سڑک کی چوڑائی (ROW) 10 - 15 میٹر ہے اور اس میں جو بھی زمین اور دیگر اثاثہ جات ہیں وہ حاصل (acquire) کیے جائیں گے۔ نتیجتاً (Consequently) LARP دستاویزات تیار کیا گیا ہے۔ یہ LARP این۔ ایچ۔ اے کی طرف سے تیار کیا گیا ہے جو کہ متاثر ہونے والے افراد کی 100% مردم شماری پر مشتمل اور مختلف قسم کے اثرات سے منسلک ہے بشمول زمین، عمارات اور درختوں کیساتھ ساتھ معاوضہ اور الاؤنس کے۔ DP's کی مردم شماری سماجی و اقتصادی سروے اور رد عمل کی تشخیص کی بنیاد پر تیار کیا گیا ہے۔ جو کہ پراجیکٹ ایریا، اجلاس کے ذریعے مشاورت DP's اور Stakeholders کیساتھ بات چیت پر مشتمل اور ایشیائی ترقیاتی بینک کی سیف گارڈ پالیسی 2009 (SPS) کے عین مطابق ہے۔

یہ LARP حصول زمین اور نوآباد کاری کے حالات مہیا کرتا ہے جو کہ تعمیری منصوبہ میں شامل کئے جائیں گے۔ (i) اس میں ایشیائی ترقیاتی بینک کی طرف سے معاہدے کی منظوری پر سول کام کا ایوارڈ، DP's کی مردم شماری، حق دار کا تعین، اثرات کی مکمل وضاحت، واجب الادا معاوضہ اور الاؤنس، زمینی اور غیر زمینی اثاثہ جات، جتنی اور منظور شدہ یونٹ ریٹ شامل ہیں۔ (ii) کنٹریکٹر کی نقل و حرکت ایشیائی ترقیاتی بینک کی طرف سے منظور شدہ LARP کے لاگو ہونے اور بیرونی مانیٹرنگ ایجنسی کی تصدیق سے مشروط ہے۔

زمین کے حصول اور نوآباد کاری کی وسعت

منصوبہ کے اثرات کی تفصیلات اور DPس نیچے ٹیبل میں دیئے گئے ہیں۔ اثرات اور DPس کی مردم شماری کی کٹ آف تاریخ 16 جون 2012 ہے۔

نمبر شمار	اثرات	ٹوٹل	بے گھر/متاثرہ خاندان
1	زمین		
	متاثرہ زمین کی شناخت	212.55 کنال	
	نجی زمین	196.71 کنال	231
	گورنمنٹ زمین	13.94 کنال	
	مشترکہ زمین	1.9 کنال	
2	قابل کاشت زمین	Nil	
3	عمارات		
	گھر	8	8
	دوکان	4	1
4	درخت		
	پھل دار درخت	100	36
	غیر پھل دار درخت	12	4
5	کھوکھہ (Wooden Cabins)	5	5

سماجی واقتصادی معلومات

DPs کی مکمل مردم شماری (100%) پہلے سے تیار کردہ سوالنامہ کے تحت کی گئی ہے۔ سٹرک کی مجوزہ لائن کیساتھ ساتھ عام لوگوں کی سماجی اقتصادی معلومات اکٹھی کرنے کیلئے ایک Sample Survey کیا گیا ہے۔ تمام متاثرہ دیہات کے مرد و خواتین کیساتھ FGDs کے ذریعے ان نتائج کی توثیق بھی کی گئی ہے۔

منصوبہ صوبہ خیبر پختونخواہ کے ضلع سوات میں واقع ہے اور ضلع کا کل رقبہ 5337 مربع کلومیٹر ہے۔ پروجیکٹ ایریا ایک آباد علاقہ ہے۔ جہاں صوبائی اور وفاقی قوانین کا اطلاق ہوتا ہے۔ علاقہ کے لوگ مذہبی (زیادہ تر حنفی مسلک) ہیں اور مذہبی تقریبات میں جوش و خروش سے شرکت کرتے ہیں۔ چند سالوں سے یہ علاقہ طالبان کے خلاف فوجی (Army) آپریشن اور 2010 کے سیلاب کی وجہ سے بحران کا شکار رہا ہے۔ جسکی وجہ سے اقتصادی سرگرمیاں بری طرح متاثر ہوئیں جسکا دارو مدار سیاحت پر ہے۔ ضلع سوات کی آبادی 1934960 (Projected) لوگوں پر مشتمل ہے اور شہری آبادی 13.8% ہے۔ خواتین کی آبادی مردوں کے مقابلے میں کم ہے اور مجموعی طور پر جنسی تناسب 106.3% ہے۔ پراجیکٹ ایریا میں اوسطاً خاندان کا سائز 8.2% ہے جو ضلع کے سائز (8.9) سے کم ہے یہ ظاہر کرتا ہے کہ مشترکہ خاندانی نظام ابھی تک غالب ہے۔ ایک خاندان کی ماہانہ اوسط آمدنی 20525 ہے۔ جبکہ خرچ 17361 ہے۔ DPs کی مردم شماری کے مطابق 85% لوگوں کا ذریعہ معاش کھیتی باڑی ہے۔ جبکہ 64% افراد اپنا گزر اوقات زراعت کیساتھ ساتھ دوسرے اہم پیشوں یعنی مزدور (35%)، دوکاندار اور چھوٹے کاروبار (36%) مال مویشیوں پالنے والے (14%) اور گورنمنٹ ملازم (7%) ہیں۔ متاثرہ افراد کی اوسط زمین پراجیکٹ کوریڈور میں 0.9 کنال ہے۔ جو کہ گھریلو ضروریات کو پورا کرنے کیلئے ناکافی ہیں۔ لوگ اپنی ضروریات کو پورا کرنے کیلئے دوسرے مصارف میں شامل ہیں۔ ایک ذریعہ معاش پر انحصار کرنے والے لوگ صرف 8% ہیں۔

اور 54% متاثرین غربت کی لکیر سے نیچے زندگی گزار رہے ہیں۔

سماجی واقتصادی سروے کے نتائج سے یہ بات ثابت ہوئی ہے کہ پراجیکٹ ایریا میں صحت، تعلیم اور دوسری بنیادی سہولتوں کا فقدان ہے جو روزمرہ زندگی پر منفی اثرات چھوڑ رہے ہیں۔

معلومات، انکشافات، مشاورت اور شراکت

LARP کی تکمیل اور Data مجتمع کرنے کیلئے فیلڈ سروے کا آغاز جون 2012 سے ہوا۔ تبھی سے مشاورتی عمل کا آغاز بھی ہو گیا۔ متاثرین افراد کو زبانی طور پر مشاورتی اجلاس، FGDs اور انٹرویو میں پراجیکٹ اور اسکے اجزاء، حصول زمین کا عمل اور قیمت کا تعین، اہلیت کا معیار، استحقاق کے میٹرکس، متاثرین کے اثاثوں کی تشخیص اور معاوضے کی ادائیگی کے متعلق بات چیت کی گئی تھی۔ متاثرین کے خدشات کو فور سے سنا گیا۔

شکایات کے ازالہ کا عمل

شکایات کے ازالہ کیلئے ایک طریقہ کار مہیا کیا گیا ہے جس میں پراجیکٹ سے متعلق مسائل مثلاً اثرات کی تشخیص، اثاثہ جات کی مالیت، معاوضے کی ادائیگی NHA-HQ کی سطح پر اور پراجیکٹ کی سطح پر DPs کی سماجی مسائل میں عملی شمولیت شامل ہے۔ GRM کی تمام سطحوں پر GRc میں خواتین کی شمولیت لازمی ہے۔ حسب دستور

شکایات کے ازالہ کے نظام سے پہلے DP s کے مسائل کو دیہات کی سطح پر تفتیش کی جائیگی DP s کی مدد سے جو کہ دیہات کی سطح پر منتخب ہوگی۔

قانونی پالیسی فریم ورک

LARP ملکی قوانین (LAA - 1894) ایشیائی ترقیاتی بینک کی سیف گارڈ پالیسی اور LARF کے تحت تیار کیا گیا ہے۔ عنوان کے بغیر لوگوں کیلئے پاکستان یا خیبر پختونخواہ میں کوئی قانون موجود نہیں۔ پاکستان LAA اور ایشیائی ترقیاتی بینک کی (SPS 2009) میں مصالحت کیلئے NHA نے LARF تیار کیا ہے اس یقین دہانی کیلئے تمام براہ راست اور بلواسطہ نقصانات کے متبادل کے طور پر معاوضہ ادا کیا جائے گا تاکہ کوئی بھی پراجیکٹ کے نتیجے کے طور پر پریشان نہ ہو۔

استحقاق، اعانت اور فوائد

جن DP s کی زمین، تعمیرات، اثاثہ جات اور آمدنی کا نقصان ہو رہا ہے ان کیلئے حق داری کی شق (Provision) اور بحالی کیلئے مراعات بشمول زمینی نقصانات گھر اور کمرشل تعمیرات کے نقصانات اور درختوں کے نقصانات، نوآبادکاری کیلئے مراعات اور (ٹیکس Declaration کی بنیاد پر) حق دار ہیں۔ اگر ایسے مسودات موجود نہ ہوں تو مراعات انفلیشن ایڈجسٹڈ آئیٹل خط غربت کے مطابق ہوں گی۔ LAA کے مطابق زمین مالکان کو زرعی زمین کے نقصانات کے طور پر متبادل قیمت ذاتی مذاکرات (private negotiation) کے ذریعے ادا کی جائے گی۔ اور یہ ٹیکس، رجسٹریشن اور نقل مکانی کی قیمت سے آزاد ہوں گے۔

خط غربت سے نیچے کے لوگوں کو منصوبہ سے متعلقہ ملازمتوں میں ترجیح اور دوسرے قابل قبول الاؤنسز کے علاوہ انفلیشن ایڈجسٹڈ OPL کے مطابق تین ماہ کے برابر نقد معاوضہ دیا جائے گا۔ مزید تفصیل نیچے دیے گئے ٹیبل میں بیان کی گئی ہے۔

نقل مکانی، آمدنی اور معاشی حالات کی بحالی

متاثرین کو موثر آبادکاری، مناسب بحالی اور معاوضہ کی ادائیگی کیساتھ مستفید کیا جائے گا۔ انہیں منصوبہ سے متعلق کاموں پر روزگار مہیا کرنے کے ساتھ ساتھ مختلف طرح کی ادائیگی اور مراعات دی جائیں گی۔

نوآبادکاری کا بجٹ اور مالی تخمینہ

نوآبادکاری بجٹ میں زمین، تعمیرات/مکان، گورنمنٹ اثاثہ جات، جنگل، پھل دار درخت اور مختلف قسم کے الاؤنسز شامل ہیں۔ نوآبادکاری کے کل بجٹ 254.13 ملین میں سے حصول زمین کا تخمینہ 187.29 ملین، تعمیرات/مکان کا تخمینہ 13.12 ملین، الاؤنسز 7.08 ملین اور Contingencies 23.1 ملین ہے۔

ادارتی انتظامات

LARP کے نفاذ کیلئے منصوبہ کے مختلف مراحل پر اداروں کا ایک وفد شامل ہے۔ درج ذیل ادارے، LARP کے نفاذ میں مرکزی کردار ادا کر رہے ہیں۔

- نیشنل ہائی وے اتھارٹی، پاکستان
 - این۔ ایچ۔ اے۔ ایچ۔ کیو میں انوائزمنٹ اور سوشل یونٹ (ESU)
 - پراجیکٹ مینجمنٹ یونٹ (PMU)
 - پراجیکٹ مینجمنٹ کنسلٹنٹ (PMC)
 - لوکل گورنمنٹ
 - بیرونی نگرانی یونٹ
- اس کے علاوہ LARP کے نفاذ کے ادارتی انتظامات کے تحت شکایات کے ازالہ کی کمیٹی (GRC) اور DP's کی منتخب کمیٹی بھی ہوں گی۔

نفاذ کا جدول

LARP کا نفاذ تین مہنوں میں ہونا ہے اور NHA نے یقینی بنانا ہے کہ LARP میں دیے گئے تمام امور کو بخوبی اور وقت پر سرانجام دینا ہے جو اسکے نفاذ کو جانچنے پر مشتمل ہے۔

منصوبے کے حوالے سے معاوضے کے لئے اہلیت اور استحقاق

نقصان	تفصیلات	متاثرہ افراد	معاوضے کا استحقاق
زمین	مستقل اثرات اور زمین سے محرومی	مالک	ذاتی مذاکرات (Private negotiation) اور اتفاق رائے سے جون 2012 میں تعین کی گئی قیمت کی بنیاد پر ادائیگی ہوگی اور اگر چھ ماہ تک ادائیگی نہیں ہوتی تو افراط زر کی شرح بھی اس میں شامل ہوگی
کمرشل اور رہائشی تعمیرات	مستقل طور پر ڈھانچہ کھو دینا	مالک	<ul style="list-style-type: none"> ○ ڈھانچہ کی مکمل متبادل قیمت ○ نجات مواد، فرسودگی اور ٹرانزیکشن کی لاگت سے آزاد ○ فیس اور ٹیکس، رجسٹریشن اور نقل مکانی کی قیمت سے آزاد ○ انفلیکشن ایڈجسٹڈ OPL کے مطابق تین ماہ کے برابر نقد معاوضہ ○ بجلی کنکشن کے لئے اضافی امداد ○ ٹرانسپورٹ منتقلی آلاؤنس ○ چھ ماہ کے لئے مکان کا کرایہ
درخت	تمام متاثرہ درخت	مالک	درختوں سے حاصل ہونے والی آمدنی کے مطابق معاوضہ
کھلمہ (Wooden Structures)	متاثرہ ڈھانچہ	کھلمہ مالکان	عارضی (Construction period) منتقلی کا آلاؤنس
معاشی طور پر کمزور افراد کے لئے آلاؤنس		جو خط غربت سے نیچے زندگی گزار رہے ہیں	<ul style="list-style-type: none"> ○ انفلیکشن ایڈجسٹڈ OPL کے مطابق تین ماہ کے برابر نقد معاوضہ اور منصوبہ سے متعلقہ ملازمتوں میں ترجیح