

# Draft Land Acquisition and Resettlement Plan

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Project Number: 51036-002  
August 2021

## Pakistan: Khyber Pakhtunkhwa Cities Improvement Project

### Access Route to Landfill Site Mingora

Prepared by Project Management Unit, Local Government, Elections and Rural Development Department, Government of Khyber Pakhtunkhwa for the Asian Development Bank.

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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
PROJECT MANAGEMENT UNIT**

**KHYBER PAKHTUNKHWA CITIES IMPROVEMENT PROJECT  
LOCAL GOVERNMENT, ELECTIONS &  
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**Dated: 24 August 2021**

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**Subject: 51036-002-PAK: KHYBER PAKHTUNKHWA CITIES IMPROVEMENT  
PROJECT**  
**- ENDORSEMENT OF ENVIRONMENT AND SOCIAL SAFEGUARDS  
DOCUMENTS**

Dear Mr. Kiyoshi,

This is to confirm our endorsement of the following documents and their disclosure:

- Environmental Impact Assessment: Abbottabad Solid Waste Management Facility Development
- Environmental Impact Assessment: Mardan Solid Waste Management Facility Development
- Environmental Impact Assessment: Mingora Solid Waste Management Facility Development
- Environmental Impact Assessment: Peshawar Solid Waste Management Facility Development
- Initial Environmental Examination: Extension of JICA Water Treatment Plant and Gravity Water Supply Scheme (Abbottabad)
- Initial Environmental Examination: Construction and Improvement of Sewage Treatment System at Kohat Development Authority Township, Kohat
- Initial Environmental Examination: Construction of Rorya Sewage Treatment Plant and Revamping of Sewerage System in Mardan
- Initial Environmental Examination: Kohat Solid Waste Management Facility
- Initial Environmental Examination: Improvement of Water Supply System Kohat
- Initial Environmental Examination: Salhad Park Abbottabad
- Initial Environmental Examination: Water Supply Scheme, Mingora
- Initial Environmental Examination: Improvement of Water Supply System Peshawar
- Social Due Diligence Report
- Land Acquisition and Resettlement Framework
- Land Acquisition and Resettlement Plan: Landfill Site in Abbottabad
- Land Acquisition and Resettlement Plan: Landfill Site in Kohat
- Land Acquisition and Resettlement Plan: Access Route to Landfill Site in Mingora
- Land Acquisition and Resettlement Plan: Greater Water Supply Scheme Mingora
- Land Acquisition and Resettlement Plan and Environmental Safeguard Documents: Pedestrianization of Abbottabad Old City
- Corrective Action Plan: Chuna Water Supply, Abbottabad
- Corrective Action Plan: Integrated Solid Waste Management System & Landfill Site Mingora
- Corrective Action Plan: Integrated Solid Waste Management System & Landfill Site Peshawar
- Environmental Management Plan
- Resettlement Plan
- Due Diligence Report for Use of ADB Funds for Land Acquisition and Resettlement

We are committed to their full implementation in compliance with the requirements of ADB SPS (2009) Policy, please

  
**(VASIF SHINWARI)**

**PROJECT DIRECTOR**

**PMU, KPCIP, LGE&RDD, Peshawar**

Copy to:

- PS to Secretary LGE&RDD – for information

# Khyber Pakhtunkhwa Cities Improvement Project



## Draft Land Acquisition and Resettlement Plan for Access Route to Landfill Site Mingora

August 2021

Prepared by Social Safeguard Team of Project Management Unit (PMU)  
Local Government, Khyber Pakhtunkhwa Cities Improvement Project (KPCIP)  
Peshawar

### **NOTES**

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

This land acquisition and resettlement plan (LARP) for access route to landfill site Mingora is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

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**ABBREVIATIONS**

ADB	Asian Development Bank
AFs	affected families
CAP	corrective action plan
CDIA	Cities Development Initiative for Asia
DPs	displaced persons
EA	executing agency
EDCM	engineering, design, and construction management
GRC	grievance redress committee
GRM	grievance redress mechanism
IA	implementing agency
ICRB	institutional review and capacity building
IR	involuntary resettlement
IPs	indigenous peoples
LAA	Land Acquisition Act 1894
LAR	land acquisition and resettlement
LARP	land acquisition and resettlement plan
LFS	landfill site
LGE&RDD	Local Government, Elections and Rural Development Department
PAM	project administration manual
PMU	program management unit
ROW	right of way
SDDR	social due diligence report
SES	socio economic survey
SPS	Safeguard Policy Statement 2009
SSR	social screening report
TMA	tehsil municipal administration
TOR	terms of reference
WSSC	water and sanitation services company

**DEFINITION OF TERMS**

Displaced Household	All members of a subproject affected household residing under one roof and operating as a single economic unit, who are adversely affected by the Project or any of its components; may consist of a single nuclear family or an extended family group.
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.
Compensation	Payment in cash or in kind of the replacement cost of the acquired assets.
Cut-of-Date	The completion date of the census of project-displaced persons is usually considered the cut-off date. A cut-off date is normally established by the borrower government procedure that establishes the eligibility for receiving compensation and resettlement assistance by the project displaced persons. In the absence of such procedures, the borrower/client will establish a cut-off date for eligibility.
Encroachers	People who have trespassed onto private/community/public land to which they are not authorized. If such people arrived before the entitlements cut-off date, they are eligible for compensation for any structures, crops or land improvements that they will lose.
Entitlement	Range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation, which are due to displaced persons, depending on the nature of their losses, to restore their economic and social base.
Economic Displacement	Loss of land, assets, access to assets, income sources, or means of livelihood because of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Involuntary Resettlement	Land and/or asset loss, which results in a reduction of livelihood level. These losses have to be compensated for so that no person is worse off than they were before the loss of land and/or assets.
Meaningful Consultation	Is a process that (i) begins early in the project 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) 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 displacement	Meaning 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.



Rehabilitation	Compensatory measures provided under the ADB Policy Framework on Involuntary Resettlement other than payment of the replacement cost of acquired assets.
Replacement Cost	The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In applying this method of valuation, depreciation of structures and assets should not be considered.
Squatters	Meaning those people who do not own the land but are possessing and using it for residential, commercial, agricultural or other economic purposes, and as such they usually not entitled to land compensation but sometimes provided with assistance if they are found vulnerable; they are, however, entitled to compensation for the loss of built-up structures, trees, crops and other assets.
Vulnerable Groups	Distinct group of people who may suffer disproportionately from resettlement effects. The ADB SPS 2009 defines vulnerable groups as households below the poverty line, the elderly, those without legal title to assets, landless, women, children and indigenous people.

## EXECUTIVE SUMMARY

1. **Background:** The Government of Khyber Pakhtunkhwa (Go KPK) obtained financing from the Asian Development Bank (ADB) through Loan 6015 - PAK and grant 6016 - PAK: for the implementation of Khyber Pakhtunkhwa Cities Improvement Project (KPKCIP). The Project involves the construction, rehabilitation and upgradation in water supply, drainage, sanitation, solid waste management, urban livability, smart cities, traffic management and green fields in five cities, Abbottabad, Kohat, Mardan, Mingora and Peshawar of KPK. A total of 24 subprojects approved by the steering committee under KPCIP. The detailed engineering design has been finalized and all subprojects will go under implementation in the 1<sup>st</sup> quarter of 2022. The Local Government Election and Rural Development Department is the project executing agency while City government is the project implementing agency.
2. **This subproject.** The subproject has two components, i) development of integrated landfill site (LFS) and ii) access route to LFS. The LFS is proposed to be constructed in an area of 8 acres located in Kawtaro Mera. The land for the LFS has already been acquired by WSSC in 2017. The other component access route with a the length of 1.75 km will be constructed and will require additional acquisition of 0.82 acres of private barren land owned by 27 landowners.
3. **Legacy issue at the landfill site** on 8.251 acres of land acquired through Section 17/4/6 (urgency procedure of Land Acquisition Act 1894 (LAA). Section 4 of LAA was notified in 2017 while land award was announced on 25 April 2018, almost 1 year prior to the ADB approval of the PRF in March 2019. TMA claims ownership/possession of land since 2018 and has been using the site as an open dumpsite. The 6 affected landowners filed their reference in the civil court against the government determined land price on lower side. During consultations, the landowners indicated that they will agree to withdraw their application in court if the government will enhance the compensation rate. An IVS is currently being conducted by an independent appraiser engaged by the PMU to determine the adequacy of assessed compensation and find out any differential in compensation rate compared with the requirement of full replacement cost of SPS 2009.
4. A corrective action plan (CAP) for the LFS is prepared to address some outstanding issues related to land acquisition to meet the ADB SPS requirements. The draft CAP has been submitted to ADB for review. The PMU has engaged a licensed valuer (M/S Aamir) to conduct an independent valuation study (IVS) for both the acquired land at the LFS and the land being acquired for the access route to determine the adequacy of the compensation rates to ensure meeting the SPS requirement of full replacement costs. The IVS report is expected by August 2021. The final CAP with the result of the IVS and the final LARP with the result of the IVS and the final/verified acquaintance roll of DPs following Section 9 of the LAA will be submitted to ADB for review. Both the CAP for the LFS and the LARP for the access route to the LFS are related to the same subproject – Mingora integrated solid waste management and landfill. The approval and full implementation of both the CAP and LARP related to the subproject is required prior to handing of sites for civil works.
5. **Detailed Design:** The detailed engineering design is available since January 2021 and proposed project will go in bidding in June 2021. The contract is expected to be awarded in September, 2021. As per approved design, the proposed access route is designed to have 7.5 meters formation width, i.e., 5.5 meters carriageway and 1 meter shoulder on each side. The available ROW is 6.7 meters which will be extended to 7.5 meters. The total length of the road is 1.13 km.

6. **Land Acquisition and Resettlement Impacts (LAR):** The subproject's access road to the LFS will require 0.82 acres of private uncultivated land owned by 27 landowners (as per the list of landowners given by revenue department). The land acquisition is going on since September, 2020. Census of the 27 landowners affected by the access road as per the land records has been done. Section 5 of LAA, 1894 was expected to be notified on 20 August 2021. This LARP will be updated based on the final DP acquaintance roll to be issued by the Revenue Department and IVS study expected in August 2021. The target is to prepare an implementation-ready LARP that includes a complete census, inventory of the losses and valuation of the assets. However, this was not possible given the prolonged process of the funds approval and administration procedures needed for the issuance of the required notification (Section 5).

7. **Cut-Off Date:** The census was completed on 20 December 2020 which has been formally established as the cut-off date for the access route to LFS Mingora to define impacts and compensation entitlements. The cut-off date was communicated/informed to the DPs through consultation meetings.

8. **Project Categorization:** The subproject impacts are deemed insignificant as none of DPs are required to be physically displaced from their residence or lose 10% or more of their income generating resources. Therefore, the subproject can be categorized as B for involuntary resettlement (IR). It is also categorized C for indigenous peoples (IPs) as no indigenous peoples (IPs) as described in SPS 2009 exist in and around the subproject areas.

9. **Socioeconomic Information and Profile:** According to socio economic and census survey of DPs' households affected by the access route to the LFS, 50.8% of their household members are female while 49.2% are males. Average household's size is 6.6 persons. Regarding the literacy level, 64% of the DPs' household members are reported literate. In terms of income source and level, the monthly average income of the respondents is Rs. 83,875. None of surveyed household falls below the poverty line. The income survey reveals that the acquisition of land for the access road does not have any impact on the livelihood of the DPs as the entire area to be acquired (0.82 acres) is barren. In addition, the survey did not identify vulnerable DPs like the elderly, those without legal title to assets, landless, women, children and indigenous people including the poor persons. In terms of access to social amenity, all 27 DP households in the subproject areas are electrified. Potable drinking water supply is accessible to 52%, 59% of the households have access on the sewerage and drainage system. Health and education facilities are available to 63% and 81% of the households respectively.

10. **Gender Issues:** Based on the outcomes of detailed consultations, the females pointed out their major concerns relating to the sub-project like i) compensation as per the market value of the lost land, ii) stinky smell will come from the sub-project which will affect the surrounding population, moreover, this project will adversely affect the health of women and children, as women and children spend most of their time in their homes, so children and women can be more affected by foul odors and mosquito-borne diseases. iii) impact on movement of women and girls during the construction stage, iv) the construction activity may affect accessibility and transportation in case of emergencies, v) consider expanding Sui Gas service to the area, and vi) provision of subproject-related jobs for jobless educated women.

11. **Information Disclosure, Consultations and Participation:** The consultation meetings are going on with the DPs since December 2019. Separate meetings are arranged with the women keeping in view the cultural limitation and to give the women a free environment to discuss their issues. The consultation with the DPs and general public mainly focused on compensation rate as per the market value of the affected structure, provision of compensation for non-titled

land owners, provision of jobs for locals, timely completion of civil work, local movement should not be hindered during construction work; and considerable time for relocation. Few people were against the project and they filed a case in the court against the environment hazard of the project.

12. The information related to the subproject and its components and possible impacts followed the corrective actions including the grievance redress mechanism that were shared with the participants during the consultation meetings. The team assured the DPs that the copy of the final LARP will be translated into local language and will also be shared with them.

13. **Legal Framework:** The land acquisition and compensation package for DPs has been prepared in accordance with ADB's SPS 2009 and the Land Acquisition Act of 1894 (LAA). Since SPS 2009 and LAA 1894 are not in full conformity to each other, thus gaps exist regarding compensation of DPs which are reconciled through the gaps reconciliation measures including (a) avoidance or minimization of land acquisition and resettlement impacts, (b) compensation at replacement costs for the lost assets, (c) establishing GRM, and (d) conducting community consultations (further details are presented in legal and policy section).

14. **Entitlement Assistance and Benefits:** An entitlements matrix of the project has been prepared by determining the types of impacts, DPs and their entitlements for compensation based on full replacements costs (in accordance with SPS SR 2). Table ES-1 presents the entitlement matrix for different types of losses as per the land acquisition and resettlement framework (LARF) prepared for KPCIP. The number and specific DPs and their apportionment of compensation may still change following the acquaintance roll of DPs to be issued by the revenue district following Section 9 of the LAA. While none of the 27 landowners are expected to lose residential or commercial structures, crops and trees, and none are vulnerable persons or will incur livelihood losses, entitlements for such losses were included in case there are unanticipated impacts that occur during the subproject implementation. Compensation and other assistances will be paid to DPs prior to dislocation and dispossession from acquired assets. However, in case the payment is delayed more than a year from the date of valuation, the values will be indexed annually before payment to DPs. An independent valuation study (IVS) is ongoing to determine the adequacy of the compensation rates to ensure that these meet the SPS requirement of full replacement costs. The IVS results will be included in the updated LARP.

**Table ES-1: Eligibility and Entitlement Matrix (as per LARF)**

Type of Loss	Specification	Eligibility	Entitlements
<b>1. LAND</b>			
Permanent impact on arable land	All land losses independently from impact severity	Owner (titleholder, or holder of traditional rights)	<ul style="list-style-type: none"> <li>Land for land compensation with comparable productivity and suitability to be explored (if feasible) OR</li> <li>Cash compensation at full replacement cost (RC<sup>1</sup>) including fair market value plus 15% compulsory acquisition surcharge all transaction costs, applicable fees and taxes and any other payment applicable</li> <li>If BoR<sup>2</sup> compensation falls below RC, the project will pay the differential as resettlement assistance to the DPs to restore affected livelihoods.</li> <li>Additional compensation to be worked out in consultation with DPs if the loss is 10% or more of productive resources including land.</li> </ul>
		Leaseholder titled/untitled	<ul style="list-style-type: none"> <li>Compensation commensurate to lease type and duration to be defined in LARP</li> <li>Production based on relevant cropping pattern/cultivation record (additional to standard crop compensation as defined below) and other appropriate rehabilitation, to be defined in the LARPs based on project situation and AP consultation.</li> </ul>
		Sharecropper/tenant (titled/untitled)	<ul style="list-style-type: none"> <li>Cash compensation equal to gross market value of crop compensation (see below) to be shared with the land owner based on the sharecropping</li> </ul>
			<ul style="list-style-type: none"> <li>Income rehabilitation allowance in cash equal to net value of annual crop production based on relevant cropping pattern/cultivation record (additional to standard crop compensation and other appropriate rehabilitation to be defined in the LARPs based on project situation and DP consultation).</li> </ul>
		Squatter, encroacher.	<ul style="list-style-type: none"> <li>No compensation for land loss</li> <li>IN addition to standard crop compensation, income rehabilitation allowance in cash equal to net value of annual crop production and other appropriate rehabilitation to be defined in the LARPs based on project specific situation and DP consultation.</li> <li>Compensation for any irrigation infrastructure and other improvements made to the land (but not for the land) at full replacement cost.</li> </ul>
Severe impact on productive land	Loss of 10% of productive (income earning) land	Titleholder, or holder of traditional rights	<ul style="list-style-type: none"> <li>Cash compensation for 3 months equal to national minimum wage i.e. PKR 20,000/month as fixed by the Federal Government for the year 2021-22. The amount for three months will be equal to PKR 20,000 X 3 = 60,000</li> </ul>

<sup>1</sup> Refer to IR safeguards as in SR2 para 10 of SPS 2009<sup>2</sup> Board of Revenue, provincial agency with a mandate to approve compensation rate/amount

Type of Loss	Specification	Eligibility	Entitlements
Residential/ commercial land	All land losses	Titleholder, or holder of traditional rights	<ul style="list-style-type: none"><li>• Cash compensation at full replacement cost (RC) including fair market value plus 15% compulsory acquisition surcharge all transaction costs, applicable fees and taxes and any other payment applicable</li><li>• If BoR compensation falls below RC, the project will pay the differential as resettlement assistance to the DPs to restore affected livelihoods.</li><li>• Additional compensation to be worked out in consultation with DPs if the loss is 10% or more of productive resources including land.</li></ul>
		Lessee, tenant	<ul style="list-style-type: none"><li>• Cash refund/payment at the rate of lease or house rent for remaining lease period or house rent</li></ul>
		Renter/ leaseholder	<ul style="list-style-type: none"><li>• Rent allowance in cash equivalent to 3-6 months' rent to be decided in consultation meetings with DPs.</li></ul>
		Non-titled user without traditional rights (squatters)	<ul style="list-style-type: none"><li>• No compensation for land loss</li><li>• Self-relocation allowance in cash equivalent to 3 months livelihood based on OPL, or as assessed based on income analysis.</li></ul>
Temporary land occupation	Land temporarily required during civil works	Owner, lessee, tenant	<ul style="list-style-type: none"><li>• Lease agreements to be signed between the DPs and the contractor for the period of occupation of land. Rental fee payment for period of occupation of land, as mutually agreed by the parties</li><li>• Restoration of land to original state</li><li>• Guarantee of access to land and structures located on remaining land</li></ul>
		Non-titled user	<ul style="list-style-type: none"><li>• Restoration of land to original state</li><li>• Guarantee of access to land and structures located on remaining land</li></ul>
2. STRUCTURES			
Residential, agricultural, commercial, public, community	Partial Loss of structure	Owner (including non-titled land user)	<ul style="list-style-type: none"><li>• Cash compensation for affected structure (full or partial taking into account functioning viability of remaining portion of partially affected structure) at full replacement cost and repair of remaining structure at market rate for materials, labor, transport and other incidental costs, without deduction of depreciation.</li><li>• Right to salvage materials (without deduction) from lost structure</li><li>• For vulnerable households, provide legal and affordable access to adequate housing to improve their living standard to at least national minimum standard.</li><li>• Any improvements made to a structure by a tenant will also be taken into account in the calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings.</li></ul>
		Lessee, tenant	<ul style="list-style-type: none"><li>• Cash refund at rate of rental fee proportionate to size of lost part of structure and duration of remaining lease period already paid.</li></ul>

Type of Loss	Specification	Eligibility	Entitlements
			<ul style="list-style-type: none"> <li>Any improvements made to a structure by a tenant will also be taken into account in the calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings.</li> </ul>
	Full loss of structure and relocation.	Owner (including nontitled land user)	<p>The DP may choose between the following alternatives:</p> <ul style="list-style-type: none"> <li>Compensation through provision of fully titled and registered replacement structure of comparable quality and value, including payment of all transaction costs, such as applicable fees and taxes, at a relocation site or a location agreeable to the DP.</li> <li>Any improvements made to a structure by a tenant will also be taken into account in the calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings.</li> <li>If the market value of the replacement structure is below that of the lost structure, cash compensation for the difference in value without deduction of depreciation.</li> <li>If the market value of the replacement structure is above that of the lost structure, no further deductions. or</li> <li>Cash compensation at full replacement cost, including all transaction costs, such as applicable fees and taxes, without deduction of depreciation for age, for self-relocation. In any case, DP has the right to salvage the affected structure.</li> <li>Severity assistance to all losing structures permanently equivalent to 3 months equal to national minimum wage i.e. PKR 20,000/month as fixed by the Federal Government for the year 2021-22. The amount for three months will be equal to PKR 20,000 X 3 = 60,000</li> </ul>
		Lessee, tenant	<ul style="list-style-type: none"> <li>Cash refund at rate of rental fee proportionate to duration of remaining lease period</li> </ul>
	Moving of minor structures (fences, sheds, latrines etc.)	Owner, lessee, tenant	<p>The DP may choose between the following alternatives:</p> <ul style="list-style-type: none"> <li>Cash compensation for self-relocation of structure at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age) Or</li> <li>Relocation of the structure by the Project.</li> </ul>
	Stalls, kiosks	Vendors (including titled and non-titled land users)	<ul style="list-style-type: none"> <li>Allocation of alternative location comparable to lost location, and</li> <li>Cash compensation for self-relocation of stall/kiosk at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age)</li> </ul>

Type of Loss	Specification	Eligibility	Entitlements
3. Crops	Affected crops	Cultivator	<ul style="list-style-type: none"><li>Cash compensation at current market rate proportionate to size of lost plot, based on crop type and highest average yield over past 3 years.</li><li>Additional compensation to be worked out in consultation with DPs if the loss is 10% or more of productive resources including land.</li></ul>
		Parties to sharecrop arrangement	<ul style="list-style-type: none"><li>Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share</li></ul>
4. Trees	Affected Trees	Cultivator	<ul style="list-style-type: none"><li>Cash compensation for perennial crop trees at current market rate of crop type and average yield (i) multiplied, for immature non-bearing trees, by the years required to grow tree to productivity or (ii) multiplied, for mature crop bearing trees, by the average years of crops forgone; plus cost of purchase of seedlings and required inputs to replace trees.</li><li>Cash compensation for timber trees at current market rate of timber value of species at current volume, plus</li><li>Cost of purchase of seedlings and required inputs to replace trees</li></ul>
		Parties to sharecrop arrangement	<ul style="list-style-type: none"><li>Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share</li></ul>
5. RESETTLEMENT & RELOCATION			
Relocation Assistance	All types of structures affected	All DPs titled/untitled requiring to relocate as a result of losing land and structures	<ul style="list-style-type: none"><li>The project will provide logistic support to all eligible DPs in relocation of affected structures whether project based relocation or self-relocation as opted by the DPs.</li><li>If project-based relocation, DPs will be provided with fully functional public services and facilities including school, health center, community center, electricity, water supply and sewage and irrigation facility with their long term operation and maintenance planned and agreed.</li></ul>
Security of tenure	Replacement land and structures	All DPs and tenants needing to relocate to project relocation sites.	<ul style="list-style-type: none"><li>If DPs are required to relocate to project relocation sites, they will be provided with secure tenure to the replacement land and structures.</li></ul>
Transport allowance	All types of structures requiring relocation	All DPs and tenants required to relocate as a result of losing land and structures	<ul style="list-style-type: none"><li>Compensation (in cash or kind as agreed with DPs) to all eligible DPs and tenants.</li><li>For residential structure a lump sum amount of Rs. 15,000/ or higher depending upon the situation on ground.</li><li>For commercial structure a lump sum amount of Rs. 10,000/ or higher depending upon the situation on ground.</li><li>For Kiosk a lump sum amount of Rs.3000/ or higher depending upon the situation on ground.</li></ul>



Type of Loss	Specification	Eligibility	Entitlements
House rent	All types of structures requiring relocation	All DPs and tenants required to relocate as a result of losing land and structures	<ul style="list-style-type: none"> <li>A lump sum amount, as agreed between the DP and project team, to assist the DPs in renting house for a negotiated period of time, for a comparable structure or apartment to the one lost.</li> </ul>
Transition allowance	All types structures requiring relocation	All DPs and tenants required to relocate	<ul style="list-style-type: none"> <li>On a case to case basis, transitional allowance equal to 3 months of recorded household income or equal to inflation adjusted official poverty line, whichever is higher.</li> </ul>
Arable, residential and commercial land and structures	All types of structures	All DPs titled/untitled losing land & structures	<ul style="list-style-type: none"> <li>Additional cash compensation of 15% as solatium over and above the BOR compensation price.</li> <li>Payment of any price differential or top-up, based on replacement cost study.</li> </ul>
<b>6. INCOME RESTORATION</b>			
Permanent loss of agriculture based livelihood	Partial loss of agricultural land with viable land remaining	Owner, lessee, sharecrop tenant, non-titled land user	<ul style="list-style-type: none"> <li>Provision of support for investments in productivity enhancing inputs, such as land leveling, terracing, biological, erosion control, sprinkler/drip irrigation, composing, tools and agricultural extension, as feasible and applicable; additional financial support if land compensation is insufficient to allow for adequate investments to maintain livelihood</li> </ul>
	Full loss of viable agricultural land without availability of alternative land.	Owner, lessee, sharecrop tenant, non-titled land user	<ul style="list-style-type: none"> <li>Provision of re-training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity</li> </ul>
Maintenance of access to means of livelihood	Avoidance of obstruction by project facilities	All DPs	<ul style="list-style-type: none"> <li>Provide un-interrupted access to agricultural fields, business premises and residences of persons in the project area.</li> </ul>
Businesses	Temporary business loss due to LAR or construction activities by Project	Owner business (registered, informal)	<ul style="list-style-type: none"> <li>Cash compensation equal to lost income during period of business interruption based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or at least inflation adjusted OPL.</li> </ul>
	Permanent business loss due to LAR without possibility of establishing alternative business	Owner business (registered, informal)	<ul style="list-style-type: none"> <li>Cash compensation equal to lost income for 12 months based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or at least inflation adjusted OPL And</li> <li>Provision of training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity</li> </ul>

Type of Loss	Specification	Eligibility	Entitlements
Employment	Temporary employment loss due to LAR or construction activities	All affected employees of affected businesses and agricultural workers	<ul style="list-style-type: none"> <li>Cash compensation equal to lost wages during period of employment interruption up to 3 months based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type, or at least inflation adjusted OPL.</li> <li>If required by Pakistan's labor laws and regulations/codes, the compensation will be paid to the employer to enable him/her to fulfill legal obligations to provide compensation payments to laid-off employees, to be verified by EA/relevant government official.</li> </ul>
	Permanent employment loss due to LAR without possibility of re-employment in similar sector and position in or near area of lost employment	All laid-off employees of affected businesses and laid-off agricultural workers from affected farms	<ul style="list-style-type: none"> <li>Cash compensation equal to lost wages for 6 months, based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type, or at least inflation adjusted OPL.</li> <li>If required by the applicable labor code, compensation will be paid to employer to enable him/her to fulfill legal obligations to provide severance payments to laid-off employees, to be verified by government labor inspector And</li> <li>Provision of training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity</li> </ul>
<b>7. PUBLIC SERVICES AND FACILITIES</b>			
Loss of public services and facilities	Schools, health centers, administrative services, infrastructure services, graveyards etc	Service Provider	<ul style="list-style-type: none"> <li>Full restoration at original site or re-establishment at relocation site of lost public services and facilities, including replacement of related land and relocation of structures according to provisions under sections 1 and 2 of this entitlement matrix</li> </ul>
<b>8. SPECIAL PROVISIONS</b>			
Vulnerable APs	Support to disproportionately affected persons	All vulnerable DPs including those below the poverty line, the landless, the elderly, women and children, and indigenous peoples.	<ul style="list-style-type: none"> <li>Provision of training, job-placement, additional financial Cash allowance equal to 3 months of official minimum wage to all vulnerable DPs.</li> <li>grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity.</li> <li>Subsistence allowance equal to 3 months of official poverty line, and other appropriate rehabilitation to be defined in the LARPs based on income analysis and consultations with DPs.</li> <li>Preferential selection for project related employment.</li> </ul>
	Loss of land	All vulnerable DPs	<ul style="list-style-type: none"> <li>Assistance in identification and purchase or rental of new plot</li> </ul>
	Loss of structure	All vulnerable DPs	<ul style="list-style-type: none"> <li>Assistance with administrative process of land transfer, property title, cadastral mapping and preparation of compensation agreements</li> <li>Assistance in construction of new structure</li> <li>Assistance in identification and purchase or rental of new structure</li> </ul>

Type of Loss	Specification	Eligibility	Entitlements
			<ul style="list-style-type: none"> <li>Assistance with administrative process of registration of property and preparation of compensation agreements</li> <li>Assistance with transition to relocation site</li> </ul>
	Temporary acquisition land	All vulnerable DPs	<ul style="list-style-type: none"> <li>Preferential treatment to avoid or mitigate as quickly as possible</li> <li>Provision of access to land and residence suitable to disabled and elderly DPs</li> </ul>
	Loss of livelihood	Female livelihood losers directly affected	<ul style="list-style-type: none"> <li>Compensation paid directly to female livelihood loser</li> </ul>

15. **Resettlement Budget and Financing Plan:** Based on current market prices of 2020, total resettlement budget has been estimated at Rs. 25.39 million (US \$ 0.16 million). The compensation payments for land acquisition is Rs. 18.32 million and other cost categories include administrative costs (Rs. 1.81 million, monitoring and evaluation Rs 3.63 million and contingencies Rs. 1.81 million).

16. The land rates are obtained from the market for the acquired assets assessed and cross checked with the Revue Department. This will be updated based on the final calculation by the LAC to be included in the land award. The continuity in the flow of funds will be the responsibility of LGE& RDD hence, the local government through PMU will ensure that all requisite compensation amount will be timely released for the payment of compensation and to meet the other expenses. Also, the IVS is going on to ensure that the compensation amount meets the ADB SPS requirement for replacement cost. The budget for the LARP for the access route to the Mingora LFS will be updated based on the IVS and government will arrange the additional amount to be paid in the form of differential. Sufficient budget has been provided in the project budget to cover the expected shortfall in the current calculations in the compensation cost.

17. **Grievances Redress Mechanisms:** A three tiers Grievance Redress Mechanism will be established at the project. It will exist at the field level, city level, and PMU level. The GRM will be easily accessible, gender-sensitive, culturally appropriate, widely publicized, and well-integrated in the subproject's management system. Efforts are made to record and resolve the grievances by the GRC within the allocated time (7-21 days). The complainants will be timely informed about the progress regarding their logged complaints and action to be taken by the GRC. A DP can approach the courts at any time in accordance with the applicable legal provisions under Pakistan law. He/she can have direct access to court of law under section 18 of land acquisition LAA 1894. The record for the complaints received and resolved will be well maintained.

18. **Institutional Arrangements:** The LGE&RDD is the subproject executing agency (EA). The Program Management Unit (PMU) is responsible for the day-to-day management of the subproject (through respective CIUs). The Social safeguard staff of the PMU is responsible to manage the LAR-tasks and activities including handling/resolving of any complaints or grievances of those displaced by the subproject (DPs) and fulfilling safeguard requirements.

19. **Implementation Schedule:** Resettlement Plan will be implemented in a participatory manner with the representations of all key stakeholders namely - the government, local elected representatives, and the displaced persons. As per this draft LARP, compensation payment is expected to commence by mid November 2021, while the external monitoring report will be

submitted immediately after the completion of compensation disbursement. Semi annual safeguard monitoring report will be submitted throughout the project implementation period to ADB to meet the loan requirements.

20. **Monitoring and Reporting:** PMU will establish a monitoring and evaluation system to support systematic monitoring of the implementation of the LARP. The LAR tasks will be monitored internally through the PMU on monthly basis and externally by the EMA hired by PMU with the concurrence of ADB. 1st safeguard external monitoring reports will be submitted to ADB for acceptance before the start of construction activities. Monitoring reports will be disclosed in the website of the Client and ADB.

## **SECTION 1**

### **PROJECT DESCRIPTION**

21. This chapter presents the history and background of the proposed access route to landfill site Mingora subproject. It also describes the subproject components, scope of land acquisition and resettlement, efforts to avoid/minimize the land acquisition and resettlement (LAR) impacts, and objectives of the Land Acquisition and Resettlement Plan (LARP).

#### **1.1. Background of the Project**

22. The proposed KPCIP project includes five major cities of KPK, namely Abbottabad, Kohat, Mardan, Mingora, and Peshawar, and aims to improve their access to quality urban services through two interlinked outputs: (i) enhanced municipal infrastructure and public urban spaces, and (ii) strengthened institutional capacities and efficiency of provincial, municipal and city governments and water & sanitation services. On the request of the Government of Pakistan (GOP), the Asian Development Bank (ADB) assisted GOP through a Project Readiness Facility (PRF) that aims to fast-track project preparation, including the detailed engineering designs, necessary due diligence assessments including safeguards, procurement, capacity development and other Project preparatory works ahead of the approval of the ensuing project (i.e. KPCIP). Fig. 1.1 provides the project map of KPCIP.

23. A comprehensive list contained 62 subprojects have been prepared in consultation with various stakeholders, mainly including the Water and Sanitation Companies in all five project cities. These projects were initially proposed based on a Pre-Feasibility Study (PFS) of three cities in Khyber Pakhtunkhwa, i.e., Abbottabad, Mardan, and Peshawar, with support from the Cities Development Initiative for Asia (CDIA) in 2017. The study assisted the Government of Khyber Pakhtunkhwa (GoKP) in preparing an integrated, climate-resilient urban environmental infrastructure investment plan based on Pakistan's Vision 2030, KPK's Integrated Development Strategy 2014-2018, and City Development Plans (CDPs).

24. The initial list of 62 subprojects was screened through i) engineering, hydrological, and topographic assessment of all subprojects concerning the end-to-end solution, i.e., to ensure that the selected subprojects can provide an end-to-end solution for service delivery benefits for end-users and ii) the subprojects are further assessed for ADB's safeguard requirements and to ensure that selected subprojects do not pose significant adverse impacts and can move to the design stage. Finally 24 number of subprojects (Annex-A) have been selected and recommended for the detailed design. This integrated solid waste management for Mingora subproject is one of the total 24 subprojects.

25. The site for the LFS was acquired through Section 17/4/6 (urgency procedure of Land Acquisition Act 1894 (LAA) on 25 April 2018, almost 1 year prior to the ADB approval of the PRF in March 2019. TMA claims ownership/possession of land since 2018 and has been using the site as an open dumpsite. Landowners filed their reference in the civil court against the government determined land price on lower side. During consultations, the landowners indicated that they will agree to withdraw their application in court if the government will enhance the compensation rate.

26. A corrective action plan (CAP) is prepared to address some outstanding issues related to land acquisition to meet the ADB SPS requirements. The draft CAP has been submitted to ADB for review. The PMU has engaged a licensed valuer (M/S Aamir) to conduct an independent valuation study (IVS) to determine the adequacy of the compensation rates to ensure meeting the

SPS requirement of full replacement costs. The IVS report for the LFS is expected by August 2021. The final CAP with the result of the IVS will be submitted to ADB for review.

27. Additional land acquisition is needed for the access route to the LFS. This LARP is prepared for the access route. Both the CAP for the LFS and the LARP for the access route to the LFS are linked to the same subproject.

## **1.2. Design Status**

28. The detailed engineering design of the subproject has been finalized and approved in January 2021. However, the land needed for the access route of the LFS is still in the acquisition process. Section 4 has been notified and Section 5 is expected to be notified in August 2021. The draft LARP is prepared based on the final design and initial land acquisition process. Contract award will be conditional to the preparation and approval of a final/implementation-ready LARP for the access route to the LFS and the CAP for the LFS, while construction work will commence only after the full implementation of the LARP and CAP as verified by an external monitoring report by an external resettlement monitor (EMA).

## **1.3. Subproject Description**

29. The proposed access route to the LFS is designed to have 7.5 meters formation width, i.e., 5.5 meters carriageway and 1 meter shoulder on each side. The available ROW is 6.7 meters which needs to be extended to 7.5 meters. The total length of the road is 1.13 km (Fig 1.2).

## **1.4. Scope of Land Acquisition and Resettlement**

30. The Mingora LFS two components, i) development of integrated landfill site (LFS) and ii) access route to the LFS. The LFS is constructed in an area of 8 acres. The land has already been acquired in 2017 and WSSC has the possession of this land. A CAP was prepared for the LFS to address legacy issues related to land acquisition. The other component access route is constructed in the length of 1.13 km. Overall LAR impact of this access route is limited to the acquisition of 0.82 acres of private barren land owned by 27 landowners. Further details on itemized impacts and DPs is provided in the section on LAR impacts. This LARP is prepared only for the access route to the LFS. The Section 4 of the LAA 1894 has been notified last year in September, 2020. Section 5 is expected to be notified by 20 August 2021.

## **1.5. Project Categorization**

31. As far as this LARP is concerned, none of 27 DPs are required to be physically displaced from their houses or lose productive assets. Therefore, the subproject can be categorized as B for Involuntary Resettlement (IR).

32. The subproject is categorized C for indigenous peoples safeguards. There are no IP communities in the project area. The IP communities in KP Province (Kalash) reside in Chitral District at the Kalash valley which is not covered by the project. The SDDR team also carefully reviewed the project documents, visited the subproject areas, conducted consultations with the project staff, consultants and locals in the subproject areas to know the presence of any IP communities. It was found that the entire population is Muslims (no ethnic and religious minority exists) and they did not consider themselves to be called any other type of population such as Indigenous Peoples as the ADB's SPS 2009 definition.

### 1.6. Exploring of Design Alternatives

33. The ADB's Safeguard Policy Statement (SPS) 2009 (for IR policy) aims to "avoid involuntary resettlement wherever possible or to minimize impacts if avoidance is not possible by exploring subproject and design alternatives; enhance or at least restore livelihoods of those affected by the subproject relative to pre-project levels and to improve the standards of living of those poor and other vulnerable groups. Following this aim of the SPS, the KPCIP subproject has been carefully conceptualized to either avoid all potential social impacts of proposed subproject where possible or keep impacts to insignificant thresholds through adopting no or least impacts subproject designs.

34. The following impacts and design mitigation measures were followed by the social safeguard team of PMU and design consultant:

- a) Avoid the impact on residential structures.
- b) Avoid the impact on agricultural land.
- c) Avoid the impacts on the commercial structures.
- d) Avoid the impact on the community and sensitive structures like Masjid, graveyard and School etc.
- e) Impacts to livelihoods have been minimized to maximum level by avoiding the land of small farmers.

### 1.7. Objectives of Land Acquisition and Resettlement Plan

35. This LARP is prepared in accordance with the Safeguard Policy Statement-2009 (SPS) of Asian Development Bank (ADB) and Pakistan's laws and regulations on land acquisition and resettlement (LAR). It outlines impacts, compensation policy, compensation and rehabilitation provisions, cost estimates, and an implementation schedule to compensate for the impacts caused by constructing of access route to LFS Mingora. The basic objectives of this LARP are as under:

- Identify and assess the impacts that implementation of a access route subproject would have on the local population and conduct meaningful consultations with the affected and local communities to inform them about the project and its perceived impacts and outcomes.
- Quantify in monetary terms the private and public assets to be acquired for or impacted by the subproject.
- Follow a strategy that would ensure the timely acquisition of assets, payment of compensation and delivery of other benefits to DPs.
- Provide a plan on how the DPs would be involved in the various stages of the project, including the implementation of the Resettlement Plan; and
- Give an overall estimate of the required resources needed to implement the Resettlement Plan.

### 1.8. LAR Requirements of subproject

36. This LARP is prepared on the basis of the detailed engineering design and ongoing land acquisition process which is at very initial stage. Implementation of subproject is conditional to full implementation of ADB approved LARP. The following LAR requirements will need to be fully complied with before construction:

- a. **Civil Works Contract awards:** Conditional on ADB cleared final implementation ready LARP based on the detailed design including final inventory of losses, result of the IVS, final itemized LARP budget reflective of compensation rates on replacement cost basis and relocation rehabilitation and income restoration entitlement costs; safeguards management institutional set-up in place; and LARP implementation schedule synchronized with the construction activities.
- b. **Commencement of civil works:** conditional to confirmation (by EMA) of full implementation of LARP for the subproject including (a) compensation at current market rate/full replacement cost paid to each displaced person; (b) other entitlements listed in the LARP have been provided; and (c) a comprehensive income and livelihood rehabilitation program, supported by an adequate budget, is in place, for subproject components.



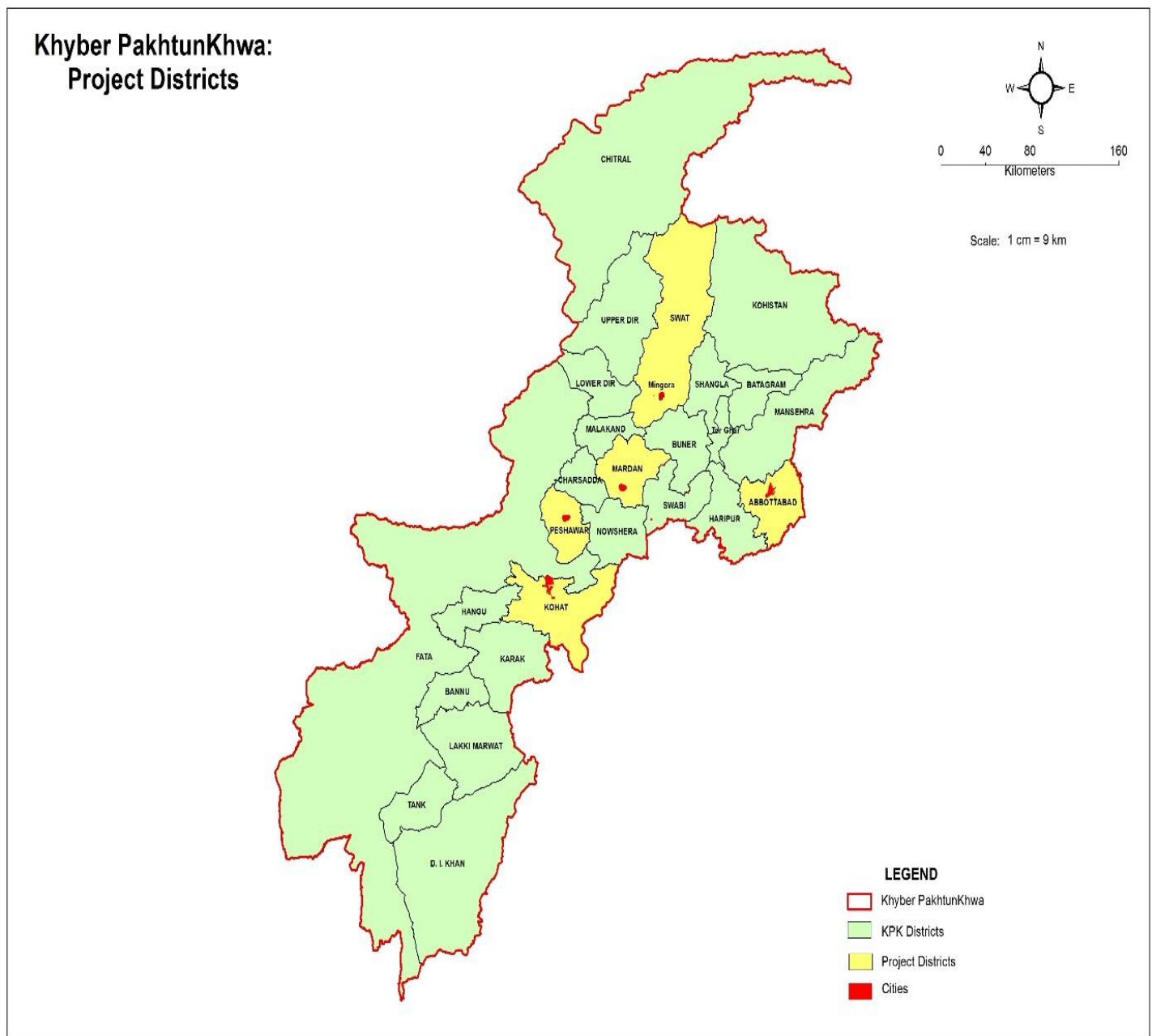
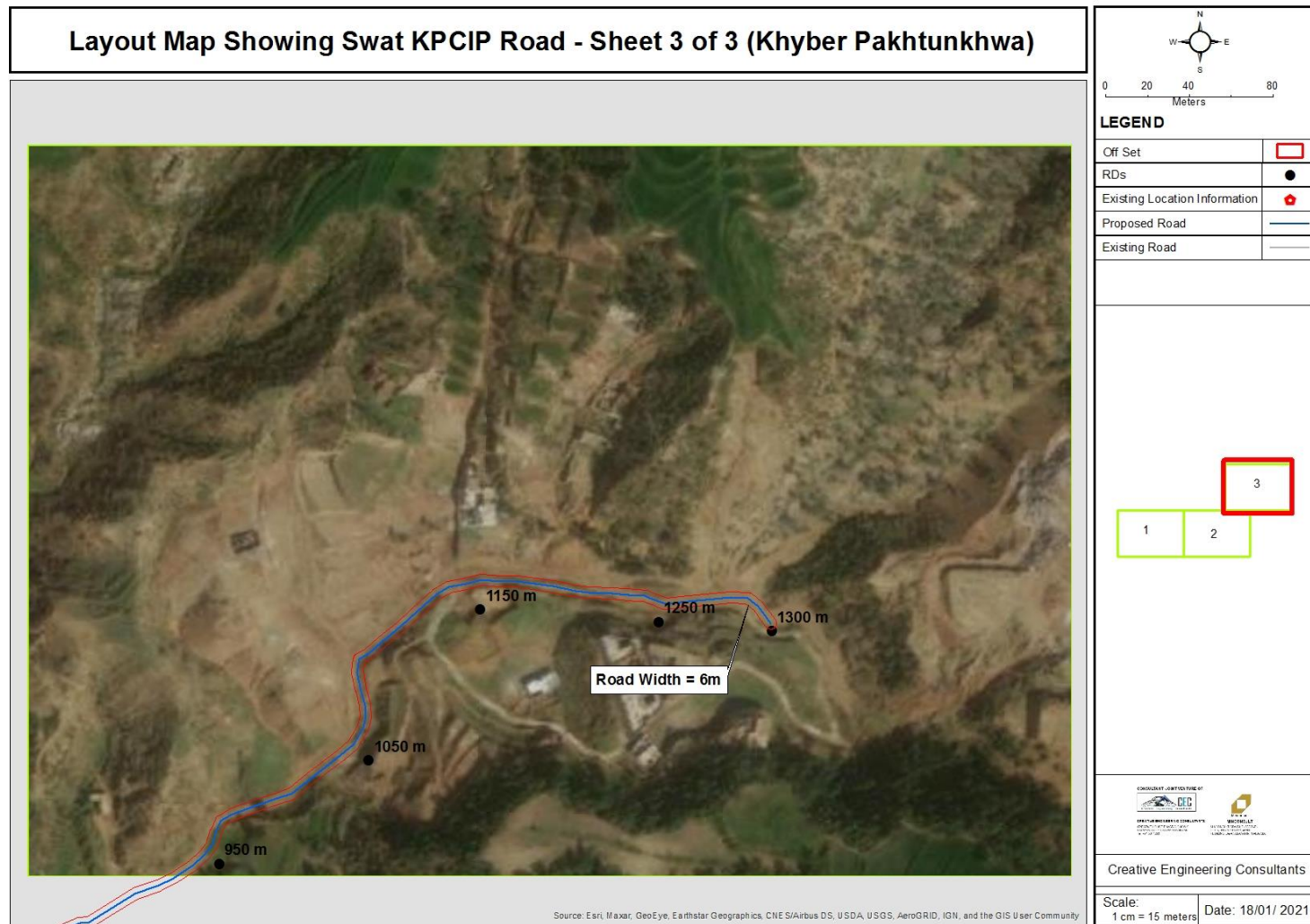
**Fig 1.1: Showing the location map of the KPCIP**

Fig 1.2: Showing the location map of the project area



## SECTION 2

### SCOPE OF LAND ACQUISITION AND RESETTLEMENT

37. This section presents the adverse social impacts resulting from the project interventions. The impacts on the DPs caused by the subproject are considered together with details of the lost assets.

#### 2.1 Impact Assessment Methodology

38. The following approach was adopted for conducting the land acquisition and resettlement impacts of access route to Mingora Landfill to define/confirm the LAR impacts:

- a. Review of SDDR, project design, and design parameters to identify any potential land acquisition or resettlement impacts.
- b. Field site visits along with the design team to identify, assess and reconfirm the LAR impacts of the subproject.
- c. Public consultations with DPs and the general public on the measures adopted to minimize LAR impacts in the subproject.
- d. The consultations meetings were also held with the subproject stakeholders, including ADB (project officer, coordinators, international experts in solid waste management and safeguard unit), P&D (Planning & Development), Local Government, Elections and Rural Development Department LGE&RDD, project technical & steering committees, District Administration, revenue officials, Tehsil Municipal Administration, WSSCs, DPs, general population, EDCM, and internal meetings within the PMU on LAR impacts and sought their views and clarifications on the subproject design, gaps and the safeguard options to address the potential impacts.
- e. Multiple field site visits were conducted to confirm whether the design-related measures and steps including alternatives considered adequately addressed (avoided or minimized) the LAR impacts.
- f. Recording the field impacts situation as evidence of impacts situation to respond and avoid any conflicts with communities of access route to LFS and any false claims of compensation.
- g. The collected data was processed according to separate category of the indicators for analysis purposes. All analysed data was tabulated for interpretation and deriving conclusions and recommendations.

39. **Land Acquisition and Resettlement Impacts (LAR):** As per final DED and ongoing land acquisition process, the total DPs of this subproject component on access road are 27 and all are landowners. The detail is discussed as under;

##### 2.1.1 Project Impact on Land

40. The subproject has permanent impact on 0.82 acre of private land (barren uncultivated (mountainous) land) owned by 27 DPs (Annex-A). These 27 DPs are the actual landowners and partial impacts are reported on this uncultivated land. The information related to total land ownership of the landlords is currently being assessed. The land assessment is going on by the revenue department since April 2020 with the notification of Section 4 of LAA 1894. The compensation rates was obtained from market and cross checked with the Revenue department based on their rates as of December 2020. PMU has engaged a licensed valuer accredited with

the State Bank of Pakistan to conduct an independent valuation study (IVS) to determine the adequacy of the compensation rates to ensure meeting the SPS requirement of full replacement costs. Result of the IVS will be incorporated in the LARP and land award.

### **2.1.2 Land Lease for Contractor's Camp and other Facilities**

41. The land needed for setting up the contractor's office, residential quarters for contractor's staff/workers, workshop of equipment, vehicles and borrow/spoils deposit areas will be taken by contractor through negotiation with the land owners in the form of lease agreement under the supervision and approval of the PMU. This imply that the land for the facilities of the contractor would be taken through a voluntary agreement which the landowner may refuse if s/he is dissatisfied with the terms offered. There were sufficient suitable alternative plots for this purpose. However, the rental fee is to be based on applicable market rates (replacement cost) for land leases. The contractor will restore the land to its original condition before handing it back to the landowner after the completion of the contract agreement. The conditions to this extent will be made in the bidding document.

### **2.1.3 Impact on Crops**

42. As per available revenue record and consultations with the DPs during the field visit conducted in the subproject area, it was assessed that the subproject does not have any impact on crops as the entire area is uncultivated/barren.

### **2.1.4 Impact on Trees**

43. As per the available revenue record and consultation with the DPs during the field visit conducted in the subproject area of the consultant, it was assessed that subproject component on access road does not have any impact on the trees either fruit or wood tree.

### **2.1.5 Impacts on Building Structures**

44. As per the available revenue record, consultation with the DPs and repeated field visit to subproject area, it was assessed that the subproject does not have any impact on building structures either residential or commercial structure. Field investigation also revealed that subproject does not have any impact on the encroached structure.

### **2.1.6 Impact on Community Assets**

45. As per the available revenue record and field assessment including consultations with the land owners, this subproject does not have any impact on the community assets like Masjid etc.

### **2.1.7 Impact on Livelihood**

46. As per revenue record, consultation with the land owners and field investigation, the subproject does not have any impact on the livelihood of any DP. The entire land is barren and unproductive.

### **2.1.8 Impact Severity**

47. As per field situation, none of the 27 will be severely impacts. The partially affected land of 27 DPs is uncultivated and unproductive (not income generating). Hence, impact severity is not relevant.

### **2.1.9 Impact on Vulnerable Groups**

48. Distinct group of people who may suffer disproportionately from resettlement effects are the vulnerable people. The policy defines vulnerable groups as households below the poverty line, the elderly, those without legal title to assets, landless, women, children and indigenous people. As per socio economic survey and census, none of the 27 landowners may be considered vulnerable as there a no poor persons among the DPs. All 27 DPs are living above poverty line, i.e., Rs. 17,500 per month, minimum wage rate fixed by the government for the year 2020-21.

### **2.1.10 Indigenous Peoples (IPs)**

49. the SDDR team carefully reviewed the project documents, visited the subproject areas, conducted consultations with the project staffs, consultants and locals in the subproject areas to know the presence of any IPs communities. It was found that the entire population is Muslims (no ethnic and religious minority exists) and they did not consider themselves to be called any other type of population such as Indigenous Peoples as the ADB's SPS 2009 definition. Hence, the subproject is categorized C for IP and does not require an indigenous peoples development plan (IPDP).

## **SECTION 3: SOCIO ECONOMIC INFORMATION AND PROFILE**

### **3.1 General**

50. This section presents an overview of the socio-economic information of project area in general but more focused on the displaced persons. The key socio-economic indicators are demography, literacy rate, income, employment, and access to infrastructures. The main objective of this section is to analyze socioeconomic and cultural characteristics of the beneficiaries to understand their interrelationships, dynamics of community. The section also provides information to the design staff to make the project interventions more effective, socially acceptable, culturally appropriate, gender sensitive and economically viable. The socio-economic questionnaire was used for data collection which is presented in Annex-C.

### **3.2 Information/Data Collection Methodology**

51. The methodology adopted for the survey included a detailed desk review of project documents and secondary information including official records and statistics, academic and other subject matter reports. The secondary sources of information/ data/ reports include Population Census Report (2017) of district Swat.

52. The primary sources of information was included in focus group discussions (FGDs) with selected DPs and the general community, individual interviews with DPs and key informants and transect walk in the area. Meetings were held with stakeholders including District Administration and concerned at District level.

53. The socioeconomic profile of the affected population was collected through interviews of all the DPs (100%) aided by questionnaire. Consultation meetings were also conducted in affected communities and villages and all DPs. A complete 100% census of all DPs was carried out by using pre-structured questionnaires. The key variables covered in the surveys and qualitative interviews included on the following:

- Identification of the affected population.
- Demography, literacy level, occupational structures,
- Income and expenses levels,
- Access to public services, personal property,
- Education and health
- Project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups,
- Identification of gender and resettlement impact and
- Impacts, priorities and needs of the women.

### **3.3 Identification of Displaced Persons**

54. 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). DPs include the landowners whose land is affected owing to the project implementation. No other category of DP is found in the subproject due to limited impact of the project.

### **3.4 Administrative Set up**

55. The subproject is located in District Swat of Malakand Division of Khyber Pakhtunkhwa (KPK) province. It is surrounded by Chitral, lower Dir and Upper Dir in west and Gilgit-Baltistan in the north. At the district level, three-tier government system has been put in place, consisting of the district government, tehsil municipal administration (TMA) and union council administration. The district is headed by a Deputy Commissioner (DC) who supervises and coordinates the functioning of all the provincial departments in the district. The District Officer Revenue (DRO) directly looks after the matters of the revenue offices at tehsil level. Each tehsil (subdivision) has a revenue setup consisting of Tehsildar and NaibTehsildar, who have a number of Quangos. Each Qanungo looks after the work of several Patwaris of his Patwar Circle. The Patwaris stay in their villages/ mouzas and maintain and update the land record of their 'mouzas'.

### **3.5 Overview of the Subproject Area**

56. The subproject are is located 4.37 km from Mingora city which is largest commercial city of Swat District in Khyber Pakhtunkhwa, Pakistan. The entire subproject area is surrounded by the mountain and located in the village Kawtaro Mera. Agriculture is very limited in the surrounding area while the entire subproject area is barren and uncultivated. The local people go to Mingora city for their livelihood. These include employment in government and private sector, wage labor, operating own business, shopkeeper, traders, plumber, and few are working abroad. The community has access to hospital and education centers in Mingora city. However, road infrastructure is not properly available. Residents they have to use about 0.5 km of kacha road from their homes to reach Mingora city.

### **3.6 Population Profile**

57. According to the 2017 census, the total population of District Swat is 2,309,570. Males comprise 50.8% while the females comprise 49.2%. Similarly, the total members of the DPs' households is 178. Male household members are slightly high (51%) than the female population (49%)

### **3.7 Household Size in the subproject area**

58. As per social survey, the average Household's size is 6.6 persons among the DPs which clearly reveals the dominance of an extended family system in the subproject area.

### **3.8 Age Structure**

59. Age is another important demographic characteristic which has a bearing on employment and mobility. A study of distribution for household' memers by age will throw light on the type of strategies which may be helpful in raising their income and employment. The data regarding the distribution of heads of households by age categories are presented in Table below.

**Table 3.1: Age Distribution of Members of Affected Households**

<b>Age Distribution</b>	<b>Number</b>	<b>Percentage</b>
Below 20 Years	74	42
20 - 30 Years	34	19
31 - 45 Years	32	18
46 - 60 Years	25	14
60 and above	13	07
Total	178	100

*Source: Sample survey*

### **3.9 Literacy rate and Education Level of Respondents**

60. Education is an essential component of human capital and it is very much effective in poverty reduction. The literacy rate has shown a gradual but steady increase in KPK over the last fifteen years and same increase ratio was also observed in the project area. As per field survey, (as given in Table below, 25% of family members of the DPs are illiterate while 64% are literate. About 11% of the family members are in their infancy.

**Table 3.2: Education Level of Members of Affected Households**

<b>Education Level</b>	<b>Number</b>	<b>Percentage</b>
Infant	19	11
Illiterate	44	25
Primary	51	29
Middle	27	15
Matriculation	18	10
Intermediate	11	06
Graduate	08	04
Total	178	100

### **3.10 Housing Conditions**

61. Housing condition of the local community is classified into three categories i.e. “pacca”, “semi pacca” and “Kacha” according to the type of structure. Pacca houses (70%) are constructed with bricks, cement and concrete having wooden and steel doors and windows. Semi pacca houses (25%) are made of bricks (joint with mud) and their roofs are mostly of wood, iron sheet and partially bricks. Kacha houses (5%) are made of mud and other local material such as sticks, reeds and iron sheet. The field investigation shows that 98% of the respondents live in their own self-made house, while 2% live in rented houses. Field investigation reveals that 100 percent of house property is allotted in the names of male family members. None of the women in the Area owns any house.

### **3.11 Toilet Facility**

62. The toilet facility is available to 98% of the households, while 2% of the households use the open field for defecation purposes. Field investigation reveals that 98% of the households have the flush latrine in their houses.



### 3.12 Household Income Sources

63. Numerous income-generating activities are practiced in the area as revealed in the survey. These include employment in government and private sector, wage labor, operating own business, shopkeeper, traders, plumber, and few are working abroad.

### 3.13 Household Income

64. Survey data presented in Table 3.3 shows that the monthly average income of the respondents is Rs. 83,875. However, in term of income category, 33% (9) of the DPs have their monthly income Rs.30,001 – 50,000/- and 7% (2) earn Rs. 17,501 to Rs. 30,000. While 60% (16) of the surveyed households' income is above Rs. 50,000 per month. Field investigation reveals that none of the DPs falls below the poverty line, i.e., Rs.17,500, minimum wage rate fixed by the government. All the landowners have monthly income above Rs.17,500/-.

**Table 3.3: Monthly Income Category and Households**

S #	Income Level (Rs. /Month)	No. of Households	Percentage of Households (%)
1	Less –17,500	0	-
2	17,501- 30,000	2	07
3	30,001- 50,000	9	33
4	Above- 50,000	16	60
	Total	27	100

Source: Sample survey

### 3.14 Expenditure

65. The average monthly expenditures are calculated as Rs.54,620/-. These expenditures include food and non-food items like fuel, education, health, clothing, utility charges, and other miscellaneous expenditures. Table 3.4 below shows that the households with higher income have more saving capacity than the low income who hardly meets their expenses.

**Table 3.4: Detail of Household Expenditures**

S #	Description of Expenditure (Rs.)	No. of Households	Percentage of Households (%)
1.	17501-30000	2	07
2.	30001-50,000	12	44
3.	Above-50,000	13	49
	Total	27	100

Source: Field Survey

### 3.15 Credit availability and banking facilities

66. Credit plays a role in the lives of poor and lower-middle-class families of the project area. The loans are used for domestic and social needs such as marriages, medical treatment, establishing business, construction of houses and education of the children. However, this practice is not common in the project area, only 2 % of the households obtained the loan from the institutional channel, i.e., from the bank, while 98% did not avail this opportunity. On average, the respondents took a loan of Rs. 130,000 only for the education of their children.

### 3.16 Household Possessions

67. The possession and use of durable household goods have multiple effects and implications. For instance, access to a satellite dish or television helps household members to remain updated about daily events, information, and educational materials. Similarly, a refrigerator prolongs food storage and keeps food fresh and healthy. Ownership of transportation allows greater access to services away from the local Area and enhances social and economic activities. Table 3.5 presents the percentages of the surveyed households that possess various durable commodities, means of transportation. The table shows that televisions and mobile phones are common devices possessed by most of the households for information and communication. All households possess mobile phones. The households are more likely to have a television 100% (27) and possession of a radio is 19% (5). Another indicator of household socioeconomic status is ownership 33% (9) of a computer and availability of an Internet connection. A refrigerator is available in 60% (16) of the households. About 63% (17) have a washing machine. Motorcycles are the most common means of transportation in the subproject area as 44% (12) of households own a motorcycle, however 15% (4) use a car for travelling purpose.

**Table 3.5: Possession of Household Goods**

Item	Households	Item	Households	Item	Households
Mobile Phone	100%	Television	100%	Car	15%
Sewing Machine	90%	Refrigerator	60%	Motorcycle	44%
Washing Machine	63%	Computer	33%	Radio	19%

Source: Field Survey

### 3.17 Access to Civic Facilities

68. Access to drinking water and sanitation is believed to be essential for health, security, livelihood, and quality of life, and is especially critical for women and children. Improved water supply and sanitation interventions could thus provide a wide range of benefits like longer lifespan, reduced morbidity and mortality from various diseases, and low health costs. Table 3.6 depicts the picture of available social amenities in the subproject area.

**Table 3.6: Access to Social Amenities in the Subproject Area**

S#	Social Amenities	Available to Household (No)	Available to Household (%)
1	Electricity	27	100%
2	Sui-Gas	0	0
3	Water Supply	14	52%
4	Sewerage/Drainage	16	59%
5	Hospital	17	63%
6	School	22	81%
7	Road	20	74%

Source: Field Survey

69. Table indicates that all the houses in the subproject areas are electrified. However, the people are not satisfied over the power supply. Sui Gas is ranked as the top priority demand of women of the Area as not available in the subproject area. Potable drinking water supply is accessible to 52% with most of the people relying on spring water. Only 59% of the households

have access on the sewerage and drainage system while 41% are still looking to have this facility. Health and education facilities are available to 63% and 81% of the households, respectively. Surveyed households complained of the low-quality services provided in the Government hospitals and schools. Hence, they are forced to get the services from the private sources, which are more expensive. Local people are not happy on the available road infrastructure, as mostly require the extensive repair.

### **3.18 Gender Situation/ Analysis**

70. Female in the project area has no recognized role in the authority structure of the villages. Most of the women stay at home and only travel outside the village in case of visiting relatives, weddings and to hospitals in nearby towns and Peshawar. However, the traditional attitude of not sending girls to school is changing now, because parents realized and understand that basic education is necessary for everyone without the discrimination of sex.

71. During the construction activities of the subproject, mobility of women and girls may be affected. There is also a potential of gender based violence and/or trafficking with the influx of workers and outsiders participating the subproject construction activities. These issues will be taken up in the gender action plan.

### **3.19 Women's Participation**

72. During consultation it was found that mostly decisions are taken by men. In educated families the decision making is jointly done and more apparently in younger generations. But the fact that women are not seen outside the house which makes it difficult to approach them for information dissemination or stakeholder engagement activities.

### **3.20 Concerns and Suggestion of Women related to the subproject**

73. The female pointed out the following major issues relating to project activities;

- Local women mobility will be restricted because of construction activities.
- The timing of construction activities should be adjusted in such a way that it will not disturb the mobility of local population especially women and children during their routine (schools timing and working/jobs timing);
- In case of emergencies, women and children will have to go to hospitals for health care purposes so the project construction work should be completed as per schedule. Alternate route should be provided during construction in case of blocked access; Working women, schoolteachers/ students of the Area will feel uncomfortable for traveling/mobility during the construction activities.
- The access to sui gas facility should be available to area.
- Office/ computer Jobs should be provided to educated family members in project.
- Women demanded the compensation as per replacement value of the affected land.
- The Subproject will cause the bad smell in the area hence it must be shifted away from the population centers.
- The subproject will cause the environment hazard in the form of shifting the solid waste from Mingora to LFS, consequently the surrounding population especially school, hospital and Masjid (located on the way) will be adversely affected owing to the environment hazard.

## **SECTION 4**

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

#### **4.1 General**

74. This section describes the project stakeholders and their attitude towards the access route to LFS Mingora and the process which was adopted in consulting the displaced persons and general community. During peak COVID-19 period, the social distance was maintained even it held telephonically as well. Now these meetings are held with the groups of 8-15 persons as there is no restrictions on the small groups. It presents the views and perceptions of the DPs and local population on the project as expressed during meetings. It also presents the disclosure activities.

#### **4.2 Consultation with Stakeholders**

75. In the process of preparing this LARP, individual, and focus group discussions were held with the DPs, neighboring community, general public and officials of concerned departments especially with the revenue department. These meetings were held from October 2019 to December, 2020. A total of 7 groups meetings were held with the DPs in which a total of 77 persons participated. Separate meetings were held with the women keeping in view the local traditions so that the women can freely express their opinions and concerns regarding the subproject. A summary of the consultations done is shown in Table 4.1. These consultations will be continued by the subproject staff throughout the subproject cycle. The details of consultations are discussed as under;

- a) Formal consultation meetings were held with all DPs, concerned government officials, representatives of civil society organizations (CSOs) and other pertinent stakeholders.
- b) Separate meetings were held with women so their voices are not constrained by men and powerful more dominating sections of the communities.
- c) Individual meetings and focus group discussions (FGD) were held formally and informally, as and when the opportunity or need arises during field activities.
- d) The Consultation, Participation and Information Disclosure (CPID) activities have been recorded and documented comprehensively, including participants lists, photographs and minutes of the key issues addressed, agreements reached, observations made in the field and outstanding issues that need to be addressed.
- e) The consultations were documented in the LARP with consultation records appended and will also continue during the Resettlement implementation process.

#### **4.3 Stakeholders' Perceptions about the Project**

76. As the construction of access route will have the impacts on the local population. Despite the impacts, the affected communities did not have a hostile attitude towards the subproject although there were some concerns regarding the compensation rate as the government rates are normally in the lower side even few people have gone in the court against the environment hazards of the project.

77. The meetings were attended by the DPs and general public. The list of the participants is attached as Annex-D of the LARP. In addition, the individual meetings were held with the DPs for census, socio-economic survey, and officials of revenue department etc.

78. The consultation meetings of access route to LFS was conducted during October 2019 - December 2020.

**Table 4.1: Detail of Consultation Meetings**

<b>S #</b>	<b>Date</b>	<b>Village/Place</b>	<b>No. of Participants</b>	<b>Remarks</b>
1	02-10-2019	LFS Mingora	15	Meeting with the DPs
2	06 -03-2020	LFS Mingora	08	Meeting with WSSC and DPs
3	29-08-2020	LFS Mingora	09	Meeting with the WSSC & DPs
4	13-10-2020	LFS Mingora	10	Meeting with the DPs and neighboring general public
5	05-11-2020	DC Office Mingora	9	Meeting with DC and DPs
6	18-11-2020	DC Office Mingora	11	Meeting with DC and DPs
7	23-12-2020	LFS Mingora	15	Meeting with the DPs and general public
Total			77	

79. The participants were encouraged to express themselves and engage in detailed discussion on impacts, compensation, consultation, and awareness. The concerns were raised by the participants, particularly about compensation and entitlement package. The main concern was the adequacy and timely payment of compensation to displaced persons, summarized in Table 4.2.

**Table 4.2: Concerns of DPs and Responses by Consultant**

<b>S#</b>	<b>Concerns of DPs</b>	<b>Response from Consultant</b>	<b>Action to be Taken</b>	<b>Responsibility</b>
1	The Government will not give the market rate of their lost land.	The Government intends to purchase the land based on current market value of lost assets. That's why the IVS is going on to assess the replacement value of the lost assets.	<ul style="list-style-type: none"> <li>The land will be compensated as per replacement cost of the lost assets, though the land is barren in nature.</li> </ul>	Revenue, WSSC, CIU & PMU
2	Will Government arrange alternate business for the DPs	The project will not cause the loss of any business structures. Hence alternate business place will not be required.	<ul style="list-style-type: none"> <li>Consultations will continue with DPs throughout the project cycle. In case there is any impact on structures and businesses during construction, it will be compensated as per approved LARP in accordance with SPS.</li> </ul>	Revenue, WSSC, CIU & PMU
3	The construction work is usually getting delayed; eventually their livelihood will be disturbed.	The contractor will be given the timeline to complete the work and will be supervised by the consultant and compliance will be ensured.	<ul style="list-style-type: none"> <li>The timeline will be strictly observed and in case of any delay in the completion of work, penalty will be imposed on the contractor.</li> </ul>	WSSC, CIU , PMU, CSC & Contractor
4	Any payment schedule to DPs	The payment will start in July after announcement of land award.	<ul style="list-style-type: none"> <li>The payment will start after final LARP is approved by ADB.</li> </ul>	Revenue, WSSC, CIU & PMU
5	Provision of jobs for skilled and qualified local should be accepted as the right of inhabitants of Area	Priority of jobs will be given to local inhabitants on merit basis by following the codal procedures.	<ul style="list-style-type: none"> <li>Special clause will be added in the contract of contractor to ensure full compliance.</li> </ul>	WSSC, CIU, PMU, CSC & Contractor
6	The subproject will cause the environment hazards and life of the surrounding population will become miserable due to bad smell	Latest and scientific technology will be adopted to prevent the bad smell	<ul style="list-style-type: none"> <li>EIA report of the subproject proposed the mitigation measures to prevent the environment hazards and no chance of occurrence of bad smell of the project.</li> </ul>	WSSC, Contractor, CIU, PMU & Environment Expert
7	Chances of some environmental effects like noise/ vibration and dust emissions to the nearby community	The contractor will be bound to implement the measures in this regard by putting clause in his contract	<ul style="list-style-type: none"> <li>Special clause will be added in the contract of contractor to ensure the full compliance. This issue is already included in the EIA and the ESMP and corresponding mitigation measures have been added.</li> </ul>	WSSC, Contractor, CIU PMU, & Environment Expert

<b>S#</b>	<b>Concerns of DPs</b>	<b>Response from Consultant</b>	<b>Action to be Taken</b>	<b>Responsibility</b>
8	Is there any forum for the complaint registration?	GRM will address the complaints of the DPs who will have the complete access over it.	<ul style="list-style-type: none"> <li>A multi tiers GRC will be established and the detailed GRM procedure is given in section 8 of this LARP document).</li> </ul>	WSSC, Contractor, CIU & PMU
9	The movement towards the Masjid, school and hospitals should not be disturbed.	Special instructions will be given to the design consultant followed by the contractor to avoid the disturbance of these critical places.	<ul style="list-style-type: none"> <li>Alternate route will be provided to avoid the disturbance and the issue will be discussed in the construction management plan.</li> <li>Code of Conduct for Contractors and their workers, which will include provisions on gender based violence</li> <li>GRM is established to address the local complaints</li> </ul>	WSSC, Contractor, CSC, CIU & PMU
10	How much time will the Government give them (DPs) for relocation? Is there any assistance for shifting the material?	No physical relocation is involved in this subproject. However, in case of any unanticipated relocation, DPs will be given one-month notice for dispossession of their assets after receiving their compensation, even the transportation/shifting allowance will be provided to shift their stuff/material	<ul style="list-style-type: none"> <li>No relocation involved. However, in case of any unanticipated relocation, Government PMU will give DPs 30 days' period as agreed here in the consultation meetings and that can be extended with consensus. Similarly, reasonable amount will also be given to shift their salvage material to another place.</li> </ul>	WSSC, Contractor, CSC, CIU & PMU

#### **4.4 Meetings with the Government Officials**

80. A series of meetings throughout the subproject period were held at detailed design stage with the Revenue for the following purposes.

- a) Losses assessment survey
- b) Workout the compensation cost of private assets.
- c) Facilitation to conduct the consultation meeting with the DPs and

81. **Outcome of the Meetings:** The support provided by the government departments is as follows; i) Properly make the assessment survey, ii) compensation value as per replacement cost of the lost assets, iii) provided the support to field staff during the field survey, and iv) timely make the disbursement of compensation payment to DPs.

#### **4.5 Women's Involvement in the Consultation Process**

82. According to ADB's safeguard policy statement, consultation process must be gender inclusive and responsive and tailored to the needs of disadvantaged and vulnerable groups. To explore the gender-related issues, female staff was included in the team to conduct the consultations with women owing to follow the cultural norms. Formal meetings with the women were held to explore their needs, problems and priorities related to the sub- project execution. In addition, individual interviews were also held with the affected women to effectively involve them in the planning process.

83. Women DPs actively participated in the meetings and come up with several issues specially with the provision of facilities for the women in the subproject.

##### **4.5.1 Fears and Concerns about the project**

84. A few women DPs (among the affected households) were un-aware about the subproject. Their views are mentioned below;

- The proposed subproject will cause the environment hazard and no mitigation measures will be proposed by the PMU.
- Special care/assistance should be provided to get the timely compensation of their loss assets.
- The movement of the working women and female student will be disturbed during the construction work.
- Jobs will not be provided to the locals' people during the construction, though their children are jobless.

##### **4.5.2 Responses to the Fears and Concerns raised by women**

85. According to SPS, 2009, the compensation will be provided as per the replacement cost of the lost assets. Regarding the local movement during the construction stage, alternate routes will be provided, and contractor will be bound to make compliance through the construction management plan. Jobs will be provided to the local people on priority basis and the contractor will be contractually bound to make the full compliance.



#### **4.6 Disclosure of LARP**

86. The PMU and CIU will be responsible to ensure that all resettlement information are properly and meaningfully disclosed to all the DPs in local language, their concerns are addressed, and necessary changes are made in the design for this purpose.

87. For transparency in the LARP implementation process and for further active involvement of DPs and other stakeholders, information will be disseminated through the disclosure of LARP document in local language. The SPS, 2009 requires that all reports are made available to subproject displaced persons and other stakeholders and to public at large. The LARP report will be available on the websites of PMU-LGE &CDD and ADB for disclosure purpose.

88. The following steps will be undertaken for disclosure of LARP:

- LARP will be disclosed to DPs in local language.
- An information booklet containing summary of DPs compensation and assistance will be prepared specifically for this purpose. This information booklet will be translated into Urdu and distribute to all the displaced Persons (DPs) and other stakeholders by the project Office as and when approves by the ADB.
- Enable the DPs to read it by themselves and be aware of their entitlements, unit rates of compensation/income restoration and rehabilitation assistance and payment procedures available for various types of DPs as given in the Entitlement Matrix. In addition, the information regarding the grievance redress mechanism will be reflected in the booklet.
- A schedule explaining the date, time and venue for disbursement of compensation and livelihood assistance will be prepared in local language and distributed to all DPs.

## **SECTION 5**

### **LEGAL FRAMEWORK**

89. This section describes national laws and regulations that apply to the subproject and identify gaps between national laws and ADB's policy requirements; and discuss the subproject policy to be followed.

#### **5.1 National Legal Instruments**

##### **5.1.1 Constitution of the Islamic Republic of Pakistan**

90. The Constitution of Pakistan (1973) clearly addresses the protection of property rights (Article 24) that it includes “no person shall be compulsorily deprived of his property save in accordance with law” and “no property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation” therefore and either fixes the amount of compensation or specifies the principles on and the manner in which compensation is to be determined and given. Further, Article 4 (sub-clause/a of 1) reiterates the legislative right of the people by stating that: “No action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law.

##### **5.1.2 National Legislation**

91. In the absence of a specific resettlement policy, the Land Acquisition Act (LAA) of 1894 is the de-facto legal instrument governing resettlement and compensation to DPs. However, it does not provide consideration to social, cultural, economic, and environmental conditions associated with and affected by resettlement. Although LAA lays down detailed procedures for acquisition of private properties for public purposes and compensation, it does not extend to resettlement and rehabilitation of persons as required by donor agencies including the ADB. Further, experience in other projects has established that compensation stipulated in the law may not be adequate to provide for equal or enhanced living status to resettle DPs.

##### **5.1.3 Pakistan’s Law and Regulations on Land Acquisition and Resettlement**

92. 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 LAA, 1894 lays down definite procedures for acquiring private land and payment of compensation. Here in this subproject, land acquisition is involved, as per design all kinds of construction activities will be carried out within the acquired private land, hence Land Acquisition Act (LAA) will trigger here. It comprises of 55 sections pertaining to area notifications and surveys, acquisition, compensation and apportionment awards and disputes resolution, penalties and exemptions. A few relevant sections were synthesized from the Land Acquisition Act 1894, are summarized below (Table 5.1).

**Table 5.1: Relevant Sections of the Land Acquisition Act 1894**

<b>Sections of Act</b>	<b>Salient Features of the Sections</b>
Section 4	Publication of preliminary notification and power for conducting survey.
Section 5	Formal notification of land needed for a public purpose. Section 5a covering the need for enquiry
Section 6	The Government makes a more formal declaration of intent to acquire land.
Section 7	The Land Commissioner shall direct the Land Acquisition Collector (LAC) to take order the acquisition of the land.
Section 8	The LAC has then to direct the land to be marked out and measured
Section 9	The LAC gives notice to all DPs that the Government intends to take possession of the land and if they have any claims for compensation then these claims are to be made to him at an appointed time.
Section 10	Delegates power to the LAC to record statements of the DPs in the area of land to be acquired or any part thereof as co-proprietor, sub-proprietor, mortgage, and tenant or otherwise.
Section 11	Enables the Collector to make enquiries into the measurements, value and claim and then to issue the final “award”. The award includes the land’s marked area and the valuation of compensation.
Section 16	When the LAC has made an award under Section 11, he will then take possession and the land shall thereupon vest absolutely in the Government, free from all encumbrances.
Section 17	in cases of urgency, whenever the Government can take possession of any land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government, free from all encumbrances: But this section will not apply at this subproject.
Section 18	In case of dissatisfaction with the award, DPs may request the LAC to refer the case onward to the court for a decision. This does not affect the Government taking possession of land.
Section 23	The Collector announces the award of compensation for the owners after necessary enquiries and compensation for acquired land is determined at its market value plus 15% in consideration of compulsory nature of the acquisition for public purposes.

## 5.2 ADB’s Safeguard Policy Statement 2009

93. 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 the objectives:

- i. **Screen the project** early on to identify past, present and future involuntary resettlement impacts and risks.
- ii. **Determine the scope of Land Acquisition and resettlement planning** through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.

- iii. **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, 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.
- iv. **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 costs 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.
- v. **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.
- vi. **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; in urban areas, provide them with appropriate income sources and legal and affordable access to adequate housing.
- vii. **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.
- viii. **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.
- ix. **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.
- x. **Disclose a 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 land acquisition and resettlement plan and its updates to affected persons and other stakeholders.
- xi. **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.
- xii. **Pay compensation and provide other resettlement entitlements before physical or economic displacement.** Implement the land acquisition and resettlement plan under close supervision throughout project implementation.
  - xiii. **Monitor and assess resettlement outcomes,** their impacts on the standards of living of displaced persons, and whether the objectives of the land acquisition and resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring.
  - xiv. Disclose monitoring reports

### 5.3 Comparison of Key Principles and Practices of Pakistan's LAA and ADB's IR Safeguards-SPS 2009

94. Table 5.2 below discuss the reconciliation measures between two safeguard instruments.

**Table .5.2: Measures to address gaps between LAA and SPS**

<b>Pakistan LAA 1894</b>	<b>ADB SPS 2009</b>	<b>Measures to Address the Gap on ADB funded subproject</b>
Compensation for land and other assets is based on average values and department unit rates that do not ensure replacement market value of the property acquired. However, LAA requires that a 15% compulsory acquisition surcharge supplement the assessed compensation.	DPs are to be compensated for all their losses at replacement cost, including transaction cost and other related expenses, without deducting for depreciation.	Land valuation is to be based on current replacement (market) value with an additional payment of 15%. The valuation for the acquired housing land and other assets is the full replacement costs keeping in view the fair market values, transaction costs and other applicable payments that may be required.
No provision for resettlement expenses, income/livelihood rehabilitation measures or allowances for displaced poor and vulnerable groups.	Requires support for rehabilitation of income and livelihood, severe losses, and for vulnerable groups.	Provision will be made to pay for resettlement expenses (transportation and transitional allowances), compensate for loss of income, and provide support to vulnerable persons and those severely impacted (considered to be those losing more than 10% of their productive assets).
Lack of formal title or the absence of legally constituted agreements is a bar to compensation/rehabilitation. (Squatters and informal tenants/leaseholders are not entitled to compensation for loss of structures, crops)	Lack of formal title is not a bar to compensation and rehabilitation. All DPs, including non-titled DPs, are eligible for compensation of all non-land assets.	Squatters, informal tenants/leaseholders are entitled to compensation for loss of all non-land assets like crops, trees, structures, livelihood and for relocation assistance.
Land acquisition and compensation process is conducted independently by the Land Acquisition Collector	Involuntary resettlement is conceived, planned and executed as part of	Respective EAs will prepare land acquisition and resettlement plans, as part of project preparation based on an inventory of losses, livelihood

<b>Pakistan LAA 1894</b>	<b>ADB SPS 2009</b>	<b>Measures to Address the Gap on ADB funded subproject</b>
following a lengthy prescribed legal and administrative procedure. There are emergency provisions in the procedure that can be leveraged for civil works to proceed before compensation is paid.	the project. Affected people are supported to re-establish their livelihoods and homes with time-bound action in coordination with the civil works. Civil works cannot proceed prior to compensation.	restoration measures, Pakistan law and principles enumerated in SPS. Where gaps exist in the interpretation of Pakistan law and resettlement practices, requirements of ADB's involuntary resettlement policy will prevail. Civil works may only proceed when the LARP approved by ADB is fully implemented with all APs fully compensated and validated by an ADB acceptable independent/external monitoring consultant before the start of construction work in any subproject.
No convenient grievance redress mechanism except recourse of appeal to formal administrative jurisdiction or the court of law	Requires the establishment of accessible grievance redress mechanisms to receive and facilitate the resolution of DPs' concerns about displacement and other impacts, including compensation	EAs will establish easily accessible grievance redress mechanism available throughout project implementation that will be widely publicized within respective project area and amongst the DPs.

### 5.3 Project Resettlement policy

- i. As required under SPS, 2009, the project objectives are to achieved, avoid, minimize or mitigate involuntary resettlement impacts causing physical and/or economic displacement.
- ii. Meaningful consultations with all stakeholders are continued. Particular attention is paid to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and their participation in consultations is ensured.
- iii. Final LARP will be submitted to ADB for review/approval, endorsed by the borrower/client and after finalization it will be disclosed on the ADB website.
- iv. A grievance redress mechanism with representation of all stakeholders will be established.
- v. A comprehensive social impact assessment has been done under this LARP and no separate SIA was prepared. The impact assement involving (i) a census of all displaced persons and an inventory of their lost assets (ii) a socio-economic survey of a sample of at least 10 percent of general population of the area but all DPs need to be surveyed 100% basis for the census, impact severity, and vulnerability (worked out on the basis of quantum of impact and income analysis respectively) purpose, and (iii) a detailed

- measurement survey and valuation of all lost assets as well as an assessment of lost incomes will be carried out.
- vi. An eligibility cut-off date is declared and formalized on the date of completion of social impacts assessment survey and census of DPs.
  - vii. Compensation assessment of structures has been done at replacement cost of the lost assets. For replacement of structures all transaction costs are paid by the subproject and included in compensation payments to the DPs.
  - viii. Incomes and livelihood sources lost, including interruption of business activities and employment, is fully compensated at per market value. DPs permanently losing incomes and livelihood sources of vulnerable DPs are entitled to credit, training and employment assistance to maintain or improve their livelihoods.
  - ix. All DPs are provided opportunities to share development benefits of the subproject, if feasible.
  - x. DPs are not physically or economically displaced before compensation has been paid, other entitlements have been provided and an income and livelihood program is in place.
  - xi. The effectiveness of the implementation of LARP and the impacts of its measures on the livelihoods of the DPs are monitored internally by the PMU and externally through hiring of (ADB accepted) EMA during LARP implementation.

#### **5.4 Legal and Administrative Impediments**

95. Both the LAA (1894) and ADB SPS (2009) require that DPs are compensated before displacement, but LAA and ADB allow a mechanism for dealing with cases with legal and administrative impediments for disbursing compensation payments to DPs provided that sufficient good-faith efforts are demonstrated in (a) contacting, notifying and assisting DPs, and (b) delivering compensation payments. The guidance note (Annex-E) elaborate the efforts required to be made to address the (i) the cases with legal and administrative impediments to payment of compensation to DPs (ii) the requirements under the LAA related to cases with legal and administrative impediments to payment of compensation to DPs and (iii) when can good-faith efforts be considered as sufficient and how to document that good-faith efforts.

96. In light of the guidance note, the EA will have to take appropriate actions to demonstrate that sufficient good-faith efforts have been made toward addressing the legal and administrative impediments those are listed as under;

- i) Land title disputes or litigations among the DPs or court references against award,
- ii) Absentee landowners (DPs living overseas or in other parts of the country),
- iii) DPs with pending inheritance mutations,
- iv) DPs who are unable to alienate the acquired asset, and
- v) DPs with meager compensation.

## **SECTION 6**

### **ENTITLEMENTS, ASSISTANCE AND BENEFITS**

#### **6.1 Eligibility**

97. Eligible for compensation, relocation and livelihood assistance entitlements are the persons who were on the subproject site prior to the cut-off date and who are physically and/or economically displaced due to permanent or temporary loss of land, structures and/or livelihood, whether full or partial, as a consequence of subproject execution. Such eligible DPs include the following:

- i. All landowner DPs losing land or non-land assets, i.e., crops and trees whether covered by legal title or traditional land rights.
- ii. Non-titled occupants of land, such as squatters or encroachers are entitled to compensation of non-land assets only.
- iii. DPs losing the use of structures and utilities, including titled and non-titled owners, registered, unregistered, tenants and leaseholders plus encroachers and squatters.
- iv. Business owners DPs whether informal register or register under national law.
- v. Distinct group of people who may suffer disproportionately from resettlement effects. The SPS, 2009 defines vulnerable groups as households below the poverty line, the elderly, those without legal title to assets, landless, women, children and indigenous people. The vulnerable displaced persons were identified through the impact assessment.
- vi. In the event of relocation, all DPs will receive transitional and other support to re-establish shelter and livelihoods.

##### **6.1.1 Cut-off date**

98. The census was completed on 20 December 2020 which has been formally established as the subproject's cut-off date for impacts and compensation entitlements and has been communicated/informed to the DPs through consultation meetings. Persons who occupy the area after the cut-off date will not be entitled to any compensation.

#### **6.2 Entitlements**

##### **6.2.1 Compensation and Entitlement Policy**

99. Compensation and entitlements have been determined on the basis of SPS 2009. Table 6.1 provides an entitlement matrix (EM) for different types of losses as per the land acquisition and resettlement framework (LARF) prepared for KPCIP. It also covers the provisions for any unanticipated impacts arising during subproject implementation. Compensation and other assistances will be paid to DPs prior to dislocation and dispossession from acquired assets. In case, the payment is delayed more than a year from the date of valuation, the values will be indexed annually before payment to DPs. PMU has engaged a licensed valuer accredited with the State Bank of Pakistan to conduct an independent valuation study (IVS) to determine the adequacy of the compensation rates to ensure meeting the SPS requirement of full replacement costs. The IVS results will be incorporated into the final/updated LARP.



**Table 6.1 Eligibility and Entitlement Matrix (as per LARF)**

Type of Loss	Specification	Eligibility	Entitlements
<b>1. LAND</b>			
Permanent impact on arable land	All land losses independently from impact severity	Owner (titleholder, or holder of traditional rights)	<ul style="list-style-type: none"> <li>Land for land compensation with comparable productivity and suitability to be explored (if feasible) OR</li> <li>Cash compensation at full replacement cost (RC<sup>3</sup>) including fair market value plus 15% compulsory acquisition surcharge all transaction costs, applicable fees and taxes and any other payment applicable</li> <li>If BoR<sup>4</sup> compensation falls below RC, the project will pay the differential as resettlement assistance to the DPs to restore affected livelihoods.</li> <li>Additional compensation to be worked out in consultation with DPs if the loss is 10% or more of productive resources including land.</li> </ul>
		Leaseholder titled/untitled	<ul style="list-style-type: none"> <li>Compensation commensurate to lease type and duration to be defined in LARP</li> <li>Production based on relevant cropping pattern/cultivation record (additional to standard crop compensation as defined below) and other appropriate rehabilitation, to be defined in the LARPs based on project situation and AP consultation.</li> </ul>
		Sharecropper/ tenant (titled/untitled)	<ul style="list-style-type: none"> <li>Cash compensation equal to gross market value of crop compensation (see below) to be shared with the land owner based on the sharecropping</li> </ul>
			<ul style="list-style-type: none"> <li>Income rehabilitation allowance in cash equal to net value of annual crop production based on relevant cropping pattern/cultivation record (additional to standard crop compensation and other appropriate rehabilitation to be defined in the LARPs based on project situation and DP consultation).</li> </ul>
		Squatter, encroacher.	<ul style="list-style-type: none"> <li>No compensation for land loss</li> <li>IN addition to standard crop compensation, income rehabilitation allowance in cash equal to net value of annual crop production and other appropriate rehabilitation to be defined in the LARPs based on project specific situation and DP consultation.</li> <li>Compensation for any irrigation infrastructure and other improvements made to the land (but not for the land) at full replacement cost.</li> </ul>

<sup>3</sup> Refer to IR safeguards as in SR2 para 10 of SPS 2009<sup>4</sup> Board of Revenue, provincial agency with a mandate to approve compensation rate/amount

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Type of Loss	Specification	Eligibility	Entitlements
Severe impact on productive land	Loss of 10% of productive (income earning) land	Titleholder, or holder of traditional rights	<ul style="list-style-type: none"><li>Cash compensation for 3 months equal to national minimum wage i.e. PKR 20,000/month as fixed by the Federal Government for the year 2021-22. The amount for three months will be equal to PKR 20,000 X 3 = 60,000</li></ul>
Residential/ commercial land	All land losses	Titleholder, or holder of traditional rights	<ul style="list-style-type: none"><li>Cash compensation at full replacement cost (RC) including fair market value plus 15% compulsory acquisition surcharge all transaction costs, applicable fees and taxes and any other payment applicable</li><li>If BoR compensation falls below RC, the project will pay the differential as resettlement assistance to the DPs to restore affected livelihoods.</li><li>Additional compensation to be worked out in consultation with DPs if the loss is 10% or more of productive resources including land.</li></ul>
		Lessee, tenant	<ul style="list-style-type: none"><li>Cash refund/payment at the rate of lease or house rent for remaining lease period or house rent</li></ul>
		Renter/ leaseholder	<ul style="list-style-type: none"><li>Rent allowance in cash equivalent to 3-6 months' rent to be decided in consultation meetings with DPs.</li></ul>
		Non-titled user without traditional rights (squatters)	<ul style="list-style-type: none"><li>No compensation for land loss</li><li>Self-relocation allowance in cash equivalent to 3 months livelihood based on OPL, or as assessed based on income analysis.</li></ul>
Temporary land occupation	Land temporarily required during civil works	Owner, lessee, tenant	<ul style="list-style-type: none"><li>Lease agreements to be signed between the DPs and the contractor for the period of occupation of land. Rental fee payment for period of occupation of land, as mutually agreed by the parties</li><li>Restoration of land to original state</li><li>Guarantee of access to land and structures located on remaining land</li></ul>
		Non-titled user	<ul style="list-style-type: none"><li>Restoration of land to original state</li><li>Guarantee of access to land and structures located on remaining land</li></ul>
2. STRUCTURES			
Residential, agricultural, commercial, public, community	Partial Loss of structure	Owner (including non-titled land user)	<ul style="list-style-type: none"><li>Cash compensation for affected structure (full or partial taking into account functioning viability of remaining portion of partially affected structure) at full replacement cost and repair of remaining structure at market rate for materials, labor, transport and other incidental costs, without deduction of depreciation.</li></ul>

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Type of Loss	Specification	Eligibility	Entitlements
			<ul style="list-style-type: none"> <li>Right to salvage materials (without deduction) from lost structure</li> <li>For vulnerable households, provide legal and affordable access to adequate housing to improve their living standard to at least national minimum standard.</li> <li>Any improvements made to a structure by a tenant will also be taken into account in the calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings.</li> </ul>
		Lessee, tenant	<ul style="list-style-type: none"> <li>Cash refund at rate of rental fee proportionate to size of lost part of structure and duration of remaining lease period already paid.</li> <li>Any improvements made to a structure by a tenant will also be taken into account in the calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings.</li> </ul>
	Full loss of structure and relocation.	Owner (including nontitled land user)	<p>The DP may choose between the following alternatives:</p> <ul style="list-style-type: none"> <li>Compensation through provision of fully titled and registered replacement structure of comparable quality and value, including payment of all transaction costs, such as applicable fees and taxes, at a relocation site or a location agreeable to the DP.</li> <li>Any improvements made to a structure by a tenant will also be taken into account in the calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings.</li> <li>If the market value of the replacement structure is below that of the lost structure, cash compensation for the difference in value without deduction of depreciation.</li> <li>If the market value of the replacement structure is above that of the lost structure, no further deductions. or</li> <li>Cash compensation at full replacement cost, including all transaction costs, such as applicable fees and taxes, without deduction of depreciation for age, for self-relocation. In any case, DP has the right to salvage the affected structure.</li> <li>Severity assistance to all losing structures permanently equivalent to 3 months equal to national minimum wage i.e. PKR 20,000/month as fixed by the Federal Government for the year 2021-22. The</li> </ul>

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Type of Loss	Specification	Eligibility	Entitlements
			amount for three months will be equal to PKR 20,000 X 3 = 60,000
		Lessee, tenant	<ul style="list-style-type: none"><li>Cash refund at rate of rental fee proportionate to duration of remaining lease period</li></ul>
	Moving of minor structures (fences, sheds, latrines etc.)	Owner, lessee, tenant	<p>The DP may choose between the following alternatives:</p> <ul style="list-style-type: none"><li>Cash compensation for self-relocation of structure at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age) Or</li><li>Relocation of the structure by the Project.</li></ul>
	Stalls, kiosks	Vendors (including titled and non-titled land users)	<ul style="list-style-type: none"><li>Allocation of alternative location comparable to lost location, and</li><li>Cash compensation for self-relocation of stall/kiosk at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age)</li></ul>
3. Crops	Affected crops	Cultivator	<ul style="list-style-type: none"><li>Cash compensation at current market rate proportionate to size of lost plot, based on crop type and highest average yield over past 3 years.</li><li>Additional compensation to be worked out in consultation with DPs if the loss is 10% or more of productive resources including land.</li></ul>
		Parties to sharecrop arrangement	<ul style="list-style-type: none"><li>Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share</li></ul>
4. Trees	Affected Trees	Cultivator	<ul style="list-style-type: none"><li>Cash compensation for perennial crop trees at current market rate of crop type and average yield (i) multiplied, for immature non-bearing trees, by the years required to grow tree to productivity or (ii) multiplied, for mature crop bearing trees, by the average years of crops forgone; plus cost of purchase of seedlings and required inputs to replace trees.</li><li>Cash compensation for timber trees at current market rate of timber value of species at current volume, plus</li><li>Cost of purchase of seedlings and required inputs to replace trees</li></ul>
		Parties to sharecrop arrangement	<ul style="list-style-type: none"><li>Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share</li></ul>
5. RESETTLEMENT & RELOCATION			

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Type of Loss	Specification	Eligibility	Entitlements
Relocation Assistance	All types of structures affected	All DPs titled/untitled requiring to relocate as a result of losing land and structures	<ul style="list-style-type: none"> <li>The project will provide logistic support to all eligible DPs in relocation of affected structures whether project based relocation or self-relocation as opted by the DPs.</li> <li>If project-based relocation, DPs will be provided with fully functional public services and facilities including school, health center, community center, electricity, water supply and sewage and irrigation facility with their long term operation and maintenance planned and agreed.</li> </ul>
Security of tenure	Replacement land and structures	All DPs and tenants needing to relocate to project relocation sites.	<ul style="list-style-type: none"> <li>If DPs are required to relocate to project relocation sites, they will be provided with secure tenure to the replacement land and structures.</li> </ul>
Transport allowance	All types of structures requiring relocation	All DPs and tenants required to relocate as a result of losing land and structures	<ul style="list-style-type: none"> <li>Compensation (in cash or kind as agreed with DPs) to all eligible DPs and tenants.</li> <li>For residential structure a lump sum amount of Rs. 15,000/ or higher depending upon the situation on ground.</li> <li>For commercial structure a lump sum amount of Rs. 10,000/ or higher depending upon the situation on ground.</li> <li>For Kiosk a lump sum amount of Rs.3000/ or higher depending upon the situation on ground.</li> </ul>
House rent	All types of structures requiring relocation	All DPs and tenants required to relocate as a result of losing land and structures	<ul style="list-style-type: none"> <li>A lump sum amount, as agreed between the DP and project team, to assist the DPs in renting house for a negotiated period of time, for a comparable structure or apartment to the one lost.</li> </ul>
Transition allowance	All types structures requiring relocation	All DPs and tenants required to relocate	<ul style="list-style-type: none"> <li>On a case to case basis, transitional allowance equal to 3 months of recorded household income or equal to inflation adjusted official poverty line, whichever is higher.</li> </ul>
Arable, residential and commercial land and structures	All types of structures	All DPs titled/untitled losing land & structures	<ul style="list-style-type: none"> <li>Additional cash compensation of 15% as solatium over and above the BOR compensation price.</li> <li>Payment of any price differential or top-up, based on replacement cost study.</li> </ul>
<b>6. INCOME RESTORATION</b>			
Permanent loss of agriculture based livelihood	Partial loss of agricultural land with viable land remaining	Owner, lessee, sharecrop tenant, non-titled land user	<ul style="list-style-type: none"> <li>Provision of support for investments in productivity enhancing inputs, such as land leveling, terracing, biological, erosion control, sprinkler/drip irrigation, composting, tools and agricultural extension, as feasible and applicable; additional financial support if land compensation is insufficient to allow for adequate investments to maintain livelihood</li> </ul>

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Type of Loss	Specification	Eligibility	Entitlements
	Full loss of viable agricultural land without availability of alternative land.	Owner, lessee, sharecrop tenant, non-titled land user	<ul style="list-style-type: none"> <li>Provision of re-training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity</li> </ul>
Maintenance of access to means of livelihood	Avoidance of obstruction by project facilities	All DPs	<ul style="list-style-type: none"> <li>Provide un-interrupted access to agricultural fields, business premises and residences of persons in the project area.</li> </ul>
Businesses	Temporary business loss due to LAR or construction activities by Project	Owner business (registered, informal)	<ul style="list-style-type: none"> <li>Cash compensation equal to lost income during period of business interruption based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or at least inflation adjusted OPL.</li> </ul>
	Permanent business loss due to LAR without possibility of establishing alternative business	Owner business (registered, informal)	<ul style="list-style-type: none"> <li>Cash compensation equal to lost income for 12 months based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or at least inflation adjusted OPL And</li> <li>Provision of training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity</li> </ul>
Employment	Temporary employment loss due to LAR or construction activities	All affected employees of affected businesses and agricultural workers	<ul style="list-style-type: none"> <li>Cash compensation equal to lost wages during period of employment interruption up to 3 months based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type, or at least inflation adjusted OPL.</li> <li>If required by Pakistan's labor laws and regulations/codes, the compensation will be paid to the employer to enable him/her to fulfill legal obligations to provide compensation payments to laid-off employees, to be verified by EA/relevant government official.</li> </ul>
	Permanent employment loss due to LAR without possibility of re-employment in similar sector and position in or near area of lost employment	All laid-off employees of affected businesses and laid-off agricultural workers from affected farms	<ul style="list-style-type: none"> <li>Cash compensation equal to lost wages for 6 months, based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type, or at least inflation adjusted OPL.</li> <li>If required by the applicable labor code, compensation will be paid to employer to enable him/her to fulfill legal obligations to provide severance payments to laid-off employees, to be verified by government labor inspector And</li> <li>Provision of training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity</li> </ul>
<b>7. PUBLIC SERVICES AND FACILITIES</b>			

Type of Loss	Specification	Eligibility	Entitlements
Loss of public services and facilities	Schools, health centers, administrative services, infrastructure services, graveyards etc	Service Provider	<ul style="list-style-type: none"> <li>Full restoration at original site or re-establishment at relocation site of lost public services and facilities, including replacement of related land and relocation of structures according to provisions under sections 1 and 2 of this entitlement matrix</li> </ul>
<b>8. SPECIAL PROVISIONS</b>			
Vulnerable APs	Support to disproportionately affected persons	All vulnerable DPs including those below the poverty line, the landless, the elderly, women and children, and indigenous peoples.	<ul style="list-style-type: none"> <li>Provision of training, job-placement, additional financial Cash allowance equal to 3 months of official minimum wage to all vulnerable DPs.</li> <li>grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity.</li> <li>Subsistence allowance equal to 3 months of official poverty line, and other appropriate rehabilitation to be defined in the LARPs based on income analysis and consultations with DPs.</li> <li>Preferential selection for project related employment.</li> </ul>
	Loss of land	All vulnerable DPs	<ul style="list-style-type: none"> <li>Assistance in identification and purchase or rental of new plot</li> </ul>
	Loss of structure	All vulnerable DPs	<ul style="list-style-type: none"> <li>Assistance with administrative process of land transfer, property title, cadastral mapping and preparation of compensation agreements</li> <li>Assistance in construction of new structure</li> <li>Assistance in identification and purchase or rental of new structure</li> <li>Assistance with administrative process of registration of property and preparation of compensation agreements</li> <li>Assistance with transition to relocation site</li> </ul>
	Temporary land acquisition	All vulnerable DPs	<ul style="list-style-type: none"> <li>Preferential treatment to avoid or mitigate as quickly as possible</li> <li>Provision of access to land and residence suitable to disabled and elderly DPs</li> </ul>
	Loss of livelihood	Female livelihood losers directly affected	<ul style="list-style-type: none"> <li>Compensation paid directly to female livelihood loser</li> </ul>

## **SECTION 7**

### **RESETTLEMENT COSTS AND BUDGET**

100. This section provides the indicative compensation cost for land acquisition. Efforts were made to work out realistic cost estimates/values that lead to fair compensation based on current market rate. For this purpose, concerned Government Departments i.e. Revenue was consulted. The costs will be adjusted to incorporate the findings of the IVS.

#### **7.1 Approval of the Resettlement Budget**

101. Resettlement funds will be provided by the KPK Government. Part of the loan will also be used to supplement the government budget for land acquisition and resettlement cost. The EA will ensure to use these funds for the disbursement of compensation payment and other expenses. The project will also ensure that funds for entitlements under the resettlement plan are fully disbursed among DPs prior to the commencement of civil work. Compensation will be provided to the DPs by revenue with the support of PMU.

102. The project will determine the annual inflation rates to be applied to all cash entitlements. The PMU will assist the EA in identifying additional loss/s of assets during construction and proposing entitlements for such DPs. These budget revisions will be approved by LGE&RDD with the concurrence of ADB.

#### **7.2 Management of Resettlement Budget**

103. Detailed implementation procedural guidelines are required to implement the final LARP (updated based on this draft LARP) at the field level. The CIU will follow the implementation procedure after it has been approved by PMU if no change in cost otherwise it must be approved by LGE & RDD with concurrence from ADB. The implementation procedure will include definition of various resettlement terms, the entitlements, detail procedure for identification of eligible persons for resettlement entitlements of the LARP, and preparation of losses and entitlement files of individual DP, processing payments, effecting their disbursement and documentation. PMU (through CIU) will prepare the implementation procedural guidelines and submit to PIU and ADB for approval.

104. All payment to the displaced persons will be paid through crossed cheques. Vouchers on payment will be prepared in triplicate, for PMU and CIU. Payment will be made, and record maintained as per approved implementation guidelines.

#### **7.3 Land Acquisition and Resettlement Cost**

105. The cost was calculated based on the rates provided by the Revenue Department in December 2020. The details are provided in Section 6 of the LARP. Initial estimate of the total cost is PKR 25.39 million, as reflected in Table 7.1. This budget was worked out based on the proposed impacts of the project determined as per final design and ongoing land acquisition process which is at very initial stage, i.e., Section 5 is yet notified. The present cost calculated as per the market value will be revised and updated based on the final calculation by the LAC of the specific affected properties, acquaintance roll of the DPs and the result of the independent valuation study (IVS) to meet the replacement cost requirement of the ADB SPS. The detailed impacts of the access route to the Mingor LFS on individual DP and will be presented in the final LARP expected by October 2021. The compensation package of individual DP will be presented in final LARP once the land ownership record of individual DP is available.



**Table 7.1: Summary of Land Acquisition and Resettlement Cost**

Serial No	Description	Qty/ Nos.	DPs	Unit Rate (Rs.)	Total Cost (Rs.)	Rs. (Million)
01	Permanent acquisition of private land plot.	0.82 acre	27	-	15,767,105	15.77
02	15% compulsory acquisition surcharge.		-	-	2,365,066	2.37
03	Replacement cost differential amount			TBD	TBD	TBD
04	Monitoring and Evaluation @ 20% of the Total Cost				3,626,434	3.63
05	Administrative & Security Cost @ 10% of the Total Cost				1,813,217	1.81
06	Contingencies @ 10 % of the Total Cost				1,813,217	1.81
	Total				25,385,039	25.39
	Total in US\$ (Million) @ Rs. 160.000= 1\$				158,656	0.16

*Monitoring and Evaluation will cover the cost of External Monitoring Consultant (EMC) while the implementation support will be from the administrative and contingency cost. The calculation of compensation will be updated following the final calculation by the LAC to be included in the award and the result of the independent valuation study.*

## **SECTION 8**

### **GRIEVANCE REDRESS MECHANISM**

93 An integrated GRM for environment and social will be established at the subproject level to facilitate amicable and timely resolution of complaints and grievances of the DPs, including local communities regarding the social, environmental, and resettlement aspects of the subproject.

94 The grievance redress mechanism will be three tiers structures, i) Grievance Redress Committee at Field Level, ii) Grievance Redress Committee at Deputy Commissioner Level and iii) Grievance Redress Committee at PMU, Local Government Election & Community Development Department Level. The GRM is a gender responsive, culturally appropriate, and readily accessible to the stakeholders at no cost and without retribution. The step-wise process of the proposed GRM is summarized below.

95 **Stage 1:** The affected person(s) may submit an oral or written complaint to the GRC at Field Level. The GRC will log the complaint along with relevant details in the community complaint register. The displaced person(s) can directly approach GRC. For each complaint, the GRC must investigate the complaint, assess its appropriateness/eligibility, and identify an appropriate solution. It will provide a clear response within seven working days to the complainant, PMU/CIU and Contractor (where relevant). The GRC will, as appropriate, instruct the responsible entity to take corrective actions. The GRC will review the responsible entity's response and undertake additional monitoring as needed. During the complaint investigation, the GRC will work in close consultations with the Contractors, the CSC Consultants, PMU/CIU and other relevant agencies. The responsible entity should implement the redress solution and convey the outcome to GRC within seven working days.

96 **Stage 2:** If no solution can be identified by the GRC or if the complainant is not satisfied with the suggested solution under Stage 1, the complainant can approach to stage 2 at City Level (Deputy Commissioner Office). The committee will review the case and give the solution within seven days of its submission.

97 **Stage 3:** In case of dissatisfaction of the complainant at stage 2, he/she can approach to stage 3 at PMU level. Here, the GRC is headed by the Special Secretary local and community Development. The GRC at PMU level will resolve the complaint/grievance and the agreed action thus determined should be implemented within twenty-one days (if additional time is needed to implement the corrective action, it should be discussed and decided during the meeting).

98 The GRC cannot impede a DP's access to the legal system. A DP can approach the courts at any time in accordance with the applicable legal provisions as per Section 18 of the Land Acquisition Act 1894.

99 Implementing the GRC's decision will be contractually binding to the contractor.

## **SECTION 9**

### **INSTITUTIONAL ARRANGEMENTS**

#### **9.1 Introduction**

100 The Local Government Election and Rural Development Department (LGE&RDD) of the Government of KPK is the executing agency for the project. A PMU has been established at provincial level while at city level, City Implementation Unit (CIU) will be established. The PMU is headed by a Project Director and supported by a team of specialists responsible for liaison and coordination with CIU. Each CIU is headed by a city Manager with support from other wings working closely with city officials to implement the project.

101 PMU will be provided the additional support through the consultants for Project Management and Implementation Support (PMIS). The consultants will assist the PMU and CIU in project management, procurement, supervision and safeguard monitoring.

102 In term of LARP implementation, LGE&RDD, PMU, and CIU of five cities shall ensure that land and ROW required for the project are made available to the contractor in according with the agreed schedule and land acquisition and resettlement activities are implemented in compliance with all applicable laws and regulations of Pakistan, ADB's SPS, 2009 and measures in the form of preparation and implementation of LARP followed by the corrective action plan based on the monitoring report.

103 The roles and responsibilities for the planning, implementation and supervision of LAR functions of institutional actors (Fig 9.1), are defined below:

#### **9.2 Local Government and Community Development**

104 The LGE&RDD (project executing agency) has overall responsibility for Resettlement functions including preparation, implementation, financing and supervision of all Resettlement tasks and cross-agency coordination. LGE&RDD will exercise its functions through the Program Management Unit (PMU) and City Implementation Unit (CIU), to be tasked with daily LARP implementation activities.

105 The coordination involved for various institutions for the implementation of LARP include District government (including concerned DC). The detail of team is given below in Table 9.1.

**Table: 9.1 Roles and Responsibilities in LARP Implementation**

S #	Institution	Roles and Responsibilities
1	PMU	The overall coordination will be provided by Project Management Unit (PMU) at Peshawar (headed by the Project Director) in addition to recruitment of PRF consultant, contract signing and preparation of key reports. The Social and Environment team under the PMU is already in place to manage the LAR-tasks and activities including handling/resolving any complaints or grievances of those displaced by the Project (DPs).
2	CIU	CIU will manage the Project's day-to-day implementation, approval of project design, contract management and technical input of engineering design through WSSC and city government.
3	WSSC	WSSC Mingora is a public sector company established under section 42 of the companies ordinance 1984 (Act 2017) to assist CIU in the implementation of the project through the management of water and sanitation.
4	Contractor	Contractor is responsible for the construction works under the social and environment conditions.
5	CSC	CSC is responsible for the overall supervision of the projects and ensure that LARP is implemented in a smooth and timely manner in accordance with the provisions of the LARP.
6	District Government	Role of district administration is to provide full support and coordination to all stakeholders and keep law and order related to security measures.
7	Community	Local Community is the affectees as well as beneficiary of the sub-project. Community is responsible to resolve social conflicts and to safeguard their rights.
8	ADB	ADB is the donor of the north zone pumping station and has supervisory role.
9	Revenue Department	District Collector/Deputy Commissioner is responsible for the evaluation of the lost assets and disbursement of the compensations to DPs for their lost assets.

### 9.3 City Implementation Unit

106 The scope of CIU will include on the following;

- Submit to PMU quarterly progress reports based on information provided by the consultants.
- Verify and process all invoices for the payment.
- Assist PMU, as needed, in the administration of other consultants' contract.
- Facilitate all monitoring requirements and reporting of Government of Khyber Pakhtunkhwa and ADB.
- Support consultants in all survey, data provision, studies and provide office space as required.
- Ensure financial and safeguards compliance and reporting, in line with loan and grant agreements.
- Monitor and ensure preparation of the gender action plan.

- Support the City Governments in establishing and maintaining proper coordination with WSSC.

#### **9.4 Construction Supervision Consultants**

107 The Construction supervision consultants will report to CIU/PMU and prepare the implementation program, quality of works, delivery of works, and certify the quantities of work carried out and the payments. The CSC will also help the PMU in project planning and management, quarterly progress reporting, procurement planning, contract management, financial management and overall project management. They will also be tasked to implement the LARP prepared for the subproject. Their scope of work will include but not be limited to the following:

- Preparation of database of all the affected households and review their eligibility and entitlement based on the final LARP;
- Assist in disbursement of compensation and ensure that affected persons are compensated as per the LARP before commencement of civil works
- Distribute the notices to the entitled DPs regarding their payment of compensation
- Provide proper guidance to DPs for the submission of their requests for compensation as per eligibility and entitlement
- Facilitate the DPs in compensation payment through the completion of necessary documentation to receive their entitled payments like payment vouchers, opening of bank account and formation of CNIC, etc.;
- Facilitate the DPs in term of resolving the legal and administrative impediments for the compensation payment;
- Help the DPs to put their complaints (if any) in front of GRCs;
- Conduct the community consultation and disclosure process throughout the sub-project cycle;
- Assist PMU/CIU in the preparation of progress and monitoring reports.
- Review, monitor and evaluate the effectiveness with which the LARP is implemented, and recommend necessary corrective actions to be taken. Advise on corrective measures where necessary to the PMU;

#### **9.5 Grievance Redress Committees (GRCs)**

108 Grievance redress committee will be established for addressing conflicts and appeal procedures regarding subproject design, compensation assessment, eligibility and entitlements followed in the implementation of resettlement activities, and impacts of construction work including the jobs to DPs and local population etc. GRCs will receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and are gender sensitive. The detail already discussed in the section 8 of this LARP.

#### **9.6 District Government**

109 District Government based agencies have jurisdiction over compensation activities. Revenue Department, most notably Patwari, carry out specific roles such as

preparation and verification of the land record. Functions pertaining to compensation of non-land assets rest on Provincial line agencies and their city level offices. Crops compensation pertains to the Department of Agriculture; the compensation for wood trees losses pertain to the Department of Forestry and the building structure will be assessed through the Building and works department.

#### **9.7 Displaced Persons Committee**

110 The DPs will be encouraged and mobilized to form a Displaced Persons Committee (DPC). DP representation facilitates communication and information flow among DPs and with other stakeholders. The representatives will closely liaison with Grievance Redress Committees (GRC) formed at PMU, Commissioner Office and field levels. The DPC will meet monthly and on demand from members, due to Land Acquisition and Resettlement planning and implementation issues. The DPC members may elect from among themselves a representative to the GRC or hold elections in a meeting of all subproject DPs. In subprojects with a very small number of DPs, one or two GRM representatives may be elected at one of the first consultation meetings.

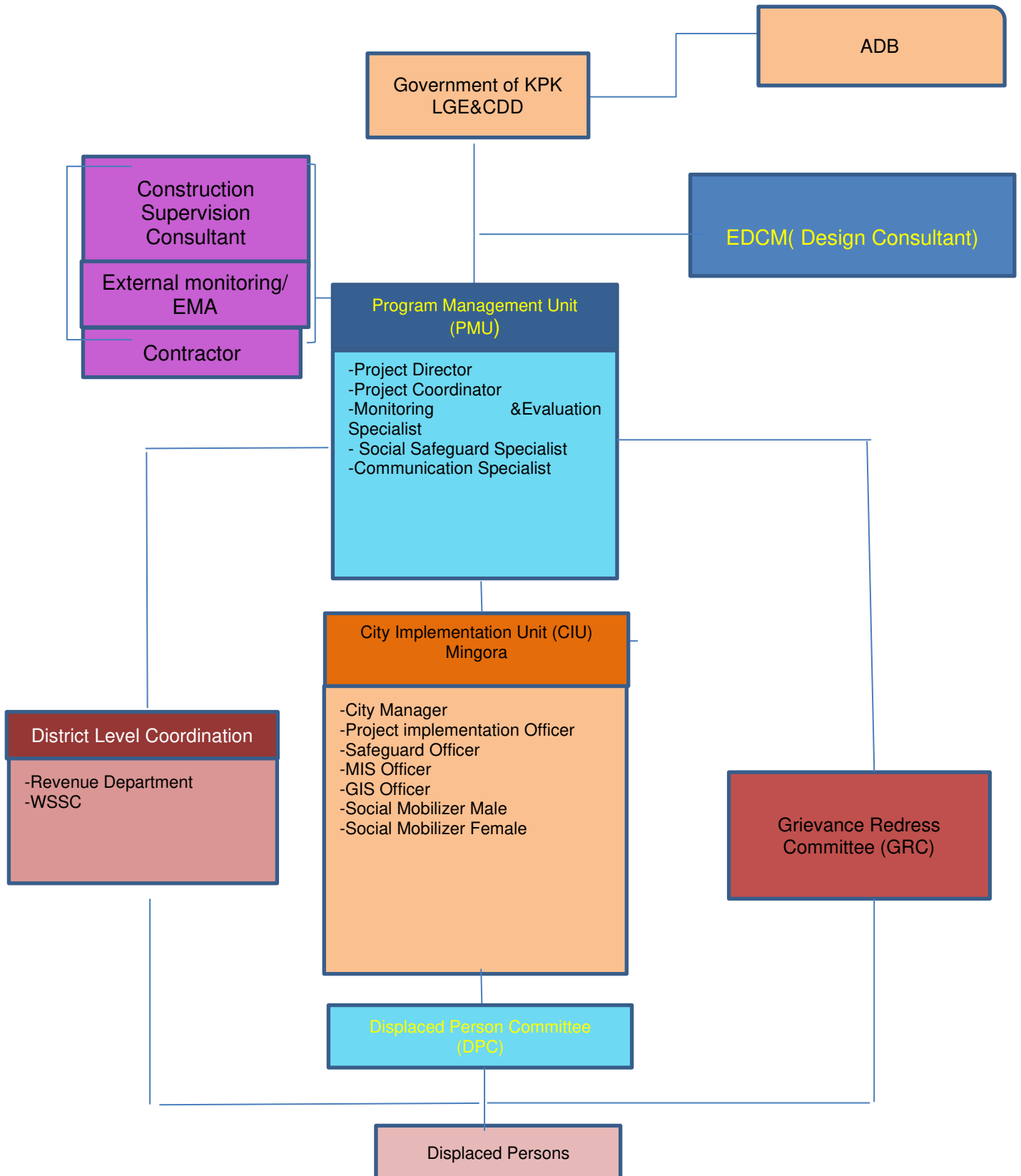
#### **9.8 Asian Development Bank (ADB)**

111 ADB reviews LARP and confirms their responsiveness to ADB's safeguards requirements. In cases where these do not meet ADB's requirements, additional assessment and improvement of the LARP will be undertaken. ADB will also conduct periodic social safeguards reviews; to verify that land acquisition and Resettlement planning and implementation is being carried out as agreed in this LARP.

#### **9.9 Organizational Chart**

112 An Organogram showing the institutional arrangements for the implementation of LARP has been illustrated through a diagram presented in figure below (9.1).

**Figure.9.1: Institutional set-up for the Implementation of Land Acquisition and Resettlement Plan**



## SECTION 10 IMPLEMENTATION SCHEDULE

### 10.1 Introduction

113 The implementation schedule has been formulated (in consultation with LGE & CDD) to accommodate different activities of the subproject and therefore different times of LAR as necessitated by the civil works. Social preparation, particularly information dissemination and maintaining a constant dialogue with the DPs, will continue by the Executing Agency (EA), Project Management Unit (PMU), City Implementation Unit (CIU) till the completion of sub-project.

114 The relocation of the DPs in the area will be required towards the end of August, 2021 and the schedule has taken these into consideration. The compensation payments if delayed for more than a year after computation will be indexed considering rate of inflation and rates prevailing at the time.

### 10.2 Sequence of activities for Resettlement Plan preparation and implementation

115 The acquisition process and disbursement of payments under land awards is interrelated activity with LARP preparation and its implementation. For a clear and transparent resettlement process the following sequence of activities as described in Table 10.1 is to be ensured by the PMU-LGE&CDD.

**Table 11.1: LARP Preparation and Implementation Activities**

S/No	Activity	Responsibility	Compliance Status
1	Finalization of Detailed Design	PMU & EDCM Consultant	Done
2	Socio economic and Census, LAR impact inventory with extent of loss to each DP prepared, compensation, entitlements finalized.	PMU	Done
3	Preparation of Draft LARP	PMU	Done
4	ADB reviews and comments on Draft LARP	ADB	Under process
5	Notification of GRC	PMU	Under process
6	IVS study	PMU	September 2021
7	Submission of updated & final implementation ready LARP to ADB (with IVS results and acquaintance roll of DPs)	PMU	October 2021
8	Announcement of Land Award	Deputy Commissioner	November 2021
9	Institutional arrangements put in place for LARP implementation	PMU -LGE&RDD	Done
10	Arrangement of additional resettlement budget	PMU-LGE&RDD	Under process
11	Distribution of executive summary of LARP, and notices to receive DPs for compensation payment	PMU	LARP will be disclosed after approval by ADB and notices will be served until land award in November 2021











<b>S/No</b>	<b>Activity</b>	<b>Responsibility</b>	<b>Compliance Status</b>
12	Completion of payment of compensation according to the procedure provided in the LARP	PMU, WSSC & Revenue	January 2022
13	Verification and submission of LARP implementation compliance report	EMA	February 2022
14	No objection for contract award	ADB	March 2022 (conditional to confirmation of completion of compensation payments by the EMA)
15	Issuance of letter of award/contract signing of civil works contract	PMU	August 2022 / September 2022
14	Issuance of no-objection for NTP with civil works for access route	PMU & WSSC	October 2022

### 10.3 Implementation Schedule

116 The commencement of civil work will be subject to the satisfactory implementation of this LARP including payment of compensation and livelihood assistance and redress of community concerns. Based on the implementation experience of previous projects, it is expected that the implementation of final implementation ready LARP for the access route to Mingora LFS will be completed by January 2022. The detail of proposed schedule is presented below.

Fig 10.1: LARP Implementation Schedule

Sr. No	Items	Status	Year 2021-22									Responsibility
			MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	
1	Determined the price for land and other affected assets by DPAC	Not Yet										PMU & DC
2	Socio economic, gender survey and census of DPs	Done										PMU & Consultant
3	Conducting public Consultations and Disclosure	Gontinues process										PMU
4	<b>Formation of GRC:</b> Complaint from Aggrieved DPs, Investigation and Actions & Monitoring Resolution of Complaint	Not Yet										PMU
5	IVS Study											
6	Preparation of a final LARP and Disclosure	Not Yet										PMU & Consultant
7	<b>Compensation Payment:</b> Compensation payment for land assets	Not Yet										PMU, WSSC & Revenue
8	<b>Monitoring and Reporting:</b> Review of LARP Implementation & If LARP Implementation found satisfactory, notice to proceed for Civil works is issued	Not Yet										EMC
9	Contractor mobilization/ recommencement of civil works (4 <sup>th</sup> quarter of 2022)	Not Yet										PMU, CIU & Contractor

## **SECTION 11**

### **MONITORING AND REPORTING**

#### **11.1 Need for Monitoring and Reporting**

117 Monitoring is a periodic assessment of planned activities providing midway inputs. Monitoring and reporting are critical activities in involuntary resettlement which helps in assessment of implementation progress, rescheduling key actions to meet the objective timelines, early identification of issues, resolve problems faced by the DPs and develop solutions immediately to meet resettlement objectives. In other words, monitoring apparatus is crucial mechanism for measuring subproject performance and fulfillment of the subproject objectives.

118 Keeping in view the significance of resettlement impacts, the monitoring mechanism for this subproject will have both internal monitoring (IM) and external monitoring (EM). Internally, the LARP implementation for the subproject will be closely monitored by the EA through PMU/CIU while for external monitoring the services of an independent external monitoring agency will be hired. The IM and EM are required to.

- a. Establish and maintain procedures to monitor the progress of the implementation of safeguard plans.
- b. Verify their compliance with safeguard measures and their progress toward intended outcomes.
- c. Document and disclose monitoring results and identify necessary corrective and preventive actions in the periodic monitoring reports,
- d. Follow-up on these actions to ensure progress toward the desired outcomes,
- e. Retain qualified and experienced external experts to verify monitoring information for subproject with significant impacts and risks,
- f. Submit periodic monitoring reports (quarterly and bi-annually) on safeguard measures as agreed with the ADB.

#### **11.2 Internal Monitoring**

119 One of the main roles of PMU will be to see proper and timely implementation of all activities of LARP. The status of all compensation payments due to each of the AHs needs to be monitored and reported, including land, trees, crops, structures, livelihood restoration measures etc., in accordance with the EM. Monitoring will be a regular activity for Internal Monitoring Consultant at this level to ensure timely implementation of LARP activities. PMU/CIU with the help of CSC will collect information from the subproject site about implementation status of key activities, process and integrate the data in the form of monthly report to assess the progress and results of LARP implementation. In case of delay or any implementation problem, adjust its work program accordingly. This monitoring and reporting will be a regular activity which is extremely important in order to undertake midway corrective steps.

120 Internal monitoring (IM) indicators will relate to process outputs and results, information will be collected directly from the field, and will be reported monthly to the PMU to assess the LARP implementation progress and adjust the work plan if necessary. The IM report will be shared with ADB safeguards unit on monthly basis and shall be consolidated with the Quarterly supervision consultants' progress reports for ADB. Specific IM benchmarks will be based on the approved LARP and cover the following:

- a. Information campaign and consultation with DPs;
- b. Status of compensation payment for the land
- c. Payments for the resettlement and livelihood restoration/rehabilitation ;
- d. Grievance procedures, including recording, reporting, processing and redress of grievances and
- e. Ensure the gender mitigation measures are adhered to during the internal monitoring and reporting process.

121 The above gender disaggregated information will be collected by the internal Monitoring Consultant at PMU/CIU, which will monitor the day-to-day resettlement activities of the subproject through the following instruments:

- a. Review of census information for all DPs.
- b. Consultation and informal interviews with DPs.
- c. Key informant interviews; and
- d. Community public meetings.

## **12.1 External Monitoring**

122 The PMU through its Social Safeguard team and facilitation support of Resettlement Specialist of CSC is required to engage qualified and experienced External Monitoring Agency to verify the EA's monitoring information. The recruitment process of the EMA will be completed on 15th of August, 2021 on intermittent basis to monitor LARP implementation progress and provide bi- annual monitoring report. The main objective of this monitoring is to monitor the LARP implementation, identify issues and recommend corrective measures. The external monitor will review the IM reports, collect information from the field and determine whether resettlement objectives and goals have been achieved, more importantly whether livelihoods and living standards of DPs have been restored/ enhanced and suggest suitable recommendations for improvement. The external monitor will identify the gaps in LARP implementation and advise the EA on safeguard compliance issues.

123 The key tasks during external monitoring will include

- a. Review and verify internal monitoring reports prepared by PMU/CSC;
- b. Review of the socio-economic baseline, census and inventory of losses of displaced persons;
- c. The monitors need to assess and verify whether the entitlements have been provided in accordance with this LARP and its Entitlement Matrix.
- d. Grievance procedures, including recording, reporting, processing and redress of grievances
- e. Consultations with DPs, community leaders and officials for preparing review report;
- f. Assessment of resettlement implementation progress, efficiency, effectiveness and sustainability;

124 The following will be considered as the basis for indicators in external monitoring and evaluation of subproject:

- a. Socio-economic conditions of the DPs in the post-resettlement period;
- b. Communications and reactions from DPs on entitlements, compensation, options, alternative developments and relocation time tables etc.;

- c. Quality and frequency of consultation and disclosure;
- d. Changes in income levels;
- e. Rehabilitation severely affected people, and different vulnerable groups;
- f. Valuation of property and ability to replace lost assets;
- g. Disbursement of compensation and other entitlements;
- h. Grievance procedures, including recording, reporting, processing and redress of grievances.

125 Based on the external monitor's report, if non-compliance is identified, a corrective action plan (CAP) to take corrective action will be prepared, reviewed and approved by ADB and disclosed to affected persons. However, Internal and external monitoring and reporting will continue until all Resettlement activities have been completed.

## **12.2 Reporting Requirements**

126 CSC will prepare monthly progress report and assist PMU to prepare internal monitoring report on quarterly basis. While the external monitoring will be prepared by the EMC on biannual basis. However, 1st safeguard monitoring report will be submitted as the compensation disbursement is completed (tentatively 31<sup>st</sup> of December, 2021) and later it will be submitted on semiannual basis.

127 Monitoring reports will be submitted at regular intervals as specified. The M&E documents will also be publicly available (after approval from the ADB), including posting on project website.

128 Awarding of civil works contract for the access route to the Mingora LFS is conditional to the approved LARP while the commencement of construction is conditional to full payment to DPs and implementation of LARP to be validated by EMC.

**ANNEX-A: LIST OF IMPACTED LAND OWNERS**

<b>S.No.</b>	<b>Land Owner Name</b>	<b>Father Name</b>	<b>Land Khasra No.</b>
1	Mr. Muhammad Parvesh	Mr. Muhammad Jan	3376
2	Mr. Javid Iqbal	Mr. Muhammad Usman	3382
3	Mr. Zahoor Iqbal	Mr. Muhammad Usman	3382
4	Mr. Rehmat Ali	Mr. Muhammad Umar	3378
5	Mr. Muhammad Shah Khan	Mr. Hanifa	3283
6	Mr. Muhanit Khan	Mr. Hanifa	3285
7	Mr. Asfandiyar	Mr. Hanifa	3394
8	Mr. Sher Afzal	Mr. Hanifa	3394
9	Mr. Pir Muhammad	Mr. Hanifa	3394
10	Mr. Habib Ur Rehman	Mr. Muhammad Khan	3284
11	Mr. Muhammad Karim	Mr. Muhammad Khan	3284
12	Mr. Abdul Latif	Mr. Saeed Ur Rehman	3288
13	Mr. Muhammad Qasim	Mr. Saeed Ur Rehman	3288
14	Mr. Abubakar	Mr. Saeed Ur Rehman	3288
15	Mr. Muhammad Ibrahim	Mr. Saeed Ur Rehman	3288
16	Mr. Abdul Latif	Mr. Saeed Ur Rehman	3290
17	Mr. Muhammad Qasim	Mr. Saeed Ur Rehman	3290
18	Mr. Abubakar	Mr. Saeed Ur Rehman	3290
19	Mr. Muhammad Ibrahim	Mr. Saeed Ur Rehman	3290
20	Mr. Muhammad Qayum		3377
21	Mr. Nawab Ali		3377
22	Mr. Rehman Ullah	Mr. Muhammad Parvesh	3376
23	Mr. Rahim Ullah	Mr. Muhammad Parvesh	3376
24	Mr. Saif Ullah	Mr. Muhammad Parvesh	3376
25	Mr. Zakir Ullah	Mr. Muhammad Parvesh	3376
26	Ms. Nizakat	Mr. Muhammad Parvesh	3376
27	Ms. Nizat	Mr. Muhammad Parvesh	3376

**ANNEX-B: SOCIO ECONOMIC QUESTIONNAIRES****Khyber Pukhtunkhwa Cities Improvement Project (KP-CIP)**  
Local Government KP

## Land Acquisition and Resettlement Plan

**SOCIO-ECONOMIC SURVEY OF THE DISPLACED PERSONS****A. IDENTIFICATION**

<b>Sr.</b>	<b>Date:</b>
<b>No.</b> _____	_____
_____	
Interviewer: _____	Name _____ of _____
	Respondent/DP: _____
S/o: _____	Caste: _____
_____	_____
_____	Location: _____
Union _____	_____
Council: _____	
Residential _____	Cell _____ No: _____
Address: _____	_____
Age: _____	Marital _____ Status: _____
_____	_____
years	
Education: _____	Profession: _____
_____	_____
Category _____ of _____ DP: _____	- DP-ID: _____
_____	_____

**B. Household / Family Profile of the Displaced Persons**

Sr. No.	Name	Relationship with House.Head	Age	Marital Status	Education	Occupation/Income Status				Total Monthly Income (Rs.)
						Major		Minor		
						Occupation	Income Monthly (Rs)	Occupation	Income Monthly (Rs)	
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										

**Q.1.**How much is your landholding? \_\_\_\_\_ Acres **Q.1.1:**  
**How much is located in the project area:** \_\_\_\_\_ Acres and how much is  
**outside the project area:** \_\_\_\_\_ acres

**Land Utilization**

Land	Acre	Kanal	Marla
Total Area owned			
Total Cultivated Area			
Area Under Rabi( winter) Crops			
Area Under Kharif (summer) Crops			
Uncultivated Area			
Waste land			
Area Under Farm Houses			
Barren Land			

**Q.2.**How much is your average H.H. monthly expenditure? Rs. \_\_\_\_\_



**Q.3.** What is type of your family system?    1. Joint                      2. Nuclear

**C.    HOUSING/ HOUSEHOLD ITEMS**

**Q.4.** What is type of your household structure?

1. Pucca

2. Semi Pucca

3. Kacha

**Q.5.** What is the type of ownership of your house?

1. Owned

2. Rented

3. Any other: \_\_\_\_\_

**Q.6.** Possession of Household Items?

Sr. No.	Household Item	Yes/No	Sr. No.	Household Item	Yes/No
	Television			Truck	
	Refrigerator			Motorcycle	
	Computer			Rickshaw	
	Smart phone			Other	
	DVD player				
	Electric cooker				
	Washing machine				
	Electric fan				
	Iron				
	Misc. items				
	Car/jeep				

**D. LIVESTOCK POSSESSION****Q.7.** Details about Livestock

Sr. No.	Household Item	Yes/ No
1	Cow	
2	Buffalo	
3	Sheep	
4	Chicks	
5	Goats	
6	Other	

**E. DRINKING WATER****Q.8.**What is the source of drinking water?

1. Municipal Tap Water                      2. Hand Pump                      3. Water carrier
4. Any Other: \_\_\_\_\_

**Q.9.** Are you satisfied with quantity and quality of drinking water?

1. Satisfied                      2. Not Satisfied

If Not, Then what are the reasons \_\_\_\_\_?

**F. FUEL SOURCES FOR COOKING****Q.10.**What are the sources of fuel for cooking purpose?

1. Sui gas                      2. Gas cylinder                      3. Coal/ wood

**G. COMMUNICATION SYSTEM****Q.11.** What do you use as source of communication system?

1. Mobile Phone                      2. Both Mobile Phone & Landline                      3. No Phone
4. Internet

**H. SOLID WASTE****Q.12.** Is there any collection system of solid waste in your community?

1. Collected by the government      2. No collection service      3. Society own collection system

**I. EDUCATIONAL FACILITIES****Q.13.** Which of the following Educational Facility is available in or nearby your residential area?

SR. No.	Educational Facility	Yes	Number	No
1	Religious Institute			
2	Primary School			
3	Middle School			
4	High School			
5	Vocational School			
6	College			
7	University			
8	Private schools			

**J. MEDICAL FACILITIES****Q.14.** Are you or any of your family members is suffering from any disease?

1. Yes 2. No

**Q.15.** If yes, then who and what kind of disease(s)

---

\_\_\_\_\_

\_\_\_\_\_

**Q. 16.** No. of visits to health care facility during last three months?

No. of Visits: \_\_\_\_\_

**Q.17.** Which of the following Health Facility is present in or nearby your residential area?

Sr. No.	Health Facility	Yes	No
1	Basic Health Unit (BHU)		
2	Dispensary		
3	Rural Health Unit (RHU)		
4	Hospital		
5	Clinic/ Private Practitioner/ Hakeem		
6	Homeopathic Practitioner		

**Access to Social Amenities (Tick)**

Social Amenities	Available	Satisfactory	Non-Satisfactory	No Access
Electricity				
Sui Gas				
Water Supply				
Telephone				
Sewerage/Drainage				
BHU				
School				
Others				

**K. CREDIT**

**Q.18.** Did you borrow money during the last one year?

1. Yes              2. No

**Q.19.** If yes, for what purpose

1. For Business      2. For other family needs

How much amount did you borrow: \_\_\_\_\_

**Q.19A.** What was the source of loan?

1. Bank      2. Relatives      3. Friends

### Social Organizations

Specify the existing village/social organizations in your area and state their functional status?

Sr. No.	Name of Organization	Category	Registered/ Unregistered	Functions
1		Religious		
2		Educational		
3		Skill Development		
4		Social Welfare		
5		Women Organization		
6		Other		

### Perceptions of Respondents for Action Associated with the Project

	Increase	Decrease
Employment opportunities	<input type="text"/>	<input type="text"/>
Marketing facilities opportunities	<input type="text"/>	<input type="text"/>
Living standard	<input type="text"/>	<input type="text"/>
Unemployment	<input type="text"/>	<input type="text"/>
Income generating activities	<input type="text"/>	<input type="text"/>
Mobility (Access to Resources)	<input type="text"/>	<input type="text"/>
Quality of drinking water	<input type="text"/>	<input type="text"/>
Agriculture water	<input type="text"/>	<input type="text"/>
Trend of fish farm	<input type="text"/>	<input type="text"/>
Other specify _____		

Signature \_\_\_\_\_ of \_\_\_\_\_ the  
Interviewer: \_\_\_\_\_

## ANNEX-C: LIST OF THE PARTICIPANTS

Labaur

Project Name: Landfill Project Labat Colony

Venue: Labaur Colony (Swat) & Pargana

Sr no: 01 KANTRO MERA Date: 28/7/20

Sr no	Name	Profession	CNIC	Mozza/Village UC, Tensil & District	Signature/Thumb
1	Bahadur Sher	Industrious worker	15602-180450305	Labaur Labat Colony	
2	Muhammad Rafiq	Chairman	15602-8898042-9	Labaur Colony	Rafiq
	Mir Rehman	Labat	15602-0311050-7	Labaur Colony	08-11-1
4	Zakirullah	Traveller	15602-4930814-7	Labaur Colony	
5	Waqas Ahmad	Healthy department	15607-0351861-9	Labaur Colony	Waqas
6	Irfan Khan	Shopkeeper	15602-4677368-7	Labaur Colony	
7					
8					
10					
11					
12					

Project Name: Land fill Project Labal  
 Venue: Labour Colony & Colony Park  
 Sr no: 02 KAWIAROMERY (Swat) Date: \_\_\_\_\_

Sr no	Name	Profession	CNIC	Moza/Village UC, Tehsil & District	Signature/Thumb
1	Sohail Ahmad	Resture	15602-85 60364-3	labal Colony	
2	umar zai	shop keeper	15602- 1743555-7	4	
3	Muhammad Rehman	U	15602- 8191472-7	4	
4	Ahmad Ali	Electrician	15602-7838 468-9	11	
5	Abdullah	Shop keeper	15602- 7637097	U	
6	Babht Afsar Khan	U	15602- 10245033	U	
7	Mujahid	Labor	15602- 1521644-7	U	
8					
9					
10					
11					
12					



Landfill (Solid Waste) SWAT

Project Name: Landfill (Solid Waste) SWAT

Venue: Bahadar Shah's house Katoor Mera.

Date: 28.7.2020

Sr no: 1

Sr no	Name	Profession	CNIC	Moza/Village UC, Tehsil & District	Signature/Thumb
1	Shehnaz	Vocational Teacher	15602-2756860-6	Pandabanday	Shehnaz ✓
2	Nabeem Begam	House wife	15602-8810888-2	" "	
3	Jan Sardara	House wife	N/A	" "	
4	Manifa	" "	N/A	" "	Manifa
5	Aysha	" "	15602-2954756-6	" "	Aysha
6	Hafsa Rahman	Student	N/A	" "	Hafsa
7	Rukhsar	Student	N/A	" "	Rukhsar
8					
9					
10					
11					
12					



**ANNEX-D: GUIDANCE NOTE**

<b>GUIDANCE NOTES</b>	<b>Handling Compensation Cases with Legal and Administrative Impediments</b>
<b>Policy Requirement</b>	Pay compensation and provide other resettlement entitlements before physical or economic displacement. <sup>5</sup> 67
<b>Key Pointers</b>	1. ADB Safeguard Policy Statement (SPS2009) requires the borrower/client to ensure that no physical displacement or economic displacement will occur until (i) compensation at full replacement cost <sup>2</sup> has been paid to each displaced person (DP) for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan have been provided to DPs; and (iii) a comprehensive income and livelihood rehabilitation program, supported by an adequate budget, is in place to help DPs improve, or at least restore, their incomes and livelihoods. While compensation is required to be paid before displacement, full implementation of the LARP might take longer. <sup>3</sup> To ensure policy compliance, specific provisions are included in the Project/Loan agreements to keep on-hold civil works until compensation payments are fully paid to the DPs.
<i>SPS and legal covenants</i>	
<i>When is compensation considered paid?</i>	2. Compensation for both land and non-land assets is deemed to have been paid when the amount in cash or cheque has been provided to DPs <sup>8</sup> or deposited into their bank account, or in an escrow account. <sup>9</sup> Depositing the compensation in an escrow account, in lieu of providing cash or cheque to the DP is justified only when sufficient good-faith efforts and all legal requirements for contacting and notifying the DPs have been made.
<i>LAA requirement on compensating before displacement</i>	3. Pakistan's Land Acquisition Act (1894) allows the government to take possession of the acquired land once land award has been made as per LAA Section 11, and payment has been made or deposited in court as per LAA Section 31. Accordingly, the Collector is required to pay the full amount to the DP, unless (a) the DP refuses to receive the amount, (b) there is no competent person to receive the compensation, or (c) if there is a dispute as to the title to

<sup>5</sup> See Involuntary Resettlement Safeguards Policy Principle 11, ADB Safeguards Policy Statement (2009), page 17.

<sup>6</sup> SPS defines full replacement cost for land and non-land assets as based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In case of non-land assets, depreciation of structures and other assets should not taken into account. See SR 2: Involuntary Resettlement, ADB SPS (2009), para 10.

<sup>7</sup> See SR 2: Involuntary Resettlement, ADB SPS (2009), para 14.

<sup>8</sup> Displaced persons include: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The borrower/client is required to provide adequate and appropriate replacement land and structures or cash compensation at full replacement cost for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance, if applicable, prior to their relocation. DPs without legal rights to the affected land should be compensated for the loss of their non-land assets, and for other improvements to the land, at full replacement cost prior to their relocation provided they occupied the land or structure before the cut-off date. See SR 2: Involuntary Resettlement, ADB SPS (2009), para 7-8.

<sup>9</sup> An escrow account is a separate, dedicated or trust bank account for keeping money that is the property of others. It is relevant in the case of absentee landlords whose property is acquired for a public purpose, or when there is litigation regarding the compensation amount for land acquisition. This mechanism enables payment of compensation once the legal cases were settled and ownership documents were submitted. Source: A Planning and Implementation Good Practice Sourcebook – Draft Working Document, ADB November 2012, para 152.

GUIDANCE NOTES	Handling Compensation Cases with Legal and Administrative Impediments
	receive the compensation. Such cases may be referred to the court and the compensation amount deposited in the court. <sup>10</sup> In case the DPs or their representatives did not come forward to collect their compensation, the
<p><i>Cases with legal and administrative impediments</i></p> <p><i>Cases not valid as legal and administrative impediments</i></p> <p><i>Why is it important to address</i></p>	<p>amount may be deposited in the Revenue Department payable to the DPs, after sufficient efforts have been made to contact and encourage DPs to appear and notifying the DPs in which treasury the deposit has been made.<sup>11</sup> As per LAA Standing Order 28, the Acquiring Officer is required, to the extent possible, to pay DPs in or near the DPs' village to facilitate collection of compensation.</p> <p>4. Both the LAA (1894) and ADB SPS (2009) require that DPs are compensated before displacement but allow a mechanism for dealing with cases with legal and administrative impediments to disbursing compensation provided that sufficient good faith efforts are demonstrated to (a) contact, notify and assist DPs, and (b) deliver compensation payments. This guidance note clarifies:</p> <ol style="list-style-type: none"> <li>What are cases with legal and administrative impediments to payment of compensation to DPs?</li> <li>What are the requirements under the LAA related to cases with legal and administrative impediments to payment of compensation to DPs?; and,</li> <li>When can good-faith efforts be considered as sufficient and how to document that good-faith efforts have been made?</li> </ol> <p>5. Cases with legal and administrative impediments to payment of compensation include:</p> <ol style="list-style-type: none"> <li>DPs who did not accept the award due to objection to the measurement of the land or affected asset, the amount of compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested;</li> <li>Absentee landowners (DPs living overseas or in other parts of the country), and without an authorized representative to collect compensation;</li> <li>DPs with pending inheritance mutations;</li> <li>DPs who are unenthusiastic to collect meager compensation amount;</li> <li>DPs who are unable to alienate the acquired asset either by being a juvenile with no legally documented guardian or due to other issues.</li> </ol> <p>6. Non-disbursement/non-delivery of compensation due to (a) insufficient funds or delay in approval of funds; or (b) insufficient staff or resources does not justify not paying compensation to DPs before displacement. EAs/IAs have the power and responsibility to ensure that sufficient funds and staffing are available in a timely manner to undertake the required land acquisition. Similarly, non-compensation of affected non-land assets (structures) and improvements by DPs who have no formal rights to the affected land is not considered as a valid legal and administrative impediment (see footnote 4).</p>

<sup>10</sup> Reference to the court may only be made after the lapse in the period in Section 18 (2) of the LAA.

<sup>11</sup> Financial Commissioner Standing Order No. 28 Land Acquisition, para 88 (V), page 29.

GUIDANCE NOTES	Handling Compensation Cases with Legal and Administrative Impediments
<p><i>cases with legal and administrative impediments?</i></p> <p><i>Good-faith efforts for cases with</i></p>	<p>7. DPs facing legal and administrative impediments could only be paid when the impediments have been resolved. In such cases, it is uncertain when DPs will receive their compensation causing untoward delay in project implementation and burden to local communities and project stakeholders. More importantly, these impediments prevent the project from assisting these DPs to enhance, or at least restore, their livelihoods and to improve the standards of living of the displaced poor and other vulnerable groups.</p> <p>8. Compensation of these DPs is beyond the control of the EA. These are mainly dependent of the actions of the DPs or ruling/decision from a third-party i.e. the court or BOR. However, good-faith efforts are needed from the EA/IA to (a) contact and notify DPs through their last known address, village heads or kins; (b) inform DPs who to</p>
<p><i>legal and administrative impediments</i></p> <p><i>Need for sustained community outreach</i></p> <p><i>Cases with title disputes and litigation</i></p>	<p>contact or where to proceed to collect their compensation; and (c) advise DPs on possible actions that may help them receive their compensation.</p> <p>9. It is important that the LAR management team<sup>8</sup> undertakes continued community consultations and outreach to locate, assist and guide DPs with legal and administrative impediments. Documentation of the efforts by the LAR management team including multiple visits<sup>9</sup> to DPs' villages, organizing village meetings, posting of notices in public places, serving notices at last known address of DPs and publishing the names of unpaid DPs in the print media is needed to demonstrate that due efforts were conducted in addressing cases with impediments to paying compensation.</p> <p>10. Some issue-specific measures to confirm DPs understanding about the availability of compensation, payment mechanism, time-lines, and DPs agreement to the commencement of works (wherever required) while the issue is being resolved can help show and validate the efforts exhausted by the EA to achieve the policy objectives and enable the decision makers to allow the construction works accordingly. For each issue, documentation requirements and recording of certification statements are discussed below. Standard templates for additional documentation are provided against each issue as and wherever required:</p> <p><b>i) Land Title Disputes or Litigations among the DPs or Court References Against Award</b></p> <p>11. When there is a dispute on the title of the affected land before a competent court of law or when DPs file references against award, compensation can only be made after the court decrees which may take years. Further, right to appeal against court's decree cannot be forfeited or denied under law which could further delay the payment. In such cases, payment of compensation in a given time frame is impossible and it would be appropriate to deposit compensation in treasury at courts disposal to make sure the DPs are paid as and when court verdict is passed. For these cases, the process provided in the succeeding paras should be followed.</p>

GUIDANCE NOTES	Handling Compensation Cases with Legal and Administrative Impediments
	<p>12. Immediately after identifying such cases, the EA after seeking court's permission should deposit the compensation amount in the court for payment to the DPs as and when court decides their reference or title dispute. The receipt and records for such deposits should be maintained at the EA's project office. Meanwhile, the EA through its LAR staff should liaise with the DPs to inform them about the compensation payment mechanism and compensation deposited in the treasury or the court. The EA's project office should prepare and maintain the following record:</p> <ul style="list-style-type: none"> <li>• Database/listing and field reports on activities done to identify and screen DPs with their legal/administrative issues including nature of dispute and reference court where pending</li> <li>• Field reports on activities done to coordinate with the DPs for early resolution of</li> </ul>

<sup>8</sup> The LAR management team may include Land Acquisition and Resettlement Staff engaged by the EA i.e. EA's Land Management Staff, Land Acquisition Collector deputed by BOR, Resettlement Specialists and social mobilizers either recruited by the EA or mobilized through Consultants (Safeguards Management or Construction Supervision Consultants) to support the EA in effective LAR management..

<sup>9</sup> Repeated visits in three consecutive months scheduled for each village by the Land Acquisition Collector/Land Acquisition Unit of the EA to deliver compensation to unpaid DPs and identify those with legal and administrative impediments. The repeated visits should be documented showing visit schedule, information disclosure reports, list of persons met and field visit reports duly endorsed by the local community and the village headman confirming number of identified DPs with legal and administrative impediments.

Absentee land owners	<p>their issues and with courts for seeking permission/guidance and deposit of compensation in treasury at court's disposal. copy of the delivery of notices (with signed receipt) to the DPs confirming deposit of amount at court's disposal and clarifying mechanism for payment.</p> <ul style="list-style-type: none"> <li>•</li> </ul> <p><b>Absentee Landowners (DPs Living Overseas or in Other Parts of the Country).</b></p> <p>ii)</p> <p>13. Many rural households migrate to cities for better livelihood opportunities and standard of living. Moreover, hereditary division over time resulted in the segmentation of agricultural land parcels into unproductive units. While some families with land and assets in different parts of the country divide their land based on their places of residence, many do so without legally formalizing such settlements and getting land records updated accordingly. Some family members who have migrated overseas permanently had land in their name or retained their respective share in family-owned land as per land revenue records. Such DPs who own or have share in the land as per record but are not living in the village are termed as absentee landowners.</p>
----------------------	---

14. Absentee landowners<sup>10</sup> are also recorded as DPs. The compensation to absentee land owners could not be made until they appear before the acquiring officer for processing and payment of compensation. LAA requires that notices are delivered against each land parcel either through (a) co-sharers in the acquired land parcel, (b) DPs relatives living in the village, or (c) through the village headman. The legal requirement is to serve notices to DPs at their places of residence either through special messenger or registered post, which can only be met if the whereabouts and residence of the absentee land owners is known. An additional measure that may be considered to notify absentee land owners whose whereabouts are unknown is to publish their names in print media (National Daily News Paper).<sup>11</sup>

15. It is vital to collect information about the DP's contact details including the mailing and residential address. The following measures are proposed to contact absentee landowners and maintain record of all efforts made by the EA:

- Identify and record DPs relation in affected village or local contact person, collect information about DP's present place of residence. See template 1 below:

<sup>10</sup> Land owners who are recorded in the landholding rights register as owners but they have shifted from the village to other areas in the country or overseas for better income opportunities and living standard.

<sup>11</sup> In NTCHIP tranche-1 and NHDSIP tranche –II projects (i.e M-4 Faisalabad-Gojra Section (ADB Loan 2400) and SukkurJacobabad (N-65) (ADB Loan 2540)) and the National Motorway M-4 Gojra-Shorkot Section Project (ADB Loan 3300), the notices with the names of the DPs who have not come forward to collect compensation were published in the National News Papers (Urdu language) as a last resort effort to approach unpaid DPs for compensation delivery.

Template 1: Record on DPs not living in the project area (other villages/cities in Pakistan or Overseas).						
Date Prepared: _____						
Name of Village _____ Tehsil _____ District _____						
#	Name of DP	Impact Type	Person contacted in village and his cell No.	Relationship with DP	Current Residence of DP with contact No.	Remarks
1	Add DP name as of impact inventory	Add Impact i.e Land Tree Crops Structure etc	Add name of person contacted with his cell number and other particular if any	Uncle, Brother, neighbor etc	Add current address of DP with contact number and city/country of residence.	Signature of the Person contacted
2						
3						
4						
Information Collected By _____ Witnessed by _____ Information verified by _____ Sd. _____: Sd. _____ (headman or DPC President/member): Sd. _____: Sd. _____ { SM team names } _____: (Name of headman/president or member committee): Resettlement Specialist. _____:						

<p><i>DPs with pending inheritance mutation</i></p>	<ul style="list-style-type: none"> <li>• Deliver formal notice to the DP's last known address (recorded in template 1) through registered post with acknowledgement receipt attached. Keep on-file a scanned-copy of the notice and acknowledgement receipt.</li> <li>• In case no contact person or relative of the DPs is identified in the village and the local community confirms DPs whereabouts are unknown, a certification statement from any of the resident land owner in the village preferably by the president or member of the Displaced Persons Committee (DPC) and duly witnessed by (a) the village headman and, (b) land revenue patwari should be recorded and maintained. See Template 2 below (to be translated to Urdu).</li> </ul> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p align="center"><b>Template 2: Statement from Village headman or other notable in village/area when the whereabouts of DP are not known</b></p> <p align="right">Date prepared: _____</p> <p><b>Particular of DP and acquired land parcel</b>  Name of DP _____ (enter DP Name with Parentage) Resident of _____ (Enter DP Last known address) Land  Plot _____ KhasraNos _____ Located Village _____</p> <p><b>Statement:</b>  I _____ (put name here) _____ the president/member of <u>village DPC or local resident land asset/owner</u>, on behalf of the other residents in village solemnly declare that:</p> <ul style="list-style-type: none"> <li>• The DP and his family owned acquired land as per land records but for last (-----) they have never been seen in the village.</li> <li>• To my information, the DP and his family never lived in village, neither any relative of DP lives in village/area nor any of the village resident know the whereabouts of the DP and his family.</li> <li>• I affirm that the EA with assistance of DPC has exerted full efforts to outreach the DPs in village and those living in other areas and clarified that compensation cost for unpaid DPs is deposited in treasury that can be claimed as and when the DPS show-up to claim.</li> <li>• This statement is given free of coercion and compulsion which is witnessed by the Village Headman and land revenue Patwari of village -----.</li> </ul> <p><b>The Declarant</b>   Sign/Thumb Impression  Name _____  Village Headman/Local resident land owner _____  Resident of _____</p> <p><b>Witnessed By</b>  We the Village Headman and land revenue Patwari of village <u>(Put village name here)</u>, personally know Mr/Mrs _____ President/member of DPC or local resident land owner of village (____), and witness veracity of statement made by him affirming that the DP Named <u>(Put name of DP here)</u> himself or any of his family members are not living in village/area since/for ----- and their current places of residence are not known to any of the local residents in village.</p> <p><b>Signed      Signed</b>  Name: Mr. _____ Name: Mr. _____ Village      Headman      Chak.  _____ Land Revenue Patwari Chak. _____</p> </div> <p><b>iii) DPs with Pending Inheritance Mutations</b></p> <p>16. Land records are maintained by the local land revenue authorities who are responsible to enter land mutation transactions as and when reported by the landowners and update land records accordingly. Some heirs of DPs who passed away fail to get inheritance mutations recorded and get land records updated accordingly. On average, land acquisition process is completed almost in two years. During the acquisition or after land awards are announced, some DPs pass away without receiving their entitled</p>
	<p>compensation. Although the legal heirs of the deceased DP are eligible for compensation, they could not be paid until the inheritance mutation is recorded and remaining land of deceased DP is transferred in their name.</p> <p>17. The law requires heirs of the DP to report to the local land revenue authorities about the demise of the DP and apply for the updating of the land record. Upon receipt of the application, the land revenue authorities undergo a legal process to record the inheritance mutation, update the land record reflecting the names of legal heirs and their respective shares in the land record. When it is done, the compensation can be paid to the legal heirs as per their respective share. This process normally takes three to four months. For cases where inheritance mutations are not timely reported, recording becomes more difficult and can take a longer period to complete.</p>

	<p>18. When it is determined that the DP has passed away, the LAR management team should approach the legal heirs to apprise them on the process for getting compensation and assist them in approaching land revenue authorities to get their inheritance mutations recorded. The LAR management team should carry-out the following activities to facilitate the mutation of inheritance and early payment of compensation to the heirs and document their efforts:</p> <ul style="list-style-type: none"> <li>• Identify all living legal heirs of the DP, visit the heirs residing in the village and guide them on the process and facilitate in inheritance mutation process:</li> <li>• Collect a statement from the legal heirs<sup>12</sup> confirming that their inheritance mutation of land is pending, acknowledging the EA's efforts to assist them, indicating awareness that funds are available for compensation delivery, and concurring that works may commence while their inheritance mutation is being processed.</li> <li>• Keep copies of the signed statement in the EA project office files. See Template 3 below (to be translated to Urdu):</li> </ul>																		
	<p style="text-align: center;"><b>Template 3: Inheritor's Statement When Inheritance Mutation is Pending</b></p> <p style="text-align: right;"><b>Date Prepared:</b> _____</p> <p><b>Particulars of DP and acquired land parcel</b>  Name of DP _____{enter DP Name with Parentage as of land record}, owner of Acquired Land Plot _____ Khasra Nos _____ Located in Village _____, District _____ Province _____</p> <p><b>Statement by the Inheritor's</b>  We the persons listed below as legal heirs of DP---{put name of DP here}----- against acquired land referred above solemnly declare that:</p> <ul style="list-style-type: none"> <li>• The inheritance mutation of above said acquired land is pending;</li> <li>• We understand that compensation can be claimed/paid according to inheritance mutation recorded in land record and we are coordinating with the Land Revenue Authorities in this regard;</li> <li>• _____ (Name of Staff, Office and EA) has clarified that compensation amount already deposited in treasury can be paid to legal heirs as and when the inheritance mutation issues are resolved;</li> <li>• We have no objection to the commencement project works on our plot while our inheritance mutation of land is being processed; and</li> <li>• This statement is given free of coercion and compulsion which is witnessed by Village Headman and APC president.</li> </ul> <p><b>The Declarant</b></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Sign/Thumb Impression _____</td> <td style="width: 50%;">Sign/Impression Thumb _____</td> </tr> <tr> <td>Name _____</td> <td>Name _____</td> </tr> <tr> <td>Resident of _____</td> <td>Resident of _____</td> </tr> </table> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Sign/ Thumb Impression _____</td> <td style="width: 50%;">Sign/ Thumb Impression _____</td> </tr> <tr> <td>Name _____</td> <td>Name _____</td> </tr> <tr> <td>Resident of _____</td> <td>Resident of _____</td> </tr> </table> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Sign/ Thumb Impression _____</td> <td style="width: 50%;">Sign/ Thumb Impression _____</td> </tr> <tr> <td>Name _____</td> <td>Name _____</td> </tr> <tr> <td>of _____</td> <td>Resident of _____</td> </tr> </table> <p><b>Witnessed By</b>  We the Village Headman and President APC village-----, personally know the above signatories as legal heirs of the DP, and confirm and witness the statement above.</p> <p><b>Signed</b> <span style="float: right;"><b>Signed</b></span></p> <p><b>Name: Mr.-----</b> <span style="float: right;"><b>Name: Mr.-----</b></span>  <b>Village Headman Chak-----</b> <span style="float: right;"><b>President DPC Chak-----</b></span></p>	Sign/Thumb Impression _____	Sign/Impression Thumb _____	Name _____	Name _____	Resident of _____	Resident of _____	Sign/ Thumb Impression _____	Sign/ Thumb Impression _____	Name _____	Name _____	Resident of _____	Resident of _____	Sign/ Thumb Impression _____	Sign/ Thumb Impression _____	Name _____	Name _____	of _____	Resident of _____
Sign/Thumb Impression _____	Sign/Impression Thumb _____																		
Name _____	Name _____																		
Resident of _____	Resident of _____																		
Sign/ Thumb Impression _____	Sign/ Thumb Impression _____																		
Name _____	Name _____																		
Resident of _____	Resident of _____																		
Sign/ Thumb Impression _____	Sign/ Thumb Impression _____																		
Name _____	Name _____																		
of _____	Resident of _____																		

<sup>12</sup> To the extent possible, all legal heirs living within the village should sign the Statement. If some heirs are not available to sign, the LAR management team should prepare a field report indicating who are the heirs who were not able to sign the statement and the circumstances why they were not able to sign i.e. out of the village or country, ill, etc. The LAR management team should also record the names of heirs who are out of the village or country and their last known address and advise the other heirs to relay the information to those who are away.

<p><i>DPs unable to alienate the land</i></p>	<p><b>iv) DPs Who are Unable to Alienate the Acquired Asset:</b></p> <p>19. Minors, juveniles and DPs with mental disability are not capable to alienate the acquired land under law. The law provides that compensation could be paid through legally-designated guardians or managers who can act and alienate the immovable property on behalf of the DP. In cases where the guardians are not designated by the court, the compensation is put on-hold until the minor attains the age of majority and claim compensation.</p> <p>20. It is common that children inherit their parents' immovable properties, but is kept in possession and used by adult male members of the extended family or kinship group as a joint family asset. It is not a common practice to appoint guardians following the Guardians and Wards Act of 1890. Hence, compensation of DPs with minor age is kept on hold until the DP becomes of legal age unless a valid guardian certificate is produced. Although such cases are not many, it is important to guide the adults who provide care to these DPs to approach the right forum or court for appointing a guardian under law.</p> <p>21. The LAR management team should carry-out the following activities in dealing with pending guardian's appointment and in documenting its efforts:</p> <ul style="list-style-type: none"> <li>• Coordinate with the Living Parent or other grown up members of the household the DP is living with and guide them on the process of appointing a guardian.</li> <li>• Collect a certification statement from the Living Parent or other grown up member of the household the DP is living with, that i) confirms EA's efforts to notify and guide them and secure funds for compensation payment, ii) states that the appointment of guardian is pending, and iii) concurs to the commencement of civil works on the plot while the guardianship certificate is being processed. Such statement should be witnessed by the village headman and the village DPC chairman or member. See Template 4 below (to be translated to Urdu).</li> </ul>
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<p><i>DPs with meager compensation</i></p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p style="text-align: center; margin: 0;"><b>Template 4: Guardian Statement if DP is Juvenile</b></p> <p style="text-align: right; margin: 0;">Date Prepared: _____</p> <p><b>Particular of DPs and acquired land parcel</b>  Name/Names of DPs i) _____ {enter DP Name/names of DPs with Parentage}, ii) _____ and iii) _____ Resident of _____ {Enter DP current address} _____ Own acquired Land Plot _____ KhasraNos _____ Located Village _____</p> <p><b>Statement by Guardian</b>  I _____ {put name here} _____ the {mother/father/brother/sister/uncle} {put relation of elder with whom the minor DP/DPs lives} of DP/DPs i) _____ {put name of DP/DPs here} ii) _____ iii) _____ as natural guardian solemnly declare that:</p> <ul style="list-style-type: none"> <li>The DP/DPs is/are minor who lives with me and as natural guardian of DP/DPs, I am responsible for his/her/their well-being and bringing him/her/them up;</li> <li>_____ (indicate name of staff, unit, and EA) has clarified that compensation amount, already deposited in treasury, can be paid to legal guardian of DP/DPs after production of the valid Guardian Certificate issued by the competent court;</li> <li>A petition for issuance of guardians certificate is filed/being filed in the competent court and the court's decision is pending;</li> <li>The awarded compensation in name of DP/DPs will be collected upon issuance of guardian's certificate by court; however, as natural guardian I have no objection to commencement of project works; and</li> <li>This statement is given free of coercion and compulsion which is witnessed by Village Headman and DPC president.</li> </ul> <p><b>The Declarant</b></p> <p>Sign/Thumb Impression  Name _____  Relationship with DP _____  Resident of _____</p> <p><b>Witnessed By</b>  We the Village Headman and President APC village-----, personally know Mr/Mrs _____ and witness veracity of statement made by confirming that the Minor DP/DPs named above lives with him/her in village/city _____ {Put name of village city here}.</p> <p><b>Signed</b> _____ <b>Signed</b> _____  Name: Mr.----- Name: Mr.-----  Village Headman Chak----- President DPC Chak-----</p> </div> <div style="margin-top: 20px;"> <p><b>v) DPs with Meager Compensation</b></p> <p>22. The compensation amount itself proves driving factor for DPs to submit their claims. In cases where small land holdings are in joint ownership with several entitled persons, shares in compensation for each DP become very small (\$100 and below). A good number <sup>13</sup> of DPs fall in this category and they never show-up to collect compensation. The situation is further aggravated when such DPs also face other legal or administrative issues like pending inheritance mutations of acquired land or living overseas and other parts in the country.</p> <p>23. Although the law provides a mechanism that includes cash payment at the village or payment through money order in case of absentee land owners<sup>14</sup>, such is no longer practiced. The only available mode is payment through voucher debit-able to the treasury which requires the DP to travel repeatedly to the district/tehsil headquarter to receive their compensation, making the transportation cost higher than their compensation. This also requires that the DP has or opens a bank account.</p> <p>24. The LAR management team should explore other payment modes allowed under the LAA including cash payment or payment through money order if the DP is living out of the project area. If such unclaimed compensations are deposited at court's disposal as legal remedy, it will be of no gain because a significant number of the DPs will remain unpaid. Following actions should be taken and recorded to explore specific measures and seek guidance from BOR in this aspect.</p> <ul style="list-style-type: none"> <li>Define a maximum slab of amount to be termed as meager compensation and get it endorsed by the EA;</li> <li>Document coordination efforts with BOR including i) official correspondence and</li> </ul> </div>
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- <sup>12</sup> In the National Motorway M-4 Gojra-Shorkot Section Project, almost  $\pm 10\%$  DPs are entitled to a compensation below 100 US \$.
- <sup>13</sup> Rule 87, Financial Commissioner's (Board of Revenue) Standing Order No 28 (1909) on land acquisition procedures.

	<ul style="list-style-type: none"><li>ii) meet with BOR to seek guidance on the issue at the project and EA levels.</li><li>• Maintain a record of actions taken by the project team for payment to DP or deposit compensation at court's disposal following guidance from BOR.</li></ul>
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## **ANNEX-E: DISCLOSURE SUMMARY (ENGLISH & URDU)**

### **LARP for Access Route to Landfill Site Mingora**

#### **1. PROJECT DESCRIPTION**

1. The proposed KPCIP project includes five major cities of KPK, namely Abbottabad, Kohat, Mardan, Mingora, and Peshawar, and aims to improve their access to quality urban services through two interlinked outputs: (i) enhanced municipal infrastructure and public urban spaces, and (ii) strengthened institutional capacities and efficiency of provincial, municipal and city governments and water & sanitation services. On the request of the Government of Pakistan (GOP), the Asian Development Bank (ADB) assisted GOP through a Project Readiness Facility (PRF) that aims to fast-track project preparation, including the detailed engineering designs, necessary due diligence assessments including safeguards, procurement, capacity development and other Project preparatory works ahead of the approval of the ensuing project (i.e., KPCIP).

2. The initial list of 62 subprojects was screened through i) engineering, hydrological, and topographic assessment of all subprojects concerning the end-to-end solution, i.e., to ensure that the selected subprojects can provide an end-to-end solution for service delivery benefits for end-users and ii) the subprojects are further assessed for ADB's safeguard requirements and to ensure that selected subprojects do not pose significant adverse impacts and can move to the design stage. Finally, 24 number of subprojects have been selected and recommended for the detailed design. This subproject "Access Route and Landfill Site Mingora" is among the total 24 subproject.

#### **2. LAND ACQUISITION & RESETTLEMENT IMPACTS**

3. The subproject has two components, i) Development of integrated Landfill Site (LFS) and ii) Access Route to landfill site. The LFS is constructed in an area of 8 acres. The land has already been acquired in 2017 and WSSC has the possession of this land. While the other component access route is constructed in the length of 1.13 km. Overall LAR impact of this access route is limited to the acquisition of 0.82 acres of private barren land owned by 27 landowners. As per field investigation and consultations with the land owners, the subproject does not have any other impact on crops, trees, building structures, livelihood and communal assets even none of the vulnerability and impact severity is reported. Hence, this LARP is prepared only for the access route to the LFS. The Section 4 of the LAA 1894 has been notified last year in September, 2020 while section 5 is expected to be notified in 20<sup>th</sup> of August 2021.

#### **3. ENTITLEMENTS, ASSISTANCE AND BENEFITS**

4. Compensation and entitlements have been determined on the basis of ADB SPS 2009, approved LARF and requirement of Para 81 of the LARF. Table 2 provides an Entitlement Matrix for different types of losses assessed during the census survey, Inventory of the Losses and socio-economic survey. It also covers the provisions for any unanticipated impacts arising during subproject implementation. Compensation and other assistances will be paid to DPs prior to dislocation and dispossession from acquired assets. In case, the payment is delayed more than a year from the date of valuation, the values will be indexed annually before payment to DPs.

**Table 2: Eligibility and Entitlement Matrix**

Type of Loss	Specification	Eligibility	Entitlements
<b>1. LAND</b>			
Impact on and land-based livelihoods	All land losses	All DP s with land- based livelihood s affected	<ul style="list-style-type: none"> <li>• Preference given to land-based resettlement strategies that include resettlement on public or private land acquired or purchased for resettlement with secure tenure.</li> <li>• If land is not the preferred option of DPs, or sufficient land is not available at a reasonable price, non-land based options built around opportunities for employment or self-employment will be provided in addition to cash compensation at full replacement costs for land and other assets lost. The lack of land will be demonstrated to the satisfaction of ADB. The following entitlements will apply if replacement land is not available or is not the preferred option of the DPs:</li> </ul>
Permanent impact on arable land	All land losses independently from impact severity	Owner (titleholder, or holder of traditional rights)	<ul style="list-style-type: none"> <li>• Cash compensation at full replacement cost (RC<sup>13</sup>) including fair market value plus 15% compulsory acquisition surcharge all transaction costs, applicable fees and taxes and any other payment applicable</li> <li>• If BoR<sup>14</sup> compensation falls below RC, the project will pay the differential as resettlement assistance to the DPs to restore affected livelihoods.</li> <li>• Additional compensation to be worked out in consultation with DPs if the loss is 10% or more of productive resources including land.</li> </ul>
		Leaseholder titled/untilled	<ul style="list-style-type: none"> <li>• Compensation commensurate to lease type and duration to be defined in LARP</li> <li>• Production based on relevant cropping pattern/cultivation record (additional to standard crop compensation as defined below) and other appropriate rehabilitation, to be defined in the LARPs based on project situation and AP consultation.</li> </ul>

<sup>13</sup> Refer to IR safeguards as in SR2 para 10 of SPS 2009<sup>14</sup> Board of Revenue, provincial agency with a mandate to approve compensation rate/amount

Type of Loss	Specification	Eligibility	Entitlements
		Sharecrop per/tenant (titled/untitled)	<ul style="list-style-type: none"> <li>Cash compensation equal to gross market value of crop compensation (see below) to be shared with the land owner based on the sharecropping</li> </ul>
		Agriculture laborers	<ul style="list-style-type: none"> <li>Cash indemnity based on their salary (including portions in kind).</li> <li>Income rehabilitation allowance in cash equal to net value of annual crop production based on relevant cropping pattern/cultivation record (additional to standard crop compensation and other appropriate rehabilitation to be defined in the LARPs based on project situation and DP consultation).</li> </ul>
		Squatter, encroacher.	<ul style="list-style-type: none"> <li>No compensation for land loss</li> <li>IN addition to standard crop compensation, income rehabilitation allowance in cash equal to net value of annual crop production and other appropriate rehabilitation to be defined in the LARPs based on project specific situation and DP consultation.</li> <li>Compensation for any irrigation infrastructure and other improvements made to the land (but not for the land) at full replacement cost.</li> </ul>
Residential/commercial land	All land losses independently from impact severity	Titleholder, or holder of traditional rights	<ul style="list-style-type: none"> <li>Cash compensation at full replacement cost (RC) including fair market value plus 15% compulsory acquisition surcharge all transaction costs, applicable fees and taxes and any other payment applicable</li> <li>If BoR compensation falls below RC, the project will pay the differential as resettlement assistance to the DPs to restore affected livelihoods.</li> <li>Additional compensation to be worked out in consultation with DPs if the loss is 10% or more of productive resources including land.</li> </ul>
		Lessee, tenant	<ul style="list-style-type: none"> <li>Cash refund/payment at the rate of lease or house rent for remaining lease period or house rent</li> </ul>
		Renter/leaseholder	<ul style="list-style-type: none"> <li>Rent allowance in cash equivalent to 3-6 months' rent to be decided in consultation meetings with DPs.</li> </ul>
		Non-titled user without traditional rights	<ul style="list-style-type: none"> <li>No compensation for land loss</li> <li>Self-relocation allowance in cash equivalent to 3 months livelihood based on OPL, or as assessed based on income analysis.</li> </ul>

Type of Loss	Specification	Eligibility	Entitlements
		(squatters )	
Temporary land occupation	Land temporarily required during civil works	Owner, lessee, tenant	<ul style="list-style-type: none"><li>Lease agreements to be signed between the DPs and the contractor for the period of occupation of land. Rental fee payment for period of occupation of land, as mutually agreed by the parties</li><li>Restoration of land to original state</li><li>Guarantee of access to land and structures located on remaining land</li></ul>
		Non-titled user	<ul style="list-style-type: none"><li>Restoration of land to original state</li><li>Guarantee of access to land and structures located on remaining land</li></ul>
2. STRUCTURES			
Residential, agricultural, commercial, public, community	Partial Loss of structure	Owner (including non-titled land user)	<ul style="list-style-type: none"><li>Cash compensation for affected structure (full or partial taking into account functioning viability of remaining portion of partially affected structure) at full replacement cost and repair of remaining structure at market rate for materials, labor, transport and other incidental costs, without deduction of depreciation.</li><li>Right to salvage materials (without deduction) from lost structure</li><li>For vulnerable households, provide legal and affordable access to adequate housing to improve their living standard to at least national minimum standard.</li><li>Any improvements made to a structure by a tenant will also be taken into account in the calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings.</li></ul>
		Lessee, tenant	<ul style="list-style-type: none"><li>Cash refund at rate of rental fee proportionate to size of lost part of structure and duration of remaining lease period already paid.</li><li>Any improvements made to a structure by a tenant will also be taken into account in the calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings.</li></ul>
	Full loss of structure and relocation.	Owner (including	The DP may choose between the following alternatives:

Type of Loss	Specification	Eligibility	Entitlements
		nontitled land user)	<ul style="list-style-type: none"> <li>• Compensation through provision of fully titled and registered replacement structure of comparable quality and value, including payment of all transaction costs, such as applicable fees and taxes, at a relocation site or a location agreeable to the DP.</li> <li>• Any improvements made to a structure by a tenant will also be taken into account in the calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings.</li> <li>• If the market value of the replacement structure is below that of the lost structure, cash compensation for the difference in value without deduction of depreciation.</li> <li>• If the market value of the replacement structure is above that of the lost structure, no further deductions. or</li> <li>• Cash compensation at full replacement cost, including all transaction costs, such as applicable fees and taxes, without deduction of depreciation for age, for self-relocation. In any case, DP has the right to salvage the affected structure.</li> <li>• Severity assistance to all losing structures permanently.</li> </ul>
		Lessee, tenant	<ul style="list-style-type: none"> <li>• Cash refund at rate of rental fee proportionate to duration of remaining lease period</li> </ul>
	Moving of minor structures (fences, sheds, latrines etc.)	Owner, lessee, tenant	<p>The DP may choose between the following alternatives:</p> <ul style="list-style-type: none"> <li>• Cash compensation for self-relocation of structure at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age) Or</li> <li>• Relocation of the structure by the Project.</li> </ul>
	Stalls, kiosks	Vendors (including titled and non-titled land users)	<ul style="list-style-type: none"> <li>• Allocation of alternative location comparable to lost location, and</li> <li>• Cash compensation for self-relocation of stall/kiosk at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age)</li> </ul>
<b>3. Crops</b>	Affected crops	Cultivator	<ul style="list-style-type: none"> <li>• Cash compensation at current market rate proportionate to size of lost plot, based on crop type and highest average yield over past 3 years.</li> </ul>

Type of Loss	Specification	Eligibility	Entitlements
			<ul style="list-style-type: none"><li>Additional compensation to be worked out in consultation with DPs if the loss is 10% or more of productive resources including land.</li></ul>
		Parties to sharecrop arrangement	<ul style="list-style-type: none"><li>Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share</li></ul>
4. Trees	Affected Trees	Cultivator	<ul style="list-style-type: none"><li>Cash compensation for perennial crop trees at current market rate of crop type and average yield (i) multiplied, for immature non-bearing trees, by the years required to grow tree to productivity or (ii) multiplied, for mature crop bearing trees, by the average years of crops forgone; plus cost of purchase of seedlings and required inputs to replace trees.</li><li>Cash compensation for timber trees at current market rate of timber value of species at current volume, plus</li><li>Cost of purchase of seedlings and required inputs to replace trees</li></ul>
		Parties to sharecrop arrangement	<ul style="list-style-type: none"><li>Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share</li></ul>
5. RESETTLEMENT & RELOCATION			
Relocation Assistance	All types of structures affected	All DPs titled/untitled requiring to relocate as a result of losing land and structures	<ul style="list-style-type: none"><li>The project will provide logistic support to all eligible DPs in relocation of affected structures whether project based relocation or self-relocation as opted by the DPs.</li><li>If project-based relocation, DPs will be provided with fully functional public services and facilities including school, health center, community center, electricity, water supply and sewage and irrigation facility with their long term operation and maintenance planned and agreed.</li></ul>
Security of tenure	Replacement land structures and	All DPs and tenants needing to relocate to project relocation sites.	<ul style="list-style-type: none"><li>If DPs are required to relocate to project relocation sites, they will be provided with secure tenure to the replacement land and structures.</li></ul>



Type of Loss	Specification	Eligibility	Entitlements
Transport allowance	All types of structures requiring relocation	All DPs and tenants required to relocate as a result of losing land and structures	<ul style="list-style-type: none"> <li>• Compensation (in cash or kind as agreed with DPs) to all eligible DPs and tenants.</li> <li>• For residential structure a lump sum amount of Rs. 15,000/ or higher depending upon the situation on ground.</li> <li>• For commercial structure a lump sum amount of Rs. 10,000/ or higher depending upon the situation on ground.</li> <li>• For Kiosk a lump sum amount of Rs.3000/ or higher depending upon the situation on ground.</li> </ul>
House rent	All types of structures requiring relocation	All DPs and tenants required to relocate as a result of losing land and structures	<ul style="list-style-type: none"> <li>• A lump sum amount, as agreed between the DP and project team, to assist the DPs in renting house for a negotiated period of time, for a comparable structure or apartment to the one lost.</li> </ul>
Transition allowance	All types structures requiring relocation	All DPs and tenants required to relocate	<ul style="list-style-type: none"> <li>• On a case to case basis, transitional allowance equal to 3 months of recorded household income or equal to inflation adjusted official poverty line, whichever is higher.</li> </ul>
Arable, residential and commercial land and structures	All types of structures	All DPs titled/untitled losing land & structures	<ul style="list-style-type: none"> <li>• Additional cash compensation of 15% as solatium over and above the BOR compensation price.</li> <li>• Payment of any price differential or top-up, based on replacement cost study.</li> </ul>
<b>6. INCOME RESTORATION</b>			
Permanent loss of agriculture based livelihood	Partial loss of agricultural land with viable land remaining	Owner, lessee, sharecrop tenant, nontitled land user	<ul style="list-style-type: none"> <li>• Provision of support for investments in productivity enhancing inputs, such as land leveling, terracing, biological, erosion control, sprinkler/drip irrigation, composing, tools and agricultural extension, as feasible and applicable; additional financial support if land compensation is insufficient to allow for adequate investments to maintain livelihood</li> </ul>
	Full loss of viable agricultural land without availability of alternative land.	Owner, lessee, sharecrop tenant, nontitled land user	<ul style="list-style-type: none"> <li>• Provision of re-training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity</li> </ul>

Type of Loss	Specification	Eligibility	Entitlements
Maintenance of access to means of livelihood	Avoidance of obstruction by project facilities	All DPs	<ul style="list-style-type: none"> <li>Provide un-interrupted access to agricultural fields, business premises and residences of persons in the project area.</li> </ul>
Businesses	Temporary business loss due to LAR or construction activities by Project	Owner business (registered, informal)	<ul style="list-style-type: none"> <li>Cash compensation equal to lost income during period of business interruption based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or at least inflation adjusted OPL.</li> </ul>
	Permanent business loss due to LAR without possibility of establishing alternative business	Owner business (registered, informal)	<ul style="list-style-type: none"> <li>Cash compensation equal to lost income for 12 months based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or at least inflation adjusted OPL And</li> <li>Provision of training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity</li> </ul>
Employment	Temporary employment loss due to LAR or construction activities	All laid-off employees of affected businesses	<ul style="list-style-type: none"> <li>Cash compensation equal to lost wages during period of employment interruption up to 3 months based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type, or at least inflation adjusted OPL.</li> <li>If required by Pakistan's labor laws and regulations/codes, the compensation will be paid to the employer to enable him/her to fulfill legal obligations to provide compensation payments to laid-off employees, to be verified by EA/relevant government official.</li> </ul>
	Permanent employment loss due to LAR without possibility of re-employment in similar sector and position in or near area of lost employment	All laid-off employees of affected businesses	<ul style="list-style-type: none"> <li>Cash compensation equal to lost wages for 6 months, based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type, or at least inflation adjusted OPL.</li> <li>If required by the applicable labor code, compensation will be paid to employer to enable him/her to fulfill legal obligations to provide severance payments to laid-off employees, to be verified by government labor inspector And</li> <li>Provision of training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as</li> </ul>

Type of Loss	Specification	Eligibility	Entitlements
			organizational/logistical support to establish DP in alternative income generation activity
<b>7. PUBLIC SERVICES AND FACILITIES</b>			
Loss of public services and facilities	Schools, health centers, administrative services, infrastructure services, graveyards etc	Service Provider	<ul style="list-style-type: none"> <li>Full restoration at original site or re-establishment at relocation site of lost public services and facilities, including replacement of related land and relocation of structures according to provisions under sections 1 and 2 of this entitlement matrix</li> </ul>
<b>8. SPECIAL PROVISIONS</b>			
Vulnerable APs	Livelihood improvement	All vulnerable DPs including those below the poverty line, the landless, the elderly, women and children, and indigenous peoples.	<ul style="list-style-type: none"> <li>Provision of training, job-placement, additional financial Cash allowance equal to 3 months of official minimum wage to all vulnerable DPs.</li> <li>grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish DP in alternative income generation activity.</li> <li>Subsistence allowance equal to 3 months of official poverty line, and other appropriate rehabilitation to be defined in the LARPs based on income analysis and consultations with DPs.</li> <li>Preferential selection for project related employment.</li> </ul>
	Loss of land	All vulnerable DPs	<ul style="list-style-type: none"> <li>Assistance in identification and purchase or rental of new plot</li> </ul>
	Loss of structure	All vulnerable DPs	<ul style="list-style-type: none"> <li>Assistance with administrative process of land transfer, property title, cadastral mapping and preparation of compensation agreements</li> <li>Assistance in construction of new structure Assistance in identification and purchase or rental of new structure</li> <li>Assistance with administrative process of registration of property and preparation of compensation agreements</li> <li>Assistance with transition to relocation site</li> </ul>
	Temporary land acquisition	All vulnerable DPs	<ul style="list-style-type: none"> <li>Preferential treatment to avoid or mitigate as quickly as possible</li> <li>Provision of access to land and residence suitable to disabled and elderly DPs</li> </ul>
	Loss of livelihood	Female livelihood losers directly affected	<ul style="list-style-type: none"> <li>Compensation paid directly to female livelihood loser</li> </ul>

#### **4. GRIEVANCE REDRESS MECHANISM**

5. A three tiers Grievance Redress Mechanism will be established at the project. It will exist at the field level, city level, and PMU level. The GRM will be easily accessible, gender-sensitive, culturally appropriate, widely publicized, and well-integrated in the subproject's management system. Efforts are made to record and resolve the grievances by the GRC within the allocated time (7-21 days). The complainants will be timely informed about the progress regarding their logged complaints and action to be taken by the GRC. A DP can approach the courts at any time in accordance with the applicable legal provisions under Pakistan law. He/she can have direct access to court of law under section 18 of land acquisition LAA 1894. The record for the complaints received and resolved will be well maintained.

#### **6. Institutional Arrangements**

7. The LGE&RDD is the subproject executing agency (EA). The Program Management Unit (PMU) is responsible for the day-to-day management of the subproject (through respective CIUs). The Social safeguard staff of the PMU is responsible to manage the LAR-tasks and activities including handling/resolving of any complaints or grievances of those displaced by the subproject (DPs) and fulfilling safeguard requirements.

#### **8. Implementation Schedule**

9. Resettlement Plan will be implemented in a participatory manner with the representations of all key stakeholders namely - the government, local elected representatives, and the displaced persons. As per this draft LARP, compensation payment is expected to commence by mid November 2021, while the external monitoring report will be submitted immediately after the completion of compensation disbursement. Semi annual safeguard monitoring report will be submitted throughout the project implementation period to ADB to meet the loan requirements.

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Contact Person: Faisal Anwar, Project Coordinator, Tel: +92 346 8665666, Email: [pckpcip@gmail.com](mailto:pckpcip@gmail.com)

## PHOTO GALLERY



Meeting with Mingora Landfill and access route owners regarding their issues and concerns



Meeting with DC Swat regarding issues and concern of the local community and landowners of Landfill Mingora and access route landfill Mingora.



Access Rout to Mingora Landfill site”.



Meeting with Operational Manager WSSC Swat regarding Landfill Mingora and access route Landfill Mingora to minimize the impact of LARP.



Meeting with Tehsildar Land acquisition Swat regarding “Access route to Mingora Landfill site”.



Meeting with Chariman WSSC Swat regarding Landfill Mingora and access route Landfill Mingora to minimize the impact of LARP.