

# Resettlement Framework

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## IND: Rajasthan Secondary Towns Development Sector Project



## CURRENCY EQUIVALENTS

(as of 10 March 2020)

Currency unit	–	Indian rupee (₹)
₹1.00	=	\$0.03434
\$1.00	=	₹74.4370

## ABBREVIATIONS

ADB	–	Asian Development Bank
ASO	–	assistant safeguards officer
CLC	–	city-level committee
CAPPC	–	community awareness and public participation consultant
CMSC	–	construction management and supervision consultant
CRMC	–	consumer relation management center
CWR	–	clear water reservoir
DBO	–	design built operate
DMS	–	detailed measurement survey
EMP	–	environmental management plan
FSSM	–	fecal sludge and septage management
LSGD	–	Local Self Government Department
NGO	–	non-government organization
NRW	–	non-revenue water
PIU	–	project implementation unit
PMCBC	–	project management and capacity building consultant
PMU	–	project management unit
PHED	–	Public Health Engineering Department
PWD	–	Public Works Department
ROW	–	right-of-way
RSTDSP	–	Rajasthan Secondary Towns Development Investment Program
RUDSICO	–	Rajasthan Urban Drinking Water Sewerage and Infrastructure Corporation Limited
RUIDP	–	Rajasthan Urban Infrastructure Development Project
SIA	–	social impact assessment
SIMP	–	social impact management plan
SIP	–	safe implementation plan
SLEC	–	state-level empowered committee
SPS	–	Safeguard Policy Statement
STP	–	sewage treatment plant
TLMC	–	town level monitoring committee
ULB	–	urban local body

## NOTES

- (i) The fiscal year (FY) of the Government of India and its agencies ends on 31 March.
- (ii) In this report, "\$" refers to United States dollars.

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## I. INTRODUCTION

### A. Background

1. Rajasthan is India's largest state in terms of land area. It covers 10% of the country's land area and has 5% of the population but only about 1% of the country's surface water resources. One-fourth of the population, or 17 million people, lives in 196 urban centers. Rajasthan has achieved a reduction in poverty from 34% to 15% between 2005-2012.<sup>1</sup> Yet significant differences remain in poverty rates between urban and rural areas. Below poverty line (BPL) population in urban areas is about 11%, compared to 25% for the state as a whole.<sup>2</sup>

2. Since year 2000, the state has successfully implemented two multisector urban investment projects supported by Asian Development Bank (ADB), covering 21 cities. The third project, Rajasthan Urban Sector Development Program (RUSDP), is ongoing and supports investments in 6 secondary cities as well as the government's reform agenda for the sector. In 2014, the Rajasthan Urban Drinking Water, Sewerage and Infrastructure Corporation Limited (RUDSICO), a corporatized entity, was established to scale up urban investments and take forward urban reform agendas. In 2019, a corporatized utility for WSS services in Jaipur was established, the first of its kind in the state.

3. The proposed Rajasthan Secondary Towns Development Sector Project (RSTDSP) will improve water supply and sanitation (WSS) services in secondary towns in Rajasthan with populations between 20,000-115,000. It will include smart water management (SWM) in all project urban local bodies (ULBs) to enable efficient service delivery considering scarcity of water resources and an integrated approach to sanitation, linking on-site fecal sludge management solutions (more cost-effective, wider-reaching, less water dependent) with costlier water-borne sewerage confined only to denser areas. The project will adopt a sector approach, considering the large number of subprojects to be financed and in line with the government's larger investment program for improving WSS in secondary towns. Only subprojects adhering to the subproject selection criteria in the Project Administration Manual will be selected and proposed for funding under the project.

### B. Project Description

4. The project is aligned with the following impact(s): access to potable, affordable, reliable, equitable, and environmentally sustainable drinking water supply in all urban areas of Rajasthan improved;<sup>3</sup> and health status of urban population, especially the poor and under-privileged improved.<sup>4</sup> The project will have the following outcome: urban service delivery in secondary towns of Rajasthan improved. Envisaged outputs of the project include: (i) Output 1: Water supply infrastructure in project towns improved; (ii) Output 2: Sanitation systems in project towns improved with cost-effective and inclusive features; and (iii) Output 3: Institutional capacities strengthened.

5. Comprehensive improvement of water supply systems is proposed to be carried out in about eight towns, and in general include (i) rehabilitation/augmentation of water treatment plants; (ii) installation of deep tube wells; (iii) construction of storage reservoirs and pumping stations; (iv) supply and laying of transmission mains; and (v) district metering areas (DMA) based water

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<sup>1</sup> World Bank. 2018. *Rajasthan: Playing to its Strengths*. Washington, D.C.

<sup>2</sup> Government of India. 2012. *National Sample Survey rounds (NSS) of 1993-94, 2004-2005 and 2011-2012*. Delhi.

<sup>3</sup> Government of Rajasthan. 2018. *Rajasthan: Urban Water Supply Policy*. Jaipur.

<sup>4</sup> Government of Rajasthan. 2016. *State Sewerage and Waste Water Policy*. Jaipur.

supply distribution network and household metering. Construction of water treatment plant is not included in all towns. Comprehensive wastewater management system is planned for about thirteen towns with provision for sewage treatment plant (STP) and/or fecal sludge and septage management (FSSM), and shall include: (i) construction and laying of sewerage network; (ii) construction of sewage pumping stations, STP with co-treatment and/or fecal sludge treatment plant; and (iii) procurement of desludging vehicles for FSSM in the non-sewered areas.

6. The following secondary towns are included in the project. Improvements to water supply and/or sanitation systems are proposed in project towns. Relevant data about the project towns is as tabulated in Table 1 below. The list of project towns with summary of scope and capacity is attached in Appendix 1.

**Table 1: Indicative List of Subprojects and Components Under Rajasthan Secondary Towns Development Sector Project**

S. No.	Name of Town	Components		Population	
		Water Supply	Wastewater	2011*	2021
1.	Banswara	Construction of Clear Water Reservoir (CWR), pumping station, WTP and laying of pipeline and house service connections	Construction of STP, SPS, laying of sewer line and house sewer connections	1,01,017	1,17,563
2.	Abu Road	Construction of CWR, pumping station, WTP and laying of pipeline and house service connections	Construction of STP, laying of sewer line and house sewer connections	55,599	63,554
3.	Sirohi	Construction of CWR, pumping station, WTP and laying of pipeline and house service connections	Construction of STP, laying of sewer line and house sewer connections	39,229	43,932
4.	Pratapgarh	-	Construction of STP, SPS, laying of sewer line and house sewer connections	42,079	49,477
5.	Khetri	Construction of CWR, pumping station and laying of pipeline and house service connections	Construction of STP, laying of sewer line and house sewer connections	18,917	20,594
6.	Mandawa	Construction of CWR, pumping station and laying of pipeline and house service connections	Construction of STP, SPS, laying of sewer line and house sewer connections	23,335	26,543
7.	Kuchaman	Construction of CWR, pumping station and laying of pipeline and	Construction of STP, SPS, laying of sewer	61,969	74,040



S. No.	Name of Town	Components		Population	
		Water Supply	Wastewater	2011*	2021
		house service connections	line and house sewer connections		
8.	Ladnu	-	Construction of STP, laying of sewer line and house sewer connections	65,575	74,510
9.	Didwana	-	Construction of STP, SPS, laying of sewer line and house sewer connections	53,749	63,720
10.	Makrana	-	Construction of STP, SPS, laying of sewer line and house sewer connections	94,487	1,08,830
11.	Laxmangarh	Construction of CWR, laying of pipeline and house service connections	None	53,392	60,821
12.	Fatehpur	-	Construction of STP, SPS, laying of sewer line and house sewer connections	92,595	1,06,140
13.	Ratangarh	-	Construction of STP, SPS, laying of sewer line and house sewer connections	71,124	79,358
14.	Sardarshahar	Construction of CWR, pumping station and laying of pipeline and house service connections	Construction of STP, SPS, laying of sewer line and house sewer connections	95,911	1,09,830

CWR= clear water reservoir, NA = Not available, SPS = sewage pumping station, STP = sewage treatment plant, WTP = water treatment plant.

Source: Census 2011 and Rajasthan Secondary Towns Development Sector Project, project management unit.

7. A summary of proposed improvements in project towns is presented in Table 2.

**Table 2: Summary of Proposed Improvements in Project Towns**

Subprojects	ULBs
Water supply (8 ULBs)	Abu Road, Banswara, Khetri, Kuchaman, Laxmangarh,** Mandawa, Sardasahar, Sirohi
Sanitation (13 ULBs)	Abu Road, Banswara, Didwana*, Fatehpur*, Khetri, Kuchaman, Ladnu, Mandawa, Makrana*, Pratapgarh*, Ratangarh*, Sardasahar, Sirohi

\*Indicates that the project is only investing in sanitation in that ULB, and not water supply.

\*\* Indicates that the project is only investing in water supply in that ULB, and not sanitation.

### C. The Resettlement Framework

8. **Lessons learned from past projects.** This document draws upon the resettlement frameworks prepared under Rajasthan Urban Infrastructure Development Project (RUIDP) Phase I, II and III projects covering 27 towns, and is suitably modified in view of: (i) lessons learnt from the implementation of social safeguard policy in earlier projects, (iii) borrower's new land acquisition laws/regulations, state policies on resettlement; and (iii) ADB's Safeguard Policy Statement (SPS), 2009. To incorporate the lessons learnt and prepare an improved resettlement framework document, project management unit (PMU)/PMC/PMDSC staff responsible for implementation of social safeguards under earlier project phases were consulted and project completion report reviewed. Based on past experience under ADB financed projects in Rajasthan, the key lessons learnt were: (i) incorporating a safeguards implementation arrangement which ensures that PMU has a dedicated resettlement expert and project implementation units (PIUs) have required staff for safeguards implementation and compliance during project execution; with support from consultants at each level; (ii) need to plan for compensation and rehabilitation activities in advance, to ensure timely implementation of resettlement plans, and (iii) careful monitoring, with an emphasis on adhering to the time schedule for implementing the resettlement plan.<sup>5</sup> Good practices in resettlement plan implementation (e.g. compensation mechanism) followed by past projects will be adopted in RSTDSP as well.

9. This resettlement framework for RSTDSP outlines the objectives, policy principles and procedures for land acquisition, if any, compensation and other assistance measures for displaced persons<sup>6</sup> / affected persons, if any. This framework reflects the borrower's new law on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA) 2013, state government policies, ADB's SPS, 2009 and other social safeguard guidelines. It also takes into account state policies on negotiated land purchase and guidelines for transfer of land from one government department to another. A detailed description of compensation measures and assistance is provided in the entitlement matrix, which is consistent with the existing norms and guidelines of the country and the state government, and the ADB SPS, 2009. The matrix recognizes that the lack of title/customary rights recognized under law will not be a bar to entitlement and has special provisions for non-titled persons. The eligibility for compensation will be determined through a cut-off date. People moving into the subproject area after the cut-off date will not be entitled to compensation or other assistance. This resettlement framework will be the reference document for preparation of resettlement planning documents for subprojects proposed under the project.

10. **Screening and categorization.** RSTDSP/"the Project" is classified as category B for involuntary resettlement as per ADB's SPS, 2009. The Project will minimize land acquisition and resettlement impacts by prioritizing rehabilitation and optimization work within existing facilities' premises, and new construction on vacant and unused government lands. No significant resettlement impacts are anticipated as a result of the proposed interventions, based on the detailed review (including field assessments) of sample subprojects by ADB, and field visits to all towns by project consultants.<sup>7</sup> No involuntary acquisition of private land is envisaged; a few lands

<sup>5</sup> <https://www.adb.org/sites/default/files/project-document/60140/29120-013-ind-pcr.pdf>

<sup>6</sup> In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

<sup>7</sup> Sample subprojects for social safeguards assessments include Abu Road water supply and wastewater, Didwana wastewater, Laxmangarh water supply, Ratangarh wastewater and Sirohi water supply and wastewater, which are representative of different sectors and types of involuntary resettlement impacts (including the maximum identified impact among project towns), as well as of towns with (beneficial) impacts to indigenous peoples.

are being obtained through donation from private owners with third party certification; some lands belonging to gaushala (cow shelter) trusts, educational trusts etc. or government land used as common property resources such as pasture lands will be obtained, following due procedures for pasture lands required by the government, only if no other unused government land is available. Nevertheless, the project will cause limited involuntary resettlement impacts, including (i) permanent economic impacts to non-titleholders on government land; and (ii) temporary economic impacts during the civil works activities. Subprojects with significant involuntary resettlement impacts will not be eligible for funding under the Project.<sup>8</sup>

## II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

11. The resettlement framework has been prepared for the project as a whole, to be implemented in candidate project towns. The resettlement principles adopted in this framework are based on: (i) the RFCTLARRA, 2013;<sup>9</sup> and (ii) ADB's SPS, 2009 and other Relevant National and State Policies/Acts. The salient features of Government and ADB Policies are summarized below.

### A. Relevant National Acts/Policies

#### 1. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

12. This Act repeals the Land Acquisition Act, 1984 and is applicable to all states in India including Rajasthan. RFCTLARRA, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement collectively. Establishing of a completely new Act, which was due from a long time, is a pioneering step taken by the Government of India in providing a humane, participative, informed and transparent process for permanent/temporary land acquisition in the public interest. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to land acquisition, rehabilitation and resettlement. The Act prohibits acquisition of multi-cropped irrigated land as a special provision to safeguard food security, unless in exceptional circumstances as a demonstrable last resort.<sup>10</sup> Step wise salient features of RFCTLARRA, 2013 are furnished below while a detailed write up is attached in Appendix 2.

- (i) **Preliminary Investigations/Preparation of Social Impact Assessment/Social Impact Management Plan.** It is mandatory under the Act to conduct a time bound social impact assessment (SIA) and social impact management plan (SIMP).<sup>11</sup> No land acquisition shall be initiated unless SIA/SIMP is approved by the Expert

<sup>8</sup> Resettlement is significant when 200 or more people experience major "impacts" defined as involving affected person being physically displaced from housing and/or having 10% or more of their productive, income generating assets lost.

<sup>9</sup> Ministry of Law and Justice. The Act has received the assent of the President on the 26 September 2013.

<sup>10</sup> Wherever such land is acquired, an equivalent area of cultivable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. This condition has been included in the entitlement matrix. These provisions however do not apply in case of projects that are linear in nature such as railways, highways, other roads, canals, power lines etc.

<sup>11</sup> SIA shall confirm: (i) the proposed acquisition is for the public purpose and extent of land proposed is the absolute bare minimum extent needed for the project; (ii) number of affected families, displaced families; details of extent of loss and other associated social impacts; and (iii) costing for addressing estimated losses and social impacts. The SIMP shall form a part of SIA and include each component wise ameliorative measures to address land acquisition and social impacts. SIA/SIMP shall be evaluated by independent multi-disciplinary Expert Group who reserves the right to approve it.

- Group. SIA shall also be conducted in a participatory manner and with all necessary public hearings, dissemination etc., duly followed;
- (ii) **Preliminary Notification, Objections and Hearing.** Under the Act, Preliminary Notification<sup>12</sup> shall be issued only after the approval of SIA and within 12 months from the date of SIA approval, failing which a fresh SIA/SIMP will be prepared. Preliminary Notification shall allow appropriate Government to undertake various surveys and update records, which needs to be compulsorily completed within two months. Within this period (60 days), all affected landowners/families shall be given right to raise objections in writing to the district collector and shall get a chance to be heard in person;
  - (iii) **Preparation of Rehabilitation and Resettlement Scheme and its Declaration.** Following preliminary notification, administrator appointed for rehabilitation and resettlement shall conduct a survey, census of the affected families and prepare a draft rehabilitation and resettlement scheme (RRS).<sup>13</sup> Administrator first submits RRS to the district collector and district collector then to the commissioner-rehabilitation and resettlement who approves the RRS in the last. The district collector shall publish a summary of RRS along with Declaration under the hand and seal of secretary to such Government or any other official duly authorized.<sup>14</sup> Declaration shall be published only after the requiring body deposits amount towards the cost of land acquisition.<sup>15</sup> RRS summary and declaration shall be compulsorily made within the 12 months after the issue of preliminary notification. If not complied, such notification shall be considered rescinded unless land acquisition was held up on account of any stay or injunction by the order of court; and
  - (iv) **Public Notice and Award.** Following declaration and requiring body deposits amount towards the cost of land acquisition; the district collector shall issue a public notice and hear objections (if any) within 6 months from the date of its issue. The district collector shall make an award within a period of twelve months from the date of publication of the Declaration and if award is not made within that period, the entire proceedings of the acquisition of the land shall lapse.

13. Some of the key features related to estimation of project induced losses include: (i) multiplying market value of a land by factor up to two, depending upon its distance from the urban area, to match it with the prevailing market values; (ii) providing 100% solatium on total compensation amount (instead of 30%); (iii) compensation for damage incurred during surveys/investigations etc.; (iv) compensation of expenses/or any change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition; (v) compensation for loss of profits (if any) from the date of declaration; (vi) compensation for livelihood losses of families (other than landowner) who are dependent on the land for minimum

<sup>12</sup> The preliminary notification shall include: (i) statement on project/ public purpose; (ii) reasons necessitating the land acquisition; (iii) summary of SIA; and (iv) particulars of the Administrator appointed for the purpose of rehabilitation and resettlement.

<sup>13</sup> Draft RRS shall include: (i) particulars of land and immovable property to be acquired of each affected family; (ii) livelihood losses of landowners as well as dependent landless families; (iii) list of government/public buildings and details of utilities and/or infrastructure facilities where resettlement of affected families is involved; (iv) details of common property resources being acquired; and (v) particulars of the rehabilitation and resettlement entitlements of each affected landowner and landless family and list/details of government buildings, utilities, infrastructure facilities to be provided in the area. The Administrator shall also set implementation timeline in draft RRS.

<sup>14</sup> Summary RRS shall not be published unless it is published along with Declaration.

<sup>15</sup> In full or part, as prescribed by the appropriate Government.

three years prior to the acquisition; and (vii) increased allowance/assistance for livelihood losses, travel, additional assistance for vulnerable families, artisans etc.<sup>16</sup>

14. It is also mandatory under the Act to make land acquisition payment within 3 months and R&R payment within 6 months from the date of the award. The collector shall acquire land only after such payment. It is also necessary (at state level): (i) to appoint an officer of the rank of commissioner or secretary of that government for rehabilitation and resettlement of affected families under this Act, to be called the commissioner for rehabilitation and resettlement; and (ii) establish Land Acquisition, Rehabilitation and Resettlement Authority (LARRA) for the purpose of speedy disposal of disputes relating to land acquisition, compensation and R&R. The decisions made by Authority on disputes can only be challenged in high court/supreme court.

## 2. Other Relevant National Acts/policies

15. **The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014:** The Act is a legislative safeguard for protection of livelihood rights and social security of urban street vendors. It aims at promoting an environment conducive for street vending, to enable street vendors to carry out their business in fair and transparent manner and without any fear of harassment or eviction. The Act provides for constitution of Town Vending Authority, determination of natural markets and vending zones, preparation of vending plans and survey of vendors (once at least in 5 years), accommodation of all existing vendors in identified vending zones, issue of vending certificates, avoidance of relocation (as measure of last resort), affected vendors to be relocated with an aim to improve their livelihoods and standard of living, affected vendors to have representation in planning and implementation of rehabilitation. The act finds its applicability for the project as hawkers and street vendors in urban areas are typically known to operate along roads/streets and over covered drainage lines.

## B. State Government Policies and Practices

16. **Rajasthan Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016:** Exercising its power, as conferred under sub section 1 and 2 of section 109 of the RFCTLARRA, state of Rajasthan passed the rules for implementation of the national Act (RFCTLARRA). Some of the key items covered relate to request for land acquisition (with supporting documents mentioned therein), role of district collector post receipt of request, process and procedure for conduct of SIA and various requirements therein, requirement and procedures related to public disclosure of SIA and SIMP, procedure for conducting public hearing, documentation and incorporation public hearing in the SIA report, submission of SIA report and its evaluation by multi-disciplinary team of experts, requirements of consent- process and mechanism to be followed, process and procedures for land acquisition and notifications to be made for the purpose under various sections of the Act, R&R requirements and its implementation arrangements, awards and compensation (including methods of calculation of award amount, timelines and method for payment of award), power, duties and responsibilities of administrator, rehabilitation and resettlement committee (at project level) and state monitoring committee, appointment of LARR authority.

17. The state government has issued a notification (Sr. No- P.1(3) Raj-6/2011/Part/13, dated 16 October 2014) on multiplier factor to be used for market valuation of acquired land. This notification is issued in exercise of provision made under section 30 of the central Act. As per the notification, the multiplier factor will be based on land parcel's distance from urban boundary limits

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<sup>16</sup> These are reflected in entitlement matrix.

and shall be (i) for distance of 0-15 kilometer (km) - 1.25 km; (ii) for distance of 15-30 km - 1.5 km; (iii) and for distance beyond 30 km - 1.75 km. The notification further clarifies on definition of urban limits for areas falling under Jaipur, Jodhpur and Ajmer development authority and areas under municipal corporation/municipalities. As per the notification, all electoral wards under these urban local bodies will be considered as urban areas.

**18. State Policy for higher compensation (other than that calculated under RFCTLARRA, 2013) through negotiation and consensus:** Through its order dated, 26 April 2016, Revenue department, Government of Rajasthan has framed a policy to enable quicker land acquisition process where land compensation and resettlement and rehabilitation benefits are negotiated with the land owners and consensus arrived at.

**19. State policy on negotiated purchase for linear projects.** The state government has approved a state policy (order: F-1(27) Rev-06/2016, dated 26 April 2016, issued by revenue department, refer Appendix 4) for compensation for land acquisition that are based on negotiation with landowners and consensus on compensation and rehabilitation benefits by the district collector. The policy which is applicable for highway and linear projects, has been passed using the provision made under section 108 of the RFCTLARRA, 2013 which allows the state to frame its policy to provide higher compensation to land loser than s/he would have otherwise received under the Act. The stated objective of this policy is to speed up and simplify land acquisition process while ensuring fair/higher compensation to landowners. The framework for this policy requires constitution of a district level committee headed by collector. The collector will try to reach consensus on negotiated land price considering the value of land as per RFCTLARRA provisions and the prevailing market price. If a consensus is arrived then the landowner will get the compensation for land loss as per the negotiated land rate and other R&R benefits as per the RFCTLARRA, 2013. The landowner if agreed to the package signs on the consent and sale deed is prepared to settle all claims. Land acquisition proceedings, as under RFCTLARRA 2013 run in parallel with negotiated purchase process.

**20. Rajasthan Municipal Act, 2009 (as amended in 2010):** This is the primary act for governance of municipal bodies. The act defines constitution and government in municipalities including its role, power and functioning, conduct of business, municipal rules, regulations and bye laws of municipal bodies and its functionaries and elected members of the body. In order to fulfil the purposes of this Act (#67 of the Act, refer Appendix 3), municipality enjoys the power to acquire by gift, purchase or otherwise, and hold movable and immovable properties (e.g. land), or any interests therein within or outside municipal limits.

**21. Government Order related to Pasture Lands.** Government of Rajasthan through its circular, Sr. No. 9(20) Raj-6/2017/103, dated 19 September 2019 and issued by Revenue (Gr-6) Department states that allotment of pastureland falls under prohibited category. However, if such land allotment is proposed, then its land use will be changed to 'sawaichak' (unoccupied culturable government land), as per rule 7 of Rajasthan Tenancy (Government) Rules, 1955. The circular lists examples of projects such as air strip, lift irrigation, pumping stations, graveyard, funeral ground, government buildings and offices, gaushala, for which allotment of pastureland may be taken up. The circular further prescribes for compensatory land for pastureland lost to the project which must preferably be in the same village or in the vicinity. If such land is not available in the same village, a land parcel from another village in the same district may be allotted.

**22. The Rajasthan Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2016:** In exercise of power conferred to state under section 36 of the central act, the state government has framed rules for implementation of the Act in the state. The rules define constitution of town vending committee (providing for representation of vendors, market

association and other such key stakeholders in the body), election of members to the town vending committee, functions of the committee, procedures for maintenance of records of street vendors, vendor charter and database, issue of certificate.

#### **D. ADB's Safeguard Policy Statement, 2009**

23. ADB has adopted SPS in 2009 including safeguard requirements for environment, involuntary resettlement and indigenous people. The objective of the SPS, 2009 is to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

24. The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. Following are the basic policy principles of ADB's SPS, 2009:

- (i) Identification of past, present, and future involuntary resettlement impacts and risks and determination of the scope of resettlement planning;
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations;
- (iii) Improvement or at least restoration of the livelihoods of all displaced persons;
- (iv) Ensure physically and economically displaced persons with needed assistance;
- (v) Improvement of the standards of living of the displaced poor and other vulnerable groups;
- (vi) Development of procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement;
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;
- (viii) Preparation of a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule;
- (ix) Disclosure of resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders;
- (x) Execution of involuntary resettlement as part of a development project or program.
- (xi) Payment of compensation and provide other resettlement entitlements before physical or economic displacement; and
- (xii) Monitoring and assessment of resettlement outcomes, their impacts on the standards of living of displaced persons.

25. The project will recognize three types of displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable

claims to such land. The involuntary resettlement requirements apply to all 3 types of displaced persons.

## **E. Comparison of Government and ADB Policy**

26. The RFCTLARR Act, 2013 represents a significant milestone in the development of a systematic approach to address land acquisition, rehabilitation and resettlement collectivity in India. RFCTLARRA, 2013 has also laid down similar principles like ADB's SPS, 2009 and focus on avoiding or minimizing involuntary impacts, if not restoring and enhancing the quality of life of affected families irrespective of title to the land. Appendix 2 presents a comparison of the Government of India policies (RFCTLARRA, 2013), the state policies vis-à-vis ADB's SPS, 2009, and identifies gaps and gap filling measures.

## **F. Policy Principles and Entitlements**

27. The project will recognize three types of physically displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all 3 types of physically displaced persons. It also applies to all types of economically displaced persons – those facing permanent income loss as well as those facing temporary income loss.

28. In accordance with the involuntary resettlement principles of this resettlement framework, all affected persons will be entitled to compensation/resettlement assistance. Compensation and assistance will be based on the nature of ownership rights on lost assets and the impacts, including vulnerability status of the affected persons.

29. Based on RTFLARRA, state policies and regulations, and the ADB SPS, 2009 the following resettlement principles are adopted for this project

- (i) Screening of the project to identify involuntary resettlement impacts and risks. Minimizing and avoiding resettlement impacts of each subproject by exploring all viable alternative designs;
- (ii) Carrying out consultations with affected persons, host communities and non-government organizations; informing all displaced persons of their entitlements and resettlement options; ensuring their participation in planning, implementation, and monitoring and evaluation of resettlement programs;
- (iii) Where the resettlement impacts are unavoidable, the DPs should be assisted in improving or at least regaining their standard of living;
- (iv) Vulnerable households that includes those below poverty line, including female-headed households, disabled person-headed household, elderly-headed household, household with no legal land title/ tenure security, and schedule castes and scheduled tribe households, will be given special assistance to improve their socio-economic status;
- (v) The absence of formal title to land is not a bar to policy entitlements;
- (vi) Compensation for all lost assets acquired or affected is based on the principle of replacement cost;



- (vii) Restoration of livelihoods and residences of the DPs will be facilitated with adequate resources and with a time-bound action plan in coordination with civil works;
- (viii) DPs are to be assisted in integrating economically and socially into host communities where physical displacement takes place, so that adverse impacts on the host communities are minimized and social harmony are promoted;
- (ix) All payments, including compensation for loss of land, assets, structures, trees, income, and common properties will be made prior to physical or economic displacement and commencement of civil construction work; and
- (x) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders. Disclose the final resettlement plan and other documents such as the monitoring reports to affected persons and other stakeholders.

30. **Negotiated settlement.** ADB SPS, 2009 in principle recommends use of negotiated settlement to obtain land for project requirements. This helps avoid expropriation and eliminates the need to use force by governmental authority. This approach to obtain land through negotiated settlement is supported by the ADB SPS, 2009 provided there is no coercion or perception (held by the affected person/ land seller) of eminent domain being applied, should the negotiated settlement fail and where direct negotiations with land owners are conducted in a fair and transparent manner and land is purchased upon agreement of a negotiated price. This resettlement framework and the policy guidelines encourage acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultations with the affected people including non-title holders. In a negotiated settlement both the parties (each affected person/family including non-titled) agree on a fair price for all losses incurred. In such settlement, in line with ADB policy, government will however ensure that any negotiation with affected persons openly addresses the risks of asymmetry of information and bargaining power of the parties involved in such transactions. If an expropriation results upon the failure of negotiation, all safeguard requirements as per the ADB SPS, 2009 will be applied and resettlement plan will have to be prepared in line with this resettlement framework. In this project, the process of negotiation will ensure the following steps:

- (i) negotiation will take place when there is a willing seller;
- (ii) consultation with the affected person must be carried out and documented;
- (iii) the minimum negotiated price to start negotiations will not be below the valuation of land based on the market value of land;
- (iv) all negotiations must be carried out in a transparent manner and validated by an independent external party (eminent citizen/any party without any interest in the process, appointed by the PMU. Third party will document the negotiation and settlement process (refer Appendix 5 for terms of reference [TOR] for engaging a third party);
- (v) The government will also agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements. PMU/PIU will document and keep record of all processes undertaken in the negotiated settlement;
- (vi) in case of failure of negotiations, compensation will be paid as outlined in the Entitlement Matrix of the resettlement framework and the entire process has to be documented. The third party will have to submit reports during and on conclusion of negotiations; costs related to third party certification will be borne by the project proponent;

- (vii) The land transfer and updated records of the purchased lands will have to be completed prior to the start of civil works. Land transfer costs for registering new land titles should be borne by the government; and
- (viii) No negotiated purchase from vulnerable households shall be undertaken for the project.

31. **Land Donation.**<sup>17</sup> The project may accept voluntary donation of land. Such offer would be considered only if donated land does not (i) bring any significant impact/impoverishment to the donor(s) and/or displace tenants/laborers/informal users; (ii) the donation does not come from the land owner categorized as poor or vulnerable; (iii) the donation will not cause any economic or physical displacement (to legal titleholders and/or formal or informal land users); (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s); and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The process and steps to be followed for assessing eligibility of voluntary donation and documentations are given below:

- (i) **Step 1:** The project will be open to the possibility of voluntary land donation from any interested person/community. The land requirement will be explained to the interested donor(s). ADB's SPS, 2009 social safeguard requirements will also be explained to the people willing to donate land. An independent third party will be engaged (refer appendix 5 for TOR for its engagement) in case of land donation, who shall assess if land parcel under consideration for donation meets the stipulated criteria (as described in paragraph above);
- (ii) **Step 2:** After donation of land is decided by the donor(s), the government (urban local body-ULB or appropriate government authority) will initiate formalization of land donation by issuing a letter to the willing donor(s) with details of public purpose for which land is required and the donor(s). Then requiring government body (ULB/appropriate government authority) will take necessary legal steps to formalize the donation of land. PIU/PMU will facilitate the entire donation process and maintain its documentation; and
- (iii) **Step 3:** The Deed of Gift will be registered in the name of the land (gift) receiving department/agency (as designated by government) and all necessary fees, stamp duties will be borne by this department/agency. Henceforth, the land ownership and related land record will be revised/amended with Record of Rights showing the changed ownership.

32. A mechanism will be established ensuring transparent process is followed and coercion was not used for donation of land. The whole process will be verified and validated by an independent third party (refer Appendix 5 for TOR for third-party engagement) for all voluntary offer of land for the project. The above information has to be included in a report to be prepared by the external third party, preferably from reputed and qualified agencies/non-government organization (NGO)/firms/individuals. The concerned PIU shall submit due diligence report to ADB for review and approval including information on impact assessment, voluntary donation process and report of independent third party.

33. The resettlement framework broadly defines three types of involuntary resettlement impacts that are eligible to have mitigation measures. The types of impacts are (i) loss of assets, including land and structures; (ii) loss of income or livelihood; and, (iii) collective impacts on

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<sup>17</sup> donation also refers to other assets attached to the land (i.e. trees, structures etc.).

groups, such as loss of common property resources and loss of access or limited access to such resources. Every effort will be made during the preparation of detailed design to minimize acquisition of land and other assets and to reduce any involuntary resettlement impacts. Other unforeseen impacts, including relocation,<sup>18</sup> will also be compensated and addressed in accordance with the principles of this resettlement framework.

34. A detailed description of each compensation measure and assistance is provided in the entitlement matrix (Table 3). Affected persons will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons.

## **G. Subproject Screening Criteria and Checklists**

35. The PMU of RSTDSP will be responsible for resettlement planning and implementation. For the preparation of new resettlement plans or any other safeguard reporting (due diligence, corrective action plan etc.), the following check list can be used to identify land acquisition and resettlement impacts.

- (i) Where is the proposed subproject located? What is the ownership status of land? Is the land identified adequate to accommodate proposed facilities? If not, whether it requires additional government/private land acquisition? Whether this land acquisition is permanent/temporary?
- (ii) If it involves private land acquisition, what is the number and profile of affected people? What is the extent of losses and other socio-economic impacts? Does proposed land acquisition involves permanent displacement of people?
- (iii) What are the impacts of permanent/temporary land acquisition on public utilities, common property resources, encroachers/squatters and other non-titled users of the land?
- (iv) Are there any impacts on indigenous peoples or ethnic communities?

36. Project management and capacity building consultants (PMCBC) social safeguards specialist will prepare ADB's involuntary resettlement checklist (Appendix 6) for each proposed subproject, based on the above information/inventory. Screening will be conducted immediately after identification of project site. If the screening is done simultaneously when the project site is being identified, the magnitude of impacts can be estimated at the same time, and if required, alternative options can be examined. This will be done by the construction management and supervision consultants (CMSC) team under guidance from PMCBC and submitted to PMU. ADB's Operational Manual Section F1/Operational Procedures defines the criteria for screening and categorization of subprojects, which will be adopted.<sup>19</sup> PMU will submit completed checklists to the ADB for review.

37. The above inventory shall also help to screen the subprojects into following categories. To ensure that the project meets ADB's social safeguard requirements, as stipulated in the SPS 2009, projects will be screened. The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks.

<sup>18</sup> Should relocation be required, consultations will be carried out with affected persons in terms of the choice of their relocation options. affected persons requiring relocation of residential or commercial structures will be assisted by the PMU in identifying sites that minimizes social disruption and have access to similar services and facilities. Tenant affected persons will be assisted by the PMU in finding suitable rental accommodations.

<sup>19</sup> Issued on 1 October 2013.

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts.<sup>20</sup> A resettlement plan, including an assessment of social impacts, is required;
- (ii) **Category B.** A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required; and
- (iii) **Category C.** A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.

38. The subproject's involuntary resettlement category is determined by the magnitude of involuntary resettlement impacts. The involuntary resettlement impacts of ADB-supported projects are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks. For category A and B subprojects, a resettlement plan is required. For category C project a due diligence report (DDR) is required.

39. Measures will be undertaken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternatives for subproject designs and alternative sites or locations for subproject components to ensure that land acquisition and other involuntary resettlement impacts are avoided or minimized. These measures and criteria will be applied and rehabilitation within existing facility premises will be prioritized over new construction so as not to require land acquisition and result in resettlement impacts. Based on thorough survey of all possible site alternatives, subproject components will be proposed on vacant government land, where available.

## H. Eligibility, Entitlements and Benefits

40. **Eligibility.** The following displaced persons are eligible for compensation, assistance, and benefits. All persons described in the definition of a family as given in the RFCTLARRA will be also be eligible for assistance/compensation in addition to those mentioned in this section. Eligible persons include:

- (i) persons who will lose land/assets/income in their entirety or in part, and have formal legal rights to the land;
- (ii) persons who will lose the land they occupy in its entirety or in part, and have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws, e.g., tenants and leaseholders;
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g., sharecroppers, squatters, encroachers, wage labour without formal contracts; and
- (iv) vulnerable households.<sup>21</sup>

<sup>20</sup> The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income-generating).

<sup>21</sup> Vulnerable households comprise below poverty line households, female-headed households, households with out of school/working children, disabled person-headed household, elderly-headed household or elder, landless household, household with no legal title / tenure security, and schedule castes and scheduled tribe households.

41. **Entitlements, assistances and benefits.** The project entitlement policy addresses potential direct and indirect impacts of project construction and operation on displaced persons, households and communities due to involuntary acquisition, including those that will be acquired through RFCTLARRA. The most direct and immediate impacts are those associated with project construction, mainly land acquisition, loss of livelihood and loss of shelter. Other losses include loss of other assets such as cattle sheds, water sources etc. and common property resources. Mitigation is provided through compensation and assistance to project-displaced persons, households, and group on the basis of this policy framework adopted by the project. The policy provides mitigation for:

- (i) loss of assets, including land and house or workplace;
- (ii) loss of livelihood or income opportunities;
- (iii) Collective impacts on groups, such as loss of community assets, common property resources, and others; and
- (iv) Temporary impacts or disruptions due to project construction work.

42. Compensation eligibility is limited by a cut-off date. The cut-off date for non-titleholders, is the date of the start of the census survey. The date of Land Acquisition Notification under Section 11 of the RFCTLARRA will be the cut-off date for all titleholders losing land and structures. The project Entitlement Matrix (Table 4) identifies and lists various types of losses resulting out of the project and specific compensation and resettlement packages for each category.

43. Damages/unanticipated losses caused during construction, if any will be eligible for compensation. Such issues will be identified and closely monitored by the safeguard monitoring unit of the PMU and PIUs. Compensation for unanticipated temporary impacts and damage during construction will be borne by the contractor. Unanticipated losses, if any, will be mitigated/compensated as per the Entitlement Matrix of this resettlement framework. Loss of drinking water, sanitation and/or any other facility due to damage of existing infrastructure during construction will be mitigated through provision of alternate facilities (e.g., alternate means of water supply). The time gap between transfer from old system to new in certain areas will be minimized to avoid inconvenience to the public.

**Table 3: Entitlement Matrix<sup>22</sup>**

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>23</sup>	Implementation Issues <sup>24</sup>	Responsible Agency
1	Loss of private land	Agricultural land, <sup>a</sup> homestead land or vacant plot	Legal titleholders/ traditional titleholders <sup>b</sup>	<ul style="list-style-type: none"> <li>• Compensation at replacement value (as per RFCTLARRA, 2013) or land-for-land where feasible.<sup>c</sup> If land-for-land is offered, titles will be in the name of original landowners. Joint titles in the name of husband and wife will be offered in the case of married affected persons<sup>d</sup></li> <li>• Fees, taxes, and other charges related to replacement land (applicable to all parcels of replacement land, which totals the equivalent area of land acquired, if parcels of non-contiguous land are bought due to the unavailability of one contiguous parcel).</li> <li>• One-time resettlement allowance of ₹50,000 per affected family</li> <li>• One of the options from: (i) job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) one-time payment of ₹500,000 per family; (iii) annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>• All displaced families<sup>e</sup> will receive both: (i) one time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. Schedules Castes/Scheduled Tribes from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• All affected families<sup>f</sup> will receive: (i) compensation for damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) <i>Bonafide</i>; resulting from diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected</li> </ul>	<p>Fees, taxes, and other charges should be completed within a year of compensation payment and for land of equivalent size.</p> <p>Vulnerable households will be identified during the census.</p> <p>New land registrations and titles should be completed prior to project closure/completion.</p>	<p>The Valuation Committee will determine replacement value as per the procedures outlined in the subsequent sections of this document. PMU will ensure provision of notice.</p> <p>CMSC<sup>25</sup> with support of DBO contractor and CAPPCC will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households.</p>

<sup>22</sup> All entitlements in rupees (other than those provided under RFCTLARRA) will be adjusted for inflation till the year of compensation payment.

<sup>23</sup> Transportation costs, monthly subsistence allowance and resettlement costs are not incremental. For example, if an affected household loses land, shelter and commercial business in one lot, the family will get each of these allowances only once.

<sup>24</sup> For design, build and operate (DBO) contracts, the DBO contractor undertakes design tasks.

<sup>25</sup> CMSC may hire services of any agency/NGO for verification survey, census/socio-economic survey, DMS survey as part of their contract provisions.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>23</sup>	Implementation Issues <sup>24</sup>	Responsible Agency
				<p>landowner is compelled to change his place of residence or business due to proposed land acquisition</p> <ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops and compensation in item 6.</li> <li>• Additional compensation for vulnerable households<sup>9</sup> (item 7).</li> </ul>		
1-a	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not)	<ul style="list-style-type: none"> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• One-time resettlement allowance of ₹50,000 per affected family</li> <li>• One of the options from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of ₹500,000 per family; (iii) Annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. Scheduled Castes/Scheduled Tribes from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• All affected families will receive: (i) Compensation for damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) <i>Bonafide</i>; resulting from diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</li> <li>• Notice to harvest standing seasonal crops and compensation in item 6.</li> <li>• Additional compensation for vulnerable households (item 7).</li> </ul>	<p>Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease</p> <p>Vulnerable households will be identified during the census.</p>	CMSC will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to PIU/PMU. PIU to initiate and PMU to ensure provision of notice.
1-b	Loss of private land	Agricultural land	Sharecroppers	<ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops and compensation in item 6.</li> <li>• One-time Resettlement allowance of ₹50,000 per affected family</li> </ul>	Harvesting prior to acquisition will be accommodated to the extent possible.	PIU to initiate and PMU to ensure provision of notice. CMSC will identify vulnerable households.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>23</sup>	Implementation Issues <sup>24</sup>	Responsible Agency
				<ul style="list-style-type: none"> <li>• One of the options from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of ₹500,000 per family; (iii) Annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• All affected families will receive: (i) Compensation for damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) <i>Bonafide</i>; resulting from diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</li> <li>• Additional compensation for vulnerable households.</li> </ul>	<p>Work schedule will avoid harvest season.</p> <p>Vulnerable households will be identified during the census.</p>	
1-c	Loss of private land	Agricultural land, homestead land or vacant plot	Encroachers and Squatters <sup>h</sup>	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from encroached land.</li> <li>• Notice to harvest standing seasonal crops and compensation in item 6.</li> <li>• One of the options from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of ₹500,000 per family; (iii) Annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>• One time Resettlement allowance of ₹50,000 per affected family, if dependent on the affected land for minimum three years.</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for</li> </ul>	Vulnerable households will be identified during the census.	PIU to initiate and PMU to ensure provision of notice. CMSC will identify vulnerable households.



No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>23</sup>	Implementation Issues <sup>24</sup>	Responsible Agency
				<p>one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</p> <ul style="list-style-type: none"> <li>• Additional compensation for vulnerable households.</li> </ul>		
2	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholders	<ul style="list-style-type: none"> <li>• Reimbursement of unexpired lease.</li> <li>• One-time Resettlement allowance of ₹50,000 per affected family</li> <li>• One of the options from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of ₹500,000 per family; (iii) Annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• All affected families will receive: (i) Compensation for damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) <i>Bonafide</i>; resulting from diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</li> <li>• Additional compensation for vulnerable households.</li> <li>• Notice to harvest standing seasonal crops and compensation in item 6.</li> <li>• Additional compensation for vulnerable households.</li> </ul>	Vulnerable households will be identified during the census.	PIU to initiate and PMU to ensure provision of notice. CMSC will identify vulnerable households.
2-a	Loss of Government land	Vacant plot, Agricultural land, homestead	Non-titleholders	<ul style="list-style-type: none"> <li>• 60 days advance notice to shift from encroached land.</li> <li>• Notice to harvest standing seasonal crops and compensation in item 6.</li> </ul>	Vulnerable households will be identified during the census.	PIU to initiate and PMU to ensure provision of notice. CMSC will identify vulnerable households.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>23</sup>	Implementation Issues <sup>24</sup>	Responsible Agency
		land, RoW of road		<ul style="list-style-type: none"> <li>One time Resettlement allowance of ₹50,000 per affected family, if dependent on the affected land for minimum three years.</li> <li>If residing for three years prior to acquisition, One of the option from: (i) Job for at least one member of the affected family in project which has created impact or in similar such other project; (ii) One-time payment of ₹500,000 per family; (iii) Annuity policy that shall not pay less than ₹2,000 per month per family for 20 years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</li> <li>All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</li> <li>Additional compensation for vulnerable households.</li> </ul>		
3	Loss of residential structure	Residential structure and other assets <sup>i</sup>	Legal titleholders	<ul style="list-style-type: none"> <li>Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable) without any depreciation value applied.</li> <li>If house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 square meters (m<sup>2</sup>). plinth area. This benefit should be extended irrespective of title if the affected family is residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one-time financial assistance of at least ₹150,000. In rural areas, the actual cost of house construction shall be offered in such cases.</li> <li>Fees, taxes, and other charges related to replacement structure.</li> <li>Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>One-time resettlement allowance of ₹50,000 per affected family</li> <li>All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award.</li> </ul>	Vulnerable households will be identified during the census.	Valuation committee will verify replacement value. CMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>23</sup>	Implementation Issues <sup>24</sup>	Responsible Agency
				<p>Scheduled Castes/Scheduled Tribes from scheduled areas will receive additional ₹50,000 towards the same</p> <ul style="list-style-type: none"> <li>• Additional compensation for vulnerable households.</li> </ul>		
3-a	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the affected person.</li> <li>• If residing for minimum three years prior to acquisition, if house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 m<sup>2</sup>. plinth area. This benefit should be extended irrespective of title if the affected family is residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one-time financial assistance of at least ₹150,000. In rural areas, the actual cost of house construction shall be offered in such cases.</li> <li>• Fees, taxes, and other charges related to replacement structure.</li> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• Right to salvage materials (of the portion constructed by affected person) from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> <li>• One-time resettlement allowance of ₹50,000 per affected family</li> </ul> <p>All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 per month for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same.</p>	<p>Land/structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.</p> <p>Vulnerable households will be identified during the census.</p>	Valuation committee will verify replacement value. CMSC will verify the extent of impacts through 100% surveys of affected households determine assistance, verify and identify vulnerable households.
3-b	Loss of residential structure	Residential structure and other assets	Non-titleholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the affected person.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• If residing for minimum three years prior to acquisition, if house lost in rural areas, constructed house as per Indira Awas Yojana specifications. If in urban area, house of minimum 50 m<sup>2</sup>. plinth area. This benefit should be extended irrespective of title if the affected family is</li> </ul>	Vulnerable households will be identified during the census.	PIU with support of CMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households. PMU/PMCBC will provide supervisory guidance.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>23</sup>	Implementation Issues <sup>24</sup>	Responsible Agency
				<p>residing in affected area for continuously at least for three years prior to issue of notification. In urban area if family is not willing to accept the constructed house then shall get one-time financial assistance of at least ₹150,000. In rural areas, the actual cost of house construction shall be offered in such cases.</p> <ul style="list-style-type: none"> <li>• Fees, taxes, and other charges related to replacement structure.</li> <li>• One-time Resettlement allowance of ₹50,000 per affected family</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 per month for one year (total ₹36,000) from the date of award. Scheduled Castes/Scheduled Tribes from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• Additional compensation for vulnerable households.</li> </ul>		
4	Loss of commercial structure	Commercial structure and other assets	Legal titleholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable).</li> <li>• Fees, taxes, and other charges related to replacement structure.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• One-time resettlement allowance of ₹50,000 per affected family</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 per month for one year (total ₹36,000) from the date of award. Scheduled Castes/Scheduled Tribes from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• Additional compensation for vulnerable households.</li> <li>• One-time financial assistance of minimum ₹25,000 or as decided by the appropriate government, whichever is higher.</li> </ul>	Vulnerable households will be identified during the census.	Valuation committee will determine replacement value. CMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households.
4-a	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the affected person.</li> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> </ul>	Land/structure owners will reimburse tenants and leaseholders land rental deposit or unexpired lease.	Valuation committee will determine replacement value. CMSC will verify the extent of impacts through a 100% survey of affected households determine

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>23</sup>	Implementation Issues <sup>24</sup>	Responsible Agency
				<ul style="list-style-type: none"> <li>• Additional compensation for vulnerable households.</li> <li>• One-time Resettlement allowance of ₹50,000 per affected family</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• If residing for minimum three years prior to acquisition, One-time financial assistance of minimum ₹25,000 or as decided by the appropriate government, whichever is higher.</li> </ul>	Vulnerable households will be identified during the census.	assistance, verify and identify vulnerable households.
4-b	Loss of commercial structure	Commercial structure and other assets	Non-titleholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the affected person.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> <li>• One-time Resettlement allowance of ₹50,000 per affected family</li> <li>• All displaced families will receive both: (i) One time Shifting assistance of ₹50,000 towards transport costs etc.; and (ii) monthly Subsistence allowance of ₹3,000 for one year (total ₹36,000) from the date of award. SC/ST from scheduled areas will receive additional ₹50,000 towards the same</li> <li>• If residing for minimum three years prior to acquisition, One-time financial assistance of minimum ₹25,000 or as decided by the appropriate government, whichever is higher.</li> </ul>	Vulnerable households will be identified during the census.	CMSC will verify the extent of impacts through 100% surveys of affected households determine assistance, verify and identify vulnerable households. PIU and PMU to supervise and guide
5	Loss of livelihood	Livelihood	Legal titleholder/tenant/leaseholder/non-titled/employee of commercial structure, farmer/agricultural worker	<ul style="list-style-type: none"> <li>• Subsistence allowance of ₹3,000 per month for a period of one year from the date of award (Total ₹36,000). Scheduled Castes/Schedule Tribes families from scheduled areas will receive additional ₹50,000</li> <li>• One-time financial assistance of minimum ₹25,000 or as decided by the appropriate government, whichever is higher.</li> <li>• Transitional allowance.<sup>k</sup></li> <li>• Income restoration and training.<sup>l</sup></li> <li>• Additional compensation for vulnerable households.</li> <li>• Consideration for project employment.</li> </ul>	Vulnerable households will be identified during the census.	CMSC will verify the extent of impacts through a 100% survey of affected households determine assistance, verify and identify vulnerable households.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>23</sup>	Implementation Issues <sup>24</sup>	Responsible Agency
6	Loss of trees and crops	Standing trees and crops	Legal titleholder/tenant/leaseholder/sharecropper/non-titled affected person	<ul style="list-style-type: none"> <li>• Notice to harvest standing/seasonal crops and compensation for crops (or share of crop for sharecroppers) based on an annual crop cycle at market value. For seasonal crops notice should be given at least 6 months in advance.</li> <li>• If timely notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers) at market value</li> <li>• Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops.</li> </ul>	<p>Harvesting prior to acquisition will be accommodated to the extent possible. Work schedules will avoid harvest season.</p> <p>Market value of trees/crops has to be determined.</p>	PIU to initiate PMU to ensure provision of notice. Valuation Committee will undertake valuation of standing crops, perennial crops and trees, and finalize compensation rates in consultation with affected persons.
7	Impacts on vulnerable affected persons <sup>m</sup>	All impacts	Vulnerable affected persons <sup>n</sup>	<ul style="list-style-type: none"> <li>• Land: Further to item 1, in case of total loss of land, and a total dependency on agriculture, land-for-land compensation. Titles will be in the name of original occupants. Joint titles in the name of husband and wife will be offered in the case of married affected persons.</li> <li>• Government land: Further to Item 2, provision for skills training for displaced affected persons.</li> <li>• Residential structure: Further to Item 3, in case of total loss of structure, additional shifting allowance shall be paid.<sup>26</sup> Scheduled Castes and Scheduled Tribes affected persons shall receive other additional benefits as mentioned in item 3.<sup>o</sup></li> <li>• Commercial structure: Further to item 4, in case of total loss of business, support to reestablish business for vulnerable households which shall include assistance for purchase of income generating assets and initial capital of ₹40,000. Additional shifting allowance shall be paid.<sup>27</sup> Scheduled Castes and Scheduled Tribes affected persons shall receive other additional benefits as mentioned in item 4.</li> <li>• Livelihood: Vulnerable households will be given priority in project construction employment and provided with income restoration support. For permanent loss of livelihoods, affected persons will be provided skill training.</li> </ul>	Vulnerable households will be identified during the census.	<p>CMSC will verify the extent of impacts through 100% surveys of AHs and determine assistance, verify and identify vulnerable households.</p> <p>PIU and CMSC will monitor and ensure this entitlement</p>

<sup>26</sup> The additional shifting allowance for vulnerable households shall not be less than 20 percent of the value of shifting allowance mentioned under item 3 of this EM.

<sup>27</sup> The additional shifting allowance for vulnerable households shall not be less than 20 percent of the value of shifting allowance mentioned under item 4 of this EM.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>23</sup>	Implementation Issues <sup>24</sup>	Responsible Agency
				<ul style="list-style-type: none"> <li>Vulnerable persons will receive additional 3 months of assistance based on minimum wage rates.</li> <li>Vulnerable persons/businesses will receive ₹9,000 as one-time assistance under temporary impacts.</li> </ul>		
8	Temporary loss of land <sup>p</sup>	Land temporarily required for subproject construction	Legal titleholders, non-titled affected persons	<ul style="list-style-type: none"> <li>Provision of rent for period of occupation for legal titleholders (and also for non-titled of attached to proposed land from minimum three years prior to temporary acquisition)<sup>q</sup></li> <li>Compensation for assets lost at replacement value, and trees and crop loss in accordance with item 6.</li> <li>Restoration of land to previous or better quality<sup>r</sup></li> <li>30 days advance notice regarding construction activities, including duration and type of disruption.</li> </ul>	<p>Assessment of impacts if any on structures, assets, crops and trees due to temporary occupation.</p> <p>Site restoration.</p> <p>Contractor's actions to ensure there is no income/access loss consistent with the initial environmental examination. This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.</p>	Valuation Committee will determine rental value and duration of construction survey and consultation with affected persons. A pre-subproject photograph to be made by the CMSC. PMU will ensure compensation is paid prior to site being taken-over by contractor. Contractor will be responsible for site restoration.
9	Temporary disruption of livelihood		Legal titleholders, non-titled	30 days advance notice regarding construction activities, including duration and type of disruption.	Identification of alternative temporary sites to continue economic activity.	Valuation Committee will determine income lost.

No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy <sup>23</sup>	Implementation Issues <sup>24</sup>	Responsible Agency
			affected persons	<p>Cash assistance based on the minimum wage/average earnings per month for the loss of income/livelihood for the period of disruption Contractor's actions to ensure there is no income/access loss consistent with the environmental management plan (EMP)/initial environmental examination (IEE).<sup>s</sup></p> <p>Assistance to vendors/hawkers to temporarily shift for continued economic activity (₹1,500 as one time assistance)<sup>t</sup></p> <p>For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance will be paid as per average daily income arrived at from census and socio-economic survey or as per applicable minimum wage, whichever is greater. This assistance shall be paid for a minimum of 14 days or the actual period of disruption, whichever is higher.</p>	Contractor's actions to ensure there is no income/access loss consistent with the initial environmental examination. This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.	Contractors will perform actions to minimize income/access loss.
10	Loss and temporary impacts on common resources	Common resources	Communities	<ul style="list-style-type: none"> <li>Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, etc.</li> </ul>	-	PMU and PIU through Contractor.
11	Any other loss not identified	-	-	Unanticipated involuntary impacts will be documented and mitigated based on ADB's Safeguard Policy (SPS), 2009.	-	CMSC/CAPPC will ascertain the nature and extent of such loss. PMU will finalize the entitlements in line with ADB's SPS, 2009.

CAPPC = community awareness and public participation consultant, EMP = environmental management plan, ₹ = Indian rupee, PMU = project management unit, ROW = right-of-way, RFCTLARRA = Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, SPS = Safeguard Policy Statement, m<sup>2</sup> = square meter.



- <sup>a</sup> The RFCTLARR, 2013 Act says no irrigated multi cropped land shall be acquired under this Act, except in exceptional circumstances, as a demonstrable last resort. Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. Such costing shall also reflect while preparing resettlement budget. Similarly, the Act says, as far as possible, no land acquisition shall be made in scheduled areas and where such acquisition takes place, it shall be done only as a demonstrable last resort.
- <sup>b</sup> Traditional land rights refer to households with customary rights to land and shall be treated equivalent to titleholders.
- <sup>c</sup> Including option for compensation for non-viable residual portions. Land for land will be the preferred option for compensation in case of land loss to scheduled tribes or scheduled caste.
- <sup>d</sup> Affected persons can also be offered with shares (if any, of Requiring Body) (up to max 25% of the total replacement value) and such amount can be deducted. However, no affected person should be compelled to take the shares.
- <sup>e</sup> "Displaced family" means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area. This also includes affected people that lose their agricultural land but not the houses. But they still have to relocate for economic reasons.
- <sup>f</sup> These compensations will be appropriately distributed among various eligible candidates (if any) (such as between owner, tenant, sharecropper etc.).
- <sup>g</sup> Vulnerable households comprise below poverty line households, female-headed households, households with out of school/working children, disabled person-headed household, elderly headed household, landless household, household with no legal title/tenure security, and schedule castes and scheduled tribe households.
- <sup>h</sup> Non-titleholders are those without legal title to land and without any recognizable rights to land occupied by them.
- <sup>i</sup> Other assets include, but is not limited to walls, fences, sheds, wells, etc. Detailed entitlements will be finalized after detailed measurement survey when all impacts are known, and all impacts will be mitigated with appropriate compensation based on ADB's Safeguard Policy (SPS), 2009.
- <sup>j</sup> Detailed entitlements will be finalized after detailed measurement survey when all impacts are known, and all impacts will be mitigated with appropriate compensation based on ADB's SPS, 2009.
- <sup>k</sup> To be provided for affected persons whose livelihood is affected by the Project. The transitional allowance will cover the period of transition and comply with established minimum wage standards in the respective towns/cities in the case of wage-earning affected persons and incomes earned in the case of non-wage-earning affected persons.
- <sup>l</sup> Refer to Section H item 2.
- <sup>m</sup> Vulnerability benefits are incremental, i.e., in addition to other entitlements and benefits
- <sup>n</sup> Vulnerable households comprise below poverty line households, female-headed households, households with out of school/ working children, disabled person-headed household, elderly headed household, landless household, household with no legal title/tenure security, and schedule castes and scheduled tribe households.
- <sup>o</sup> All rupee compensations other than statutory compensations in this entitlement matrix will be adjusted for inflation until the year of compensation payment.
- <sup>p</sup> Temporary possession of land for project purpose can be taken only for three years from the date of commencement of such possession/occupation.
- <sup>q</sup> Payment can be either through a lumpsum payment, or by monthly or other periodical payments as shall be agreed upon in writing.
- <sup>r</sup> If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under RFCTLARR Act to acquire the land as if it was needed permanently for a public purpose.
- <sup>s</sup> This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.
- <sup>t</sup> For example, assistance to shift to the other side of the road where there is no construction. Such assistances will be given only to non-movable businesses (which are not on wheels).

### III. SOCIO-ECONOMIC INFORMATION AND RESETTLEMENT PLAN PREPARATION

#### A. Surveys

44. Social impact assessment (SIA) surveys will be undertaken in each subproject. The PIUs with support from CMSC and the design-build-operate (DBO) contractor will undertake surveys for each identified subproject, based on preliminary technical design. The PIUs will be guided by the PMU which will have a social project officer (SPO). The SIA will determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a resettlement plan for implementation. As part of the social impact assessment, social safeguard specialist (SSS) placed with PMCBC will guide CMSC to identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the project will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development.

45. The purpose of the census and detailed measurement survey (as part of the SIA) is to register and document the status of potentially affected persons<sup>28</sup> within the subproject impact area. The census will cover 100% of affected persons. The census will provide a demographic overview of the population and will cover people's assets and main sources of livelihood.

46. The detailed measurement survey (DMS) and inventory of loss surveys will be conducted for each of the subproject sites and alignments based on detailed design, before implementation at each stretch of distribution/sewer network lines. The DMS will establish the number of affected persons/businesses along each proposed pipe/road stretch with potential impacts (both temporary and permanent). It will collect only essential information for determining entitlements. The DMS will gather personal information on the affected person, type of business, type of structure, number of persons employed, income and profits per day, vulnerability, if any of the owner or employees, and will record the type of distress likely.

47. The SIA for permanent impacts shall also comply with all requirements specified under RFCTLARRA, 2013 (refer Appendix 2) and should be completed within six months from its date of commencement. The PIU shall also get it appraised and approved by the expert group. The SIA for temporary impacts should also comply with the requirements specified under RFCTLARRA, 2013 however will not be require an independent exert group approval.

#### B. Resettlement Plan

48. The PMU will advise PIU (and the CMSC) to prepare a resettlement plan, if the proposed project will have involuntary resettlement impacts. The resettlement plan will be based on the SIA and through meaningful consultation with the affected persons. The resettlement plan will be prepared based on the results of the census and socio-economic survey; the database on affected persons should be completed before resettlement plan preparation. Some of the key steps to be followed during resettlement plan preparation include: (i) screening of subprojects and subproject involuntary resettlement categorization; (ii) conducting SIA covering 100% census and socio-economic surveys; (iii) preparation of draft resettlement plan including extent of loss, list of

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<sup>28</sup> The potentially affected persons will include both the titleholders and the non-titleholders within the subproject construction zone. The identification of non-titleholders will be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, information from the community will be considered.

affected persons, entitlements, budget, implementation schedule and other institutional, consultation and grievances etc., requirements for resettlement plan implementation; (iv) disclosure of draft resettlement plan with various stakeholders including with affected persons and the ADB; (v) addressing various grievances (if any) in line with the procedures outlines in the resettlement framework/resettlement plan; (vi) preparation of final resettlement plan incorporating suggestions/outcome of consultations from various stakeholders; (vii) submission and approval of final resettlement plan from the ADB and its final disclosure.

49. Prior to resettlement plan preparation, screening of subprojects will be undertaken. PIU with the help from CMSC's social and gender professional and its field support staff (social) will carry out preliminary investigations and field visits to understand the extent of impacts due to proposed subprojects. An inventory of key indicators such as extent of land/structure loss, number of affected persons, broad social-economic profile of affected persons etc. will be collected and based on this involuntary resettlement checklist and indigenous people checklist<sup>29</sup> will be prepared. The involuntary resettlement and Indigenous People checklists will specify the safeguard category of the subproject in line with the resettlement framework/ADB SPS, 2009 and identified impacts. It will also specify the requirement for appropriate plan to mitigate the identified impacts. These checklists along with category suggested will be reviewed and approved by the ADB prior to the preparation of actual resettlement plan or indigenous peoples plan (IPP).

50. A resettlement plan will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the PMU/PIU will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a resettlement plan is presented in Appendix 7.

51. The resettlement plan will be prepared/updated by the CMSC social and gender professional. The resettlement plan will be prepared in consultation with affected persons, local representatives, and NGOs. Resettlement issues will be coordinated by the PIU safeguard and safety officer (SSO) under the supervision of zonal PIU, nodal officer and the PMU-project officer (social). Nodal officer, zonal PIU will ensure that all subprojects comply with involuntary resettlement safeguards. The PMU will submit all resettlement plans to zonal PIU for further submission to PMU and through it to ADB for review and feedback. All resettlement plans will be reviewed and approved by ADB prior to the award of any contracts related to the subproject.

52. The draft resettlement plan will also be shared with affected persons and host communities and revised to reflect their views. This will be done through community awareness and public participation consultant (CAPPC) and CMSC field support staff (social) who will support PIU (safeguard and safety officer) to implement the resettlement plan. The resettlement plan will be prepared in local language or translated and disclosed to affected persons and the public through posters and/or resettlement information handouts. The completed resettlement plan based on detailed design and the detailed measurement survey will include the census of affected

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<sup>29</sup> Refer Appendix 4 for involuntary resettlement checklist.

persons, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and participatory results monitoring mechanisms. As per the ADB's SPS, 2009, the resettlement plan should be broadly structured in the following manner:

- (i) Executive summary;
- (ii) Project description;
- (iii) Scope of land acquisition and resettlement;
- (iv) Socioeconomic information and profile;
- (v) Information disclosure, consultation and participation;
- (vi) Grievance redress mechanisms;
- (vii) Legal framework;
- (viii) Entitlements, assistance and benefits;
- (ix) Relocation of housing and settlements;
- (x) Income restoration and rehabilitation;
- (xi) Resettlement budget and financing plan;
- (xii) Information disclosure;
- (xiii) Institutional arrangements;
- (xiv) Implementation schedule; and
- (xv) Monitoring and reporting.

53. The draft resettlement plan will be revised as the final resettlement plan incorporating the outcomes of final census of affected persons, final involuntary resettlement impacts upon completion detail design and final consultations and resettlement plan disclosure activities (suggestions made by various stakeholders including the affected persons).

### **C. Gender Impacts and Mitigation Measures**

54. Any negative impacts of a subproject on female-headed households will be taken up on a case-to-case basis and assistance to these households will be treated on a priority basis. The resettlement plan will formulate measures to ensure that socio-economic conditions, needs, and priorities of women are identified, and the process of land acquisition and resettlement does not disadvantage women. The resettlement plan will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. During disbursement of compensation and provision of assistance, priority will be given to female-headed households. Joint ownership in the name of husband and wife will be provided in cases of non-female-headed households.

## **IV. CONSULTATION, PARTICIPATION AND DISCLOSURE**

### **A. Consultation**

55. A range of formal and informal consultative methods will be carried out for future subprojects including, but not limited to: (i) focus group discussions (FGDs); (ii) public meetings; (iii) community discussions; and (iv) in-depth and key informant interviews, in addition to the censuses and socioeconomic surveys. Consultations will be held with special emphasis on vulnerable groups. Encouraging public participation in consultations informs the public of the program and serves as a venue for the public to express their opinion on priorities which the program should address.

56. The key stakeholders to be consulted at various stages during subproject preparation, resettlement plan implementation, and program implementation includes:

- (i) all affected persons, including vulnerable households;
- (ii) program beneficiaries;
- (iii) host populations in resettlement sites (if any);
- (iv) elected representatives, community leaders, and representatives of community-based organizations;
- (v) local NGOs;
- (vi) local government and relevant government agency representatives; and
- (vii) Project staff, PMU, Zonal and town level PIU, PMCBC, CMSC and CAPPC and contractor.

57. Consultations with affected persons during resettlement plan preparation will ensure that views of affected persons on compensation and resettlement assistance measures are fully incorporated while consultations conducted during resettlement plan implementation will identify help required by affected persons during rehabilitation.

58. Continuing involvement of those affected by subprojects is necessary in the resettlement process. The PIU will ensure that affected persons and other stakeholders are informed and consulted about the subproject, its impact, their entitlements and options, and allowed to participate actively in the development of the subproject. This will be done particularly in the case of vulnerable affected persons, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the subproject—during preparation, implementation, and monitoring of subproject results and impacts. Zonal PIU through monitoring support will ensure that stakeholder consultation, participation and information disclosure activities are carried out in project area through the project cycle.

59. The CMSC and CAPPC will ensure that views of affected persons, particularly those who are vulnerable, related to the resettlement process are looked into and addressed. The CMSC and CAPPC will ensure that affected persons consulted are informed of the outcome of the decision-making process and will confirm how their views were incorporated. Since resettlement is a continuous process and baseline data/information will be collected, CMSC will regularly update the baseline information.

## **B. Disclosure**

60. The resettlement framework and subproject resettlement plans will be made available in relevant government agencies (including the district collector's office) in each town, near affected area, and PIU and PMU offices. The resettlement framework and sample subproject resettlement plans will be disclosed in ADB's website and the PMU websites. Finalized resettlement plans will also be disclosed in ADB's website, PMU websites, and PIU or town websites; and information dissemination, through subproject specific leaflets and public announcements, and consultation will continue throughout program implementation. The project leaflets will be distributed by CAPPC to the affected communities for their information. The project cutoff date will be established upon the completion of final detail design and final affected person census following the final engineering design for resettlement plan updating. The project cutoff date will be informed by CAPPC to the affected persons directly, dissemination of project leaflets, publicly announced in the local media, as well as stated in the project sign boards. A sample project leaflet is attached in Appendix 8.

61. For future subprojects, information will be disseminated to affected persons at various stages. In the initial stage, the PMU (with support from zonal and town level PIU) will be responsible for issuing public notices to acquire land required (as applicable) for subprojects disclosing the cut-off dates and providing Project information. Permanent land acquisition will follow the various cut-off dates as specified under RFCTLARRA, 2013 while for the temporary impacts the date/period of socio-economic surveys will be considered as cut-off date. The notice and cut-off dates will be published in local newspapers, twice with a 1 week interval for permanent land acquisition while PIU and implementing NGO will provide the cut-off date schedule at PIU offices for temporary impacts. Cut-off dates for temporary impacts will also be communicated by CMSC (field support staff) under the supervision of PIU. CMSC team will conduct consultations and disseminate information to all affected persons. Resettlement plans will be translated into the local language and made available at offices of the: (i) ULBs; (ii) relevant local government line agencies; and (iii) PMU and PIUs. Resettlement plans will also be kept in public libraries, accessible to citizens as a means to disclose the document and at the same time create wider public awareness.

62. The resettlement framework and resettlement plans will be disclosed in the following websites: (i) PMU, (ii) PIU, (iii) State Government, (iv) local government, and (v) ADB. The PMU will issue notification of implementation start dates for each subproject. The notice will be issued by the PMU in local newspapers one month ahead of implementation. This will create awareness of project implementation. The PMU and PIUs will provide information on involuntary resettlement policies and features of the resettlement plan. Basic information such as subproject location, impact estimates, entitlements, and implementation schedule will be presented in the form of a brochure that will be circulated among affected persons. Posters containing basic resettlement plan information will also be posted in different localities to increase awareness. Copies of resettlement plan summaries will be kept in the PMU and PIU offices and will be distributed to any affected person consulting on resettlement issues. The resettlement framework will be made available in local language during public meetings. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contracts.

63. An intensive information dissemination campaign for affected persons will be conducted by the PIU with assistance from the CAPPC and CMSC at the outset of resettlement plan implementation. All the comments made by the affected persons will be documented in the subproject records and summarized in subproject monitoring reports. A summary of consultation and disclosure activities to be followed for each subproject is in Table 4.

**Table 4: Consultation and Disclosure Activities**

<b>Program Phase</b>	<b>Activities</b>	<b>Details</b>	<b>Responsible Agency</b>
Investment Program Initiation/ Bridging Phase	Mapping of the program areas	Area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition.	PMU in coordination with district collector's offices and other local bodies.
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the Program.	PMU, zonal PIU and PIUs in consultation with stakeholders.

Program Phase	Activities	Details	Responsible Agency
	Program/subproject information dissemination; Disclosure of proposed land acquisition	Leaflets containing information on the Program and subproject to be prepared. Public notice issued in local newspapers (and disclosed on PMU/PIU websites) including survey numbers and names of titleholders for land to be acquired concurrent with consultation with titleholders.	PMU SPO and PIU - safeguard and safety officer (SSO). Notice will be issued from the district collector's office. PMU SPO and PIU ASO to disclose on the web.
	Stakeholder consultations	Further consultations with affected titleholders and households. Consultations with non-titled affected persons and other stakeholders during subproject scoping.	CMSC and CAPPC
Resettlement Plan Preparation Phase	Disclosure of cut-off date	For permanent land acquisition as per the RFCTLARRA, 2013 while for temporary impacts by PIU.	PIU with support from CMSC, social and gender professional and its field support staff, and CAPPC
	SIA surveys	Surveys to be conducted. Summary resettlement framework to be disclosed in local language through printed materials to affected persons particularly those who are vulnerable and other stakeholders.	PIU through CMSC field support staff (Social) to conduct surveys. CMSC to disclose resettlement framework to stakeholders (including making it available in PMU/PIU offices and government agency offices) PMU/PIU to disclose on the web.
	Formulating compensation and resettlement assistance measures	Conducting stakeholder consultations particularly affected persons in and reflecting issues raised in revised resettlement plan.	PMCBCs social and gender profession under the guidance of PMU/CAPPC.
	Disclosure of final entitlements and rehabilitation packages	Provision of resettlement plans to all stakeholders particularly affected persons. Conducting consultations and distributing local language versions of the summary resettlement plan.	PMU/PIU to disclose on the web. CMSC and CAPPC/
Resettlement Plan Implementation Stage	Disclosure of resettlement plan	Review and approval of resettlement plan by executing agency. Review and approval of resettlement plan by ADB. Web disclosure of the resettlement plan.	PMU to provide ADB with resettlement plan for review and approval. PMU SPO to disclose on the web.
	Consultation with affected persons during resettlement plan implementation	Consultations with affected persons.	CAPPC/ CMSC, PIU/PMU and external agency.

ADB = Asian Development Bank, ASO = assistant safeguard officer, CAPPC = community awareness and public participation consultant, CMSC= construction management and supervision consultant, PMCBC = project management and capacity building consultant, PIU = project implementation unit, PMU = project management unit, RFCTLARRA = Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, SPO = social project officer, SSO = safeguard and safety officer.

## V. GRIEVANCE REDRESS MECHANISM

64. A project-specific, three-tier grievance redress mechanism (GRM) covers both environment and social issues. The GRM will be established to receive, evaluate, and facilitate the resolution of affected persons' concerns, complaints, and grievances about the social and environmental performance at project level. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns related to the project. Assessment of the GRM designed and implemented for Rajasthan Urban Sector Development Program (RUSDP)<sup>30</sup> shows that the system was effective in timely resolution of grievances in a transparent manner.<sup>31</sup> The multichannel, project-specific, three-tier GRM is functional at RUSDP, hence the design of GRM for RSTDSP takes into account the proposed institutional structure for RSTDSP and the positive features and learnings from the previous GRM.<sup>32</sup>

65. **Common GRM.** A common GRM will be in place for social, environmental, or any other grievances related to the project. Implementation of the resettlement plans/RIPPs/DDR/IEEs will follow the GRM described below. The GRM will provide an accessible and trusted platform for receiving and facilitating resolution of affected persons' grievances related to the project.

66. Public awareness campaigns within entire ULB/Municipal area will ensure that awareness on grievance redress procedures is generated. The nodal officer- safeguards and gender supported by ASO at zonal level, will oversee the conduct of ULB/project coverage area-based awareness campaigns by the town-level safeguards and safety officers, through the CAPPC. The awareness campaigns will ensure that poor and vulnerable households are made aware of grievance redress procedures and entitlements. Contractors will provide pamphlets to communities prior to start of works and billboards during construction. The pamphlets and billboards will include relevant environmental and social safeguards, GRM information, and contact details of key personnel from PIU and contractors.

67. Affected persons will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaint/suggestion boxes that will be installed by project PIUs or by e-mail, by post, or by writing in a complaints register in ULB offices/complaints register

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<sup>30</sup> The procedures followed for grievance redress during implementation of RUSDP Phase III included the project GRM and the pilot GRM software application (Smart Check) in Pali, the Sampark portal of Government of Rajasthan, and the Chief Minister's helpline. Complaints received through various channels were mostly minor and pertained to damage to existing water supply pipelines and disruption of water supply during construction, delays in road restoration, and pending new connections. Complaints related to damage to private property (compound walls/steps, etc.) were less in number. The grievances were mostly possible to resolve in coordination with the contractors. Complaints received were immediately referred by the CAPC/PMDSC supervision staff to the PIU Nodal officer (safeguards) and concerned engineer at PIU, who advised them on further action. Follow up with the contractor on complaint resolution was undertaken by PIU Nodal officer CAPC and PMDSC and final feedback sought from complainant upon resolution. Complaints requiring inter-departmental coordination were referred to the PMU for resolution, and feedback provided to complainant. The PMU kept regular track of grievances through WhatsApp and email alerts, ensuring registration and follow-up until resolution.

<sup>31</sup> Town-level grievance registration data indicates that a large number of grievances were registered, pointing to the effectiveness of the multi-channel GRM. No major grievance was received for RUSDP Phase III. The GRM helped smoothen the process of project implementation, hence the proposed architecture for the RSTDSP GRM remains similar, with some refinement, taking into account the changes in institutional setup proposed for project implementation.

<sup>32</sup> Continued logistics support at field level will be key to successful management of grievance redress under RSTDSP. The target date for establishment of the first level (PIU level) and second level (Zonal level) of GRM is before loan negotiation.



at contractor's work site<sup>33</sup> or by sending a WhatsApp message to the PIU<sup>34</sup> or by dialling the phone number of town level PIU/CAPPC or by dialling a toll-free number.<sup>35</sup> Any aggrieved person can also avail the facilities of online grievance monitoring system 'Rajasthan Sampark' portal to register their grievances which is a parallel mechanism of grievance registration, in addition to the project GRM.<sup>36</sup> Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken and feedback provided to the complainant on action/decision taken. The SSO of town/city level PIU will have the overall responsibility for timely grievance redressal on environmental and social safeguards issues and for registration of grievances, related disclosure, with the assistance of project consultants. In case of grievances that are immediate and urgent in the perception of the complainant, the contractor, and officials of PIU with assistance from CMSC and CAPPC on-site will provide the most easily accessible or first level of contact for quick resolution of grievances. Contact numbers and names of the concerned PIU safeguard and safety officer, contractors, CAPPC and CMSC personal will be posted at all construction sites at visible locations.

- (i) **1st level grievance.** The contractors, PIU executive engineer /assistant engineer designated as SSO (social and environment), CMSC (safeguard staff) and CAPPC can immediately resolve issues on-site, in consultation with each other and will be required to do so within 7 days of receipt of a complaint/grievance. If required, city level monitoring committee (CLMC)<sup>37</sup> will be involved in resolution of grievances at the 1st level;
- (ii) **2nd level grievance.** All grievances that cannot be redressed within 7 days at field/PIU level will be brought to the notice of Zonal PIU headed by Additional Chief Engineer (ACE). The ACE at zonal PIU will resolve the grievance within 7 days of receipt of complaint/grievance in discussion with the assistant safeguard officer (ASO), field level PIU, CMSC, CAPPC and the contractor;
- (iii) **3rd level grievance.** All the grievances that are not addressed by Zonal PIU within 7 days of receipt will be brought to the notice of the PMU. Depending on the nature of grievance, the Project Officer (Social/Environment) at PMU will resolve the grievance within 15 days of receipt of grievance with necessary coordination of Zonal PIU and CMSC and guidance/instruction of additional project director (APD-PMU);
- (iv) Grievances not redressed through this process within/at the project level within stipulated time period will be referred to the CLC/grievance redress committee (GRC), which has been set up.<sup>38</sup> In its role as a GRC, the CLC will meet whenever

<sup>33</sup> RUSDP piloted an online application based live GRM counter for resolution of public grievances over and above the usual process of grievance registration and redressal. This app based GRM - "RUIDP Smart Check" is available at Google play store (free of cost) and is operational. The RUIDP Smart Check "app" was launched in Pali town in July 2017 and is proposed to be scaled up in RSTDSP project towns. For persons without access to the application, the traditional channels will continue to be available.

<sup>34</sup> It is suggested for each PIU to have a dedicated WhatsApp group for registration of grievances and receipt of quick feedback, to be followed by more formal communication.

<sup>35</sup> Project contractors in all project towns will have a toll-free number with specific working hours for registration of grievances related to RSTDSP.

<sup>36</sup> [HTTP://WWW.SAMPARK.RAJASTHAN.GOV.IN/RAJSAMWELCOME.ASPX](http://www.sampark.rajasthan.gov.in/RAJSAMWELCOME.ASPX)

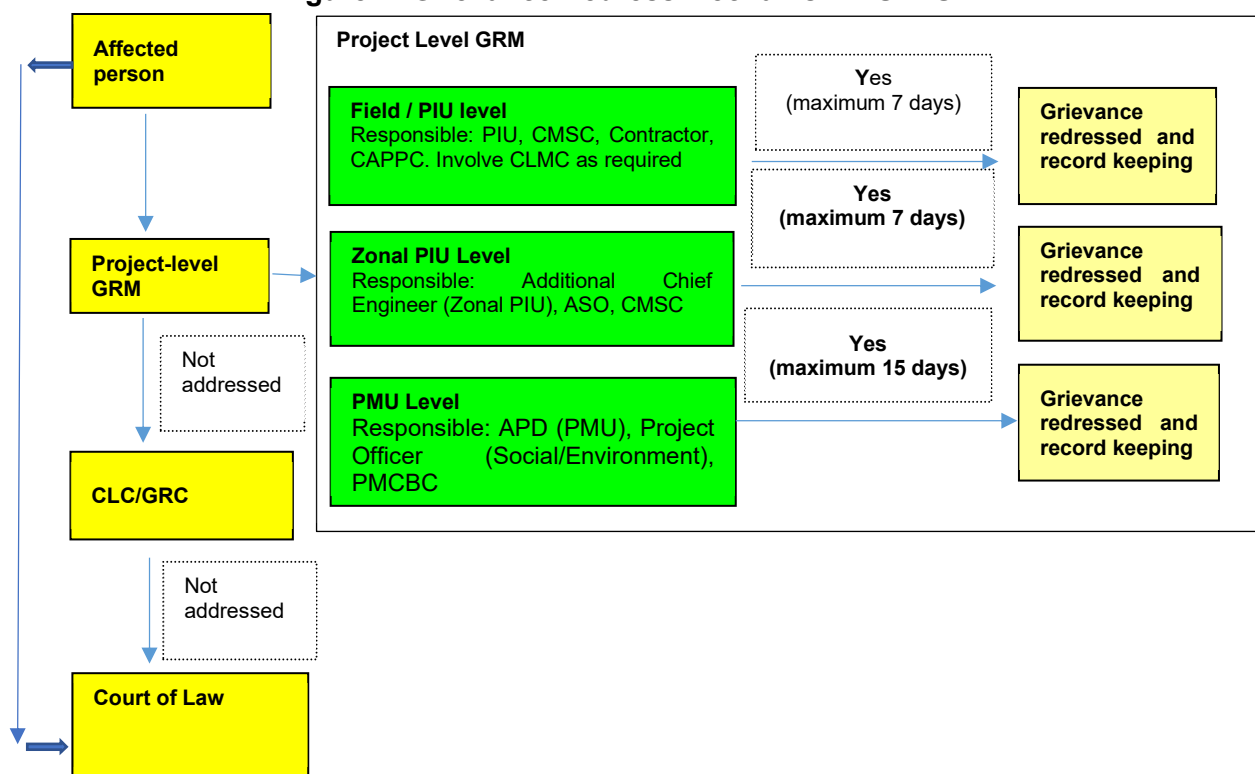
<sup>37</sup> The CLMC has been formed at the town/city level for planning and monitoring of work, resolve issues related to departmental coordination etc. It is headed by Commissioner/Executive Officer ULB (Chairman) and city engineer of public health engineering department (PHED), public works department (PWD) and head of PIU acting as Member Secretary.

<sup>38</sup> City Level Committee (CLC)/grievance redress committees (GRCs) has been constituted for each town/city under the Chairmanship of District Collector to provide overall subproject guidance and "to sort out issues and remove

there is an urgent, pending grievance. Other grievances can be discussed during its regular meetings. Zonal PIU will inform the CLC regarding any grievances required to be resolved urgently. The GRC will resolve the grievance within 15 days of receiving the complaint. In case of any indigenous peoples impacts in subprojects, the CLC/GRC must have representation of the affected indigenous people community, the chief of the tribe or a member of the tribal council as traditional arbitrator (to ensure that traditional grievance redress systems are integrated) and an NGO working with indigenous people groups; and

- (v) The multi-tier GRM for the project is outlined below (Figure 1), each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required. The GRC will continue to function throughout the project duration.

**Figure 1: Grievance Redress Mechanism-RSTDSP**



Note: APD = additional project director, ASO = assistant safeguards officer, CAPPC = community awareness and public participation consultant, CMSC = construction management and supervision consultants, CLC = city level committee,

hindrances, if any". CLC formed at city-level/district level with members composed of: District Collector as Chairperson, and following as members: ULB Commissioner/Mayor/Chairman; Deputy Mayor/Vice Chairman ULB; Chairman / Secretary Urban Improvement Trust (UIT); Head of Zonal/field level PIU as Member Secretary; one representative each from relevant government departments as appropriate (PWD/PHED/Town Planning Department etc.). All CLCs in their role as GRCs will have at least one-woman member/chairperson. In addition, for project-related grievances, representatives of affected persons, community-based organizations (CBOs), and eminent citizens will be invited as observers in GRC meetings. The concerned Member of Parliament (MP) and Member of Legislative Assembly are also part of the CLC.

CLMC = city level monitoring committee, GRC = grievance redress committee, PIU = project implementation unit, PMU = program management unit, PMCBC = project management and capacity building consultant.

68. The project GRM notwithstanding, an aggrieved person shall have access to the country's legal system at any stage and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM. In case of grievance related to land acquisition, resettlement and rehabilitation, the affected persons will have to approach a legal body/court specially proposed under the RFCTLARRA, 2013.<sup>39</sup>

69. People who are, or may in the future be, adversely affected by the project may submit complaints to ADB's Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-assisted projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB's operational policies and procedures. Before submitting a complaint to the Accountability Mechanism, affected people should make an effort in good faith to solve their problems by working with the concerned ADB operations department. Only after doing that, and if they are still dissatisfied, should they approach the Accountability Mechanism.<sup>40</sup>

70. **Record-keeping.** The PIU of each town/city will keep records of grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were affected and final outcome. The number of grievances recorded and resolved, and the outcomes will be displayed/disclosed in the PMU office, PIU offices, and on the web, as well as reported in monitoring reports submitted to ADB on a semi-annual basis. The sample grievance registration format is attached as Appendix 9.

71. **Periodic review and documentation of lessons learned.** The PMU project officers (Social and Environment) will periodically review the functioning of the GRM in each town and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances.

72. **Costs.** Contractors are required to be allocated budget for pamphlets and billboards as part of the EMP. Costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the concerned PIU at town level while costs related to escalated grievances will be met by the PMU. Cost estimates for grievance redress are included in resettlement cost estimates.

## VI. COMPENSATION, INCOME RESTORATION, AND RELOCATION

### A. Compensation

73. Land acquisition and resettlement impacts will be compensated in accordance with the entitlement matrix (Table 3). Loss of assets will be at replacement cost. A valuation committee will be constituted comprising land acquisition/revenue officers, accounts officers of the collectorate, PIU representative, affected persons, and NGOs to determine replacement values.

74. The replacement value for land will be determined by the valuation committee in consultation with affected persons and the CLCs. The valuation committee will finalize the replacement value by undertaking a land market survey with the objective of ascertaining

<sup>39</sup> The Authority admits grievance only with reference to the Land Acquisition and R&R issues under the RFCTLARRA, 2013.

<sup>40</sup> Accountability Mechanism. <http://www.adb.org/Accountability-Mechanism/default.asp>.

prevailing market values<sup>41</sup> of land. In line with the RFCTLARRA, 2013, for assessing and determining the market value of the land, a highest among these shall be considered as a part of land market survey:<sup>42</sup> (i) market value of land, specified as per Indian Stamp Act, 1899 for registration of sale deeds or agreements to sell;<sup>43</sup> (ii) average sale price of similar type of land situated in the nearest village/vicinity (for this purpose, immediate preceding three years with highest sale deed prices/agreements to sell shall be referred); and (iii) consented amount compensation as agreed upon in case of acquisition of lands for private companies or for public private partnership projects. As specified in RFCTLARRA 2013, a multiplier factor up to two shall also be applied to arrive at replacement value. Vulnerable households will be provided additional assistance in the form of land-for-land replacement options. The valuation committee will facilitate the valuation of immovable properties,<sup>44</sup> including structures and assets, as follows:

- (i) **Residential and Commercial Structures.** 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. If the BSR is not up to date, the valuation committee will undertake a market survey to determine replacement value;
- (ii) **Trees and Crops.** Compensation for trees will also be based on the current market value of timber for timber trees, the annual net product market value multiplied by remaining productive years for perennial crops and fruit trees, and the market value of standing crops. These values will be finalized by the valuation committee in consultation with the Department of Forest, Horticulture, and/or Agriculture; and
- (iii) **Other Assets.** Compensation for assets such as (wells, irrigation units, etc.), will be based on replacement value. The valuation committee will estimate this through detailed market surveys.

75. Compensation and assistance to affected persons must be made prior to possession of land/assets and prior to the award of civil works contracts.<sup>45</sup>

## B. Income Restoration and Relocation

76. Income restoration schemes will be designed in consultation with affected persons. The strategy for income restoration will be prepared prior to land acquisition. Based on the information collected from the census and the socio-economic surveys, income restoration strategies will be framed, and activities planned. CMSC Social and Gender professional, under the guidance of PMU/PMCBC will consider the resource base of affected persons and their socio-economic characteristics and preferences to develop appropriate income restoration schemes.

<sup>41</sup> The prevailing market values are influenced by various factors such as location of land, connectivity, and classification/land use, type of soil, crops grown, available irrigation and other facilities, and other plus and minus points such as frontage to road, proximity to developed areas, regularity of shape, unevenness of land, etc.

<sup>42</sup> The date of determination of market value shall be the date on which preliminary notification has been issued as per LARR, 2013.

<sup>43</sup> The Collector shall update these prices to date, if they are not, at the time of acquisition.

<sup>44</sup> Vulnerable households will be provided additional assistance in the form of preference for employment in subproject construction activities, and skills training.

<sup>45</sup> The affected persons will hand over land and properties acquired free from all encumbrances such as mortgage, debt, etc. after compensation. However, in case there are loans on acquired land and properties such amounts will be deducted from the total compensation. The acquired land and properties shall vest in the Competent Authority paying compensation for such lands/properties. If the Competent Authority fails to pay decided compensation to affected persons within a year after the date of notification, additional amount by way of interest (12%) will apply on final compensation payable to each affected person, unless and except in cases where the affected person has approached the judiciary for grievance redress.

77. The objective of income restoration is to ensure that each affected person will have at least the same or improved income after the subproject. CMSC through its PIU level support staff will identify the number of eligible affected persons based on the census of affected persons and will conduct training need assessment in consultations with the affected persons. The PIU/CMSC will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by the PMCBC in consultation with local training institutes.

78. The project will provide short-term income restoration activities intended to restore affected person incomes in the period immediately before and after relocation focusing on relocation and providing short-term allowances such as (i) transitional allowance and (ii) shifting assistance. Medium-term income restoration activities such as provision of longer-term training will also be provided. Longer-term training will be developed based on the degree of disruption to livelihood activities. These will be derived from detailed socio-economic survey information, conducted as a part of the resettlement plan. The time frame will be decided based on training to be provided and will also be outlined in the resettlement plan. The resettlement plan budget will reflect the cost of providing training. The PIU/CMSC with the support from PMU will facilitate affected person access to Government schemes that could help them to restore income and livelihood.

79. Key steps to be undertaken in livelihood skills training by the CMSC/CAPC for vulnerable households are:

- (i) Identification of affected, vulnerable households through the census and socio-economic survey of affected persons;
- (ii) Identification of potential trainees and training needs assessment for vulnerable households, which would require a detailed survey and assessment of the literacy, educational level, and/or skill sets of one member of the household nominated for skill training. The needs assessment will also document income from various sources, assets, resources, and coping strategies currently used by the household. The strategy will improve/maximize returns from present occupation of the principal earning member or introduce a new/supplementary occupation aimed at achieving the right mix of activities in order to enable the household to improve/maintain its living standards. Baseline details will be documented for post-training impact assessment;
- (iii) Identification of requirements for credit support and assistance in accessing employment;
- (iv) Identification of local trainers, resource persons or training institutes by CMSC. A maximum time frame of 3 months is planned for training;
- (v) Internal monitoring of training and submission of progress reports; and
- (vi) Post-training impact assessment will be conducted by an external agency engaged for external monitoring, 1 year after project implementation. Indicators would be developed during detailed design stage.

### **C. Assistance for Temporary Impacts**

80. Temporary loss of land and common resources is expected to be minimal. Should there be temporary losses, affected persons will be provided with:

- (i) Rent for the period of occupation for legal titleholders;

- (ii) Compensation for assets lost at replacement value/cost, including trees and crop loss in accordance with the entitlement matrix;
- (iii) Restoration of land to previous or better quality; and
- (iv) Restoration or replacement of common resources.

81. Subprojects requiring work on rights-of-way (ROW) such as rehabilitation or construction of water supply and sewage networks are not expected to require land acquisition nor affect permanent structures. However, there are possible minimal impacts on access and livelihood. Affected persons will be provided with:

- (i) 30 days advance notice regarding construction activities, including duration and type of disruption;
- (ii) Contractor's actions to ensure there is no income/access loss consistent with the initial environmental examination. This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time;
- (iii) Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity. For example, assistance to shift to the other side of the road where there is no construction or ₹1,500 as one-time cash shifting assistance; and
- (iv) For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance for a minimum of 14 days or for the period of disruption whichever is greater. Compensation rate will be based on average daily income of affected persons (based on income loss survey) which in no case shall be less than prevailing minimum wage rate applicable (as on cutoff date) in the state.

82. Some of the temporarily affected persons/businesses in project towns have seasonal and migrant nature. Such affected persons though surveyed are sometimes not traceable during the distribution of identity cards or actual compensation. Therefore, it is suggested that census/socioeconomic surveys for temporary impacts should include specific questions on place of business, its seasonal variation and affected person's migrant nature. A separate list of such affected persons should be made to suggest that they may not be present at the same location during construction time/compensation. These affected persons however will be still entitled for compensation (if affected due to the project). However, such list will tentatively indicate PMU/PIU/ADB the extent of missing affected persons during implementation. It is also suggested that affected persons under temporary impacts whose identity is not traceable for more than 36 months after the start of compensation disbursement, or those who do not claim their entitlement within 36 months, will be assumed to have not been affected by the project and hence will not be considered for compensation upon lapse of the said period. It is also suggested that separate lists of affected persons will be prepared for those suffering temporary and permanent impacts.

#### **D. Relocation**

83. Affected persons facing loss of residential structures, including encroachers and squatters will be entitled to a minimum of 60 days advance notice to remove their assets, meant to minimize damage/loss and ensure that they incur none or minimal livelihood disruption. Affected persons will be provided compensation and other R&R benefits as per the entitlement matrix. Vulnerable families will be provided additional benefits as prescribed in the entitlement matrix. Project shall

consult with affected families/persons facing relocation in selection of relocation sites and consider their preferences in site selection, as applicable.

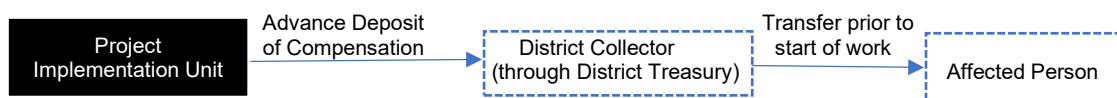
84. Implementing Agency shall provide written assurance stating that all displaced poor and vulnerable households will be accorded priority in training/skill building conducted under the project and their placement in project operation related job opportunities, if desired by them. The project (PIU, CMSC, contractor and CAPPC) shall facilitate affected families/persons facing relocation in finding suitable rental/temporary accommodation (if desired) in the vicinity and also facilitate in availing government schemes in housing and other such benefits.

85. PIU and CMSC safeguards personnel will be responsible for maintaining contact with each displaced poor/vulnerable household, throughout the project implementation period, to ensure that their socio-economic and housing status is monitored, and they are enabled to attain the anticipated rehabilitation outcome of improved standard of living.

## **VII. BUDGETING AND FINANCING**

86. Detailed budget estimates for involuntary resettlement will be prepared for each resettlement plan, by the CMSC. It will be included in the overall subproject estimate. The budget will include (i) detailed costs of land acquisition, relocation, and livelihood and income restoration and improvement, (ii) source of funding, (iii) arrangements for approval, and (iv) the flow of funds and contingency arrangements. Funds for land acquisition (including land acquisition for non-titled affected persons) if any, compensation for all assets lost, related resettlement assistance, and relocation and transfer will be provided by the PIU/project ULB. Administrative and implementation costs, including engagement of the CAPPC, cost of census and survey of affected persons and inventory of assets, cost of information and consultations, training and monitoring (including evaluation by independent agency), and rental of office space and required physical facilities and materials will be funded under the project. Land acquisition and resettlement costs will be considered as an integral component of subproject costs.

87. The disbursement of the money for various compensations will be made by the office of district collector through the district treasury by issue of bank cheque or direct deposit in affected persons account. The PIU/project ULB will deposit appropriate amount with the district treasury for the same which will be sourced from R&R budget, kept aside as the state share, for this project. PMU will ensure required money for R&R support is made available to PIU well in advance. CMSC, with the support of contractor will be responsible for surveys for temporary impacts which will be conducted after final detailed design is in place. The PIU (with CMSC support staff at PIU level) and CAPPC will be involved in facilitating the disbursement process and will facilitate opening bank accounts for the affected persons who do not have bank accounts. PIU will prepare compensation details including names of affected persons, bank account details, compensation amount, and submit to the district treasury at least 10 days prior to start of civil work. This mechanism will be applicable for compensation towards both permanent and temporary impacts. PIU, through regular follow ups, will ensure that transfer of money by district treasury is done prior to start of civil work. Construction work will be taken up only after compensation payments have been received by affected persons. PIU with support from CMSC field staff and CAPPC will monitor compensation payment to affected persons. CMSC will confirm timely receipt of payments and document evidence of payments, to be maintained in PIU's records. Zonal PIU will monitor all town level PIUs for compliances in this respect.

**Figure 1: Compensation Disbursement**

## VIII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

### A. Institutional Arrangements

88. The proposed implementation arrangements include Local Self Government Department (LSGD), Government of Rajasthan which will be the executing agency of the Project. The department will be responsible for overall strategic guidance and for ensuring compliance with ADB's loan covenants. RUDSICO will be the implementing agency for the RSTDSP responsible for technical supervision and project implementation. The RUDSICO Board under the Chairmanship of the Minister for Urban Development, and members comprising of the Chief Secretary, Secretaries of LSGD, Finance, Planning, Public Works Department (PWD), public health engineering department (PHED) and the project director, RUIDP as member secretary. It shall have full powers to decide on matters related to RSTDSP. The Board will take needful policy decisions, provide administrative and financial approvals, expedite clearances of project matters, ensure inter-departmental coordination and provide guidance to the PMU. As per GO dated 21 Feb 2018, all powers and responsibilities of earlier state level empowered committee (SLEC, under RUIDP Phase III) have now been transferred to RUDSICO Board.

89. RUDSICO will establish a state-level PMU, headed by dedicated project director, and housed in EAP division of RUDSICO. For the purpose of project implementation, 2 zonal PIUs, at Jaipur and Jodhpur, headed by ACE will be established. At field level, town-level PIUs will be established for project implementation on ground.

### B. Safeguard Implementation Arrangement

90. **Project management unit.** RUDSICO will establish a state-level PMU, headed by dedicated project director, and housed in EAP division of RUDSICO. For the purpose of project implementation, 2 zonal PIUs, at Jaipur and Jodhpur, headed by ACE will be established. At PMU, there will be 2 dedicated project officers: (i) project officer (Environment); and (ii) project officer (Social and Gender), who will be responsible for compliance with the environmental, social safeguards and gender in project implementation. Project officer (social and gender) will have overall responsibility in implementation of the RSTDSP as per the social safeguards frameworks (resettlement framework and indigenous people planning framework [IPPF]) and gender equality and social inclusion (GESI) Action Plan agreed between ADB and the government, including appropriate monitoring and reporting responsibilities. Project Officer (Social and Gender) at the PMU is supported by the SSS and the gender specialist of PMCBC. Key safeguard and gender mainstreaming related tasks and responsibilities at the PMU level are as follows:

#### 91. Social Safeguards and Gender

- (i) Ensure subprojects conform to the agreed subproject selection criteria for the project;
- (ii) Review and finalize subproject involuntary resettlement and indigenous people category;



- (iii) Oversee preparation of resettlement plans, DDRs, and indigenous people plans (IPPs); confirm existing resettlement plans, DDRs, and IPPs are updated based on detailed designs, and that new subproject resettlement plans, DDRs are prepared in accordance with the resettlement framework and IPPF prepared for the project;
- (iv) Liaise with district administration for land acquisition, transfers; ensuring land availability;
- (v) Ensure that resettlement plans, DDRs, and IPPs are included in the bidding documents and civil works contracts;
- (vi) Provide oversight on social safeguard management aspects of subprojects and facilitate and follow-up to ensure that any delays in land procurement are addressed;
- (vii) Ensure and monitor the provision in the contract to include the indigenous people to benefit from the facilities constructed under the project;
- (viii) Facilitate and ensure compliance with all government rules and regulations regarding no objection certificates, third party certificates for negotiated settlement or donation, land ownership, and transfer details for each site, as relevant;
- (ix) Supervise and guide the zonal PIUs and city level PIUs to properly carry out the social safeguard monitoring;
- (x) Review, monitor, and evaluate the effectiveness with which the resettlement plans, IPPs, and provisions of DDRs are implemented, and recommend corrective actions to be taken as necessary;
- (xi) Consolidate monthly social safeguard and gender monitoring reports from PIUs and the CMSCs and submit semi-annual social safeguard monitoring reports to ADB;
- (xii) Ensure timely disclosure of final resettlement plans, DDRs, and IPPs in locations and form accessible to the public and affected persons;
- (xiii) Address any grievances brought about through the grievance redress mechanism promptly;
- (xiv) Oversee the assessment of training needs of affected persons and vulnerable persons by PIUs and/or PMCBC, coordinate training activities and convergence with the livelihood programs of the government;
- (xv) Ensure effective implementation of GRM at all levels;
- (xvi) Coordinate database management for social safeguards implementation and monitoring;
- (xvii) Coordinate public awareness campaigns by the PIUs including resettlement provisions with the help of print and electronic media; and
- (xviii) Serve as Gender Focal Point at PMU, which would involve overseeing - with the support of PMCBC, the implementation, monitoring and reporting on the GESI action plan.

92. The PMU will be supported by three institutional consultants under the supervision and control of project director, PMU: (i) the PMCBC will support the PMU; (ii) 2 CMSC will support the 2 zonal PIUs and town-level PIUs; and (iii) community awareness and public participation (CAPP) Consultants, will support the zonal PIUs and town-level PIUs..

93. **Zonal Project implementation units.** There will be 2 zonal level PIUs at Jaipur and Jodhpur. Under each zonal PIU, there will be city/town level PIUs, for ease of day-to-day monitoring and management at local level. The Additional Chief Engineer at each Zonal PIU will serve as the Nodal Officer, Safeguards and Gender. Each Zonal PIU will be staffed with an assistant safeguards officer (ASO Environmental and Social Safeguards) who will assist PMU

project officer (environment/social) in implementation of the environmental/social safeguards and GESI Action Plan in PIUs under its jurisdiction. Zonal PIUs will undertake internal monitoring and supervision and record observations throughout the project period to ensure that the safeguards and mitigation measures are provided as intended.

94. The zonal level ASO will oversee safeguards implementation by the city/town level PIUs, coordinate public consultations, information disclosure, regulatory clearances and approvals, implementation of resettlement plans, EMP implementation, and grievance redressal.

95. The Zonal PIUs will oversee and support social safeguards and gender equality and social inclusion action plan implementation by the PIUs at town/city level, through the following key tasks:

- (i) fill up involuntary resettlement and indigenous people impact checklist and classify the project;
- (ii) supervise CMSC to coordinate with PIUs and safeguards field staff for conduct census and socio-economic surveys, detailed measurement surveys, and verification surveys of affected persons, conduct consultations with affected persons, finalize the list of affected persons, prepare and/or update the resettlement plan, DDR, RIPP/IPP with the assistance of CMSC and submit to PMU for review and approval and submission to ADB;
- (iii) supervise PIUs to inform affected persons about (a) the project cut-off date; (b) public notice for the schedule of land acquisition and/or occupation; (c) entitlement matrix; and (d) compensation packages against different categories of loss and a tentative schedule of land clearing and/or acquisition for the start of civil works activities;
- (iv) coordinate valuation of assets, such as land and trees of various species. Finalize compensation packages based on proper due diligence and assessment;
- (v) facilitate land acquisition and compensation processes in consultation with the district administration; coordinate, supervise, and monitor the disbursement of compensation;
- (vi) Support PIUs to obtain no objection certificates, land documents, and third-party certifications as required for the subproject, in coordination with PIUs;
- (vii) support PMU to include resettlement plans, IPPs, RIPPs and DDRs in bidding documents and civil works contracts;
- (viii) guide PIUs to oversee implementation of avoidance and mitigation measures in the resettlement plans, DDRs, RIPPs and IPPs by contractors, including compliance with all government rules and regulations; take necessary action for obtaining ROW;
- (ix) guide and monitor PIUs to oversee resettlement plans, DDR, RIPP and IPP, and gender equality and social inclusion action plan implementation and maintenance of data for monitoring by contractors;
- (x) ensure listing of town wise BPL households;
- (xi) assist in conducting needs assessment to list skills relevant to the sector;
- (xii) assist to identify participants for livelihood and skilling training for women and members of other vulnerable groups;
- (xiii) ensure that the project maintains sex disaggregated data on staff, consultants, construction workforce participation, labor and project related trainings;
- (xiv) ensure that gender focal points are nominated in town level PIUs;
- (xv) ensure and monitor the provision in the contract to include the indigenous people to benefit from the facilities constructed under the project;

- (xvi) to ensure that corrective actions are taken when necessary to ensure compliance with SPS and loan covenants;
- (xvii) submit monthly social monitoring reports to PIUs and PMU;
- (xviii) guide PIUs to conduct continuous public consultation and awareness;
- (xix) address any grievances brought about through the grievance redress mechanism promptly;
- (xx) organize an induction course for the training of contractors, preparing them on RPs, DDR, IPP, and gender equality and social inclusion action plan implementation, social safeguard, and gender monitoring requirements related to mitigation measures, grievance redress mechanism and on taking immediate action to remedy unexpected adverse impacts or ineffective mitigation measures found during implementation;
- (xxi) liaise with the district administration, and line departments for dovetailing government's schemes for income generation and development programs for affected people, as and when required; and
- (xxii) assist in the implementation, monitoring, and reporting progress of gender equality and social inclusion action plan.

96. **Town/City Level Project Implementation Unit.** The town-level PIUs shall be responsible for the quality of works executed under the project and will be guided by the zonal PIUs. The city/town PIUs will be responsible for implementation of the IEE/resettlement plan/IPP/RIPP/GESI action plan. The town-level PIUs will be headed by a project manager (executive engineer or assistant engineer) and supported by CMSC field staff. Environment specialist of CMSC will assist PIU in implementation of environmental safeguard. Social and gender specialist of CMSC will assist PIU in implementation of social safeguard and GESI related tasks. At each PIU, the assistant project manager will be given additional responsibilities of safeguard tasks and will be designated as SSO. The SSO will be assisted by the social and gender specialist and environment Specialist of CMSC in reviewing updated/revised IEEs, conducting surveys for updating of resettlement plan/due diligence report, public consultation and disclosure, assessment of entitlement and computation of compensation other than those covered under the RFCTLARRA, 2013, etc. The SSO, with the support of CMSC Social safeguards and Gender Specialist and CMSC field support staff, will assist Zonal ASO and PMU project officer (social) in implementation of the following key tasks. They will also be responsible for coordination of field level activities related to safeguards conducted by the DBO contractor and CMSC. Key role and tasks of town/city level PIU will be:

- (i) Provide field data to fill up IR/IP impact checklist and classify the project;
- (ii) Conduct census and socio-economic surveys, detailed measurement surveys, and verification surveys of affected persons, conduct consultations with affected persons, prepare list of affected persons, provide all data required to prepare/update resettlement plans/DDR/RIPPs/PPs with the assistance of CMSC field support, and ensure updated information is submitted to zonal PIU for preparation/updating of documents with CMSC and DBO contractor's support;
- (iii) Inform affected persons about tentative schedule of land acquisition/occupation, entitlement matrix and compensation packages against different categories of loss, and cut-off date;
- (iv) Coordinate valuation of assets, such as land, trees of various species, etc. Based on proper due diligence and assessment, prepare compensation packages;
- (v) Coordinate, supervise and monitor disbursement of compensation;
- (vi) Obtain no objection certificates (NOCs), land documents, third party certifications as required for the subproject;

- (vii) Support Zonal PIUs to prepare/update RPs/RIPPs/PPs/DDR;
- (viii) Oversee day-to-day implementation of impact avoidance and mitigation measures in resettlement plans/DDRs/RIPPs/PPs and EMP by contractors, including compliance with all government rules and regulations particularly health and safety, take necessary action for obtaining ROW;
- (ix) Oversee maintenance of data for monitoring, by consultants and contractors;
- (x) Implement corrective actions when necessary to ensure no adverse social impacts;
- (xi) Submit monthly social monitoring reports to zonal PIU;
- (xii) Conduct continuous public consultation and awareness;
- (xiii) Set up GRM at field/site/PIU level and ensure it is fully functional. Address any grievances brought about through the grievance redress mechanism in a timely manner;
- (xiv) Ensure that induction course for the training of contractors is conducted regularly. Prepare contractors (with consultants' support) on resettlement plans/DDR/RIPP/IPP/GAP implementation, social safeguard and gender monitoring requirements related to mitigation measures, health and safety and on taking immediate action to remedy unexpected adverse impacts or ineffective mitigation measures found during the course of implementation;
- (xv) Liaise with the District Administration and line departments for dovetailing Government's schemes for income generation and development programs for affected persons, as and when required;
- (xvi) Supervise the work of all consultants at town level (CMSC, CAPPC).
- (xvii) Undertake day-to-day implementation of final resettlement plans and GESI action plan;
- (xviii) Provide field level information required to prepare periodic safeguard monitoring reports in a format acceptable to ADB and quarterly GESI action plan updates in the format provided in PAM;
- (xix) Ensure relevant data on implementation of GESI action plan is collected and a gender-sensitive communication strategy and information, education and communication (IEC) materials are designed, illustrating key social and behavioural messages related to hygiene, sanitation, and health jointly with the communication specialist and in accordance with the GESI action plan; and
- (xx) Extend support in carrying out awareness campaigns in project towns.

97. **Design-build-operate Contractor.** The contractor will be required to update the IEE and will be responsible for providing final design (including pipe alignments) to the supervision consultant for finalization/updating of resettlement plan. The contractor shall appoint an environment, health and safety (EHS) engineer who will be responsible on a day-to-day basis for (i) ensuring implementation of EMP, (ii) coordinating with the town-level PIUs and environment specialists of project consultant teams; (iii) community liaison,<sup>46</sup> consultations with interested/affected people, (iv) field-level grievance redress; and (iv) reporting.

98. The contractor will be required to submit to RUDSICO, for review and approval, a site-specific environmental management plan (SEMP) including (i) proposed sites or locations for construction work camps, storage areas, hauling roads, lay down areas, disposal areas for solid and hazardous wastes; (ii) specific mitigation measures following the approved EMP; (iii)

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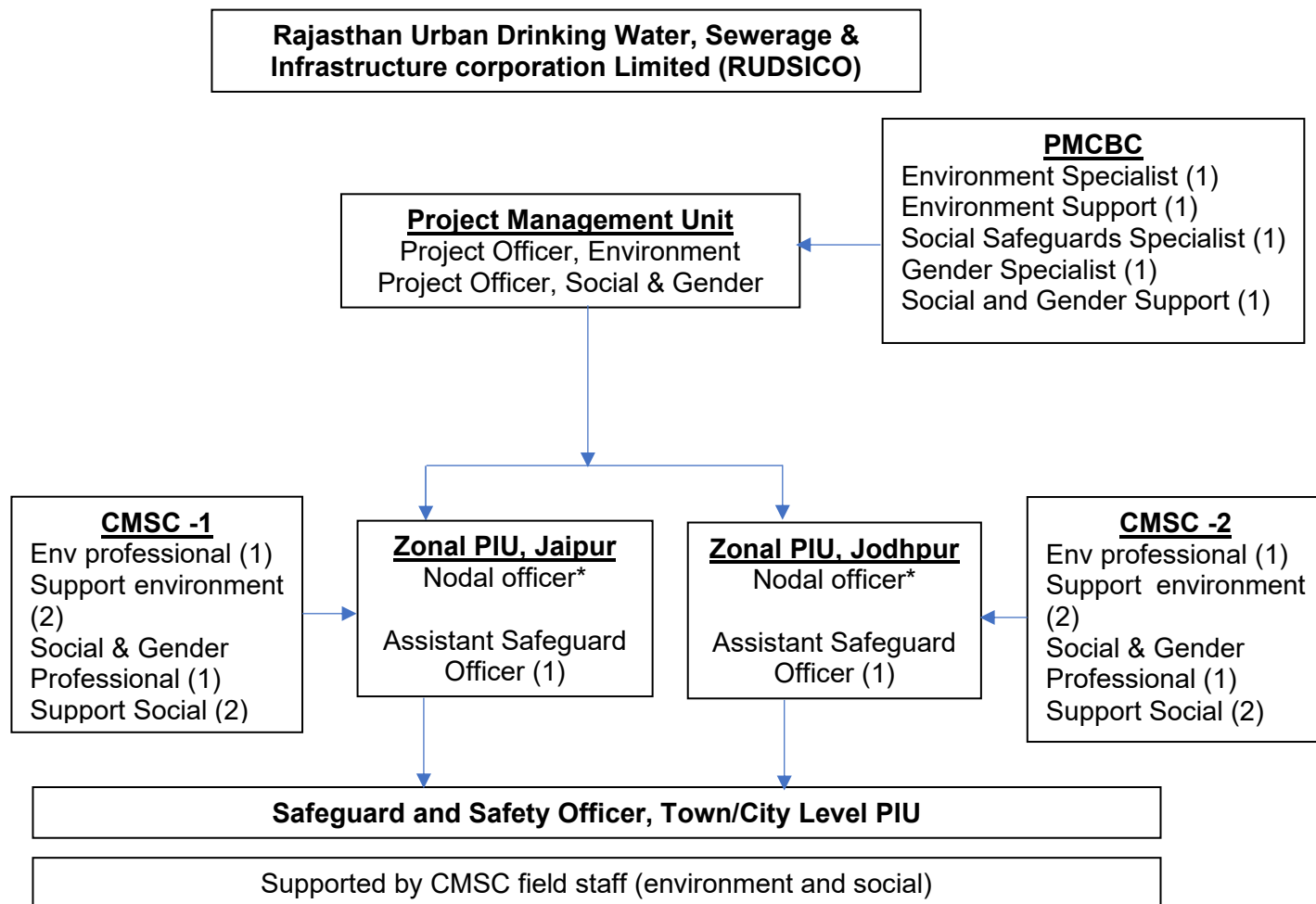
<sup>46</sup> Reasonable size social outreach team (SOT) to be appointed by contractor to facilitate community liaison, consultations and R&R implementation (including resolution of grievances). Requirement of SOT will be included in bid document.

monitoring program per SEMP; (iv) budget for SEMP implementation. No works can commence prior to approval of SEMP.

99. A copy of the EMP or approved SEMP will be kept on-site during the construction period at all times. Non-compliance with, or any deviation from, the conditions set out in the EMP or SEMP constitutes a failure in compliance and will require corrective actions. The EARF and the IEEs specify responsibilities in EMP implementation during design, construction and operation and maintenance (O&M) phases.

100. The DBO Contractor will have a dedicated social outreach team (SOT) and designated social supervisor, who will hold a Master's degree in social science and would have at least 5 years of experience in resettlement planning and implementation and engage with the PIU, CAPPC and CMSC on social safeguards, health and safety, and core labor standards. The key role of the Contractor's Social Supervisor related to social safeguards will be to:

- (i) Work in close coordination with the PIU, CMSC and PMCBC engineers and social safeguards personnel to finalize detailed design keeping the safeguard principles adopted for the project in view;
- (ii) Ensure that all design-related measures (e.g., special considerations for the vulnerable related to facility locations or design, mitigation measures for affected persons etc.), are integrated into project designs before approval;
- (iii) Conduct joint walk-throughs with PIU, design engineers and social safeguards personnel of CMSC in sites/sections ready for implementation; identify the need for detailed measurement surveys, and support CMSC to jointly conduct detailed measurement surveys and census surveys to arrive at the final inventory of loss;
- (iv) Support project consultants in updating the draft resettlement plan/due diligence report/IPP/RIPP for submission to PIU/PMU and ADB for review and approval;
- (v) Ensure strict adherence to agreed impact avoidance and mitigation measures in the resettlement plan/DDR/RIPP/IPP during implementation;
- (vi) Assist with grievance redressal and ensure recording, reporting and follow-up for resolution of all grievances received; and
- (vii) Submit monthly progress reports including safeguards, health and safety and gender-disaggregated data as required for monitoring.

**Figure 3: Safeguard Organogram – RSTDSP**

\*Zonal PIU will be led by a nodal officer of the rank of assistant chief engineer who will also be the nodal person for safeguards and gender compliances in project implementation by town level PIUs. S/he will be supported by ASO in execution of these responsibilities.

101. Further details on agencies responsible for social safeguard implementation during different project phases are given in Table 5 below.

**Table 5: Institutional Roles and Responsibilities**

Responsible Agency	Responsibility		
	Pre-Construction Stage	Construction Stage	Post-Construction
PMU Project Officer; (Social),	(i) Review IR/IP impact categorization checklists, and assign categorization based on SPS 2009 (ii) Review and approve RPs/RIPPs/DDR/PPs and submit to ADB for approval and disclosure in ADB website (iv) Ensure approved	(i) Over-all social safeguards compliance of the project (ii) Monitor and ensure compliance of RPs/RIPPs/PPs as well as any other provisions and conditions. (iii) Review monthly monitoring report.	(i) Compliance monitoring to review the social safeguard performance of project component, if required and as specified in RPs/RIPPs/PPs. (ii) Coordinate for external monitoring reports if necessary.

Responsible Agency	Responsibility		
	Pre-Construction Stage	Construction Stage	Post-Construction
	<p>RP/RIPPs/DDR/PPs are disclosed in RSTDSP/PMU websites and summary posted in public areas accessible and understandable by local people.</p> <p>(v) Ensure social safeguard documents are included in bid documents and contracts</p> <p>(vi) Organize an orientation workshop for PMU, PIU, ULB and all staff involved in project implementation on ADB SPS, relevant national and/or state laws, RP/IPP preparation implementation and monitoring, timely payment of compensation before start of civil work, mitigation measures, public relations and ongoing and meaningful consultations, grievance redress, etc.</p> <p>(vii) Assist in timely redressal of grievances</p> <p>(viii) Organize an induction course for the training of contractors on social safeguards.</p> <p>(ix) Ensure compliance with ADB SPS and all government rules and regulations regarding impacts to IP (scheduled tribe) community.</p> <p>(x) Assist PMU, PIUs to document and develop good practices case studies as per the RP implementation process and schedule.</p> <p>(xi) Monitor the grievance redress process and ensure grievances redress within prescribed timeframe.</p>	<p>(iv) Prepare and submit to ADB semi-annual monitoring reports.</p> <p>(v) If necessary, prepare Corrective Action Plan and ensure implementation of corrective actions to ensure no impacts are mitigated;</p> <p>(vi) Organize capacity building programs on social safeguards</p> <p>(vii) Coordinate with national and state level government agencies</p> <p>(viii) Assist in addressing any grievances brought about through the Grievance Redress Mechanism in a timely manner as per the GRM</p> <p>(ix) Coordinate PIUs, consultants and contractors on mitigation measures involving the community and affected persons and ensure that social concerns and suggestions are incorporated and implemented.</p>	
Zonal PIU, Assistant Safeguard Officer	<p>(i) Coordinate updating/preparation of RP/RIPPs/IPP/DDR with CMSC's support and ensure the documents are included in bid documents and contract agreements.</p> <p>(ii) Disclose approved RP/RIPPs/IPP/DDR.</p> <p>(iii) Obtain all necessary</p>	<p>(i) guide PIUs to oversee implementation of avoidance and mitigation measures in by contractors.</p> <p>(ii) Take necessary action for obtaining rights of way;</p> <p>(iii) Oversee implementation of</p>	<p>(i) Conducting social monitoring, as specified in the RP/RIPPs/IPP.</p>

Responsible Agency	Responsibility		
	Pre-Construction Stage	Construction Stage	Post-Construction
	<p>agreements, sale deeds, transfers of title, consents/ NOCs, third party certification etc. as applicable. Ensure compliance to the provisions and conditions in such documents.</p> <p>(iv) Guide town/city level PIUs in RP/RIPP/IPP implementation including payment of compensation prior to civil work, encumbrance free sites for construction work, dissemination of information/notice prior to start of construction etc.</p> <p>(v) Organize an induction course for the training of contractors, preparing them on site situations and local sensitivities, scheduling of work as per local community's requirements, if any, monitoring requirements and taking immediate actions to mitigate unanticipated impacts.</p> <p>(vi) Consolidate monthly social and GESI monitoring reports by town-level PIUs and submit to PMU;</p> <p>(vii) Continued consultation activities with stakeholders.</p>	<p>RPs/RIPPs/IPP.,</p> <p>(iv) Take corrective actions when necessary.</p> <p>(v) Ensure monthly reports contain relevant sections on social safeguards implementation. Consolidate and submit monthly social monitoring reports to PMU,</p> <p>(vi) Conduct public consultation and awareness raising during the entire project cycle.</p> <p>(vii) Formulate timebound corrective actions for non-compliances</p> <p>(viii) Address any grievances brought about through the grievance redress mechanism in a timely manner as per the GRM.</p>	
Town/City Level PIU Safeguard and Safety Officer	<p>(i) Provide necessary data for IR/IP categorization.</p> <p>(ii) Conduct sample socio-economic surveys, data analysis during RP/RIPP/IPP preparation and detailed measurement surveys for RP/RIPP preparation and updating; submit updated information to zonal PIUs for updating of RPs/DDR/RIPPs with CMSC's support. (iii) Liaise with affected persons and district administration regarding land acquisition, payment of compensation.</p> <p>(iv) Coordination with departments/individuals regarding</p>	<p>(i) Oversee day-to-day implementation of impact avoidance and mitigation measures proposed RPs/DDRs/IPPs including compliance with all government rules and regulations.</p> <p>(ii) Take corrective actions when necessary to ensure no adverse social impacts.</p> <p>(iii) Submit monthly monitoring reports with social safeguards compliance to PMU.</p> <p>(iv) Conduct public consultation and</p>	<p>(i) Ensure coordination with the stakeholders including APs/IP to ensure project benefits as envisaged.</p> <p>(ii) Prepare case studies/ good practices for the project.</p>



Responsible Agency	Responsibility		
	Pre-Construction Stage	Construction Stage	Post-Construction
	consent/NOCs/land records/agreements/transfers and third-party certification.	awareness activities throughout the project cycle. (v) Address any grievances brought about through the grievance redress mechanism in a timely manner	
Consultants – 1.PMCBC-Social Safeguard Specialist – 1	(i) Assist PMU to review IR/IP checklists and categorization; (ii) Assist PMU to review and ensure RPs/RIPPs/IPPs are prepared/updated based on detailed design as per agreed RF/IPPF and submit to PMU for approval (iii) Assist PMU/PIUs in coordination with different departments, obtaining all necessary inter-departmental transfers, permits, consents, NOCs, etc. Ensure provisions and conditions are incorporated in the RPs/RIPPs/IPPs and detailed design documents. (iii) Assist in ensuring RPs/RIPPs/IPPs are included in bid documents and contract agreements. Assist in determining adequacy of cost for RPs/RIPPs/IPPs implementation. (iv) Assist in addressing any grievance. (v) Assist PMU in setting up monitoring systems for social safeguards and GESI. (vi) Assist PMU in the design and conduct training and capacity building programs and workshops. (vii) Assist PMU to guide all project entities (zonal PIUs, PIUs, CMSCs) in social safeguards and GESI implementation, monitoring and reporting.	(i) Assist PMU to monitor RP/RIPP/IPP implementation as per the approved document. (ii) Recommend corrective action measures for non-compliance by contractors, if any. (iii) Assist in the review of monitoring reports submitted by contractors. (iv) Assist in the compilation / preparation of semi-annual social monitoring reports. (v) Assist in the preparation of quarterly progress reports, including reporting on social safeguards and GESI implementation. (vi) Assist PMU to supervise and conduct public consultation and awareness activities throughout the project cycle. (vi) Assist in addressing any grievances brought about through the Grievance Redress Mechanism in a timely manner.	(i) Assist PMU in monitoring of socioeconomic status of affected persons, post RP/RIPP implementation.
2.CMSC-2 Social Safeguards Professional	(i) Assist zonal PIUs and town/city level PIUs to prepare/update RPs based on detailed design and detailed measurement	(i) Support zonal PIUs to ensure (through field staff) that PIUs and contractors implement impact	(i) Supervise contractors to ensure any land required temporarily

Responsible Agency	Responsibility		
	Pre-Construction Stage	Construction Stage	Post-Construction
and field support staff	<p>surveys;</p> <p>(ii) Guide CMSC field staff and contractor's social supervisor to conduct joint surveys and collect all information and conduct site-specific consultations required for preparing/updating RPs/DDR/RIPPs and for preparing IR/IP checklists</p> <p>(iii) Guide CMSC field staff in supporting PIUs to announce cut-off dates, and disclose RPs/RIPPs to affected persons and implement RPs/RIPPs</p> <p>(iv) Support zonal and town-level PIUs in RP/RIPP and GESI implementation, monitoring and reporting, and grievance resolution and reporting.</p>	<p>avoidance and mitigation measures;</p> <p>(ii) Assist town level PIUs (though field staff) to ensure RPs/RIPPs are implemented and all compensation paid prior to start of civil works</p> <p>(iii) Assist in monitoring and reporting, preparation of quarterly and semi-annual reports.</p> <p>(iv) Assist in grievance resolution and reporting.</p>	<p>during construction, is restored to original condition, post construction.</p> <p>(ii) Assist zonal PIUs in monitoring of socioeconomic status of APs, post RP implementation.</p>
Contractors (Officer)	<p>(i) Review the RPs/RIPPs/IPP and provide information about changes needed as per revised design and scope of works to PIU/CMSC/PMCBC for final revision of documents.</p> <p>(ii) Identify the need for detailed measurement surveys, and conduct detailed measurement surveys to arrive at the final inventory of loss</p> <p>(iii) Support project consultants in updating the draft resettlement plan / due diligence report for submission to PIU/PMU and ADB for review and approval.</p> <p>(iv) Assist with grievance redressal and ensure recording, reporting and follow-up for resolution of all grievances received.</p> <p>(v) Assist PIU in disclosing relevant information on social safeguards.</p> <p>(vi) Ensure strict adherence to ADB and government policy on social safeguards.</p>	<p>(i) Ensure compensation is paid prior to start of work. Implement EMP.</p> <p>(ii) Implement corrective actions if necessary.</p> <p>(iii) Prepare and submit monitoring reports including pictures to PIU</p> <p>(iv) Brief staff, employees, and labor about the requirements of the good engineering practices to avoid / mitigate any impacts.</p> <p>(v) Bear the costs of any damages/compensation resulting from non-adherence to the provisions RPs/RIPPs/IPP or written site instructions;</p> <p>(viii) Ensure that PIUs are timely informed of any foreseeable activities related to RP/RIPP/IPP implementation.</p>	<p>(i) Ensure benefits are availed by citizens as envisaged. (ii) Request certification from PIU</p>

Responsible Agency	Responsibility		
	Pre-Construction Stage	Construction Stage	Post-Construction

ADB = Asian Development Bank, CMSC= Construction Management and Supervision Consultant, CAPPC = community awareness and participation consultant, FGD = focus group discussion, PIU =project implementation unit, IPP= Indigenous people plan, PMCBC = project management and capacity building consultant, PMU =project management unit, RP= resettlement plan, ULB= urban local body.

### C. Institutional Capacity and Development

102. RUSIDCO-EAP has experienced project staff for social safeguards, with knowledge and experience of ADB social safeguard policies and their implementation. However, retirement of existing staff during project implementation, transfer of candidates or recruitment/designation of new candidates as safeguards officers at zonal or town level will require training of the new staff and officers who will be involved in project preparation and implementation of this Project. The PMCBC Social Safeguard Specialist will be responsible for training the PMU's safeguards officers (environmental and social), and PIUs' engineers and social safeguards officers. The resettlement framework includes indicative training modules on safeguards. The PMCBC will coordinate with PMU and PIUs on specific capacity development program.

- (i) sensitization on ADB's Policies and guidelines on social and indigenous people safeguards (ADB's Safeguard Requirement 2 and 3: Involuntary Resettlement and Indigenous Peoples) including meaningful consultation, GRM and accountability mechanism;
- (ii) introduction to the assessment of involuntary resettlement and indigenous peoples impacts and mitigation measures, including best practices, in the design, construction, operation and maintenance of water supply, sewerage, roads, and drainage subprojects;
- (iii) preparation and review of RPs/RIPPs/IPP/DDR based on preliminary design, and updating of the documents based on the final design;
- (iv) improved coordination within nodal departments;
- (v) disbursement of compensation, consultation; and
- (vi) monitoring and reporting requirements.

103. Table 6 provides the indicative training needs assessment. The cost of trainings will be borne under the Project's capacity building program by PMU. The detailed cost and specific modules will be customized for the available skill set after assessing the capabilities of the target participants and the requirements of the project by the SSS of PMCBC.

**Table 6: Indicative Training Needs Assessment**

Description	Target Participants and Venue	Source of Funds
1. Introduction and Sensitization to Social/Resettlement Issues (1 day) - ADB Safeguards Policy Statement - Government of India and Rajasthan applicable social safeguard acts - Incorporation of social/resettlement components under EMP into the project design and contracts - Monitoring, reporting and corrective action planning	All staff and consultants involved in the project  At PMU, Jaipur	PMU cost
2. resettlement plan implementation (2 days; 2 times during implementation with interval of one year in-between) - Roles and responsibilities	All staff and consultants involved in the subproject  All contractors prior to award of contract	PMU cost

Description	Target Participants and Venue	Source of Funds
<ul style="list-style-type: none"> <li>- resettlement plan components and stages in implementation</li> <li>- Construction schedules and timelines</li> <li>- Public relations</li> <li>- Consultations</li> <li>- Grievance redress</li> <li>- Monitoring and corrective action planning</li> <li>- Reporting and disclosure</li> <li>- Timely documentation</li> </ul>	At each PIU	
3. Experiences and best practices sharing (1 day) <ul style="list-style-type: none"> <li>- Experiences on resettlement plan implementation</li> <li>- Issues and challenges</li> <li>- Best practices followed</li> </ul>	All staff and consultants involved in the project All contractors At PMU Jaipur	PMU Cost

ADB = Asian Development Bank, EMP = environmental management plan, PIU = project implementation unit, PMU = project management unit.

## D. Implementation Schedule

104. The project will be implemented over a period of 7 years. The resettlement plan implementation schedule will vary from subproject to subproject. In general, the project implementation will consist of the three major phases, namely project preparation, land acquisition (if required), and rehabilitation of affected persons. In line with the principles laid down in this resettlement framework, the executing agency and implementing agency will ensure that project activities are synchronized between the resettlement plan implementation activities and the subproject implementation. The executing agency and implementing agency will ensure that no physical or economic displacement of affected households will occur until: (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan are provided to the displaced persons; and (iii) a comprehensive income and livelihood rehabilitation program, supported by adequate budget, is in place to help displaced persons improve, or at least restore, their incomes and livelihoods.

105. All land acquisition, resettlement, and compensation for a subproject will be completed before award of civil works contracts. All land required will be provided free of encumbrances to the contractor prior to handing over of subproject sites and the start of civil works. The implementation of the resettlement plan will include: (i) identification of cut-off date and notification;<sup>47</sup> (ii) verification of losses and extent of impacts; (iii) finalization of entitlements and distribution of identity cards; (iv) consultations with affected persons on their needs and priorities; and (v) resettlement, provision of compensation and assistance, and income restoration for affected persons. The expected implementation schedule for a subproject is given in Table 7.

<sup>47</sup> The census will be the cut-off date for non-titled affected persons. For titled affected persons, the cut-off is the date of Declaration.

**Table 7: Schedule of Resettlement Implementation**

Activity	Months																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Establishment of PMU and PIUs	♦																	
Appointment of PMCBC	♦																	
Appointment of CMSC and CAPPC	♦																	
Briefing of the TLMC on GRC functions	♦																	
Census and socio-economic surveys (issuance of ID cards)	♦	♦																
Consultations and disclosure		♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
Confirmation of government land to be used and transfer from other departments	♦	♦																
Resettlement plan preparation		♦	♦															
Resettlement plan review and approval (PMU and ADB)			♦															
Issue notice to affected persons				♦														
Compensation and resettlement assistance					♦	♦	♦											
Relocation as required					♦	♦	♦											
Skills training as required					♦	♦	♦											
Takeover possession of acquired property								♦	♦	♦								
Internal monitoring				♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
Handover land to contractors											♦							
Start of civil works												♦						
Rehabilitation of temporarily occupied lands																Immediately after construction		

ADB = Asian Development Bank, GRC = grievance redress committee, CAPPC= community awareness and public participation consultant, CMSC= construction and supervision consultant, PIU = project implementation unit, PMCBC = project management and capacity building consultant, PMU = project management unit, SSS = social safeguard specialist, TLMC = town level monitoring committee.

Notes: (i) The census will be the cut-off date for non-titled affected persons. For titled affected persons, the cut-off date is the date Declaration. (ii) The resettlement plan will be updated based on final detailed design and affected person census and surveys. (iii) Endorsement and disclosure of finalized resettlement plans consistent with the resettlement framework to be undertaken.

## IX. MONITORING AND REPORTING

106. Resettlement plan implementation will be closely monitored to provide the PMU with an effective basis for assessing resettlement progress and identifying potential difficulties and problems.

### A. Internal Monitoring

107. Internal monitoring for resettlement plan implementation will be carried out during the entire project period. Regular monitoring of resettlement progress will identify potential difficulties and problem areas. After 3 months of project initiation, monitoring will be performed with reports generated every quarter for the first year of implementation (refer Appendix 10 for sample monitoring report outline) and bi-annually thereafter. Internal monitoring will be undertaken by the PMU (through PMCBC) for overall safeguard implementation and compliances. Zonal PIU (through CMSC safeguards professional) will monitor performance of town level PIU who in turn will monitor ground level implementation through CMSC field staff and CAPPC. Monthly progress reports will be prepared by town level PIUs submit it to zonal PIU. Zonal PIU will compile the report for all PIUs and submit the report to the PMU. The PMCBC SSS on behalf of PMU will manage and supervise internal monitoring at multiple levels. Monitoring reports will document actual achievements against targets fixed and identifying reasons for shortfalls, if any. All monitoring reports will be produced within fifteen days of the end of each quarter or half-year.

108. Broadly, the monitoring system will involve:

- (i) Administrative monitoring including but not limited to: daily planning, implementation, feedback and troubleshooting, individual affected person file maintenance, progress reporting;
- (ii) Socio-economic monitoring including but not limited to: case studies, using baseline information for comparing affected person socioeconomic conditions, evacuation, demolition, salvaging materials, morbidity and mortality, communal harmony, dates for consultations, number of grievances and resolutions; and
- (iii) Impact evaluation monitoring including but not limited to income standards restored or improved.

### B. Monitoring Progress of Resettlement Plan Implementation

109. Internal monitoring will involve the following:

- (i) Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis;
- (ii) Socioeconomic monitoring during and after the relocation process to ensure that people are settled and recovering. This will utilize the baseline information established by the socioeconomic survey of affected persons undertaken during subproject preparation; and
- (iii) Overall monitoring whether recovery has taken place successfully and on time.

110. Data from baseline socio-economic surveys undertaken during subproject preparation will provide the benchmark for monitoring to assess the progress and success of resettlement plan implementation. Monitoring will also include the following:

- (i) Communication with and documentation of reactions from affected persons;

- (ii) Information from affected persons on entitlements, options, alternative developments, etc.;
- (iii) Valuation of properties;
- (iv) Usage of grievance redress mechanism; and
- (v) Disbursement of compensation amounts and all assistance.

111. Monitoring will also cover the physical progress of resettlement plan implementation. This will include relocation of affected persons and affected community properties.

### C. Internal Monitoring Indicators

112. The indicators for achievement of objectives during resettlement plan implementation are of 2 kinds:

- (i) **Process Indicators.** Indicating project inputs, expenditure, staff deployment, etc.; and
- (ii) **Output Indicators.** Indicating results in terms of numbers of affected persons compensated, area of temporarily occupied lands restored with topsoil (and other pre-project features), number of affected persons provided with skills training, etc.

113. Input and output indicators related to physical progress of the work will include items such as:

- (i) Training of PIU and other staff completed;
- (ii) Census, assets inventories, assessments and socioeconomic studies completed;
- (iii) NGO recruited and trained;
- (iv) Grievance redress procedures in-place and functionality;
- (v) Compensation payments disbursed;
- (vi) Relocation of affected persons completed;
- (vii) Project employment provided to affected persons;
- (viii) Infrastructure rehabilitated or constructed;
- (ix) Income restoration activities initiated;
- (x) Skills training of affected persons initiated;
- (xi) Number of households displaced and resettled; and
- (xii) Monitoring and evaluation reports submitted.

114. A set of indicators will be used to monitor Program objectives. These indicators will form the basis of the monitoring and evaluation of resettlement plan implementation. The information collected through the household survey will provide benchmarks for comparison on the socioeconomic status of the affected persons in the Program implementation period. A key objective will be the estimation of the affected persons incomes and quality of lives. If monitoring and documentation done during the first 6 months of resettlement plan implementation indicate that these objectives are not being achieved, more resources will be allocated for implementation. During implementation, benchmarks and indicators will be monitored to ensure that comparisons made on socioeconomic status including income streams and not just fixed assets lost due to the subproject

## LIST OF PROJECT TOWNS AND COMPONENT DETAILS

Rajasthan Secondary Towns Development Sector Project													As on 11.03.2020	
Sr. No	Town Name	Cost (In Cr)	Water Supply					Wastewater						
			Pipeline (In Km)	Pumping Stations (Nos)	Water Treatment Plants (Nos)	CW R (Nos)	House service connection (Nos)	Sewer lines (In Km)		Sewage Treatment Plants		SPS (Nos)		House sewer connection
								Trench	Trench Less	Nos	Capacity (In MLD)	Nos	Capacity (In MLD)	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	Abu Road													
	Scope	263.78	176	5	1	5	12800	90.44	14.5	2	(5.0+1.70)	-	-	11600
2	Sirohi													
	Scope	213.92	154	4	1	4	8900	82.67	10.85	2	(6.90+2.30)	-	-	8200
3	Ladnu													
	Scope	178.54	Only WW proposed					113.5	13.65	2	(5.5+2.4)	-	-	11500
4	Didwana													
	Scope	88.79	Only WW proposed					51	10	1	3.3	2	(1.7+1.3)	3800
5	Makrana													
	Scope	146.48	Only WW proposed					83.43	11.61	1	7.7	2	(2.3+1.8)	8000
6	Ratangarh													
	Scope	182.44	Only WW proposed					147.14	11.72	2.00	(6.10+3.80)	2	(4.6+3.8)	13100
7	Fatehpur													
	Scope	114.9	Only WW proposed					95.03	10.24	1.00	4.3	3	(3.5+1.1+0.60)	5600
8	Laxmangarh													



	Scop e	49.46	150.3	-	-	2	12200	Only WS proposed							
9	Sardarshahar														
	Scop e	196.7	193	1	-	1	5600	56.01	11.86	3.0 0	(2.3+3.4+1.6)	2	(0.65+2.30)	5600	
10	Kuchaman														
	Scop e	268	329	4	-	4	14900	152.5 6	8.21	1.0 0	7.6	2	(3.10+0.85)	9500	
11	Pratapgarh														
	Scop e	165.6 5	Only WW proposed					93	9	1.0 0	7.00	1.0 0	7.00	9500	
12	Khetri														
	Scop e	67.3	50.38	1	-	1	4400	33.73	0.33	1.0 0	3.15	-	-	4300	
13	Mandawa														
	Scop e	86.25	109	1	-	1	5400	48.4	5.00	1	3.9	1	0.4	4000	
14	Banswara														
	Scop e	276.3 5	336	2	1	1	23600	88	4	1.0 0	9.6	2	(0.6+1.70)	12400	

## REVIEW AND COMPARISON OF BORROWERS POLICY AND ADB POLICY

1. In addition to ADB policy on involuntary resettlement, applicable existing laws policies of Government of India and state government are reviewed for preparation of this resettlement framework. Following sections deals with the details of applicable policy requirements.

### A. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

2. This Act repeals the Land Acquisition Act, 1984 and is applicable to all states in India including Rajasthan. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA), 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement collectively. Establishing of a completely new Act, which was due from a long time, is a pioneering step taken by the Government of India in providing a humane, participative, informed and transparent process for permanent/temporary land acquisition in the public interest. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to RFCTLARRA. The Act prohibits acquisition of multi-cropped irrigated land as a special provision to safeguard food security, unless in exceptional circumstances as a demonstrable last resort.<sup>1</sup> The general process for land acquisition and resettlement under RFCTLARRA is:

#### 1. Preliminary Investigations/Preparation of Social Impact Assessment/Social Impact Management.

3. It is mandatory under the Act to conduct a time bound social impact assessment (SIA) and social impact management plan (SIMP). No land acquisition shall be initiated unless SIA/SIMP is approved by the expert group. SIA shall also be conducted in a participatory manner and with all necessary public hearings, dissemination etc. duly followed.

4. "Requiring Body" shall have to conduct SIA with the appropriate government body (Panchayat, Municipality or Municipal Corporation) and date of such study shall be communicated by the government notification. This notification shall be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

- (i) SIA shall be completed within six months after the date of its commencement;
- (ii) SIA report will be made available to all affected persons;
- (iii) SIA shall: (a) confirm the proposed acquisition is for the public purpose and extent of land proposed is the absolute bare minimum extent needed for the project; (b) number of affected families, displaced families; details of extent of loss and other associated social impacts; (c) costing for addressing estimated losses and social impacts; and
- (iv) SIA shall conduct public hearing (with adequate prior notice about the date, venue, time etc. in affected area and to affected families). Outcomes of this will be documented and included in the SIA report;

<sup>1</sup> Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. This condition has been included in the entitlement matrix. These provisions however do not apply in case of projects that are linear in nature such as railways, highways, other roads, canals, power lines, etc.

- (v) SIA shall also prepare Social Impact Management Plan (SIMP) which will include each component wise ameliorative measures to address land acquisition and social impacts; and
- (vi) SIA and SIMP shall be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

5. **Appraisal of SIA/SIMP by an Expert Group.** SIA report shall be evaluated by an independent multi-disciplinary Expert Group constituted by the appropriate government. Expert Group constituted shall include: (i) two non-official social scientists; (ii) two representatives from Panchayat, Gram Sabha, Municipality or Municipal Corporation as the case may be; (iii) two experts on rehabilitation; and (iv) a technical expert in the subject relating to the project (total 7 members). Appropriate government may nominate any of them as chairman of the Expert Group. Expert Group withholds rights to abandon the project if of opinion that: (i) the project does not serve any public purpose; and (ii) social costs and adverse social impacts of the project outweigh the potential benefits. The Expert Group shall make his recommendation within two months from the date of its constitution and have to give in writing the reasons for such decision. The recommendation of the Expert Group shall be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

## 2. Preliminary Notification, Objections and Hearing

6. Followed by SIA approval, a requiring body shall publish<sup>2</sup> a preliminary notification and inform various concerned authorities regarding this in a meeting called specially for this purpose. SIA report shall be considered lapsed if the preliminary notification is not issued within 12 months from its approval; unless otherwise specified in writing by the appropriate government for special circumstances. The preliminary notification will include: (i) statement on project/ public purpose; (ii) reasons necessitating the land acquisition; (iii) summary of SIA; and (iv) particulars of the Administrator appointed for the purpose of rehabilitation and resettlement. After the preliminary notification is issued, landowners shall not make any further transactions of the land specified and create any encumbrance on such land. If made so, landowner shall make this willful in writing and impacts associated shall not be borne by the Collector/acquiring authority. Appropriate government authority shall undertake updating of all land records etc. within two months after the issue of preliminary notification provided that all associated activities (surveys etc.) shall be carried out after adequate prior notice and in the presence of the landowner or person authorized by him in writing.

7. All affected landowners shall have right to raise objection(s) for the proposed land acquisition within 60 days from the issue of preliminary notification. These objection(s) however shall be made to the Collector in writing and the objector shall get opportunity to be heard in person. The Collector shall present a report to the appropriate government containing his recommendations on the objections along with details of affected families, land and associated cost. The decision of the appropriate government on the objections made shall be final. The

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<sup>2</sup> Notification will be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

Deputy Commissioner then shall consolidate and present his recommendations on all objections heard to the appropriate Government and the decision of the appropriate Government shall remain final.

### **3. Preparation of Rehabilitation and Resettlement Scheme and its Declaration**

8. After the issue of preliminary notification, Administrator appointed for rehabilitation and resettlement shall conduct a survey, census of the affected families and prepare a draft rehabilitation and resettlement scheme (RRS). Draft RRS shall include: (i) particulars of land and immovable property to be acquired of each affected family; (ii) livelihood losses of landowners as well as dependent landless families; (iii) list of government/public buildings and details of utilities and/or infrastructure facilities where resettlement of affected families is involved; (iv) details of common property resources being acquired; and (v) particulars of the rehabilitation and resettlement entitlements of each affected landowner and landless family and list/details of government buildings, utilities, infrastructure facilities to be provided in the area. The Administrator shall also set implementation timeline in draft RRS. Like SIA, draft RRS shall also be made available to all affected families or at the offices/website of government agencies involved. Administrator shall also conduct a public hearing (with adequate prior notice about the date, venue, time etc. in affected area and to affected families) and shall submit draft RRS along with specific report on claims and objections raised in public hearings to the Collector. The Collector shall submit draft RRS incorporating his suggestions to the Commissioner-Rehabilitation and Resettlement who shall approve the RRS in the last. The approved RRS shall also be made available in local language(s) to the appropriate government body, in the offices of the District Collector, Sub-Divisional Magistrate and the Tehsil and shall be published in the affected areas. (also uploaded on the appropriate government websites).

9. The Collector shall publish<sup>3</sup> a summary of RRS along with Declaration under the hand and seal of Secretary to such government or any other official duly authorized<sup>4</sup> only after the Requiring Body deposits amount towards the cost of land acquisition.<sup>5</sup> RRS summary and Declaration shall be compulsorily made within the twelve months after the issue of preliminary notification. If not complied, such notification shall be considered rescinded unless land acquisition was held up on account of any stay or injunction by the order of Court.

### **4. Public Notice and Award**

10. After the Declaration is made, the Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take Possession of the land and that claims to compensations a rehabilitation and resettlement for all interests in such land may be made to him. Affected landowners/families shall meet in person or through person authorized within six months to place any objections. Collector shall make an award within a period of twelve months from the date of publication of the Declaration and if not award is made within that period; the entire proceedings of the acquisition of the land shall lapse. Award shall be exempt from income tax, stamp duty and fees.

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<sup>3</sup> Declaration shall be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

<sup>4</sup> Summary RRS shall not be published unless it is published along with Declaration.

<sup>5</sup> In full or part, as prescribed by the appropriate government.

11. Land Acquisition Award shall include:

- (i) Loss of land as per market value determined;
- (ii) Standing crops/trees/plants. The Collector can use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him;
- (iii) Damage (if any) sustained by reason of severing adjoining lands from/to affected land;
- (iv) Damage to any property/building (movable or immovable) or earnings. The Collector uses the services of a competent engineer or any other specialist in the relevant field as considered necessary by him;
- (v) Reasonable expenses incidental such change if affected landowner is compelled to change his place of residence or business;
- (vi) *Bonafide*. resulting from diminution of the profits of the land between the time of the publication of the declaration and the time of the Collector's taking possession of the land; and
- (vii) any other ground which may be in the interest of equity, justice and beneficial to the affected families.

12. The Collector shall impose Solatium equivalent to the 100% of the total compensation amount as estimated above. In addition, 12% interest per annum shall be payable for the period from the date of issue of SIA notification till the date of award or date of taking possession of land, whichever is earlier. The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose. Land Acquisition payment shall be made within three months and R&R (except infrastructure entitlements-within 18 months) shall be made within six months from the date of the award. The Collector shall acquire land only after such payment; unless in urgency cases where land can be acquired within 30 days from the date of notice (notice to acquire land).<sup>6</sup> As per the Act, the land acquisition that involves involuntary displacement of scheduled Caste/Scheduled Tribe shall require preparation of Development Plan. In such cases, one third of the compensation shall paid before taking possession of the land. (page 20-21-22 for IPP)

13. **Commissioner.** The Stare Government shall appoint an officer of the rank of Commissioner or Secretary of that Government for rehabilitation and resettlement of affected families under this Act, to be called the Commissioner for Rehabilitation and Resettlement. The Commissioner shall be responsible for supervising the formulation of rehabilitation and resettlement schemes or plans, its proper implementation and conducting post-implementation social-audit in consultation with the appropriate Government. The Commissioner shall also establish a rehabilitation and resettlement committee at project level to monitor and review the progress, under the chairmanship of the Collector, if involves land acquisition of more than 100 acres.

14. **Administrator.** If involuntary displacement of persons is involved then the State Government shall, by notification appoint an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department to be the

<sup>6</sup> If there is any displacement involved, the Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families. The Collector shall also, as far as possible, not displace any family which has already been displaced by the appropriate government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.

Administrator for Rehabilitation and Resettlement. Formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Administrator.

15. **Establishment, by notification by appropriate Government, of Land Acquisition, Rehabilitation and Resettlement Authority.** For the purpose of speedy disposal of disputes relating to land acquisition, compensation and R&R. The authority shall consist of one person called Preceding Officer. Preceding Officer shall be either District Judge or qualified legal practitioner with minimum seven years of service and shall be appointed in consultation with the Chief Justice of the High Court within the Project jurisdiction. He shall hold the office for three years and shall be supported by Registrar and other officers. The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908. Authority (GRS) shall dispose any matter received within six months. All proceedings before Authority shall be judicial proceedings and shall take place in public. No civil court (other than High Court or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter. Applications first go to Collector and within 30 days he can refer (if required) to the Authority. Such application can be made within six weeks by the applicant (if he or representative is personally present) after the date of award, and in other cases within six months. Collector may also accept any application within one year if feels appropriate. Interests are payable for delayed and excess payments.

16. **Temporary occupation of the land.** Appropriate government shall request the Collector for such occupation for the term of maximum three years from the date of occupation. Compensation of any impacts/losses incurred shall be paid gross, monthly/periodic installments whichever is agreed in writing with the affected person. On the termination of agreement further estimation of any damage to the land shall be done and land will be restored as before. If the land become permanently unfit for the purpose it was used immediately before its occupation, the under the Act, it shall be acquired. Any disputes arising which are not addressed by the Collector shall be referred to the Authority.

## **B. ADB's Safeguard Policy Statement, 2009**

17. ADB has adopted Safeguard Policy Statement (SPS) in 2009 including safeguard requirements for environment, involuntary resettlement and indigenous people. The objectives of the Involuntary Resettlement Safeguard policy is to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

18. The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

19. The main policy principles of the involuntary resettlement safeguard are:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks;
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a GRM to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase;
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (a) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (b) prompt replacement of assets with access to assets of equal or higher value, (c) prompt compensation at full replacement cost for assets that cannot be restored, and (d) additional revenues and services through benefit sharing schemes where possible;
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (a) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and community services, as required;
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing;
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status;
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;
- (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule;
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders;

- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation;
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation; and
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

### C. Comparison of National Policies with ADB's Safeguard Policy Statement, 2009

20. A detailed policy comparison between ADB's SPS, 2009, RFCTLARRA, 2013, and state government policies, identified gaps and gap filling measures in the resettlement framework are given in the following table.

**Table A2: Detailed Policy Comparison**

	<b>Involuntary Resettlement Policy Principle</b>	<b>ADB Safeguard Policy Statement</b>	<b>Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013</b>	<b>Measures to Bridge Gaps</b>
1	Screen project	Screen the project to identify past, present and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement	Section 4 (I) it is obligatory for the appropriate Government that intend to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concerned Panchayat, Municipality or Municipal Corporation, as the case maybe, at village level or ward level in the affected area. The Social Impact Assessment study report shall Be made available to the public in the manner prescribed under section 6.	No gap in conduct of social impact analysis between RFCTLARRA and SPS.  Gap in screening past, present and future involuntary resettlement impacts and risks The Project will undertake screening of all subprojects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks.
2	Consult stakeholders and establish grievance redress mechanism (GRM)	Carryout consultations with displaced persons, host communities and concerned NGOs. Informally displaced persons of their entitlements and resettlement options	Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the	No gap between SPS and RFCTLARRA.  Gap in establishing a project-level GRM for projects that do not have significant resettlement impacts. The Project will establish project-level GRM.



	<b>Involuntary Resettlement Policy Principle</b>	<b>ADB Safeguard Policy Statement</b>	<b>Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013</b>	<b>Measures to Bridge Gaps</b>
			affected families to be recorded and included in the social impact assessment report. The Land Acquisition Rehabilitation and Resettlement Authority shall be established in each state by the concerned state government to hear disputes arising out of projects where land acquisition has been initiated by the state government or its agencies.	
3	Improve or at least restore, the livelihoods of all displaced, and payment at replacement cost	Improve or restore the livelihoods of all displaced persons through: (i) land-based resettlement strategies; (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.	The Deputy Commissioner having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the landowner (whose land has been acquired) by including all assets attached to the land.	No gap between SPS and RFCTLARRA. Assets to be compensated at replacement cost without depreciation
4	Assistance for displaced persons	Provide physically and economically displaced persons with needed assistance	Schedule I, provides market value of the land and value of the assets attached to land. Schedule II provides resettlement and rehabilitation package for landowners and for livelihood losers including landless and special provisions for Scheduled Tribes.	No gap between SPS and RFCTLARRA. Entitlement Matrix outlines compensation and assistance for Affected persons.
5	Improve standard of living of displaced vulnerable groups	Improve the standards of living of the displaced poor and other vulnerable groups, especially those below the poverty line, the landless, the elderly, women, children, indigenous peoples, and those without title to land,	Special provisions are provided for vulnerable groups.	No gap between SPS and RFCTLARRA. Entitlement Matrix outlines assistance for vulnerable groups, as defined by ADB policy.

	<b>Involuntary Resettlement Policy Principle</b>	<b>ADB Safeguard Policy Statement</b>	<b>Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013</b>	<b>Measures to Bridge Gaps</b>
		to at least national minimum standards		
6	Negotiated settlement	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihoods status	Section 46 of RFCTLARR Act, 2013 permits direct purchase of land and undertaking direct negotiation with the land owner.	To ensure a fair and transparent process, an independent third-party will be required to certify whether the process of negotiated settlement was undertaken without coercion, in a transparent, consistent and equitable manner.
7	Compensation for non-titleholders	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. In the rural area, provide them with access to resources. In the urban area, provide them with access to housing.	Schedule II provides benefits to families whose livelihood is primarily dependent on land acquired	Entitlement matrix outlines compensation and assistance for non-titleholders, including squatters, encroachers and sharecroppers.
8	Prepare resettlement plan	Prepare a resettlement plan/indigenous peoples plan on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	Preparation of Rehabilitation and Resettlement Scheme including timeline for implementation. Section: 16. (1) and (2). Separate development plans to be prepared. Section 41	No gap between SPS and RFCTLARRA. resettlement plan will be prepared for subprojects with impact.
9	Disclose Resettlement Plan	Disclose a draft resettlement plan, including documentation of the consultation processing a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders	Under clause 18, the Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation. As the case maybe, and the offices of the district collector the Sub-Divisional Magistrate and the Taluka, and shall be published in the affected areas, in such manner as maybe prescribed and	No gap between SPS and RFCTLARRA. The resettlement framework and resettlement plans will be disclosed to affected persons.

	<b>Involuntary Resettlement Policy Principle</b>	<b>ADB Safeguard Policy Statement</b>	<b>Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013</b>	<b>Measures to Bridge Gaps</b>
			uploaded on the website of the appropriate government.	
10	Cost of resettlement	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	Section 16. (I) Upon the publication of the preliminary Notification under sub-section(I) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include:(a) particulars of lands and immovable properties being acquired of each affected family;(b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;(c) a list of public utilities and government buildings which are affected or likely to be affected, where resettlement of affected families is involved;(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and(e) details of any common property	No gap between SPS and RFCTLARRA.  Cost of resettlement will be covered by the executive agency.
11	Taking over possession before payment of compensation	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	38 (I) The Collector shall take possession of Land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of	No gap between SPS and RFCTLARRA.

	<b>Involuntary Resettlement Policy Principle</b>	<b>ADB Safeguard Policy Statement</b>	<b>Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013</b>	<b>Measures to Bridge Gaps</b>
			rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30.	
12	Monitoring	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	48 (I) The Central Government may, whenever necessary for national or inter-state projects, constitute a national monitoring committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.	RFCTLARRA does not specify the frequency of monitoring. The Project will prepare monitoring reports semi-annually as per SPS.

ADB = Asian Development Bank, GRM = grievance redress mechanism, NGO = nongovernment organization, RFCTLARRA = Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, SPS = Safeguard Policy Statement.

**EXTRACT FROM MUNICIPAL ACT 2009, VESTING POWER WITH MUNICIPAL BODY TO  
ACQUIRE ASSETS THROUGH PURCHASE**

**66. Members etc. to be deemed public servant.**-Every member, officer, servant of the Municipality or employee of Municipality and every lessee of the levy of any municipal tax, and every servant or other employee of any such lessee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

**CHAPTER IV**

*Municipal Property*

**67. Power to acquire and hold property.**-The Municipality shall, for the purposes of this Act, have power to acquire, by gift, purchase or otherwise, and hold, movable and immovable properties or any interest therein, whether within or outside the limits of the municipal area.

**68. Vesting of property.**- (1) All property of the nature hereinafter in this section specified and not being specially

## RAJASTHAN GOVERNMENT POLICY ON NEGOTIATED SETTLEMENT OF LAND FOR HIGHWAY AND LINEAR PROJECTS

Government of Rajasthan  
Revenue (Gr-6) Department

F-1(27)Rev.-6/2016

Jaipur, Dated:- 26-04-16

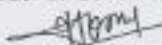
### ORDER

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with the objective of ensuring just and fair compensation and rehabilitation for the affected families due acquisition of land for public purpose. This Act came into force w.e.f. 01-01-2014. The State Government by notification dated 12.01-2016 has issued the Rajasthan Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016.

Section 108 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for framing a state law/policy which provides higher compensation then that calculated under this Act for the acquisition of land so that the affected person or his family or member of his family can opt to avail such a higher compensation under such state policy.

Therefore, in order to speed up and simplify the procedures of land acquisition for public purpose, Government are now pleased to approve a state policy for compensation in land acquisition as appended to this order. The important objective of this policy is to conduct negotiations with the land owners and reach consensus on compensation and rehabilitation by the District Collector.

By order of Governor,



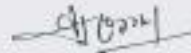
(Dr. K.B. Pandya)

Joint Secretary to the Government

Copy to,

- 1- Additional Chief Secretary, Public Works Department, Jaipur
- 2- Principal Secretary Finance Department, Jaipur
- 3- Principal Secretary Law Department, Jaipur
- 4- All Divisional Commissioners, Rajasthan
- 5- All District Collectors, Rajasthan

- 6- Chief Engineer, PWD, Rajasthan, Jaipur
- 7- Chief General Manager, NHAI, Rajasthan, Jaipur
- 8- Accountant General, Rajasthan, Jaipur
- 9- Registrar Board of Revenue, Rajasthan, Ajmer
10. RAVIRA, Ajmer.



Joint Secretary to the Government

Policy of the State of Rajasthan for compensation in land acquisition for development of  
Highways including linear projects

Introduction

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with the objective of ensuring adequate compensation and rehabilitation and resettlement to land owners whose land are acquired by the State for *bona fide* public purposes. Section 108 of the Act empowers the Government to frame law or policy which provides a higher compensation than calculated under this Act for the acquisition of land and thereby enabling the land owner to exercise option rather to avail such higher compensation for rehabilitation and resettlement under such policy of the State and whenever Government resorts to acquisition of land for public purpose, families get displaced from their ancestral properties and lose lands which are often their sole livelihood. In order to ensure that immediate relief by providing enhanced compensation and rehabilitation and resettlement package to such affected families, Government of Rajasthan felt the need for framing an adequate policy on the subject.

Objectives

Government aims to ensure the following relief to the land losers through this policy:-

1. The land losers are provided with just and reasonable compensation for land acquired, relieving them from the burden of approaching judicial forums for enhancement of compensation.
2. Rehabilitation and Resettlement policy as provided in the Act along with additional packages including employment/ stake holdings in eligible cases according to the nature of the project.
3. Disbursement of compensation before taking possession of land and ensuring Rehabilitation and Resettlement packages including infrastructural amenities as provided in the Third Schedule of the Act within 18 months of the date of publication of DD.
4. Transparency in procedures and less negative impact ensuring the land losers that their socio-economic status does not fall below what it was before the acquisition.

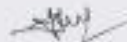
Frame work of the policy for Highways including linear projects

The general provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to all land acquisitions. Social Impact Assessment (SIA) study shall be conducted in projects where it is mandatory and preliminary notification under Section 11 of the Act shall be published after approval of the project by the Expert Committee.





1. The Government shall constitute a District Level Fair Compensation, Resettlement and Rehabilitation Committee in every District.
2. The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall have the following Members:
  - i. District Collector.
  - ii. Administrator for Resettlement and Rehabilitation.
  - iii. Land Acquisition Officer.
  - iv. Finance Officer.
  - v. Representative of Public Works Department.
3. The District Collector will verify the title deeds, non-encumbrance certificate, basic tax receipt, building tax receipt, possession certificate and other relevant records of each parcel of land to be acquired.
4. The District Government Pleader or any other advocate specially authorized by the District Collector in this behalf will scrutinize the title deeds, and other documents relating to ownership and possession and give necessary recommendation to the District Collector.
5. The District Collector will, within 7 days of the preliminary notification under section 11, send the SIA Report and other relevant documents to the District Level Fair Compensation, Resettlement and Rehabilitation Committee.
6. The District Level Fair Compensation, Resettlement and Rehabilitation Committee shall fix the parameters and shall define criteria for categorization of land as per the local needs to fix land value and the same may be approved by the Committee. The Committee should take utmost care in determining the criteria for categorization. There should not be any ambiguity regarding classification. The authority to change the categorization once approved by the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall rest only with the SLEC.
7. After categorization of lands, land value shall be arrived at as per the provisions of the Rights to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and keeping this as the basis land value and taking into consideration the existing market value of the land make negotiation with the land owners and reach consensus with them on the final land value.
8. The Committee will finalize the estimate of a fair and reasonable price of land and compensation along with the Rehabilitation and Resettlement package to be given to the affected person/family. The Committee shall ensure that eligible affected family is given Rehabilitation and Resettlement as envisaged in the Second and Third Schedule of the Act.
9. The Government shall constitute a State Level Empowered Committee headed by Chief Secretary which shall have the following members:-



- (i) Principal Secretary, Finance or his representative not below the rank of Secretary.
- (ii) Secretary of the Administrative Department.
- (iii) Revenue Secretary.
- (iv) Principal Secretary, Law.

10. At the proceedings, the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall present the estimated compensation and resettlement and rehabilitation package to the affected family or affected person and explain the terms and conditions of the same. If the District Level Committee is of the view that higher compensation is inevitable in view of the requirement of the project for speedy development of Highways, then the Committee headed by the District Collector may recommend up to 10 per cent enhanced compensation to State Level Empowered Committee headed by the Chief Secretary. The SLEC may consider it on case to case basis.
11. The proposals received from DLC shall be submitted to the SLEC through Revenue Department by PWD. The above orders are issued in concurrence of FD exp.III- ID No. 101601025 dated 11-03-2016.
12. The Collector after determining the value of land send individual notices to the affected families and affected persons apprising them of the provisions of the law and policy and giving them a date to appear before him on a specified date for the purpose of considering the settlement of compensation and rehabilitation claims on the basis of the policy.
13. On the date fixed as above the Collector shall explain the Policy to the affected family or affected person and give them estimate of the compensation and resettlement and rehabilitation package worked out under the policy.
14. The affected family or affected persons shall thereupon submit their consent to having their claims settled according to such law or policy of the State instead of setting the same under the Act.

Provided that the affected families or affected persons who earlier rejected the negotiated settlement may, by a written application to the Collector shall choose the option of the State policy at any time before passing the final award under Section 30 and/or section 31.

15. Upon receiving the consent of the affected person or affected family, the Collector shall finalize the conveyance of land in terms of the consent.
16. The Collector, upon receiving the consent, shall cause a Sale Deed in terms of the settlement arrived between himself and the affected family or affected person.
17. The Collector shall ensure that the draft declaration under Section 19 of the Act has been published before proceeding with the execution of the sale deed.



18. The designated officer of the concerned project authority will take steps to effect necessary changes in the classification of land through the Tehsildar on the basis of the copy of the registered deed obtained from the Office of the Sub-Registrar.
19. The compensation or package received by the affected family or affected person shall not be subject to income tax or any other levy.
20. On completion of the conveyance the Collector shall take possession of the land immediately provided that the Collector may, on a written application by the affected family or affected person, accord sanction for extension of taking of possession of the land by a period not exceeding 30 days.
21. No conveyance made under this policy shall be called in question in any court of law on any ground except that the same was executed by person other than the one who was competent to do so.

#### Appendix-I

##### Check List for District Level Purchase Committee

1. Whether the title of the land is clear :
2. Whether any Government land is involved :
3. Criteria for categorization :
4. Criteria for fixing land value :
5. Decision of the DLPC :

#### Appendix-II

##### Format For Submitting Proposals For SLEC

1

Category	Total extent of land in Hectare	No. of title holders	No. of title holders who have given consent	Land value as per DLC for registration purpose in Hectare	Land value including 100% solatium	Land value decided by the DLPC (per hectare)	% of increase likely to be proposed	Existing fair value
A								
B								
C								
D								
Total								

II Budget provision under head

III Amount already released

22/4

IV Balance available

V Approx. amount proposed to be released for compensation in the present case

VI Amount recommended for release

VII Whether percentage of increase is justified

## TERMS OF REFERENCE FOR INDEPENDENT THIRD PARTY FOR VOLUNTARY LAND DONATION/NEGOTIATED SETTLEMENT

1. For any voluntary donation of land, an external independent entity will supervise and document the consultation process and validate the negotiated purchase/ land donation process as per legal requirement.

### A. Terms of Reference for Independent Third-Party Witness

2. An independent third party is sought to be appointed to oversee and certify the process of negotiated purchase/ land donation. The third party shall be briefed about his/her expected role and deliverables by the PMU/PIU/PMCBC (safeguard officer/assistant safeguard officer/SSS).

3. **Eligibility.** The third party shall be a representative of the community (for example, a leader of the community with formal/legal standing, a representative of a local NGO/CBO with formal and legal standing) or an institution, without any direct interest in the negotiation process or subproject activity, who is acceptable to each of the concerned parties (PMU/PIU and concerned land owner/donor).

4. **Scope of Work.** The role of the third party shall be to ensure a fair and transparent process of negotiation/donation. The envisaged scope of work shall entail the following:

- (i) witness and keep a record of meetings held with the concerned parties;
- (ii) ensure there is no coercion involved in the process of negotiated purchase/land donation;
- (iii) ensure that the donor(s) are not coming from vulnerable groups/poor families;
- (iv) ensure that the preferences and concerns of the land owner/donor related to access, selection of site within lands held, etc. are recorded and any stipulated conditions met;
- (v) ensure that the negotiated purchase/land donation agreement is drafted in a fair and transparent manner;
- (vi) confirm that the offered/agreed price is fair and meet the market price of the land with similar value and condition in the area;
- (vii) ensure the negotiated purchase/donation does not result any negative impacts to the third party associated with the purchase/donation activity;
- (viii) identify and recommend mitigation measures to land owner/donor/affected third party, if required;
- (ix) ensure that taxes, stamp duties and registration fees for purchased/donated land are borne by government; and
- (x) submit a report and signed certificate as witness to the purchase/ donation and transfer process.

5. **Deliverables:** The details of the meetings, socio economic background of the land/ assets owner(s) and a certificate/reports as witness to the purchase/donation process and mitigation measures to owner/donor, if any, shall be submitted by the third party to PMU/PIU and owner/donor in the local language and share with ADB for review.

**SAMPLE CERTIFICATION FORMATS**

This is to certify that Mr./Mrs. XXXXXXXXXXXXXXXXXXXX, (profession, designation, address) is appointed as independent third party to certify the process of negotiated purchase/donation of plot no..... area.....owned / donated by XXXXXXXXXX (names of owner), who is a signatory to this certificate. It is also placed on record that none of the signatories to this certificate have any objection to appointment of xxxx as third party witness.

Date

Officers PIU/ULB and land donor

\_\_\_\_\_

\_\_\_\_\_2.

I, \_\_\_\_\_ of \_\_\_\_\_ (address) certify that I was witness to the process of negotiated purchase / land donation (details of plot \_\_\_\_\_ from XXXXXXXXXX land owners' names).

I certify that:

1. The process of purchase / donation of the said land was transparent; the landowner(s) was/were happy to sell/donate the land for the welfare of the community.
2. No coercion was used in the purchase/donation process.
3. Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
4. All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
5. The following mitigation measures were identified and implemented / provided to the land owner/donor.
6. Attached are the minutes of meetings held between project proponents and the land owner/donor, which I was witness to.

Signed/

Name

XXXXXXXXXXXXXXXXXXXXX

Date: \_\_\_\_\_ Place: \_\_\_\_\_

Encl: Minutes of meetings held between land owner/donor and project proponents

## INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

### A. Introduction

1. Each subsection/section needs to be screened for any involuntary resettlement impacts which will occur or have already occurred. This screening determines the necessary action to be taken by the project team.

### B. Information on subsection/section:

- a. District/administrative name: \_\_\_\_\_  
 b. Location (km): \_\_\_\_\_  
 c. Civil work dates (proposed): \_\_\_\_\_  
 d. Technical description: \_\_\_\_\_

### C. Screening Questions for Involuntary Resettlement Impact

2. Below is the initial screening for involuntary resettlement impacts and due diligence exercise. Both permanent and temporary impacts must be considered and reported in the screening process.

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
<b>Involuntary Acquisition of Land</b>				
Will there be land acquisition?				
Is the site for land acquisition known?				
Is the ownership status and current usage of land to be acquired known?				
Will easement be utilized within an existing right of way (ROW)?				
Will there be loss of shelter and residential land due to land acquisition?				
Will there be loss of agricultural and other productive assets due to land acquisition?				
Will there be losses of crops, trees, and fixed assets due to land acquisition?				
Will there be loss of businesses or enterprises due to land acquisition?				
Will there be loss of income sources and means of livelihoods due to land acquisition?				
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
Will people lose access to natural resources, communal facilities and services?				
If land use is changed, will it have an adverse impact on social and economic activities?				
Will access to land and resources owned communally or by the state be restricted?				
<b>Information on Displaced Persons:</b>				
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes				
If yes, approximately how many?				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Are any displaced persons from indigenous or ethnic minority groups? <span style="float: right;">[ ] No [ ] Yes</span>				

Note: The project team may attach additional information on the project, as necessary.



## **OUTLINE OF RESETTLEMENT PLAN**

1. The comprehensiveness of a resettlement plan would be according to the potential involuntary resettlement impacts/risks and size of the project. The resettlement plan must adequately address all involuntary resettlement issues pertaining to the project, describes specific mitigation measures that will be taken to address the issues and outlines institutional requirement and resources required to implementation of the resettlement plan. The following outline of resettlement plan is suggested for the present project.

### **A. Executive Summary**

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

### **B. Project Description**

3. This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

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

4. This section:

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

### **D. Methodology for Impact Assessment**

5. This section outlines the methodology and tools adopted for:

- (i) resettlement screening;
- (ii) land acquisition planning;
- (iii) socioeconomic survey;
- (iv) census survey or inventory of assets and livelihood loss; and
- (v) consultation with stakeholders.

### **E. Socio-economic Information and Profile**

6. This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be affected;

- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

## **F. Stakeholders Consultation and Participation**

7. This section:

- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan; and
- (iv) describes the process for consultation with affected persons during project implementation.

## **G. Legal Framework**

8. This section:

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

## **H. Entitlements, Assistance and Benefits**

9. This section:

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

## **I. Relocation of Housing and Settlements**

10. This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

#### **J. Income Restoration and Rehabilitation**

11. This section:

- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

#### **K. Resettlement Budget and Financing Plan**

12. This section:

- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation;
- (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items);
- (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and
- (iv) includes information about the source of funding for the resettlement plan budget.

#### **L. Information Disclosure**

13. This section:

- (i) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;

- (v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) during project implementation.

#### **M. Grievance Redress Mechanisms**

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

#### **N. Institutional Arrangements**

15. This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
- (iv) describes how women's groups will be involved in resettlement planning and management,

#### **O. Implementation Schedule**

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

#### **P. Monitoring and Reporting**

17. This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

### SAMPLE PROJECT INFORMATION LEAFLET

Up to 2-4 pages maximum.

Sub-project Information	Description
Name of the subproject, EA/IA and town	
Proposed subproject technical details and project benefits	
Summary of subproject impacts	
Compensation and entitlements	
Resettlement Plan budget	
RP implementation schedule	
Consultation and disclosure requirements	
Implementation structure and GRM information	
Contact numbers of CAPC/implementing NGO, PIU, PMU	

Attach list of affected persons and entitlement matrix to this leaflet.

**SAMPLE GRIEVANCE REGISTRATION FORM**

(To be made available in Local language(s) and English)

The \_\_\_\_\_ Project welcomes complaints, suggestions, queries, and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback.

Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing \*(CONFIDENTIAL)\* above your name. Thank you.

<b>Date</b>	<b>Place of registration</b>	<b>Project Town</b>			
		<b>Project:</b>			
<b>Contact information/personal details</b>					
<b>Name</b>		<b>Gender</b>	* Male * Female	<b>Age</b>	
<b>Home address</b>					
<b>Place</b>					
<b>Phone no.</b>					
<b>E-mail</b>					
<b>Complaint/suggestion/comment/question</b> Please provide the details (who, what, where, and how) of your grievance below:					
If included as attachment/note/letter, please tick here:					
<b>How do you want us to reach you for feedback or update on your comment/grievance?</b>					

**FOR OFFICIAL USE ONLY**

<b>Registered by:</b> (Name of official registering grievance)	
<b>Mode of communication:</b> Note/letter E-mail Verbal/telephonic	
<b>Reviewed by:</b> (Names/positions of officials reviewing grievance)	
<b>Action taken:</b>	
<b>Whether action taken disclosed:</b>	Yes No
<b>Means of disclosure:</b>	

## OUTLINE OF SOCIAL SAFEGUARDS MONITORING REPORT DURING PROJECT IMPLEMENTATION PERIOD

1. Under the ADB Safeguard Policy Statement (2009) and the *Operations Manual* section on safeguard policy (OM F1), borrowers/clients are required to establish and maintain procedures to monitor the status of implementation of safeguard plans and ensure progress is made toward the desired outcomes. For projects categorized as A or B in involuntary resettlement and/or indigenous people, the borrowers/clients are required to submit semiannual monitoring reports for ADB review. The level of detail and comprehensiveness of a monitoring report is commensurate with the complexity and significance of social safeguards impacts (involuntary resettlement and indigenous people) and with the current status of the project implementation phase.

2. This outline can be used for periodic monitoring report (semiannual) and resettlement plan/indigenous peoples plan (IPP)/combined resettlement and indigenous peoples plan (RIPP) completion report to start the civil works in the impacted areas. A safeguard monitoring report may include the following elements:

### **A. Executive Summary**

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

### **B. Background of the Report and Project Description**

4. This section provides a general description of the project, including:

- (i) Background and context of the monitoring report, which includes the information on the project, project components, safeguards categorizations and general scope of the social safeguards impacts;
- (ii) Information on the implementation progress of the project activities, scope of the monitoring report and requirements, reporting period, including frequency of submission, and changes in project scope and adjusted safeguard measures, if applicable; and
- (iii) Summary table of identified impacts and the mitigation actions.

### **C. Scope of Impacts**

5. This section outlines the detail of

- (i) Scale and scopes of the project's safeguards impacts;
- (ii) Vulnerability status of the affected people and/or communities; and
- (iii) Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final resettlement plans and IPPs.

### **D. Compensation and Rehabilitation**

6. This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan, including: <sup>1</sup>

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<sup>1</sup> Depending on the status of the final detail design during the submission of the report, this activity might not yet have started. Provide instead the information on the expected date the activity will be conducted.

- (i) Payment of compensation for the affected assets, allowances and/or loss of incomes to the entitled persons; and
- (ii) Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.
- (iii) Specific provisions or beneficial and mitigation measures identified for indigenous peoples.

7. Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

## **E. Public Participation and Consultation**

8. This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with affected people/indigenous peoples during resettlement plan/IPP/RIPP finalization after the completion of the detail design, the numbers of activities conducted, issues raised during consultations, and responses provided by the project team, implementing nongovernment organizations, project supervision consultants, and/or contractors.

## **F. Grievance Redress Mechanism**

9. This section described the implementation of the project's grievance redress mechanism (GRM) as designed in the approved resettlement plan/IPP. This includes evaluations of its effectiveness, procedures, complaints received, timeliness to resolve issues and complaints, and resources provided to solve the complaints. Special attention should be given if there are complaints received from the affected people or communities.

## **G. Institutional Arrangement**

10. This section describes the actual implementation or any adjustment made to the institutional arrangement for managing the social safeguards issues in the projects. This includes the establishment of safeguards unit or team and appointment of staff in the executing agency and/or implementing agency, implementation of the GRM and its committee, supervision and coordination between institutions involved in the management and monitoring of safeguards issues, and the roles of nongovernment organizations including indigenous peoples organisations and women's groups in the monitoring and implementation of the plan, if any.

## **H. Monitoring Results – Findings**

11. This section provides a summary and describes the key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of involuntary resettlement compensation rates and timeliness of payments, adequacy and timeliness of involuntary resettlement rehabilitation measures including livelihood support measures, and training; budget for implementing EMP, resettlement plan, or IPP or RIPP, timeliness and adequacy of capacity building.). The section also compares the findings against the objectives of safeguards or desired outcomes documented (e.g., involuntary resettlement impacts avoided or minimized; livelihood restored or enhanced; indigenous peoples' identity, human rights, livelihood systems, and cultural uniqueness fully respected; indigenous people not suffering adverse impacts, environmental impacts avoided or minimized.). If noncompliance or any major gaps are identified, include the recommendation of corrective action plan.



## **I. Compliance Status**

12. This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR 2 and SR-3 and the approved final resettlement plan(s)/IPPs/RIPPs.

## **J. Follow up Actions, Recommendations, and Disclosure**

13. This section describes recommendations and further actions or items to focus on for the remaining monitoring period. It also includes lesson learned for improvement for future safeguards monitoring activities. Disclosure dates of the monitoring report to the affected communities should also be included. A time-bound summary table for required actions should be included, with the following:

- (i) List of affected persons and entitlements;
- (ii) Summary of resettlement plan/IPP/RIPP with entitlement matrix
- (iii) Copies of affected people's certification of payment (signed by the affected peoples);
- (iv) Summary of minutes of meetings during public consultations; and
- (v) Summary of complaints received and solution status.