

LAND ACQUISITION AND RESETTLEMENT GUIDELINES

Supplementary Appendix to the
Report and Recommendation of the President
to the Board of Directors

on the

URBAN WATER SUPPLY AND ENVIRONMENTAL IMPROVEMENT IN MADHYA PRADESH PROJECT

In

India

This report was prepared by the Executing Agency
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Abbreviation

ADB	Asian Development Bank
APs	Affected Persons
BME	Benefit Monitoring and Evaluation
DSC	Design Supervision Consultants
EA	Executing Agency
GAP	Gender Action Plan
GoMP	Government of Madhya Pradesh
GRC	Grievance Redress Committee
LA	Land Acquisition
M&E	Monitoring and Evaluation
MAPP	Municipal Action Plan for Poverty
NGO	Non Government Organisation
PIU	Project Implementation Unit
PMC	Project Management Consultants
PMU	Project Management Unit
PPTA	Project Preparation Technical Assistance
PRAP	Public Relations Awareness Program
RP	Resettlement Plan
STP	Sewerage Treatment Plant
TA	Technical Assistance
TOR	Term of Reference

UADD	Urban Administration and Development Department
UWSEIMP	Urban Water Supply and Environmental Improvement Project in Madhya Pradesh

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CHAPTER 1

1.1 Introduction

This Land Acquisition and Resettlement Guideline has been prepared for the use of the Project Management Unit (PMU) of the Urban Administration and Development Department (executing agency) and Project Implementation Units (implementing agency) constituted within the municipal corporations under the ADB funded Urban Water Supply and Environmental Improvement Project (UWSEIP) for six cities in Madhya Pradesh.

The main objective of this guideline is to assist the executing agency, implementing agency, Project Management Consultants (PMC) and the Design Supervision Consultants (DSC) engaged by the executing agency to undertake resettlement planning and management for the UWSEIP in six cities of Madhya Pradesh. This guideline describes the resettlement process and the operational requirements within the Bank's project cycle.

1.2 Project Background

On the request of the Government of Madhya Pradesh, a Technical Assistance (TA) was sanctioned by the Asian Development Bank for project preparation to attract loan funding from the ADB for improving urban infrastructure and municipal services in the six cities namely Bhopal, Indore, Ratlam, Ujjain, Gwalior and Jabalpur.

The project has three components. **Part A** contains the infrastructure components namely water supply, sanitation, drainage and solid waste management. Table 1.1 summarizes the Project City Infrastructure Components.

Part B includes capacity building of both urban local government officers and communities to improve the interface / collaboration between them. Under this component, a Municipal Action Plan for Poverty Reduction (MAPP) will be developed by the six city corporations to design and provide / upgrade community infrastructure in selected poor settlements. The project includes a provision of US\$5m for area upgrading as well as US\$ 2m for community social sector activities.

Part C includes Implementation Assistance to the state and municipal governments in the implementation of the project. There is provision within this for Social and Community Development Specialists at both PMU and PIU level. These specialists would lead the various social components like Public Awareness Relations Program (PRAP), Municipal Action Plan for Poverty Reduction (MAPP), Gender Action Plan (GAP), Resettlement planning and implementation and Benefit Monitoring and Evaluation (BME).

The loan negotiation took place in November 11 - 12, 2003 and loan effectiveness is expected to start from May 2004.

1.3 Land Acquisition and Resettlement - UWSEIP

As mentioned earlier, Part A of UWSEIP involves investment in four sub-sector components. These are: (i) Water Supply Improvement through optimization and expansion (ii) Sewerage Collection and Treatment (iii) Storm Water Drainage, and (iv) Solid Waste Management System.

The land acquisition requirements in this project have been minimized as most of the improvement and construction work will be carried out within the existing Government land. Minimal acquisition of land / private assets is envisaged for location of various facilities like pumping stations, overhead water reservoirs and drainage diversions. However, the actual amount of land and the number of people to be affected can only be estimated after finalization of each sub-project design. It is expected that the overall impact of this will be minimized further at the project design and implementation stage.

There are two exceptions to this situation. In Indore, land (25 hectares) is yet to be identified for development of landfill site for solid waste management. Another exception is in Jabalpur where 55 hectares of land will be required for the construction of a Sewerage Treatment Plant (STP). Thus apart from these two exceptions, in all other sub-projects, land acquisition will be minimal, if at all necessary and the improvement / construction activities will cause *temporary disruptions* that may affect road side street vendors during laying of pipelines and sewers. Table 1.2 depicts the Land Acquisition and Resettlement Requirements for UWSEIP in the six cities.

1.4 Specific Assurances on Resettlement

The Government of Madhya Pradesh (GoMP) and six Project city corporations have given the following assurances on resettlement to ADB:-

1. Project components will be designed so as to minimize resettlement.

2. If during detailed design of project components, involuntary resettlement arises from land acquisition or temporary disruption of income generation, a resettlement plan will be prepared and implemented in accordance to the government laws and procedures, ADBs policy on Involuntary Resettlement and the Projects agreed "Land Acquisition and Resettlement Framework".
3. Based on the final engineering designs, the state will update and revise resettlement plan and submit this for ADB review and approval prior to award of civil works contract.
4. All land required for a project component, including any that may entail involuntary resettlement will be acquired no later than 12 months after loan effectiveness.
5. The state will cause the Short Resettlement plan relating to Sewerage Treatment Plant (STP) in Jabalpur to be implemented.

Table 1.1: Project City Infrastructure Components

Project City	Water Supply	Sewerage	Drainage	Solid Waste Management
Bhopal	Optimisation and Expansion of City Water Supply System.	Expansion of Sewerage and STP for Old Bhopal	None	Collection, transportation, and development of integrated waste disposal.
Gwalior	Optimisation, Augmentation and Expansion of City Water Supply System.	Sewerage and STP scheme for Lashkar / Gwalior area.	Stormwater Drainage and Flood Control Scheme for central Gwalior	Collection, transportation, and development of new integrated waste disposal site
Indore	Optimisation, augmentation (Narmada Phase 3) and expansion of water supply system	City centre sewage collection scheme.	None	Collection, transportation and development of new integrated waste disposal site

Jabal pur	Optimisation, Augmentation and Expansion of City Water Supply System	City centre sewerage and STP scheme	Stormwater drainage improvement scheme	Collection, transportation, and development of new integrated waste disposal site.
Ratlam	Optimisation, Augmentation and Expansion of City Water Supply System	None	Storm Water Drainage & Environmental Improvement scheme	Collection, transportation, and development of new integrated waste disposal site.
Ujjain	Optimisation and Expansion of City Water Supply System.	Sewage collection scheme	Rehabilitation and expansion	Collection, transportation, and development of new integrated waste disposal site

Table 1.2: LAND ACQUISITION & RESETTLEMENT REQUIREMENTS

CITY	WATER	SANITATION	SOLID WASTE	DRAINAGE	SUMMARY ISSUES
BHOPAL	<p>Sites for overhead tanks will be identified within government land during detailed design.</p> <p>Pipe-laying will be within road corridors requiring <u>temporary relocation</u> of hawkers and vendors.</p> <p>INSIGNIFICANT RESETTLEMENT</p>	<p>40 ha treatment site for stabilisation pond within existing fenced STP site. Site is clear of cultivation and settlement</p> <p>Sites for pump-houses will be identified within government land during detailed design.</p> <p>Pipe-laying will be within road corridors requiring <u>temporary relocation</u> of</p>	<p>Disposal site of 20 ha identified. <u>To be transferred</u> from GoMP. Site is barren land with no settlement, cultivation or grazing.</p> <p>Sites for collection bins to be in road corridors & decided though</p>	No project	<p>Temporary relocation of hawkers and vendors during pipe-laying for water and sewerage</p> <p>INSIGNIFICANT RESETTLEMENT</p>

CITY	WATER	SANITATION	SOLID WASTE	DRAINAGE	SUMMARY ISSUES
		hawkers and vendors. INSIGNIFICANT RESETTLEMENT	community participation. NO RESETTLEMENT		
GWALIOR	1 ha site for water treatment plant <u>to be transferred</u> from Special Area Development Authority (SADA). Site is barren with no settlement, cultivation or grazing. Sites for overhead tanks will be identified within	Laskar-Gwalior Scheme: 50 ha sewage treatment plant site within Corporation ownership. It is barren land with no settlement, cultivation or grazing. Sites for pump-houses will be identified within	Disposal site of 20 ha <u>already acquired</u> from GoMP. It is barren land with no settlement, cultivation or grazing. Sites for collection bins to be in	Improvements (relining) within existing drainage channels <u>temporary relocation</u> of hawkers and vendors.	Land transfer (1 ha) from (SADA) required for water treatment plant Temporary relocation of hawkers and vendors during pipe-laying for

CITY	WATER	SANITATION	SOLID WASTE	DRAINAGE	SUMMARY ISSUES
	<p>government land during detailed design.</p> <p>Pipe-laying will be within road corridors requiring <u>temporary relocation</u> of hawkers and vendors.</p> <p>INSIGNIFICANT RESETTLEMENT</p>	<p>government land during detailed design.</p> <p>Pipe-laying will be within road corridors requiring temporary relocation of hawkers and vendors.</p> <p>INSIGNIFICANT RESETTLEMENT</p>	<p>road corridors & decided though community participation.</p> <p>NO RESETTLEMENT</p>	INSIGNIFICANT RESETTLEMENT	<p>water, sewerage and drainage.</p> <p>INSIGNIFICANT RESETTLEMENT</p>
INDORE	Site for water intake pump-house on government land on side of Narmada	Sewage treatment plant site not required	Disposal site of 25ha <u>not yet identified.</u>	No project	Site identification and land acquisition

CITY	WATER	SANITATION	SOLID WASTE	DRAINAGE	SUMMARY ISSUES
	<p>River.</p> <p>Site for treatment plant within existing compound.</p> <p>Site for pump-house within existing compound. Small expansion may be required following detailed design to neighbouring vacant GoMP land.</p> <p>Sites for overhead tanks will be identified within government land during detailed design.</p> <p>Pipe-laying will be</p>	<p>Pipe-laying will be within road corridors requiring temporary relocation of hawkers and vendors.</p> <p>INSIGNIFICANT RESETTLEMENT</p>	<p>Sites for collection bins to be in road corridors & decided though community participation.</p> <p>LAND ACQUISITION & RESETTLEMENT UNKNOWN</p>		<p>(25 ha) required for SW</p> <p>Temporary relocation of hawkers and vendors during pipe-laying for water and sewerage</p> <p>LAND ACQUISITION & RESETTLEMENT REQUIREMENTS UNKNOWN</p>

CITY	WATER	SANITATION	SOLID WASTE	DRAINAGE	SUMMARY ISSUES
	<p>within road corridors requiring <u>temporary relocation</u> of hawkers and vendors.</p> <p>INSIGNIFICANT RESETTLEMENT</p>				
JABA LPUR	<p>Site for water treatment <u>plant within existing compound</u>.</p> <p>Sites for overhead tanks will be identified within government land during detailed design.</p>	<p>55 ha for sewage treatment plant site (stabilisation ponds) identified at Kothunda Village situated in the north western boundary of the municipal limits. GoMP owns 25 ha and 30 ha of unirrigated land is</p>	<p>20 ha disposal site <u>already acquired</u> from GoMP. Barren land with no settlement, cultivation or grazing.</p>	<p>Improvements (relining) within existing drainage channels <u>temporary relocation</u> of hawkers</p>	<p>Private land acquisition (30ha) & resettlement required for STP</p> <p>Temporary relocation of hawkers and vendors</p>

CITY	WATER	SANITATION	SOLID WASTE	DRAINAGE	SUMMARY ISSUES
	<p>Pipe-laying will be within road corridors requiring <u>temporary relocation</u> of hawkers and vendors.</p> <p>INSIGNIFICANT RESETTLEMENT</p>	<p>unirrigated land is privately owned and under cultivation. LAND ACQUISITION PROCESS ONGOING.</p> <p>Pipe-laying will be within road corridors requiring temporary relocation of hawkers and vendors.</p> <p>SHORT RESETTLEMENT PLAN PREPARED</p>	<p>Sites for collection bins to be in road corridors & decided through community participation.</p> <p>NO RESETTLEMENT</p>	<p>hawkers and vendors.</p> <p>INSIGNIFICANT RESETTLEMENT</p>	<p>during pipe-laying for water, sewerage and drainage.</p> <p>LAND ACQUISITION & RESETTLEMENT LIKELY</p>
RATL	Site for water	No project	10ha for	Improvement	Land transfer

CITY	WATER	SANITATION	SOLID WASTE	DRAINAGE	SUMMARY ISSUES
AM	<p>treatment plant within existing compound</p> <p>Sites for overhead tanks will be identified within government land during detailed design.</p> <p>Pipe-laying will be within road corridors requiring <u>temporary relocation</u> of hawkers and vendors.</p> <p>INSIGNIFICANT RESETTLEMENT</p>		<p>disposal site has been identified but yet <u>to be transferred</u> from GoMP. Barren land with no settlement, cultivation or grazing.</p> <p>Sites for collection bins to be in road corridors & decided through community participation.</p>	<p>ents (relining) within existing drainage channels <u>temporary relocation</u> of hawkers and vendors.</p> <p>INSIGNIFICANT RESETTLEMENT</p>	<p>(10 ha) from GoMP for SW</p> <p>Temporary relocation of hawkers and vendors during pipe-laying for water supply and drainage.</p> <p>INSIGNIFICANT RESETTLEMENT</p>

CITY	WATER	SANITATION	SOLID WASTE	DRAINAGE	SUMMARY ISSUES
			NO RESETTLEMENT		
UJJAIN	<p>No water treatment plant required</p> <p>Sites for overhead tanks will be identified within government land during detailed design.</p> <p>Pipe-laying will be within road corridors requiring <u>temporary relocation</u> of hawkers and vendors.</p>	<p>No sewage treatment plant site required</p> <p>Sites for pump-houses will be identified within government land during detailed design.</p> <p>Pipe-laying will be within road corridors requiring temporary relocation of</p>	<p>2 disposal sites identified of 10 ha each. Yet <u>to be transferred</u> from GoMP. Presently in temporary use as quarries for ongoing single road construction project to be</p>	<p>Improvements (relining) within existing drainage channels <u>temporary relocation</u> of hawkers and vendors.</p> <p>INSIGNIFICANT</p>	<p>Land transfer (20 ha) from GoMP for SW</p> <p>Temporary relocation of hawkers and vendors during pipe-laying for water, sewerage and drainage.</p>

CITY	WATER	SANITATION	SOLID WASTE	DRAINAGE	SUMMARY ISSUES
	INSIGNIFICANT RESETTLEMENT	hawkers and vendors. INSIGNIFICANT RESETTLEMENT	project to be completed in 6 months. No settlement, cultivation or grazing. Sites for collection bins to be in road corridors & decided through community participation. NO RESETTLEMENT	CANT RESETTLEMENT	INSIGNIFICANT RESETTLEMENT

Chapter 2

2.1 Asian Development Bank's Policy on Involuntary Resettlement

This chapter summarizes the Bank's policy on *Involuntary Resettlement*, resettlement losses, how the resettlement issues were addressed during PPTA and some common questions asked about resettlement in general.

What is Involuntary Resettlement?

Development projects result in unavoidable resettlement losses, that people affected have no option but to rebuild their lives, incomes and asset bases elsewhere.

Why should we address resettlement issues?

We must remember that the human being is the *ultimate* objective of development. In terms of development considerations, it is necessary to protect disadvantaged groups created by the development process and the future of development itself. Some of the key reasons for addressing resettlement issues is given as follows:-

- In too many cases an unacceptable and unnecessary price has been paid by people displaced, and by communities affected
- Impoverishment of project-affected people is increasingly seen as unacceptable
- It is also unnecessary, since development project brings new opportunities for making not only resettlers but all affected people project beneficiaries
- Good resettlement can prevent impoverishment, turning displacement into development opportunity.
- Resettlement can reduce poverty by rebuilding sustainable livelihoods of those displaced

In all Bank projects, it is now mandatory to consider resettlement issues?

Yes, Bank policy applies to all resettlement impacts, regardless of the numbers of people involved or the level of severity experienced.

What are the key policy principles of the Bank on Involuntary Resettlement?

The key policy principles are as follows:-

- Avoid or minimize involuntary resettlement, if possible.

- If resettlement cannot be avoided, compensate and rehabilitate the affected people.
- Restore the economic and social bases of the people affected.
- People affected should be at least as well off as they would have been in the absence of the project.
- For the poor and vulnerable: Particular attention is required to enhance their status and incomes through resettlement planning.

What are the major types of resettlement losses encountered and mitigative measures adopted in Bank funded projects?

Bank funded projects that change patterns of use of land, water, and other natural resources can cause a range of resettlement effects. Different types of resettlement losses include loss of productive assets, including land, income and livelihood, housing, community facilities / structures, systems and services, community resources, habitat and cultural sites.

Project-induced or involuntary resettlement can lead to EIGHT major impoverishment risks or losses, which can be explained by using Michael Cernea's theory and practice of *Risks and Reconstruction Model*.

Table: 2.1 Resettlement losses and Mitigation

Type of loss / Risks	Mitigative measures / Reconstruction
Landlessness (due to land acquisition/expropriation)	Land-based resettlement
Joblessness (even when some temporary jobs are created by the development project)	Re-employment (self or job created by or for the project, training)
Homelessness (loss of not merely the house, but “home” and cultural space, leading to alienation and often loss of community “identity” due to dislocation)	House Reconstruction

Type of loss / Risks	Mitigative measures / Reconstruction
Marginalization “downward mobility” – economic, social, and psychological)	Social inclusion, participatory process, restoration of economic/social base
Increased Morbidity/mortality (especially among the weaker and vulnerable segments of the affected population)	Improved access/health care quality
Food insecurity (daily low calorie intake, malnourishment)	Food crops; adequate nutrition
Loss of access to common property (forest, water bodies, and wasteland, which substantially supplement the food and income of the lower-income groups)	Restore community assets and services

Thus the core philosophy of the Resettlement Policy is that the PEOPLE are at the CENTRE of development. People affected *directly* and *indirectly* by project interventions are often the "victims" of development leading to impoverishment. The above table depicts how the affected people can be made beneficiaries of the project transforming the potential risks into opportunities for development.

How is resettlement addressed in UWSEIP project? What would be the key actions that PMU and PIU would need to undertake with regard to resettlement for UWSEIP project?

It has been already mentioned in chapter 1, that the resettlement impacts for the UWSEIP project has been minimized barring aside two exceptions namely (i) land acquisition (55 Hec.) for construction of STP in Jabalpur and (ii) Land acquisition (25 Hec.) for solid waste disposal site at Indore. During the PPTA, the land for the STP was identified in Jabalpur and the TA

consultants had prepared a Short Resettlement Plan (Annex 1). Currently, Jabalpur Municipal Corporation is implementing the resettlement plan. Since Indore Municipal Corporation was unable to finalize the disposal site during the time of PPTA a resettlement plan could not be prepared, but would be a key requirement before the loan effectiveness.

For other sub-project components (refer Table 2), where land acquisition and resettlement impacts are unknown or where it is indicated that the resettlement impacts would be insignificant, during detailed design of these sub-project components, if involuntary resettlement arises from land acquisition or temporary disruption of income generation, a resettlement plan have to be prepared in accordance to the government laws and procedures, ADBs policy on Involuntary Resettlement and the Projects agreed "Land Acquisition and Resettlement Framework" (Annex 2).

It may be noted that the PMU / EA would have to submit the resettlement plan/s for the sub-project components as well as revise and update the short resettlement plan relating to STP for Jabalpur and submit this to ADB for review and approval prior to award of civil works contract.

The ensuing table highlights the key action that needs to be undertaken by the PMU / Executing Agency and the PIUs / implementing agency with regard to resettlement planning and implementation in UWSEIP project.

Table 2.2: UWSEIP: Key Actions by PMU and PIU on Resettlement

Stage in Project Cycle	Responsibility	Key Action Points
Initial Social Assessment	ADB Mission	Conducted by the Mission team before fielding of PPTA consultants in May 2002.
PPTA	TA consultants	Land Acquisition and Resettlement Framework prepared. Short Resettlement Plan prepared for Jabalpur STP.

Stage in Project Cycle	Responsibility	Key Action Points
Loan Negotiation	ADB, GOI, GoMP	Specific assurances given by the state to ADB with regard to resettlement (see section 1.4)
Loan effectiveness: Subproject RP planning and implementation	EA, PMU and PIUs assisted by PMC, DSCs and NGOs / local firms engaged for RP planning and implementation	<p>Develop RPs for sub projects after technical design based on Project agreed "Land acquisition and Resettlement Framework" and send to ADB for approval.</p> <p>Implement the Short Resettlement for Jabalpur STP</p> <p>Implement RPs for sub-project components</p> <p>Involve APs and NGOs as specified in the RP</p> <p>Monitor RP according to Monitoring & Evaluation plan</p>

Chapter 3

3.1 Preparation of Resettlement Plan for Sub-project Components

This chapter describes the procedures for resettlement planning for the sub-project components as identified in UWSEIP project. It discusses in detail the need and the concept of a project specific "Land Acquisition and Resettlement Framework". The procedures involved in identifying the type and the key steps to formulate a resettlement plan is also indicated.

3.1.1 Resettlement Plan Preparation

In any Project context, resettlement preparation is a process that involves a series of steps namely:- (see Figure 3.1)

- I. Social Impact Assessment
- II. Census / Survey and Stakeholder Meetings
- III. Land Acquisition and Legal Framework
- IV. Entitlement Policy and Matrix
- V. Institutional Framework
- VI. Relocation and Resettlement
- VII. Income Restoration
- VIII. Monitoring and Evaluation

3.2 The Need for a "Land Acquisition and Resettlement Framework" - Subproject Components

As discussed in chapter 1, different subprojects have been identified (see Table 1.2) for which the type, nature and extent of impact cannot be identified until detailed technical / engineering design is completed following a process of community consultation.

Thus a Project - specific Land Acquisition and Resettlement Framework (Annex 2) has been prepared to establish involuntary resettlement screening and planning procedures that apply to the sub-projects, so that they conform to ADB's Policy on *Involuntary Resettlement*.

3.3 Project "Land Acquisition and Resettlement Framework" - Basic Components

This Framework (Annex 2) includes the following elements specific to the sub-project components identified during the PPTA:-

- Eligibility criteria for defining various categories of persons, directly or indirectly affected and displaced as a result of any sub-project component
- A review of the GoMP's policy and legal framework for resettlement and identification of any gaps in this framework as compared to ADB policy, together with measures proposed to bridge the gap
- Methods for conducting socio-economic survey, asset inventory and valuation, and land assessment
- Methods for valuing affected assets, and any necessary measures required to ensure replacement rates for asset and income compensation;
- Measures proposed to ensure consultation with people affected and disclosure of Resettlement Plans to them, together with grievance redress procedures
- Measures for income restoration and relocation, as required
- Measures for planning and budgeting for resettlement; arrangements for approval for resettlement cost estimates; the flow of funds to reach people affected and the contingency arrangements
- Assessment of institutional capacity and detailed implementation schedule
- Arrangements for internal and independent monitoring and evaluation

Based on this agreed framework, resettlement plans will have to be prepared for the sub-projects and submitted to ADB for approval and implemented before award of civil works contract.

3.4 Deciding on the Type of Resettlement Plan for sub-projects - UWSEIP

Bank policy applies to all resettlement impacts, regardless of the numbers of people involved or the level of severity experienced. The policy introduces the concept of "significance" in resettlement. The Table below indicates how to decide on the type of resettlement plan required for the sub-projects.

Table: 3.1 Type of Resettlement Plan

Category	Bank Requirement	Some Examples
"Significant" when Resettlement involves	Full Resettlement	<ul style="list-style-type: none"> • Physical Works: Projects with new construction work,

Category	Bank Requirement	Some Examples
<p>200 or more people who experience major impacts.</p> <p>Major impacts defined as follows:-</p> <ul style="list-style-type: none"> ▪ when the affected people (APs) are physically displaced from housing; and/or ▪ 10 percent or more of their productive assets (income generating) are lost. 	Plan	<p>upgrading and some rehabilitation</p> <ul style="list-style-type: none"> • Population Densities: Projects located in relatively densely populated and/or intensively utilized zones, including urban and peri-urban areas, intensive farming land or industrial zones • Alignment projects: New construction or significant rehabilitation for alignment projects, for example, for roads and railways, larger transmission lines, canals and embankments for irrigation or water resource projects. For rehabilitation projects significant resettlement effects are likely where there is ribbon settlement along the alignment, including within the

Category	Bank Requirement	Some Examples
		<p>existing Right of Way (ROW)</p> <ul style="list-style-type: none"> • Areal projects: Projects with areal impacts, for example, reservoirs or large facilities such as airports, stations, transport depots, power plants, <u>treatment plants, solid waste disposal sites</u>, larger hospital and educational facilities, etc, especially if located in relatively densely populated and/or intensively utilized areas.
<p>“Insignificant” when</p> <ul style="list-style-type: none"> • Less than 200 people are displaced from housing • Less than 200 people will lose less than 10 percent of their productive assets (income generating); or • 200 people or more 	<p>Short Resettlement Plan</p>	<ul style="list-style-type: none"> • Minor Physical Works: <u>Small scale new construction</u>, minor upgrading or rehabilitation • Lower Population Densities: Scattered, less dense population and land utilization • Alignment Projects with Limited Impacts:

Category	Bank Requirement	Some Examples
experience minor impacts		<p>Smaller projects with more restricted impacts, for example, transmission line projects, especially for short alignments or lower voltage power lines, minor acquisition or right of way impact along an existing road frontage, which might involve partial impact to structures</p> <ul style="list-style-type: none"> • Networks Projects without Major Areal Impact: for example, power or pipelines that primarily utilize existing ROWs, without major processing or treatment sites • Small Scale Areal Projects: <u>Scattered sites for small facilities such as scale water supply and sanitation facilities</u>, minor wharf facilities, <u>urban facilities</u>

Category	Bank Requirement	Some Examples
		<u>including waste collection points</u> , transport stops, <u>pumping stations</u> , etc, small-scale health or education facilities.
No involuntary resettlement effects	No Resettlement Plan required	--
Note: As indicated in Table 1.2, the resettlement impacts for most of the sub-project components would be insignificant. The executing agency - UADD/ PMU through the PIUs assisted by the Project Management Consultants and the Design Supervision Consultants would be responsible for the preparation of the Resettlement Plans for the sub-project components.		

Preparing a resettlement plan (Short and Full)

The key steps for Resettlement Plan Preparation are given as follows:-

Step1 - Avoid involuntary resettlement where feasible

- Changes in Project design
- Alternative Technical Options

During the PPTA, the land acquisition requirements were minimized. But, however minimal the land acquisition, it may be necessary to locate various facilities like pumping stations, overhead reservoirs and drainage diversions. During detailed design stage this needs to be further minimized through careful technical design.

Step 2 - Minimize Resettlement effects

- Change alignments for laying pipelines, sewer lines etc
- Use government land for location of facilities
- Use low value land
- Use existing right of ways

For example in Indore, instead of using a reservoir, the water supply component is drawing from river off takes to avoid widespread disruption for isolated communities in environmentally vulnerable areas. Resettlement effects can be minimized if the sites for infrastructure facilities like overhead tanks, pumping station etc. can be carefully selected to use Government land or low value land. Also, water and sewerage pipes can be sited along existing road corridors to avoid land acquisition as much as possible.

Step 3 - Census and Socio-economic Survey

Resettlement planning and implementation need dependable and accurate data for reflecting precise impacts on Affected Persons (APs) so that appropriate entitlement policies can be developed.

Table: 3.2 Data Collection Techniques

Type	Data Collection Technique	Details to be collected
Land Acquisition Survey <i>(To identify the extent of loss, assess entitlements, prepare land compensation award papers)</i>	Review of land records and ownership deeds (100 percent sample)	<ul style="list-style-type: none"> • Map the area affected by land acquisition • Total land area acquired for the project • Land type and land use • Ownership, tenure, and land use patterns • Land acquisition procedures and compensation • Existing civic facilities and infrastructures • Non land economic and resource systems

Type	Data Collection Technique	Details to be collected
Census Survey <i>(To prepare a complete inventory of APs and their assets as a basis for compensation, identify non-entitled persons, to minimize of later influx of outsiders to project area by establishing a cut-off-date)</i>	Complete enumeration of all affected households and their assets through household questionnaire (See Annex 3 for sample questionnaire)	<ul style="list-style-type: none"> • Total number of APs • Demographic, education, income and occupational profiles. • Inventory of all property and assets affected • Socio-economic production systems and use of natural resources • Inventory of common property resources • Economic activities of all affected people, including vulnerable groups • Social networks and social organization • Cultural systems and sites
Socio-economic Survey <i>(To prepare profile of APs, prepare RP, assess incomes, identify productive activities, and plan for income restoration, develop relocation options, social</i>	20 - 25 % sample of affected population using household questionnaire	<ul style="list-style-type: none"> • Same as above

Type	Data Collection Technique	Details to be collected
<i>preparation phase for vulnerable groups</i>		

Step 4 - Consult with all stakeholders

During preparation of the resettlement plan/s for the sub-project components, one of the major tasks is to identify key stakeholders and consult with them through out project preparation and implementation.

Stakeholders are those who have a direct interest in project development and who should be involved in the consultation process. The primary stakeholders would include:

- Titleholders losing land and structure used for commercial, agricultural or residential purposes.
- Employees losing income opportunities
- Encroachers who have extended their houses or businesses on government land
- Squatters and informal settlers occupying government land losing residential structures or businesses
- Kiosks suffering business losses due to disruption of business location during construction period
- People losing access to community facilities like taps, tube wells, temples, graveyard, schools etc

Secondary stakeholders would include the following: -

- Urban Administration and Development Department (UADD)
- Project Management Unit, UWSEIP
- Municipal Corporations
- Public Health Engineering Department
- District Administration / District Collector
- Land Revenue Department

Issues to be discussed with the stakeholders: -

- Views about the project and resettlement effects
- Categories of people likely to experience resettlement effects

- Identify vulnerable groups like people living below the poverty line, women headed households, disabled etc. who might require special assistance
- What would comprise a fair compensation, mode of payment and time schedule for payment
- Identification of relocation sites
- Income restoration options
- Grievance Redress Mechanism

Step 5 - Prepare Entitlement Matrix

a) What is an Entitlement Matrix?

Based on the project impacts assessed through the census and socio-economic survey, stakeholder consultation, review of the existing Govt. act / policy a project-specific entitlement matrix is prepared which sets out the type of loss, definition of the entitled person, policy for compensation and rehabilitation in each case in a tabular form.

b) Why is there a need to review the existing land acquisition and resettlement policies of the state? What are the issues that need to be reviewed?

In order to comply with the ADB's policy on Involuntary Resettlement, it is necessary to review the existing land acquisition and resettlement policy of the state, identify gaps between ADB policy and Govt. policy if any, and formulate a project-specific entitlement matrix to bridge the gaps and comply with the bank and Govt. policy.

An assessment of the following issues need to undertaken while reviewing the Govt. land acquisition and resettlement policy, identify the gaps and suggest measures to address those gaps in the entitlement matrix: -

- Whether compensation as per the LA act is based on replacement value?
- Whether the compensation for structures, business or commercial premises and other immovable assets is based on replacement value?
- Whether the act includes compensation for crops including tree crops lost due to acquisition?
- Whether there is any provision in the act which includes for payment to the persons who loose employment and income as a result of acquisition as well as any measures for income restoration?
- Does the Act / Policy has provision of land and other income generating resources for persons who loose their land / property?

- (vi) Does the act / policy provide for house plots for legal titleholders as well as non-titled persons who loose their residential structures, any provision of resettlement sites and house building assistance?
- (vii) Incase of loss of community facilities / amenities does the act / policy has provision for replacement of such facilities

c) *How to prepare an entitlement matrix for a sub-project component?*

As mentioned in section 3.3, a "Land Acquisition and Resettlement Framework" has been prepared which includes the project specific entitlement matrix. This matrix is based on the review of the existing Land Acquisition Act of Madhya Pradesh, GoMP's Resettlement policy, gaps identified and the mitigation measures to ensure compliance with ADB's policy on Involuntary Resettlement. It includes: -

Types of loss (permanent or temporary) by the different categories of Affected Persons

- Eligibility criteria for Affected Persons both titled and non-titled
- Compensation for lost assets and income, assistance in housing relocation and income restoration
- Replacement of community structures
- Particular attention to the poorest and most vulnerable and help them to improve their economic status through income restoration grants

The PMU / UADD through the PIUs will prepare entitlement matrix for the sub-project components following this framework. In case there are any other impact identified during detailed design, they will update / include the type of losses (whether asset or livelihood) and mitigation measures based on the principles agreed upon in this framework.

Step 6 - Prepare an institutional framework for resettlement plan implementation

An institutional framework for resettlement plan implementation has been proposed in the project "Land acquisition and Resettlement Framework" which identifies the following:-

- a) Formation of a resettlement unit and training within PMU and PIUs if felt necessary
- b) Who would be responsible for preparing detailed asset inventories and valuation of compensation packages
- c) Who would be responsible for undertaking relocation work, responsibility for income restoration, supervise, manage and

monitor the implementation of land acquisition and resettlement

- d) Who would be responsible for resolving disputes and payment of compensation?

PMU / UADD through its PIUs will prepare an institutional framework for Resettlement Plan implementation following the proposed framework outlined in the Project's Land Acquisition and Resettlement Framework and detail / update if felt necessary.

Step 7 - Prepare a monitoring and evaluation plan,

In the Project Land Acquisition and Resettlement Framework a monitoring and evaluation plan has been proposed which ***includes ongoing monitoring by PMU / UADD supplemented by an independent evaluation.***

The PMU / PIU will have to include mechanisms to monitor project inputs, expenditures, staff deployments, number of affected persons compensated and resettled, incomes restored, additional assistance provided etc; and the long-term effect of the project on people's lives in the project-affected area.

Reporting procedures should be laid down in the resettlement plan/s, wherein PIU will assimilate the information from the project site and assimilate in the form of a monthly progress report submit it to PMU to assess the progress and results of RP implementation, and adjust the work program, where necessary, in case of any delays or problems.

The resettlement plan/s should clearly indicate that independent evaluation would address the following issues:-

- (i) socio-economic conditions of the APs in the post-resettlement period;
- (ii) communications and reactions from APs on entitlements, compensation, options, alternative developments and relocation timetables etc.;
- (iii) changes in housing and income levels;
- (iv) rehabilitation of informal settlers;
- (v) valuation of property;
- (vi) grievance procedures;
- (vii) disbursement of compensation; and
- (viii) level of satisfaction of APs in the post resettlement period.

Step 8 - Prepare a time frame and Implementation schedule for land acquisition and resettlement implementation before award of civil works contract.

The resettlement plan/s should clearly indicate the timeframe for the following:-

- Disclosure of Resettlement Plan
- Establishment of resettlement units, if proposed
- Training of resettlement staff
- Hiring of NGOs for RP implementation
- Timing of advance notification to APs and disbursement of compensation and assistance
- Development of resettlement sites and relocation prior to start of civil works
- Timing for monitoring and evaluation and engagement of independent monitors.

Step 9 - Prepare an indicative budget for land acquisition and resettlement costs.

Resettlement costs and budget should include the following:-

- Land acquisition costs
- Resettlement costs including compensation and assistance, relocation, social preparation, rehabilitation, income restoration, M&E, hiring of NGOs / local firms.
- Cost for development of resettlement sites

(Please refer to Annex 1 for a sample of a short resettlement plan. In case of a full resettlement plan each section has to be more detailed.)

Can NGOs / local firms be engaged for Resettlement Plan preparation, Implementation and Monitoring and Evaluation?

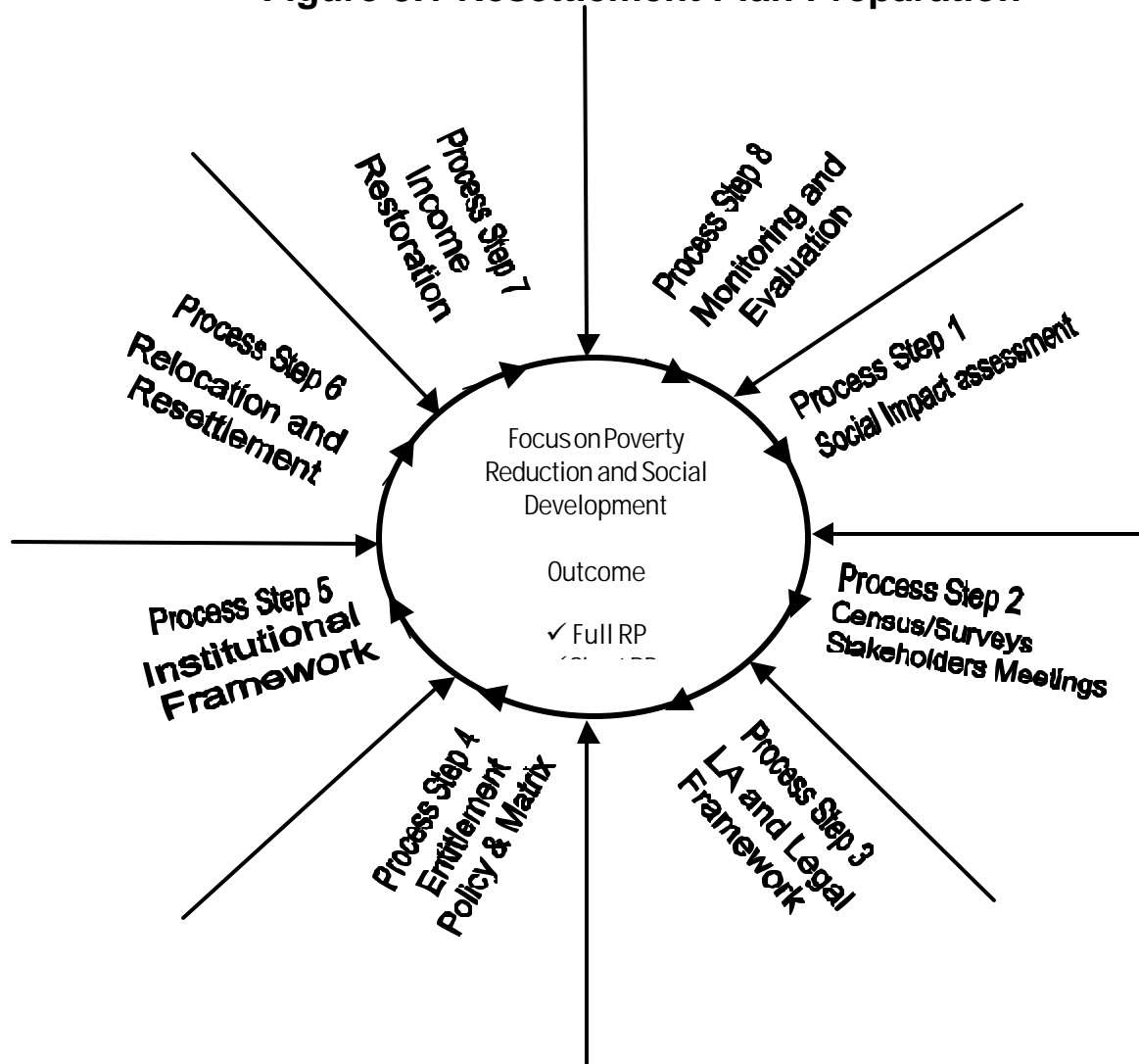
Where the project agency lacks the manpower and skills to carry out RP preparation and Implementation can procure the services of NGO, social research firms. But it is important that the expected outputs are clearly defined in the Terms Of Reference (TOR).

(TOR for Resettlement plan preparation, implementation and monitoring and evaluation is given in Annex 4, 5 and 6.)

Who will approve the resettlement plan for the sub-projects?

PMU/PIU after preparing the Resettlement Plan/s for each sub-project will submit it to ADB for approval. All resettlement

activities namely disclosure to APs, delivery of compensation and allowances, house reconstruction prior to displacement (as necessary for each subproject RP) will have to be carried out before award of civil works contract.

Figure 3.1 Resettlement Plan Preparation

Chapter 4

4.1 Resettlement Plan Implementation for Sub-project Components

4.1.1 Implementation Role of the EA

After the preparation of the Resettlement Plans (short or full) for the sub-project components, the Executing Agency i.e. Urban Administration Development Department through the PMU and PIUs will be responsible for its implementation. All resettlement activities will have to be completed prior to commencement of civil works.

4.1.2 Preliminary Actions to be undertaken by PMU/PIU

- I. Formation of Resettlement Unit, if outlined in the RP, appointment of Social Development and Resettlement Specialist within PMU and PIUs
- II. Appointment of local firms / NGOs for carrying out resettlement activities as outlined in the Resettlement plan/s.
- III. Appointment of Monitoring and Evaluation Consultant / local firm / NGO for independent evaluation of resettlement implementation
- IV. Formation of Grievance Redress Committee and Land Acquisition Committee or as indicated in the RP/s
- V. Training and orientation on resettlement operations for PMU, PIU, PMC and DSC
- VI. Initiate land acquisition process, if required for any of the sub-project component

4.1.3 Activities to be undertaken prior to Commencement of Construction

The activities outlined in this section will be undertaken by the PMU and PIUs, assisted by the PMC and DSCs and the local firms / NGOs hired for resettlement implementation prior to commencement of civil works.

1. *Resettlement Plan Disclosure*

Prepare brochures and leaflets in Hindi to conduct information campaign regarding compensation categories, resettlement policies, AP entitlements - specific to the sub-project components in the cities.

2. *Land Acquisition notification and possession*

Land acquisition for all the sub-project components will be carried

out as per the Land Acquisition Act of 1894. PMU / PIU through the Land Revenue Department will be responsible for land acquisition notification, payment of compensation and possession. PMU / PIU will be assisted PMC, DSC and NGO / local firm to liaise with the offices of the District Collectors and relevant authorities. At the time acquisition, the current market prices for land will be used for calculating the replacement cost for compensation purposes. If the actual replacement cost is more than the compensation assessed at "prevailing rates" by the District Collector then the difference shall have to be paid by the project in the form of "assistance".

3. Verification of APs based on census list and issuance of ID cards

To carry out a physical verification exercise of the APs listed during census survey by categories (titleholder, squatter, encroacher, kiosks etc as indicated in RP entitlement matrix) and issue ID cards.

4. Consultation and finalization of entitlements and compensation packages

To carry out consultation with APs regularly on resettlement matters and provide all necessary information related to their entitlements, necessary legal documentation, and procedures of payments, and estimated payment schedules, finalize entitlement packages for individual APs as per the entitlement matrix and also assist them in receiving payments.

Assist vulnerable groups (female-headed households, widow, elderly women, landless and destitute / disable bodied others) in their physical and economic rehabilitation as per the entitlement matrix in RPs.

5. Development of Resettlement sites and relocate APs

To identify resettlement sites (if indicated in RP/s), develop sites and relocate APs at least a month prior to construction activity. Assist APs in finding suitable house sites and agricultural land (if applicable) who choose "self-relocation" as an option.

6. Prepare Computerized database

To prepare a computerized database of all APs, their entitlements and payments and update regularly.

4.1.4 Activities During and After Construction

1. *Implement income restoration plan during project implementation and support vulnerable groups*

The PMU will have to implement the income restoration plan as outlined in the specific RP/s with special focus on the vulnerable groups.

2. *Resolve grievances*

A Grievance Redress Committee (GRC) will have to be formed with representatives from the APs, women/vulnerable groups, local government and NGOs as indicated in the resettlement plan/s.

The main objective of the grievance redressal procedure will be to provide a mechanism to mediate conflict and cut down on lengthy litigation. The functions of the Grievance Redressal Committee shall be to: (i) provide support for the APs on problems arising out of their land/property acquisition; (ii) record the grievance of the APs, categorize and prioritize the grievances that needs to be resolved by the Committee; and (iii) report to the aggrieved parties about the developments regarding their grievances and the decision of the PMU / PIU. GRC should meet at least once a month and the decision of GRC would be final. Any grievances submitted to the GRC should be resolved within a period of 2 to 3 weeks.

3. *Monitor and evaluate progress of RP*

PMU will have to monitor all land acquisition and resettlement related activities assisted by the PIUs. They will assimilate the information from the project site and assimilate in the form of a monthly progress report submit it to PMU to assess the progress and results of RP implementation and adjust the work program wherever necessary.

For independent monitoring PMU will hire NGO / local firm / independent consultant and ensure that the evaluation is carried out as outlined in the resettlement plan and based on the feedback implement the proposed corrective measures if any.

4.2 Roles and Responsibilities - RP Preparation and Implementation

1. *Role of Project Director, PMU and PIU*

The Project Director through the PIUs will be responsible for over-all supervision of the resettlement plan preparation and implementation. He would guide / advise the NGOs / local firms in resettlement plan preparation and implementation, including any access or help from the DC offices regarding collection of land records, DC award lists and payments of compensation for lost assets etc. During RP implementation, the PD will also provide a full set of Census and socio-economic baseline data for the sub-project components so that individual AP files can be prepared and other resettlement related activities could be carried out by the NGO / local firm responsible for implementation.

2. *Role of PMC and DSC*

The Social Development / Resettlement Experts from the PMC and DSC acting on behalf of the Project and PMU / PIU will ensure that sound methodologies and practices are used in the preparation and implementation of the resettlement plans for the sub-project components. The PMC and DSC will advise on any changes in the modalities of the RP preparation and implementation work, participate in meetings with the contracted NGO / local firm and PMU / PIU, and monitor the work in the field. The PMC / DSC will also review on behalf of PD-PMU the RP preparation and implementation progress report submitted by the contracted NGO / local firm on a regular basis.

3. *Role of NGO / Local Firm*

The NGO / local will be responsible to the Project Director, PMU who will select and hire them for the Project. The Project Management Consultant and the Design Supervision Consultants will monitor the Resettlement Plan preparation, implementation and monitoring and evaluation for the sub-project components in the six cities.

Chapter 5

5.1 Some Key Concepts in Resettlement Planning and Implementation

1. **Who are the Affected Persons?**
 - Those people who lose assets, land, income sources, housing, community
 - Permanently or temporarily
2. **What constitutes fair compensation?**
 - Enables people to be at least as well off, or better off than they would have been without the project
 - This implies replacement rate, plus all transaction costs
3. **Would payment of compensation by itself be sufficient?**

Not necessarily, people affected may need:

 - Compensation for assets and lost income
 - Transfer and relocation assistance
 - Income and housing restoration
4. **Are people without formal title or rights to be assisted?**

Yes, if they stand to lose. ADB Policy recognizes:

 - Sharecroppers and tenant farmers
 - Customary land use rights
 - Established user claims e.g., informal dwellers/squatters etc.
 -
5. **Do vulnerable groups need special treatment during resettlement? Yes, they may need:**
 - Social preparation phase to build their confidence
 - Special measures to improve their socioeconomic status
 - Measures to build their capacity to deal with displacement and resettlement
6. **Are people affected indirectly eligible for compensation?**
 - A definition of “indirectly” affected people is required
 - The basis for defining eligibility may include loss of subsistence source or income/employment
 - Secondary project impact – should be reviewed and considered carefully.
7. **Who are entitled for compensation?**
 - The unit of entitlement may be:
 - An individual

- A household/family
- A community
- The policy recognizes the concept of household as a unit for data collection and impact assessment only
- The unit of entitlement is based on the nature of losses
- There may be more than one persons within the same households eligible for compensation
 - Head of the household for loss of assets
 - A member of the same household for loss of employment/income due to direct and/or indirect or secondary impact
- Widowed women or divorces living within male-headed households and having no legal rights to land may be considered as separate unit for relocation purposes.

8. Do temporary losses count under the bank policy?

People affected temporarily are counted as APs and must be compensated and assisted accordingly.

Temporary losses are caused due to:-

- Land or assets borrowed during construction for work sites, temporary access or storage etc
- Loss of crops and income
- Loss of business / income due to construction work
- Loss of wages to employees

Annex 1 - Short Resettlement Plan

Jabalpur Sewage and Sanitation Improvement Scheme

Introduction

The Project involves laying of 176 km sewerage network and construction of a Sewage Treatment Plant (STP) at Kathonda Village situated outside the north western boundary of the municipal limit. Majority of the improvements will be made within the existing government land, however the construction of STP will involve the acquisition of land and also affect few irrigation units and temporary structures. A short resettlement plan, which is a supplementary appendix, has been prepared based on a sample socio-economic survey, land record survey and interviews with the concerned households.

The Urban Administration Development Department (UADD), Government of Madhya Pradesh will be the executing agency and the RP will be implemented by the Project Implementation Unit (PIU), Jabalpur Municipal Corporation.

Project Impacts, Categories of APs and Types of Losses

The project will require 55 hectares of land for the construction of STP in village Kathonda, a location adjacent to the solid waste disposal site already acquired by the Corporation for development under this loan assistance. Out of the total land that will be acquired, 25.37 hectares is government-owned and 30.2 hectare is un-irrigated privately owned and under single crop cultivation.

Table 1: Project Impact

Category	House holds	Numbers / persons
A. Households Affected by loss of agricultural land		
Number of titleholders (loosing partial / total land)	10	57
Number of persons losing income due to loss of access to agricultural land.		59
Loss of wage earning		5
Subtotal	10	121
B. House affected by loss of Residential		

Structure		
Residential Structure on Govt. land requiring relocation	4	20
Total	14	141

The types of losses include (i) full / partial loss of agricultural plots; (ii) loss of residential / non residential structures (iii) loss of crop/tress; and (iv) loss of potential work days/income due to acquisition of land. Two surveys – (i) socioeconomic survey, and (ii) land record survey – were conducted in April 2003, however the records will have to be updated before 4(1) notification in June 2003. It is estimated that the land acquisition will fully and partially affect 10 and 2 agricultural plots respectively. It may be noted 3 out of 12 agricultural plots belong to Religious Trusts amounting to about 13 hectares. Nearly 10 households (57 persons) who are the legal titleholders, cultivate the land that will be acquired and have an average land holding size of 3.02 hectares. It will also affect 2 pump houses, 1 pond, 2 dug wells, 2 bore wells and 60 non-fruit bearing trees. About 4 households have built temporary residential structures on government land and will be relocated within the same village. Apart from the land-owners approximately 59 agricultural labourers are employed seasonally, 2 sharecroppers and 2 encroachers will lose their income earning sources. The annual income from cultivation ranges between Rs.6250 - Rs.10,000 per hectare.

Although, 8 households will be permanently losing their agricultural holding, the “severity” of impact will be limited, as they will lose their secondary source of income. Most of the landowners live and have their own businesses in the city or are employed professionals. Two households who will lose land partially will have residual land of 1 and 3.58 hectares respectively and like all others will lose their secondary source of income. None of the owners live in the village but hire local labour seasonally for cultivating their land. The agricultural labourers and all others informally cultivating land will be compensated for lost income and wages.

As mentioned earlier, nearly 13 hectares belong to 3 different trusts but with members from the same family, who are otherwise employed and have large land holdings in other villages as well as have their own businesses. The income from this land is mainly used for the maintenance of temples built by the trusts. It has been a common feature in Jabalpur especially among the owners with large landholdings to form a trust and attach the land / property with it in order to avoid the impacts of urban land ceiling wherein the surplus land would then be transferred to the

government. At Present, the District Collector is the custodian of these plots.

Measures taken to reduce social impact and displacement include (i) village settlement / residential structures have been avoided as much as possible (ii) small plots belonging to marginal farmers have not been included in the land acquisition plan, (iii) enhancement of community facilities e.g. provision of tube wells/ bore wells and development of a community pond within the village. The overall impact of the project is limited and the construction of the sewerage network and STP will benefit not only 60% of the population of Jabalpur Municipal Corporation area but also the village with employment opportunities during the construction period and improved irrigation facilities after project implementation.

RP Objectives and Policy Framework

This Short RP is designed to deal with the limited impacts of the sewerage scheme. The project policy framework and compensation strategy is based on¹ the Asian Development Bank's (ADB's) policy on Involuntary Resettlement (1995) and Handbook on Resettlement (1998), (ii) Resettlement Policy of Government of Madhya Pradesh and (iii) Madhya Pradesh Pariyojana Ke Karan Visthapit Vyakti (Punhsthapan) Adhiniyam, 1985. The current legislation governing land acquisition for public purposes is the Land Acquisition Act of 1894. In accordance with the Act, the legal process is initiated by an application by the requiring agency or department to the District Planning Committee of the respective District with a detailed map of the proposed area. In determining the amount of compensation, the District Collector takes into consideration land transaction cases for the preceding 36 months of that particular area or adjacent areas to determine an average value / prevailing rate, which is considered the replacement value for properties. If the actual replacement cost is more than the compensation assessed at "prevailing rates" by the District Collector then the difference shall be paid by the project in the form of "assistance".

The Madhya Pradesh Land Acquisition Act covers only legal titleholders and provides for (i) market value of land, (ii) a solatium of 30% on market value for compulsory acquisition (iii) additional amount for trees, crops, houses or immovable properties (iv) damage due to severing of land, residence, place of business (v) interest of 12% on the market value from the date of notification to award. Although, the LA act does not cover project-affected persons without titles / ownership records and indirectly affected people, the GoMP Resettlement policy does

¹ List of owners, plot number and size is given in Annex 1.

deal with aspects of involuntary resettlement and provides compensation and assistance to non-titled persons².

The LA Act of 1894 of Madhya Pradesh also has provisions of land for residential purposes to displaced persons affected due to acquisition of land for public purposes. It is further strengthened by the Madhya Pradesh Pariyojana Ke Karan Visthapit Vyakti (Punarhsthapan) Adhiniyam, Act No. 9 of 1985 which provides for the resettlement of certain persons displaced from land which are acquired for irrigation projects, power projects or public utility projects³. Under this Act, if the State Government is of the opinion that it is necessary in the public interest so to do for resettlement of displaced persons, it may by notification declare any project thereof to be a "project" to which the provisions of this Act shall apply. Although, the provisions of this act will not apply to this sub-project component as the scale of land acquisition will be insignificant but its underlying principles do bear similarities with the Bank's policy. The procedures / sections under the act, involve assessment of land acquisition and its impacts, census of displaced persons, identification of different categories and number of affected persons, preparation of a draft scheme of resettlement of displaced persons with estimates of losses and mitigation measures.

Like the Madhya Pradesh Pariyojana Ke Karan Visthapit Vyakti (Punhsthapan) Adhiniyam, Act No. 9 of 1985, the GoMP Resettlement Policy focuses primarily on resettlement of displaced persons but does not recognize the loss of livelihood and income opportunities (permanent or temporary) as a result of the project.

Thus the gaps between GoMP and ADB policy requirements have been identified and measures adopted to bridge the gaps in terms of (i) assessment of loss and identification of affected persons (APs); (ii) assessment of compensation and valuation; and (iii) compensation entitlements. Thus, the land acquisition and resettlement framework complies with ADB policy on Involuntary Resettlement (November 1995) and standards. The framework covers compensation for lost assets and restoration of livelihoods for all categories of affected people – direct, indirect, titleholders, tenants, and non-titleholders.

The Affected households will receive cash for land and other assets at the market/replacement prices. A number of additional benefits will be provided to compensate for loss of income, or workdays and to cover the cost of shifting temporary structures or goods, income restoration assistance and assistance to female-headed / vulnerable households to help the project-affected persons regain or improve their lives in post-resettlement period. The entitlement matrix recognizes eight types of losses to cover

² "Non titled persons" refers to persons without titles to land - squatters.

³ Public Utility project means any work of public utility other than irrigation project and power project, the construction, extension, improvement or development of which results in displacing persons from lands which may be used for such work.

all potential losses, including loss of access by tenants/sharecroppers due to acquisition of agricultural land (Table 2). The mitigation measures adopted are considered adequate for replacing lost assets and restoration of income and livelihoods of the affected people.

One of major costs for resettlement will be the compensation that has to be paid to acquire agricultural land. The costs derived are based on unit prices as published by the Collectorate for year 2002 - 03. There has been a price revision in the rates and an escalation of about 15% is expected in the land prices. At the time acquisition, the current market prices for land will be used for calculating the replacement cost for compensation purposes. A detailed estimate for land acquisition, resettlement and cost of implementation are shown in Table 4.

Table 2: Entitlement Matrix

Type of Losses	Application	Definition of Aps	Entitlement	Details
1. Loss of agricultural land by titled owners	Land required for construction of STP	(i) Title Holders	Compensation at market/replacement value	<ul style="list-style-type: none"> • Compensation at replacement / Market value based on "prevailing rate" (<i>as per Land Acquisition Act of 1894</i>) • An amount of 30% on the market value in consideration of the compulsory nature of the acquisition. • An additional amount for trees, crops, houses or immovable properties • Damage due to severing of land from other land • Damage due to injurious acquisition compelling change of residence or place of business. • An interest of 12% on the market value from the date of notification to award. • If the actual replacement cost is more than the compensation assessed at "prevailing

Type of Losses	Application	Definition of Aps	Entitlement	Details
				<p>rates" by the District Collector then the difference shall be paid by the project in the form of "assistance".</p> <ul style="list-style-type: none"> Options of compensation and assistance shall be given to the APs for their non-viable residual portion of their land and the loss will be appropriately compensated. All fees and taxes and other charges incurred for replacement land will be compensated by the project. Sharecroppers affected by land acquisition will also be compensated.(see 5).
2. Loss of structure on agricultural land	Structure on acquired land	(i) Owners of structures	Compensation at replacement cost	<ul style="list-style-type: none"> Cash compensation for structure at replacement cost (as per LA Act of 1894). The depreciated value if deducted for the age of the structure will be paid by the project as additional grant for rebuilding houses.

Type of Losses	Application	Definition of Aps	Entitlement	Details
				<ul style="list-style-type: none"> • A lump sum transfer grant of Rs. 1,000 for shifting assets. • Right to salvage material from the demolished structure
3. Loss of residential structure by squatters	Structure on Govt. land	House hold	No compensation for land but compensation at replacement costs and other assistance	<ul style="list-style-type: none"> • Compensation for loss of structure at replacement cost to be paid by the project. • The depreciated value if deducted for the age of the structure will be paid by the project as additional grant for rebuilding houses. • A lump sum shifting assistance of Rs.1000. • Right to salvage material from demolished structure.
4. Loss of income by agricultural labourers / employees	Households Affected by land acquisition	Individual	Lump sum	<ul style="list-style-type: none"> • Assistance will be given @ Rs 70 per day for one month to agricultural labourers and employment during construction activity. • A one time grant of Rs. 2000 to employees indirectly affected due to employer having

Type of Losses	Application	Definition of Aps	Entitlement	Details
				been displaced will be paid on a case to case basis.
5. Non-Perennial crops	Households affected by land acquisition	Household	Notice to harvest standing crops	<ul style="list-style-type: none"> • Sharecroppers affected by land acquisition will be paid compensation at the market value. • Grant towards crop lost before harvest due to forced relocation, equal to market value of crop lost plus cost or replacement of seeds for the next season harvest.
6. Trees/ Perennial crops	Households affected by land acquisition	Household	Compensation at “market value”	<ul style="list-style-type: none"> • Compensation for perennial crops and trees will be calculated as per the annual produce value for the crop in question, times average number of years for a similar crop to reach production age. • Compensation for trees based on timber value at market price to be determined by Forest dept for timber trees; for other perennial trees by Departments of Agriculture, Horticultural department as the

Type of Losses	Application	Definition of Aps	Entitlement	Details
				case may be.
7. Encroachers	Owners who have extended their agricultural holdings illegally into the Govt. land	House hold	Will receive no compensation for land but assistance for the lost assets.	<ul style="list-style-type: none"> • Advance notice to harvest standing crops. • Grant towards crop lost before harvest due to forced relocation, equal to market value of crop lost plus cost or replacement of seeds for the next season's harvest. • Employment opportunities in construction activity.
8. Additional assistance to the poor and vulnerable	Households affected by land acquisition	Individual	Additional assistance for income restoration and training	<ul style="list-style-type: none"> • The assistance will be equal to Rs 5000 for income generating vocational training option as per APs choice. The training includes starting suitable production or service activity. • Poor and vulnerable will get preference in employment opportunities during construction period

Consultation Meetings and Stakeholder Participation

A series of consultative meetings⁴ were conducted with various stakeholders in UADD, District Collectorate, Jabalpur Tehsil, Village Pradhan / leaders, APs and with officials of Jabalpur Municipal Corporation. The consultative process aimed at obtaining from the stakeholders their (i) perceptions about risks and consequences of construction of the STP (ii) views on the benefits of the project (iii) socio-economic needs; and (iv) potential beneficiary participation in project implementation. APs, community leaders, local JMC officials participated in these meetings. Women and other vulnerable groups were also consulted on site concerning the project impact and their livelihood aspects. The feedback and observations made at the stakeholders' meetings have been used in preparing the entitlement matrix and project benefits for the affected people.

There is a positive public response towards the project because construction of the STP would bring significant economic benefits to the village in terms of increased agricultural productivity as a result of improved irrigation from treated sewage water. Moreover, during the construction period the APs and people living in the village will get temporary employment opportunities. This interactive approach and processes will continue during the implementation of the project. The EA through its project implementation unit (PIU) will undertake information campaign and will publish brochures in local language i.e. Hindi summarizing the project resettlement policy, entitlement matrix, and implementation schedule in October 2004. During implementation, the RP shall be made available to the affected people and community groups.

Implementation Framework and Cost Estimates

The Urban Administration Development Department (UADD) through PIU will be responsible for overall co-ordination, planning and financing responsibilities for RP implementation. The land acquisition plan has been prepared by JMC and in order to begin the process of land acquisition the formal application to the DC will be duly submitted. The timeframe for land acquisition will be between 6 months to 1 year, from the date of notification. The LAA act also has a provision of acquisition under the "urgency clause" by which, on payment of 80% of the total amount to the District Collectorate, the DC is entitled to take possession. This reduces the LAA process to 6 months. However, in this project, there will be no emergency acquisition, under the LAA. Hence there is no scope for possession of land without the stipulated period for consultation and disclosure, and without compensation or other assistance, in advance of displacement, dispossession

⁴ A list of contacts is given in Annex 2.

or restricted access. In order to further expedite the land acquisition process, the Community Development / Resettlement Specialist and an implementing NGO will be appointed by the EA, at the time of PIU establishment in February 2004. They will assist PIU in the process of land acquisition, payments of compensation and resettlement management.

A Resettlement Officer based in PMU, will be responsible for overall coordination of the implementation work. It is proposed that a Land Value Assessment Committee (LAVC) be formed with representatives from Corporation, District/Tehsil Land Acquisition office, a revenue official, Village Pradhan / leader and implementing NGO to assess market value of lost assets.

A Grievance Redress Committee (GRC) will be formed with representatives from the APs, women/vulnerable groups, local government and NGOs chaired by the Resettlement Officer. Various provisions under the Land acquisition Act enable grieved APs at different stages of LA

to represent their cases to LA office or even refer to court for redressal and seek higher rate of compensation. However, the major grievances that might require mitigations include:

- (i) APs not enlisted;
- (ii) losses not identified correctly;
- (iii) compensation/assistance inadequate or not as per entitlement matrix;
- (iv) dispute about ownership;
- (v) delay in disbursement of compensation/assistance; and
- (vi) improper distribution of compensation/assistance in case of joint ownership.

Thus the main objective of the grievance redressal procedure will be to provide a mechanism to mediate conflict and cut down on lengthy litigation, which often results in delays in implementation. It will also provide people who might have objections or concerns about their assistance, a public forum to raise their objections and through conflict resolution, address these issues adequately. The functions of the Grievance Redressal Committee shall be to:

- (i) provide support for the APs on problems arising out of their land/property acquisition;
- (ii) record the grievance of the APs, categorize and prioritize the grievances that needs to be resolved by the Committee; and
- (iii) report to the aggrieved parties about the developments regarding their grievances and the decision of the Project authorities.

GRC will meet at least once a month and the decision of GRC would be final. Any grievances submitted to the GRC shall be resolved within a period of 2 to 3 weeks. Other than disputes relating to ownership rights under the court of law, EA will review grievances involving all resettlement benefits, relocation and other assistance. A time bound implementation schedule has been prepared shown in the Table-3.

EA will further ensure that resettlement budgets are delivered on time to the DC office and the implementing NGOs for timely RP implementation. The appointed NGO will open a field office to implement the RP and will involve affected persons, including women, in the implementation process. The estimated land acquisition and resettlement cost is Rs.19.1 million or 0.39 million US dollar (Table 4). The Government will provide the entire fund for land acquisition and resettlement. The affected people, particularly households who will lose their residential structure will receive compensation and other assistance prior to relocation. The fund will be released through the DC office for acquired properties, whereas all other additional benefits will be paid by the executing agency through PIU and the implementing NGOs.

RP Implementation Monitoring

During the project implementation, PIU will establish a monthly monitoring system involving Corporation staff and implementing NGO, and prepare monthly progress reports on all aspects of land acquisition/resettlement operations and report to EA / PMU. The monthly reports shall reflect the progress in RP implementation with particular attention to compensation payments, consultation, participation of APs in RP implementation, livelihood/income-generation activities, grievances resolution, and budget and implementation. The monitoring consultants hired by EA with ADB concurrence will

carry out external monitoring. The EA will report to ADB on land acquisition and resettlement through a quarterly progress report.

Table-3: Implementation Schedule for RP Planning and Implementation*

Task	Timeline	Responsibility
RP Preparation		
1. Initiate formal request to DC to start the process of land acquisition	April 2003	JMC and UADD
2. Physical survey of land (measurements & boundaries marked)	May 2003	DC, UADD, JMC
3. Notification for Land Acquisition under section 4 (1)	June 2003	DC, UADD, JMC
4. Establishment of PIU	Feb 2004	UADD and JMC
5. Hiring of NGOs	Sep-Oct 2004	UADD and JMC
6. Census of APs, Verification Exercise (Estimates of losses, compensation, review revenue record vis'a'vis physical verification)	October 2004	PIU / JMC and NGO,
7. Disclosure of RP to the APs	October 2004	PMU / UADD, PIU / JMC and NGOs
8. Training on RP Implementation	October 2004	PMU / UADD
9. Formation of LAVC and GRC	Oct-Nov. 2004	PMU/UA DD, PIU/ JMC, DC and

		NGOs
RP Implementation		
10. ID preparation and distribution	On finalization of sub-project design	PIU/JMC and NGOs
11. Payments of compensation, and other RP related assistance	March 2005	UADD, DC, PIU/JMC and NGOs
12. Appointment of RP monitoring agency	Nov-Dec'2004	UADD

Table-4: Cost Estimates and Budget

Sl. No	Description	Unit	Quantity	Rate (Rs.)	Amount (Rs)	Subtotal (Rs.)
A.	Land Acquisition					
	Compensation for land	Hectare	30.2	402,500	121,555,00	
	Compensation for structure	LS	6		150,000	
	Compensation for crops & trees	LS			600,000	
	Replacement cost of borewells / dugwells	LS	4		500,000	
	Overhead Cost for DCs	%		5%	670,275	
	Subtotal				140,757,75	1,40,757,75
B.	Resettlement Shifting Assistance	Nos.	6	1000	6000	
	Loss of Income / Wages	Nos.	64	70	134,400	
	Additional assistance to poor and vulnerable groups	Nos.	6	5000	30,000	
	Subtotal				1,70,400	170,400

C.	Enhancement of Community Facilities	LS				800,000
D.	Implementing NGO - 6 months	LS				100,000
E.	Administration Cost	LS				600,000
F.	Contingency (15%)					249,6926
G.	Total Cost (Indian Rupees)					191,431,01

Note: 48.904 Rupees equivalent 1 U\$

Annex -1: List of Owners

Sr.No	Khasra No.	Name/Address	Total land (Hectare)
1	283	Anil Kumar/ Prakash Chand, Kotwali, Jabalpur	2.200
2	306	Govt. Pakka Rasta	0.200
3	309	Budhua/ Hariya Govt. Land	2.770
4	317	Pushplata/ Mahesh Kumar, Gadhapathak JBP	0.600
5	318/1	Govt.	1.120
6	318/2	Govt.	0.800
7	319	Smt. Sushila Bai/ Amratlal Gadhapathak, Jbp	1.230
8	320	Baldev/ Mannu, Jbp	0.040
9	321	(Trust) Janli Trust, Jbp, Manager, Collector, Jbp	5.820
10	323	(Trust) Jain Mandir, Collector, Jbp	4.040
11	324	Govt. Charnoi Land	2.360
12	356	Govt. Pakka Rasta, Mihilal / Chowkhelal	0.440
13	357	Govt. Pakka Rasta, Munnalal/ Heeralal	7.000
14	360	Smt. Nathibai / Prakashchandra, Jbp	5.400
15	361	Trust, Nemichandra, Collector, Jbp	3.150
16	362	Sanjay Kumar/ Sadanand,	1.560

		Gotegoan	
17	363	Govt. Charnoi Land	0.520
18	368	Kirankumari / Sadanand, Gotegoan	2.280
19	370	Govt. Charnoi Land	2.020
20	375	Govt. Charnoi Land	1.220
21	376	Govt. Charnoi Land	0.600
22	377	Govt. Charnoi Land	0.800
23	378	Govt. Charnoi Land	0.600
24	380	Govt.	0.910
25	381	Govt. Govibd Singh/ Lal Singh	0.070
26	382	Smt. Chaturabai/ Harilal	1.210
27	383	Smt. Chaturabai/ Harilal	1.100
28	386	Mahendra Kumar / Kundlal, Gorakhpur, Jbp.	2.200
29	394	Govt. Charnoi Land	3.940
Total			56.200

Annex 2 - LAND ACQUISITION AND RESETTLEMENT FRAMEWORK

Introduction

1. The Integrated Urban Development Project in Madhya Pradesh (IUDMP) covering the six major cities (Bhopal, Gwalior, Indore, Jabbalpur, Ratlam and Ujjain) is under preparation for consideration for loan financing in 2004. The objective of the project is to improve the basic urban services in six cities.

2. The IUDMP involves investment in four sub-sector components. These are: (i) Water Supply Improvement through optimization and expansion (ii) Sewerage Collection and Treatment (iii) Storm Water Drainage, and (iv) Solid Waste Management System.

3. This Technical Assistance has identified sub-projects in each of the cities. Most of the improvement and construction work will be carried out within the existing Government land, however, minimal acquisition of land / private assets may be required for location of various facilities like pumping stations, overhead water reservoirs and drainage diversions. The overall impact of this will be minimized further at the project design and implementation stage. There are two exceptions to this situation. In Indore, land (25 hectares) is yet to be identified for development of landfill site for solid waste management. Another exception is in Jabalpur where 55 hectares of land will be required for the construction of a Sewerage Treatment Plant (STP)⁵ and a short resettlement plan has been prepared and included in supplementary appendix.

4. As mentioned earlier, with the exception of Jabalpur, in all other sub-projects, land acquisition will be minimal, if at all necessary and the improvement / construction activities will cause temporary disruptions that may affect road side street vendors during laying of pipelines and sewers. The actual amount of land and the number of people to be affected can only be estimated after finalization of the sub-project design.

5. This Framework for Land Acquisition and Resettlement has been prepared for the subprojects as required under ADB policy. During the Detailed Engineering Phase the EA / UADD will be responsible to prepare social analysis and resettlement plans for the sub-projects as outlined in this framework and submit to ADB for review and approval.

Resettlement Policy and Framework

⁵ Land for the construction of STP has been selected in village Kathonda situated in the northwestern boundary of the municipal limits. Jabalpur Municipal Corporation will have to acquire only 30.2 hectares as the remaining is government land.

6. The project policy framework is based on (i) the Asian Development Bank's (ADB's) policy on Involuntary Resettlement (1995) and Handbook on Resettlement (1998), (ii) Resettlement Policy of Government of Madhya Pradesh and (iii) Madhya Pradesh Pariyojana Ke Karan Visthapit Vyakti (Punhsthapan) Adhiniyam, 1985. The current legislation governing land acquisition for public purposes is the Land Acquisition Act of 1894. In accordance with the Act, the legal process for land acquisition is initiated by the EA / UADD to the District Planning Committee of the respective district. According to the "prevailing rate" the assessed value of land is considered the replacement value for properties. The LA act also has a provision of acquisition under the "urgency clause" by which on payment of 80% of the total amount to the District Collectorate, the DC can take possession that minimizes the LA process to 6 months. However, in this project there will be no emergency acquisition, under the LAA, that may result in taking possession of land without the stipulated period for consultation and disclosure and without compensation and other assistance in advance of displacement, dispossession or restricted access.

7. The LA Act of 1894 of Madhya Pradesh also has provisions of land for residential purposes to displaced persons affected due to acquisition of land for public purposes. However, it does not address the social and economic impacts of land acquisition and resettlement. While, the Madhya Pradesh Pariyojana Ke Karan Visthapit Vyakti (Punhsthapan) Adhiniyam, Act No. 9 of 1985 provides for the resettlement of certain persons displaced from lands which are acquired for irrigation projects, power projects or public utility projects⁶. Under this Act, if the State Government is of the opinion that it is necessary to do so (in the public interest) for resettlement of displaced persons, it may, by notification, declare any project thereof to be a "project" to which the provisions of this Act shall apply. As the scale of land acquisition will be insignificant, the provisions of this act will not apply to any of the sub-projects. However, its underlying principles do bear similarities with the Bank's policy. The procedures / sections under the act, involve assessment of land acquisition and its impacts, census of displaced persons, identification of different categories and number of affected persons, preparation of a draft scheme of resettlement of displaced persons with estimates of losses and mitigation measures.

8. Like the Madhya Pradesh Pariyojana Ke Karan Visthapit Vyakti (Punhsthapan) Adhiniyam, Act No. 9 of 1985, the GoMP Resettlement Policy focuses primarily on resettlement of displaced persons and also provides compensation and resettlement assistance to non-titled persons⁷ but does not recognize the loss of livelihood and income opportunities (permanently or temporarily) as a result of the project.

⁶ Public Utility project means any work of public utility other than irrigation project and power project, the construction, extension, improvement or development of which results in displacing persons from lands which may be used for such work.

⁷ "Non titled persons" refers to persons without titles to land - squatters.

9. ADB policy requires to (i) avoid or minimize impacts where possible; (ii) consultation with affected people in project planning and implementation, including disclosure of RP and project-related information; (iii) payment of compensation for acquired assets at the market/replacement value; (iv) resettlement assistance to affected people, including non-titled persons (e.g., informal dwellers/squatters, and encroachers; (v) special attention to vulnerable people and/groups; and (vi) income restoration and rehabilitation program.

10. A project-specific resettlement framework has been prepared consistent with the existing norms and guidelines of the State Govt. and ADB policy on Involuntary Resettlement to cover losses and categories identified in this project. This framework reflects the borrowers land acquisition laws/regulations, state policy on resettlement and ADB's policy on Involuntary Resettlement and other social safeguard guidelines. It stipulates eligibility and provisions for all types of losses (land, crops/trees, structures, business/employment, and workdays/wages). Since land-for-land may not be a feasible option, the APs will be compensated at full replacement costs. At the time acquisition, the current market prices for land will be used for calculating the replacement cost for compensation purposes. If the actual replacement cost is more than the compensation assessed at "prevailing rates" by the District Collector then the difference shall be paid by the project in the form of "assistance". Affected households to be compensated by the DC, following the L.A. Act (1894), for lost assets will also receive additional cash grants and other resettlement assistance such as shifting allowance, compensation for loss of workdays/income due to dislocation. Female-headed households and other vulnerable households will be eligible for further cash assistance for relocation and house reconstruction. Table 1 presents a general entitlement matrix that would apply to the subprojects based on specific project impacts.

Table 1: Entitlement Matrix

Type of Losses	Application	Definition of APs	Entitlement	Details
1. Loss of agricultural land by titled owners	Land required for construction of various facilities	(i) Title Holders	<ul style="list-style-type: none"> • Compensation at market/replacement value • Land for land for vulnerable groups, if available 	<ul style="list-style-type: none"> • Compensation at replacement / Market value based on "prevailing market rate" (<i>as per Land Acquisition Act of 1894</i>) • An amount of 30% on the market value in consideration of the compulsory nature of the acquisition. • Additional amount is also allowed for loss of trees, crops, houses or other immovable things. • Damage due to severing of land from other land. • Damage due to injurious acquisition compelling change of residence or place of business. • Interest of 12% on the market value from the date of notification to the date

Type of Losses	Application	Definition of APs	Entitlement	Details
				<p>of declaration of award</p> <ul style="list-style-type: none"> • If actual replacement cost is more than the compensation assessed at "prevailing rates" by the District Collector then the difference shall be paid by the project in the form of "assistance". • Options of compensation and assistance shall be given to the APs for their non-viable residual portion of their land and the loss will be appropriately compensated. • Land for land or assistance to purchase land will be provided to vulnerable APs. • All fees and taxes and other charges incurred for replacement land will be compensated by the project. • Sharecroppers affected by land acquisition will also be compensated.(see 6).

Type of Losses	Application	Definition of APs	Entitlement	Details
				<ul style="list-style-type: none"> • Agricultural labourers will receive an amount equivalent to three months income at local wage rates.
2. Loss of homestead and commercial land	Land required for construction of various facilities	(i) Title Holders; (ii) Land for the vulnerable groups	Compensation at market replacement value	<ul style="list-style-type: none"> • Cash compensation for structure at replacement/ market value (as per LA Act of 1894) • Land for land or assistance to purchase land will be provided to vulnerable APs. • All fees and taxes and other charges incurred for replacement land will be compensated by the project.
3. Loss of residential and commercial structures by owners	Structure on acquired land	(i) Owners of structures	Compensation at replacement cost	<ul style="list-style-type: none"> • Cash compensation for structure at replacement cost (as per LA Act of 1894). • The depreciated value that is deducted for the age of the structure will be paid by the project as grant for rebuilding houses.

Type of Losses	Application	Definition of APs	Entitlement	Details
				<ul style="list-style-type: none"> • Right to salvage material from the demolished structure • Compensation for informal /squatter structures (see 9).
4. Loss of business	<ul style="list-style-type: none"> • <i>Land /Structure affected by acquisition</i> • Structure on Govt. land 	Individual	Lump sum	<ul style="list-style-type: none"> • Loss of income assistance - lump sum grant based on type of business for a minimum period of one month. • Any lost business asset will be compensated at replacement cost.
5. Loss of work by employees	<i>Households Affected</i>	Individual	Lump sum	<ul style="list-style-type: none"> • This is valid for persons indirectly affected due to the employer having being displaced, assistance will be paid on a case-by-case, based on local wage

Type of Losses	Application	Definition of APs	Entitlement	Details
	by structures on acquired land / govt. land			<p>on a case-by-case, based on local wage rates for three months.</p> <ul style="list-style-type: none"> • Alternative economic rehabilitation grant for vulnerable groups on lump sum basis. • Training for up-gradation of skills for vulnerable groups and linked to employment opportunities
6. Non-Perennial crops	Households affected by land acquisition	Household	Notice to harvest standing crops	<ul style="list-style-type: none"> • Sharecroppers affected by land acquisition will be paid compensation at the market value. • Grant towards crop lost before harvest due to forced relocation, equal to market value of crop lost plus cost or replacement of seeds for the next season harvest.
7. Trees/ Perennial crops	Households affected by land	Household	Compensation at “market value”	<ul style="list-style-type: none"> • Compensation for perennial crops and trees will be calculated as per the annual produce value for the crop in question, times average

Type of Losses	Application	Definition of APs	Entitlement	Details
	acquisition			<p>number of years for a similar crop to reach production age.</p> <ul style="list-style-type: none"> • Compensation for trees based on timber value at market price to be determined by Forest dept for timber trees; for other perennial trees by Departments of Agriculture, Horticultural department as the case may be.
8. Encroachers	Owners who have extended their buildings, agricultural holdings, business premises illegally	Household	Will receive no compensation for land but assistance for the lost assets.	<ul style="list-style-type: none"> • Encroachers will be notified a time in which to remove their assets and advance notice to harvest standing crops. • Compensation for structures at replacement cost on a case to case basis.

Type of Losses	Application	Definition of APs	Entitlement	Details
	into the Govt. land			
9. Loss of structure by squatters and informal settlers	Households on Govt. / private land	Household	No compensation for land but compensation for structure at replacement costs and other assistance	<ul style="list-style-type: none"> • Compensation for loss of structure at replacement cost to be paid by the project. • The depreciated value if deducted for the age of the structure will be paid by the project as additional grant for rebuilding houses. • Right to salvage materials from demolished structures • A lump sum shifting allowance of Rs 1000. • Additional cash grant for relocation and house reconstruction for vulnerable APs.

Type of Losses	Application	Definition of APs	Entitlement	Details
10. Loss of primary source of Income	Households affected by land acquisition	<i>Individual</i>	Additional assistance for income restoration and training	<ul style="list-style-type: none"> • The assistance will be equal to Rs 2000 for income generating vocational training option as per APs choice. • The training includes starting suitable production or service activity. • Access to training, which includes income generating assistance • Economic rehabilitation support and training
11. Loss of business by Kiosks	Households affected due to disruption of business location of shifting business	<i>Individual</i>	Compensation / assistance for disruption caused to business	<ul style="list-style-type: none"> • Cash assistance (<i>according to the type of business</i>) to owners of kiosks who would suffer business disruption during construction period of the project • Mobile and ambulatory vendors would not be eligible for compensation or assistance. • Ambulatory vendors licensed for fixed locations would be considered as kiosks.

Type of Losses	Application	Definition of APs	Entitlement	Details
				<ul style="list-style-type: none"> Where numerous vendors (50 or more) are displaced from one site, provision for vendors' market will be made if suitable site for shopping area is available. The market would be rent-free for first six months; thereafter displaced vendors will be encouraged to purchase the market site collectively
12. Loss of community facilities/common property resources	Structures affected by land acquisition	<i>Schools, mosque, temples, other community assets</i>	Reconstruction / enhancement of the community facilities	<ul style="list-style-type: none"> Cash compensation at replacement value for the structures and improvement grant for community facilities.
13. Any other impact not yet identified, whether loss of asset or livelihood.				Unforeseen impacts shall be documented and mitigated based on the principles agreed upon this policy framework.

Procedures for RP Preparation

11. The RP for the subprojects will be prepared in accordance with MPLA Act and ADB Guidelines on Resettlement as follows: (i) EA to carry out social impact assessment surveys for identified subprojects, based on preliminary technical designs, (ii) full census of APs, inventory of assets, detailed measurement survey, land survey and consultation with APs (iii) if impacts are found to be “significant”, EA will prepare full RPs for each subprojects; and (iv) if subproject impacts are less than significant, short RPs would be sufficient for project preparation. The consultants appointed to assist PMU will include an expert resettlement specialist familiar with ADB policy and procedures for preparation of subproject RPs. During implementation, the EA will prepare RPs for each subproject in accordance with ADB's policy on involuntary resettlement and this Framework and submit to ADB for approval before award of civil works contract. In addition to this, conditions also include disclosure to APs, delivery of compensation and allowances, house reconstruction prior to dispossession or displacement of APs, as necessary for each subproject RP. This would ensure that subprojects do not proceed without consultation, disclosure and replacement of assets prior to the dispossession or displacement of APs.

Institutional Responsibilities

12. For sub-projects RPs, EA / UADD will have overall coordination, planning, implementation and financing responsibilities. The EA will appoint the Resettlement Officer and implementing NGO / agency at the time of the PIU establishment for each sub-project. The implementing NGO / agency will assist EA in RP implementation with clearly defined tasks, including community-based social development programs as appropriate. The Resettlement Officer will be responsible for supervision of the implementation work. The

Resettlement Officer and the NGO / agency staff will undergo an orientation and training in resettlement management.

13. The EA will further ensure resettlement budgets are delivered on time to the DC office and the implementing NGOs for timely RP implementation. The Government will provide the entire fund for land acquisition and resettlement. The fund will be released through the DC office for acquired properties, whereas all other additional benefits will be paid by the executing agency through PIU and the implementing NGOs. The EA will agree to meet any shortfall that becomes necessary to achieve the objectives of the RP.

Disclosure, Consultation and Grievances

14. Each RP will be prepared and implemented in close consultation with the stakeholders and will involve information sharing with affected people. This RP framework and the sub-project RPs will be made available to APs in local language(s) during FGD meetings at the site level for their comments at least 4 months before their displacement or dispossession. . Copies of draft RPs will be available at the local level to stakeholders for local inputs. A Grievance Redress Committee (GRC) will be formed with representatives from the APs, women/vulnerable groups, local government and NGOs chaired by the Resettlement Officer.

Various provision under the Land acquisition Act enable grieved APs at different stages of LA to represent their cases to LA office or even refer to court for redressal and seek higher rate of compensation. The main objective of the grievance redressal procedure will be to provide a mechanism to mediate conflict and cut down on lengthy litigation, which often results in delays in implementation. It will also provide people who might

have objections or concerns about their assistance, a public forum to raise their objections and through conflict resolution, address these issues adequately. The functions of the Grievance Redressal Committee shall be to: (i) provide support for the APs on problems arising out of their land/property acquisition; (ii) record the grievance of the APs, categorize and prioritize the grievances that needs to be resolved by the Committee; and (iii) report to the aggrieved parties about the developments regarding their grievances and the decision of the Project authorities. GRC will meet at least once a month and the decision of GRC would be final. Any grievances submitted to the GRC shall be resolved with in a period of 2 to 3 weeks. Other than disputes relating to ownership rights under the court of law, EA will review grievances involving all resettlement benefits, relocation and other assistance.

Monitoring and Evaluation

15. The EA will establish a quarterly monitoring system involving EA and implementing NGO / agency staff, and prepare progress reports on all aspects of land acquisition/resettlement and social development activities. The monitoring consultants, to be hired by the EA in concurrence with ADB, will monitor the implementation of the RP and will report to ADB on the progress of resettlement/social development in the quarterly progress of resettlement and social development plan.

Annex 3 – Sample Questionnaire

CENSUS SURVEY SCHEDULE

Q.No./ID No. :									Date:								
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Owner	<input type="text"/>	Tenant	<input type="text"/>	Sharecropper	<input type="text"/>	Others (specify)	<input type="text"/>
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Name of Investigator :			
Name of Village / Town :			
Name of Block / Tehsil :		District :	

A. OWNER IDENTIFICATION

1	Name of the Owner :			
2	Address :			
3	Khasra No.		Total Area (as in Khasra)	(hec.)
4	Khatuni No.		Total Area	(hec.)

B. HOUSEHOLD DETAILS

1	(a) Name of the Head of the Household:			
	(b) Whether woman headed household	Yes / No		
	(c) If yes in 1(a) then whether	1. Widowed	2. Separated / Deserted	3. Divorced
2	Name of the respondent:			

3	Relationship of respondent with the Head of the HH:											
	1. Self		2. Wife		3. Son		4. Daughter		5. Brother			
	6. Sister		7. Mother		8. Father		9. Brother /Sister in Law					
	10. Son/ Daughter in law				11. Grand son / daughter							
	12. Grand son / Daughter in law				13. Niece / Nephew							
	14. Mother/ Father in law				15. Husband							
	99. Others (Specify)											
					Above 18 Yrs		Children (up to six years)		Children (6+ to 18 years)		Total	
					Male	Female	Male	Female	Male	Female	Male	Female
4	Number of Family Members (Including Respondent)											
5	Whether any members with disability											

C. SOCIAL GROUP PARTICULARS

1	Family Type	1 Joint		2. Nuclear		3. Extended	
2	Religious Groups	1. Hindu		2. Muslim		3. Sikh	
		4. Christian		5. Jain		99. Other (Sp.)	
3	Social Stratification	1. SC	2. ST	3. OBC	4. General	5. Not Applicable	

	n				l	
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D. OWNERSHIP

1	Do you / your family own the plot / agriculture land	1. Yes	2. No
	If yes, Since when ----- / ----- / -----		
2	If No, then	1. Tenant/Lease	2. Encroacher
			3. Cultivating Informally
3	Do you own the structure	1. Yes	2. No
4	If No, then	1. Tenant/Lease	2. Encroacher
			3. Squatter
5	If Yes in (1) Do you have legal document to support your claim		1. Yes 2. No
6	If Yes in (3) Do you have legal document to support your claim		1. Yes 2. No
(If Yes, ask for Document)			
7	Document provided : for (5) Yes / No for (6) Yes / No		

E. ENLISTMENT

1	Do you have a ration card	1. Yes	2. No
	If yes, Since when?		
2	Is your name included in voters list?	1. Yes	2. No
	(If Yes, Since when?)		

F. STRUCTURE DETAILS

1	Type of Structure	1. Kutchha	2. Semi Pucca	3. Pucca
2	Measurement (approx.)	(Sq.met r)		
3	Age of the Structure (approx.)	(Years)		
4	Estimated Cost of the building	(Rupee		

Tree (In Nos.)	Total Unit Owned	No. of Trees getting affected	Cost of interventio n (Rs.)	Income / Year (Rs.)
Fruit Bearing				
Fodder				
Fuel Wood				

J. IRRIGATION UNITS GETTING AFFECTED(Multiple Response Possible)

Irrigation Units (In Nos.)	Total Unit Owned	Affected Units	Cost (Rs.)
Dug Wells			
Tube Wells			
Other Specify			

K. TO BE FILLED BY INVESTIGATOR

1. Type of Effect: (Multiple Response Possible)

(Not to be asked but to be assessed by the investigator based on _____)

1. Losing total house	2. Losing house and entire land
3. Losing house and part of land	4. Losing total land
5. Losing part of land	6. Losing only part of house
7. Losing part of house and part of commercial structure	8. Losing part of Commercial structure
9. Losing house and commercial structure	10. Losing total commercial structure
11. Losing house and part of	12. Losing total commercial

commercial structure	structure and part of house
13. Losing source of income only	14. Others (Specify)

2. Ownership as per Revenue Records and Field Verification:

1. Owner as per revenue record and at site is same
2. Owner not residing/ cultivating land but given on lease /rent
3. Absentee land lord
4. Present Owner not registered his land – ownership record in the name of previous owner
5. Recently purchased land, not yet registered
6. Others (Please Specify)

3. Any other comments:

CHECKED BY _____
(Signature of Investigator)

Name & Signature:

SOCIO-ECONOMIC SURVEY

Q.No./ID No. :							Date	:							
1.O wne r		2.Te nant		3.Sharec ropper		99. Others (specify)									

Name of Investigator :			
Name of Village / Town :			
Name of Block / Tehsil :		District :	

A. OWNER IDENTIFICATION

1	Name of the Owner :			
2	Address			
3	Khasra No.		Total Area (as in Khasra)	(hec.)
4	Khatuni No.		Total Area	(hec.)

B. HOUSEHOLD PARTICULARS

1	Name of the Head of the Household:	
2	Name of the respondent:	

S	Name of the	Rel	S	A	Mar		Us	Occupat	Skills	Phy
			ex		ital		ual	ion		si-

I . N o	the family members (begin with head of househ old)	n. with hea d of HH	M -1 F- 2	g e	ital Stat us	Ed uc- ati on	ual wo rk	Ma in	Su bsi dia ry	Poss esse d (by Adult Mem ber)	cally chall e- nge d

**C ANNUAL INCOME (of
family)**

--	--	--	--	--	--

D. EXPENDITURE PATTERN (multiple codes possible)

Kindly indicate the usual monthly consumption/ expenditure on different items

Sl. No	Particulars	Expenditure (Rs.)
1	Food	
2	Cooking Fuel	
3	Clothing	
4	Health	
5	Education	
6	Communication	
7	Social functions	
8	Agriculture (Such as on seeds, hiring of farm implements, etc.)	
99	Other (Specify)	
	TOTAL	

E. INDEBTEDNESS (multiple codes possible)

1	Have you taken loan/s in the last year		1. Yes		2. No			
2	If Yes from whom have you taken loan from?		1. Bank		2. Private Moneylender		3. Other (specify)	
3	How much, did you take as loan?	R s.						
4	How much have you repaid till date?	R s.						

F. FINANCIAL ASSETS (multiple codes possible)

1	Have you made any savings	1. Yes	2. No		
2	Where have you kept	1.	2. Post	3. At	99.

	your savings?		Bank	Office	home	Any other (spec)
3	How much have you saved?	R s.				

G. ASSET HOLDINGS (multiple codes possible)

Type of Assets		Value (In Rs.)
1	Durable Assets (T.V./Video, Bicycle, Scooter, Watch)	
2	Household Items	
3	Livestock	
4	Agricultural Assets	
5	Others (specify)	
	Total	Rs.

H. COVERAGE UNDER GOVERNMENT DEVELOPMENT SCHEMES (multiple codes possible)

1	Have you availed any benefits under any government scheme?				1. Yes	2. No
3	Can you name the scheme?		1. JRY	2. SJSR Y	3. IRDP	4. Others (Sp)
2	What benefit did you get?	1. Loan				
		2. Training				
		3. Employ ment				
		4. Any other (specify)				
4	After availing this scheme did your annual income increase?			1. Yes	2. No	
5	If Yes, how much			Rs.		

I. MIGRATION (multiple codes possible)

1	Have any of your family members out migrated for work, in the last one year?				1. Yes	2. No
Ask next if Yes or go to J						
2	What time of the year did the person(s) migrate?		1. Summer	2. Winter	3. Rains	
3	What kind of employment was undertaken?	1. AL	2. NAL	3. Trade & Business	4. Others (Sp.)	
4	How much was the earning?					

J CROPPING PATTERN

Kindly give following details:

Sl. No.	Particulars (in acres)		Area Cultivated (in acres)		Yield (Qtl/Acre)		Rate (in Rs./Qtl.)		Cost of Cultivation	
	Irrigated	Un-irrigated	Irrigated	Un-irrigated	Irrigated	Un-irrigated	Irrigated	Un-irrigated	Irrigated	Un-irrigated
Crops										
1										
2										
3										
4										
5										
6										

K RESETTLEMENT AND REHABILITATION OPTIONS

If the proposed project affects your property then:-

1	Are you willing to resettle voluntarily	1. Yes	2. No
2	If No, then how far are you willing to move from your existing location	K m	
3	Are you willing to move out from the land/ building you are occupying now?	1. Yes	2. No
4	Do you require compensation?	1. Yes	2. No
5	Would you require assistance?	1. Yes	2. No
6	If, you are a legal owner of the Property Lost?		
	What kind of compensation would you prefer?		
	1. Land for Land	2. Equivalent Property for Property Lost	3. Govt. Housing Scheme
	4. Business License	5. Cash Compensation	6. Part Property and Part Cash
	7. Full and Complete R & R by the EA.	8. Others (Specify)	
7	If you are a tenant/ sharecropper would you require assistance?	1. Yes	2. No

8 How far will you move from here to find work _____ Km

9 What kind of assistance will you prefer? _____

CODE LIST FOR HOUSEHOLDS PARTIULARS

Relation with the head of household				
1. Self	2. Wife	3. Son	4. Daughter	5. Brother
6. Sister	7. Mother	8. Father	9. Brother/ Sister in law	
10. Son/Daughter in law		11. Grand Son/ Daughter		
12. Grand Son/ Daughter in Law		13. Niece/ Nephew		
14. Mother/Father in law		15. Husband		
99. Others (Sp.)				
Code for Marital Status				
1. Married	2. Unmarried	3. Divorced	4. Separated	5. Widow
6. Widower	7. Deserted			
Code for Education				
1. Illiterate	2. Just Literate	3. Primary (Up to 5 th)		
4. Middle (Up to 8 th)	5. Secondary (upto 10 th)	6. Intermediate (12 th pass)		
7. Graduate	8. Post Graduate	9. ITI		
10. Professionals	11. Pre-School age child (Less than five year)			
12. Child attending aganwadi/Balwadi		99. Others (Specify)		
Code for Usual Activity				
1. Worker	2. Non-Worker	3. Household Work	4. Student	
5. Old/ Retired	6. Non-School going age child	7. Handicapped		
8. School going age	9. Others			

child	
Code for Main and Marginal Workers	
1. Main (If engaged for 183 days or more than 183 days in a year)	
2. Marginal (If engaged for less than 183 days in a year)	
Code for Occupation	
1. Agriculture	2. Agriculture Labour
3. Allied agriculture activities (e.g. dairy, poultry, goatry, piggery, sheep rearing etc.)	
4. Non Agriculture activities	5. Govt. Service
6. Private Service	7. HH Industries (Specify)
8. Trade & Business	9. Professional (Doctor, Engg., Mech., Masanor etc)
99. Other (Specify)	

Annex 4 - Terms of Reference (TOR) for Resettlement Plan Preparation

I. Background

On the request of the Government of Madhya Pradesh, a Technical Assistance (TA) was sanctioned by the Asian Development Bank for project preparation to attract loan funding from the ADB for improving urban infrastructure and municipal services in the six cities namely Bhopal, Indore, Ratlam, Ujjain, Gwalior and Jabalpur.

The UWSEIP project involves investment in four sub-sector components. These are:

- (i) Water Supply Improvement through optimization and expansion
- (ii) Sewerage Collection and Treatment
- (iii) Storm Water Drainage, and
- (iv) Solid Waste Management System.

Under this project the land acquisition requirements have been minimized. Most of the improvement and construction work will be carried out within the existing Government land. However, minimal acquisition of land / private assets may be required for location of various facilities like pumping stations, overhead water reservoirs and drainage diversions etc.

In majority of the sub-projects, land acquisition, if at all necessary, will be minimal. The improvement / construction activities will cause *temporary disruptions* that may affect road side street vendors during laying of pipelines and sewers. If the need for involuntary resettlement arises from land acquisition or temporary disruption of income generation, during detailed design of these sub-project components, a resettlement plan will have to be prepared and implemented in accordance to the government laws and procedures, ADBs policy on Involuntary Resettlement and the Projects agreed Land Acquisition and Resettlement Framework.

The Project Management Unit (PMU) intends to engage an experienced NGO / local firm for preparation of Resettlement Plan/s for these sub-project components.

II. Scope of Work -General

The NGO / local firm will be responsible to the Project Director, PMU who will select and hire them for the Project. The PMU through its PIUs assisted by the Project Management Consultants and the Design Supervision Consultants will monitor

the Resettlement Plan preparation for the sub-project components in the six cities.

The NGO / Local firm will be responsible preparation of RPs for the subprojects in accordance to the government laws and procedures, ADBs policy on Involuntary Resettlement and the Projects agreed Land Acquisition and Resettlement Framework. The NGO / local firm will have to carry out (i) social impact assessment surveys for identified subprojects, based on preliminary technical designs, (ii) full census of APs, inventory of assets, detailed measurement survey, land survey and consultation with APs (iii) if impacts are found to be “significant”, full RPs for each subprojects will have to be prepared; and (iv) if subproject impacts are less than significant, short RPs would be sufficient for project preparation.

III. Scope of work - Specific

The NGO / local firm will carry out its work in consultation with PMU/PIU, Project Management Consultants and Design Supervision Consultants in the following areas:

- Minimize or eliminate resettlement impacts through discussion with other teams members of PIUs, PMC and DSC by modifying preliminary and final technical designs.
- Identify key stakeholders and consult with them closely on their views about the project and resettlement effects, including the people likely to experience resettlement effects. Identify vulnerable groups like people living below the poverty line, women headed households, disabled etc who might require special assistance.
- Conduct a census of all the people potentially affected for each of the sub-project components, to determine the scope and magnitude of the likely resettlement impacts (temporary or permanent) and list the likely losses. Establish a cut-off date for entitlements.
- Conduct a socioeconomic survey of a sample of 20 - 25 percent of the people affected by the sub-project components and establish a baseline of incomes and expenditures, occupational and livelihood patterns, use of resources, arrangements for use of common property, social networks, community organization and cultural parameters.
- As outlined in the Project "Land Acquisition and Resettlement Framework" prepare an entitlement matrix listing all likely effects (permanent and

temporary), eligibility criteria for the resettlement of affected households, and standards for compensation and restoration of the social and economic base of the people affected and common property resources.

- Prepare options for relocation and for income restoration, with special provision for any vulnerable groups, including those without legal title to assets. Provide for relocation costs, lost income and income support during transition.
- Prepare a framework for participation of people affected in the finalization of project component designs, entitlements and the implementation of land acquisition and resettlement. Prepare special measures for consultation with any vulnerable groups. Specify mechanisms for the resolution of grievances.
- Prepare an institutional framework that designates responsibilities to prepare the detailed assets inventories, provide compensation, and undertake relocation work. take responsibility for income restoration, supervise, manage and monitor the implementation of land acquisition and resettlement. Recommend an institutional strengthening strategy and or formation and training of a resettlement unit within the executing agency, if required.
- Prepare a monitoring and evaluation plan, which would include ongoing monitoring by PMU / PIU supplemented by an independent evaluation.
- Prepare a time frame and Implementation schedule for land acquisition and resettlement implementation before award of civil works contract.
- Prepare an indicative budget for land acquisition and resettlement.

IV. Time Frame

The work is scheduled to start in Mid- 2004. The activities listed under II & III will have to be completed within a minimum period of 6 months for all the six cities. The contract may be extended, if required.

V. Selection Criteria, Staffing, Implementation Plan

The NGO / local firm must have at least 5 years work experience in social development activities and proven experience in resettlement planning and implementation. Specifically, the selected NGO / local firm must have (i) demonstrated capacity to

mobilize the required trained and experienced field staff, (ii) experience in planning and implementation of resettlement plan, (iii) demonstrated experience in computerizing resettlement-related database, (iv) development of software package, and (v) experience in resettlement survey, planning, monitoring and evaluation.

The following staffing provision may be necessary for smooth and effective preparation of the Resettlement Plan (Table 1).

This staffing provision may be reviewed, increased and/or reduced during the implementation, based on field situation.

Table 1 - NGO / Local firm - Staffing Requirements

Position	Number	Qualification	Experience
Team Leader/ Sr. Resettlement Specialist	1 for each city	MA/MSc	At least 5 years experience as Team Leader in resettlement survey, planning and implementation, preferably International Donor funded resettlement planning and implementation projects / Programs
Resettlement Specialist	1 for each city	MA/MSc	At least two years experience as resettlement specialist in resettlement survey, planning and implementation of International Donor funded projects
System Analyst	1	MA/MSc	At least two years experience as System Analyst; experience in SE survey/ resettlement database management essential.
Database Manager	3	MSc/BS	At least two years experience as a Database Manager; experience in social survey / resettlement database

Position	Number	Qualification	Experience
			management essential.
Data Entry Operators	2 for each city	BA / BSc	Adequate speed in data computerisation is essential.
Office Manager	1	MA/MSc/ MCom	At least two year experience in similar position
Field Supervisors	2 for each city	BA / BSc	Must have at least two years experience in similar work and position.
Field Investigators	15 for each city	BA/BSc	Two years experience in similar work.

Interested NGOs / local firms should submit proposal (individually or in association with other organisations) for the work with a brief statement of the approach, methodology, and field plan to carry out the tasks as outlined in the scope of work. The proposal should include (i) relevant information concerning previous experience on resettlement plan preparation and implementation and (ii) preparation of reports. The field plan must address training and mobilisation of field supervisors and investigators.

Full CVs (limit 3-5 pages) of key personnel (for example, the Team Leader/ Senior Resettlement Specialist, Resettlement Specialist, Database Manager, System Analyst) must be submitted along with the proposal. Copies of certificates/diplomas must be submitted with the CVs.

The bidding agency must be a registered research/consulting agency and/or NGO registered under the Societies Registration Act.

VI. Budget and Logistics

The budget should include all expenses such as staff salary, training, computer/database, transport, field and any other logistics necessary for tasks identified in the scope of work. Additional expense claims whatsoever outside the budget will not be entertained.

VII. Output and Payments

The selected NGO / local firm will require to prepare the following reports. Payments will be linked to the specific deliverables detailed below:-

1. Field Team Mobilization / Training / Inception Report - Week One (after contract agreement)
2. Completion of Census and socio-economic survey - (3 cities) Progress Report - Week 8
3. Completion of Census and socio-economic survey (3 cities) Progress Report - Week 16
4. Draft Resettlement Plan/s - Week 20
5. Final Resettlement Plan/s - Week 24.

The contracted NGO / local firm will receive 20% of the approved budget upon signing of the contract. A second installment of 20% will be paid after completion of census and socio-economic survey in at least 3 cities. The third installment (20%) will be due upon completion of census and socio-economic survey in the remaining 3 cities. The fourth installment (20%) will be due on submission of the Draft Resettlement Plan/s. The remainder (20%) will be paid as final payment after satisfactory completion of the work and submission of the revised Final Resettlement Plan/s.

VIII. Evaluation and Documentation

Three copies (1 Original and 2 Copies - stamped) of the proposal - both technical and financial - should be submitted in separate envelopes. Both technical and financial proposals will be evaluated. Evidence of past experience (e.g., copies of signed contract, certificates of project completion etc.) must be presented with the proposal. Financial proposals of technically qualified NGOs and firms only will be opened.

Evaluation criteria to assess technical qualifications shall include (a) approaches and field plan (b) past experience (c) CV/qualifications of key personnel, and (d) resettlement survey and database management.

The technical proposal will be evaluated for 80 marks while 20 marks will be used for financial proposal. The organization proposing lowest budget will obtain 20 marks; others in between will obtain proportionate marks. The marks for technical proposal may be assigned as indicated in Table 2.

Table 2- Evaluation Criteria

Evaluation Criteria	Technical Qualification
1. Approaches and plan 10	<ul style="list-style-type: none"> • Understanding of the work 5 • Field plan 5
2. Past Experience 30	<ul style="list-style-type: none"> • Resettlement social survey 15 • Resettlement plan preparation 10 • Experience in participatory research techniques 5
3. CV/Qualification of Key Personnel 20	<ul style="list-style-type: none"> • Length of experience in relevant field Senior Resettlement Specialist 10 Resettlement Specialist 5 Database Manager 5 Systems Analyst 5
4. Resettlement Database Management 20	<ul style="list-style-type: none"> • Experience in analysis, Data storing and management 15
5. Financial Proposal 20	<ul style="list-style-type: none"> • Proposed budget 20
Total 100	100

The bidder scoring highest marks will get the work. However, the budget may be negotiated.

IX. Deadline for Submission of Proposal

The proposal must be submitted by noon of 00/00/ 2004. The selected NGO / local firm is expected to start the work in the first week of 00/00/2004.

Annex 5 - Terms of Reference (TOR) for Resettlement Plan Implementation

I. Background

On the request of the Government of Madhya Pradesh, a Technical Assistance (TA) was sanctioned by the Asian Development Bank for project preparation to attract loan funding from the ADB for improving urban infrastructure and municipal services in the six cities namely Bhopal, Indore, Ratlam, Ujjain, Gwalior and Jabalpur.

The UWSEIP project involves investment in four sub-sector components. These are:

- (iv) Water Supply Improvement through optimization and expansion
- (v) Sewerage Collection and Treatment
- (vi) Storm Water Drainage, and
- (vii) Solid Waste Management System.

It has been the aim of this project to minimise the land acquisition requirements. Most of the improvements and construction work will be carried out on available Government land. However, minimal acquisition of land / private assets may be required for location of some facilities like pumping stations, overhead water reservoirs and drainage diversions, etc. Resettlement Plan/s for the sub-project components have been prepared in accordance with the government laws and procedures, ADB's policy on Involuntary Resettlement and the Project's agreed "Land Acquisition and Resettlement Framework".

The Project Management Unit (PMU) intends to engage an experienced NGO / local firm for implementation of the Resettlement Plan/s for these sub-project components, prepared between June - December 2004.

II. Scope of Work -General

The NGO / local firm will be accountable to the Project Director, PMU who will be responsible for hiring for the Project. During implementation of the RP, the PD will also provide a full set of Census and socio-economic baseline data for the sub-project components in order that individual AP files can be prepared and other resettlement related activities can be carried out by the NGO / local firm. He would also provide the necessary help from the DC offices regarding collection of land records, DC award lists and payments of compensation for lost assets etc. The PMU, through its PIUs and assisted by the Project Management Consultants and the Design Supervision Consultants, will monitor the implementation of the Resettlement Plan, for the sub-project components, in the six cities. The main responsibilities include:

- To design and produce information materials such as project brochures, pamphlets, posters, and billboards to be used for disclosure to the Affected Persons (APs).
- To assist PMU/PIU, in consultation with APs, on resettlement / relocation options and finalization of individual entitlements, as outlined in the entitlement matrix.
- To assist PMU / PIU in delivery of compensation and allowances, house reconstruction prior to dispossession or displacement of APs as recorded by the census survey during RP preparation, as necessary for each subproject RP.

III. Scope of work - Specific

The work to be carried out by the NGO / local firm will include all implementation activities underlined in the RPs. At all stages of execution, the NGO / firm will carry out its work in consultation with PMU, PIU, Project Management Consultants and Design Supervision Consultants in the following areas:

- To carry out all the planned activities in consultation with the PMU, PIU, PMC and DSC. Finalization of relocation and resettlement schedule as outlined in the resettlement plan/s for the sub-project components in consultation with Project Director, Social Development Specialist, PMU and Project Consultants.
- Prepare information campaigning materials (Brochures in Hindi, Leaflets, Posters, Banners etc.), and conduct information campaign regarding compensation categories, resettlement policies, AP entitlements - specific to the sub-project components in the cities.
- In the event of minimal land acquisition for location of various facilities, which are primarily the responsibility of Govt. of Madhya Pradesh, the NGO / local firm will liaise with the offices of the District Collectors, PIU, Land Acquisition Committee (LAC) and relevant authorities, to expedite land acquisition process and assist in finalizing estimates of compensation.
- Assist in verification of APs (listed earlier during census survey) by categories (following the Entitlement Matrix) and issue ID cards accordingly.
- Conduct consultation meetings regularly with APs on resettlement matters and provide all necessary

information related to their entitlements, necessary legal documentation, and procedures of payments, and estimated payment schedules, finalize entitlement packages for individual APs as per the entitlement matrix and also assist them in receiving payments

- The NGO / local firm will assist APs in obtaining compensation for land, structures, crops, trees, etc. at current market/ replacement rates. Assist in finding suitable house sites and agricultural land (if applicable) for APs who choose “self-relocation” as an option. Where there is the scope of physical resettlement, the NGO / local firm will assist the PIUs in identifying suitable resettlement sites, motivating the APs to shift to those places and supervise/ monitor smooth shifting process.
- In co-ordination with PMU/ PIU prepare additional payments (in accordance with the approved entitlement matrix) to eligible APs for loss of land, shifting allowance, business restoration grant, grant for loss of income, and indirect losses. Help APs in their livelihood and income restoration process in consultation with PMU / PIU and others concerned.
- Assist vulnerable groups (female-headed households, widow, elderly women, landless and destitute / disable bodied others) in their physical and economic rehabilitation as per the entitlement matrix in RPs.
- Grievance redressal is an important component of successful and smooth implementation of RP. The NGO / local firm will take main responsibility to effectively address the grievances of the APs in consultation with Grievance Redressal Committees (GRCs).
- The NGO / local firm will prepare a computerized database of all APs, their entitlements and payments in consultation with PMU / PIU and update it as required.
- Monitor all land acquisition and resettlement related activities and prepare progress reports on behalf of PMU / PIU highlighting monthly progress in all areas as well as implementation issues/constraints that require decisions by PMU/PIU and other agencies involved.

IV. Time Frame

The work is scheduled to start in January- 2005. The activities listed under II & III will have to be completed within a minimum period of 6 months. The contract may be extended, if required.

V. Selection Criteria, Staffing, Implementation Plan

The NGO / local firm must have at least 5 years work experience in social development activities and proven experience in resettlement planning and implementation. Specifically, the selected NGO / firm must have (i) demonstrated capacity to mobilize the required trained and experienced field staff, (ii) experience in planning and implementation of resettlement plan, (iii) demonstrated experience in computerizing resettlement-related database, (iv) development of software package, and (v) experience in resettlement survey, planning, monitoring and evaluation.

The following staffing provision may be necessary for smooth and effective implementation of the Resettlement Plan (Table 1).

This staffing provision may be reviewed, increased and/or reduced during the implementation, based on field situation.

Table 1: Staffing Requirements and Qualification

Position	Unit	Qualification and Experience	Total Persons/month
Team Leader	1 for each city	Qualifications – minimum MA in social science, Ph.D. preferred (sociology/development studies). Experience – 5 years in development field, including: (i) planning and implementation of social development and resettlement programs; (ii) leadership in multidisciplinary teamwork; (iii) good writing skills for report writing.	6-months
Resettlement / Gender Specialist	1 for each city	Qualifications – MA/ BSC; 5 years of work experience in infrastructure/ community-social development and resettlement implementation project; fluent in Hindi; good fully conversant in local language; good communication and inter-personal	6-months

Position	Unit	Qualification and Experience	Total Persons/month
		skills for informal training/focal group discussion on resettlement and 2 years of field work experience in women in development issues.	
Information Materials Development Specialist	1	Qualifications – Diploma in communication and media studies; experience in developing posters and other print media for information dissemination related to RP policy and entitlements.	3-months
System Analyst	1	MA/MSc At least two years experience as System Analyst; experience in SE survey/ resettlement database management essential	4 months
Database Manager	3	MSc/BSc At least two years experience as a Database Manager; experience in social survey / resettlement database management essential	6 months
Data Entry Operators	2 for each city	BA / BSc Adequate speed in data computerisation is essential	6 months
Office Manager	2	MA/MSc/ MCom At least two year experience in similar position	6 months

Position	Unit	Qualification and Experience	Total Persons/month
Field Supervisors	2 for each city	BA / BSc Must have at least two years experience in similar work and position	6 months
Field Investigators	20 for each city	BA/BSc Two years experience in similar work.	6 months

Interested NGOs / local firms should submit proposal (individually or in association with other organisations) for the work with a brief statement of the approach, methodology, and field plan to carry out the tasks as outlined in the scope of work. The proposal should include (i) relevant information concerning previous experience on resettlement plan preparation and implementation and (ii) preparation of reports. The field plan must address training and mobilisation of field supervisors and investigators.

Full CVs (limit 3-5 pages) of key personnel (for example, the Team Leader, Resettlement Specialist / Gender Specialist, Information and Material Specialist, Database Manager, System Analyst) must be submitted along with the proposal. Copies of certificates/diplomas must be submitted with the CVs.

The bidding agency must be a registered research/consulting agency and/or NGO registered under the Societies Registration Act.

VI. Budget and Logistics

The budget should include all expenses such as staff salary, training, computer/database, transport, field and any other logistics necessary for tasks identified in the scope of work. Additional expense claims whatsoever outside the budget will not be entertained.

VII. Outputs and Payments

The selected NGO / local firm will require to prepare the following reports. Payments will be linked to the specific deliverables detailed below:-

1. Field Team Mobilization / Training / Inception Report - Week One (after contract agreement)

2. Completion of Physical Verification of APs - (3 cities) / Progress Report - Week 8
3. Completion of Physical Verification of APs - (3 cities) / Progress Report - Week 16
4. Distribution of ID cards, disbursement of entitlements and submission of draft Resettlement Plan Implementation Report (6 cities) Week 20
5. Final Resettlement Plan Implementation Report- Week 24.

The contracted NGO / local firm will receive 20% of the approved budget upon signing of the contract. A second installment of 20% will be paid after completion of physical verification of APs in atleast 3 cities and submission of a progress report. The third installment (20%) will be due upon completion of physical verification of APs and submission of progress report in the remaining 3 cities. The fourth installment (20%) will be due on distribution of ID cards, disbursement of entitlements and submission of the Draft Resettlement plan Implementation. The remainder (20%) will be paid as final payment after satisfactory completion of the work and submission of the revised Final Resettlement Plan Implementation Report.

VIII. Evaluation and Documentation

Three copies (1 Original and 2 Copies - stamped) of the proposal - both technical and financial - should be submitted in separate envelopes. Both technical and financial proposals will be evaluated. Evidence of past experience (e.g., copies of signed contract, certificates of project completion etc.) must be presented with the proposal. Financial proposals of technically qualified NGOs and firms only will be opened.

Evaluation criteria to assess technical qualifications shall include (a) approaches and field plan (b) past experience (c) CV/qualifications of key personnel, and (d) resettlement survey, implementation and database management.

The technical proposal will be evaluated for 80 marks while 20 marks will be used for financial proposal. The organization proposing lowest budget will obtain 20 marks; others in between will obtain proportionate marks. The marks for technical proposal may be assigned as indicated in Table 2.

Table 2 : Evaluation Criteria

Evaluation Criteria	Technical Qualification
1. Approaches and plan 10	<ul style="list-style-type: none"> • Understanding of the work 5 • Field plan

	5
2. Past Experience 30	<ul style="list-style-type: none"> • Resettlement social survey & plan preparation 15 • Resettlement plan implementation 10 • Training/resettlement income restoration experience 5
3. CV/Qualification of Key Personnel 20	<ul style="list-style-type: none"> • Length of experience in relevant field Team Leader 5 Resettlement / Gender Specialist 5 Information & Material Specialist 5 Database Manager 5 System Analyst 5
4. Resettlement Database Management 20	<ul style="list-style-type: none"> • Experience data storing and management 15
5. Financial Proposal 20	<ul style="list-style-type: none"> • Proposed budget 20
Total 100	100

The bidder scoring highest marks will get the work. However, the budget may be negotiated.

IX. Deadline for Submission of Proposal

The proposal must be submitted by noon of 00/00/ 2004. The selected NGO / local firm is expected to start the work in the first week of 00/00/2005.

Annex 6 - TOR for Independent Monitoring of Resettlement Implementation

I. TOR- General

1. To review and verify the progress in resettlement implementation as outlined in the Resettlement Plan/s specific for the sub-project components.
2. To assess whether resettlement objectives, particularly livelihoods and living standards of the Affected Persons (APs) have been restored or enhanced.
3. To assess resettlement efficiency, effectiveness, impact and sustainability, drawing both on policies and practices and to suggest any corrective measures, if necessary.

II. Specific Tasks and Methodology

4. Review pre-displaced baseline data of the APs for the different sub-project components, which would include (i) income and expenditure, (ii) occupational and livelihood patterns, (iii) arrangements for use of common property, (iv) social organization, community organizations and cultural parameters.
5. Identify an appropriate set of indicators for gathering and analyzing information on resettlement impacts; the indicators shall include but not limited to issues like (i) budget and timeframe regarding land acquisition, relocation of APs, delivery of entitlement packages, restoration of income and living standards and level of satisfaction by the APs in post-resettlement period.
6. Review results of internal monitoring and verify claims through random checking at the field level to assess whether resettlement objectives have been generally met. Involve the APs and community groups in assessing the impact of resettlement for monitoring and evaluation purposes.
7. Conduct both individual and community level impact analysis through the use of formal and informal surveys, key informant interviews, focus group discussions, community public meetings, and in-depth case studies of APs and community groups from various social classes to assess the impact of resettlement.
8. Identify the strengths and weaknesses of basic resettlement objectives and approaches, implementation strategies, including

institutional issues, and provides suggestions for improvements in future resettlement policy making and planning.

III. Qualifications

9. An outside research or consulting agency or development NGO or a local expert can conduct this independent evaluation. The local firm / NGO / individual consultant must have at least with 5 years experience in project monitoring work. In case of individual consultants MA in Social Science and Ph.D. will be preferred. The local firm / NGO / individual consultant with experience in resettlement management and monitoring work in ADB and World Bank-financed will be given preference.

IV. Implementation Schedule and Inputs

10. The implementation of RP/s is expected to start in first quarter of 2005. The local firm / NGO / monitoring expert will be hired for six (6) months for intermittent inputs over a period of three years. The expert is expected to conduct at least three monitoring mission for the first one year of RP implementation and then bi-annually for the remainder period. Ideally, each monitoring mission will be for about four weeks.

V. Reporting Requirements

11. The local firm / NGO / monitoring expert will review the status of the RP implementation in light of the targets, budget and duration as outlined in the Resettlement Plan/s for each sub-project component. The expert will submit reports to the ADB and PMU after each monitoring mission and determine the implementation status and quality of resettlement operations and also assess whether resettlement goals have been achieved, more importantly whether livelihoods and living standards have been restored/enhanced and suggest suitable recommendations for improvement.

12. The local firm / NGO / monitoring expert will prepare a Final Report on the project monitoring work at the end of the contract period indicating the project performance and lessons learned for future projects.