Resettlement Framework

March 2020

India: Delhi–Meerut Rapid Rail Transit System Investment Project

CURRENCY EQUIVALENTS
(as of 2 March 2020)

Currency unit – Indian Rupee (₹)

₹1.00 = $0.0138
$1.00 = ₹72.539

ABBREVIATIONS

ADB : Asian Development Bank
BSR : Basic Schedule of Rates
CSC : Construction Supervision Consultant
EA : Executive Agency
EPC : Engineering, Procurement & Construction
FGD : Focus Group Discussion
GRM : Grievance Redress Mechanism
GRC : Grievance Redress Committee
IA : Implementing Agency
IP : Indigenous People
NCRTC : National Capital Region Transport Corporation
NGO : Non-Government Organization
PIU : Project Implementation Unit
PPP : Public Private Partnership
RFCTLARR : Right to Fair Compensation & Transparency in Land Acquisition, Resettlement & Rehabilitation
RoW : Right of Way
RP : Resettlement Plan
RF : Resettlement Framework
R&R : Resettlement & Rehabilitation
SIA : Social Impact Assessment
SPS : Safeguard Policy Statement

WEIGHTS AND MEASURES

km – kilometre
m – meter

NOTE

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

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I. INTRODUCTION

A. Overview of the Project

1. The National Capital Region Transport Corporation (NCRTC), a joint sector company of the Government of India and state governments of Delhi, Haryana, Rajasthan and Uttar Pradesh is developing a rail based suburban transport system i.e. Regional Rapid Transit System (RRTS) for National Capital Region (NCR). The objective is to provide high speed, affordable, reliable, safe, secure and seamless transport system in the urban agglomeration of Delhi, Ghaziabad, and Meerut so as to reduce the road accidents, congestion of road, pollution, travel time, energy consumption and anti-social incidents as well as to control urban development and land use for sustainability and regional development.

2. The proposed RRTS is based on the recommendation of ‘Integrated Transport Plan for NCR’ with perspective year 2032 which emphasizes the need for development of settlements outside the National Capital Territory (NCT) Delhi, providing inter-connection between Delhi and settlements and relieving pressure on the existing transport routes converging at NCT-Delhi.

3. The goal is to offer a rail-based sustainable urban transport system, smart and healthy cities to increase quality of life and improve access to goods and services, thereby, providing employment opportunities, sustainable development, and climate change mitigation resulting in a livable city environment i.e. health supportive environment with more allocation of road space to people rather than vehicles.

4. The Delhi–Ghaziabad–Meerut RRTS corridor is identified as one of the three prioritized corridors. The detailed project report (DPR) for this corridor has been prepared by the Delhi Integrated Multi Modal Transit Systems (DIMTS), a joint venture of the Government of Delhi and IDFC (a financial institution promoted by Government of India). The National Capital Region Transport Corporation (NCRTC), New Delhi is the implementing agency, with its headquarters at New Delhi.

5. The proposed Delhi–Ghaziabad–Meerut RRTS corridor will be a double-line standard gauge, rapid railway system, built on elevated viaducts and going underground in heavily populated areas. It will originate from Sarai Kale Khan in Delhi and end at Modipuram in Uttar Pradesh. As per the finalized alignment, out of total length of 82.15 kilometers (km), of which 14.15 km is underground and balance 68 km is elevated.

### Table 1: Details of Proposed Delhi-Ghaziabad-Meerut RRTS

<table>
<thead>
<tr>
<th>Name of Corridor</th>
<th>Length in Km</th>
<th>Total</th>
<th>Number of Depot</th>
<th>Total Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Elevated</td>
<td>Under Ground</td>
<td>Total</td>
<td>Elevated</td>
</tr>
<tr>
<td>Delhi-Ghaziabad-Meerut RRTS</td>
<td>68</td>
<td>14.15</td>
<td>82.15</td>
<td>2 +1 (stabling yard)</td>
</tr>
</tbody>
</table>

Source: DPR NCRTC.

6. This Resettlement Framework (RF) has been prepared to guide the selection of project components, preparation of resettlement plans, social due diligence reports and implementation of all social safeguards requirements in accordance with relevant policies and regulations of the

B. Magnitude of Impact

7. For the proposed Delhi–Meerut RRTS, the construction will be limited to mostly within the existing right-of-way (RoW) of the road, as the alignment is proposed in the median or within the RoW of the existing roads or highway. The project has 17 elevated stations for which private land will be impacted for station entry and/or exits. In addition, two maintenance depots proposed to be constructed at Duhai and Modipuram will require acquisition of private land, which will affect properties of titleholders and non-titleholders. Indirect impacts like temporary loss of access, livelihood, and disruption in mobility, air pollution will impact the local community especially in habitation areas of Khichadi (Delhi), Duhai (Ghaziabad), Muradnagar, and Modipuram (Meerut). The stabling yard at Jungpura will not impact any private land as the same is to be set up on government land which has been allotted by the Government of India. In accordance with ADB’s SPS, the Project, has been categorized as Category A for involuntary resettlement. A full resettlement plan is therefore, required to be prepared for the Project. The Project is categorized as Category C for the indigenous people impact because it has no significant impact on indigenous communities. An indigenous peoples plan is not required.

8. During the construction of the RRTS on the road median, approximately 8 meters width will be blocked. To ease the traffic movement during construction, NCRTC has started strengthening and blacktopping of Ghaziabad–Meerut road (erstwhile National Highway-58) at the location where the RRTS alignment is placed on the median of the road. About 10 km of the Ghaziabad section is completed and the remaining 30 km in Meerut section is in progress. A due diligence report for this road strengthening and blacktopping needs to be prepared confirming use of existing RoW without any impact on private properties; and any impact caused due to this work would be included under the project RPs.

C. Purpose of the Resettlement Policy Framework

9. This RF has been prepared to guide the preparation of RPs for various project components financed under the proposed multitranche financing facility (MFF) in case unanticipated resettlement is identified. The RF will be reviewed and updated from time to time to ensure relevance and consistency with applicable country legal frameworks, ADB’s Safeguard Policy Statement, 2009 (SPS).

10. The purpose of this RF is to: (i) specify the requirements that will be followed in relation to project screening and categorization, assessment, and planning, including arrangements for meaningful consultation with displaced people and other stakeholders, information disclosure requirements and, where applicable, safeguard criteria that are to be used in selecting project and/or components; (ii) assess the adequacy of the client’s capacity to implement national laws and ADB’s requirements and identify needs for capacity building; (iii) specify implementation procedures, including the budget, institutional arrangements, and capacity development requirements; (iv) specify monitoring and reporting requirements; (v) describe the responsibilities of the client and of ADB in relation to the preparation, implementation, and progress review of social safeguard documents of projects; (vi) lay out the principles and objectives governing the preparation and implementation of RPs and ensures consistency with ADB policy requirements; and (vii) compare applicable national laws and regulations of ADB and outline measures to fill identified gaps.
II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

A. Objectives

11. The RF outlines the objectives, policy principles and procedures for land acquisition, compensation and other assistance measures for displaced persons. It includes guidance on screening and categorization, assessment, planning, institutional arrangements and processes to be followed for the project.

12. The IA is responsible for conducting the social assessment and formulating RPs for project components, as per the procedures outlined in this RF. The draft RPs will be disclosed to the displaced persons and submitted to ADB for review and approval prior to commencement of any civil works. Compensation and other assistance will have to be paid to displaced persons prior to any physical or economic displacement of displaced households.

B. Policy and Legal Framework


14. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013 has been effective from January 1, 2014 after receiving the assent of the President of Republic of India. The Act replaced the Land Acquisition Act, 1894.

15. The aims and objectives of the Act include: (i) to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution of India, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other affected families; (ii) provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition; (iii) make adequate provisions for such affected persons for their rehabilitation and resettlement; (iv) ensure that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto.

16. Section 27 of the Act defines the method by which market value of the land shall be computed under the proposed law. Schedule I outlines the proposed minimum compensation based on a multiple of market value. Schedule II through VI outline the resettlement and rehabilitation entitlements to land owners and livelihood losers, which shall be in addition to the minimum compensation per Schedule I. Additional details regarding the Act are given in Appendix 1.

17. In exercise of the powers conferred by sub-section (3) of section 1 of the Act, the Central Government, after consultation with the concerned State Government, have declared (vide S.O. 2625(E), dated 16th October, 2009) extension of provisions of this Act to National Capital Region (NCT of Delhi, Haryana, Rajasthan and Uttar Pradesh).

18. For construction of Metro Railway and any other work connected therewith, the Metro Railways (Construction of Works) Act, 1972 empowers metro rail administration to acquire: (i) any land, building, street, road or passage; or (ii) any right of user, or any right in the nature of easement, therein, for construction or work.

19. **Power to acquire land.** The central government, on receipt of an application from metro rail administration, may declare its intention to acquire the land, building, street, road or passage for a public purpose by notification in the Official Gazette.

20. **Publication of notification for acquisition.** After the issue of notification the metro railway administration or any officer or other employee of the metro railway has legal right to: (i) to enter upon and survey and take level of the land, building, street, road or passage (ii) dig or bore into the sub-soil, (iii) set out the intended work (iv) mark level/boundaries, and (v) do all other works found necessary for preliminary examination of metro rail construction.

21. **Hearing of objection.** A person interested in land, building, road, street or passage may file an objection within 21 days of publication of notification under sub-section 3 of section 7.

22. The Competent Authority (a judicial officer in the rank of a subordinate judge) appointed by the Central Government will have right to publish a public notice-inviting claim from all persons interested in the land, building, street, road or passages, or the right of user or the right in the nature of easement therein to be acquired. The Competent Authority or the Appellate Authority will determine the compensation amount taking into consideration (a) the market value of the land, building, street, road or passage on the date of notification under section 7, (b) the damage, if any sustained by the person interested, (c) person interested is compelled to change his residence or place of business.

3. **Policy for Direct Purchase of Private land by the Delhi Development Authority through Negotiation**

23. Keeping in view to start or complete the ongoing infrastructure project of public importance and to avoid the lengthy process of land acquisition through RFCTLARR Act 2013, the Delhi Development Authority has approved a policy for direct purchase of private land through negotiation in November 2014. The concerned Superintending Engineer (in charge of the Project) will identify the land requirement and develop a proposal with rate of land fixed by the independent valuers. The proposal will be submitted to first level committee for review and forward it to the second level committee for its recommendation. The second level committee shall finalize and give its recommendation with respect to the rates to be offered to the owners of the land for direct purchase of land to the Standing Committee headed by the Vice Chairman.

24. The standing committee shall have the powers either to accept the negotiated rates or reject the case. The policy empowers the Delhi Development Authority for direct purchase of private land only in matters of public purpose (Appendix 2).

25. The Government of Uttar Pradesh has issued a Government Order no. N0. 2/2015/215EK-13-2015-20(48)/2011, dated March 19, 2015 (Appendix 3) to allow land purchase directly from the land owners through private negotiation. According to the Government Order, the land rates and the total land cost will be determined by a valuation committee, composed of representatives from the DM, Stamps and Registration Department and UPPWD. The land rates will be based on the LARR Act 2013, with a multiplying factor of 2 for land purchased in rural areas. The evaluation methodology is laid out in the Government Order No 797/1-13-2014-5Ka(25)/2013 T.C. dated October 22, 2014. The Government of Uttar Pradesh has already given permission to NCRTC to purchase land under this policy for Delhi-Ghaziabad-Meerut RRTS Corridor (Appendix 4). However, the provisions of Right to Fair Compensations and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and subsequent supplements by the Government of Uttar Pradesh shall prevail in case direct purchase fails.

26. The land acquisition under this Project will be carried out as per the policy and procedure laid down under Direct Purchase Policies of project states. In case negotiated settlement under state policies fails the land will be acquired following the process and provision of RFCTLARR Act, 2013.

5. ADB’s Safeguard Policy Statement (SPS), 2009

27. The objectives of ADB’s SPS 2009 with regard to involuntary resettlement are: (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

28. ADB’s SPS 2009 covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (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. It covers displaced persons whether such losses and involuntary restrictions are full or partial, permanent or temporary.

29. The three important elements of ADB’s SPS 2009 are: (i) compensation at replacement cost for lost assets, livelihood, and income prior to displacement; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to enhance, or at least restore, the livelihoods of all displaced persons relative to pre-project levels and to improve the standard of living of displaced poor and other vulnerable groups.

C. Comparison of Government and ADB Policies

RFCT in LARR Act – 2013 has come into effect from January 1, 2014. This Act is both complement the revision of the NRRP (2007) and decreases significantly the gaps between the LA Act 1894 and ADB’s SPS, 2009. The Act also expands compensation coverage of the principal Act by requiring that the value of trees, plants, or standing crops damaged must also be included and solatium being 100% of all amounts inclusive. The Act furthermore meets ADB requirements for all compensation to be paid prior to project taking possession of any land and provision of R&R support including subsistence grant and transportation cost.

Therefore, the RFCT in LARR Act – 2013 has established near equivalence of the government’s policies with those of ADB’s SPS, 2009. Adoption of the below principles for the project has ensured that both are covered in their application to this project. A comparison of ADB and GoI policy and measures to fill the gaps is presented in Appendix 5.

D. Involuntary Resettlement Safeguard Principles for the Project

Based on the above analysis of government provisions and ADB policy, the following resettlement principles are adopted for this Project:

(i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks. Measures to avoid and minimize involuntary resettlement impacts include the following: (i) explore alternative alignments or locations which are less impacting, (ii) ensure the appropriate technology is used to reduce land requirements, (iii) modify the designs, cross sections, and geometrics of components to minimize the RoW and ensure involuntary resettlement is avoided or minimized.

(ii) Carry out meaningful consultations with displaced 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 and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous peoples, and those without legal title to land and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the concerns of displaced persons. Support the social and cultural institutions of displaced persons and their host population.

(iii) 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 cost 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.

(iv) 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.

(v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.

(vi) 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.

(vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for all compensation, relocation and rehabilitation measures, except land.

(viii) Prepare a resettlement plan elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. This resettlement plan will be approved by ADB prior to contract award.

(ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.

(x) 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.

(xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

(xii) Monitor and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

34. Based on the above resettlement principles the following three broad categories of effected persons will be eligible for various compensation and resettlement and rehabilitation benefits.

(i) those who have formal legal rights to land lost in its entirety or in part;
(ii) those who lost the land they occupy in its entirety or in part and have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national/state laws; and

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1 ADB SPS 2009 (Safeguards Requirements 2) do not apply to negotiated settlements. The policy encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, an independent external party will be engaged to document the negotiation and settlement processes. In cases where the failure of negotiations would result in expropriation through eminent domain or the buyer could acquire the property regardless of its owner's decision to sell it or not, will trigger ADB's involuntary resettlement policy and appropriate resettlement plan will be prepared and implemented.
(iii) those who lost the land they occupy in its entirety or in part and have neither formal legal rights nor recognized or recognizable claims to such land.

35. **Cut-off Date:** The cut-off date for the titleholders will be the date of such preliminary notification under the applicable land acquisition acts i.e. either Metro Rail Act, or RFCTLARR Act whichever will be applicable. For non-titleholders the start date of project census survey for the subproject will be the cut-off date. There will be adequate notification of cut-off date and measures will be taken to prevent encroachments/squatting after the cut-off date is established.

36. Non-title holders who settle in the affected areas after the cut-off date will not be eligible for compensation. They however will be given sufficient advance notice to vacate the premises and dismantle affected structures prior to project implementation. The project will recognize both licensed and non-licensed vendors and titled and non-titled households.

**E. Entitlement Matrix**

37. The displaced persons will be entitled to the following six types of compensation and assistance packages:

(i) compensation for the loss of land, crops and/or trees at their replacement cost;
(ii) compensation for structures (residential and/or commercial) and other immovable assets at their replacement cost;
(iii) assistance in lieu of the loss of business/ wage income and income restoration assistance;
(iv) alternate housing or cash in lieu of house to physically displaces households not having any house site;
(v) assistance for shifting and provision for the relocation site (if required); and
(vi) rebuilding and/or restoration of community resources/facilities.

38. The land for the project will be acquired through direct negotiation under Uttar Pradesh and Delhi State Policy. However, in case of land which cannot be acquired through negotiation or in case of failure of negotiation the land will be acquired using RFCTLARR Act 2013 and accordingly an Entitlement Matrix has been developed for the project given below in Table 2.
<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Definition of Entitled Person</th>
<th>Compensation Policy</th>
<th>Implementation Issues</th>
<th>Responsible Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>1-a Loss of private land</td>
<td>Agricultural land, homestead land or vacant plot</td>
<td>Legal titleholders (i) Acquisition of land through direct purchase/negotiation using GoUP/ Delhi state policies. (ii) Acquisition of Right of Users through Metro Railways Act, 1978. (iii) One time Resettlement allowance² of Rs. 50,000 per affected family³ (iv) Each affected family shall be eligible for choosing one time assistance option from: (i) Where jobs are created through the project, employment for at least one member of the affected family with suitable training and skill development in the required field; or (ii) One-time payment of Rs. 500,000 per affected family. (v) All displaced families⁴ will receive monthly subsistence allowance of Rs. 3,000⁵ for one year (total Rs. 36,000) from the date of award. (vi) Fees, taxes, stamp duty and other charges related to replacement Land.</td>
<td>(i) Compensation accounts for all taxes and fees, and does not account for any depreciation. (ii) Re-tilting to be completed prior to project completion (iii) For option of choosing job created through project, job will be paid at living wage and monitored by IA. (iv) Claim against stamp duty reimbursement on purchase of replacement land will be valid till one yr from the date of award. The replacement land shall be purchased in the name of Land loser or his/her spouse.</td>
<td>The Deputy Commissioner will determine replacement value as per the procedures outlined in the subsequent sections of this document. IA will ensure provision of notice. IA will verify the extent of impacts through a 100% survey of displaced persons and determine assistance. Under GoUP Policy the SDM will determine on the acquisition of unviable residual plot.</td>
</tr>
</tbody>
</table>

² The LARR Act–2013 specifies that each affected family shall be given one time Resettlement Allowance of Rs. 50,000 only.
³ ‘Family’ includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him. Widows, divorcees and women deserted by families shall be considered separate family. An adult of either gender with or without spouse or children or dependents shall be considered as a separate family – as defined under LARR Act–2013.
⁴ “Displaced family” as defined by the LARR Act–2013, means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. According to ADB SPS-2009, 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. Thus, under this RF, the subsistence allowance is applicable for all affected families losing land irrespective of their nature of physical or economic displacement.
⁵ The LARR Act–2013 provides for monthly subsistence allowance equivalent to three thousand rupees per month for a period of one Year from the date of award.
<table>
<thead>
<tr>
<th>Type of Loss</th>
<th>Application</th>
<th>Definition of Entitled Person</th>
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<th>Implementation Issues</th>
<th>Responsible Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-b</td>
<td>Loss of private land</td>
<td>Agricultural land, homestead land or vacant plot</td>
<td>Tenants and leaseholders (having written and registered tenancy/lease documents)</td>
<td>Compensation for rental deposit or unexpired lease amount (such amount will be deducted from the compensation of land owners).</td>
<td>Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease.</td>
</tr>
<tr>
<td>2-a</td>
<td>Loss of Government land</td>
<td>Vacant plot, Agricultural land, homestead land</td>
<td>Tenant and Leaseholders (having written and registered tenancy/lease documents)</td>
<td>Compensation for rental deposit or unexpired lease amount (such amount will be deducted from the compensation of the lessor).</td>
<td>IA will ensure provision of notice and identify vulnerable households.</td>
</tr>
<tr>
<td>2-b</td>
<td>Loss of Government land</td>
<td>Vacant plot, Agricultural land, homestead land</td>
<td>Non-titleholders Squatters(^6), Encroachers(^7)</td>
<td>(i) 60 days advance notice to shift from occupied land.</td>
<td>IA will ensure provision of notice and will identify vulnerable households.</td>
</tr>
<tr>
<td>3-a</td>
<td>Loss of residential structure</td>
<td>Residential structure and other assets(^8)</td>
<td>Legal titleholders</td>
<td>(i) Each affected family shall be eligible for choosing one time assistance option from: (a) Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable) without depreciation; or (b) In Rural area, the displaced family will be provided with the option of constructed</td>
<td>(i) Compensation accounts for all taxes and fees, and does not account for any depreciation. (ii) In case cattleshed is owned jointly by more than one family</td>
</tr>
</tbody>
</table>

\(^6\) Squatters are those who have no recognizable rights on the land that they are occupying.

\(^7\) Encroachers are those who build a structure which is in whole or is part of an adjacent property to which he/she has no title. They are not vulnerable.

\(^8\) Other assets include, but is not limited to walls, fences, sheds, wells, etc.
<table>
<thead>
<tr>
<th>Type of Loss</th>
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<th>Compensation Policy</th>
<th>Implementation Issues</th>
<th>Responsible Agency</th>
</tr>
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<tbody>
<tr>
<td>Loss of residential structure</td>
<td>Residential structure and other assets</td>
<td>Tenants and leaseholders (having written and registered tenancy/lease documents)</td>
<td>house as per PMAY specifications in lieu of cash compensation; or (c) In Urban area, the displaced family will be provided with the option of constructed house of minimum 50 sq. m. plinth area in lieu of cash compensation. (i) Fees, taxes, stamp duty and other charges related to replacement structure. (ii) At least 60 days advance notice to shift. (iii) Right to salvage materials from structure and other assets with no deductions from replacement value. (iv) One time financial assistance of Rs. 25,000 to the families losing cattle sheds for reconstruction (v) All displaced families will receive one time shifting assistance of Rs. 50,000 towards transport costs etc.</td>
<td>Land/structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.</td>
<td>Deputy Commissioner will verify replacement value. IA will verify the extent of impacts through a 100% surveys of displaced households determine assistance, verify and identify vulnerable households.</td>
</tr>
<tr>
<td>Type of Loss</td>
<td>Application</td>
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<td>Compensation Policy</td>
<td>Implementation Issues</td>
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</table>
| 3-c Loss of residential structure | Residential structure and other assets (Government Land) | Non-titleholders (Squatters, Encroachers) | (i) At least 60 days advance notice to shift.  
(ii) Replacement cost of structure constructed by the squatter  
(iii) Right to salvage materials from structure and other assets  
(iv) One time Resettlement allowance of Rs. 50,000 per affected family in case of relocation  
(v) All displaced families (in case of relocation) will receive one time shifting assistance of Rs. 50,000 towards transport costs etc. | IIA will verify the extent of impacts through a 100% survey of displaced households determine assistance, verify and identify vulnerable households. | |
| Commercial Structures | | | | | |
| 4-a Loss of commercial structure | Commercial structure and other assets | Legal titleholders | (i) At least 60 days advance notice to shift.  
(ii) Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable) without depreciation.  
(iii) Fees, taxes, stamp duty and other charges related to replacement structure.  
(iv) Right to salvage materials from structure and other assets with no deductions from replacement value.  
(v) One time financial assistance of Rs. 25,000 to the families losing shop for reconstruction of shop. | Compensation accounts for all taxes and fees, and does not account for any depreciation. | Deputy Commissioner will determine replacement value. IIA will verify the extent of impacts through a 100% survey of displaced households determine assistance, verify and identify vulnerable households. | |
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<tr>
<th>Type of Loss</th>
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<tbody>
<tr>
<td><strong>4-b</strong> Loss of commercial structure</td>
<td>Commercial structure and other assets (Government Land)</td>
<td>Tenants and leaseholders (having written and registered tenancy/lease documents)</td>
<td>(vi) All physically displaced families will receive one time shifting assistance of Rs. 50,000 towards transport costs etc.</td>
<td>Land/structure owners will reimburse tenants and leaseholders land rental deposit or unexpired lease.</td>
<td>Deputy Commissioner will determine replacement value. IA will verify the extent of impacts through a 100% survey of displaced households determine assistance, verify and identify vulnerable households.</td>
</tr>
<tr>
<td><strong>4-c</strong> Loss of commercial structure</td>
<td>Commercial structure and other assets (Government Land)</td>
<td>Non-titleholders (Squatters, Encroacher)</td>
<td>(i) At least 60 days advance notice to shift.</td>
<td>EA will verify the extent of impacts through 100% surveys of displaced households determine assistance, verify and identify vulnerable households.</td>
<td>-</td>
</tr>
<tr>
<td>Type of Loss</td>
<td>Application</td>
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<td>Compensation Policy</td>
<td>Implementation Issues</td>
<td>Responsible Agency</td>
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<tr>
<td>Livelihood</td>
<td>5</td>
<td>Livelihood</td>
<td>(i) One time financial assistance of minimum Rs. 25,000 for skill upgradation training to displaced persons opted for (one member of the affected family)</td>
<td></td>
<td>EA will verify the extent of impacts through a 100% survey of displaced households determine assistance, verify and identify vulnerable households. For Agricultural laborer (long timer) Only those who are in fulltime / permanent employment of the land owner, will be eligible for this assistance. Seasonal agricultural laborers will not be entitled for this assistance.</td>
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<td></td>
<td></td>
<td>Legal titleholder losing agricultural land, business/commercial establishment Family with traditional land right losing agricultural land or other source of livelihood Commercial tenant Commercial leaseholder Employee in commercial establishment Sharecroppers Agricultural laborer (long term) Artisans Commercial Squatters and encroachers</td>
<td>(ii) Preference in employment under the project during construction. (iii) Monthly subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award in case of relocation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees and Crops</td>
<td>6</td>
<td>Standing trees and crops</td>
<td>(i) Advance notice of 60 days to harvest crops, fruits, and timbers. (ii) Compensation for standing crops in case of such loss, based on an annual crop cycle at market value</td>
<td>(i) Harvesting prior to acquisition will be accommodated to the extent possible (ii) Work schedules will avoid harvest season.</td>
<td>IA will ensure provision of notice. Deputy Commissioner will undertake valuation of standing crops, perennial crops and</td>
</tr>
<tr>
<td>Type of Loss</td>
<td>Application</td>
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<tr>
<td></td>
<td></td>
<td>Agricultural tenant/leaseholder</td>
<td>(iii) Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined by Revenue Department in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops.</td>
<td>(iii) Seasonal crops will be given 60 days notice. If notice cannot be given, compensation for standing crops will be compensated at market value.</td>
<td>trees, and finalize compensation rates in consultation with displaced persons.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sharecroppers</td>
<td></td>
<td>(iv) Market value of trees/crops has to be determined.</td>
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<tr>
<td></td>
<td></td>
<td>Squatter/Encroacher</td>
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**Vulnerable**

7. Impacts on vulnerable displaced persons

(i) One time lump sum assistance of Rs. 25,000 to vulnerable households. This will be paid above and over the other assistance provided in items 1-6.

(ii) Receive preference in income restoration training program under the project.

(iii) Preference in employment under the project during construction.

(iv) Assistance to access to basic utilities and public services

Vulnerable households will be identified during the census and implementation of project.

IA will verify the extent of impacts through a 100% surveys of displaced households determine assistance, verify and identify vulnerable households.

The IA will conduct a training need assessment in consultations with the displaced persons so as to develop appropriate income restoration schemes.

Suitable trainers or local resources will be identified by IA in consultation with local training institutes.
<table>
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<tr>
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<tbody>
<tr>
<td>Right of Users</td>
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<tr>
<td>8</td>
<td>Loss of right of users on land or building.</td>
<td>Legal title holders, owner, family with customary rights.</td>
<td>Compensate affected land or building at replacement cost. Option to be given to displaced persons for choosing not to acquire land permanently and provide user right with availing 10% of the land value</td>
<td>The amount will be determined by an order of the Deputy Commissioner or competent authority. In case of displaced person opting for user right, a formal agreement to that effect will be signed between displaced person and requiring agency</td>
<td>The IA will identify such impacts and resolve them on case to case basis. The IA shall ensure access to land and assets in case of both permanent acquisition and agreement on user right.</td>
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<tr>
<td>Temporary Loss</td>
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<tr>
<td>9</td>
<td>Temporary loss of land&lt;sup&gt;9&lt;/sup&gt;</td>
<td>Legal titleholders, Family with traditional land right</td>
<td>Any land required by the Project on a temporary basis will be compensated in consultation with the landholders. Rent at market value for the period of occupation Restoration of land to previous or better quality&lt;sup&gt;10&lt;/sup&gt; Location of construction camps will be fixed by contractors in consultation with Government and local community as per EMP provisions.</td>
<td>Assessment of impacts if any on structures, assets, crops and trees due to temporary occupation. Site restoration.</td>
<td>Deputy Commissioner will determine rental value and duration of construction site in consultation with displaced persons. IA will ensure compensation is paid prior to site being taken over by contractor. Contractor will be responsible for site restoration.</td>
</tr>
<tr>
<td>10</td>
<td>Temporary disruption of livelihood</td>
<td>Legal titleholders, non-titled displaced persons</td>
<td>60 days advance notice regarding construction activities, including duration and type of disruption. Cash assistance based on the minimum wage/average earnings per month for the loss of income/livelihood for the period of disruption, and contractor’s</td>
<td>Identification of alternative temporary sites to continue economic activity.</td>
<td>Deputy Commissioner will determine income lost. Contractors will perform actions to minimize income/access loss.</td>
</tr>
</tbody>
</table>

<sup>9</sup> Temporary possession of land for project purpose can be taken only for three years from the date of commencement of such possession/occupation.

<sup>10</sup> If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under the Act to acquire the land as if it was needed permanently for a public purpose.
<table>
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<td></td>
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<td>actions to ensure there is no income/access loss consistent with the EMP.(^\text{11}) (iii) Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity.(^\text{12})</td>
<td></td>
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</tr>
<tr>
<td><strong>Common Resources</strong></td>
<td></td>
<td></td>
<td>Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, graveyards etc.</td>
<td>Follow ADB SPS</td>
<td>IA and Contractor.</td>
</tr>
<tr>
<td>11</td>
<td>Loss and temporary impacts on common resources</td>
<td>Common resources</td>
<td>Communities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Any other loss not identified</td>
<td>-</td>
<td>-</td>
<td>Unanticipated involuntary impacts will be documented during the implementation phase and mitigated based on provision made in the RF.</td>
<td>-</td>
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</table>

ADB = Asian Development Bank, EA = executing agency, EMP = environmental management plan, GoUP = government of Uttar Pradesh, IA = implementing agency, PMAY = Pradhan Mantri Awas, RFCTLARR = Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation, SDM = sub-divisional magistrate, SPS = Safeguard Policy Statement.


\(^{11}\) This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.

\(^{12}\) For example assistance to shift to the other side of the road where there is no construction.
F. Subproject Screening and categorization

39. The IA will be responsible for involuntary resettlement planning and for providing necessary information to ADB project team for completion of the Involuntary Resettlement Impact Categorization Checklist included in Appendix 6 for the project. Based on the screening, the subproject will be assigned to one of the following categories depending on the significance of probable involuntary resettlement impacts:

(i) **Category A** - A proposed project is classified as Category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including an assessment of social impacts, is required.

(ii) **Category B** - A proposed project is classified as Category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impact, is required.

(iii) **Category C** - A proposed project is classified as Category C if it has no involuntary resettlement impacts. No further action is required.

40. The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as; (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks.

G. Negotiated Settlement

41. The ADB SPS encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with displaced persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, in case of negotiated settlement, an independent external party will be engaged by the IA to document the negotiation and settlement processes. The principles of this RF with regard to meaningful consultation processes, mechanisms for calculating the replacement costs of land and other assets affected and record-keeping requirements, will be followed while handling Negotiated Settlement. If negotiation fails, the IA will acquire land following the national legislation and ADB SPS by adopting the principles and entitlement matrix as described above under this RF.

III. SOCIO-ECONOMIC INFORMATION

A. Surveys

42. The IA will conduct census and socio-economic survey of all displaced persons based on the final detailed design. If involuntary resettlement impacts are identified, a resettlement plan shall be prepared based on the census of the displaced persons. The Social impact assessment of the displaced persons will determine the magnitude of displacement and prospective losses,

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13 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) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

14 An independent external party is an agency or a person not involved in the day-to-day implementation of the project and can include, for example, an expert, local university professor, local NGO representative, etc.
identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a rehabilitation program for implementation.

43. The census will cover 100% of displaced persons. The purpose of the census is to: (i) register who the displaced persons are; (ii) assess their income and livelihoods; and (iii) collect inventory of their assets affected due to the project; (iv) identify displaced persons who are vulnerable; and (v) collect gender-disaggregated information pertaining to the economic and socio-cultural conditions of displaced persons.

44. The survey will collect gender-disaggregated data, where relevant, to address gender issues in resettlement. A sample Census and Socio-Economic Survey Questionnaire is given in Appendix 7.

B. Resettlement Planning

45. The resettlement plan (RP) will be prepared based on the results of the census and socio economic survey. It will include the results and findings of the census of displaced persons, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and results monitoring mechanisms. The RP will be disclosed to concerned stakeholders and their views incorporated in the plan.

46. RPs will comply with the principles outlined in this agreed RF. The RP should be structured as per the outline in Appendix 8. These will be approved by ADB prior to contract award. Disbursement of compensation payments and entitlements will be made prior to displacement.

47. The specific resettlement-related activities to be performed such as social impact assessment, census and socio-economic survey, resettlement planning, public consultation, grievance redress, development of mitigation measures and income restoration measures, preparation of a detailed budget and financing plan, implementation of resettlement plan, monitoring and evaluation, and their subproject implementation schedule will all be detailed in the resettlement planning document.

C. Gender Impacts and Mitigation Measures

48. Female-headed households are considered a vulnerable group as per these RF. Any negative impacts of a project on female-headed households will be treated on a priority basis. The resettlement plan will formulate measures to ensure that socio-economic conditions, needs and priorities of women in the affected area are identified during consultations and the process of land acquisition and resettlement does not disadvantage women. It will ensure that gender impacts are adequately addressed and mitigated. Women’s focus groups discussions will be conducted to address specific women’s issues. Consultations proposed throughout during RP implementation will include women as separate targeted group to hear their concerns and address the same. During disbursement of compensation and provision of assistance, priority will be given to female-headed households.

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15 Vulnerable households include those who are below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land.
IV. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation and Valuation of Lost and Affected Assets

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

50. Land surveys for determining the payment of compensation would be conducted on the basis of updated official records and ground facts. The land records containing information like legal title, and classification of land will be updated expeditiously for ensuring adequate cost compensation and allotment of land to the entitled displaced persons. Records as they are on the cut-off date will be taken into consideration while determining the current use of land. The uneconomic residual land remaining after land acquisition will be acquired as per the provisions of *The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*, as the case may be. The owner of such land/property will have the right to seek acquisition of his entire contiguous holding/property provided the residual land is less than the average land holding of the district.

51. The rate of compensation for acquired land, structures, and other assets will be calculated at full replacement cost. That is, based on (i) fair market rate, (ii) transaction costs, (iii) interest accrued, (iv) transitional and reiteration costs, and (v) other payments, if any. For land acquisition the District Collector will decide the compensation for acquired land as per the legal provisions. Compensation under law will be paid to the person whose name is on the title.

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

53. Compensation for private trees will be based on their full replacement cost. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops, fruit bearing trees will be decided by the PMO in consultation with the Departments of Forest, Agriculture and Horticulture. Prior to taking possession of the land or properties, the compensation will be fully paid and displaced persons will have the opportunity to harvest trees.

54. Even after payment of compensation, displaced persons would be allowed to take away the materials salvaged from their dismantled houses and shops at owner’s own cost, and no charges will be levied upon them for the same. On expiry of notice period after payment of compensation and assistance if displaced persons do not remove their structures, a notice to that effect will be issued intimating that displaced persons can take away the materials so salvaged within 48 hours of their demolition; otherwise, the same will be disposed by the project authority without giving any further notice.

55. Trees standing on the land owned by the government will be disposed off through open auction by the concerned Revenue Department/Forest Department. Displaced persons will be provided with an advance notice prior to relocation. Further, all compensation and assistance will
be paid to displaced persons by giving adequate time prior to displacement or dispossession of assets.

56. For temporary impact on land and common resources, any land required by the project on a temporary basis will be compensated in consultation with landowners and will be restored to previous or better quality. Implementation issues can be found in the Entitlement Matrix.

57. The Project will have significant resettlement impacts on displaced persons who will be losing their residential and commercial structures and may opt for for project-based relocation. In some cases, these structures may be on lease land given by various authorities. In such cases, the leaseholder will be provided with replacement cost of part or whole of their structure constructed by them and this will be deducted from the compensation amount of the owner. They will also be provided with compensation for their rental deposit or unexpired lease. The Project will explore possibility of alternate lease by the concerned authorities in consultation with such displaced persons and local administration. The squatters will also be provided with replacement cost of their structure.

58. In addition to above, all the structures affected in the project as per provisions made in the entitlement matrix will be eligible for the following, as applicable:

(i) Compensation for structure will be paid at the replacement cost to be calculated as per latest prevailing basic schedules of rates (BSR) without depreciation,
(ii) One-time Resettlement allowance of Rs. 50,000 per affected household
(iii) Shifting assistance to all structures at @ of Rs. 50,000 per structure,
(iv) Right to salvage materials from structure and other assets with no deductions from replacement value, and

59. To help the displaced persons losing structures in getting all above entitlements and relocating themselves, following relocation strategy will be adopted in the project:

(i) The IA with the help of Resettlement Implementation Support Agency (RISA)\(^\text{16}\) shall make another round of consultations with affected displaced persons and assist them to access government rehabilitation schemes such as Pradhan Mantri Awas Yojana (PMAY Rural and Urban) in convergence with other schemes like Swach Bharat Schemes to ensure toilet, Saubhagya Yojana electricity connection, Ujjwala Yojana LPG gas connection, access to drinking water and Jan Dhan banking facilities, etc.
(ii) At least 60 days advance notice shall be given before demolition of structure.
(iii) Their dismantled structures materials will not be confiscated and they will not pay any fine or suffer any sanction.
(iv) The RISA engaged for RP implementation will assist displaced persons during verification of assets and will provide necessary counseling on payment of compensation and assistance.
(v) The RISA will assist the project authorities in ensuring a smooth transition (during the part or full relocation of the displaced persons), helping the displaced persons to take salvaged materials and shift.

\(^{16}\) Resettlement Implementation Support Agency (RISA) can be a Consultancy firm or non-governmental organization (NGO) and if suitable agency is not available or resettlement impacts are not significant, the IA will be staffed with qualified and experienced social workers to assist in the process of RP implementation.
In close consultation with the displaced persons, the RISA will fix the shifting dates agreed with the displaced persons in writing and the arrangements desired by the displaced persons with respect to their entitlements.

RISA will also assist IA in economic relocation of households losing commercial structures and will ensure that after relocation the livelihood of economical displaced households has restored to the pre-project level.

In case of self-relocation also, the RISA will assist the displaced persons in finding alternative land within the village if so desired by the displaced persons in consultation with village committee and other beneficiaries in the villages.

60. **Relocation Strategy for CPR.** The Common Property Resources (CPRs) will be compensated either by cash compensation at replacement cost to the community (registered trust, society or village committee as appropriate) or reconstruction of the community structure in consultation with the affected community.

**B. Income Restoration**

61. Each displaced person whose income or livelihood is affected by a subproject will be assisted to improve or at least restore it to pre-project level. For vulnerable households, their living standards will be improved to national levels, including the provision of access to basic utilities and public services. The results of the socioeconomic survey and census will be used as baseline. Income restoration schemes will be designed in consultation with displaced persons and considering their resource base and existing skills. The IA will engage an experienced RISA for Project and who will conduct a training need assessment in consultations with the displaced persons to develop appropriate income restoration schemes. The IA with support of the RISA will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by RISA in consultation with local training institutes. The RISA will also facilitate displaced persons’ access to Government schemes that could help them to restore income and livelihood.

62. In addition, the entitlement matrix provides for short-term income restoration activities intended to restore the income of the displaced person in the period immediately before and after relocation focusing on relocation, and providing short-term allowances such as: (i) transitional allowance; and (ii) shifting assistance.

**V. CONSULTATION, PARTICIPATION AND DISCLOSURE**

63. In order to engage with the community and enhance public understanding on the Project and address the issues pertaining to resettlement, various sections of displaced persons and other stakeholders will be consulted through focus group discussions (FGD), meetings and individual interviews during the RP preparation of the Projects. The opinions of the stakeholders and their perceptions will be obtained during these consultations.

**A. Meaningful Consultation and Participation of key stakeholders**

64. Meaningful consultations will be undertaken with the displaced persons, their host communities and civil society for every subproject identified as having involuntary resettlement impacts. Meaningful consultation will be carried out throughout the resettlement plan implementation. The consultation process established for the program will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders
will be used during project preparation, including in-depth interviews, public meetings, and focus group discussions. Details of consultation plan is provided in Table 3.

65. The IA will ensure that views of the displaced persons, particularly those vulnerable, related to the resettlement process are looked into and addressed. The IA will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. Particular attention will be paid to the need of the disadvantaged or vulnerable groups, including those below poverty line, the landless, the elderly, female headed households, women and children, Indigenous People/ Scheduled Tribes, and those without legal title to land. Separate meetings for women may be held to obtain their views. The key informants to be consulted, during the project preparation phase and during the RP implementation, shall include the following stakeholders:

(i) heads and members of households likely to be displaced;
(ii) displaced households belonging to the vulnerable groups;
(iii) host communities;
(iv) women in the displaced as well as host communities;
(v) local voluntary organizations and community based organizations; and
(vi) government agencies and line departments.

66. The RP will be prepared and implemented in close consultation with the key stakeholders. Women’s participation will be ensured by involving them in public consultation at various level and stages of project preparation and by arrangements, which would enhance their ability to attend such meetings.

B. Information Disclosure and Resettlement Plan Disclosure

67. Information will be disseminated to displaced persons at various stages. In the subproject initiation phase, the IA will be responsible for issue of public notice to acquire particular land/property for subproject component along with program information/details. The notice will be published in local newspapers as per the requirement. The IA along with local revenue officials/officials from Deputy Commissioner’s office will also conduct meetings with displaced persons in addition to the public notification to ensure that the information is given to all of them.

68. For the benefit of the community in general and displaced persons in particular, a summary of this RF and each resettlement plan will be made available in local language during public meetings at the community level, and be disclosed in public places prior to project appraisal. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contract.

69. The RP will be disclosed to the displaced community detailing information including measurement of losses, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments and displacement schedule by the IA with assistance from the RP implementing unit. This will be done through public consultation and made available as brochures, leaflets, or booklets, using local languages.

70. Summary RP will be translated and made available to the displaced persons. Hard copies of the resettlement plan will also be made available at: (i) PMOs; (ii) District Magistrate Office; (iii) Office of the Municipal Corporation; (iv) District Land Acquisition Officer; and (v) any other local level public offices, as soon as the plans are available and certainly before land is acquired for the project. For non-literate people, alternate communication methods will be used, including
verbally explaining the disclosed documents in community meetings. A report of disclosure, giving
detail of date and location, will be shared with ADB.

71. The basic information in the resettlement plan including subproject locations, magnitude
of impact, entitlements, implementation schedule etc. will be presented in the form of a brochure
that will be circulated among the displaced persons. Posters designed to disseminate basic tenets
of the plan will be distributed in different localities to generate mass awareness.

72. Electronic version of the RF as well as the RPs will be placed on the official website of the
IA and the official website of ADB after approval and endorsement by IA and ADB. All RPs will be
approved by ADB prior to contract award and then disclosed on ADB website. Table 3 shows
consultation and disclosure activities

### Table 3: Consultation, Participation and Information Disclosure Activities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Issues to be addressed</th>
<th>Participants / Responsible Party</th>
<th>Communication methods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Field verification and identification of impacts</td>
<td>Discuss impacts with displaced persons, minimize impact</td>
<td>General Consultant, RISA, PMO</td>
<td>Individual meetings, FGD</td>
</tr>
<tr>
<td>Notification of displaced persons on project, LAR and cut-off date</td>
<td>Inform displaced persons about project, LAR impact and temporal limitation of eligibility, GRM</td>
<td>Consulting Agency, RISA, PMO</td>
<td>Notices in local government offices and public areas</td>
</tr>
<tr>
<td>Census, Socioeconomic Survey, DMS</td>
<td>Discuss concerns and preferences of displaced persons, notify cut-off date</td>
<td>General Consultant, RISA, PMO</td>
<td>Quantitative surveys, walk-through, FGD, individual and key informant interviews</td>
</tr>
<tr>
<td>Consultation meeting on draft RP</td>
<td>Explanation and discussion of displaced persons’ rights and obligations, institutional arrangements, procedures, GRM, eligibility criteria and entitlements strategy; agreements between the IA and the displaced persons;</td>
<td>General Consultant, RISA, PMO</td>
<td>Formal meeting</td>
</tr>
<tr>
<td>Negotiation meetings</td>
<td>Resolution of remaining disagreements with individual displaced persons and finalization of negotiated settlements.</td>
<td>displaced persons, PMO, NCRTC</td>
<td>Individual as well as group meeting</td>
</tr>
</tbody>
</table>
VI. GRIEVANCE REDRESS MECHANISM

73. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate and facilitate the resolution of displaced people’s concerns, complaints and grievances about the social and environmental performance at the level of the Project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The project-specific GRM is not intended to bypass the government’s own redress process, rather it is intended to address displaced people’s concerns and complaints promptly, making it readily accessible to all segments of the displaced people and is scaled to the risks and impacts of the project. The complainant may access the formal legal system at any time.

74. During project preparation, information regarding GRM will be disclosed as part of the public consultation process. Grievances related to the implementation of the project will be acknowledged, evaluated, and responded to the complainant with corrective action proposed. The outcome shall also form part of the semi-annual monitoring report that will be submitted to ADB.

75. A two tier GRM will be established with formation of Grievance Redress Committee (GRC) at two levels i.e. PMO level and Headquarter level. The PMO level GRC will comprise of the:

(i) Chief Project Manager (CPM) of the PMO, NCRTC
(ii) District Land Acquisition Officer
(iii) PMO Level Environmental/Social Officer
(iv) A representative from local NGOs or a local person of repute and standing in the society or an elected representative.
(v) A representative from Affected Person
(vi) Social Expert of General Consultant
(vii) Expert from RISA
76. The Headquarter level GRC will comprise of the:

(i) GM (Project), NCRTC
(ii) HQ Level Environmental/Social Officer, NCRTC
(iii) Social Expert of General Consultant
(iv) Expert from RISA

77. One of the above members in the PMO level GRC will be preferably a woman.

78. Some of the specific functions of the GRC will be as following:

(i) To provide support for the displaced persons on problems arising out of land/property acquisition like award of compensation and value of assets;
(ii) To record the grievances of the displaced persons, categorize and prioritize the grievances that needs to be resolved by the Committee and solve them within a month;
(iii) To inform PMO of serious cases within an appropriate time frame; and
(iv) To report to the aggrieved parties about the development regarding their grievance and decision of PMO.

79. The response time prescribed for the GRCs would be three weeks at each level. Since the entire resettlement component of the project has to be completed before the construction starts for the whole project, the GRC will meet at least once in three weeks to resolve the pending grievances. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, relocation, payment of compensation and other assistance. The subproject specific Resettlement Plans will detail out the step-by-step mechanism for grievance redress.

80. The decision of the GRCs is binding, unless vacated by the court of law. However, the affected person is free to access the country’s legal system at any time and stage although Project GRM is the preferred route. The GRC will continue to function, for the benefit of the displaced persons, during the entire life of the Project. The cost of GRM will be included in the budget under RP.

81. People who are, or may in the future be, adversely affected by the project may submit complaints to ADB’s Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-assisted projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB’s operational policies and procedures. Before submitting a complaint to the Accountability Mechanism, affected people should make a good faith effort to solve their problems by working with the concerned ADB operations department. Only after doing that, and if they are still dissatisfied, should they approach the Accountability Mechanism 17.

VII. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

82. The Executing Agency for the project will be Government of India (GoI), through NCRTC. NCRTC which is a wholly owned joint venture Company of GoI and state governments of Delhi,

17 For further information see: http://www.adb.org/Accountability-Mechanism/default.asp.
Haryana, Rajasthan and U.P. and is headed by a Managing Director of the rank of Additional Secretary.

83. Project Implementation Unit at HQ level: The overall project will be managed by NCRTC headquarter headed by the Group General Manager (Project) who will have the overall responsibility to supervise the RP implementation work with the help of expert from General Consultant. The GGM (Project) will be assisted by a designated Environmental and Social (E&S) Officer (of the rank of Deputy General Manager) at HQ level to coordinate with ADB, PMO and State level land acquisition and RISA.

84. Project Management Office Level: The Chief Project Managers appointed for the Delhi-Ghaziabad-Meerut RRTS Project will head the PMOs. A PMO level E&S Officer at the rank of Deputy Project Manager will be appointed/designated to manage the Project level resettlement activities and coordinate with Land Acquisition Officer, CSC and RISA.

85. Resettlement Management: The IA will do the overall coordination, planning, implementation, and ensure that adequate finances for costs related to land acquisition and resettlement for the project is allocated. The General Consultant to ensure timely and effective implementation of RPs will support IA. A qualified and experienced Resettlement Implementation Support Agency (RISA) in the form of a consulting firm or NGO will be engaged by the IA to assist in the implementation of the RP. The RISA would play the role of a facilitator and will work as a link between the PMO and the displaced community. IA shall ensure that adequate resources are allocated to the RISA for effective implementation of R&R activities. An indicative TOR for the RISA is included in Appendix 9.

86. The table below provides details on the key agencies involved and their main responsibilities regarding social safeguard implementation.

### Table 4: Implementation Agencies and Key Responsibilities

<table>
<thead>
<tr>
<th>Key Agency</th>
<th>Responsibility</th>
</tr>
</thead>
</table>
| Government of India through the National Capital Region Transport Corporation (IA) | (i) Make final decision on subproject components to be included under the project  
(ii) Overall responsibility for project design, feasibility, construction and operation and guide PMOs  
(iii) Ensure that sufficient funds are available to properly implement all agreed social safeguards measures  
(iv) Ensure that all subprojects comply with the provisions of ADB and GoI’s policies and regulations  
(v) Submit semi-annual safeguards monitoring reports to ADB |
| Project Management Offices | (i) Disseminate project information to the project affected community with assistance from General Consultant and RISA.  
(ii) Ensure establishment of Grievance Redress Committee at the Project level for grievance redress with assistance from General Consultant and RISA  
(iii) Disclosure of project information in public spaces and through relevant media.  
(iv) Disseminate project information to the community in coordination with RISA  
(v) Facilitate the socioeconomic survey and census  
(vi) Facilitate consultation by the civil works contractor with community throughout implementation  
(vii) Oversee land acquisition and coordinate with Deputy Commissioner  
(viii) Supervise the mitigation measures during implementation and its progress |
<table>
<thead>
<tr>
<th>Key Agency</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(ix) Conduct internal monitoring and prepare reports</td>
</tr>
<tr>
<td>RISA</td>
<td>(i) Assist PMO in entire RP implementation work</td>
</tr>
<tr>
<td></td>
<td>(ii) Carry out public consultation</td>
</tr>
<tr>
<td></td>
<td>(iii) Participate in GRC</td>
</tr>
<tr>
<td></td>
<td>(iv) Facilitate IA in implementing livelihood and income restoration program</td>
</tr>
<tr>
<td>General Consultant</td>
<td>(i) Provide technical support and advise for addressing complaints and grievances and participate in resolving issues as a member of the GRC</td>
</tr>
<tr>
<td></td>
<td>(ii) Provide technical advice and on the job training to the contractors as necessary</td>
</tr>
<tr>
<td></td>
<td>(iii) Preparation of semi-annual monitoring reports based on the monitoring checklists and submission to NCRTC for further submission to ADB</td>
</tr>
<tr>
<td></td>
<td>(iv) Act as Internal Monitor for project</td>
</tr>
<tr>
<td>Independent External Monitor</td>
<td>(i) Provide technical support and advise to the IAs in the implementation of the RP specifically for addressing complaints and grievances and participate in resolving issues as a member of the GRC</td>
</tr>
<tr>
<td></td>
<td>(ii) Monitor and assist the RISA by providing Technical Support and advice during implementation of RP</td>
</tr>
<tr>
<td></td>
<td>(iii) Provide technical advice and on the job training to the contractors as necessary</td>
</tr>
<tr>
<td></td>
<td>(iv) Preparation of semi-annual monitoring reports based on the monitoring checklists and submission to PMO for further submission to ADB</td>
</tr>
<tr>
<td></td>
<td>(v) Act as External Monitor for project with significant impact.</td>
</tr>
<tr>
<td>Contractor</td>
<td>(i) Consult community and PMO regarding location of construction camps</td>
</tr>
<tr>
<td></td>
<td>(ii) Sign agreement with titleholder for temporary use and restore land to equal or better condition upon completion</td>
</tr>
<tr>
<td></td>
<td>(iii) Commence construction only when alignment is free of encumbrance</td>
</tr>
<tr>
<td></td>
<td>(iv) Respond in a timely fashion to recommendations from GRCs</td>
</tr>
<tr>
<td>ADB</td>
<td>(i) Review RF and due diligence/RP and endorse or modify the project classification</td>
</tr>
<tr>
<td></td>
<td>(ii) Review planning documents and disclose the draft and final reports on the ADB website as required</td>
</tr>
<tr>
<td></td>
<td>(iii) Monitor implementation through review missions</td>
</tr>
<tr>
<td></td>
<td>(iv) Provide assistance to the IA of subprojects, if required, in carrying out its responsibilities and for building capacity for safeguard compliance</td>
</tr>
<tr>
<td></td>
<td>(v) Monitor overall compliance of the project to ADB safeguard policy</td>
</tr>
</tbody>
</table>

**ADB** = Asian Development Bank, **GoI** = Government of India, **GRC** = grievance redress committee, **IA** = implementing agency, **NCRTC** = National Capital Region Transport Corporation, **PMO** = project management office, **RF** = resettlement framework, **RISA** = Resettlement Implementation Support Agency.


**VIII. IMPLEMENTATION SCHEDULE**

87. In general, the project implementation will consist of the three major phases, namely project preparation, land acquisition and rehabilitation of displaced persons. In line with the principles laid down in this RF, the IA and PMO will ensure that project activities are synchronized between the resettlement plan implementation activities as well as the subproject implementation. The IA and PMOs will ensure that no physical or economic displacement of displaced households will occur until: (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan are provided to the displaced persons; and (iii) a comprehensive income and livelihood rehabilitation program, supported by adequate budget, is in place to help displaced persons, improve, or at least restore, their incomes and livelihoods. In case of any change in project design an updated RP will be prepared and submitted to ADB for approval and disclosure.
prior to implementation. An indicative implementation schedule with key tasks is provided in Appendix 10.

IX. BUDGET AND FINANCING

88. Detailed budget estimates for each RP will be prepared by the EA and PMO, which will be included in the overall project estimate. The budget shall include:

(i) Detailed costs of land acquisition, relocation, livelihood and income restoration and improvement, implementation support and a contingency source of funding;
(ii) Arrangements for approval, and the flow of funds and contingency arrangements.

89. All land acquisition funds will be provided by the government. All land acquisition, compensation, relocation and rehabilitation of income and livelihood, consultations and grievance redress will be considered as an integral component of project costs. Appendix 11 includes a budget template.

90. The disbursement of money to the displaced persons for land acquisition will be carried out by the District Magistrate / land acquisition officer. The IA will deposit the approved amount at respective district jurisdictions and the district administration will disburse the money to displaced persons.

91. However, in the case of assistance and other rehabilitation measures, the PMO will directly pay the money or any other assistance as stated in the resettlement plan to displaced persons by means of a cheque payment into their individual/joint accounts. The RISA will be involved in facilitating the disbursement process and rehabilitation program and will facilitate opening of bank accounts for the displaced persons who do not have bank accounts.

X. MONITORING AND REPORTING

A. Internal Monitoring

92. Internal monitoring will be the responsibility of the PIUs, which will include:

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

93. The General Consultant will be responsible for overall internal monitoring and evaluation of the project progress for resettlement implementation. The internal monitor will monitor and verify RP implementation to determine whether resettlement goals have been achieved, livelihood and living standards have been restored, and provide recommendations for improvement. The internal monitor will undertake biannual monitoring during the R&R implementation period. Monitoring will also ensure recording of displaced persons’ views on resettlement issues such as;
displaced persons’ understanding of entitlement policies, options, and alternatives; site conditions; compensation valuation and disbursement; grievance redress procedures; and staff competencies. The internal monitor will also evaluate the performance of the RISA. The monitoring reports will be sent to ADB twice a year by IA. Suggested monitoring indicators can be found in Appendix 12 and monitoring form can be found in Appendix 13.

**B. External Monitoring**

94. The external monitoring of RP will be undertaken by an independent External Monitor not involved in the day to day supervision of the project. The main objective of this monitoring is to supervise overall monitoring of the project and submit a biannual report to determine whether resettlement goals have been achieved, more importantly whether livelihoods and living standards have been restored/enhanced and suggest suitable recommendations for improvement. The external monitoring consultant will be mobilized within three months of loan approval and the monitoring will be carried out intermittently during the RP implementation. The external monitor will assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. The EM will undertake a post-resettlement evaluation of the effectiveness of RP implementation with comparison to baseline information. Sample TOR for External Monitor is found in Appendix 14.
Appendix 1: Summary of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

1. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been effective from January 1, 2014 after receiving the assent of the President of Republic of India. The Act replaced the Land Acquisition Act, 1894.

2. The aims and objectives of the Act include: (i) to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution of India, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other affected families; (ii) provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition; (iii) make adequate provisions for such affected persons for their rehabilitation and resettlement; (iv) ensure that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto.

3. Section 27 of the Act defines the method by which market value of the land shall be computed under the proposed law. Schedule I outlines the proposed minimum compensation based on a multiple of market value. Schedule II through VI outline the resettlement and rehabilitation entitlements to titleholders and livelihood losers, which shall be in addition to the minimum compensation per Schedule I.

4. Preparation of Social Impact Assessment Study under section 4 (1): it is obligatory for the appropriate Government intends to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concern Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6.

5. Notification under Section 11 (1): Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification to that effect along with details of the land to be acquired in rural and urban shall be published in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the Panchayat, Municipality or Municipal Corporation, as the case may be and in the officers of the District Collector, The Sub-divisional Magistrate and the Tehsil; uploaded on the website of the appropriate Government; in the affected areas.

6. Hearing of Objection under section 15 (1): any person interested in any land which has been notified under sub-section (1) of section II, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification makes his/her objection, if any, to the collector in writing and shall be heard by the collector or by any person authorized by him/her in this behalf or by an Advocate. After hearing all such objections and after making such further inquiry, if any, as he/she thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section II, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his/her recommendations on the objections, together with the records of the proceedings held by him/her along with a separate report giving therein the approximate cost of
land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

7. **Publication of declaration and summary of Rehabilitation and Resettlement under section 19 (1):** when the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the “resettlement area” for the purpose of rehabilitation and resettlement of the affected families. It is obligatory for the State to publish declaration in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat, Municipality or Municipal Corporation*, as the case may be and in the officers of the District Collector, The Sub-divisional Magistrate and the *Tehasil*; uploaded on the website of the appropriate Government; in the affected areas.

8. After declaration the Collector shall take order for acquisition. The Collector then causes the land to be marked out, measured and planned. The Collector then causes public notice to be given at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land, and that claims to compensation may be made.

9. **Enquiry and Land Acquisition award by Collector under section 23:** on the day so fixed, or any other day to which the enquiry has been adjourned, the Collectors shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interest of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his/her hand of:

   (i) the true area of the land;
   (ii) the compensation as determined under section 27 along with Rehabilitation and Resettlement award as determined under section 31 and which in his/her opinion should be allowed for the land, and;
   (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

10. **Period within which an Award shall be made:** under section 25, it is obligatory for the Collectors to make an Award within a period of twelve months from the date of publication of the declaration under section 19 and if no Award is made within the period, the entire proceedings for the acquisition of the land shall lapse.

11. **Determination of market value of land by Collector under section 26 (1):** the Collector shall adopt the following criteria’s in assessing and determining the market value of the land, namely:

   (i) the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or
   (ii) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or
(iii) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects. Wherever is higher.

12. **Determination of amount of Compensation under section 27:** The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.

13. **Determination of value of things attached to land or building under section 29 (1):** The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him/her. Under section 29 (2), the Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture. In the same manner, the Collector under section 29 (3), for the purpose of assessing the value of standing crops damaged during the process of land acquisition, may use the services of experience persons in the field of agriculture.

14. **Rehabilitation and Resettlement Award for affected families by Collector under section 31 (1) of section V:** The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the second schedule. As per section 31 (1), the Rehabilitation and Resettlement Award shall include all the following, namely;

(i) rehabilitation and resettlement amount payable to the family;
(ii) bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
(iii) particulars of house site and house to be allotted, in case of displaced families;
(iv) particulars of the land allotted to the displaced families;
(v) particulars of one time subsistence allowance and transportation allowance in case of displaced families;
(vi) particulars of payment for cattle shades and petty shops;
(vii) particulars of one time amount to artisans and small traders;
(viii) details of mandatory employment to be provided to the members of the affected families;
(ix) particulars of any fishing rights that may be involved;
(x) particulars of annuity and other entitlements to be provided;
(xi) particulars of special provisions for the scheduled cast and the scheduled tribes to be provided.

15. **Special powers in case of urgency to acquire land in certain cases under section 40 (1):** In case of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free all encumbrances.

16. **Special Provision for Scheduled Caste and Scheduled Tribes under section 41 (1):** As far as possible, no acquisition of land shall be made in the Scheduled Areas. As per section 41 (2), where such acquisition does take place it shall be done only as a demonstrable last resort. As per section 41 (3), in case of land acquisition in Scheduled Area, the prior consent of the concern Gram Sabha or the Panchayats or the autonomous District Councils shall be obtained.
17. In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Cast or the Scheduled Tribes families, a Development Plan shall be prepared (section 41 [4]). As per section 41 (5), the Development Plan shall also contain a program for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years.

18. In case of land being acquired from members of Scheduled Cast or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first installment and the rest shall be paid after taking over of the possession of the land. The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and culture identity.

19. Under section 42 (1), all benefits including the reservation benefits available to Scheduled Cast and the Scheduled Tribes in the affected areas shall continue in the resettlement area.
Figure 1: Process flow for Land Acquisition:\(^\text{18}\)

Pre notification

Notification

Draft declaration and R&R scheme

Compensation (3 months from award)
R&R awards and (6 months from award)
Infrastructural amenities (18 months)

Social impact assessment
Appraisal by expert group
Examination by appropriate Government
Preliminary notification (PN)
Public hearing

6 months
2 months from SIA
12 months from EG report

6 months from PN
R&R finalization

Objections to be given within 60 days

12 months from PN
3-18 months from date of award

\(^\text{18}\) Source: Presentation on the Land Acquisition by Ministry of rural Development, Government of India, September 2013.
Figure 2: Institutional structure for Land Acquisition and R&R

Central level

National monitoring Committee

State level

State Land Acquisition and R&R Authority
Committee constituted by appropriate Government
State Commissioner R&R

Project level

District Collector
Administrator R&R
R&R Committee

Appendix 2: Policy for Direct Purchase of private land by the Delhi Development Authority through Negotiation

DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE COMMISSIONER (LM)

No.F.9(6)2014/NL-I/DDA

CIRCULAR / OFFICE ORDER

Sub.: POLICY FOR DIRECT PURCHASE OF PRIVATE LAND BY DDA THROUGH NEGOTIATION.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has come into force w.e.f. 1st January, 2014. With the promulgation of this Act, acquisition of land by any Government agency has become very cumbersome and time consuming exercise. In the earlier Land Acquisition Act, there was a provision under section 17 to invoke urgency clause to acquire the land for any purpose treated as urgent by the State Government. Now in the new Act, there is no such provision of urgency for acquiring land for all Government purposes.

Keeping in view the very lengthy and difficult exercise for acquisition of land and the urgent need to start or complete the ongoing infrastructure projects of public importance the Authority in its meeting held on 07.11.2014 approved the policy for direct purchase of land by DDA through negotiation with the owners of private land, as follows:-

1. Concerned Superintending Engineer (In-Charge of the project), shall identify the critical land / name(s) of owner(s), collect copies of the ownership documents, circle rates from Revenue Authorities and ascertain willingness of the owner(s) as to whether they agree to sell the land to DDA and in case of their agreement, their expectation of price. Independent inputs regarding fair market value of land shall also be obtained by concerned Superintending Engineer through two independent valuers to be nominated from the panel made by DDA for valuation of the DDA vacant plots as a follow up to the decision taken by the authority. Report of independent valuers, which will be received only in a sealed envelope with complete details as mentioned above, shall be submitted to the concerned Chief Engineer.

2. Concerned Superintending Engineer shall then put up a proposal before the first level Committee headed by Chief Engineer in-charge of the project for
negotiation with land owners with respect to the land required for DDA project. The constitution of the first level committee shall be as follows:

- Concerned Chief Engineer
- Director (LM) HQ
- Director (Land Costing)
- Director (Plng.) of the Zone
- Sr. Law Officer (LM)
- Suptdg. Engineer

Chairman
Member
Member
Member
Member
Member Secy.

3. As per the new Land Acquisition Act, the components of minimum compensation include market value of land, factor by which the market value is to be multiplied in rural or urban areas as the case may be, value of assets attached to that land and one hundred percent solatium worked out on consideration of above components. The first level committee shall work out the amount payable as compensation as per new Land Acquisition Act for the purpose of their negotiation. The first level committee will then negotiate the rate of land to be offered to the concerned land owners in view of the rates so worked out, prevailing circle rate and the rates expected by land owners.

4. Pursuant to the negotiation by the first level committee, it will submit complete information/data including the negotiated land rates to the second level committee headed by the Commissioner (LM). Constitution of second level committee shall be as follows:

- Commissioner (LM)
- Chief Engineer concerned
- Chief Accounts Officer
- Addl. Commissioner (Plg)
- Dy. CLA
- Suptdg. Engineer

Chairman
Member
Member
Member
Member
Member Secy.

5. The second level committee shall first open the sealed covers containing the valuation of land given by the independent valuers nominated by the DDA and compare the rates with the rates worked out by the first level committee as per new Land Acquisition Act, prevailing circle rates and negotiated rates
by the first level committee. The second level committee shall finalize and give its recommendation with respect to the rates to be offered to the owners of the land for direct purchase of land to the Standing Committee headed by Vice Chairman with Finance Member, Engineer Member and Principal Commissioner (LM) being the Members.

6. The Standing Committee shall have powers either to accept the negotiated rates recommended by the second level committee, or direct further negotiations by the first level committee or recommend rejection of the case.

7. After direct purchase of private land, the details of land purchased shall be submitted by the Vice Chairman, DDA in the next Authority meeting for information and directions of Authority, if any.

8. The DDA Internal Committees would finalize the direct purchase of land only upto 10 acres. For direct purchase of the land exceeding 10 acres, the proposals will be submitted to the Authority for its approval.

9. The cost of land for private purchase will not exceed the cost to be incurred under new Land Acquisition Act.

10. DDA will go in for direct purchase only in matters of public purpose.

11. Due care and precaution will be taken to ensure transparent process while going for purchase of private land through negotiations.

Further action be taken by concerned officers as per the aforesaid guidelines.

[signature]
Commissioner (LM)

Copy to:–
1. Principal Secretary to LG
2. Addl. Secretary to LG
3. Vice Chairman, DDA
4. EM/FM, DDA
5. Principal Commissioner (LM/LD)
6. CVO / Commissioner (Plg)/ Chief Architect
7. All Chief Engineers & Commissioners DDA

[signature]
Commissioner (LM)
Appendix 3: Translated Synopsis of GoUP Policy for Direct Purchase of Land

Government of UP has issued Government order no. 2/2015/215EK-13-2015-20(48)/2011 dated 19th March (Attached in Hindi) vide which a procedure has been finalized for purchasing of land directly from the land owners through private negotiation. The GO has been published in Hindi. Its translation in English is not yet available. A synopsis of the same is given below.

A. For Small Projects

The projects, wherein total cost of land to be directly purchased from the landowner is less than Rs. 10 crores, will be categorized as small projects. The following committee will finalize the land rates and the total land cost;

<table>
<thead>
<tr>
<th></th>
<th>Additional District Magistrate (Finance/Revenue)</th>
<th>Chairman</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Concerned Additional District Magistrate (Land Acquisition)/Special Land Acquisition Officer/Deputy Land Acquisition Officer</td>
<td>Member</td>
</tr>
<tr>
<td>3</td>
<td>Concerned Sub-divisional District Magistrate</td>
<td>Member</td>
</tr>
<tr>
<td>4</td>
<td>Concerned Sub-registrar/Deputy Inspector General Stamps and Registration/Assistant Inspector General stamps and Registration</td>
<td>Member</td>
</tr>
<tr>
<td>5</td>
<td>Authorized Officer of Purchasing body/Department</td>
<td>Member Secretary</td>
</tr>
</tbody>
</table>

The committee will finalize the rates of land and total land cost within one month and it will be referred to the DM for approval. The DM will give approval within 15 days. If he fails to give approval within 15 days the matter will be referred to the Commissioner.

B. Medium and Large Projects

The projects, wherein total cost of land to be directly purchased from the land owner is more than Rs. 10 Crores, will be categorised as medium and large projects. Following committee will finalize the land rates and the total land cost;

<table>
<thead>
<tr>
<th></th>
<th>District Magistrate</th>
<th>Chairman</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Additional District Magistrate (Finance/Revenue)</td>
<td>Member</td>
</tr>
<tr>
<td>3</td>
<td>Concerned Additional District Magistrate (Land Acquisition)/Special Land Acquisition Officer/Deputy Land Acquisition Officer</td>
<td>Member</td>
</tr>
<tr>
<td>4</td>
<td>Concerned Sub-divisional District Magistrate</td>
<td>Member</td>
</tr>
<tr>
<td>5</td>
<td>Concerned Sub-registrar/Deputy Inspector General Stamps and Registration/Assistant Inspector General stamps and Registration</td>
<td>Member</td>
</tr>
</tbody>
</table>

The committees formed above will approve the land rate, total land cost, cost of standing crops, trees and other assets associated with the land based on certain principles like the land rate in Urban areas should not be more than the double of market rate or prevailing circle rate whichever is high, and in Rural areas, 4 times of the market rate or prevailing circle rate whichever is high.
Direct Land Purchase Policy of UP government


प्रेषक,

सुरेश चंद्र, प्रमुख सचिव, उत्तर प्रदेश शासन।

सेवा में,

1- समस्त प्रमुख सचिव/सचिव, उत्तर प्रदेश शासन।
2- समस्त मण्डलाधीन/समस्त जिलाधीन उत्तर प्रदेश।
3- आयुक्त एवं निदेशक, भूमि अध्यापित निदेशालय, राजस्थान परिषद, २०५५।
4- समस्त विभागाधीन, उत्तर प्रदेश।

राजस्थ अनुभाग-13
लखनऊ : दिनांक : १७ मार्च, 2015

विषय:—भू–स्वामियों से आपसी समझौते के आधार पर भूमि कद्द करने के संबंध में प्रक्रिया का निर्धारण।

महोदय,

राजस्थ अनुभाग-13 के शासनाधीन संख्या-632 / एक-13-11-20 (29)/ 2004, दिनांक 02 जून, 2011 द्वारा निर्धारित नीति के अनुसार सभी प्रयोजनों के लिए भूमि प्राप्त करने की प्रदेश की सामान्य नीति यह है कि भू–स्वामियों एवं अर्जन निकायों के मध्य आपसी समझौते के आधार पर कद्द से संबंधित नियमों/आदेशों के अनुसार भूमि सीधे भू–स्वामियों से कद्द की जाय। भारत सरकार द्वारा भू–अर्जन अधिनियम,1894 को निरस्त करते हुए “भूमि अर्जन, पुनर्वासन और पुनर्यवस्थापन में अभित्र प्रतिकार और पारंपरिकता का अधिकार अधिनियम, 2013(अधिनियम संख्या 30 सन् 2013)" प्रकाशित किया गया है जो 01–01–2014 से प्रभावी है। इस अधिनियम की गार 46 में निरूपित व्यक्तियों से भिन्न व्यक्तियों की दशा में सीधे भूमि कद्द करने पर उक्त अधिनियम की दृष्टि में उत्थिकित पुनर्वासन और पुनर्यवस्थापन संबंधी लागे जाने एवं कद्द की कार्यवाही कलेक्टर के माध्यम से करने की व्यवस्था है।

2- वर्ष 2013 के नये अधिनियम के अंतर्गत भूमि अधिवेशन की प्रक्रिया समय एवं अवधि साथ होकर एवं सीधे भूमि कद्द करने की व्यवस्था को प्रोत्साहित किए जाने के उद्देश्य से प्रदेश के राजकीय विभागों, स्वायत्तशासी निकायों, विकास प्राधिकरणों, औद्योगिक प्राधिकरण,विभिन्न विभागों के प्रशासनिक नियंत्रण में महत्वपूर्ण परिषदें एवं प्रदेश में कार्यान्वित होने वाली पश्चिम–प्राइवेट भागीदारी परियोजनाओं आदि अंतर्गत
इन “कय निकायों” के लिए भू-रचनाओं से सीधे भूमि कय किये जाने हेतु प्रक्रिया निर्धारित की जा रही है।
3- इस समबंध में मुझे यह कहने का निर्देश हुआ है कि शासन द्वारा ऊपर प्रस्ताव-2 में जलविधित कय निकायों हेतु भू-रचनाओं/कृषकों से आपसी सहमति के आधार पर भूमि कय करने हेतु निर्देश निर्देशित की जाती हैः-

(क) लघु परियोजनाओं हेतु

1. उपरोक्त कय निकायों हेतु “लघु परियोजनाओं” अथवा ऐसी परियोजनाएं जिनमें परियोजनाएँ के लिए कय की जाने वाली भूमि की कुल कीमत की 10.00 करोड़ तक है, के लिए भूमि की दरों की स्थिरता एवं कुल भूमि मूल्य के अनुमोदन हेतु संबंधित अपर जिलाधिकारी(विलायत एवं राजस्व) की अध्यक्षता में निना नुसार “जिला (लघु परियोजना) कय की दर तथा कुल भूमि मूल्य अनुमोदन समिति” का गठन किया जाता हैः

| संख्या | अपर जिलाधिकारी(विलायत/राजस्व) | सदस्य
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>अपर जिलाधिकारी(विलायत/राजस्व)</td>
<td>अध्यक्ष</td>
</tr>
<tr>
<td>2</td>
<td>संबंधित अपर जिलाधिकारी(भूमि मूल्य) / विशेष भूमि अध्यक्ष अधिकारी / उप भूमि अध्यक्ष अधिकारी</td>
<td>सदस्य</td>
</tr>
<tr>
<td>3</td>
<td>संबंधित उपजिलाधिकारी (परियोजना प्रशासन)</td>
<td>सदस्य</td>
</tr>
<tr>
<td>4</td>
<td>संबंधित संबंधित उपजिलाधिकारी / उप महानिश्चेपक स्टेम्म एवं निधन / नहायक महानिश्चेपक स्टेम्म एवं निधन</td>
<td>सदस्य</td>
</tr>
<tr>
<td>5</td>
<td>कय निकाय / विभाग द्वारा प्राप्त कुत्ते अधिकारी</td>
<td>सदस्य सचिव</td>
</tr>
</tbody>
</table>

2. सदस्य सचिव द्वारा समिति की बैठकों एवं कार्यवाहिनियों का संचालन किया जायेगा। समिति कय निकाय द्वारा अपर जिलाधिकारी(विलायट एवं राजस्व) के समक्ष भूमि कय करने का प्रस्ताव / संबंध / आवेदन पत्र प्रस्तुत करने के एक महीने के अन्दर कय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य का विश्लेषण करते हुए प्रस्ताव अनुमोदन हेतु संबंधित जिलाधिकारी के समक्ष प्रस्तुत करेंगी। यदि निर्धारित अवधि में समिति द्वारा अपेक्षित कार्यवाही पूर्ण नहीं की जाती है तो अपर जिलाधिकारी(विलायट एवं राजस्व)/अध्यक्ष समिति द्वारा विलंब का स्पष्टीकरण संबंधित जिलाधिकारी के समक्ष प्रस्तुत किया जायेगा।

3. अपर जिलाधिकारी द्वारा अनुमोदित दर एवं कुल भूमि मूल्य पर संबंधित जिलाधिकारी प्रभाव-15 दिन के अंतर्रात्र अनुमोदन प्रदान करने पर निर्णय लें। जिलाधिकारी अधिकारी द्वारा अनुमोदित भूमि कय की लघु परियोजना द्वारा अनुमोदित निर्णय नहीं लिया जाता है तो वितर्क का स्पष्टीकरण गण्डलागुल के समक्ष प्रस्तुत किया जायेगा।

4. जिलाधिकारी के अनुमोदन के उपरान्त कय निकाय द्वारा सीधे कय की कार्यवाही की जायेगी एवं पृथक्के और किसी स्तर का अनुमोदन अपेक्षित नहीं होगा।
(ख) मध्यम एवं वृहद परियोजनाओं हेतु

(1) उपरोक्त क्रम निकायों हेतु “मध्यम एवं वृहद परियोजनाओं” अर्थात् ऐसी परियोजनाएं जिनमें परियोजना के लिए क्रम की जाने वाली भूमि की कुल कीमत रु 10,00 करोड़ से अधिक है, की भूमि की दरों की स्वीकृति एवं कुल भूमि मूल्य के अनुमोदन हेतु संबंधित जिलाधिकारी की अध्यक्षता में निम्नानुसार “जिला (मध्यम एवं वृहद परियोजना) क्रम की दर तथा कुल भूमि मूल्य अनुमोदन समिति” का गठन किया जाता है:—

<table>
<thead>
<tr>
<th>संख्या</th>
<th>जिलाधिकारी</th>
</tr>
</thead>
<tbody>
<tr>
<td>1- पद</td>
<td>जिलाधिकारी (वि0/रा0)</td>
</tr>
<tr>
<td>2- पद</td>
<td>अपर जिलाधिकारी (लिटर)</td>
</tr>
<tr>
<td>3- पद</td>
<td>संबंधित अपर जिलाधिकारी (भूमि)</td>
</tr>
<tr>
<td>4- पद</td>
<td>उपजिलाधिकारी (परियोजना प्रशासंक)</td>
</tr>
<tr>
<td>5- पद</td>
<td>संबंधित उप सर्किलाफर अधिकारी (स्टेंप्लांग्)</td>
</tr>
<tr>
<td>6- पद</td>
<td>क्रम निकाय विभाग द्वारा प्राधिकृत अधिकारी</td>
</tr>
</tbody>
</table>

(2) सदस्य सचिव द्वारा समिति की बैठकों एवं कार्यवाहियों का संचालन किया जाएगा। समिति क्रम निकाय द्वारा जिलाधिकारी के समक्ष भूमि क्रम करने का प्रस्ताव / संदर्भ / आवेदन पत्र प्रस्तुत करने के एक माह के अन्दर क्रम की जाने वाली भूमि की दर एवं कुल भूमि मूल्य का विनियंत्य करते हुए प्रस्ताव अनुमोदन हेतु संबंधित मण्डलायुक्त के समक्ष प्रस्तुत करेंगी। यदि निर्धारित अवधि में समिति द्वारा अपेक्षित कार्यवाही पूर्ण नहीं की जाती है तो जिलाधिकारी / अध्यक्ष समिति द्वारा विलंब का स्पष्टीकरण संबंधित मण्डलायुक्त के समक्ष प्रस्तुत किया जाएगा।

(3) जिलाधिकारी द्वारा अनुमोदित दर एवं कुल भूमि मूल्य पर संबंधित मण्डलायुक्त द्वारा 15 दिन के अन्दर अनुमोदन प्रदान करने पर निर्देश ले लिया जाएगा और तदनुसार जिलाधिकारी को सूचित किया जाएगा। यदि निर्धारित अवधि में मण्डलायुक्त द्वारा यथोचित निर्णय नहीं लिया जाता है तो विलंब का स्पष्टीकरण अध्यक्ष, राजस्व परिषद के समक्ष प्रस्तुत किया जाएगा।

4- उपरोक्त दोनों समितियां क्रम की जाने वाली भूमि विवाद रहित एवं भार रहित हैं, का परीक्षण भी करेंगी और यथावत्कार किसी भी विभाग / अधिकारी से सहयोग प्राप्त कर सकेंगी और यथावत्कार तथ्यों की प्रतिपेक्षा कर सकेंगी।
5- उपरोक्त दोनों समितियाँ निम्नलिखित मार्गदर्शी सिद्धान्तों के आधार पर क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य (जिसमें भूमि पर स्थित परिसमन्नतियाँ का मूल्य, खड़ी फसलों, बृक्षों एवं संबंधित अनुपालित व्यय (यदि कोई हो भी सम्मिलित है) का अनुमोदन करेंगी।

(1) उस क्षेत्र में जहाँ भूमि स्थित है, क्रय किस्म के जाने हेतु प्रस्तावित भूमि के आस-पास परियोजना प्रारम्भ होने अथवा परियोजना के अनुमोदन प्रस्ताव किये जाने के दिनांक से 06 माह पूर्व के निर्धारित विक्रय विलेख में आकलित भूमि की दर तथा भारतीय स्टाम्प अधिनियम, 1899 के अंतर्गत निर्धारित संकिल दर।

(2) भूमि पर स्थित परिसमन्नतियाँ का मूल्य। समिति द्वारा यथावत परिसमन्नतियों का आकलन एवं मूल्य का निर्धारण सक्षम शासकीय विभाग से कराया जा सकेगा।

(3) क्रय की जाने वाली भूमि का तत्काल कब्जा प्राप्त किये जाने की सीमाओं में संबंधित भू-स्वामी की खड़ी फसलों, बृक्षों, सम्पत्तियों का मूल्य।

(4) क्रय की जाने वाली भूमि की भावनिक/आधारित खपता, आवादी से दूरी को ध्यान में रख कर जा याचिका।

(5) उस दशा में जब भू-स्वामी/कृषक की भूमि क्रय किये जाने के परिणाम स्वरूप अपना निवास या कारोबार/व्यवसाय का स्थान बदलने के लिए विवाद हो जाता है, तो ऐसी तद्बिनी से संबंधित अनुपालित व्यय (यदि कोई हो) पर भी विवाद किया जा सकता।

(6) यह स्पष्ट किया जाता कि क्रय की जाने वाली भूमि की दर शहरी क्षेत्र में बजार मूल्य अथवा संकिल दर जो भी अधिक हो, के दो गुने और यथामाण क्षेत्र में रखने पर बाजार मूल्य अथवा संकिल दर जो भी अधिक हो, के चार गुने से अधिक हो नहीं होगी।

(7) संबंधित भू-स्वामियों से संलग्न प्रारूप संक्षेप-1 पर भूमि क्रय किये जाने हेतु दर एवं कुल भूमि मूल्य पर सहमति प्राप्त की जाएगी और सहमति पत्र पर हस्ताक्षर करने के दिनांक को लागू संकिल दर/प्रचलित बाजार मूल्य को समी प्रयोजनों हेतु विधीकारी किया जाएगा।

6- संबंधित क्रय निकाय/विभाग, जिलाधिकारी द्वारा नामित राजस्व अधिकारियों के सहयोग से भू-स्वामियों से वार्ता कर आपसी सहमति के आधार पर क्रय की जाने वाली भूमि के भू-अभिलेखों के अनुसार स्वामित्व आदि के सम्पर्क परिक्षण एवं जाचीपास विवादरहित एवं भारमुक्त होने की दशा में भूमि के बाजार मूल्य एवं पुनर्वास एवं पुनर्वास स्थापन संबंधी अन्य लागू का संबंध तेज़ हुए संबंधित भू-स्वामियों की लिखित सहमति संहित क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य का युकिकार्यकारी एवं अध्यक्ष समिति के सम्मान प्रस्तुत किया जाएगा। इस प्रस्ताव में वह प्रयोजन जिसके लिए भूमि क्रय किया
8- उपरोक्त प्रस्तुत—7 में उल्लिखित सक्षम रंग के अनुमोदने पावन स्वशीलिकन अर्जन निर्देश द्वारा राजस्व अधिकारियों के सहयोग से भू-स्वीकार व विकार विलेख/बैनाम निधियादित करके भूमि पर कब्जा प्राप्त किया जायेगा। यदि भी युग्मितित कर लिया जाय कि कय की गयी भूमि पर अधिक जिन परिस्थितियों के सापेक्ष मूल्य का मुदातन भू-स्वीकार/कृषक को मिला गया है, उन्हें समुचित रूप से आभूषित करके उसके निस्सार की कायमी नियमानुसार की जाय तथा सभी से भूमि का नामांकन कय निकाय द्वारा अपने लक्ष्य में करा लिया जाय।

9- कय की मानने भूमि की दर एवं कुल भूमि मूल्य के अनुमोदन होने के पश्चात और अनुमोदित दर पर बैनाम निधियादित करके जाने से पूर्व यदि कलेक्टर द्वारा सर्किल दरों में कोई परिवर्तन किया जाता है अथवा युग्मितित दर के दिनांक से 01 वष का समय या तीत हो जाता है, तो ऐसी विनिवेश में दरों का पुनर्निर्धारण युग्मितित दर से सर्किल रेट को आधार मानकर पुनः किया जायेगा।

10- युग्मितित द्वारा विनिवेश की गयी दरों एवं कुल भूमि मूल्य के समान में सम्बन्धित कय करने वाले निकाय की सहमति न होने की दरा में अथवा दरों पर भू-स्वीकार और कय करने वाले निकाय के मध्य किसी विवाद अथवा समझौते के अनुमोदन के लक्ष कोई तित पूरा होता है तो सम्बन्धित "समिति" के समक कय निकाय द्वारा तर्कभंग एवं आभूषित प्रत्यावृत युग्मितित किया जायेगा, जिस पर समिति द्वारा निश्चेत लक्ष रक्षान किया जायेगा और ऊपर गर्वित प्रक्रिया के अनुसार अनुमोदन प्राप्त किया जायेगा।
11.- भू-स्वामियों से आपसी सहमति के आधार पर सीधे भूमि क्रय करने के प्रयास विफल रहने की दशा में सम्बन्धित विभाग/निकाय/उपक्रम द्वारा अधिनियम, 2013, सुरंगत मेनुअल के प्रवक्ताओं और इस समबन्ध में समय-समय पर निर्गत शासनादेशों एवं परिषददेशों के अन्तर्गत भू-आर्जन की कार्यवाही सुनिश्चित की जायेगी।

12.- चूंकि क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य का निर्धारण साधी सुरंगत शासनादेशों एवं नियमो/अधिनियमों का संबंध लेते हुए निर्धारित की गयी है। अतः भू-स्वामियों को राजस्व विभाग के शासनादेश दिनांक 17-8-2010, 03-9-2010 एवं 02-06-2011 तथा वर्ष 2013 के भू-आर्जन अधिनियम में अनुमान पुनर्वसुन्दरण और पुनर्यवर्त्तन लान पृथक से अनुमान्य नहीं होगे।

13.- कृपया उपयुक्त आदेशों का कड़ाई से अनुपालन सुनिश्चित करने का कष्ट करें।

भवदीय,

(सुरेश बन्ना)
प्रमुख सचिव।

स्थाना—(1)/एक-13-2015 तद्दिनांक।
प्रतिलिपि निम्नलिखित को सुविधा एवं आवश्यक कार्यवाही हेतु प्रेषित:-
1.-अयुक्त एवं सचिव, राजस्व परिषद, उत्तर प्रदेश, लखनऊ।
2.-मुख्य कार्यालयक अधिकारी, नोएडा/ग्रेटर नोएडा/उपपशा एवं यूपीडा, उपपशा
3.-स्टाफ आफिसर, मुख्य सचिव,उत्तर प्रदेश शासन।
4.-अनुमानीय आदेश पुरुषिता।

आज हो, एवं
(बीरबल सिंह)
अनु सचिव।
प्रारूप संख्या-1

भूरवानी/भूरवामियों और कवि निकाय के बीच लोक प्रयोजनों के लिए समझौता द्वारा भूमि कवि किये जाने हेतु निर्धारित किया जाने वाला समझौता पत्र।

यह समझौता पत्र आज दिनांक _________________________ वर्ष____________________ को निम्न भूरवानी/भूरवामियों जो समझौता का/के पूर्ण स्वागत है/है जिसे आमे उल्लिखित किया गया है और निम्नलिखित आश्रों में एवंदूत वर्षित किया गया है, अधानत:

(1) ______________________ पुत्र श्री ______________________ अंश ______________________

(2) ______________________ पुत्र श्री ______________________ अंश ______________________

(3) ______________________ पुत्र श्री ______________________ अंश ______________________

प्रथम पक्ष (जिसे एवंस्थान “भूरवानी” कहा गया है) और,
उल्लिखित पक्ष (जिसे एवंस्थान “कवि निकाय का नाम”)

द्वितीय पक्ष (जिसे एवंस्थान “कवि निकाय” कहा गया है) के नाम एवंदूत हस्ताक्षरित/निर्धारित किया गया है—

यह कि उल्लिखित पक्षकार भूमि के सापेक्ष देव तथा कुल भूमि मूल्य पर सहमत है/है, जिसका निर्धारण अनुसूची में दिया गया है,

और यह कि भूरवानी अधिग्रह सहमत है/है, कि अनुसूची में वर्णित भूमि कोई बात या भूमि किसी चीज से स्थायी रूप से समझौता राजी बनाने के लिए कवि निकाय के पूर्ण अनुसूचना से वापस ली जा सकेंगी।

अतएव अब भूरवामियों और कवि निकाय दो एवंदूत निर्माण प्रकार सहमत होता/होते हैः —

(1) यह कि कवि निकाय इस समझौता पत्र के निर्धारण की रिपोर्ट से अधिकतम 12 महीने के भीतर अनिवार्य अर्जन के बिना, कार्यवाही करने में सक्षम होगी।

(2) यह कि यदि कवि निकाय भूमि का तुलना कब्जा लेना आवश्यक समझता है तो वह/वह ऐसे कार्य करने का हकदार होगा/होते हैं, भले ही इस पर प्रतिकूल खिलक हो, परन्तु यह कि अनुसूची में वर्णित “देव और कुल भूमि मूल्य” का पुनरात्मक कर दिया हो।

(3) यह कि यदि कुल भूमि मूल्य के नुसार के परिचालन वह प्रकट होता है कि भूरवामि इस समझौता पत्र के कम में निर्धारित कविय विशेष के अनुसार प्रतिकृत की समूह धनराशि की/की अन्य रूप से हकदार नहीं है/है और कवि निकाय की ओर से किसी अन्य व्यक्ति को किसी प्रतिकृत का भुगतान करने की अपेक्षा की जाती है तो भूरवामि द्वारा ऐसी धनराशि, जो कवि निकाय द्वारा अभी जाएगी की जाय, भवन की जाने पर वापस कर देगा और किसी अन्य व्यक्ति/व्यक्तियों द्वारा किसी दान या प्रतिकृत या उसके माध्यम द्वारा कवि निकाय/राज्य सरकार को (सयुक्त और पूर्वकाल) कार्यशाला भी करेगा और उठाई गई किसी हानि या नुसार तथा तभी कार्यरतियों और दलितों के विरुद्ध उसे/उनको नुसार के कारण कवियनिकाय द्वारा उपयोग किसी लागत प्रभाव या ब्याज की गयी धनराशि पर
विरूद्ध उसे/उनको मुताबिक के कारण क्रयपिकाकार द्वारा उपालग किसी उस सामानष्टिया या व्यवस्था की गई धनराशि पर प्रथम व्यापक अनुमौछे में लिखे 9 प्रतिशत की दर पर और पश्चात्तर क्यों के लिए 15 प्रतिशत की दर पर व्यापार मुताबिक करें।

(4) यदि भूस्वामी पूर्ववर्ती वेतन में विस्तारित धनराशि क्रय प्रक्रिया को वापस करने में असफल रहता है/रहते हैं तो क्रय प्रक्रिया का कलेक्टर के माध्यम से उससे भू-राजस्व के बदले के रूप में वसूल करने या ऐसी धनराशि को वसूली के लिए प्रत्यासूक्त लिखे किसी दिशे के अधीन कार्यवाही करने का/आदेश देने का पूरा अधिकार होगा।

(5) यदि अनुसूची में वर्णित भूमि पर कोई सरकारी वेतन/अंश/प्रीमियम भूस्वामी द्वारा देय नहीं है या किसी वित्तीय संस्था का उन्नयन उक्त भूमि के मुद्दे बनकर है तो उस धनराशि को भूल भूमि मूल्य की धनराशि से कटोती करके शेष धनराशि का मुताबिक भू-स्वामी की किया जाएगा।

(6) क्रय प्रक्रिया और भू-स्वामी के ब्रज हस्ताक्षरित इस सामानष्टित पत्र के अनुसार उपसर्ग विवादित का विवाद जानिए, जिसके पंजीकरण/निवेदन सम्बन्धी समस्त विवश जिसमें उन्नयन नहीं हुई है, को क्रय प्रक्रिया द्वारा व्यापार वाहन किया जाएगा।

(7) विवादित विवाद के विवादन के दिनांक पर ही सामानष्टित भू-स्वामी से अनुसूची-1 में वर्णित भूमि का क्रय/क्रय प्रक्रिया द्वारा प्राप्त किया जाएगा।

(8) क्रय प्रक्रिया के द्वारा निम्नलिखित आवश्यक पत्र पर इस सामानष्टित पत्र को भूस्वामी को 15 दिन का नोटिस देकर मिलती किए जा सकते-:

(i) यदि भूस्वामी ने सामानष्टित पत्र को कपटपूर्ण वापस करके सम्पादित कराया है।
(ii) यदि भूस्वामी की द्वारा सामानष्टित पत्र के किसी शल्य का उल्लंघन किया जाता है।
(iii) यदि इस सामानष्टित पत्र के निवेदन के उपरांत यह प्रकट होता है कि अनुसूची-1 में वर्णित भूमि का रखाव भूस्वामी में नहीं है।

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<td>पद नाम</td>
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<tr>
<th>गवाह/अभिसाक्ती</th>
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<td>2-</td>
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<tr>
<th>गवाह/अभिसाक्ती</th>
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<td>2-</td>
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</table>
Appendix 4: Uttar Pradesh Government Order for Direct Purchase of Land through Negotiation
### Appendix 5: Comparison between the Borrower and ADB’s Safeguard Policy Statement

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Aspect</th>
<th>ADB Safeguard Requirement</th>
<th>Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013</th>
<th>Measures to Bridge the GAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Screen the project</td>
<td>Screen the project to identify past, present, and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement</td>
<td>4 (I)  it is obligatory for the appropriate Government intends to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concern Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6.</td>
<td>Screening of all sub-projects in line with the IR checklist of ADB, towards enabling identification of the potential resettlement impacts and associated risks.</td>
</tr>
<tr>
<td>2</td>
<td>Consultation with stakeholders and establish grievance redress mechanism</td>
<td>Carryout consultations with displaced persons, host communities and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options</td>
<td>Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report. The Land Acquisition Rehabilitation and Resettlement Authority shall be established in each State by the concerned State Government to hear disputes arising out of projects where land acquisition has been initiated by the State Government or its agencies.</td>
<td>No gap between SPS and RFCTLARR.</td>
</tr>
<tr>
<td>3</td>
<td>Improve, or at least restore, the livelihoods of all displaced, and payment at replacement cost</td>
<td>Improve or restore the livelihoods of all displaced persons through: (i) land-based resettlement strategies; (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.</td>
<td>The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land. Livelihood losers are eligible for various rehabilitation grants.</td>
<td>No gap between SPS and RFCTLARR. Assets to be compensated at replacement cost without depreciation and other Livelihood assistances and income restoration measures will be included.</td>
</tr>
<tr>
<td>4</td>
<td>Assistance for displaced persons</td>
<td>Provide physically and economically displaced persons with needed assistance</td>
<td>Schedule I, provides market value of the land and value of the assets attached to land. Schedule II provides R&amp;R package for land owners and for livelihood losers including landless and special provisions for Scheduled Tribes.</td>
<td>No gap between SPS and RFCTLARR. Entitlement Matrix outlines compensation and</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Aspect</td>
<td>ADB Safeguard Requirement</td>
<td>Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013</td>
<td>Measures to Bridge the GAP</td>
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</tr>
<tr>
<td>5</td>
<td>Right of users</td>
<td>Provide legal and affordable access to land and resources in rural areas and appropriate income sources and legal and affordable access to adequate housing in urban area.</td>
<td>No specific measures are found.</td>
<td>The Metro Railways Act, 1978 acquire the right of users under sub-section (2) of Section 13 by compensating their loss at 10% of amount determined under sub-section (1) for that land, building, street, road or passage.</td>
</tr>
<tr>
<td>6</td>
<td>Improve standard of living of displaced vulnerable groups</td>
<td>Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards</td>
<td>FCTLARR only provide special provisions scheduled tribe.</td>
<td>Provisions outlined in ADB SPS will be followed for the project</td>
</tr>
<tr>
<td>7</td>
<td>Negotiated Settlement</td>
<td>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</td>
<td>RFCTLARR only apply in case of land acquired/purchased for PPP projects and for Private Companies. Section: 2. (2), and 46.</td>
<td>Provisions outlined in ADB SPS will be followed for the project. The EM provisions which is in compliance with the SPS requirement will fully apply for all modes of land procurement i.e. direct purchase and compulsory acquisition.</td>
</tr>
<tr>
<td>8</td>
<td>Compensation For non-title holders</td>
<td>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.</td>
<td>Non-titleholders on acquired land area is only included but not clear about non-titleholders in existing govt. land</td>
<td>Provisions outlined in ADB SPS will be followed for the project.</td>
</tr>
<tr>
<td>9</td>
<td>Requirement of RP</td>
<td>Prepare a resettlement plan / indigenous peoples plan elaborating on displaced persons’ entitlements, the income and livelihood restoration strategy, institutional arrangements.</td>
<td>Preparation of Rehabilitation and Resettlement Scheme including time line for implementation. Section: 16. (1) and (2). Separate development plans to be prepared. Section 41</td>
<td>No gap between SPS and FCTLARR. RP will be prepared for project with impact.</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Aspect</td>
<td>ADB Safeguard Requirement</td>
<td>Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013</td>
<td>Measures to Bridge the GAP</td>
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<tr>
<td>10.</td>
<td>Public disclosure</td>
<td>Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.</td>
<td>Under clause 18, the Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation. As the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government.</td>
<td>In addition to the publishing of the approved resettlement plan, the RF includes provision for disclosure of the various documents pertaining to RP implementation.</td>
</tr>
<tr>
<td>11.</td>
<td>Cost of resettlement</td>
<td>Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits. For a project with significant involuntary resettlement impacts and/or indigenous peoples plan, consider implementing the involuntary resettlement component of the project as a stand-alone operation.</td>
<td>16. (I) Upon the publication of the preliminary notification under sub-section (I) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be prescribed, which shall include: (a) particulars of lands and immovable properties being acquired of each affected family; (b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired; (c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved; (d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and (e) details of any common property resources being acquired'</td>
<td>No gap between SPS and FCTLARR. Cost of resettlement will be covered by the EA/IA.</td>
</tr>
<tr>
<td>12.</td>
<td>Taking over possession before Payment of compensation</td>
<td>Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the</td>
<td>38 (I) The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months</td>
<td>No gap between SPS and FCTLARR.</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Aspect</td>
<td>ADB Safeguard Requirement</td>
<td>Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013</td>
<td>Measures to Bridge the GAP</td>
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<td></td>
<td>resettlement plan under close supervision throughout project implementation.</td>
<td>for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30.</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Monitoring</td>
<td>Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.</td>
<td>48 (I) The Central Government may, whenever necessary for national or inter-State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.</td>
<td>For project, monitoring mechanism and frequency will follow ADB SPS based on categorization.</td>
</tr>
</tbody>
</table>
Appendix 6: Involuntary Resettlement Impact Categorization Checklist

<table>
<thead>
<tr>
<th>Probable Involuntary Resettlement Effects</th>
<th>Yes</th>
<th>No</th>
<th>Not Known</th>
<th>Remarks</th>
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</thead>
<tbody>
<tr>
<td><strong>Involuntary Acquisition of Land</strong></td>
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<tr>
<td>1. Will there be land acquisition?</td>
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<td>2. Is the site for land acquisition known?</td>
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<tr>
<td>3. Is the ownership status and current usage of land to be acquired known?</td>
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<td>4. Will easement be utilized within an existing Right of Way (ROW)?</td>
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<tr>
<td>5. Will there be loss of shelter and residential land due to land acquisition?</td>
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<td>6. Will there be loss of agricultural and other productive assets due to land acquisition?</td>
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<td>7. Will there be losses of crops, trees, and fixed assets due to land acquisition?</td>
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<td>8. Will there be loss of businesses or enterprises due to land acquisition?</td>
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<tr>
<td>9. Will there be loss of income sources and means of livelihoods due to land acquisition?</td>
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<td><strong>Involuntary restrictions on land use or on access to legally designated parks and protected areas</strong></td>
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<tr>
<td>10. Will people lose access to natural resources, communal facilities and services?</td>
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<td>11. If land use is changed, will it have an adverse impact on social and economic activities?</td>
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<tr>
<td>12. Will access to land and resources owned communally or by the state be restricted?</td>
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</tbody>
</table>

**Information on Displaced Persons:**

- Any estimate of the likely number of persons that will be displaced by the Project? [ ] No [ ] Yes
- If yes, approximately how many? __________________________

- Are any of them poor, female-heads of households, or vulnerable to poverty risks? [ ] No [ ] Yes
- Are any displaced persons from indigenous or ethnic minority groups? [ ] No [ ] Yes

Note: The project team may attach additional information on the project, as necessary.
### Appendix 7: Sample Socio-Economic Survey Questionnaire

| A. Subproject Name: ........................................ | B. Questionnaire No: ........................................ |
| C. Name of the Village: ...................................... | D. Name of Block: ........................................... |
| E. District: ................................................. | F. Thana No: ............................................... |
| H. Km/Chainage: ............................................ |

1. Ownership of the Land
   - 1. Private
   - 2. Government
   - 3. Religious
   - 4. Community
   - 5. Others

2. Type of Land
   - 1. Irrigated
   - 2. Non-Irrigated
   - 3. Barren
   - 4. Forest
   - 5. Residential
   - 6. Commercial
   - 7. Pond
   - 8. Others

3. Use of Land
   - 1. Cultivation
   - 2. Orchard
   - 3. Residential
   - 4. Commercial
   - 5. Forestation
   - 6. No Use/ Barren
   - 7. Other (specify)

4. Affected area of the Land/Plot (in Acre): ........................................
5. Total Area of the affected Land/Plot (in Acre): ........................................
6. Total Land Holding of the Affected Person (in Acre)
   - 1. Irrigated: .............................................
   - 2. Non-irrigated: ...........................................
   - 3. Other: .................................................
   - 4. Total: ...............................................

7. Status of Ownership
   - 1. Titleholder
   - 2. Customary Right
   - 3. License from Local Authority
   - 4. Encroacher
   - 5. Squatter
   - 6. Other (specify)

8. Type of Private Ownership
   - 1. Individual/Single
   - 2. Joint/Shareholders
   - 3. Other (specify)

9. Name of the Owner/Occupier (s): ..........................................................
10. Father's Name: .................................................................................

11. Rate of the Land (Per Acre)
    - 1. Market Rate: ..............................................
    - 2. Revenue Rate: ............................................

12. Any of the following people associated with the Land
    A. Agricultural Laborer
    - 1. Yes
    - 2. No
    Name (i) .....................................................................
    (ii) ........................................................................
    B. Tenant/Lessee
    - 1. Yes
    - 2. No
Name (i) ................................................ (ii) ................................................

C. Sharecropper ........................................ 1. Yes 2. No

Name (i) ................................................ (ii) ................................................


14. Distance of the main structure from center line of the road (in mtr.)..............................

15. Distance of boundary wall (if any) from center line of the road (in mtr.)..............................

16. Area of the affected structure (in Square Meter)
   a) Length .............................. b) Width .............................. c) Height ..............................

17. Area of the boundary wall only (in Meter): a) Length .............................. b) Height ..............................

18. Area of the total structure (in Square Meter)
   a) Length .............................. b) Width .............................. c) Height ..............................

19. Scale of Impact on structure
   a) 0-25%  b) 26-50%  c) 51-75%  d) 76-100%

20. Type of Construction of the Structure
   1. Temporary (buildings with mud/brick/wood made walls, thatched/tin roof)
   2. Semi-Permanent (buildings, with tiled roof and normal cement floor)
   3. Permanent (with RCC, Single/Double storey building)

21. Type of Construction of the Boundary Wall (use code from Question: 20)

22. Age of the Structure (in years): ..............................

23. Market Value of the Structure (in Rs.): ..............................

24. Use of the Structure (select appropriate code from below)
   A. Residential Category
      1. House  2. Hut  3. Other (specify)..............................
   B. Commercial Category
   C. Mixed Category
      18. Residential-cum-Commercial Structure
   D. Community Type
      23. Other (specify)..............................
   E. Religious Structure
29. Sacred Grove 30. Other (specify)…………………………….…….
F. Government Structure
35. Bus Stop 36. Other (specify)…………………………….…….
G. Other Structure
37. Boundary Wall 38. Foundation 39. Cattle Shed
40. Other (specify)…………………………….…….
25. Type of Business/Profession by Head of Household: ………………………
26. Status of the Structure
1. Legal Titleholder 2. Customary Right 3. License from Local Authority 4. Encroacher 5. Squatter
27. Any of the following people associated with the Structure?
A. Tenant in the structure 1. Yes 2. No
Name (i) ........................................... (ii) ...........................................
(iii) ........................................... (iv) ...........................................
B. Employee/ wage earner in commercial structure 1. Yes 2. No
Name (i) ........................................... (ii) ...........................................
(iii) ........................................... (iv) ...........................................
C. Employee/ wage earner in residential structure 1. Yes 2. No
Name (i) ........................................... (ii) ...........................................
28. Number of trees within the affected area
1. Fruit Bearing……………2. Non-fruit Bearing……………3. Total……………
29. Social Category of AP
1. SC 2. ST 3. OBC 4. General
5. Others (specify)……………
30. Religious Category
5. Jain 6. Other (specify)………
31. Number of family members Male……… Female……… Total………
32. Number of family members with following criteria
1. Unmarried Son/brother > 21 years……2. Unmarried Daughter/Sister > 18 years……
3. Divorcee/Widow………4. Physically/Mentally Challenged Person ………
5. Minor Orphan

33. Vulnerability Status of the Household:
   A. Is it a woman headed household?  
      1. Yes   2. No
   B. Is it headed by physically/mentally challenged person?  
      1. Yes   2. No
   C. Is it a household Below Poverty Line (BPL)  
      1. Yes   2. No

34. Annual income of the family Rs.

35. If displaced, do you have additional land to shift?  
      1. Yes   2. No

36. Resettlement/ Relocation Option
   1. Self Relocation   2. Project Assisted Relocation

37. Compensation Option for Land loser
   1. Land for land loss   2. Cash for Land loss

38. Compensation Options for Structure loser
   1. Structure for structure loss   2. Cash for Structure loss

39. Income Restoration Assistance (fill codes in preferred order)
   1. Employment Opportunities in Construction work
   2. Assistance/ Loan from other ongoing development scheme
   3. Vocational Training
   4. Others (specify ................................................................................................... )
40. Details of Family Members: (fill appropriate code)

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name of the Family Member</th>
<th>Age in years</th>
<th>Sex</th>
<th>Marital Status</th>
<th>Education</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Male</td>
<td>1. Married</td>
<td>1. Illiterate</td>
<td>1. Service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Female</td>
<td>2. Unmarried</td>
<td>2. Literate</td>
<td>2. Business</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3. Widow</td>
<td>3. Up to middle</td>
<td>3. Agriculture</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>5. Others</td>
<td>5. Metric</td>
<td>5. Housewife</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>7. Above Grad.</td>
<td>7. Unemployed</td>
<td></td>
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<tr>
<td>8. Below 6 years</td>
<td>8. Professional</td>
<td></td>
<td></td>
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</tbody>
</table>

(Signature of the Supervisor) Date: .....
(Signature of the investigator)
Appendix 8: Outline of a Resettlement Plan

This outline is part of the ADB SPS Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

A. Executive Summary

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Introduction and Project Description

This section:
(i) provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area.
(ii) describes the objectives of the RP; and
(iii) describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

This section:
(i) discusses the project’s potential impacts, and includes maps of the areas or zone of impact of project components or activities;
(ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
(iii) summarizes the key effects in terms of assets acquired and displaced persons; and
(iv) provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:
(i) define, identify, and enumerate the people and communities to be displaced;
(ii) describe the likely impacts of land and asset acquisition on the people and communities displaced taking social, cultural, and economic parameters into account;
(iii) discuss the project’s impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
(iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

This section:
(i) identifies project stakeholders, especially primary stakeholders;
(ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
(iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
(iv) summarizes the results of consultations with displaced persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
(v) confirms disclosure of the draft resettlement plan to displaced persons and includes arrangements to disclose any subsequent plans; and
(vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with displaced persons during project implementation.

F. Grievance Redress Mechanisms

This section describes mechanisms to receive and facilitate the resolution of displaced persons’ concerns and grievances. It explains how the procedures are accessible to displaced persons and gender sensitive.

G. Legal Framework

This section:
(i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB’s policy requirements; and discuss how any gaps will be addressed.
(ii) describes the legal and policy commitments from the EA for all types of displaced persons;
(iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided.
(iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits

This section:
(i) defines entitlements and eligibility of displaced persons, and describes all resettlement assistance measures (includes an entitlement matrix);
(ii) specifies all assistance to vulnerable groups, including women, and other special groups; and.
(iii) outlines opportunities for displaced persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements

This section:
(i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
(ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;

(iii) provides timetables for site preparation and transfer;

(iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;

(v) outlines measures to assist displaced persons with their transfer and establishment at new sites;

(vi) describes plans to provide civic infrastructure; and

(vii) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

This section:

(i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;

(ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (e.g. project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);

(iii) outlines measures to provide social safety net through social insurance and/or project special funds;

(iv) describes special measures to support vulnerable groups;

(v) explains gender considerations; and

(vi) describes training programs.

K. Resettlement Budget and Financing Plan

This section:

(i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation.

(ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items)

(iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs.

(iv) includes information about the source of funding for the resettlement plan budget.

L. Institutional Arrangements

This section:

(i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;

(ii) includes institutional capacity building program, including technical assistance, if required;

(iii) describes role of RISAs, if involved, and organizations of displaced persons in resettlement planning and management; and

(iv) describes how women’s groups will be involved in resettlement planning and management,
M. Implementation Schedule

This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

N. Monitoring and Reporting

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of displaced persons in the monitoring process. This section will also describe reporting procedures.
Appendix 9: Indicative Terms of Reference (TOR) for the RISA to assist in Resettlement Plan Implementation

A. Project Background

1. [Insert information regarding project]

B. Objectives of the Assignment

2. The RISA shall be responsible for the following, according to the Resettlement Plan:
   (i) Educating the displaced persons on their rights to entitlements and obligations.
   (ii) To ensure that the displaced persons are given the full entitlements due to them, according to the entitlements in the RP.
   (iii) To provide support and information to displaced persons for income restoration.
   (iv) Assist the displaced persons in relocation and rehabilitation, including counseling, and coordination with local authorities.
   (v) Assist the displaced persons in redressing their grievances (through the grievance redress committee set up for the subproject)
   (vi) To assist the Project Management Office (PMO) with social responsibilities of the subproject, such as compliance with labour laws, prohibition of child labour, and gender issues.
   (vii) To conduct awareness program for HIV/AIDS, Health and Hygiene, and Human Trafficking.
   (viii) To collect data and submit progress reports on a monthly and quarterly basis for EA to monitor the progress of RP implementation.

C. Scope of Work

3. Administrative responsibilities of the RISA. The administrative responsibilities of the RISA will include:
   (i) Working in co-ordination with the Resettlement Officer (RO) in the EA;
   (ii) Assist the RO in carrying out the implementation of the RP;
   (iii) To co-ordinate with the GRCs in redressing grievances;
   (iv) Assist the RO in conducting all public meetings, information campaigns at the commencement of the project and give full information to the affected community;
   (v) Translate the summary RP in local language for disclosure and disseminate to displaced persons;
   (vi) To assist the EA to ensure that the Contracts comply with the applicable labour laws (including prohibition of child labour) and gender issues;
   (vii) To assist the PMO in ensuring compliance with the safety, health and hygiene norms, and the conduct HIV/AIDS and Human Trafficking awareness/prevention campaigns;
   (viii) Submit monthly and quarterly progress report to the RO including both physical and financial progress. The report should cover implementation issues, grievances and summary of consultations
   (ix) Assist PMO in the management of the data base of the displaced persons.
   (x) Assist PMO in providing training to displaced persons, wherever required in the implementation of RP.
4. **Responsibilities for Implementation of the RP.** This includes:

(i) RISA shall verify the information already contained in the RP and the individual losses of the displaced persons. They should validate the data provided in the RP and make suitable changes if required and wherever changes are made it should be supported by documentary evidence. The RISA shall establish rapport with displaced persons, consult and provide information to them about the respective entitlements as proposed under the RP, and distribute entitlement cum Identity Cards to the eligible displaced persons. The identity card should include a photograph of the displaced person, the extent of loss suffered due to the project, and the choice of the displaced person with regard to the mode of compensation and assistance.

(ii) The RISA shall develop rapport between the displaced persons and the Project Authority, particularly the RO. This will be achieved through regular meetings with both the RO and the displaced persons. Meetings with the RO will be held at least fortnightly, and meetings with the displaced persons will be held monthly, during the entire duration of the assignment. All meetings and decisions taken shall be documented by the RISA.

(iii) Prepare monthly action plans with targets in consultation with the RO.

(iv) The RISA shall display the list of eligible displaced persons in prominent public places like villages, Panchayat Offices, Block/Tehsil headquarters, and the District Headquarters.

(v) During the verification of the eligible displaced persons, the RISA shall ensure that each of the displaced persons are contacted and consulted either in groups or individually. The RISA shall specially ensure consultation with women from the displaced families especially women headed households.

(vi) Participatory methods should be adopted in assessing the needs of the displaced persons, especially with regard to the vulnerable groups of displaced persons. The methods of contact may include village level meetings, gender participation through group’s interactions, and Individual meetings and interactions.

(vii) The RISA shall explain to the displaced persons the provisions of the policy and the entitlements under the RP. This shall include communication to the roadside squatters and encroachers about the need for their eviction, the timeframe for their removal and their entitlements.

(viii) The RISA shall disseminate information to the displaced persons on the possible consequences of the project on the communities’ livelihood systems and the options available, so that they do not remain ignorant.

(ix) RISA will monitor the involvement of child labour in the civil construction work in each package.

(x) In all of these, the RISA shall consider women as a special focus group, and deal with them with care and sympathy.

(xi) The RISA shall assist the project authorities in ensuring a smooth transition (during the part or full relocation of the displaced persons), helping the displaced persons to take salvaged materials and shift. In close consultation with the displaced persons, the RISA shall inform the RO about the shifting dates agreed with the displaced persons in writing and the arrangements desired by the displaced persons with respect to their entitlements.

(xii) The RISA shall assist the displaced persons in opening bank accounts explaining the implications, the rules and the obligations of a joint account and how s/he can access the resources s/he is entitled to.

(xiii) The RISA shall ensure proper utilisation of the R&R budget available for the subproject. The RISA shall facilitate the displaced persons in finding suitable
economic investment options and help them in regaining the losses of land and other productive assets. The RISA shall identify means and advise the RO to disburse the entitlements to the eligible persons/families in a manner that is transparent, and shall report to the EA on the level of transparency achieved in the project.

5. **Accompanying and Representing the displaced persons at the Grievance Committee Meetings.** This shall include:

   (i) The RISA shall nominate a suitable person (from the staff of the RISA) to be a member of the GRCs.

   (ii) The RISA shall make the displaced persons aware of the existence of grievance redressal committees (GRCs).

   (iii) The RISA shall help the displaced persons in filling the grievance application and also in clearing their doubts about the procedure as well as the context of the GRC award.

   (iv) The RISA shall record the grievance and bring it to the notice of the GRCs within seven days of receipt of the grievance from the displaced persons. It shall submit a draft resolution with respect to the particular grievance of the displaced persons, suggesting multiple solutions, if possible, and deliberate on the same in the GRC meeting through the RISA representative in the GRC.

   (v) To accompany the displaced persons to the GRC meeting on the decided date, help the displaced persons to express their grievance in a formal manner if requested by the GRC and again inform the displaced persons of the decisions taken by the GRC within 3 days of receiving a decision from the GRC.

6. **Carry out Public Consultation.** In addition to counseling and providing information to displaced persons, the RISA will carry out periodic consultation with displaced persons and other stakeholders.

7. **Assisting the PMO with the Project's Social Responsibilities.** This will include:

   (i) The RISA shall assist the PMO to ensure that the Contractors are abiding by the various provisions of the applicable laws, concerning the worker's safety, health and hygiene; women's issues and the child labour issues. The applicable laws include (i) the Maternity Benefit Act, 1951; (ii) the Contract Labour (Regulation and Abolition) Act, 1948; (iii) the Minimum Wagers act, 1948. (iv) The Equal Remuneration Act, 1979. (v) the Industrial Employment (Standing Order) Act, 1946; (vi) the Child Labour (Prohibition and Regulation) Act, 1986; (vii) the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996; (viii) the Cess Act of 1996 and (ix) the Factories Act, 1948. Any divergence from the (workers welfare and remuneration, safety, health, hygiene, women's issues, and child labour issues) provisions of these laws should be brought to the notice of the RO.

   (ii) The RISA shall assist the EA to implement HIV/AIDS awareness measures, including collaboration with the line agencies.

8. **Monitoring and Reporting.** The RP includes provision for monitoring by RISA/RO and quarterly, mid-term, and post-project monitoring and evaluation by external agency. The RISA involved in the implementation of the RP will be required to supply all information, documents to the external monitoring consultants.
D. Documentation and Reporting by RISA

9. The RISA selected for the assignments shall be responsible to:
(i) Submit an inception report within three weeks; on signing up of the contract including a work plan for the whole contract period, staffing and personnel deployment plan, and a withdrawal plan at the end of the period of contract. The withdrawal plan shall be detailed and reflect how the displaced persons will maintain the assets created and transferred to the displaced persons.
(ii) Prepare monthly progress reports to be submitted to the RO, with weekly progress and work charts as against the scheduled timeframe of RP implementation.
(iii) Prepare and submit quarterly reports on a regular basis, to be submitted to the EA.
(iv) Submit a completion report at the end of the contract period summarizing the actions taken during the project, the methods and personnel used to carry out the assignment, and a summary of support/assistance given to the displaced persons.
(v) All other reports/documentation as described in these terms of reference.
(vi) Record minutes of all meetings.
## Appendix 10: Indicative Implementation Schedule

<table>
<thead>
<tr>
<th>Activity</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td><strong>Project Preparation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Screening of route alignment</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2 Conduct socioeconomic survey, census (including IOL)</td>
<td></td>
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<tr>
<td>3 Prepare social safeguard planning documents (RF, due diligence reports, RPs)</td>
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<td></td>
</tr>
<tr>
<td>4 Recruitment and confirmation of NCRTC HQ Environment and Social Unit staff</td>
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<tr>
<td>5 Confirmation of PMO-level social safeguard focal points</td>
<td></td>
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</tr>
<tr>
<td>6 ADB and Government approval of Social Safeguard Planning Document for RRTS</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>7 Procurement of civil works</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Procurement of RISA (if required)</td>
<td></td>
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</tr>
<tr>
<td><strong>Land Acquisition for RRTS Project (if required)</strong></td>
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</tr>
<tr>
<td>7 Land Acquisition (if required)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Payment of Compensation (if required)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Relocate houses, shops, businesses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Clear the ROW</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rehabilitation of displaced persons</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 Income Restoration (if required)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Restoration of Community Resources</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Construction</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>11 Issue notice for commencement of civil works(^{20})</td>
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<td></td>
</tr>
<tr>
<td>12 Civil works</td>
<td></td>
<td></td>
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<tr>
<td><strong>Ongoing Activities</strong></td>
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<td></td>
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</tr>
<tr>
<td>14 Management Information System</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>15 Grievance Redressing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 Consultations with displaced persons</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17 Internal Monitoring</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 External Monitoring – if significant impact is present</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

\(^{20}\) No physical relocation will occur until compensation and entitlements are provided and rehabilitation of income is in place.
## Appendix 11: Resettlement Sample Budget Table

<table>
<thead>
<tr>
<th>Ref. No</th>
<th>Component</th>
<th>Unit</th>
<th>Unit Rate (in lakhs)</th>
<th>Quantity</th>
<th>Amount Rs in Lakhs</th>
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<tbody>
<tr>
<td>1</td>
<td><strong>Land &amp; Building</strong></td>
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<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Private Land</td>
<td>Sq.m</td>
<td></td>
<td></td>
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<tr>
<td>1.2</td>
<td>Temporary Structures</td>
<td>Sq.m</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.3</td>
<td>Semi-permanent Structures</td>
<td>Sq.m</td>
<td></td>
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</tr>
<tr>
<td>1.4</td>
<td>Permanent Structures</td>
<td>Sq.m</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1.5</td>
<td>Private well</td>
<td>Unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.6</td>
<td>Compound wall (Stone masonry)</td>
<td>Running</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Meter</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td><strong>R&amp;R Assistance</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2.1</td>
<td>Building restoration grant for partially affected structures</td>
<td>Sq.m</td>
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<td></td>
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<tr>
<td>2.2</td>
<td>Ex-gratia amount for not giving land-for-land</td>
<td>One Time</td>
<td></td>
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</tr>
<tr>
<td>2.3</td>
<td>Subsistence allowance for residential owners</td>
<td>One Time</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Subsistence allowance for commercial owners</td>
<td>One Time</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.5</td>
<td>Subsistence allowance for residence cum commercial owners</td>
<td>One Time</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.6</td>
<td>Subsistence allowance for commercial squatters</td>
<td>One Time</td>
<td></td>
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</tr>
<tr>
<td>2.7</td>
<td>Rental allowance</td>
<td>One Time</td>
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</tr>
<tr>
<td>2.8</td>
<td>Shifting allowance</td>
<td>One time</td>
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<td></td>
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<tr>
<td>2.9</td>
<td>Subsistence allowance for employees</td>
<td>One time</td>
<td></td>
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<tr>
<td>2.1</td>
<td>Assistance for vulnerable households</td>
<td>One Time</td>
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<td>3</td>
<td><strong>Community Assets</strong></td>
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<tr>
<td>3.1</td>
<td>Well</td>
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<td>Bus shelter</td>
<td>Unit</td>
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<td>Hand pump</td>
<td>Unit</td>
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<td>3.4</td>
<td>Water tap</td>
<td>Unit</td>
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<td>3.5</td>
<td>Part of School building</td>
<td>Unit</td>
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<tr>
<td>3.6</td>
<td>Places of Worship</td>
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<td>3.7</td>
<td>Compound wall of community structures</td>
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</tr>
<tr>
<td>3.8</td>
<td>Water tank</td>
<td>Unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.9</td>
<td>Public toilet</td>
<td>Unit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.10</td>
<td>Other government buildings</td>
<td>Unit</td>
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<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>4.1</td>
<td>Training for staff</td>
<td>LS</td>
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<td>4.2</td>
<td>RISA Recruitment</td>
<td>LS</td>
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<tr>
<td>4.3</td>
<td>Monitoring and Evaluation consultants</td>
<td>LS</td>
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<td>4.4</td>
<td>Administrative expenses</td>
<td>LS</td>
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<tr>
<td>4.5</td>
<td>Dissemination of Entitlement matrix, RP, etc.</td>
<td>LS</td>
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<tr>
<td></td>
<td>Sub Total</td>
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<tr>
<td></td>
<td>Contingency @ 10%</td>
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<td>Total</td>
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<tr>
<td></td>
<td>Rounded off to</td>
<td></td>
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</tr>
</tbody>
</table>
Appendix 12: Indicative Monitoring Indicators

1. Delivery of Entitlements
   (i) Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix.
   (ii) Disbursements against timelines.
   (iii) Identification of the displaced persons losing land temporarily, e.g. through soil disposal, borrow pits, contractors’ camps, been included.
   (iv) Timely disbursements of the agreed transport costs, relocation costs, income substitution support, and any resettlement allowances, according to schedule.
   (v) Provision of replacement land plots.
   (vi) Quality of new plots and issue of land titles.
   (vii) Restoration of social infrastructure and services.
   (viii) Progress on income and livelihood restoration activities being implemented as set out in the income restoration plan, for example, utilizing replacement land, commencement of production, the number of the displaced persons trained in employment with jobs, microcredit disbursed, number of income-generating activities assisted.
   (ix) Affected businesses receiving entitlements, including transfer and payments for net losses resulting from lost business.

2. Consultation and Grievances
   (i) Consultations organized as scheduled including meetings, groups, and community activities.
   (ii) Knowledge of entitlements by the displaced persons.
   (iii) Use of the grievance redress mechanism by the displaced persons.
   (iv) Information on the resolution of the grievances.
   (v) Information on the implementation of the social preparation phase.
   (vi) Implementation of special measures for Indigenous Peoples.

3. Communications and Participation
   (i) Number of general meetings (for both men and women).
   (ii) Percentage of women out of total participants.
   (iii) Number of meetings exclusively with women.
   (iv) Number of meetings exclusively with vulnerable groups.
   (v) Number of meetings at new sites.
   (vi) Number of meetings between hosts and the displaced persons.
   (vii) Level of participation in meetings (of women, men, and vulnerable groups).
   (viii) Level of information communicated—adequate or inadequate.
   (ix) Information disclosure.
   (x) Translation of information disclosure in the local languages.

4. Budget and Time Frame
   (i) Land acquisition and resettlement staff appointed and mobilized on schedule for the field and office work.
   (ii) Capacity building and training activities completed on schedule.
   (iii) Achieving resettlement implementation activities against the agreed implementation plan.
   (iv) Funds allocation for resettlement to resettlement agencies on time.
   (v) Receipt of scheduled funds by resettlement offices.
   (vi) Funds disbursement according to the resettlement plan.
(vii) Social preparation phase as per schedule.
(viii) Land acquisition and occupation in time for implementation.

5. **Livelihood and Income Restoration**
   (i) Number of displaced persons under the rehabilitation programs (women, men, and vulnerable groups).
   (ii) Number of displaced persons who received vocational training (women, men, and vulnerable groups).
   (iii) Types of training and number of participants in each.
   (iv) Number and percentage of displaced persons covered under livelihood programs (women, men, and vulnerable groups).
   (v) Number of displaced persons who have restored their income and livelihood patterns (women, men, and vulnerable groups).
   (vi) Number of new employment activities.
   (vii) Extent of participation in rehabilitation programs.
   (viii) Extent of participation in vocational training programs.
   (ix) Degree of satisfaction with support received for livelihood programs.
   (x) Percentage of successful enterprises breaking even (women, men, and vulnerable groups).
   (xi) Percentage of displaced persons who improved their income (women, men, and vulnerable groups)
   (xii) Percentage of displaced persons who improved their standard of living (women, men, and vulnerable groups)
   (xiii) Number of displaced persons with replacement agriculture land (women, men, and vulnerable groups)
   (xiv) Quantity of land owned/contracted by displaced persons (women, men and vulnerable groups)
   (xv) Number. of households with agricultural equipment
   (xvi) Number of households with livestock

6. **Benefit Monitoring**
   (i) Noticeable changes in patterns of occupation, production, and resource use compared to the pre-project situation.
   (ii) Noticeable changes in income and expenditure patterns compared to the pre-project situation.
   (iii) Changes in cost of living compared to the pre-project situation.
   (iv) Changes in key social and cultural parameters relating to living standards.
   (v) Changes occurred for vulnerable groups.
   (vi) Benefiting from the project by the displaced persons.
# Appendix 13: LAR Planning and Implementation Monitoring Form

<table>
<thead>
<tr>
<th>Date:</th>
<th>Total number of economically and physically displaced households/entities:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Subproject site:</td>
<td></td>
</tr>
</tbody>
</table>

## A. LAR processing

<table>
<thead>
<tr>
<th>LAR Activity</th>
<th>Task Completed (✓)</th>
<th>Displaced households (No.)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Complete to date</td>
<td>Total</td>
</tr>
<tr>
<td>Mobilize LAR officers, incl. PMO, consultant</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Screen LAR impacts</td>
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<td>Provide existing records of displaced persons &amp; affected assets</td>
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<tr>
<td>Prepare preliminary detailed technical design and maps of LAR impacts</td>
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<tr>
<td>Undertake field verification of LAR impacts and identify/minimize</td>
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<tr>
<td>Hold LARC meetings</td>
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<tr>
<td>Hold first displaced persons consultation meeting and elect DPC</td>
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<tr>
<td>Establish and operate GRM</td>
<td>--</td>
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<tr>
<td>Finalize detailed technical design &amp; LAR Impact Map</td>
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<tr>
<td>Carry out census of displaced persons &amp; Inventory of Lost Assets</td>
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<tr>
<td>Declare cut-off date and notify displaced persons</td>
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<tr>
<td>Carry out socio-economic survey</td>
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<tr>
<td>Undertake Detailed Measurement Survey and Valuation of Lost Assets</td>
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<tr>
<td>Prepare draft Final LARP</td>
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<tr>
<td>Contract external experts for verification of monitoring</td>
<td>--</td>
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<td>LAR Activity</td>
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<tr>
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<tr>
<td>Hold consultation meeting with displaced persons on draft Final LARP</td>
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<tr>
<td>Reach negotiated agreements with individual displaced persons</td>
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<tr>
<td>Revise draft Final LARP</td>
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<tr>
<td>Submit revised draft Final LARP to ADB</td>
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<td>Hold consultation meeting with displaced persons on revised draft Final LARP</td>
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<tr>
<td>Finalize LARP</td>
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<tr>
<td>Provide IA and EA endorsement of Final LARP</td>
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<tr>
<td>Disclose endorsed Final LARP to displaced persons and on ADB website</td>
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<tr>
<td>Conclude agreements with displaced persons</td>
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<tr>
<td>Initiate expropriation procedures if necessary</td>
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<tr>
<td>Request and obtain resolution for funding of LAR from government</td>
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<tr>
<td>Transfer of 100% LAR funds to [name of agency in charge of land administration and LAR, and IA/PMO]</td>
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<tr>
<td>Hold consultation meeting on disbursement and LARP implementation schedule</td>
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<td>Disbursement of compensation completed</td>
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<tr>
<td>Relocation strategy implemented</td>
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<tr>
<td>Income restoration strategy in place</td>
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<tr>
<td>Income restoration completed</td>
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<tr>
<td>Land and structures acquired</td>
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<tr>
<td>Civil works commenced (where LARP provisions are implemented)</td>
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### B. Compensation, relocation and income restoration

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<th>Units</th>
<th>Cost (local currency)</th>
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<tr>
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<td>Compl. to date</td>
<td>Total</td>
<td>%</td>
<td>Compl. to date</td>
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</table>

#### Disburse compensation payments

**Land**

- **Agricultural**
  - Irrigated
  - Non-irrigated
  - Pasture
  - Wasteland
  - Pond
- **Lease reimbursement for tenants**

**Residential**

- Type 1
- Type 2
- Type 3

**Commercial**

- Type 1
- Type 2
- Type 3

---

21 Indicate applicable unit of measurement or omit if specific units cannot be identified and applied.
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<tr>
<th>LAR Activity</th>
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<td>Rental fee, temporary acquisition</td>
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<td>Houses/buildings</td>
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<td>Drain</td>
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<td>Concrete wall</td>
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<td>Electricity connection</td>
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<td>Services fees</td>
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<td><strong>Implement relocation strategy</strong></td>
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<tr>
<td>Agricultural replacement land</td>
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<td>Residential and commercial replacement land</td>
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<td>Residential, commercial and other replacement structures</td>
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<td>Other site development costs</td>
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<td>Moving expenses</td>
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<td>Transition allowance (rental and expenses)</td>
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<td>Total %</td>
<td>Col. to date</td>
<td>Total %</td>
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</table>

Commence implementation of income restoration strategy

*Crops*

Species 1

Species 2

Species 3

*Trees*

Species 1

Species 2

Species 3

*Business loss*

*Salary loss*

Support for land productivity enhancement

Occupational training programs

Micro-credit facility

*Vulnerable persons*

Subsistence allowance

Occupational training
<table>
<thead>
<tr>
<th>LAR Activity</th>
<th>Task Completed (✓)</th>
<th>Displaced households (No.)</th>
<th>Units</th>
<th>Cost (local currency)</th>
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<td>Assistance with provision of replacement assets</td>
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<tr>
<td>Assistance with administration of resettlement</td>
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<td>%</td>
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<tr>
<td>Access to land &amp; residence during temp. impact</td>
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</table>
Appendix 14: Sample TOR for the External Monitor

A. Introduction

1. Monitoring and evaluation will include, but will not be limited to, (i) the progress and effectiveness of the implementation of the RP; and (ii) the evaluation of income restoration and post-resettlement conditions of the displaced persons (displaced persons) and affected communities, including host communities.

B. Objectives and Requirements of Monitoring and Evaluation

2. The objectives of monitoring and evaluation are to assess whether the LARP is implemented on schedule and within budget and whether the goals and principles of the LARP are achieved. Specifically, monitoring and evaluation will focus on the following aspects of the displaced persons’ situation and the resettlement process.
   (i) Social and economic situation prior to and after land acquisition and/or resettlement;
   (ii) Timely disbursement of funds;
   (iii) Functioning of the grievance redress mechanism
   (iv) Environmental conditions;
   (v) Social adaptability after resettlement;
   (vi) Rehabilitation of vulnerable groups
   (vii) Special items related to the vulnerable groups;
   (viii) Condition and quality of land temporarily acquired when it is returned to the original land users;
   (ix) Measures taken to restore affected livelihoods; and,
   (x) Living conditions and economic status of displaced persons following resettlement in comparison to the “without project” scenario.

3. Monitoring and evaluation will include (i) the verification or establishment of a socio-economic baseline of the displaced persons prior to actual (land acquisition, physical displacement/relocation, loss of assets or disruption of businesses (as relevant)); (ii) verification of internal monitoring data and reports; (iii) the regular monitoring of their (resettlement or displacement/relocation (as relevant)) and adjustment during Project implementation; and (iv) evaluation of their situation for a period of (one or two years) after (land acquisition or displacement or relocation (as relevant)). In addition, qualitative and quantitative evaluation will be made on the sustainability of living conditions of displaced persons. Investigation will include consultations and observations with displaced persons, IAs, local officials, village leaders, as well as a quantitative sample survey of at least 20% of displaced households. Focus group discussion will be conducted with male and female displaced persons, and vulnerable groups.

4. If the findings of the EM indicate significant compliance gaps, the EM will work with the EA and PMO to prepare a separate corrective action plan (CAP) in cooperation with the relevant stakeholders, to address pending or new LAR impacts. The EM will monitor and report on the implementation of the CAP.

C. Monitoring Indicators

5. Monitoring will include process, output and outcome indicators. The monitoring framework and formats stipulated in the RF and RP will be adopted. The following general indicators will be covered.
Disbursement of entitlements to displaced persons and enterprises/businesses:
compensation, relocation, housing, cultivated farmland, and employment as specified in the LARP.

Provision of relocation options: the affected persons must move into chosen resettlement/housing option at least one month before physical displacement/relocation; for those opting for self-construction, payment of compensation and provision of housing sites should be completed at least three months before physical displacement/relocation; the compensation for construction of houses should be equivalent to the replacement cost; the displaced persons must receive their entitlements and allowances on time.

Development of economic productivity: re-allocation of cultivated land, land restoration, job opportunities available to displaced persons, number of displaced persons employed or unemployed.

Standard of living: Throughout the implementation process, the trends in standards of living will be observed and the potential problems in the way of restoration of standards of living will be identified and reported. The Monitor will carry out a comprehensive socio-economic survey after the completion of resettlement implementation to document the standards of living and the conditions of the displaced persons after resettlement. The survey will be updated annually.

Restoration of civic infrastructure: all necessary infrastructure should be restored at the resettlement sites at least up to a standard equal to the standard at the original location; the compensation for all infrastructure should be sufficient to reconstruct it to the same quality.

Effectiveness of resettlement planning. Adequacy of assets measurement, entitlements, sufficiency of budget, and timeliness of mitigation measures.

Level of satisfaction of displaced persons: level of satisfaction of displaced persons with various aspects of the resettlement program; the operation of the mechanisms for grievance redress will be reviewed and the speed and results of grievance redress measures will be monitored.

Social adaptability and cohesion: impacts on children, indigenous peoples/ethnic minorities and other vulnerable groups, public participation, displaced persons’ attitudes and reaction to post resettlement situation, number of complaints and appeal procedures, implementation of preferential policies, income restoration measures, and improvements in women’s status in villages.

Other Impacts. The monitor will verify if there are unintended environmental impacts and impacts on employment and incomes.

D. Special Considerations

6. Special attention will be paid to women, indigenous peoples/ethnic minorities/groups, as well as the poor and vulnerable groups during monitoring; these include:
   (i) The status and roles of women: Closely monitor any change in women’s status, function and situations. At least 40% of displaced persons surveyed will be women.
   (ii) Differential impacts on indigenous peoples/ethnic minority groups. Closely monitor the socioeconomic status of indigenous peoples to ensure that they have not been further marginalized. Monitoring indicators should to the extent possible be disaggregated by gender and ethnicity.
   (iii) Care and attention to vulnerable groups: Closely monitor living conditions of the poor, the elderly, the handicapped, female headed households and other vulnerable groups after resettlement, to ensure that their livelihood is improved.
   (iv) Monitoring and evaluation will provide information on the utilization and adequacy of resettlement funds.