

Resettlement Plan

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India: Rajasthan Urban Sector Development
Investment Program—Alwar Wastewater
Subproject

Prepared by Local Self Government Department

ABBREVIATIONS

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

TABLE OF CONTENTS

EXECUTIVE SUMMARY

I.	Scope of Land Acquisition and Resettlement	1
II.	Socio-Economic Background	1
III.	Policy Framework and Entitlements	3
IV.	Consultation, Information Dissemination, Disclosure, and Grievance Redress	6
V.	Compensation and Income Restoration	7
VI.	Institutional Framework, Resettlement Costs, and Implementation Schedule	8
VII.	Monitoring and Evaluation	10

APPENDIXES

1.	Components and Resettlement Impacts
2.	Census of Affected Persons and Socio-Economic Survey
3.	Socio-economic Survey Summary
4.	Policy Framework and Entitlements
5.	Public Consultations
6.	Consultation and Disclosure

I. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

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

2. The infrastructure will extend throughout many parts of the town. This will lead to a new Sewage Treatment Plant (STP), to be built on 20 ha of government land opposite Agyara Dam and a outfall sewer. The location of subproject components is provided in Map1.

3. Subproject design minimized land acquisition and resettlement impacts. As indicated above there are two main elements: a new STP to treat sewage to Indian legal standards and the out fall will be laid along the road from existing outfall at bye pass road at Tulara village to Hanuman Chowraha to Bagad Ka Tiraha to STP sight an Alwar-Bharatpur Highway. The size of sewerage network would be 800 mm a starting 1000 mm, and 1100 mm and 1200 mm. Total length of the sewerage network will be 45811 meter out of which 1500 meter near Hanuman Chowraha will be laid by trench less method. Along with outfall and STP of 20 mld will be connected over the proposed of 31.5 ha. Some additional works are proposed in the respectively sub project which are laying of trunk mains of size 700mm and 1100 mm dia for length of 9063 m and sub mains and laterals of size 200 mm 600 mm dia for a length of 18698m and Resettlement Plan is updated accordingly. The STP will be WSP type consisting of two equal sized Facultative Pond followed by three equal oxidation pond along with pre-treatment unit. Appendix 1 shows each subproject component and expected resettlement impacts. While the construction of secondary and lateral sewers will not require permanent land acquisition as it will be undertaken within ROWs, due to limited ROWs, it can cause some temporary disruptions.

II. SOCIO-ECONOMIC BACKGROUND

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

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

¹ Particularly district headquarters and towns with significant tourism potential.

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

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

5. A Socio-economic Survey on 100% of the occupants of the affected structures was conducted as per the requirements after the completion of Census survey in the stretches of impact of the proposed construction package. This was done with the aid of a structured close ended (for ease of information processing) battery of questions targeted to elicit responses on cardinal socio-economic enquiries:

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

6. As the project will not acquire any private land, social Impacts are confined to movable structures placed on ROW. Affected mobile vendors will be assisted in moving temporarily to the other side of the road and re-establish their structures as soon as construction is over. Where moving is not required, access will be ensured by the contractor. The construction period is estimated to be 14 days per section of work and all the affected business establishments and vendors will be given 14 days of income loss as per the policy framework and entitlements for the Program. To assess the temporary social impacts from an estimated 45.81 km of sewerage network (outfall) subproject, a census survey was conducted in the city including high, medium and low density areas, where proposed work is to be done. This was followed by a sample socio-economic survey of 100% of the affected persons. The scope of land acquisition and resettlement impacts is presented in the Table 1.

Table 1: Summary of Resettlement Impacts

Impact	
Permanent Land Acquisition (ha)	0
Temporary Land Acquisition (ha)	0
Affected Households	15
Titled affected households	1
Non-titled affected households	14
Female affected household	0
Indigenous People/STAH	0
Below Poverty Line affected household	0
Affected Trees/Crops	0
Affected Common Structures	0
Average Family Size	8.8
Average Household Income (per month)	3180
Income Sources Affected	Mostly Kiosks of various types

Source: Census and Socio-Economic Data 2008.

Note: No change in impact due to additional scope of work.

7. The details of the social-economic profile of the affected persons under this subproject are mentioned below. None of the 15 Affected Persons is from Scheduled Tribe community. Most of them stay in nuclear family. Of all the affected persons 83% have ration card and 75% are enrolled in voter list; majority (92%) of them are squatters and having small business establishments. All affected persons have semi-permanent/temporary structures.

8. There would be no additional affected persons as there would be no impact due to additional works.

- (i) **Literacy.** Literacy, being an important indicator of social development, affects the demographic characteristics and participation.
- (ii) **Economy.** Data on employment show that the affected persons are running their small business, (cigarette shop, grocer's shop, etc). Average monthly income of the families is Rs.3180 per month.

9. The detail socio-economic data is presented in Appendix 3 (Table 1.1- Table 1.4).

III. POLICY FRAMEWORK AND ENTITLEMENTS

10. The policy framework and entitlements for the program are based on national laws: The Land Acquisition Act, 1894 (LAA, amended in 1984), and the National Resettlement and Rehabilitation Policy, 2007 (NRRP); ADB's Safeguards Policy Statement 2009; and the agreed Resettlement Framework. Based on these, the following core involuntary resettlement principles applicable are:

- (i) land acquisition, and other involuntary resettlement impacts will be avoided or minimized exploring all viable alternative subproject designs;
- (ii) where unavoidable, time-bound Resettlement Plans will be prepared and affected persons will be assisted in improving or at least regaining their pre-program standard of living;
- (iii) consultation with affected persons on compensation, disclosure of resettlement information to affected persons, and participation of affected persons in planning and implementing subprojects will be ensured;

- (iv) vulnerable groups will be provided special assistance;³
- (v) payment of compensation to affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets at replacement rates;
- (vi) payment of compensation and resettlement assistance prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities;
- (vii) provision of income restoration and rehabilitation; and
- (viii) establishment of appropriate grievance redress mechanisms.

11. Policy framework and entitlements are further discussed in Appendix 4. The entitlement matrix⁴ for the subproject based on the above policies and Section D of this Resettlement Plan are in Table 2.

³ Including poor households, households headed by women, the elderly, the disabled and scheduled tribes considered vulnerable based on the agreed Indigenous Peoples Development Framework (IPDF).

⁴ While no impacts are noted on common resources, such row is included in the entitlement matrix as there is a probability of impacts on common resources should alignments change after detailed design.

Table 2: Entitlement Matrix

Sl. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
1	Temporary disruption of livelihood		Legal titleholders, non-titled affected persons	(i) 30 days advance notice regarding construction activities, including duration and type of disruption. (ii) Contractor's ^a actions to ensure there is no income ^b /access loss consistent with the IEE. ^c (iii) Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity ^d (iv) For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance for the period of disruption whichever is greater.	(i) Identification of alternative temporary sites to continue economic activity.	Valuation Committee will determine income lost. Contractors will perform actions to minimize income/access loss.
2	Any other loss not identified	-	-	(i) Unanticipated involuntary impacts will be documented and mitigated based on the principles of the Resettlement Framework.		NGO will ascertain the nature and extent of such loss. IPMU will finalize the entitlements in line with the Resettlement Framework.

IEE = initial environmental examination, IPMU = Investment Program Management Unit, NGO = nongovernmental organization.

^a As mentioned in Clause 93.1 of Section VIII: Particular Condition of Contract of Bid Document.

^b Minimum wage in Rajasthan is Rs.73 per day.

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

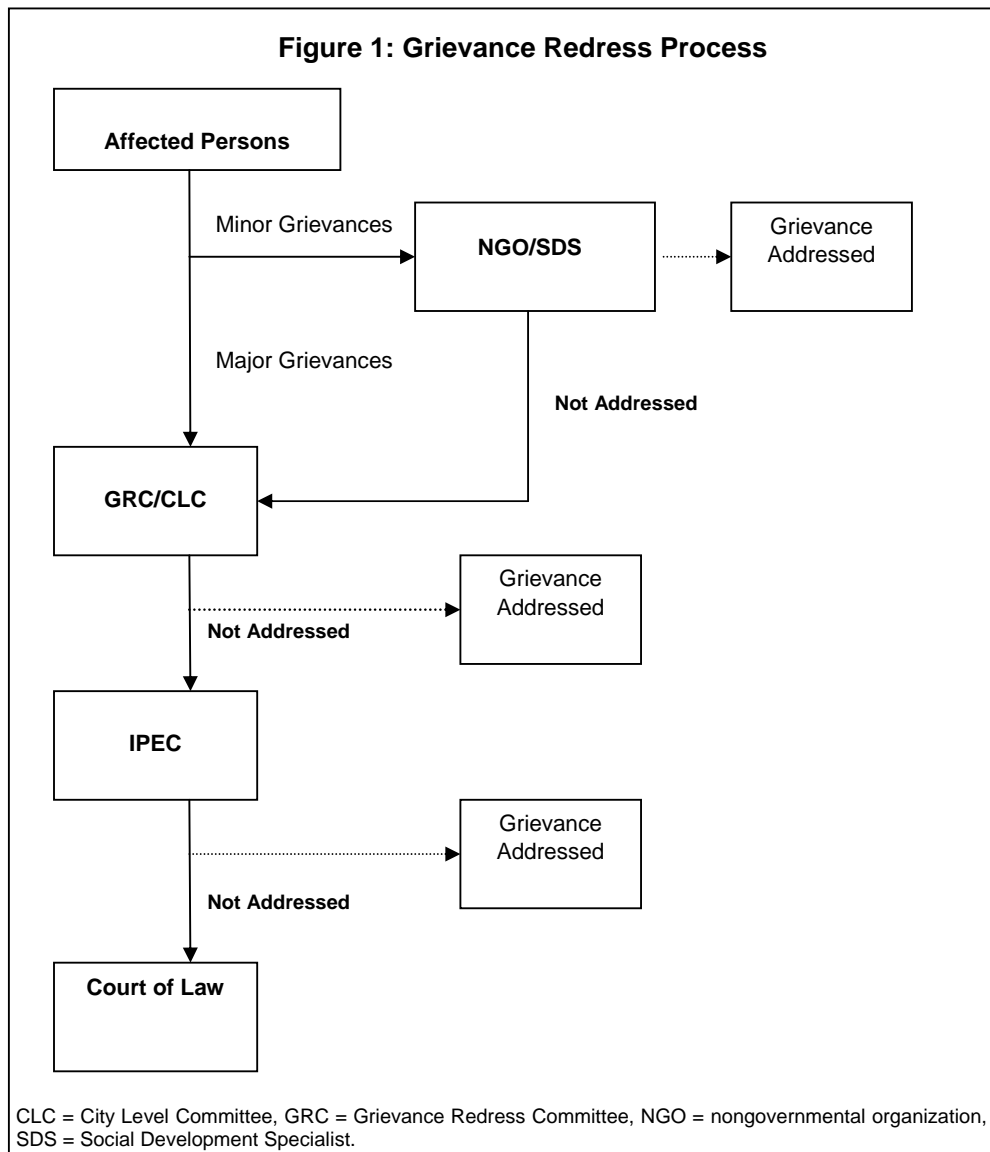
^d For example assistance to shift to the other side of the road where there is no construction.

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

12. The Resettlement Plan was prepared in consultation with stakeholders. Meetings and individual interviews were held involving stakeholders, particularly potentially temporarily affected persons; census, survey and transect walks and interviews were conducted to determine the potential impacts of subproject construction to prepare the sample subproject Resettlement Plan. Following the model developed for the multitranche financing facility (MFF), a town-wide stakeholder consultation workshop was conducted which provided an overview of the Program and subprojects to be undertaken in Alwar; and discussed the Government and Asian Development Bank's (ADB) resettlement policies and potential resettlement impacts of the subprojects in Alwar. During the workshop, Hindi version of the Resettlement Framework was provided to ensure stakeholders understood the objectives, policy principles and procedures for any land acquisition, compensation and other assistance measures for any affected person. During consultations, key issues raised were: (i) participants expressed satisfaction that there was a subproject taking care of their needs which they have waited for 25-30 years; (ii) they are not hesitant to move or shift if necessary to accommodate the work; (iii) they are willing to provide labor for the subproject; and (iv) they raised that it is important to repair the roads after subproject construction. Consultation records are in Appendix 5.

13. Information continues to be disseminated to affected persons and beneficiaries through various media. English and Hindi versions of the Resettlement Plan & Resettlement Framework have already been placed in the Urban Local Body (ULB) office and affected persons have access to Resettlement Plans. The nongovernmental organization (NGO) engaged to implement the Resettlement Plan will continue consultations, information dissemination, and disclosure. A strategy for continued consultations and participation is in the Resettlement Framework. The Resettlement Plan is available in the ULB office, Investment Program Project Management Unit and Implementation Unit (IPMU and IPIU) offices, and the town library. The finalized Resettlement Plan will also be disclosed in ADB's website, the State Government website, the local government website, and the IPMU and IPIU websites. ADB review and approval of the Resettlement Plan is required prior to award of civil works contracts; and compensation/assistance of affected persons is required prior to commencement of civil works. Consultation and disclosure activities to be followed are in Appendix 6.

14. Grievances of affected persons will first be brought to the attention of the implementing NGO or Social Development Specialist (SDS). Grievances not redressed by the NGO or SDS will be brought to the City Level Committees (CLC) set up to monitor project implementation in each town. The CLC, acting as a grievance redress committee (GRC) is chaired by the District Collector with representatives from the ULB, state government agencies, IPIU, community-based organizations (CBOs) and NGOs. As GRC, the CLC will meet every month. The GRC will determine the merit of each grievance, and resolve grievances within a month of receiving the complaint, failing which the grievance will be addressed by the inter-ministerial Empowered Committee. The Committee will be chaired by the Minister of Urban Development and Local Self Government Department (LSGD), and members will include Ministers, Directors and/or representatives of other relevant Government Ministries and Departments. Further grievances will be referred by affected persons to the appropriate courts of law. The IPIU will keep records of all grievances received including: contact details of complainant, date that the complaint was received, nature of grievance, agreed corrective actions and the date these were effected, and final outcome. The grievance redress process is shown in Figure 1.



15. All costs involved in resolving the complaints will be borne by the IPMU. The GRCs will continue to function throughout the project duration.

V. COMPENSATION AND INCOME RESTORATION

16. Affected persons will be provided 30 days advance notice to ensure no or minimal disruption in livelihood. If required, they will also be assisted to temporarily shift for continued economic activity. For example they will be assisted to shift to the other side of the road where there is no construction. Ensuring there is no income or access loss during subproject construction is the responsibility of contractors. Consistent with the initial environmental examination, contractors will ensure: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.

17. Should construction activities result in unavoidable livelihood disruption, compensation for lost income or a transitional allowance for the period of disruption whichever is greater will be provided. Vulnerable affected persons will be given priority in project construction employment.

18. Compensation and assistance to affected persons must be made prior to possession of land/assets and prior to the award of civil works contracts.

VI. INSTITUTIONAL FRAMEWORK, RESETTLEMENT COSTS, AND IMPLEMENTATION SCHEDULE

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

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

21. Resettlement issues are coordinated by a Social Development Specialist (IPMU SDS) within the IPMU, who ensures that all subprojects comply with involuntary resettlement safeguards. A Resettlement Specialist who is part of the IPMC team assists the SDS. SDS, as part of the DSC, have been appointed to work with each IPIU to update the Resettlement Plan in the detailed design stage, and to prepare Resettlement Plans for new subprojects, where required to comply with Government and ADB policies. NGO is appointed to implement Resettlement Plans. The responsible agencies, resettlement costs, and implementation schedules are provided in Tables 3, 4, and 5, respectively.

Table 3: Institutional Roles and Responsibilities

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

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

22. As mentioned earlier a Census survey of 100% affected structures was conducted from each of the stretches under impact on business and vendor population for computation of Resettlement Costs. Thus the total cost of Resettlement computed is:

Table 4: Summary of Resettlement Costs

Srl.	Item	Unit	Census	Rate Rs.	Cost
1.	Relocation & Transfer				
	Shifting assistance	Once	15	200	3,000
	Loss of Income Livelihood	14 Days	15	106	22,260
	Sub Total Item 1				25,260
2	Administrative & Implementation costs				
	Implementing NGO covering NGO engagement, cost of census and survey of affected persons and inventory of assets, cost of information and consultations, training and monitoring (including evaluation by independent agency), and rental of office space and required physical facilities and materials.		Lump Sum		100,000
3	Contingencies				
	Price (5%) of Project Cost		Lump Sum		6263
	Physical (20%) for unanticipated impacts such as temporary impacts on structures or temporary loss of land				25052
	Total				156575

Note: No change in budget as number of affected persons remain unchanged.

Table 5: Schedule of Resettlement Implementation

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

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

^a The census will be the cut-off date for non-titled affected persons. For titled affected persons, the cut-off date is the date of notification.

^b The Resettlement Plan will be updated based on final detailed design and affected person census and surveys.

^c Endorsement and disclosure of finalized Resettlement Plans consistent with the Resettlement Framework to be undertaken.

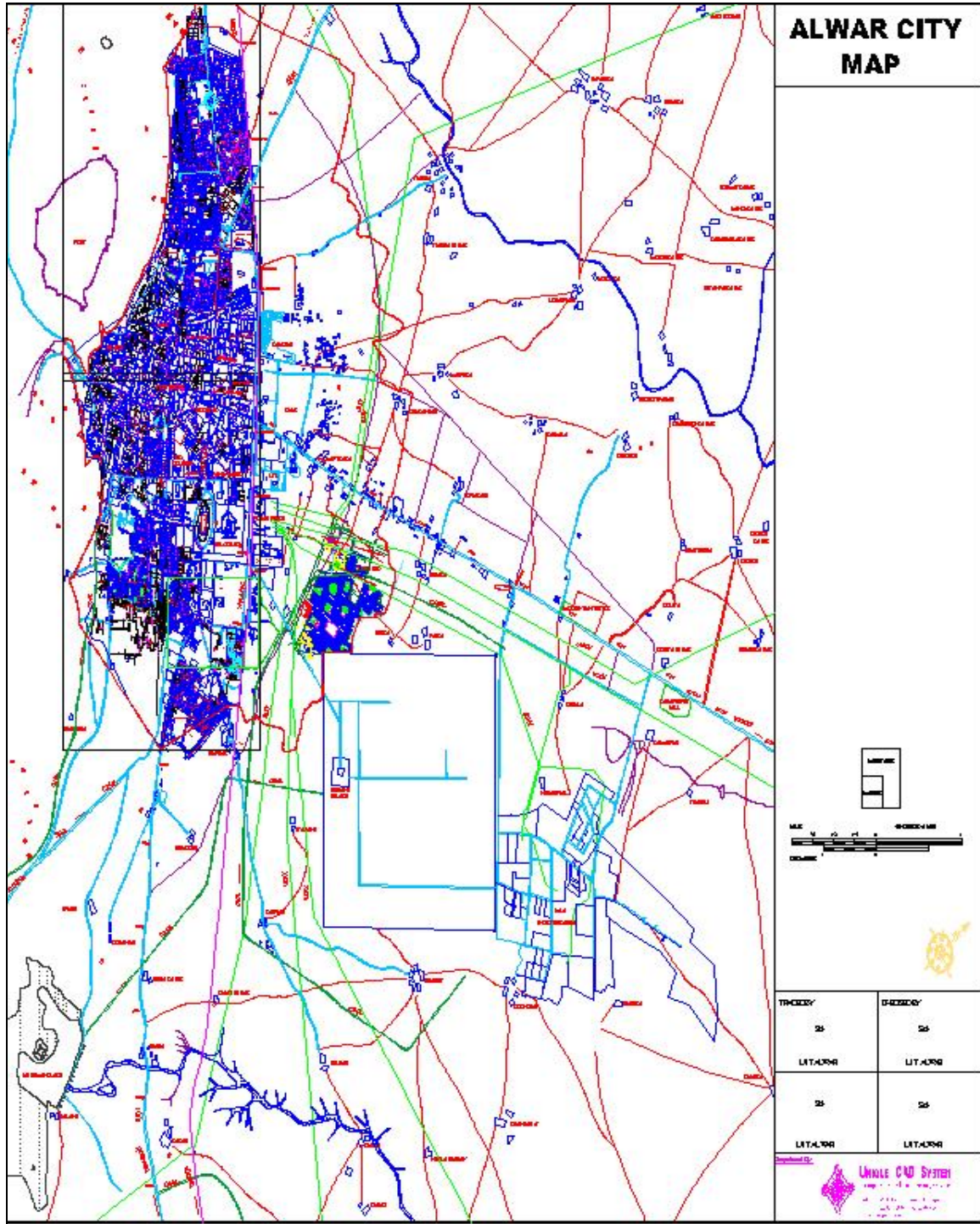
VII. MONITORING AND EVALUATION

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

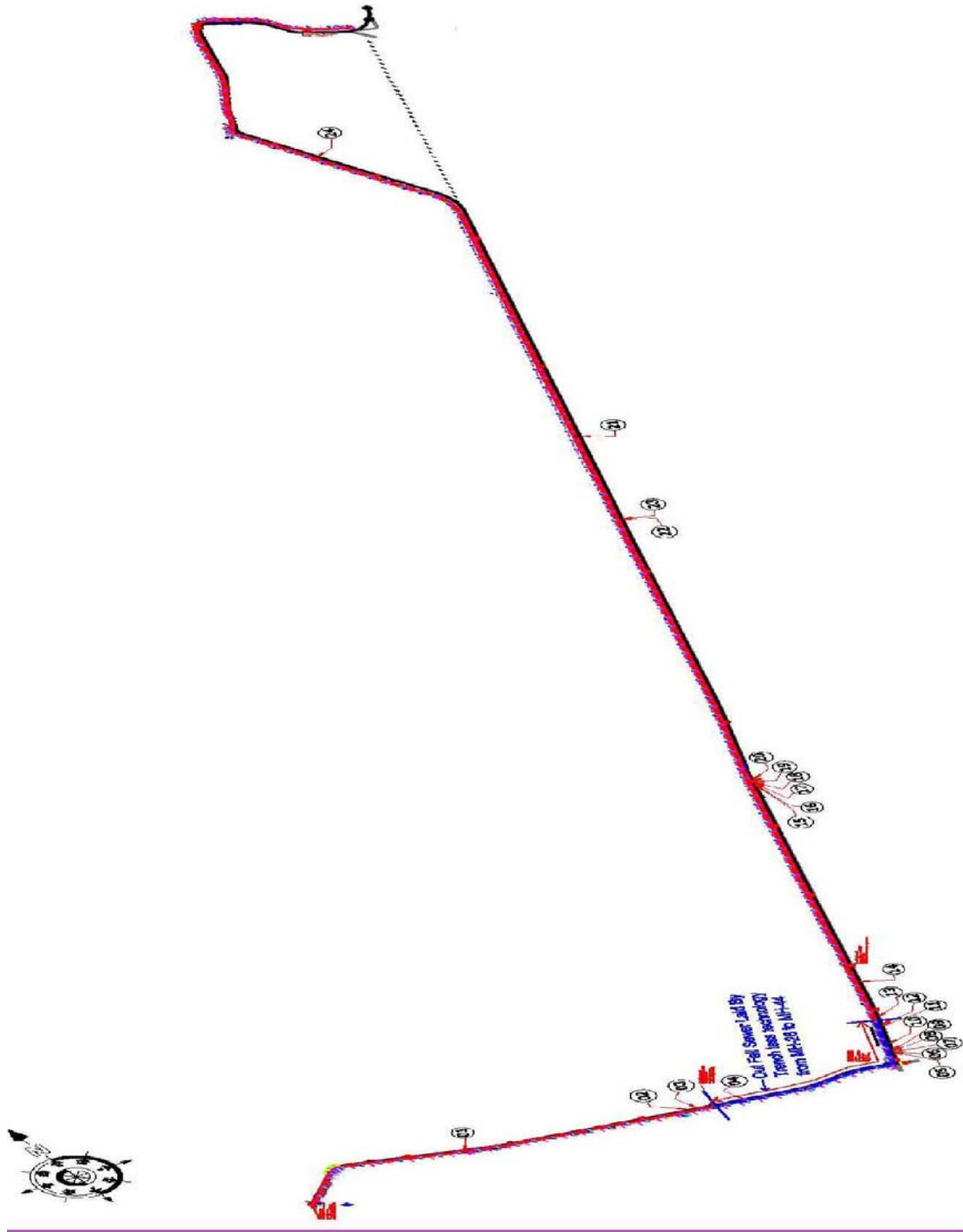
agency will monitor subprojects twice a year and submit reports directly to the Executing Agency (IPMU). The Executing Agency will submit all external monitoring reports to ADB for review. Further details are in the Resettlement Framework.

Map 1

Map of Proposed Sewerage Network in Alwar



Alignment of Sever line Showing Affected Persons



COMPONENTS AND RESETTLEMENT IMPACTS

Component	Impact
Sewage Treatment Plant (STP), to be built on 20 ha of government land opposite Agyara Dam	No impact as on vacant government land
Laying of outfall sewer	Within ROW of vacant government land, Temporary impact
Laying of outfall sewer with trench less method	No impact
Laying of trunk mains of size 700mm and 1100mm dia fro length of 9063m and submains and laterals of size 200 mm 600mm dia for a length of 18698	Within ROW of vacant government land, No impact

ROW = right of way, STP = sewage treatment plant.

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5	nokbZ	13	lkbZfdy fjis;j	21	gksVy		
6	vkWVks fjis;j	14	Vk;j fjis;j	22	fctyh dk lkeku		
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Table A3.1 Socio-economic Survey Summary

S. No	Types of Business	Head of the Household	Legality	Daily income (in Rs.)	Types of Structure	Area
1	Tea Shop	Bhakshi Singh	No	130	Semi Permanent	Thakur wale kue ke samne, 200' Rajgarh Bypass Road
2	Tea Shop	Chahat khan	No	100	Temporary	200' Road Power Colony
3	Barber Shop	Omprakash Sen	Yes	120	Temporary	200' Road Opp. Khan Hydrolux
4	STD Shop	Vijay kumar	-	100	Semi Permanent	Infront of Mahinda tractor showroom, Delhi Road
5	Vegetable Shop	Rakesh chand saini	No	50	Semi Permanent	Surya Nagar, Delhi Road
6	Shop	Ashraf	No	100	Semi Permanent	Bhaktal Chowki, Mamoriya Ka Bas, Delhi Road
7	Tea Shop	Kailash	No	100	Semi Permanent	Patoria Ka Bas, Bhaktal Choki, Delhi Road
8	Hotel	Mohar singh	No	200	Semi Permanent	Bhaktal Chowki, Delhi Road
9	Shop	Ratan khan	No	100	Semi Permanent	Bhaktal Chowki, Delhi Road
10	Shop	Annad chand	No	70	Semi Permanent	Bhaktal Chowki, Delhi Road
11	Tea Shop	Shyam lal	No	60	Semi Permanent	Bhaktal Chowki, Delhi Road
12	Cycle Repair	Ghisaram	No	100	Semi Permanent	Case Roli Mode, Delhi Road
13	Fruit Shop	Lalaram	No	110	Semi Permanent	Case Roli Mode, Delhi Road
14	Mandir	Naga baba Mahendra	No	150	Semi Permanent	Mal Khand, Delhi Road Mal Stand
15	Fruit Shop	Aajd Khan	No	100	Temporary	Bagar Tiraha, Ramgarh, Dit.

Table A3.2 Nature of Occupant

Occupant's nature	Percentage
Squatter	93.4
Not squatter	6.6
Total	100.0

Table A3.3 Possession of Legal Document for the Affected Structure

Possession of Legal Documents	Percentage
Yes	6.6
No	93.4
Total	100.0

Table A3.4 Type of Affected Structure

Type of Structure	Percentage
Commercial	93.4
Residential cum Commercial	6.6
Total	100.0

Table A3.5 Nature of Affected Structure within ROW

Nature of Affected Structure	Percentage
Semi Permanent	80
Temporary	20
Total	100.0

POLICY FRAMEWORK AND ENTITLEMENTS

A. Policy and Legal Framework

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

1. Government Policy

a. National Resettlement and Rehabilitation Policy, 2007

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

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

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

b. Land Acquisition Act, 1894

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

- (i) Land identified for the purpose of a project is placed under Section 4 of the LAA. This constitutes notification. Objections must be made within 50 days to the District Collector (the highest administrative officer of the concerned District).
- (ii) The land is then placed under Section 6 of the LAA. This is a declaration that the Government intends to acquire the land. The District Collector is directed to take steps for the acquisition, and the land is placed under Section 9. Interested parties are then invited to state their interest in the land and the price. Under Section 11, the District Collector will make an award within one year of the date of publication of the declarations. Otherwise, the acquisition proceedings shall lapse.
- (iii) In case of disagreement on the price awarded, within 6 weeks of the award, the parties (under Section 18) can request the District Collector to refer the matter to the Courts to make a final ruling on the amount of compensation.
- (iv) Once the land has been placed under Section 4, no further sale or transfer is allowed.

- (v) Compensation for land and improvements (such as houses, wells, trees, etc.) is paid in cash by the project authorities to the State Government, which in turn compensates landowners.
- (vi) The price to be paid for the acquisition of agricultural land is based on sale prices recorded in the District Registrar's office averaged over the three years preceding notification under Section 4. The compensation is paid after the area is acquired, with actual payment by the State taking about two or three years. An additional 30% is added to the award as well as an escalation of 12% per year from the date of notification to the final placement under Section 9. For delayed payments, after placement under Section 9, an additional 9% per annum is paid for the first year and 15% for subsequent years.

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

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

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

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

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

7. The NRRP represents a significant milestone in the development of a systematic approach to address resettlement issues in India. LAA, 1894 however gives directives for acquisition of land in public interest and provides benefits only to titleholders. Table A4 presents a comparison of Government policies (LAA and NRRP) in comparison with the Resettlement Framework which is consistent with ADB's involuntary resettlement policy.

Table A4: Comparison between the Borrower's and ADB's SPS

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

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

	Policy Principles	LAA	NRRP	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
	social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible. Resettlers should be integrated economically and socially into host communities so that adverse impacts on host communities are minimized. One of the effective ways of achieving this integration may be by extending development benefits to host communities.				
7.	The absence of formal legal title to land some affected groups should not be a bar to compensation. Affected persons entitled to compensation and rehabilitation should be identified and recorded as early as possible, preferably at the project identification stage, in order to prevent an influx of illegal encroachers, squatters, and other nonresidents who wish to take advantage of such benefits. Particular attention should be paid to the needs of the poorest affected persons including those without legal title to assets,, female-headed households and other vulnerable groups, such as indigenous peoples, and appropriate assistance provided to help them improve their status.	X	✓	LAA provides for every affected person to receive a notification prior to acquisition and for a hearing in case of any objection. Acquisition under the Act is permitted within one year from the date of declaration of intent to acquire, failing which, the process has to start again. LAA does not regard non-titleholders as affected persons. The <i>Rajasthan Urban Housing and Habitat Policy, 2006</i> aims to provide tenurial rights to urban slum dwellers with special emphasis on persons belonging to scheduled castes, scheduled tribes, weaker sections, physically handicapped and widows. This is consistent with recognizing those without legal titles and the vulnerable.	The process for verification of impacts and establishing the eligibility of the affected persons is outlined in the Resettlement Framework.
8.	The full costs of resettlement and compensation, including the costs of social preparation and livelihood programs as well as the incremental benefits over the "without project"	X	✓	According to the ADB's involuntary resettlement policy full Resettlement Plan is required when 200 or more people will experience major impacts. A Short	The Resettlement Framework addresses the involuntary resettlement impacts. The entitlements to the affected persons are outlined in the Entitlement Matrix.

	Policy Principles	LAA	NRRP	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
	situation, should be included in the presentation of Project costs and benefits.			Resettlement Plan is required when resettlement is insignificant when less than 200 people will experience major impacts. According to the NRRP, Resettlement Plan should be prepared when it involves resettlement of more than 500 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.	
				The NRRP's concept of replacement cost is not clearly defined. However, the NRRP does consider various compensation packages to substitute the losses of affected persons.	This is addressed in the Entitlement Matrix
9.	To better assure timely availability of required resources and to ensure compliance with involuntary resettlement procedures during implementation, eligible costs of resettlement and compensation may be considered for inclusion in Bank loan financing for the project, if requested.	X	✓	-	The impacts have been assessed and Resettlement Plan costs according to the entitlement matrix have been worked out. These costs are included in the Project Costs.

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

PUBLIC CONSULTATIONS

A. Issues Discussed

- (i) The proposed Sewer lines are aimed to cover all wards and areas of the city;
- (ii) Livelihood affected households shall be given assistance in the mode of cash compensation;
- (iii) As far as possible local people shall be employed by the contractor during construction work;
- (iv) Due safety measures shall be taken during actual construction work;
- (v) Sewerage work to be confined within existing ROW;
- (vi) Compensation package to be determined at the local market price in the event of land acquisition (if any); and
- (vii) Willingness to shift in nearby places of Mobile kiosk/vendors.

B. People's Perceptions about the Project

1. The overall benefits of the project as per the local residents recorded during public consultation and field survey are:

- (i) This project will ensure smooth canalization and discharge of domestic liquid effluents.
- (ii) This in turn stops or reduces to significant level of the accumulation of waste and faecal matters on surface.
- (iii) The project would ensure reduction in the incidence of waterborne diseases such as diarrhea and hepatitis.
- (iv) This project will ensure hygienic conditions in the city and save the water bodies from pollution.

2. The mitigation efforts, which have been included in the project design, are focused on minimizing land acquisition and resettlement and enhancing the positive impacts of the project. Measures taken to reduce social impact and displacement include:

- (i) Efforts have been made to acquire government land only for the subproject.
- (ii) All possible efforts have been made during detailed design to protect wells/irrigation units/land and built up properties, which are falling within the proposed construction zone from acquisition by shifting the alignments wherever this is desirable and feasible.
- (iii) The contractor will be encouraged to provide employment opportunities during the construction period, on a priority basis, to suitably qualified affected persons who have been identified under this Resettlement Plan.
- (iv) IPMU will be encouraged to provide employment opportunities to some of the affected persons during the subsequent operation and maintenance period after the project has been commissioned.
- (v) R&R compensation will be provided by IPMU to minimize any unavoidable impacts.
- (vi) During construction work adequate free passageway access will be ensured by contractor.
- (vii) The contractor shall provide with safe and convenient passage for vehicles, pedestrians and livestock at all time.
- (viii) After completion of work, the contractor shall restore all the areas disturbed by them for the works.

- (ix) The Resettlement Plan suggests the provision of creation of employment for local affected people therefore it should be priority to engage local work force rather than migratory laborers.
- (x) The contractor as per mandate is required to comply with all the precautions as required for the safety.
- (xi) The contractor will carry out all the work without unreasonable noise and disturbance.
- (xii) The contractor will take all reasonable precautions to prevent silting, erosion of beds and banks, pollution of surface as well as underground water, etc.
- (xiii) Children below the age of 14 years shall be restricted to involve in the construction activities therefore it should be ensured by contractor no child labor will be engaged in construction related activities.

CONSULTATION AND DISCLOSURE

A. Consultation

1. Consultations will be held with special emphasis on vulnerable groups. Encouraging public participation in consultations informs the public of the Program and serves as a venue for the public to express their opinion on priorities which the Program should address.
2. The key stakeholders to be consulted during Resettlement Plan implementation and Program implementation includes:
 - (i) all affected persons, including vulnerable households;
 - (ii) program beneficiaries;
 - (iii) host populations in resettlement sites;
 - (iv) elected representatives, community leaders, and representatives of community-based organizations;
 - (v) local NGOs;
 - (vi) local government and relevant government agency representatives; and
 - (vii) Program staff, IPMU, IPIU, and consultants.
3. Consultations conducted during Resettlement Plan implementation will identify help required by affected persons during rehabilitation. Continuing involvement of those affected by subprojects is necessary in the resettlement process. The IPIU will ensure that affected persons and other stakeholders are informed and consulted about the subproject, its impact, their entitlements and options, and allowed to participate actively in the development of the subproject. This will be done particularly in the case of vulnerable affected persons, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the subproject—during preparation, implementation, and monitoring of subproject results and impacts.
4. The implementing NGOs will ensure that views of affected persons, particularly those who are vulnerable, related to the resettlement process are looked into and addressed. The NGOs will ensure that affected persons consulted are informed of the outcome of the decision-making process, and will confirm how their views were incorporated. Since resettlement is a continuous process and baseline data/information will be collected, the implementing NGO will regularly update the baseline information.

B. Disclosure

5. Information was and continues to be disseminated to affected persons for the sample subprojects. Finalized Resettlement Plans will be disclosed in ADB's website, IPMU websites, and IPIU or town websites; and information dissemination and consultation will continue throughout program implementation.
6. The IPIU SDS will conduct consultations and disseminate information to all affected persons. Resettlement Plans will be translated into the local language and made available at offices of the: (i) Urban Local Bodies (ULBs); (ii) relevant local government line agencies; and (iii) IPMU and IPIUs. Resettlement Plans will also be kept in the public libraries, accessible to citizens as a means to disclose the document and at the same time creating wider public awareness.
7. The Resettlement Framework and Resettlement Plans will be disclosed in the following websites: IPMU, IPIU, State Government, local governments, and ADB. The IPMU will issue notification of implementation start dates for each subproject. The notice will be issued by the IPMU in local newspapers one month ahead of implementation. This will

create awareness of project implementation. The IPMU and IPIUs will provide information on Involuntary Resettlement policies and features of the Resettlement Plan. Basic information such as subproject location, impact estimates, entitlements, and implementation schedule will be presented in the form of a brochure that will be circulated among affected persons. Posters containing basic Resettlement Plan information will also be posted in different localities to increase awareness. Copies of Resettlement Plan summaries will be kept in the IPMU and IPIU offices and will be distributed to any affected person consulting on resettlement issues. The Resettlement Framework will be made available in local language during public meetings. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contracts.

8. An intensive information dissemination campaign for affected persons will be conducted by the IPIU with assistance from the implementing NGO at the outset of Resettlement Plan implementation. All the comments made by the affected persons will be documented in the subproject records and summarized in subproject monitoring reports. A summary of consultation and disclosure activities to be followed for each subproject are in Table A6.

Table A6: Consultation and Disclosure Activities

Program Phase	Activities	Details	Responsible Agency
Investment Program Bridging Phase	Mapping of the Program areas	Area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition	IPMU in coordination with District Collector's offices and other local bodies.
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the Program.	IPMU and IPIUs in consultation with stakeholders.
	Program/subproject information dissemination; Disclosure of proposed land acquisition	Leaflets containing information on the Program and subproject to be prepared. Public notice issued in local newspapers (and disclosed on IPMU/IPIU websites) including survey numbers and names of titleholders for land to be acquired concurrent with consultation with titleholders.	SDS and Resettlement Specialist from IPMU. IPMU may seek the assistance of CAAP consultants for leaflet preparation. Notice will be issued from the District Collector's office. SDS IPMU and SDS IPIU to disclose on the web.
	Stakeholder consultations	Further consultations with affected titleholders and households. Consultations with non-titled affected persons and other stakeholders during subproject scoping.	SDS IPIU and NGO.
Resettlement Plan Preparation Phase	SIA surveys	Surveys to be conducted. Summary Resettlement Framework to be disclosed in local language through printed materials to affected persons particularly those who are vulnerable and other stakeholders.	IPIU to conduct surveys. SDS IPIU to disclose Resettlement Framework to stakeholders (including making it available in IPMU/IPIU offices and government agency offices), SDS IPMU to disclose on the web.
	Formulating compensation and resettlement assistance measures	Conducting stakeholder consultations particularly affected persons in and reflecting issues raised in revised Resettlement Plan.	SDS IPIU and NGO.
	Disclosure of final entitlements and rehabilitation packages	Provision of Resettlement Plans to all stakeholders particularly affected persons. Conducting consultations and distributing local language versions of the summary Resettlement Plan.	SDS IPMU, and SDS IPIU to disclose on the web. SDS IPIU and NGO to conduct consultations.

Program Phase	Activities	Details	Responsible Agency
Resettlement Plan Implementation Stage	Disclosure of Resettlement Plan	Review and approval of Resettlement Plan by Executing Agency. Review and approval of Resettlement Plan by ADB. Web disclosure of the Resettlement Plan.	Executing Agency to provide ADB with Resettlement Plan for review and approval. SDS IPMU, and SDS IPIU to disclose on the web.
	Consultation with affected persons during Resettlement Plan implementation	Consultations with affected persons.	NGO with monitoring from IPIU and external agency.

ADB = Asian Development Bank, IPIU = Investment Program Implementation Unit, IPMU = Investment Program Management Unit, NGO = nongovernmental organization, SDS = Social Development Specialist, SIA = social impact assessment.