

Resettlement Plan

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India: Rajasthan Urban Sector Development Investment Program—Alwar Urban Transport and Roads Subproject

Prepared by Local Self Government Department

ABBREVIATIONS

ADB	—	Asian Development Bank
BPL	—	below poverty line
CBO	—	community-based organization
CLC	—	City Level Committee
DSC	—	Design and Supervision Consultant
GRC	—	Grievance Redress Committee
IPIU	—	Investment Program Implementation Unit
IPMC	—	Investment Program Management Consultant
IPMU	—	Investment Program Management Unit
LAA	—	Land Acquisition Act
LSGD	—	Local Self Government Department
MFF	—	Multitranches Financing Facility
MLD	—	million liter per day
NGO	—	nongovernmental organization
NRRP	—	National Resettlement and Rehabilitation Policy
PAF	—	Project Affected Family
PAH	—	Project Affected Household
PIU	—	Project Implementation Unit
PMU	—	Project Management Unit
ROW	—	Right of Way
RUIDP	—	Rajasthan Urban Infrastructure Development Project
RUSDIP	—	Rajasthan Urban Sector Development Investment Programme
SDS	—	Social Development Specialist
STP	—	Sewage Treatment Plant
ULB	—	urban local body

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I. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

1. The Investment Program will optimize social and economic development in 15 selected towns¹ in Rajasthan through investments in urban infrastructure (water supply, wastewater management, solid waste management, urban drainage, and urban transport and roads), social infrastructure, and infrastructure support to cultural heritage. The Program will also provide policy reforms to strengthen urban governance, management, and support for urban infrastructure and services.² This resettlement plan has been prepared for the first phase of the urban transport and roads subproject in Alwar.

2. Scope and components of the works consist of the construction of a road over bridge (ROB) which will provide continuous road connection between Station Road and Itrana Road to replace the existing level crossing which is closed 35 times a day to allow the passage of 44 trains. The subproject includes (i) a 2-lane flyover, (ii) approach ramps, (iii) road widening, and (iv) improvement of ground-level road surface.

3. Minimizing land acquisition and resettlement impacts was a primary consideration in subproject design and alignment. While most subproject works will be within the existing roads and vacant rights of way (RoW), the subproject will have an impact on the fence and store room of the Government Polytechnic College Alwar. A diagram is provided in Appendix 1. A 60-meter (m) long section of the 2.2-m high fence will need to be moved back to accommodate the ROB and a 10 by 5-m store room and various minor unused/abandoned structures will have to be demolished. The store room is used primarily for the storage of student's uniforms. There is sufficient vacant land within the College compound for a new store-room. The total land which will be taken by the ROB within the College compound is 0.20 ha. Reconstruction of the store room in the college compound free of cost has been added in the contract of the contractor. The alignment of ROB has been changed to avoid to any blockage in existing level crossing of railways gate due to which previously mentioned 3 affected persons are not getting affected from the ROB construction and presently no person is getting temporarily or permanently affected. A map showing change in alignment is attached as Map 2.

II. SOCIO-ECONOMIC BACKGROUND

4. To estimate the temporary impacts initially a series of transect walks were conducted; this was followed by a 100% census and a socio-economic survey conducted in the areas, where the works are to be done. This was conducted with the help of a predesigned tool (Appendix 2). The Census was conducted using a two page questionnaire with a battery of questions to address:

- (i) Name of respondent;
- (ii) Daily Income from the affected structure;
- (iii) Whether or not belongs to the under privileged / marginal class;
- (iv) Details of the Construction Package with Address and Chainage;
- (v) Whether location is in urban, peri-urban or rural area;
- (vi) Type of loss: viz. Residential, Commercial, Kiosks etc;
- (vii) Whether the occupant of the structure is a squatter;

¹ Particularly district headquarters and towns with significant tourism potential.

² The assistance will be based on the State-level framework for urban reforms, and institutional and governance reforms recommended by the Government of India through the Jawaharlal Nehru National Urban Renewal Mission and Urban Infrastructure Development Scheme for Small and Medium Towns.

- (viii) Address of the structure;
- (ix) Whether the affected occupant holds a legal paper for occupancy;
- (x) Whether the occupant has Ration Card & enlisted in Voter's list;
- (xi) Description of the affected structure and its present use;
- (xii) Description of the affected structure within the ROW;
- (xiii) Parallel Distance of the affected structure along the ROW;
- (xiv) Perpendicular Distance of the affected structure from the Centre line; and
- (xv) Type of construction of the structure for Roof, Walls, Floor & boundary.

5. A socio-economic survey on 20% of the occupants of the affected structures was conducted as per the requirements after the completion of Census survey in the stretches of impact of the proposed construction package. This was done with the aid of a structured close ended (for ease of information processing) battery of questions targeted to elicit responses on cardinal socio-economic enquiries:

- (i) Name of the Head of the Household;
- (ii) Name of Respondent;
- (iii) Relationship of the respondent with the household;
- (iv) Details of the family type e.g. Nuclear, Joint or Extended;
- (v) Social class & caste of the family e.g. Scheduled Tribe, Scheduled Caste, OBC or higher caste;
- (vi) Details of the family members with corresponding details:
 - (a) Name of each of the family members;
 - (b) Age of each of the family members;
 - (c) Relationship with the household;
 - (d) Sex of each of the family members;
 - (e) Marital status of each of the family members;
 - (f) Attained Educational levels of each of the family members;
 - (g) Any particular skill of each of the family members; and
 - (h) Main or marginal nature of work & general work of family members.
- (vii) Nature of business of name of each of the family members;
- (viii) Source of Annual Income of the Household;
- (ix) Type of Use of affected structure;
- (x) Details of nature of business carried out from the affected structure;
- (xi) Assets of the Household in terms of movable & immovable property;
- (xii) Standard of living in terms of expenses on essentials; and
- (xiii) Indebtedness of the Family.

6. Summary information from the socio-economic survey is in Appendix 3. A summary of resettlement impacts is in Table 1. The scope of land acquisition and resettlement identified was based on preliminary design and has been updated during detailed design.

Table 1: Summary of Resettlement Impacts

Items	Impact
Permanent Land Acquisition	0.20 ha will require transfer from the College which is a Government institution
Temporary Land Acquisition	0
Temporarily Affected Persons / Vendors (affected person)	0
Titled affected persons (Temporarily Affected)	0
Non Titled affected persons (Temporarily Affected)	0
Female Headed affected household	0
Indigenous People / Scheduled Tribe Headed affected household	0
Below Poverty Line Affected household	0
Permanently Affected Structures	1
Temporarily Affected Structures	0
Affected Tree / Crops	0
Affected Common Property Resources (CPR)	0
Average Family Size of affected households	
Average Monthly Income of affected households	
Income Sources Affected	

CPR = common property resources.

III. POLICY FRAMEWORK AND ENTITLEMENTS

7. The policy framework and entitlements for the Program are based on national laws: *The Land Acquisition Act, 1894* (LAA, amended in 1984), and the National Policy on Resettlement and Rehabilitation for Project Affected Persons, 2003 (NRRP); Asian Development Bank's (ADB) *Safeguards Policy Statement 2009*; and the agreed Resettlement Framework. Based on these, the following core involuntary resettlement principles applicable are:

- (i) land acquisition, and other involuntary resettlement impacts will be avoided or minimized exploring all viable alternative subproject designs;
- (ii) where unavoidable, time-bound Resettlement Plans will be prepared and affected persons will be assisted in improving or at least regaining their pre-program standard of living;
- (iii) consultation with affected persons on compensation, disclosure of resettlement information to affected persons, and participation of affected persons in planning and implementing subprojects will be ensured;
- (iv) vulnerable groups will be provided special assistance;³
- (v) payment of compensation to affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets at replacement rates;
- (vi) payment of compensation and resettlement assistance prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities;
- (vii) provision of income restoration and rehabilitation; and
- (viii) establishment of appropriate grievance redress mechanisms.

8. Policy framework and entitlements are further discussed in Appendix 4. The entitlement matrix for the subproject based on the above policies and Section D of this Resettlement Plan are in Table 2.

³ Including poor households, households headed by women, the elderly, the disabled, and indigenous peoples.

Table 2: Entitlement Matrix

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
1	Loss of structure	Structure and other assets	Legal titleholders	<ul style="list-style-type: none"> • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable). • Fees, taxes, and other charges related to replacement structure. • Right to salvage materials from structure and other assets. 		Valuation committee will determine replacement value.
2	Any other loss not identified	-	-	<ul style="list-style-type: none"> • Unanticipated involuntary impacts will be documented and mitigated based on the principles of the Resettlement Framework. 	-	NGO will ascertain the nature and extent of such loss. IPMU will finalize the entitlements in line with the Resettlement Framework.

IPMU = Investment Program Management Unit, NGO = nongovernmental organization.

IV. CONSULTATION, INFORMATION DISSEMINATION, DISCLOSURE, AND GRIEVANCE REDRESS

9. The Resettlement Plan was prepared in consultation with stakeholders. Meetings and individual interviews were held involving stakeholders, particularly potentially temporarily affected persons; and transect walks census, survey and interviews were conducted to determine the potential impacts of subproject construction to prepare the sample subproject Resettlement Plan. Following the model developed for the multitranche financing facility (MFF), a town-wide stakeholder consultation workshop was conducted which provided an overview of the Program and subprojects to be undertaken in Alwar. During Program preparation, a town-wide stakeholders' consultation workshop was conducted which provided an overview of the Program and subprojects to be undertaken in Alwar; and discussed the Government and ADB's resettlement policies, and potential resettlement impacts of the subprojects in Alwar. During the workshop, Hindi versions of the Resettlement Framework were provided to ensure stakeholders understood the objectives, policy principles and procedures for any land acquisition, compensation and other assistance measures for any affected person. Information continues to be disseminated to affected persons and beneficiaries through various media. English and Hindi versions of the Resettlement Framework and Resettlement Plan have been placed in the Urban Local Body (ULB) office and Resettlement Plans have been provided to affected persons. The nongovernmental organization (NGO) engaged to implement the Resettlement Plan will continue consultations, information dissemination, and disclosure. A strategy for continued consultations and participation is in the Resettlement Framework. The Resettlement Plan has already been made available in the ULB office, Investment Program Project Management Unit and Implementation Unit (IPMU and IPIU) offices, and the town library. The finalized Resettlement Plan has already been disclosed in ADB's website, the State Government website, the local government website, and the IPMU and IPIU websites. ADB review and approval of the Resettlement Plan is required prior to award of civil works contracts; and compensation/assistance of affected persons is required prior to commencement of civil works.

10. Grievances of affected persons will first be brought to the attention of the implementing NGO or Social Development Specialist (SDS). Grievances not redressed by the NGO or SDS will be brought to the City Level Committees (CLC) set up to monitor project implementation in each town. The CLC, acting as a grievance redress committee (GRC) is chaired by the District Collector with representatives from the ULB, state government agencies, IPIU, community-based organizations (CBOs) and NGOs. As GRC, the CLC will meet every month. The GRC will determine the merit of each grievance, and resolve grievances within a month of receiving the complaint, failing which the grievance will be addressed by the inter-ministerial Empowered Committee. The Committee will be chaired by the Minister of Urban Development and Local Self Government Department (LSGD), and members will include Ministers, Directors and/or representatives of other relevant Government Ministries and Departments. Further grievances will be referred by affected persons to the appropriate courts of law. The IPIU will keep records of all grievances received including: contact details of complainant, date that the complaint was received, nature of grievance, agreed corrective actions and the date these were effected, and final outcome.

V. COMPENSATION AND INCOME RESTORATION

11. Structures affected within the College will be compensated based on the entitlement matrix to enable reconstruction of the lost structures. A Valuation Committee will be constituted comprising Land Acquisition Officers and Accounts Officers of the Collectorate from the zones; the Social Development Specialists (SDS) of the Investment Program Implementation Units (IPIU); and representatives from the IPIU, Public Works Department; affected persons and NGO to determine replacement values. The replacement value of structures and other immovable properties will be finalized by the Valuation Committee through verification that the Basic Schedule of Rates (BSR) published for the State is up to date.

VI. INSTITUTIONAL FRAMEWORK, RESETTLEMENT COSTS, AND IMPLEMENTATION SCHEDULE

12. The LSGD is the Executing Agency responsible for overall technical supervision and execution of all subprojects funded under the Program. The Implementing Agency is the Project Management Unit of the ongoing Rajasthan Urban Infrastructure Development Project (RUIDP), which has been expanded and assigned as the IPMU, to coordinate construction of subprojects and ensure consistency across the towns. The interministerial Empowered Committee provides LSGD with central policy guidance and coordination. The IPMU is assisted by: Investment Program Management Consultants (IPMC) who manage the program and assures technical quality of the design and construction; and Design and Supervision Consultants (DSC), has designed the infrastructure, managing tendering of Contractors, and supervising construction.

13. IPIUs have already been established in the project towns to manage implementation of subprojects in their area. CLCs will monitor subproject implementation in each town. They will appoint Construction Contractors to build elements of the infrastructure in a particular town (supervised by DSC). Once the infrastructure begins to operate, responsibility will be transferred to the appropriate state or local Government Agency, who will be given training, support and financial assistance through the Program where necessary to enable them to fulfill their responsibilities. They will employ local Operations and Maintenance Contractors (OMC) to maintain and repair the infrastructure as required.

14. Resettlement issues will be coordinated by a Social Development Specialist (IPMU SDS) within the IPMU, who will ensure that all subprojects comply with involuntary resettlement safeguards. A Resettlement Specialist who is part of the IPMC team will assist the SDS. SDS, as part of the DSC, will be appointed to work with each IPIU to update the Resettlement Plan in the detailed design stage, and to prepare Resettlement Plans for new subprojects, where required to comply with Government and ADB policies. NGOs will be appointed to implement Resettlement Plans. The responsible agencies, resettlement costs, and implementation schedules are provided in Tables 3, 4, and 5, respectively. Details on implementation arrangements, flow of funds, and implementation schedules are in the Resettlement Framework.

Table 3: Institutional Roles and Responsibilities

Activities	Agency Responsible
Subproject Initiation Stage	
Finalization of sites/alignments for subprojects	IPMU
Disclosure of proposed land acquisition and subproject details by issuing Public Notice	IPMU
Meetings at community/household level with affected persons of land/property	NGO
Formation of Valuation Committees	IPMU
Resettlement Plan Preparation Stage	
Conducting Census of all affected persons	IPMU/IPIU/NGO
Conducting FGDs/meetings/workshops during SIA surveys	IPIU/NGO
Computation of replacement values of land/properties proposed for acquisition and for associated assets	VC/IPIU
Categorization of affected persons for finalizing entitlements	IPIU/IPMU
Formulating compensation and rehabilitation measures	IPIU/IPMU
Conducting discussions/meetings/workshops with all affected persons and other stakeholders	IPIU/NGO
Fixing compensation for land/property with titleholders	VC/IPMU
Finalizing entitlements and rehabilitation packages	IPIU/IPMU
Disclosure of final entitlements and rehabilitation packages	IPIU/NGO
Approval of Resettlement Plan	IPMU/ADB
Sale Deed execution and payment	IPMU
Taking possession of land	
Resettlement Plan Implementation Stage	
Implementation of proposed rehabilitation measures	NGO/SDS
Consultations with affected persons during rehabilitation activities	NGO/SDS
Grievances redressal	NGO/SDS/GRC
Internal monitoring	IPIU
External monitoring	External Agency

ADB = Asian Development Bank, FGD = focus group discussions, GRC = Grievance Redress Committee, IPIU = investment program implementation unit, IPMU = investment program management unit, NGO = nongovernment organization, SDS = Social Development Specialist, SIA = social impact assessment, VC = Valuation Committee.

Table 4: Schedule of Resettlement Implementation

Activity	Months																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
i. Establishment of IPMU and IPIU	♦																	
ii. Appointment of SDS (IPMU and IPIU)	♦																	
iii. Appointment of NGOs	♦																	
iv. Briefing of the CLC on GRC functions	♦																	
v. Census and socio-economic surveys (issuance of i.d. cards)	♦	♦																
vi. Consultations and disclosure		♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
vii. Confirmation of government land to be used and transfer from other departments	♦	♦																
viii. RP preparation		♦	♦															
1. RP review and approval (IPMU and ADB)			♦															
ix. Issue notice to affected persons				♦														
x. Compensation and resettlement assistance					♦	♦	♦											
xi. Relocation as required					♦	♦	♦											
xii. Skills training as required					♦	♦	♦											
xiii. Takeover possession of acquired property								♦	♦	♦								
xiv. Internal monitoring				♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
xv. Handover land to contractors											♦							
xvi. Start of civil works												♦						
xvii. External monitoring												♦						♦
xviii. Rehabilitation of temporarily occupied lands																		Immediately after construction

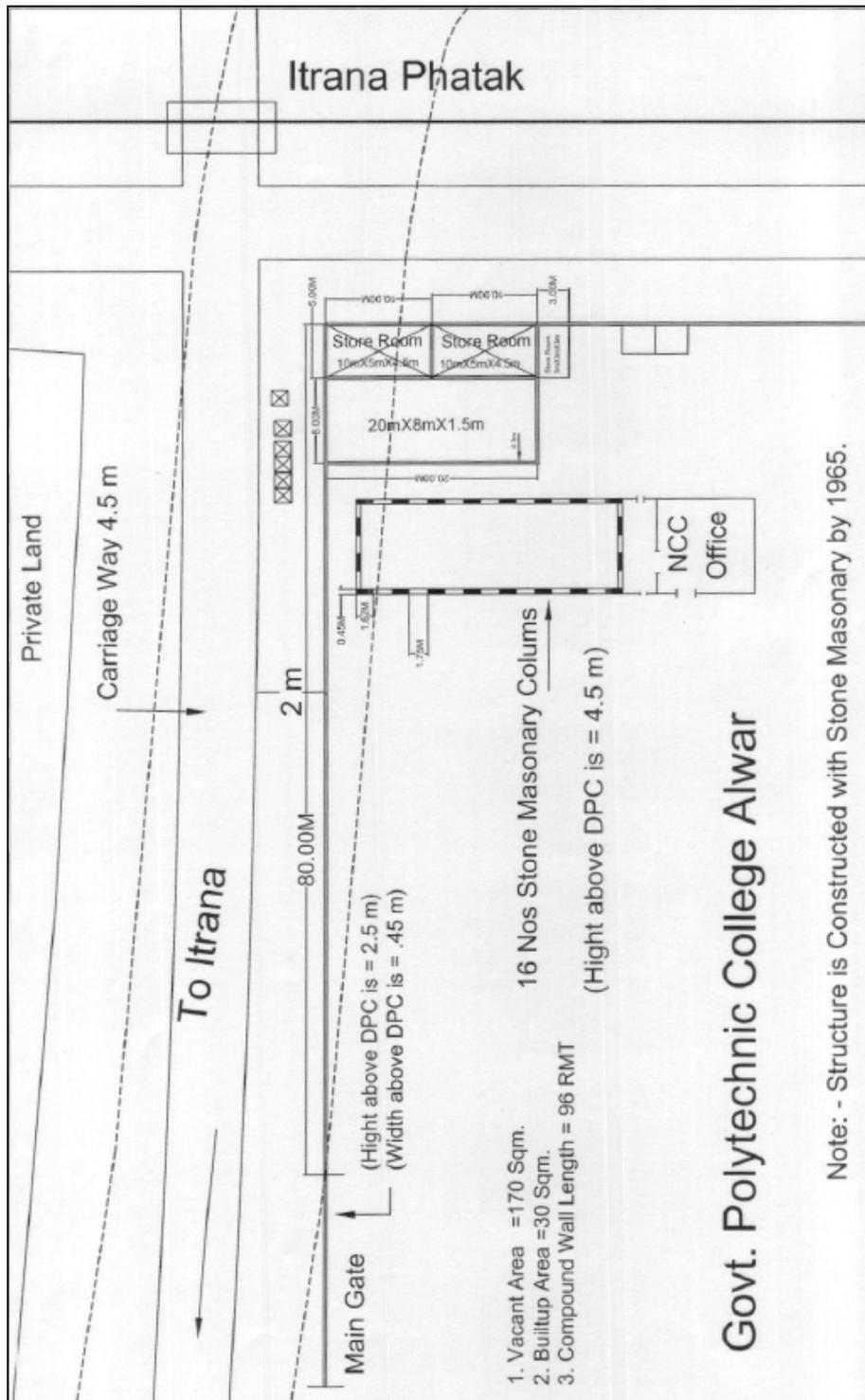
ADB = Asian Development Bank, CLC = City Level Committee, GRC = Grievance Redress Committee, IPMU = Investment Program Management Unit, NGO = nongovernmental organization.

VII. MONITORING AND EVALUATION

15. Resettlement Plan implementation will be closely monitored to provide the IPMU with an effective basis for assessing resettlement progress and identifying potential difficulties and problems. Internal monitoring will be undertaken by the IPIU with assistance from the IPMU. Internal monitoring will involve: (i) administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis; (ii) socio-economic monitoring during and after any resettlement impact utilizing baseline information established through the socio-economic survey of affected persons undertaken during project sub-preparation, and (iii) overall monitoring to assess affected person status. Job charts will be given to the SDS. The job charts will indicate the targets to be achieved during the month. Monthly progress report will be prepared and submitted to the IPMU, reporting actual achievements against the targets fixed in their respective job charts and reasons for shortfalls, if any. The IPIU will be responsible for managing and maintaining affected person databases, documenting results of affected person census, and verifying asset and socio-economic survey data which will be used as the baseline for assessing Resettlement Plan implementation impacts. The Executing Agency will appoint an independent agency to undertake external monitoring to document: (i) restoration of income levels; (ii) changes and shifts in occupation pattern; (iii) changes in affected person type of housing; (iv) assessment of affected persons access to amenities, such as water, electricity, and transportation; and (v) performance of NGO, IPIU, and IPMU in resettlement implementation. The independent

agency will monitor subprojects twice a year and submit reports directly to the Executing Agency (IPMU). The Executing Agency will submit all external monitoring reports to ADB for review. Further details are in the Resettlement Framework.

POTENTIAL IMPACTS OF THE PROPOSED ROAD-OVER-BRIDGE



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4	ikarh@caVkbZ ij yh xbZ Hkwfe ls	
5	d`f"k ;a=ksa dks fdjk;s ij nsus ls	
c	d`f"k vk/kkfjr O;olk; ls	
6	nqX/k mRiknu] eqxhZ ikyu] cdjh ikyu] lqvj ikyu] HksM+ ikyu vkfn	
7	m?kku ls	
l	taxykr	
8	tykou ba/ku ls	
9	taxy mRikn ls	
10	dqVhj m?kksx ls	
11	m?kksx ,oa O;kikj ls	
12	O;olk; @iS'kk ls	
13	ljdkjh ukSdjh ls	
14	izkbZosV ukSdjh ls	
15	xSj [ksrhgj etnwjh ls	
16	[ksrhgj etnwjh ls	
17	fdjk;s ls ¼edku nqdku vkfn ls½	
18	vU; ¼fy[ksa½	

6-0 <kjps dk mi;ksx ¼dsoy O;kolkf;d <kjps ds fy,½

6-1 <kjps dk mi;ksx

1- nqdku 3- odZ'kkWi

2- xksnke 4- dk;kZy; ¼vkwfQl½

6-2 vki fdl izdkj dk O;olk; dj jgs gSA

1	pk; dh nqdku	2	<kck	17	ukbZ dh nqdku	25	vU; ¼fy[ksa½
2	fdjkuk	10	Qy ,oa lCth	18	/kksch dh nqdku		
3	diM+s dh ¼jsfMesM½	11	LuSDI	19	fDyfud		
4	diM+s dh ¼dVihl½	12	iku@chMh@flxjsV	20	eksVy		
5	nokbZ	13	lkbZfdy fjis;j	21	gksVy		
6	vkWVks fjis;j	14	Vk;j fjis;j	22	fctyh dk lkeku		
7	Lis;j ikVZ~l	15	Vsyfjaax	23	dqVhj m?kksx		
8	feBkbZ	16	tujy LVksj	24	oSfYMax		

7-0 IEifÜk

7-1 d`i;k fuEu IEifÜk dh tkudkj ns

Ikeku	dy Lo;a dh bZdkbZ;ka ¼la[;k½	cktkj ewY; ¼#i;s esa½
ckM+k@i'kq ?kj		
QkeZ gkml		
iEi gkml		
flapkbZ bdkb;ka ¼la[;k½		
vksfiu osy		
V~;wcosy		
fy¶V bfjxslu		
foÜk ¼QkbZusUI½ #i;s esas		
Isfoax ,dkmUV		
yksax V ^a e fMiksftV		
fjdfjax fMiksftV		
djsUV ,dkmUV		
vU; ?kjsyw IEifÜk		
Vh-oh-@Vsi@jsfM;ks		
lkbZfdy@eksVj lkbZfdy		
tsoj@?kM+h		
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crZu		
cSyxkM+h@cq//kh@maVxkMh		
ydMh@yksgs dk gy		
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Vs ^a DVj@Fkzslj		
i'kq/ku		
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8-0 thou Lrj ¼okf" kZd [kpZ½

Øekad	en	O;; ¼#i;ksa esa½

1	[kkus ij	
2	tykou@bZ/ku ij	
3	diMks ij	
4	LokLF; ¼nokbZ½ ij	
5	f'k{kk ij	
6	vkus tkus ,oa lapkj ij	
7	ioZ@R;kSgkj ij	
8	d`f"k ¼tSls cht] [kkn] ikuh] d`f"k ;a= vkfn fdjk;s ij½	
9	vU; ¼fy[ksa½	
10	dqy	

9-0 dtZ

9-1 d`i;k vius fiNys o"kZ ds dtksZ ds ckjs esa tkudkj nsaA

L=ksr	dqy dtZ ¼#i;ksa esa½	vnk fd;k ¼#i;s esa½	'ks"k ¼#i;s esa½
cSad ls ¼uke½			
izkbZosV dtZnkrk ls			
vU;			

POLICY FRAMEWORK AND ENTITLEMENTS

A. Policy and Legal Framework

1. The policy framework and entitlements for the Program are based on national laws: *The Land Acquisition Act, 1894* (LAA, amended in 1984) the National Resettlement and Rehabilitation Policy, 2007 (NRRP); and ADB's *Safeguards Policy Statement 2009*. The salient features of Government and ADB policies are summarized below.

1. Government Policy

a. National Resettlement and Rehabilitation Policy, 2007

2. The NRRP stipulates the minimum facilities to be ensured for persons displaced due to the acquisition of land for public purposes. The objectives of the Policy are:

- (i) to minimize displacement and to identify non-displacing or least displacing alternatives;
- (ii) to plan resettlement and rehabilitation of project affected families (PAFs) or project affected households (PAHs), including tribal and vulnerable households;
- (iii) to provide improved standard of living to PAFs or PAHs; and
- (iv) to facilitate a harmonious relationship between the requiring body and PAFs.

3. Though NRRP is applicable for projects where over 400 PAFs in the plains or 200 PAFs in hilly or tribal areas are displaced, the basic principles can be applied to resettling and rehabilitating PAFs regardless of the number affected. NRRP's provisions are intended to mitigate adverse impacts on PAFs. While key principles of NRRP are similar, and for some items go beyond ADB's *Safeguards Policy Statement 2009*, NRRP excludes linear projects (which acquire only narrow strips of land). Linear impacts and temporary linear impacts (which is the likely impact of the Program) are not covered by NRRP. Further, there is no law on resettlement in the country. The law relating to the acquisition of privately owned immovable property is the Land Acquisition Act of 1894 (LAA, amended 1984) discussed in the following section.

b. Land Acquisition Act, 1894

4. The LAA provides a framework for facilitating land acquisition in India. LAA enables the State Government to acquire private land for public purposes. LAA ensures that no person is deprived of land except under LAA and entitles affected persons to a hearing before acquisition. The main elements of LAA are:

- (i) Land identified for the purpose of a project is placed under Section 4 of the LAA. This constitutes notification. Objections must be made within 50 days to the District Collector (the highest administrative officer of the concerned District).
- (ii) The land is then placed under Section 6 of the LAA. This is a declaration that the Government intends to acquire the land. The District Collector is directed to take steps for the acquisition, and the land is placed under Section 9. Interested parties are then invited to state their interest in the land and the price. Under Section 11, the District Collector will make an award within one year of the date of publication of the declarations. Otherwise, the acquisition proceedings shall lapse.
- (iii) In case of disagreement on the price awarded, within 6 weeks of the award, the parties (under Section 18) can request the District Collector to refer the matter to the Courts to make a final ruling on the amount of compensation.

- (iv) Once the land has been placed under Section 4, no further sale or transfer is allowed.
- (v) Compensation for land and improvements (such as houses, wells, trees, etc.) is paid in cash by the project authorities to the State Government, which in turn compensates landowners.
- (vi) The price to be paid for the acquisition of agricultural land is based on sale prices recorded in the District Registrar's office averaged over the three years preceding notification under Section 4. The compensation is paid after the area is acquired, with actual payment by the State taking about two or three years. An additional 30% is added to the award as well as an escalation of 12% per year from the date of notification to the final placement under Section 9. For delayed payments, after placement under Section 9, an additional 9% per annum is paid for the first year and 15% for subsequent years.

2. ADB'S Safeguard Policy Statement, 2009 (SPS)

5. The three important elements of ADB's involuntary resettlement policy are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it.

6. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following basic principles:

- (i) Involuntary resettlement will be avoided whenever feasible.
- (ii) Where population displacement is unavoidable, it should be minimized.
- (iii) All lost assets acquired or affected will be compensated. Compensation is based on the principle of replacement cost.
- (iv) Each involuntary resettlement is conceived and executed as part of a development project or program. Affected persons need to be provided with sufficient resources to re-establish their livelihoods and homes with time-bound action in co-ordination with civil works.
- (v) Affected persons are to be fully informed and closely consulted.
- (vi) Affected persons are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.
- (vii) The absence of a formal title to land is not a bar to ADB policy entitlements.
- (viii) Affected persons are to be identified and recorded as early as possible to establish their eligibility, through a census which serves as a cut-off date, and prevents subsequent influx of encroachers.
- (ix) Particular attention will be paid to vulnerable groups including those without legal title to land or other assets; households headed by women; the elderly or disabled; and indigenous groups. Assistance must be provided to help them improve their socio-economic status.
- (x) The full resettlement costs will be included in the presentation of project costs and benefits.

B. Comparison of Borrower's Policy with the Resettlement Framework

7. The NRRP represents a significant milestone in the development of a systematic approach to address resettlement issues in India. LAA, 1894 however gives directives for

acquisition of land in public interest and provides benefits only to titleholders. Table A3 presents a comparison of Government policies (LAA and NRRP) in comparison with the Resettlement Framework which is consistent with ADB's involuntary resettlement policy.

Table A3: Comparison between the Borrower's and ADB's SPS

	Policy Principles	LAA	NRRP	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
1.	Involuntary resettlement should be avoided where feasible.	X	✓	LAA is applicable wherever private land is to be acquired by Government for public purpose.	This is addressed in the Resettlement Framework. The locations for project components have been identified in such a manner that involuntary resettlement is avoided to the extent possible. These involuntary resettlement impacts shall be further minimized during detailed designs.
2.	Where population displacement is unavoidable, it should be minimized by exploring viable project options.	X	✓	LAA is applicable wherever private land is to be acquired by Government for public purpose.	This is addressed in the Resettlement Framework. The locations for project components have been identified in such a manner that involuntary resettlement is avoided to the extent possible. These involuntary resettlement impacts shall be further minimized during detailed designs.
3.	If individuals or a community must lose their land, means of livelihood, social support systems, or way of life in order that a project might proceed, they should be compensated and assisted so that their economic and social future will generally be at least as favorable with the project as without it. Appropriate land, housing, infrastructure, and other compensation, comparable to the without project situation, should be provided to the adversely affected population, including indigenous groups, ethnic minorities, and pastoralists who may have usufruct or customary rights to the land or other resources taken for the project.	X	✓	According to the ADB's involuntary resettlement policy full Resettlement Plan is required when 200 or more people will experience major impacts. A Short Resettlement Plan is required when resettlement is insignificant when less than 200 people will experience major impacts. According to the NRRP, Resettlement Plan should be prepared when it involves resettlement of more than 500 families (roughly about 2,000 persons) in plain areas and 200 families (roughly about 1,000 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule	The Resettlement Framework addresses the involuntary resettlement impacts. The entitlements to the affected persons are outlined in the Entitlement Matrix.

	Policy Principles	LAA	NRRP	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
				V and Schedule VI of the Constitution of India.	
4.	Any involuntary resettlement should, as far as possible, be conceived and executed as a part of a development project or program and resettlement plans should be prepared with appropriate timebound actions and budgets. Resettlers should be provided sufficient resources and opportunities to reestablish their homes and livelihoods as soon as possible.	X	✓	According to the ADB's involuntary resettlement policy full Resettlement Plan is required when 200 or more people will experience major impacts. A Short Resettlement Plan is required when resettlement is insignificant when less than 200 people will experience major impacts. According to the NRRP, Resettlement Plan should be prepared when it involves resettlement of more than 400 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.	The Resettlement Framework addresses the involuntary resettlement impacts. The entitlements to the Affected persons are outlined in the Entitlement Matrix.
				LAA does not provide for resettlement. However, it specifies the time limit for acquisition, though the project/program for which it is conceived need not necessarily be time-bound.	A time-bound action plan and implementation schedule for the involuntary resettlement activities is outlined. The key Resettlement Plan activities are identified and the responsibilities for the same outlined.
5.	The affected people should be fully informed and closely consulted on resettlement and compensation options. Where adversely affected people are particularly vulnerable, resettlement and compensation decisions should be preceded by a social preparation phase to build up the capacity of the	X	✓	LAA recognizes only titleholders, who are to be notified prior to acquisition.	Consultations have been carried out with affected persons. This will be further consolidated by the Resettlement Plan implementing NGO. The plan for information disclosure in the project, including the Resettlement Framework.

	Policy Principles	LAA	NRRP	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
	vulnerable people to deal with the issues.				
6.	Appropriate patterns of social organization should be promoted, and existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible. Resettlers should be integrated economically and socially into host communities so that adverse impacts on host communities are minimized. One of the effective ways of achieving this integration may be by extending development benefits to host communities.	X	✓	-	This is addressed in the Entitlement Matrix.
7.	The absence of formal legal title to land some affected groups should not be a bar to compensation. Affected persons entitled to compensation and rehabilitation should be identified and recorded as early as possible, preferably at the project identification stage, in order to prevent an influx of illegal encroachers, squatters, and other nonresidents who wish to take advantage of such benefits. Particular attention should be paid to the needs of the poorest affected persons including those without legal title to assets,, female-headed households and other vulnerable groups, such as indigenous peoples, and appropriate assistance provided to help them improve their status.	X	✓	LAA provides for every affected person to receive a notification prior to acquisition and for a hearing in case of any objection. Acquisition under the Act is permitted within one year from the date of declaration of intent to acquire, failing which, the process has to start again. LAA does not regard non-titleholders as affected persons. <i>The Rajasthan Urban Housing and Habitat Policy, 2006 aims to provide tenurial rights to urban slum dwellers with special emphasis on persons belonging to scheduled castes, scheduled tribes, weaker sections, physically handicapped and widows. This is consistent with recognizing those without legal titles and the vulnerable.</i>	The process for verification of impacts and establishing the eligibility of the affected persons is outlined in the Resettlement Framework.
8.	The full costs of and	X	✓	According to the ADB's involuntary	The Resettlement Framework addresses the involuntary

	Policy Principles	LAA	NRRP	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
	compensation, including the costs of social preparation and livelihood programs as well as the incremental benefits over the "without project" situation, should be included in the presentation of Project costs and benefits.			resettlement policy full Resettlement Plan is required when 200 or more people will experience major impacts. A Short Resettlement Plan is required when resettlement is insignificant when less than 200 people will experience major impacts. According to the NRRP, Resettlement Plan should be prepared when it involves resettlement of more than 500 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.	resettlement impacts. The entitlements to the affected persons are outlined in the Entitlement Matrix.
				The NRRP's concept of replacement cost is not clearly defined. However, the NRRP does consider various compensation packages to substitute the losses of affected persons.	This is addressed in the Entitlement Matrix
9.	To better assure timely availability of required resources and to ensure compliance with involuntary resettlement procedures during implementation, eligible costs of resettlement and compensation may be considered for inclusion in Bank loan financing for the project, if requested.	X	✓	-	The impacts have been assessed and Resettlement Plan costs according to the entitlement matrix have been worked out. These costs are included in the Project Costs.

ADB = Asian Development Bank, DDP = Desert Development Programme, LAA = Land Acquisition Act, NGO = nongovernmental organization, NRRP = National Resettlement and Rehabilitation Policy, SPS = Safeguard Policy Statement.