

Resettlement Framework

April 2016

IND: Rajasthan State Highway Investment Program

Prepared by PPP Division, Public Works Department, Government of Rajasthan for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of March 2016)

| | | |
|---------------|---|-------------------|
| Currency unit | – | Indian Rupee (Rs) |
| INR1.00 | = | \$ \$.01490 |
| \$1.00 | = | INR 67.12 |

ABBREVIATIONS

| | | |
|---------------------|---|---|
| ADB | – | Asian Development Bank |
| DC | – | District Collector |
| DH | – | Displaced household |
| DP | – | Displaced person |
| EA | – | Executing Agency |
| GOI | – | Government of India |
| GOR | – | Government of Rajasthan |
| GRC | – | Grievance Redressal Committee |
| IAY | – | Indira Awaas Yojana |
| LA | – | Land acquisition |
| LAA | – | Land Acquisition Act, 1894 |
| L&LRO | – | Land and Land Revenue Office |
| RFCT in LARR Act | – | The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act |
| LVC | – | Land Valuation Committee |
| MFF | – | Multitranchise Financing Facility |
| NGO | – | Nongovernment organization |
| PD | – | Project Director |
| PIU | – | Project implementation unit |
| PPP | – | Public Private Partnership |
| PWD | – | Public Works Department |
| R&R | – | Resettlement and rehabilitation |
| RF | – | Resettlement framework |
| RO | – | Resettlement Officer |
| ROW | – | Right-of-way |
| RSHIP | – | Rajasthan State Highway Improvement Program |
| RP | – | Resettlement plan |
| SC | – | Scheduled caste |
| SH | – | State highway |
| SIA | – | Social Impact Assessment |
| SO | – | Safeguard Officer |
| SPS | – | Safeguard Policy Statement |

NOTE

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

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I. INTRODUCTION

A. Overview of the Project

1. Rajasthan has a road network of 193,017 km, including 7,260 km of National Highways (NH), 10,953 km of State Highways (SH), 9,900 km of Major District Roads (MDR), 25,033 km of Other District Roads (ODR) and 139,871 km of Village/Rural Roads. Road density in Rajasthan is only about 60 km per 100 sq. km, compared to the national average of 110. Per capita development cost in the state is very high due to the widely dispersed population. Years of under-investment and inadequate maintenance left many of the State Highways and MDRs in poor condition in terms of riding quality, geometry, pavement strength, drainage, and safety standards. To provide effective linkages from rural areas to markets and to support growing economic potential of the state, significant improvements in the highway network are required. There has been limited investment in improving state highways and district roads to accommodate greater volumes of traffic, but much more is required to develop the state highway network.

2. To improve the state core network, comprising all state highways and major district roads, the state government initiated the implementation of Rajasthan State Highways Development Program (RSHDP). RSHDP aims to improve about 20,000 km of state highways and major district roads to 2-lane standard in two phases during a period of 5 years from 2014 to 2018. The phase 1 of RSHDP was designed to engage private sector investment through public-private partnership (PPP) for about 9,000 km of state highways. Two models of PPP are developed, viability gap funding (VGF) for roads with adequate capacity of revenue generation, and annuity for other roads.

3. The GOR, through the Department of Economic Affairs of Ministry of Finance, GOI, requested ADB to consider a loan of \$500 million to help finance the civil works under the PPP contracts, and support the capacity development for the PWD of Rajasthan on the key areas such as policy and business procedures, road asset management, and road safety.

4. The Rajasthan State Highway Investment Program is a Multitranches Financing Facility (MFF) modality is proposed to finance the project due to its large scale of investment. Tranche 1 will finance 16 subprojects totally about 1,009 kilometers. The state highways proposed for upgrading are distributed across 15 districts, namely; Kota, Jhalawar, Bharatpur, Alwar, Pali, Barmer, Jalore, Nagaur, Sikar, Churu, Jhunjhunu, Hanumangrah, Jaipur, Ajmer, and Bikaner district of Rajasthan. The State can be divided into two major divisions structurally along the Aravalli range which cuts the state into East Rajasthan and West Rajasthan. The Tranche 1 state highways are mostly located in the Western Rajasthan except few stretches that falls under Kota and Jhalawar districts.

5. The proposed upgrading generally includes cross-section improvement to at least intermediate 3.5m lane with 0.800m shoulder of drains, and depending on the terrain, land use, and availability of right-of-way particularly in urban areas will have flexible or rigid pavement, raise embankment, open or closed drain and earthened or lined side drains. Bypasses to minimize land acquisition; widening, rehabilitation, and repairs of bridges and cross-drains. In addition, toll plazas, bus shelters and road safety measures will be included in all subprojects.

Table 1: List of Subprojects under Tranche-1

| Package | State Highway Number | Name of the Road Subproject | Project Length (km) |
|---------------------------|---|--|---------------------|
| 1 | SH-74 | Kanwas - Aklera | 80.020 |
| | SH-74 A | Deoli - Kanwas | 14.850 |
| | SH-19 C | Alot (MP) - Gangdhar - Suwasara (MP) | 24.550 |
| | SH-22 | Kherli - Pahari | 61.160 |
| Subtotal Package-1 | | | 180.580 |
| 2 | SH-16 | Barmer - Sindhari - Jalore | 148.090 |
| | SH-16 | Sanderao - Bali - Mundara | 29.420 |
| Subtotal Package-2 | | | 177.510 |
| 3 | MDR-103 | Peelibanga - Lakhwali | 34.548 |
| | SH-6A | Sardarsher - Lunkaransar | 75.800 |
| | SH-69 | Churu - Bhaleri | 34.800 |
| | SH-60 | Sanju - Tarnau | 16.710 |
| | SH-100 | Roopangarh - Naraina | 34.792 |
| | SH-19, SH-60, SH-20, SH-83, SH-8, SH-82 and SH-82-A | Nagaur - Tarnau - Deewana - Mukundgarh | 210.415 |
| Subtotal Package-3 | | | 407.065 |
| 4 | SH-13B | Singhana - Buhana - Haryana Border | 34.190 |
| | SH-13 | Ajeetgarh - Chala | 33.135 |
| | SH-20 & 20 A | Sikar-Ganeri-Jaswantgarh | 83.260 |
| | SH-20 | Bidasar-Nokha | 93.000 |
| Subtotal Package-4 | | | 243.585 |
| Grand Total | | | 1008.740 |

6. A For the proposed State Highway Improvement Program, State Government of Rajasthan will be the Executing Agency (EA) and the Implementing Agency (IA) will be the PPP Division-PWD. A Project Management Unit (PMU) is established at the state headquarter and Project Implementation Units (PIU) are established at the field level for the project and they are responsible for conducting the social assessment and formulating Resettlement Plan (RP), as outlined in this Resettlement Framework (RF).

B. Purpose of the Resettlement Framework

7. This RF has been formulated based on (i) ADB's Safeguard Policy Statement (SPS 2009), and government laws and policies as outlined in Section II. Any component included in the Project shall comply with the requirements of the Government of India, the state governments and ADB SPS.

8. This RF has been prepared to guide the preparation of RP for project financed under the MFF. The RF will be reviewed and updated from time to time to ensure relevance and consistency with applicable country legal frameworks and ADB's Safeguard Policy Statement, 2009 (SPS).

9. The purpose of this RF is to do the following: (i) specify the requirements that will be followed in relation to project screening and categorization, assessment, and planning, including arrangements for meaningful consultation with displaced people and other stakeholders, information disclosure requirements and, where applicable, safeguard criteria that are to be used in selecting project and/or components; (ii) assess the adequacy of the client's capacity to

implement national laws and ADB's requirements and identify needs for capacity building; (iii) specify implementation procedures, including the budget, institutional arrangements, and capacity development requirements; (iv) specify monitoring and reporting requirements; (v) describe the responsibilities of the client and of ADB in relation to the preparation, implementation, and progress review of social safeguard documents of project; (vi) lays out the principles and objectives governing the preparation and implementation of RPs and ensures consistency with ADB policy requirements; and (vii) compares applicable national laws and regulations and the ADB SPS and outlines measures to fill identified gaps.

II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

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

11. The IA through its PIUs will be responsible for conducting the social assessment and formulating RPs for subprojects, as per the procedures outlined in this RF. The draft RPs will be disclosed to the displaced persons and submitted to ADB for review and approval prior to commencement of any civil works. Compensation and other assistances will have to be paid to DPs¹ prior to any physical or economic displacement of displaced households.

A. Policy and Legal Framework

12. The policy framework and entitlements for the Program are based on national laws: The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, State laws and regulations and ADB's SPS, 2009. Provisions for land acquisition in the tribal areas are included below in case land will be required for the project in tribal areas. Further, a brief note on the new act has also been provided as the act has become effective since January 2014.

1. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCT in LARR), 2013

13. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013, provides for a transparent process and just and fair compensation to the affected families whose land is acquired or proposed to be acquired or are affected by such acquisition and provides for rehabilitation and resettlement of the affected families. The basic principle of the RFCTLARR Act is to ensure that the cumulative outcome of compulsory land acquisition should be such that, the affected persons become partners in development, leading to an improvement in the standard of living after acquisition. This act came into effect on January 01, 2014 and the Land Acquisition Act, 1894 stands repealed. The salient provisions of RFCTLARR Act are discussed below.

¹ According to ADB SPS-2009, 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.

14. The RFCTLARR Act applies to acquisition of land for a public purpose, as defined in the act. The act provides for consultation with and involvement of local self-government in undertaking a Social Impact Assessment (SIA). The SIA is reviewed by an Expert Group to assess if the potential benefits of the project outweigh the social cost and adverse social impacts. The expert group can recommend either for or against proceeding with the project. The appropriate government is not bound by the decision of the expert group and can decide otherwise.

15. The act prohibits acquisition of multi crop land for any project, however on exceptional cases allows acquisition of multi crop land, wherein the State specific threshold of acquiring such land is not exceeded and equivalent waste land is developed for agricultural purpose.

16. The competent authority while determining the market value of the land has to consider the higher value of the land arrived at by 3-methods of valuation, viz: (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land, situated in the nearest village or nearest vicinity area, ascertained from the highest 50% of sale deeds of the preceding 3 years; or (iii) consented amount paid for PPPs or private companies. In case of rural areas, the market value of land so determined is multiplied by a factor, to be decided by the appropriate government. A solatium of 100% is payable on the market value of land multiplied by the factor and all immovable properties or assets, trees and plants.

17. A Resettlement and Rehabilitation award detailing the entitlements to be provided as per the Second Schedule of Act is passed by the competent authority. Possession of land can be taken only after payment of compensation and rehabilitation and resettlement entitlements as detailed in Second Schedule and Third Schedule. The detail of amenities to be provided in a resettlement site is detailed in the Third Schedule. Additional details regarding the Act can be found in Appendix 1.

2. Legal and Policy Framework of Rajasthan

18. The legislations and policy concerning the land acquisition and resettlement formulated and adopted by State Government of Rajasthan are discussed in the following section.

a. Rajasthan Land Revenue Code, 1959

19. An Act to consolidate and amend the laws relating to land revenue, the powers of Revenue Officers, rights and liabilities of holders of land from the State Government, agricultural tenures and other matters relating to land and the liabilities incidental thereto in Rajasthan. This Act basically deals with the land rights of landholders and power of revenue departments but does not reflect and specific on acquisition and payment of compensation.

b. Rajasthan Highway Act, 2003

20. The Rajasthan Highway Act, 2003 is meant to provide for the restriction of ribbon development along highways for prevention and removal of encroachment thereon, for the construction, maintenance and development of highways, for the levy of betterment charges, and for certain other matters, and to provide for the public such conditions as will ensure safety and maximum efficiency of all road transport of highways in the Rajasthan State.

c. The Rajasthan Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016

21. The Rules framed and notified by GoR for the RFCTLARRR Act, 2013 details the process of SIA, public hearing and SIA report and social impact management plan. The consent requirement in the format specified is to be obtained during the SIA. The rules also explain the process of preparing and publishing the rehabilitation and resettlement scheme. The State Rules do not deviate from the RFCTLARRR Act 2013 and only provides for the specifics in the implementation of RFCTLARRR Act 2013.

3. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

22. This law provides for recognition of forest rights to Scheduled Tribes in occupation of the forest land prior to 13 December 2005 and to other traditional forest dwellers who are in occupation of the forest land for at least 3 generations i.e. 75 years, up to maximum of 4 hectares. These rights are heritable but not alienable or transferable.

4. ADB's Safeguard Policy Statement (SPS), 2009

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

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

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

B. Comparison of Government and ADB Policies

26. A comparison between Government Statutes and ADB's involuntary resettlement safeguards policy that provides gap-filling measures reflected in the entitlement matrix is presented as Appendix-2. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', which has integrated provisions of NRRP with that of LA Act 1894, recognizes titleholders and non-titleholders affected by land

acquisition. Wherein, the squatters, encroachers and those present in RoW and other government lands are excluded from the purview of the Act.²

27. The key difference between the Government and ADB's involuntary resettlement safeguards policy is with regard to the cut-off date for determining the eligibility for compensation and R&R assistance to all those who are affected by the project irrespective of the ownership title to the land. As per the provisions of RFCTLARR Act, the cut-off-date for title holders is the date of SIA notification [Sec 4(2)] and for non-titleholders affected by the acquisition of such land; they should have been living/working three years or more prior to the acquisition of the land. To bring the RF in line with ADB's requirements, the RF mandates that in the case of land acquisition, the date of issue of notification will be treated as the cut-off date for title holders, and for non-titleholders such as squatters and encroachers, whom the act does not recognize, the cut-off date will be the start date of the subproject census survey. In case of all affected non-title holders, suitable compensation (ex-gratia payments) for loss of assets and R&R assistance is proposed in the entitlement matrix.

28. A significant development in Government statute is the notification of 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', which has repealed the Land Acquisition Act of 1894 (as amended in 1984). This Act would both complement the revision of the NRRP (2007) and decrease significantly the gaps between the LA Act 1894 and ADB's SPS. In particular, the Act would require social impact assessments for projects involving land acquisition. The Act also expands compensation coverage of the principal act by requiring that the value of structure, trees, plants, or standing crops damaged must also be included and the solatium being 100 percent of all amounts inclusive. The Act furthermore meets ADB requirement of all compensation to be paid prior to project taking possession of any land and provision of R&R support including subsistence grant and transportation cost.

C. Involuntary Resettlement Safeguard Principles for the Project

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

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

² Non-titleholders are recognized in this investment program through this Resettlement Framework and meets ADB SPS requirement.

peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the concerns of displaced persons. Support the social and cultural institutions of displaced persons and their host population. 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; (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement cost for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement³ to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for all compensation, relocation and rehabilitation measures, except land. .
- (viii) Prepare a resettlement plan elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. This resettlement plan will be approved by ADB prior to contract award.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced

³ ADB SPS 2009 (Safeguards Requirements 2) does not apply to negotiated settlements. The policy is encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, an independent external party will be engaged to document the negotiation and settlement processes. In cases where the failure of negotiations would result in expropriation through eminent domain or the buyer could acquire the property regardless of its owner's decision to sell it or not, will trigger ADB's involuntary resettlement policy. The Safeguard Requirements 2 will apply in such cases, including preparing a resettlement plan.

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

D. Entitlement Matrix

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

- (i) those who have formal legal rights to land lost in its entirety or in part;
- (ii) those who lost the land they occupy in its entirety or in part and have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national/state laws; and
- (iii) those who lost the land they occupy in its entirety or in part and have neither formal legal rights nor recognized or recognizable claims to such land.

31. **Cut-off Date:** For titleholders, the date of SIA notification [Sec 4(2)] of intended acquisition as per the provisions of RFCTLARR Act will be treated as the cut-off date, and for non-titleholders the start date of project census survey for the subproject will be the cut-off date. There will be adequate notification of cut-off date and measures will be taken to prevent encroachments/squatting after the cut-off date is established.

32. Non-title holders who settle in the affected areas after the cut-off date will not be eligible for compensation. They however will be given sufficient advance notice (60 days) to vacate the premises and dismantle affected structures prior to project implementation. The project will recognize both licensed and non-licensed vendors, and titled and non-titled households.

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

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

34. An Entitlement Matrix has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements; and is in compliance with National/State Laws and ADB SPS. The following entitlement matrix presents the entitlements corresponding to the tenure of the DPs and the same has been approved⁴ and endorsed by Government of Rajasthan (refer to Table 2).

Table 2: Entitlement Matrix

| SNo | Impact Category | Entitlements | | Implementation Guidelines |
|--|---|--------------|---|--|
| PART I. TITLE HOLDERS - Compensation for Loss of Private Property | | | | |
| 1 | Loss of Land (agricultural, homestead, commercial or otherwise) | 1.1 | Compensation for land at Replacement Cost or Land for land, where feasible. | <p>Land will be acquired by the competent authority in accordance with the provisions of RFCTLARR Act, 2013.</p> <p>Replacement cost for land will be, higher of (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land, situated in the nearest village or nearest vicinity area, ascertained from the highest 50% of sale deeds of the preceding 3 years; or (iii) consented amount paid for PPPs or private companies.</p> <p>Plus 100% solatium and 12% interest from date of notification to award.</p> <p>The multiplier factor adopted by GoR for land in rural area, based on the distance from urban area to the affected area, will be applied.</p> <p>In case of severance of land, house, manufactory or other building, as per Section 94 (1), the whole land and/or structure shall be acquired, if the owner so desires.</p> |
| 2 | Loss of Structure (house, shop, building or immovable property or | 2.1 | Compensation at replacement cost | The market value of structures and other immovable properties will be determined by PWD on the basis of relevant PWD Schedule of Rates (SR) as on date without depreciation. |

⁴ GO No. F7 (143) SHA/PPP/2015/D-1262 of Public Works Department, Government of Rajasthan dated 17.11.2015

| SNo | Impact Category | Entitlements | | Implementation Guidelines |
|---|---|--------------|--|--|
| | assets attached to the land, including trees) | | | Plus 100% solatium For partly affected structures, the DP will have the option of claiming compensation for the entire structure, if the remaining portion is unviable. |
| PART II. REHABILITATION AND RESETTLEMENT - | | | Both Titleholders and Families Whose Livelihood is Primarily dependent on Land Acquired | |
| 3 | Loss of Land | 3.1 | Employment to at least one member per affected family in the project or arrange for a job in such other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other law for the time being in force. or One time payment of Rs.5,00,000/- for each affected household or Annuity policy that shall pay Rs.2000/- per month for 20 years with appropriate indexation to CPIAL | |
| | | 3.2 | Monthly subsistence allowance of Rs.3,000/- per month for a period of one-year to affected households who require to relocate due to the project | |
| | | 3.3 | Transportation assistance of Rs.50,000/- for affected households who require to relocate due to the project | |
| | | 3.4 | One time assistance of Rs.25,000 to all those who lose a cattle shed | |
| | | 3.5 | One time Resettlement Allowance of Rs.50,000/- for affected household who have to relocate | |
| | | 3.6 | Additional onetime assistance of Rs.50,000/- to scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project | |

| SNo | Impact Category | Entitlements | | Implementation Guidelines |
|-----|-------------------|--------------|--|--|
| 4 | Loss of Residence | 4.1 | An alternative house for those who have to relocate, as per IAY specifications in rural areas and a constructed house/flat of minimum 50 sq.m. in urban areas or cash in lieu of house if opted (the cash in lieu of house will be Rs.70,000/- in line with GoI IAY standards in rural areas and Rs.1,50,000 in case of urban areas). | Stamp duty and registration charges will be borne by the project in case of new houses or sites. |
| | | 4.2 | Employment to at least one member per affected family in the project or arrange for a job in such other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other law for the time being in force. or One time payment of Rs.5,00,000/- for each affected household or Annuity policy that shall pay Rs.2000/- per month for 20 years with appropriate indexation to CPIAL | |
| | | 4.3 | Monthly subsistence allowance of Rs.3,000/- per month for a period of one-year to affected households who require to relocate due to the project | |
| | | 4.4 | Transportation assistance of Rs.50,000/- for affected households who require to relocate due to the project | |
| | | 4.5 | One time assistance of Rs.25,000 to all those who lose a cattle shed | |
| | | 4.6 | One time assistance of Rs.25,000 for each affected family of an artisan or self-employed and who has to relocate. | |
| | | 4.7 | One time Resettlement Allowance of Rs.50,000/- for affected household who have to relocate | |

| SNo | Impact Category | Entitlements | | Implementation Guidelines |
|-----|---|--------------|---|---------------------------|
| | | 4.8 | Additional onetime assistance of Rs.50,000/- to scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project | |
| | | 4.9 | Right to salvage affected materials | |
| 5 | Loss of shop / trade / commercial structure | 5.1 | <p>Employment to at least one member per affected family in the project or arrange for a job in such other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other law for the time being in force.</p> <p style="text-align: center;">or</p> <p>One time payment of Rs.5,00,000/- for each affected household</p> <p style="text-align: center;">or</p> <p>Annuity policy that shall pay Rs.2000/- per month for 20 years with appropriate indexation to CPIAL</p> | |
| | | 5.2 | Monthly subsistence allowance of Rs.3,000/- per month for a period of one-year to affected households who require to relocate due to the project | |
| | | 5.3 | Transportation assistance of Rs.50,000/- for affected households who require to relocate due to the project | |
| | | 5.4 | One time assistance of Rs.25,000 for each affected family of an artisan or self-employed or small trader and who has to relocate. | |
| | | 5.5 | One time Resettlement Allowance of Rs.50,000/- for affected household who have to relocate | |
| | | 5.6 | Additional onetime assistance of Rs.50,000/- to scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project | |
| | | 5.7 | Right to salvage affected materials | |

| SNo | Impact Category | Entitlements | | Implementation Guidelines |
|--|---|--------------|--|---|
| PART III. IMPACT TO SQUATTERS / ENCROACHERS - | | | | Those in the existing right-of-way where no land acquisition is done |
| 6 | Impact to Squatters | 6.1 | Loss of House | Only those directly affected squatters who live there will be eligible for all assistance. Structure owners in RoW/Government lands who do not live there and have rented out the structure will be provided compensation for structure and no other assistance will be provided to them. The occupier (squatter-tenant) will be eligible for other assistances. |
| | | 6.1.1 | Compensation at scheduled rates, equivalent to replacement cost, without depreciation for structure with 1-month notice to demolish the affected structure | |
| | | 6.1.2 | Right to salvage the affected materials | |
| | | 6.1.3 | House construction grant of Rs.70,000 for all those who have to relocate and who do not have a house. Additional house site grant of Rs.50,000 to those who do not have a house site. | |
| | | 6.1.4 | One time subsistence allowance of Rs.18,000/- | |
| | | 6.1.5 | Shifting assistance of Rs.10,000/- | Only those directly affected squatters who do business there will be eligible for all assistance. Structure owners in RoW/Government lands who do not do the business and have rented out the structure will be provided compensation for structure and no other assistance will be provided to them. The occupier (squatter-tenant) will be eligible for other assistances. |
| | | 6.2 | Loss of shop | |
| | | 6.2.1 | Compensation at scheduled rates, equivalent to replacement cost, without depreciation for structure with 1-month notice to demolish affected structure | |
| | | 6.2.2 | Right to salvage the affected materials | |
| | | 6.2.3 | One time rehabilitation grant of Rs.20,000 for reconstruction of affected shop | |
| | | 6.2.4 | One time subsistence allowance of Rs.18,000/- | The PIU and the implementation support NGO/agency will consult such DPs and assess the requirement of subsistence allowance and rehabilitation grant |
| | | 6.2.5 | Shifting assistance of Rs.10,000/- | |
| | | 6.3 | Kiosks / Street Vendors | |
| | | 6.3.1 | 1-month advance notice to relocate to nearby place for continuance of economic activity. | |
| | | 6.3.2 | For temporary loss of livelihood during construction period, a monthly subsistence allowance of Rs.3,000/- will be paid for the duration of disruption to livelihood, but not exceeding 3-months | |
| 6.3.3 | If relocation to nearby place and continuance of economic activity in the same place is not possible, then one time rehabilitation grant of Rs.18,000/- | | | |
| 6.4 | Cultivation | | | |
| 6.4.1 | 2-month notice to harvest standing crops or market value of | | | |

| SNo | Impact Category | Entitlements | | Implementation Guidelines |
|--|---|--------------|---|--|
| | | | compensation for standing crops | |
| 7 | Impact to Encroachers | 7.1 | Cultivation | Market value for the loss of standing crops will be decided by the PIU, PWD in consultation with the Agriculture or Horticulture Department. |
| | | 7.1.1 | 2-month notice to harvest standing crops or market value of compensation for standing crops, if notice is not given. | |
| | | 7.2 | Structure | |
| | | 7.2.1 | 1-month notice to demolish the encroached structure | |
| | | 7.2.2 | Compensation at scheduled rates, equivalent to replacement cost, without depreciation for the affected portion of the structure | The value of commercial structures and other immovable properties will be determined by PWD on the basis of relevant Schedule of Rates (SR) as on date without depreciation. |
| PART IV. IMPACT TO VULNERABLE HOUSEHOLD | | | | |
| 8 | Vulnerable Households | 8.1 | Training for skill development. This assistance includes cost of training and financial assistance for travel/conveyance and food. | One adult member of the affected household, whose livelihood is affected, will be entitled for skill development. The PIU with support from the NGO will identify the number of eligible vulnerable displaced persons during joint verification and updating of the RP and will conduct training need assessment in consultations with the DPs so as to develop appropriate training programs suitable to the DPs skill and the region. Suitable trainers or local resources will be identified by PIU and NGO in consultation with local training institutes. |
| | | 8.2 | One time assistance of Rs.25,000 to DHs who have to relocate | |
| | | 8.3 | provision of access to basic utilities and public services | |
| PART V. IMPACT DURING CIVIL WORKS | | | | |
| 9 | Impact to structure / assets / tree / crops | 9.1 | The contractor is liable to pay damages to assets/trees/crops in private/public land, caused due to civil works | The land will be restored to its original condition by the contractor. The PIU will ensure compliance |
| 10 | Use of Private Land | 10.1 | The contractor should obtain prior written consent from the titleholder and pay mutually agreed rental for use of private land for storage of material or movement of vehicles and machinery or diversion of traffic during civil works | The land will be restored to its original condition by the contractor. The PIU will ensure compliance |

| SNo | Impact Category | Entitlements | | Implementation Guidelines |
|---|--|--------------|---|---|
| PART VI. COMMON PROPERTY RESOURCES | | | | |
| 11 | Impact to common property resources such as places of worship, community buildings, schools, etc | 11.1 | Relocation or restoration, if feasible, or cash compensation at replacement cost. | |
| 12 | Utilities such as water supply, electricity, etc. | 12.1 | Will be relocated and services restored prior to commencement of civil works. | The PIU will ensure that utilities are relocated prior to commencement of civil works in that stretch of the road corridor in accordance with the civil works schedule. |
| PART VII. UNFORSEEN IMPACTS | | | | |
| Unforeseen impacts encountered during implementation will be addressed in accordance with the principles of RFCTLARR 2013 / Asian Development Bank's Safeguard Policy Statement, 2009 | | | | |

D. Screening Criteria of Project

35. The IA will be responsible for involuntary resettlement planning and implementation. The following checklist will be used to screen project to identify the resettlement impacts of the project: Will the project require land? What is the quantity of land required?

- (i) What will be the estimated total number of persons displaced?
- (ii) Will the impact be permanent or temporary (during construction)?
- (iii) Who owns the land? How is land currently used?
- (iv) If private land, how many titleholders/tenants/sharecroppers will be displaced?
- (v) If state land, is it subject to traditional claim?
- (vi) If state land, are there any squatters or informal settlers?
- (vii) What will be the estimated number of squatters?
- (viii) Are there any houses, structures, trees and crops that will be affected (whether state or private land)?
- (ix) How many households will be physically displaced?
- (x) Is there any public or community infrastructure?
- (xi) Will tribal communities be displaced?
- (xii) What percent of product assets (income generating) will people lose?

36. The PIU will be responsible provide necessary information to ADB project team for completion of the Involuntary Resettlement Impact Categorization Checklist in **Appendix-3** for the project. Based on the screening, the Project will be assigned to one of the following categories depending on the significance of probable involuntary resettlement impacts:

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

- (ii) **Category B** – A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.
- (iii) **Category C** – A proposed project is classified as Category C if it has no involuntary resettlement impacts. No further action is required

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

E. Negotiated Settlement

38. The ADB SPS encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation⁵ with displaced persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, in case of negotiated settlement, an independent external party⁶ will be engaged by the IA to document the negotiation and settlement processes. The principles of this RF with regard to meaningful consultation processes, mechanisms for calculating the replacement costs of land and other assets affected and record-keeping requirements, will be followed while handling Negotiated Settlement. If negotiation fails, the IA will acquire land following the national legislation and ADB SPS.

III. SOCIOECONOMIC INFORMATION

A. Surveys

39. The IA will be supported by the DPR Consultants for the preparation of technical design as well as land acquisition plans as per the existing settlement or village maps, social impact assessment and census of displaced persons based on the detailed measurement survey (DMS) of the affected properties which has been completed. The DMS will be based on the final detailed design. If involuntary resettlement impacts are identified, a resettlement plan shall be prepared based on the census of the displaced persons. The relevant PIU will provide support to the DPR Consultants, especially in providing the local text and assist in organizing public consultations and interviews with local officials. A DMS involves staking out of the affected land on the ground based on the engineering design of a project and forms the basis for carrying out the census and assets inventory of losses of the displaced persons.

40. Social impact assessment (SIA) surveys of the displaced persons will be undertaken in the project by the state social impact assessment unit so as to determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of

⁵ A process that (i) begins early in the Project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

⁶ An independent external party is a person not involved in the day-to-day implementation of the project and can include, for example, a local university professor, local NGO representative, etc.

resettlement, and prepare a rehabilitation program for implementation. The SIA surveys will comprise of:

- (i) **Baseline Socio-economic Sample Survey.** The purpose of the baseline socioeconomic sample survey of displaced persons is to establish monitoring and evaluation parameters. It will be used as a benchmark for monitoring the socio-economic status of displaced persons. The survey will cover at least 20% of displaced persons. The suggested baseline data should include the following:
- Demographic (household composition by age, gender, ethnicity, education)
 - Income and assets (individual, collective)
 - Occupation (livelihood)
 - Access to public service (health, education, water and sanitation, transport)
 - Gender roles
 - Attitude and preference on resettlement and participation in project employment.

The survey will collect gender-disaggregated data, where relevant, to address gender issues in resettlement. The survey will carry out the following: (i) preparation of accurate maps of the project area; and (ii) analysis of social structures and income resources of the population. The IA will allocate adequate resources required for the survey, commensurate with road length and level of anticipated impact.

- (ii) **Census Survey.** The census will cover 100% of displaced persons. The purpose of the census is to: (i) register who the displaced persons are; (ii) assess their income and livelihoods; and (iii) collect inventory of their assets affected due to the project; (iv) identify DPs who are vulnerable⁷; and (v) collect gender-disaggregated information pertaining to the economic and socio-cultural conditions of displaced persons.

B. Resettlement Plan

41. The resettlement plan (RP) will be prepared based on the results of the census and from information drawn from the baseline socio-economic sample survey the database on displaced persons should be completed before resettlement plan preparation. It will include the results and findings of the census of displaced persons, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and results monitoring mechanisms. The RP will be disclosed to concerned stakeholders and their view incorporated in the plan. For additional details on disclosure, please refer to Section V of the RF.

42. RPs will comply with the principles outlined in this agreed RF. The RP should be structured as per the outline provided in **Appendix - 4**. These will be approved by ADB prior to contract award. Disbursement of compensation payments and entitlements will be made prior to displacement.

⁷ Vulnerable households include those who are (i) below official poverty line; (ii) landless; (iii) elderly-headed; (iv) female-headed; (v) disabled, and (iv) those without legal title to land.

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

C. Gender Impacts and Mitigation Measures

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

IV. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Valuation of Lost and Affected Assets

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

1. Compensation for Land

46. Land will be acquired in accordance with provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and while determining the compensation for land, the competent authority will be guided by the provisions of Sec 26, Sec 27, Sec 28, Sec 29 and Sec 30 of RFCTLARR Act, 2013. The compensation includes, the multiplying factor⁸ of 1.25-1.75 times on the land value being higher of the guideline value or average of higher 50% of sale deed rates for last 3 years or any rates consented for PPP or private project's. In addition 100% solatium for involuntary acquisition of land will be added. If the residual land, remaining after acquisition, is unviable, the owner of such land/property will have the right to seek acquisition of his entire contiguous holding/property.

a. Compensation for Structures

47. The replacement value of houses, buildings and other immovable properties will be determined on the basis of latest PWD Schedule of Rates (SoR) as on date without depreciation and 100% solatium will be added to the structure compensation. While considering the PWD SoR rate, PIU will ensure that it uses the latest SoR for the residential and commercial structures in the urban and rural areas of the region. Wherever the SoR for current financial year is not available, the PIU will update the SoR to current prices based on approved previous year escalations. Compensation for properties belonging to the community or common places of worship will be provided to enable construction of the same at new places through the local self-

⁸ As per Rajasthan Land Acquisition Bill, 2014

governing bodies like Village Panchayat/Village council in accordance with the modalities determined by such bodies to ensure correct use of the amount of compensation. Further, all compensation and assistance will be paid to DPs at least 1 month prior to displacement or dispossession of assets.

b. Compensation for Trees

48. Compensation for trees will be based on their market value. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops, fruit bearing trees will be decided by the PIU in consultation with the Departments of Forest or Agriculture or Horticulture as the case may be. The valuation of fruit bearing trees will take into account the productive age of such trees. In line with the provision of RFCTLARR Act 2013, 100% solatium will be added to the assessed value of the trees. Prior to taking possession of the land or properties, the compensation will be fully paid and DPs will have the opportunity to harvest crops/trees within 1-month from the date of payment of compensation.

49. Even after payment of compensation, DPs would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that DPs can take away the materials so salvaged within 15 days of their demolition; otherwise, the same will be disposed by the project authority without giving any further notice. Trees standing on the land owned by the government will be disposed of through prevailing practice by the concerned Revenue Department/ Forest Department.

B. Income Restoration

50. Each DP whose income or livelihood is affected by the project will be assisted to improve or at least restore it to pre-project level. For vulnerable households, their living standards will be improved to national levels, including the provision of access to basic utilities and public services. The results of the socioeconomic survey and census will be used as baseline. Income restoration schemes will be designed in consultation with DPs and considering their resource base and existing skills.

51. The entitlement proposed under this programme (RSHIP) has adequate provisions for restoration of livelihood of the affected persons. Wherever feasible and if the DP so desires, income restoration schemes will be identified and implemented by the PIU with the assistance of the implementing NGO. Efforts will be made to provide employment to the DPs during the construction phase by facilitating their engagement by the civil works contractor and during the census and socio-economic survey all the DHs had indicated their preference to work in the construction. The PD, PIU should ensure that local people and in particular the willing DPs are engaged by the contractor in suitable civil work as stipulated in the contract. The PIU with the assistance of the implementing NGO will make the training need assessment and will impart training to the eligible DPs, in particular to the vulnerable DPs, for income restoration and skill up-gradation as necessary.

52. In addition, the entitlement matrix provides for short-term income restoration activities intended to restore the income of the displaced person in the period immediately before and after relocation focusing on relocation, and providing short-term allowances. The project entitlements for loss of livelihood include the following entitlements in accordance with the EM of RSHIP.

- i) Loss of livelihood to title owner losing business:
 - a) cash compensation at replacement cost for affected land as per RFCTLARR Act provisions and structure at scheduled rates without depreciation along with 100 percent solatium on market value of land and structure;
 - b) one time payment of Rs.5,00,000/- for each affected household **or** annuity policy that shall pay Rs.2000/- per month for 20 years with appropriate indexation to CPIAL;
 - c) right to salvage affected materials,
 - d) one time assistance of Rs.25,000 for each affected family of an artisan or self employed or small trader and who has to relocate;
 - e) subsistence allowance of Rs.36,000/- for affected households who require to relocate due to the project;
 - f) shifting assistance of Rs.50,000/- to the business owner, who is required to relocate, and
 - g) one time Resettlement Allowance of Rs.50,000/- for affected household who have to relocate.

- ii) Commercial squatters:
 - a) compensation at scheduled rates without depreciation for structure with 1-month notice to demolish affected structure;
 - b) right to salvage the affected materials,
 - c) one time rehabilitation grant of Rs.20,000 for reconstruction of affected shop;
 - d) one time subsistence allowance of Rs.18,000/-; and
 - e) shifting assistance of Rs.10,000/-

C. Relocation

53. The DPs will be provided compensation at replacement cost for lost assets in accordance with the RFCTLARR Act, 2013 to the title holders. Further, compensation for partially damaged structures, along with cost of restoration has been included and shifting assistance has also been provided for the displaced households in the entitlement matrix. Compensation to the non-title holders for the loss of assets other than land, such as dwellings and shops have been provided for in the entitlement matrix. The entitlements to the non-titleholders will be given only if they were in occupation of the land or structure in the project area prior to the cut-off date. As part of the implementation activity, the EA with the help of implementation support NGO should consult each and every DP to obtain their choice based on the options available to them. Further, during the implementation their preference to move into the nearest resettlement site should also be ascertained.

54. While selecting the resettlement site the suitability for housing purpose, land ownership and use will be verified. Only those sites which are suitable for housing and amenable for issue of titles will be selected. Adequate public and community facilities will be provided. If Government lands are not available, then private land acquisition will be initiated. The suitability of sites for housing will be confirmed from the District Administration and consultations with the displaced families will be held to ascertain their acceptance. The resettlement sites will be developed if more than 20 displaced families are displaced in a continuous stretch of 10 Kms. If fewer numbers of DPs are there in a 10km stretch or if there are some isolated DPs who require to be provided with alternate housing, then in such cases individual sites will be offered. Displaced families will be given the option of getting a house or cash in lieu of house and based

on options exercised by the affected people, resettlement sites or house sites will be developed. If establishment of relocation site requires land acquisition, the measures in the Resettlement Framework will be followed.

55. The NGO involved in the RP implementation, during the verification stage, will consult all DPs eligible for alternate housing, and seek their preference on whether they would like to move into a resettlement site, or would prefer to relocate themselves to their place of choice. Upon obtaining the choice from the eligible DPs and if adequate number of DPs have opted for moving into a resettlement site, the NGO in consultation with EA will submit the requirement n to the jurisdictional Additional Collector. The jurisdictional Additional Collector will take efforts to identify suitable government land free from encumbrance for resettlement site and if no land is identified within 1-month, the PIU will request the jurisdictional Additional Collector to initiate steps to acquire suitable land for the same and make necessary funds available with the Additional Collector.

56. The land obtained/acquired for resettlement site will be provided with all amenities and facilities as stipulated in the Third Schedule of the RFCTLARR Act. Plots will be allotted to the DPs through public draw of lots and *patta* will be issued to the DPs. The DPs will be provided with built house in accordance with the provisions of the RFCTLARR Act and the RF of EM of RSHIP. The stamp duty and registration charges for the house site and built house will be borne by the EA. In case of resettlement sites that are situated close to existing villages or urban areas, appropriate measures will be taken to integrate the host population and enhance the various common facilities for smooth integration of host population with resettlers.

V. CONSULTATION, PARTICIPATION AND DISCLOSURE

57. In order to engage with the community and enhance public understanding on the project and address the issues pertaining to resettlement, various sections of DPs and other stakeholders will be consulted through focus group discussions (FGD), meetings and individual interviews during the DPR and RP preparation of subprojects. The opinions of the stakeholders and their perceptions will be obtained during these consultations. This approach adopted towards the formulation of the framework would be continued during the program implementation.

A. Meaningful Consultation and Participation of key stakeholders

58. Meaningful consultations will be undertaken with the DPs, their host communities and civil society for every project identified as having involuntary resettlement impacts. Meaningful consultation will be carried out throughout the resettlement plan implementation. The consultation process established for the program will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders are proposed during project preparation, such as in-depth interviews, public meetings, and group discussions.

59. The IA will ensure that views of the DPs, particularly those vulnerable, related to the resettlement process are looked into and addressed. The PIU will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. Particular attention will be paid to the need of the disadvantaged or vulnerable groups, including those below poverty line, the landless, the elderly, female-headed households, women and children, Indigenous People/ Scheduled Tribes, and those without legal title to land. Separate meetings for women may be held to obtain their

views. The key informants to be consulted, during the project preparation phase and during the RP implementation, shall include the following stakeholders:

- Heads and members of households likely to be displaced
- Displaced households belonging to the vulnerable groups
- Host communities
- Women in the displaced as well as host communities
- Local voluntary organizations and NGOs, and
- Government agencies and departments.

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

B. Information Dissemination and Resettlement Plan Disclosure

61. The RP will be disclosed by the PMU upon receiving approval from GoR and uploaded in the PWD website along with the gist of the RP translated in local language. The translated gist of the RP would provide details of the project, magnitude of impact to land and assets, eligibility and entitlement, institutional arrangement and grievance redressal process. Hardcopies of the gist of the RP in local language will be made available at the office of the PMU, PIUs and distributed to the DPs.

62. Information will be disseminated to DPs at various stages. Information including magnitude of loss, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments, displacement schedule, civil works schedule will be disclosed by the PIU with assistance from the NGO hired for assisting in RP implementation. This will be done through public consultation and made available to DPs as brochures, leaflets, or booklets, in Hindi. The Hindi version of executive summary of RP along with Entitlement Matrix and structure and process of GRC will also be disclosed.

63. Summary of each RP will be translated and made available to the DPs. Hard copies of the resettlement plan will also be made available at: (i) the offices of the PIU/PWD; (ii) office of the District Magistrates; (iii) Offices of the Panchayat / Municipality, as soon as the plans are available and certainly before initiating land acquisition process for the project.

64. Electronic version of the RP will be placed on the official website of the PWD. In addition, all safeguard documents including the quarterly progress reports and concurrent monitoring reports, impact evaluation reports, list of eligible DPs will be disclosed. RPs will be maintained in the website throughout the life of the project.

65. The consultation and disclosure activities to be carried out under the Project are summarized in the Table 3.

Table 3: Consultation, Participation and Information Disclosure Activities

| Activity | Issues to be addressed | Participants / Responsible Party | Communication methods |
|--|---|---|--|
| Field verification and identification of impacts | Discuss impacts with DPs, minimize impact | DPs, DPR consultants, PIU | Individual meetings, FGD |
| Notification of DPs on project, LAR and cut-off date | Inform DPs about project, LAR impact and temporal limitation of eligibility, GRM | DPs, DPR consultants, PPTA consultants, LAR officers | Notices in local government offices and public areas |
| Census, Socioeconomic Survey, DMS | Discuss concerns and preferences of DPs, notify cut-off date | DPs, DPR consultants, PPTA consultants, LAR officers | Quantitative surveys, walk-through, FGD, individual and key informant interviews |
| Consultation meeting on draft RP | Explanation and discussion of DPs' rights and obligations, institutional arrangements, procedures, GRM, eligibility criteria and entitlements) strategy; agreements between the EA and the DPs; | DPs, DPR consultants, PPTA consultants, LAR officers; separate meetings for vulnerable DPs and women DPs, if required | Formal meeting |
| Negotiation meetings | Resolution of remaining disagreements with individual DPs and finalization of negotiated settlements. | DPs, LAR officers, NGO, PIU | Individual meeting |
| Consultation meeting on revised RP | Inform DPs about changes to RP after consultations and negotiations, as well as ADB review | DPs, DPR consultants, PPTA consultants, LAR officers; separate meetings for vulnerable DPs and women DPs, if required | Community Meeting |
| Disclosure of final RP | Full public disclosure of all project planning | ADB, EA | Web publication |
| Ongoing consultation during implementation | On-going concerns | DPs, NGO, PMAE, PIU | Individual meetings, FGD, field visits |
| Monitoring | Record process of implementation and impacts | DPs, NGO, PMAE, PIU | Individual meetings, FGD, field visits |

VI. GRIEVANCE REDRESS MECHANISM

66. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate and facilitate the resolution of displaced people's concerns, complaints and grievances about the social and environmental performance at the level of the Project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The project-specific GRM is not intended to bypass the country's legal process, rather it is intended to address displaced people's concerns and complaints promptly, making it readily accessible to all segments of the displaced people and is scaled to the risks and impacts of the project. The complainant can access the appropriate LARR Authority at any time and not necessarily go through the GRC.

67. During project preparation, information regarding GRCs will be disclosed as part of the public consultation process. Grievances related to the implementation of the project will be acknowledged, evaluated, and responded to the complainant with corrective action proposed. The outcome shall also form part of the semi-annual monitoring report that will be submitted to ADB. The decision of the GRCs is binding, unless vacated by the court of law. The GRC will continue to function, for the benefit of the DPs, during the entire life of the project including the maintenance period.

68. Grievance Redressal Committee (GRC) will be established at two-levels, one at the District level and another at PMU level, to receive, evaluate and facilitate the resolution of displaced persons concerns, complaints and grievances. The District level GRCs will function out of each District where the subprojects are being implemented. The GRC will be chaired by District Collector, as its Chairman, and the members will comprise of the PD, PIU, PWD as member secretary and a local person of repute and standing in the society. The District Collector will nominate the local person and the PIU, PWD will be the secretariat of the GRC. At PMU level, the Project Director will be the appellate authority who will be supported by the Superintending Engineer, PMU, and PWD.

69. The GRC will provide an opportunity to the DPs to have their grievances redressed prior to approaching the State level LARR Authority, constituted by Government of Rajasthan in accordance with Section 51(1) of the RFCTLARR Act, 2013. The GRC is aimed to provide a trusted way to voice and resolve concerns linked to the project, and to be an effective way to address displaced person's concerns without allowing it to escalate resulting in delays in project implementation.

70. The response time prescribed for the GRCs would be four weeks. The GRC, at PIU and PMU level, will meet at least once every month in the first year of RP implementation and once in two months thereafter. Other than disputes relating to ownership rights and apportionment issues on which the LARR Authority has jurisdiction, GRC will review grievances involving eligibility, valuation, all resettlement and rehabilitation benefits, relocation and payment of assistances. Grievances received by the PD, PIU will be resolved at his level, if possible, else it will be placed before the GRC.

71. The RP implementation support NGO will assist displaced persons in registering their grievances and being heard. A complaint register will be maintained at PIU/PMU level with details of complaint lodged, date of personal hearing, action taken and date of communication sent to complainant. Communication, in writing should be sent to the aggrieved person about the date, time and venue of the GRC sitting and make it known that s/he is entitled for personal hearing and that representation through proxy will be not be entertained. Communication will

also be sent through implementation support NGO so as to ensure that the petitioner is informed about the date of GRC sitting. If the complainant is still not satisfied s/he can approach the appellate authority and/or the jurisdictional LARR Authority. The EA will ensure that, such records will be made available to the external monitor or ADB review mission on request. Cost of GRM will be included in the R&R budget under the RP.

72. People who are, or may in the future be, adversely affected by the project may submit complaints to ADB's Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-assisted projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB's operational policies and procedures. Before submitting a complaint to the Accountability Mechanism, affected people should make a good faith effort to solve their problems by working with the concerned ADB operations department. Only after doing that, and if they are still dissatisfied, should they approach the Accountability Mechanism.⁹

VII. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

73. The IA will have - overall responsibility of planning and implementing IR safeguard. IA will be supported by its PMU, PIUs, DPR consultants, PMC, contractor, NGO, and the community. Table 4 details the implementation arrangement and key tasks for each agency.

74. For resettlement activities, the PPP Division, PWD, Government of will be the Project Management Unit (PMU) and will be overall in charge of coordination between the Project Implementation Units (PIU) in social safeguards compliance. The PMU will have a Safeguards Officer (SO) in the rank of Executive Engineer, who would coordinate with the PD, PIUs and ensure that road subprojects under RSHIP are in compliance with the RF and also be proactive in identifying likely safeguard issues that could be relevant in the context of its portfolio of projects.

75. Qualified and experienced firm, NGO, will be engaged by the PMU to assist in the implementation of the RP. The NGO would play the role of a facilitator and will work as a link between the PIU and the displaced community. PMU shall ensure that adequate resources are allocated to the NGO and a detailed work plan will need to be submitted by the NGO in the Inception Report. An indicative TOR for the NGO is included in **Appendix-5**. Table 4 details the implementation arrangement and key tasks for each agency.

Table 4: Implementation Agencies and Key Responsibilities

| Key Agency | Responsibility |
|-----------------------|---|
| Administrator of LARR | <ul style="list-style-type: none"> • Implementation of R&R provisions for DPs • Redress Grievances of DPs |
| IA (PMU) PWD | <ul style="list-style-type: none"> • Make final decision on roads to be included under the project • Overall responsibility for project design, feasibility, construction and operation and guide PIUs • Ensure that all subprojects comply with the provisions of ADB's SPS 2009 and Gol's policies and regulations • Prepare IR Plan as required and submit to ADB for review and approval. • Assess the capacity of the PIU in identifying and managing social safeguard issues and facilitate capacity building of PIU officers and RP implementation support NGO. • Review and update RF as and when there are changes in the applicable |

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For further information see: [HTTP://WWW.ADB.ORG/ACCOUNTABILITY-MECHANISM/DEFAULT.ASP](http://www.adb.org/accountability-mechanism/default.asp).

| Key Agency | Responsibility |
|------------------------------|--|
| | <p>law.</p> <ul style="list-style-type: none"> • Review whether the PIUs have taken efforts to avoid or minimize IR impacts during the subproject design stage and during implementation stage. • Verify whether the RPs have been prepared and is in commensurate to the significance of the impact and whether the documents have been submitted along with the detailed project report. • Facilitate coordination between various government departments in land acquisition and implementation of the RP. • Carry out periodic review of the progress on RP implementation and ensure that the progress reports are submitted in a timely manner. • Verify whether the PIUs are handing over the land free from encumbrance as stipulated in the contract document. • Consolidate the progress reports received from the respective PIUs and submit the quarterly progress report to ADB and any other information as required by ADB in a timely manner. • Initiate engagement of an external monitor/agency to undertake semi-annual monitoring of the subprojects either through PMU or PIU and submit the semi-annual monitoring report to ADB along with PMU/PIU's response to the comments/observations made in the report. • Ensure that sufficient funds are available to properly implement all agreed IR safeguard measures • Submit semi-annual safeguards monitoring reports to ADB • Facilitate coordination between various government departments in implementation of the IR |
| Project Implementation Units | <ul style="list-style-type: none"> • Disseminate project information to the project affected community with assistance from DPR Consultants • Ensure establishment of Grievance Redress Committee at the district level for grievance redress with assistance from DPR Consultants • Review IR impact categorization checklist, subproject appraisal note and undertake field visits and advise the field units about the RP safeguards documentation required for subprojects. • Ascertain the extent of private land to be acquired and extent of government to be transferred and liaison with the jurisdictional Additional Collector and concerned government departments in getting possession of the same. • Review RP prepared by the DPR consultants and finalizes the same. • Disclosure of project information in public spaces and through relevant media. • Disseminate project information to the community in coordination with DPR Consultants • Facilitate the socioeconomic impact assessment survey • Support NGO to assist the field units in RP implementation. • Review and approve micro plans, containing the list of DPs and their entitlements, prepared by field units. • Obtain necessary approval for the micro plans and make necessary funds available for disbursement and for development of resettlement sites. • Ensure payment of compensation and R&R assistance to the DPs • Coordinate with the NGO in implementing RP • Facilitate consultation by the civil works contractor with community throughout implementation • Supervise the mitigation measures during implementation and its progress |

| Key Agency | Responsibility |
|---|--|
| | <ul style="list-style-type: none"> • Conduct internal monitoring and prepare reports • Coordinate with Additional Collector and field units in identifying suitable land for resettlement sites and monitor the progress of development of site and relocation of DPs. • Undertake internal monitoring of the progress made in RP implementation and take necessary corrective actions, if required. • Review and consolidate the LA and RP implementation progress reports submitted by the jurisdictional Additional Collector, RP implementation support NGO, and submit monthly progress report to PMU. |
| Detailed Project Report (DPR) Consultants | <ul style="list-style-type: none"> • Minimize IR impact through judicious design • Undertake consultations involving community and DPs • Conduct socioeconomic impact assessment survey • Complete screening checklist • Encourage community/ DPs to voluntarily participate during the implementation • Prepare RP document as required |
| Project Management Consultant (PMC) | <ul style="list-style-type: none"> • Ensure compliance of ADB's SPS during project implementation • Provide technical support and advise for addressing complaints and grievances and participate in resolving issues as a member of the GRC • Provide technical advice and on the job training to the contractors as necessary • Support PIU and PMU as required • Coordinate with RP implementing NGO in safeguards compliance • Preparation of semi-annual monitoring reports based on the monitoring |
| Contractor | <ul style="list-style-type: none"> • Consult community and PIU regarding location of construction camps • Sign agreement with titleholder for temporary use and restore land to equal or better condition upon completion • Commence construction only when alignment is free of encumbrance • Respond in a timely fashion to recommendations from GRCs |
| Non- Government Organization | <ul style="list-style-type: none"> • Assist PIU in verification and updating, if required, the detailed census and socio-economic survey of displaced persons carried out during DPR preparation based on detailed design, and verify the identity of below poverty line, female-headed, and other vulnerable households affected by land acquisition and involuntary resettlement and issue ID cards; • Prepare micro plan and get vetted by PIU; • Facilitate the process of disbursement of compensation to the DPs – coordinating with the PIU and informing the displaced persons of the compensation disbursement process and timeline; • Assist DPs in opening bank accounts explaining the implications, the rules and the obligations in having a bank account, process of disbursement adopted by the Additional Collector and how s/he can access the resources s/he is entitled to; • Assist the DPs in ensuring a smooth transition (during the part or full relocation of the affected persons), helping them to take salvaged materials and shift; • In consultation with the DPs, inform the PIU about the shifting dates agreed with DPs in writing and the arrangements they desire with respect to their entitlements; • Organize training programs to the vulnerable for income restoration; • Conduct meaningful consultations throughout the RP implementation and |

| Key Agency | Responsibility |
|---------------------|---|
| | ensure disclosure of the summary of RPs in an accessible manner to the displaced persons; <ul style="list-style-type: none"> • Assist DPs in grievance redressal process; • Assist PIU in keeping detailed records of progress and monitoring and reporting system of RP implementation; and • Act as the information resource center for community interaction with the project and maintain liaison between community, contractors, project implementing units and the administrator, during the execution of the works. |
| Village key persons | <ul style="list-style-type: none"> • Provide correct and accurate data and information from project formulation stage • Assist the project team to implement the project smoothly • Arrange proper community participation |
| ADB | <ul style="list-style-type: none"> • Review RF and RPs and endorse or modify the project classification • Review planning documents and disclose the draft and final reports on the ADB's website as required • Monitor implementation through review missions • Provide assistance to the EA and PIU, if required, in carrying out its responsibilities and for building capacity for safeguard compliance • Monitor overall compliance of the project to ADB SPS |

VIII. IMPLEMENTATION SCHEDULE

76. The implementation activities are divided into three broad phases viz. project preparation phase, RP implementation phase, and monitoring and reporting phase. In line with the principles laid down in this RF, the IA will ensure that project activities are synchronized between the RP implementation activities as well as the project implementation. An indicative implementation schedule with key tasks is provided in **Appendix-6**. The activities envisaged in each phase are:

- Project Preparation Phase: (i) designating or appointing an officer/staff as safeguards officer (SO) in PMU to be in charge of safeguards; (ii) submission of RP to ADB for approval; (iii) appointment of NGO in PIU; and (iv) establishment of GRC. The information dissemination and stakeholder consultations will commence in this stage and continue till the end of the project.
- RP Implementation Phase: (i) joint verification; (ii) valuation of structures; (iii) preparation of micro plan; (iv) R&R award enquiry; (v) approval of final micro plan; (vi) identification and development of resettlement site; (vii) payment of compensation for land and structure; (viii) payment of other rehabilitation assistances; (ix) relocation of DPs to resettlement site; and (x) issuing site clearance certificate to enable commencement of civil works.
- Monitoring and Reporting Phase: Internal monitoring will commence as soon as RP implementation begins and continue till end of RP implementation. External monitoring will also commence from the beginning of RP implementation.

IX. BUDGET AND FINANCING

77. Detailed budget estimate for RP will be prepared by the IA and PIU, which will be included in the overall project estimate. The budget shall include:

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

78. All land acquisition and R&R funds will be provided by the government. All land acquisition, compensation, relocation and rehabilitation of income and livelihood, consultations and grievance redress will be considered as an integral component of project costs.

79. The disbursement of compensation amount to the displaced persons for land acquisition will be carried out by the District Magistrate/ Commissioner's office. The IA will provide necessary funds for compensation for land and structure and the cost of resettlement assistances in a timely manner to the jurisdictional Additional Collector and the district administration will disburse the money to displaced persons.

80. All disbursement of compensation for land and structure and R&R assistances shall be done only through Electronic Clearing Service (ECS) mechanism and charges for ECS, if any, will be borne by IA. If the DPs destination branch does not have the facility to receive ECS (Credit), then the disbursement shall be done through respective lead banks' IFSC (Indian Financial System Code). Payment through account payee cheques will be made wherever required and no cash payment will be made. The NGO and PIU, while collecting bank particulars from the DPs, will also check with the respective bank branches if the branch has ECS (Credit) mechanism, and if not, details of lead bank offering the facility will be collected to facilitate ECS transfer. Wherever new accounts are to be opened, preference will be given to bank's having ECS (Credit) facility. The bank account particulars of the DP as part of the micro plan will be submitted to the jurisdictional Additional Collector for disbursement.

X. MONITORING AND REPORTING

A. Internal Monitoring

81. The Project Implementation Unit (PIU) will carry out concurrent monitoring of RP implementation through the PD, PIU and prepare monthly and quarterly progress report in terms of physical and financial progress. In addition, the monitoring process will also look into: the communication and reactions of DPs; use of grievance procedures; information dissemination to DPs on benefits; and implementation time table. The monthly internal monitoring reports based on the outcome of consultations and feedback with displaced people who have received assistance and compensation and review of progress of other implementation activities including complains/concerns/issues raised by the DPs, will be submitted to PMU by the end of 1st week of the subsequent calendar month. The progress report will be reviewed by the SO, PMU and comments if any will be communicated to PIU for immediate action. A copy of the quarterly report will be made available to ADB. In view the significance of resettlement impacts, the monitoring mechanism for this project will have both monitoring by PIU and monitoring by an external agency / expert. Suggested monitoring indicators can be found in **Appendix-7** and monitoring form can be found in **Appendix-8**.

B. External Monitoring

82. The external monitoring will include but not limited to: (i) review and verify the monitoring reports prepared by PIU; (ii) monitor the work carried out by NGO and provide training and guidance on implementation; (iii) review the grievance redressal mechanism and report on its

working; (iv) mid-term impact assessment through sample surveys amongst displaced persons for midterm corrective action; (v) consultation with DPs, officials, community leaders for preparing review report; (vi) assess the resettlement efficiency, effectiveness and efficiency of PIU, impact and sustainability, and drawing lessons for future resettlement policy formulation and planning. Some of the important task of external monitoring is the feedback of the DPs who receives compensation and assistance and also alerts on the risks, non-compliances and early warnings in the implementing. Sample TOR for External Monitor is found in **Appendix-9**.

**APPENDIX 1: SUMMARY OF THE RIGHT TO FAIR COMPENSATION AND
TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT,
2013**

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

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

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

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

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

6. **Hearing of Objection under section 15 (1):** any person interested in any land which has been notified under sub-section (1) of section II, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification makes his/her objection, if any, to the collector in writing and shall be heard by the collector or by any person authorized by him/her in this behalf or by an Advocate. After hearing all such objections and after making such further inquiry, if any, as he/she thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section II, Or make different reports in respect of different parcels of such land, to the

appropriate Government, containing his/her recommendations on the objections, together with the records of the proceedings held by him/her along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

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

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

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

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

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

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

- i. the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or
- ii. the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

- iii. consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects. Wherever is higher.

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

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

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

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

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

16. **Special Provision for Scheduled Caste and Scheduled Tribes under section 41 (1):** as far as possible, no acquisition of land shall be made in the Scheduled Areas. As per section 41 (2), where such acquisition does take place it shall be done only as a demonstrable last resort. As per section 41 (3), in case of land acquisition in Scheduled Area, the prior consent of

the concern *Gram Sabha* or the *Panchayats* or the autonomous District Councils shall be obtained.

17. In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Cast or the Scheduled Tribes families, a Development Plan shall be prepared (section 41 [4]). As per section 41 (5), the Development Plan shall also contain a program for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years.

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

19. Under section 42 (1), all benefits including the reservation benefits available to Scheduled Cast and the Scheduled Tribes in the affected areas shall continue in the resettlement area.

**APPENDIX 2: COMPARISON BETWEEN ADB IR POLICY REQUIREMENTS AND
RFCTLARR ACT 2013 WITH GAP FILLING MEASURES**

| SNo | Asian Development Bank's Involuntary Resettlement Policy Requirement | RFCTLARR Act 2013 | Remarks and provisions in RFCTLARR Act 2013 | Measures to bridge the Gap |
|-----------------------------|---|-------------------|--|--|
| Policy Objectives | | | | |
| 1 | Avoid involuntary resettlement (IR) wherever feasible | ✓ | Social Impact assessment (SIA) should include: (i) whether the extent of land proposed for acquisition is the absolute bare minimum extent needed for the project; (ii) whether land acquisition at an alternate place has been considered and found not feasible [Ref: Section 4 sub-section 4(d) and 4(e)] | |
| 2 | If IR is unavoidable, minimise involuntary resettlement by exploring viable alternate project design | x | | The principles of RF addresses this requirement. |
| 3 | DPs should be assisted in their efforts to enhance or at least restore the livelihoods of all displaced persons in real terms to pre-project levels | ✓ | The cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post acquisition social and economic status and for matters connected therewith or incidental thereto [Ref: Preamble of the RFCTLARR ACT] | - |
| Scope of Application | | | | |
| 4 | Involuntary acquisition of land | ✓ | In the definition of affected family, it includes 'a family whose land or other immovable property has been acquired' [Ref: Section 3 sub-section c (i)] | |
| 5 | Involuntary restriction of land use or on access to legally designated parks and protected areas. | ✓ | In the definition of affected family in includes 'family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land' [Ref: Section 3 sub-section c (vi)] | |
| Eligibility Criteria | | | | |
| 6 | Those who have formal legal rights to land lost in its entirety or in part | ✓ | In the definition of affected family, it includes 'a family whose land or other immovable property has been acquired' | |

| SNo | Asian Development Bank's Involuntary Resettlement Policy Requirement | RFCTLARR Act 2013 | Remarks and provisions in RFCTLARR Act 2013 | Measures to bridge the Gap |
|--------------------------|--|-------------------|--|---|
| | | | [Ref: Section 3 sub-section c (i)] | |
| 7 | Those who do not have formal legal rights to land lost but who have a claim to such land that are recognized or recognizable under national laws | ✓ | In the definition of affected family, it includes 'the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land'; and also includes 'a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition'. [Ref: Section 3 sub-section c(iii) and (v)] | |
| 8 | Those who have neither formal legal rights nor recognized or recognizable claim to land lost | x | | The RF, under eligibility criteria, this is addressed. |
| 9 | Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. | x | | The RF, the cut-off date has been defined. |
| Policy Principles | | | | |
| 10 | Carry out meaningful consultations with affected persons, host communities and concerned non-government organizations | ✓ | Whenever a SIA is required, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the SIA Report. [Ref: Section 5] | |
| 11 | Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. | ✓ | For the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as "the Land Acquisition, Rehabilitation and Resettlement Authority" [Ref: Section 51 sub-section 1] | The RF provides for a District level GRC to resolve grievances in the First Level and the appellate authority at the Second Level of grievance resolution mechanism, prior to referring/approaching |

| SNo | Asian Development Bank's Involuntary Resettlement Policy Requirement | RFCTLARR Act 2013 | Remarks and provisions in RFCTLARR Act 2013 | Measures to bridge the Gap |
|-----|--|-------------------|---|---|
| | | | | the LARR authority |
| 12 | Preference to land-based resettlement strategies for displaced persons whose livelihoods are land-based. | ✓ | Land for land is recommended in irrigation projects and in projects where SC/ST is involved equivalent land. [Ref: Second Schedule S.No.2] | Land for land option, if feasible, is provided in the EM. If not feasible, then cash compensation at replacement cost has been provided |
| 13 | Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required. | ✓ | The Rehabilitation and Resettlement Award shall include all of the following:..... (c) particulars of house site and house to be allotted, in case of displaced families; (d) particulars of land allotted to the displaced families; (e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;..... [Ref: Section 31 sub-section 2(c), (d) and (e)] | |
| 14 | Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards | ✓ (partly) | The act provides for special provisions and assistance for scheduled caste and scheduled tribe in scheduled area. [Ref: Section 41] Further the act recognizes widows, divorcees and women deserted by families as separate families [Ref: Section sub-section (m)] The act does not recognize other vulnerable category and also SC/ST from non-scheduled areas. | Special provision for vulnerable have been provided in Entitlement matrix. |
| 15 | Develop procedures in a transparent, consistent, and equitable manner if actuation is through negotiated | x | Not explicitly stated | Provided for in the RF |

| SNo | Asian Development Bank's Involuntary Resettlement Policy Requirement | RFCTLARR Act 2013 | Remarks and provisions in RFCTLARR Act 2013 | Measures to bridge the Gap |
|-----|--|-------------------|--|--|
| | settlement. | | | |
| 16 | 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 | ✓ | The Act provides for the preparation of Rehabilitation and Resettlement Scheme including time line for implementation [Ref: Section 16 - sub-section 2] | |
| 17 | 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 | ✓ | <p>The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan, are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government. [Ref: Section 6 sub-section 1]</p> <p>Further the commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation. As the case may be, and the offices of the district collector, the Sub-Divisional Magistrate and Teshil, and shall be published in affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government [Ref: Section 18]</p> | |
| 18 | Pay commission and provide other resettlement entitle before physical or economic displacement. Implant the resettlement plan under close supervision throughout project | ✓ | 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 | The RF stipulated that all compensation and assistance will be paid to DPs at least 1 month prior to displacement or |

| SNo | Asian Development Bank's Involuntary Resettlement Policy Requirement | RFCTLARR Act 2013 | Remarks and provisions in RFCTLARR Act 2013 | Measures to bridge the Gap |
|-----|---|-------------------|--|--|
| | implementation | | persons within a period of three months for the compensation and a period of six months for monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30. [Ref: Section 38 - sub-section 1] | dispossession of assets |
| 19 | Monitoring and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports. | ✓ | 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. [Ref: Section 48 - sub-section 1] | The RF provides for internal and external monitoring of LA,R&R |

APPENDIX 3: INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

| Probable Involuntary Resettlement Effects | Yes | No | Not Known | Remarks |
|---|------------|-----------|------------------|----------------|
| Involuntary Acquisition of Land | | | | |
| 1. Will there be land acquisition? | | | | |
| 2. Is the site for land acquisition known? | | | | |
| 3. Is the ownership status and current usage of land to be acquired known? | | | | |
| 4. Will easement be utilized within an existing Right of Way (ROW)? | | | | |
| 5. Will there be loss of shelter and residential land due to land acquisition? | | | | |
| 6. Will there be loss of agricultural and other productive assets due to land acquisition? | | | | |
| 7. Will there be losses of crops, trees, and fixed assets due to land acquisition? | | | | |
| 8. Will there be loss of businesses or enterprises due to land acquisition? | | | | |
| 9. Will there be loss of income sources and means of livelihoods due to land acquisition? | | | | |
| Involuntary restrictions on land use or on access to legally designated parks and protected areas | | | | |
| 10. Will people lose access to natural resources, communal facilities and services? | | | | |
| 11. If land use is changed, will it have an adverse impact on social and economic activities? | | | | |
| 12. Will access to land and resources owned communally or by the state be restricted? | | | | |
| Information on Displaced Persons: | | | | |
| 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-headed households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes | | | | |
| Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes | | | | |

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

APPENDIX 4: OUTLINE OF RESETTLEMENT PLAN

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

A. Executive Summary

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

B. Introduction and Project Description

This section:

- a. provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area.
- b. describes the objectives of the RP; and
- c. describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

This section:

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

D. Socioeconomic Information and Profile

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

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

E. Information Disclosure, Consultation, and Participation

This section:

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

F. Grievance Redress Mechanisms

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

G. Legal Framework

This section:

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

H. Entitlements, Assistance and Benefits

This section:

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

I. Relocation of Housing and Settlements

This section:

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

J. Income Restoration and Rehabilitation

This section:

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

K. Resettlement Budget and Financing Plan

This section:

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

L. Institutional Arrangements

This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of NGOs, if involved, and organizations of displaced persons in resettlement planning and management; and

- (iv) describes how women's groups will be involved in resettlement planning and management,

M. Implementation Schedule

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

N. Monitoring and Reporting

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

APPENDIX 5: TERMS OF REFERENCE (TOR) FOR THE NGO/AGENCY TO ASSIST PIUS IN RESETTLEMENT PLAN IMPLEMENTATION

A. Project Background

1. Government of Rajasthan has proposed to upgrade its road network under Rajasthan State Highway Investment Program (RSHIP) and as part of this endeavor, Public Works Department (PWD) of Rajasthan has been mandated to undertake improvement and up gradation of various State Highways and Major District Roads at different locations in Rajasthan. As part of this mandate, the PPP Division of Rajasthan Public Works Department has identified the roads requiring improvement that would improve the connectivity to national highways, major towns and industrial belts. The proposed investment program will support up gradation and improvement of the identified 17 road-projects totaling of about 1050km spread across the State of Rajasthan.

2. The Public Private Partnership (PPP) Cell of the Public works Department has prepared this Resettlement Plan (RP) for Package-1 comprising of: (i) *Kanwas to Aklera* section of SH-74; (ii) *Deoli to Kanwas* section of SH-74A; (iii) *Alot to Gangdhar to Suwasara* section of SH-19C; and (iv) *Kherli to Pahari* section of SH-22, under Tranche-I for improvements under RSHIP. This RP addresses social issues arising out of acquisition of land and other assets, eviction of squatters and removal of encroachments resulting in social and / or economic displacement to households / individuals / community, either direct or indirect and is in compliance with ADB's Safeguard Policy Statement, 2009 and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. A Resettlement Plan (RP) has been prepared to assist the affected people to improve or at least restore their living standards to the pre-project level. This RP captures the involuntary resettlement impacts arising out of the proposed improvements to the 4-road subprojects under this Package-1 of RSHIP. The document describes the magnitude of impact, mitigation measures proposed, method of valuation of land, structure and other assets, eligibility criteria for availing benefits, baseline socio-economic characteristics, entitlements based on type of loss and tenure, the institutional arrangement for delivering the entitlements and mechanism for resolving grievances and monitoring. The length of the 4-road subprojects and the summary of subproject impacts is given in Appendix-I. Similarly, for each package a RP has been prepared that captures the involuntary resettlement impacts arising out of the proposed improvements in that package.

4. The PMU has decided to call in for the services of RP implementation support agency/NGO experienced in carrying out such rehabilitation and resettlement activities at the grass root level to assist the PIUs in RP implementation.

B. Objectives of the Assignment

5. The NGO shall assist the PPP Division, PWD(R), Rajasthan in the implementation of the Resettlement Plan for Tranche-1 road subprojects grouped as four packages and comprising of 15-road subprojects and shall undertake the following tasks:

- Educating the DPs on their rights to entitlements and obligations.
- To ensure that the DPs are given the full entitlements due to them, according to the entitlements in the RP.
- To provide support and information to DPs for income restoration.

- Assist the DPs in relocation to resettlement site and rehabilitation, including counseling, and coordination with local authorities/line departments.
- Assist the DPs in redressing their grievances (through the grievance redress committee set up for the subproject)
- To assist the Project Implementation Unit (PIU) with social responsibilities of the subproject, such as compliance with labour laws, prohibition of child labour, and gender issues.
- To conduct awareness program on HIV/AIDs, Health and Hygiene, and Human Trafficking in affected villages.
- To collect data and submit progress reports on a monthly and quarterly basis for PIU to monitor the progress of RP implementation.

C. Scope of Work

a) Administrative Responsibilities of the NGO

- Working in co-ordination with the PD, PIU; and assist the PD in carrying out the implementation of the RP;
- To assist the DPs in redressing their grievances through the GRCs;
- Assist the PIU in disclosure, conducting public meetings, information campaigns during the RP implementation and give full information to the affected community;
- Translate the summary of RP in local language for disclosure and disseminate to DPs;
- To assist the PIU in ensuring that the Contractors comply with the applicable labour laws (including prohibition of child labour, bonded labour and gender requirements) as contained in the contract document;
- To assist the PIU in ensuring compliance with safety, health and hygiene norms, and the conduct HIV/AIDS and Human Trafficking awareness/prevention campaigns;
- Submit monthly and quarterly progress report to the PIU including both physical and financial progress. The report should also cover implementation issues, summary of grievances and summary of consultations.
- Provide data and information that PIU will require in the management of the data base of the DPs.
- Assist PIU in providing training to DPs, wherever required in the implementation of RP.

b) Responsibilities for Implementation of the RP

- Agency/NGO shall verify the information already contained in the RP and the individual losses of the DPs. They should validate the data provided in the RP and report to PIU on changes required, if any, along with documentary evidence.
- Wherever required, update the census and socio-economic survey data and administer the census and socio-economic survey questionnaire, if there are DPs who have been not covered during baseline survey and in particular titleholders from whom land is being acquired.
- The Agency/NGO shall establish rapport with DPs, consult and provide information to them about the respective entitlements as proposed under the RP, and distribute entitlement cum Identity Cards to the eligible DPs. The identity card should include a photograph of the DP, the extent of loss suffered, the entitlement and contact details of the PIU, NGO and GRC.

- The Agency/NGO shall develop rapport between the DPs and the Project Director, PIU. This will be achieved through regular interactions with both the PIU and the DPs. Meetings with the PD, PIU will be held at least fortnightly, and meetings with the DPs will be held monthly, during the entire duration of the assignment. All meetings and decisions taken shall be documented by the NGO/Agency.
- Prepare monthly action plans with targets in consultation with the PIU.
- The Agency/NGO shall prepare micro plan detailing the type of impact and entitlements for each DP and display the list in prominent public places like villages, Panchayat offices, etc prior to R&R award enquiry.
- During the verification of the eligible DPs, the Agency/NGO shall ensure that each of the DPs are contacted and consulted either in groups or individually. The Agency/NGO shall specially ensure consultation with women from the DPs families especially women headed households.
- Participatory methods should be adopted in assessing the needs of the DPs, especially with regard to the vulnerable groups of DPs. The methods of contact may include village level meetings, gender participation through group's interactions, and individual meetings and interactions.
- The Agency/NGO shall explain to the DPs the provisions of the policy and the entitlements under the RP. This shall include communication to the roadside squatters and encroaches about the need for the timely shifting/relocation to resettlement site, the timeframe for disbursement of their entitlement.
- The Agency/NGO shall disseminate information to the DPs on the possible consequences of the project on the communities' livelihood systems and the options available, so that they do not remain ignorant.
- Agency/NGO will monitor the civil construction work in each package to ensure there is no bonded/child labour.
- In all of these, the Agency/NGO shall consider women as a special focus group, and deal with them with care and sympathy.
- The Agency/NGO shall assist the project authorities in ensuring a smooth transition (during the part or full relocation of the DPs), helping the DPs to take salvaged materials and shift. In close consultation with the DPs, the Agency/NGO shall inform the PIU about the shifting dates agreed with the DPs in writing and the arrangements desired by the DPs with respect to their entitlements.
- The Agency/NGO shall assist the DPs in opening bank accounts explaining the implications, the rules and the obligations of a joint account and how s/he can access the resources s/he is entitled to.

c) Accompanying and Representing the DPs at the Grievance Redressal Committee (GRC) Meetings

- The Agency/NGO shall nominate a suitable person (from the staff of the NGO) to assist the DPs in the GRC.
- The Agency/NGO shall make the DPs aware of the existence of grievance redressal committees (GRCs)
- The Agency/NGO shall help the DPs in filling the grievance application and also in clearing their doubts about the procedure as well as the context of the GRC award.
- The Agency/NGO shall record the grievance and bring it to the notice of the GRCs within seven days of receipt of the grievance from the DPs. It shall submit

a draft note with respect to the particular grievance of the DP, suggesting multiple solutions, if possible, and deliberate on the same in the GRC meeting with the permission of the Chair of the GRC.

- To accompany the DPs to the GRC meeting on the decided date, help the DP to express his/her grievance in a formal manner if requested by the GRC and again inform the DPs of the decisions taken by the GRC within 3 days of receiving a decision from the GRC.
- d) Carry out Public Consultation
- In addition to counseling and providing information to DPs, the Agency/NGO will carry out periodic consultation with DPs and other stakeholders
 - Should organize meetings and appraise the communities about the schedule / progress of civil works
 - All the consultations should be documented and if possible, photographs and attendance sheets should be compiled. The list of participants and a summary of the consultations and outcome should be submitted to PIU.
- e) Assisting the PIU with the Project's Social Responsibilities
- The Agency/NGO shall assist the PIU to ensure that the Contractors are abiding by the various provisions of the applicable laws pertaining to labour standards.
 - The Agency/NGO shall assist the PIU to implement HIV/AIDS awareness measures, including collaboration with the line agencies.
 - The Agency/NGO will assist the PIU in conducting the R&R award enquiry
 - Assist the PIU to incorporate changes in the micro plan, if any based on R&R award and resubmit the same to PIU for verification, endorsement and onward transmission to Additional Collector for disbursement.
- f) Monitoring and Reporting
- The RP includes provision for monitoring by PIU and quarterly, mid-term, and post-project monitoring and evaluation by external agency. The Agency/NGO involved in the implementation of the RP will be required to supply all information, documents to the external monitoring consultants.

D. Documentation and Reporting by NGO

6. The NGO selected for the assignments shall be responsible to:
- Submit an inception report within three weeks; on signing up of the contract including a work plan for the whole contract period, staffing and personnel deployment plan.
 - Prepare monthly progress reports to be submitted to the PIU, with weekly progress and work charts as against the scheduled timeframe of RP implementation.
 - Prepare and submit quarterly reports on a regular basis, to be submitted to the PIU.
 - Submit a completion report at the end of the contract period summarizing the actions taken during the project, the methods and personnel used to carry out the assignment, summary of support/assistance given to the DPs, lessons learnt, best practices and suggestions, if any, for effective implementation..
 - All other reports/documentation as described in these terms of reference.
 - Record minutes of all meetings.

- Four copies of each report shall be submitted to PIU together with one soft copy of each report in the CD

F. Data, Services and Facilities to be provided by the Client

7. The PIU will provide to the NGO the copies of the RP, DPs' Census records and structure photographs, the strip plan of final design and any other relevant reports/data prepared by the DPR consultants. All facilities required in the performance of the assignment, including office space, office stationery, transportation and accommodation for staff of the Agency/NGO, etc., shall be arranged by the NGO.

E. Timeframe for Services

8. It is estimated that the NGO services will be required for about 36 months with intermittent inputs of key-personnel, to undertake the assignment of facilitating the implementation of the RP. The inputs of key personnel should be in accordance with the tasks and the corresponding time required for their completion. The time schedule for completion of key tasks is given below

| S No | Task Description | Time for completion |
|------|---|--|
| 1 | Inception Report | At the end of the 3 rd week after commencement of services |
| 2 | a. Joint verification, issue of identity card and submission of corrected data, if any, including proposal for replacement and upgradation of community assets b. Additional and /or missing census survey records of DPs (to be collected only after due approval of such cases by RO in writing) including profiles of DP in such survey | At the end of the 2 nd month after commencement of services At the end of the 3 rd month after commencement of services |
| 3 | Monthly Progress Report /Quarterly Progress Report covering the activities in the scope of works and corresponding deliverables | In 7 days from the end of each month /quarter |
| 4 | Facilitating disbursement of the entitlements for 50% of total DPs in the 1 st milestone coinciding with the milestone sections fixed by PIU | At the end of the 5 th month after commencement of services |
| 5 | Disbursement of the entitlements for the remaining DPs in the 1 st milestone | At the end of the 6 th month after commencement of services |
| 7 | a. Disbursement of the entitlements for remaining DPs in the 2 nd milestone b. Facilitating resettlement of DPs to the resettlement site(s) | At the end of the 15 th month after commencement of services |
| 8 | Draft Final Report summarising the action taken and other resettlement works to be fulfilled by the NGO | One month before the service / 35 th month after commencement of services |
| 9 | Final report summarising the action taken and other resettlement works to be fulfilled by the NGO | At the end of the service / 36 th month after commencement of services incorporating suggestions of PIU on the draft report. |

G. Team for the Assignment

9. The Agency/NGO shall assign a team of professionals for assisting PIU in RP implementation. The Agency/NGO team should consist of the following 5-core professionals and a minimum of 4 support staff including a skilled data entry operator. The core team should have a combined professional experience in the areas of social mobilization, community development, land acquisition and resettlement, census and socio economic surveys and participatory planning and consultations.

| S. No | Key Professional | No. of Persons | Experience |
|-------|---|----------------|--|
| 1 | Team Leader cum R&R expert (intermittent input) | 1 | Postgraduate in Social Science with a minimum of 10 years experience in R&R, with land acquisition and R&R implementation experience in 5 projects of which at least 3 should be linear projects (Highway) funded by external agencies. Should be proficient in Hindi and English |
| 2 | R&R Expert and Field Coordinator (intermittent input) | 4 | Graduate in Social Science with knowledge and experience in census and socio-economic surveys, RP implementation PRA Technique and fluent in Hindi and English. Should have a minimum of 5 years experience in R&R, with land acquisition and R&R implementation experience in 3 projects of which at least 2 should be linear projects (Highway) funded by external agencies. One field coordinator should be posted for each of the road subproject in this packager |

H. Payment Terms

10. The payment will be made corresponding to the tasks described under 'Timeframe for Services' above. For awareness campaigns on HIV-AIDS, health and hygiene, the PIU will provide funds separately at actuals, based on specific campaign proposals submitted by the NGO. Cost of printing disclosure material will be paid by PIU directly or PIU will make available printed disclosure material.

11. The financial quote should include remuneration of key personnel and support staff, and all costs related to carrying out the services, excluding cost of awareness campaigns for HIV-AIDS, health and hygiene, printing of disclosure handouts and printing and laminating identity cards for DPs. Service tax, if applicable, will be paid by PIU and proof of remittance should be submitted to PIU after each payment is made. The NGO should cover their staff with adequate insurance and the cost shall be included in the financial quote under overheads.

APPENDIX 7: INDICATIVE MONITORING INDICATORS

A. Delivery of Entitlements

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

B. Consultation and Grievances

- Consultations organized as scheduled including meetings, groups, and community activities.
- Knowledge of entitlements by the displaced persons.
- Use of the grievance redress mechanism by the displaced persons.
- Information on the resolution of the grievances.
- Information on the implementation of the social preparation phase.
- Implementation of special measures for Indigenous Peoples.

C. Communications and Participation

- Number of general meetings (for both men and women).
- Percentage of women out of total participants.
- Number of meetings exclusively with women.
- Number of meetings exclusively with vulnerable groups.
- Number of meetings at new sites.
- Number of meetings between hosts and the displaced persons.
- Level of participation in meetings (of women, men, and vulnerable groups).
- Level of information communicated—adequate or inadequate.
- Information disclosure.
- Translation of information disclosure in the local languages.

D. Budget and Time Frame

- Land acquisition and resettlement staff appointed and mobilized on schedule for the field and office work.
- Capacity building and training activities completed on schedule.
- Achieving resettlement implementation activities against the agreed implementation plan.
- Funds allocation for resettlement to resettlement agencies on time.

- Receipt of scheduled funds by resettlement offices.
- Funds disbursement according to the RP.
- Social preparation phase as per schedule.
- Land acquisition and occupation in time for implementation.

E. Livelihood and Income Restoration

- Number of displaced persons under the rehabilitation programs (women, men, and vulnerable groups).
- Number of displaced persons who received vocational training (women, men, and vulnerable groups).
- Types of training and number of participants in each.
- Number and percentage of displaced persons covered under livelihood programs (women, men, and vulnerable groups).
- Number of displaced persons who have restored their income and livelihood patterns (women, men, and vulnerable groups).
- Number of new employment activities.
- Extent of participation in rehabilitation programs.
- Extent of participation in vocational training programs.
- Degree of satisfaction with support received for livelihood programs.
- Percentage of successful enterprises breaking even (women, men, and vulnerable groups).
- Percentage of displaced persons who improved their income (women, men, and vulnerable groups)
- Percentage of displaced persons who improved their standard of living (women, men, and vulnerable groups)
- Number of displaced persons with replacement agriculture land (women, men, and vulnerable groups)
- Quantity of land owned/contracted by displaced persons (women, men and vulnerable groups)
- Number. of households with agricultural equipment
- Number of households with livestock

F. Benefit Monitoring

- Noticeable changes in patterns of occupation, production, and resource use compared to the pre-project situation.
- Noticeable changes in income and expenditure patterns compared to the pre-project situation.
- Changes in cost of living compared to the pre-project situation.
- Changes in key social and cultural parameters relating to living standards.
- Changes occurred for vulnerable groups.
- Benefiting from the project by the displaced persons.

APPENDIX 8: LAR PLANNING AND IMPLEMENTATION MONITORING FORM

| | |
|----------------------|---|
| Date: | Total number of economically and physically displaced households/entities: |
| Project site: | |

A. LAR processing

| LAR Activity | Task Completed (✓) | Displaced households (No.) | | | Comments |
|---|--------------------|----------------------------|-------|----|----------|
| | | Completed to date | Total | % | |
| Mobilize LAR officers, incl. PIU, consultant | | -- | -- | -- | |
| Screen LAR impacts | | -- | -- | -- | |
| Provide existing records of DPs & affected assets | | -- | -- | -- | |
| Prepare preliminary detailed technical design and maps of LAR impacts | | -- | -- | -- | |
| Undertake field verification of LAR impacts and identify/minimize | | -- | -- | -- | |
| Hold LARC meetings | | -- | -- | -- | |
| Hold first DP consultation meeting and elect DPC | | -- | -- | -- | |
| Establish and operate GRM | | -- | -- | -- | |
| Finalize detailed technical design & LAR Impact Map | | -- | -- | -- | |
| Carry out census of DPs & Inventory of Lost Assets | | | | | |
| Declare cut-off date and notify DPs | | | | | |
| Carry out socio-economic survey | | | | | |
| Undertake Detailed Measurement Survey and Valuation of Lost Assets | | | | | |
| Prepare draft Final LARP | | -- | -- | -- | |
| Contract external experts for verification of monitoring | | -- | -- | -- | |
| Hold consultation meeting with DPs on draft Final LARP | | | | | |
| Reach negotiated agreements with individual DPs | | | | | |
| Revise draft Final LARP | | -- | -- | -- | |
| Submit revised draft Final LARP to ADB | | -- | -- | -- | |
| Hold consultation meeting with DPs on revised draft Final LARP | | | | | |
| Finalize LARP | | -- | -- | -- | |
| Provide IA and EA endorsement of Final LARP | | -- | -- | -- | |
| Disclose endorsed Final LARP to DPs and on ADB website | | | | | |

| LAR Activity | Task Completed (✓) | Displaced households (No.) | | | Comments |
|--|--------------------|----------------------------|-------|----|----------|
| | | Completed to date | Total | % | |
| Conclude agreements with DPs | | | | | |
| Initiate expropriation procedures if necessary | | | | | |
| Request and obtain resolution for funding of LAR from government | | -- | -- | -- | |
| Transfer of 100% LAR funds to {name of agency in charge of land administration and LAR, and IA/PIU | | -- | -- | -- | |
| Hold consultation meeting on disbursement and LARP implementation schedule | | | | | |
| Disbursement of compensation completed | | | | | |
| Relocation strategy implemented | | | | | |
| Income restoration strategy in place | | -- | -- | -- | |
| Income restoration completed | | | | | |
| Land and structures acquired | | | | | |
| Civil works commenced (where LARP provisions are implemented) | | -- | -- | -- | |

B. Compensation, relocation and income restoration

| LAR Activity | Task Completed (✓) | Displaced households (No.) | | | Units ¹⁰ | | | Cost (local currency) | | | Comments |
|---------------------------------------|--------------------|----------------------------|-------|---|---------------------|-------|---|-----------------------|-------|---|----------|
| | | Compl. to date | Total | % | Compl. to date | Total | % | Compl. to date | Total | % | |
| Disburse compensation payments | | | | | | | | | | | |
| Land | | | | | | | | | | | |
| <i>Agricultural</i> | | | | | | | | | | | |
| Irrigated | | | | | | | | | | | |
| Non-irrigated | | | | | | | | | | | |
| Pasture | | | | | | | | | | | |
| Wasteland | | | | | | | | | | | |
| Pond | | | | | | | | | | | |
| Lease reimbursement for tenants | | | | | | | | | | | |
| <i>Residential</i> | | | | | | | | | | | |
| Type 1 | | | | | | | | | | | |
| Type 2 | | | | | | | | | | | |
| Type 3 | | | | | | | | | | | |
| <i>Commercial</i> | | | | | | | | | | | |
| Type 1 | | | | | | | | | | | |
| Type 2 | | | | | | | | | | | |
| Type 3 | | | | | | | | | | | |
| <i>Public</i> | | | | | | | | | | | |
| Rental fee, temporary acquisition | | | | | | | | | | | |
| Structures | | | | | | | | | | | |
| <i>Houses/buildings</i> | | | | | | | | | | | |
| Type 1 | | | | | | | | | | | |
| Type 2 | | | | | | | | | | | |
| Type 3 | | | | | | | | | | | |
| Type 4 | | | | | | | | | | | |
| Partial rebuilding of structure | | | | | | | | | | | |

¹⁰ Indicate applicable unit of measurement or omit if specific units cannot be identified and applied.

APPENDIX 9: SAMPLE TOR FOR THE EXTERNAL MONITOR

A. Project Description

1. Government of Rajasthan has proposed to upgrade its road network under Rajasthan State Highway Investment Program (RSHIP) and as part of this endeavor, Public Works Department (PWD) of Rajasthan has been mandated to undertake improvement and up gradation of various State Highways and Major District Roads at different locations in Rajasthan. As part of this mandate, the PPP Division of Rajasthan Public Works Department has identified the roads requiring improvement that would improve the connectivity to national highways, major towns and industrial belts. The proposed investment program will support up gradation and improvement of the identified 17 road-projects totaling of about 1050km spread across the State of Rajasthan.

2. The Public Private Partnership (PPP) Cell of the Public works Department has prepared this Resettlement Plan (RP) for Package-1 comprising of: (i) *Kanwas to Aklera* section of SH-74; (ii) *Deoli to Kanwas* section of SH-74A; (iii) *Alot to Gangdhar to Suwasara* section of SH-19C; and (iv) *Kherli to Pahari* section of SH-22, under Tranche-I for improvements under RSHIP. This RP addresses social issues arising out of acquisition of land and other assets, eviction of squatters and removal of encroachments resulting in social and / or economic displacement to households / individuals / community, either direct or indirect and is in compliance with ADB's Safeguard Policy Statement, 2009 and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. A Resettlement Plan (RP) has been prepared to assist the affected people to improve or at least restore their living standards to the pre-project level. This RP captures the involuntary resettlement impacts arising out of the proposed improvements to the road subprojects under this Package-1 of RSHIP. The document describes the magnitude of impact, mitigation measures proposed, method of valuation of land, structure and other assets, eligibility criteria for availing benefits, baseline socio-economic characteristics, entitlements based on type of loss and tenure, the institutional arrangement for delivering the entitlements and mechanism for resolving grievances and monitoring. The summary of RP with subproject impacts is given in an annexure.

4. The PIUs have appointed agencies/NGO's to support the respective PIU in RP implementation. The subproject includes a provision for monitoring and evaluation of the implementation of the subproject RPs by an external monitor/agency. Therefore, the PMU requires the services of a reputed individual/consultancy firm for monitoring and evaluation of RP implementation.

B. Scope of work – Generic

5 The scope of work includes:

- To review and verify the progress in resettlement implementation as outlined in the RP;
- To monitor the effectiveness and efficiency of PIU, and NGO in RP implementation;
- To assess whether resettlement objectives, particularly livelihoods and living standards of the Displaced Persons (DPs) have been restored or enhanced;

- To assess resettlement efficiency, effectiveness, impact and sustainability, drawing both on policies and practices and to suggest any corrective measures, if necessary; and
- To review the project impacts on vulnerable groups, indigenous people and groups and assess the effectiveness of the mitigative actions taken.

C. Scope of work- Specific

6. The major tasks expected from the external monitor are:
- To develop specific monitoring indicators for undertaking monitoring for RP implementation;
 - Review results of internal monitoring and verify claims through random checking by adopting suitable sampling method at the field level to assess whether land acquisition/resettlement objectives have been generally met;
 - Involve the affected people and community groups in assessing the impact of land acquisition for monitoring and evaluation purposes;
 - Evaluate and assess the adequacy of compensation and R&R assistances given to the DPs, the resettlement sites developed and relocation process and the livelihood opportunities and incomes as well as the quality of life of DPs; and
 - To evaluate and assess the adequacy and effectiveness of the consultative process with DPs, particularly those vulnerable, including the adequacy and effectiveness of grievance procedures and legal redress available to the displaced persons, and dissemination of information about these.

D. Time Frame and Reporting

7. The independent monitoring agency/expert will be responsible for overall monitoring of the RP implementation and will submit quarterly review directly to PMU for onward transmission to ADB with PMU's comments.

E. Qualifications

8. The monitoring agency/expert will have significant experience in resettlement policy analysis and RP implementation. Further, work experience and familiarity with all aspects of resettlement operations would be desirable. The Team Leader / Expert should have the following qualification: (i) postgraduate degree in social science; (ii) 15 years' experience in R&R; (iii) experience in ADB/WB funded R&R projects; and (iv) R&R monitoring experience in ADB/WB funded projects. Interested agencies/consultants should submit proposal for the work with a brief statement of the approach, methodology, and relevant information concerning previous experience on monitoring of resettlement implementation and preparation of reports.

9. The profile of agency/expert along with full CV of monitors to be engaged must be submitted along with the proposal.

F. Budget and Logistics

10. Copies of the proposal - both technical and financial - should be submitted and the budget should include all cost and any other logistics details necessary for resettlement monitoring.