

# Involuntary Resettlement Due Diligence Report

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Project Number: 40031  
ADB Loan No.: 2506  
Date: August 2015

India: Rajasthan Urban Sector Development  
Investment Program – Churu Waste Water  
Management Sub-Project

Prepared by Local Self Government Department

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## ABBREVIATIONS

ADB	Asian Development Bank
AP	Affected Persons
CLC	City Level Committee
DDR	Due Diligence Report
EA	Executing Agency
EC	Empowered Committee
GoI	Government of India
GoR	Government of Rajasthan
GRP (Pipe)	Glass Reinforced Plastic (Pipe)
LA	Land Acquisition
LAA	Land Acquisition Act
M&E	Monitoring and Evaluation
PIU	Project Implementation Unit
PMU	Project Management Unit
RP	Resettlement Plan
ROB	Railway Over Bridge
RUIDP	Rajasthan Urban Infrastructure Development Project
RUSDIP	Rajasthan Urban Sector Development Investment Program
SC	Supervision Consultant
SPS	Sewage Pumping Station
STP	Sewage Treatment Plant
UDD	Urban Development Department
WW (M)	Waste Water (Management)

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## I. INTRODUCTION

1. In order to provide basic human needs, improve quality of life and stimulate sustainable development, the Government of Rajasthan (GoR) with the financial assistance of the Central Government and Asian Development Bank (ADB) is undertaking the Urban Sector Development Investment Program. Under this Program, essential urban infrastructures are being improved or developed in 15 Towns of the State. The investment program covers major urban infrastructure works like Water Supply, Waste Water Management, Solid Waste Management, Urban Transport & Roads, RoB, Social infrastructure, Support Infrastructure for Cultural Heritage and Urban Drainage etc. This Due Diligence Report (DDR) has been prepared for the Waste Water Management subproject for town Churu.

2. The basis of Financial Assistance of ADB under this Program is Multi-Tranche Financing Facility. In the Program, the MFF comprises three tranches (2366-IND, 2506-IND and 2755-IND respectively) with a total loan amount of USD 273 million and a GOR share of USD 117 million.

3. Institutional arrangement for Program implementation including ensuring of Social Safeguards is well entrenched. The Inter-Ministry Empowered Committee (EC) is the apex body that provides policy guidance to the Executing Agency (EA), that is, the Local Self Government Department. The EA is responsible for overall technical supervision and execution of the subprojects. The Implementing Agency (IA) in this Program is the Investment Program Management Unit (IPMU). The Investment Program Management Consultant (IPMC) is responsible for managing the Program and for technical quality assurance. The program area has been divided into three Design and Supervision Consultancy (DSC) zones. Each DSC is responsible for designing the infrastructure, supervision of implementation and construction. The City Level Committee (CLC) is the town-level organization that prioritizes the infrastructure needed for the town. NGOs have been appointed for Resettlement Plan (RP) implementation, community development and empowerment to ensure participation and collaboration of the community in the Program.

4. The Policy Framework and Entitlements for the subproject are based on National Laws and Policy such as Land Acquisition Act, 1894 (amended in 1984), the National Resettlement Policy & Rehabilitation Policy (NRRP) 2007, ADB's Safeguard Policy Statement, 2009 (SPS) and the agreed Resettlement Framework (RF).

5. The Program entails Consultations with the stakeholders throughout the life-cycle of the project and disclosure of information to the Affected Households (AHs) and particularly to AHs under vulnerable groups<sup>1</sup>.

6. A multi-tiered Grievance Redress Mechanism is entrenched in the Program to address conflicts of interests particularly that of AHs.

7. Provision of Internal and External Monitoring of Social Safeguards Implementation is an integral part of the Program. Periodically and systematically monitoring is conducted to find out flaws, problem-identification, problem-solving and remedial measures.

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<sup>1</sup> Vulnerable households consist of Woman Headed Household (WHH), Scheduled Tribe (ST), Schedule Caste (SC), Below Poverty Line (BPL) and physically disabled

8. Churu, one of the towns covered in the Program was established in the early part of the 17th century. It is located at 28° 18' 9.83" N and 74° 58' 1.38" E, and is the headquarters of the district of the same name. The Town is surrounded by the Thar Desert.

9. Components of the subproject of Wastewater Management of town Churu are: (1) laying of Laterals of 200 mm dia. for a length of 71.5 kms.; (2) laying of Interceptors or Sub-Mains of 250 mm to 500 mm dia for a length of 10.7 kms.; (3) laying of Outfall sewer of 700 mm for a length of 0.44 kms.; (4) laying of Pumping Main of 600 mm dia for a length of 3.5 kms.; (5) construction of one Sewage Pumping Station (SPS) at Johri Sagar. (6) Construction of 7 MLD Sewage Treatment Plant (STP) in village Gajsar with civil, electrical, mechanical, pumping and other allied works on 12.5 ha. Land; *and* (7) treated effluent discharge into Gajsar Pond/Genani but later on site of discharge finally shifted to Chimnana Johar.

10. This sub-project has been designed to minimize land acquisition and resettlement impacts. The design was chosen to result in minimum permanent impacts on structures such as residential and commercial structures and common properties. Land acquisition was not required as all the project interventions were proposed to be within Government land.

11. To find out the Involuntary Resettlement (IR) impacts of Churu Wastewater Management subproject, Transect Walks along the Reticulation System, Pumping Station, Treatment and Disposal sites were conducted from 5<sup>th</sup> May 2010 to 7<sup>th</sup> May 2010. The exercise did not show any IR impact. All the project interventions were located within government land and there was no economic or physical displacement. Therefore, it was a Category **C** sub-project in accordance with the ADB's Safeguard Policy Statement, 2009 (SPS). So Categorization Check List (CCL) was prepared and submitted to ADB and approved.

12. In April 2015, during the visit of the ADB Team, it came to notice that the location of the disposal site of the treated effluent has been changed from Gajsar Pond/Ginnani to Chimnana Johad by the implementing agency. The new location of the disposal site entailed further study of IR impact. So, due to change in the Scope of Work – changed Disposal Site and new alignment of the underground treated effluent pipeline, a Due Diligence survey and Report was required. Assessment of the sub-project impacted areas was conducted, first by the Social Expert of IPMC from 30.04.2015 to 02.05.2015. Subsequently, a joint assessment by Social Expert of IPMC and DSC was conducted on 25<sup>th</sup> June to 26<sup>th</sup> June 2015. The exercise revealed that only one person was coming under IR impact; the treated effluent pipeline was to be laid underground the plot of land under his possession for cultivation. In this regard his written statement permitting to lay the underground treated effluent carrying pipeline within his parcel of land, in view of project benefits, reiterates its categorization. As such, the sub-project remains under Category **C**. The DDR was submitted to ADB in June 2015 for approval.

13. The ADB Expert brought up some observation in July 2015. Apart from other issues, it was desired to explain in "unambiguous" terms the legal ownership of the land (Plot No.221), in which the treated pipeline was passing underground from the STP to the Discharge Pond. In fact, there was some confusion with regard to the ownership of Plot No.221. During joint verification of changed alignment with revenue officials in April 2015, the said plot of land belongs to Mandir Shri Thakurji, as per verbal statement of revenue officials, which was cultivated by Shri Banwari Lal, priest of the temple. To clarify the confusion, in July 2015 (30.7.2015) a copy of the revenue record has been obtained from the Office of the concerned Revenue Officer, Churu (**scanned copy as Annexure 6**). As per land records, Plot No. 221, 227 and 228 possessed areas of 30 bigha, 25.04 bigha and 27.10 bigha respectively, this is in total 82.14 Bigha. Dharak (possessor) of these plots is Government of Rajasthan and cultivation

rights is given to Mandir Shri Thakurji Khatedar (khatedar means the Farmers, whose ancestors were allotted the custodian of land) as 'Cultivator'. As per record, type of land is barren. It is pertinent to mention here that in India, from time immemorial, the erstwhile Kings or the community was donating land for upkeep of a temple. Usually the servitors of the temple do cultivate such land for their own livelihood, daily rituals and maintenance of the temple. But actually, such lands belong to Government. In case of Plot No.221, Shri Banwari Lal and his family is cultivating the land as the Priest of the Mandir Shri Thakurji. This temple does not have a Management Committee. The villagers or the community have allowed the priestly family to enjoy the fruits of the said plot of Land for the sake of services in the temple. In legal terms, Sri Banwari Lal and his family is the sole cultivator. In ultimate analysis, the said plot of land belongs to Government.

14. It is further clarified that there was no standing crop in Plot No. 221 when the underground pipeline was laid alongside the plot. This is evident from the statement of the cultivator of the land, Sri Banwari Lal when he writes that "he has no objection for laying of the pipeline"; and if there had been standing crop, he would not have allowed any intervention in his land. The Implementing Engineers have also reiterated verbally that there was no agricultural activity going on in the plot of land when the pipeline was laid.

## II. Due Diligence in Avoiding Involuntary Resettlement Impacts.

15. A due diligence investigation was undertaken to document the avoidance of IR impacts in this subproject. The approved Categorization Check List (CCL) is annexed as **Annexure 1**, a letter of the Executive Engineer, IPIU-Churu clarifying the Scope of the sub-project in respect of the treated effluent discharge at new disposal site is annexed as **Annexure 2**, The alignment of the pipeline from the STP to the Disposal Pond superimposed on the revenue map is annexed as **Annexure 3**. No Objection Letter given by cultivator of the land for the laying of the underground GRP pipeline within the parcel of land belonging to him and his family is annexed as **Annexure 4** and photographs of Consultation with Affected Household is annexed as **Annexure 5**. The Revenue Record is at **Annexure 6**.

16. As mentioned earlier, during participatory process led by Social Expert of IPMC and DSC with the help of IPIU-Churu, in co-ordination with the design engineer of DSC, concerned village revenue officials and villagers was undertaken to study the social structure, issues pertaining to land, social impacts, soils, land use and community assets. No negative impact was observed. The study reveals that the underground Glass Reinforced Plastic (GRP) Pipeline carrying the treated effluent from the STP to the disposal site will pass through several plots of land and some ditches, belong to government. This proposed alignment from STP to Disposal site namely Chimnanna Johar comes under village Gajsar and superimposed on revenue map, as **Annexure 3**. The ownership details of the affected plots as per revenue records are mentioned below in the **Table 1**.

**Table 1: Ownership Detail of Affected Plots**

Sl. No.	Plot No.	Ownership Detail as per Land Revenue Record
1	499 and sub no. 857/827.499	Gair Mumkin Beehar (Government land) Proposed STP Site
2	490	Gair Mukin Rasta (Government Road)
3	263	Gair Mukin Rasta (Government Road)
4	214	Gair Mukin Rasta (Government Road)
5	219	Gair Mukin Johar namely Kanana Paiytan (Government Pond)

Sl. No.	Plot No.	Ownership Detail as per Land Revenue Record
6	221**	Government of Rajasthan
7	225	Gair Mukin Johar namely Chimnanna Johad (Government Pond)

\*\* As per Revenue record, area of the Plot No. 221 is 30 bigha, possessed by Government of Rajasthan and cultivation rights to 'Mandir Shri Thakurji'. Shri Banwari Lal s/o Shri Champa Lal Swami is the priest of the temple 'Mandir Shri Thakurji', and in that capacity is cultivating the land.

17. It is relevant to mention here that the entire stretch of land from the STP site in Gajsar to Chimnanna Johar (Disposal site), is all barren land with sand dunes and sporadic existence of shrubs and trees.

18. A meeting was organized with Shri Banwari Lal, priest of Mandir Shri Thakurji who has only cultivation rights of affected plot no 221. During the course of consultations, members of the family along with Shri Banwari Lal narrated how difficult it is for any agricultural activity to be undertaken in desert sandy soil without water. They said that they are totally dependent on rain water for agriculture. It is relevant to mention here that the three parcels of land (Plot No. 221, 227 and 228), as per revenue record, are categorized as "Barani" means barren. But they are hopeful that once treated effluent, which is fit for agriculture, is available nearby; they can have a better harvest. Photographs of Consultation with Shri Banwari Lal is annexed as **Annexure 5**

### III. Conclusion

19. This Sub-Project does not have any IR impact. There will be no physical or economic displacement. The subproject will have no adverse land acquisition impacts as the effluent pipeline traverses mainly through Government land. The discharge of the treated wastewater would furthermore have the beneficial impact of providing water fit for irrigation to the farmers surrounding the lake into which it will be discharged. The cultivator did not have any standing crop during laying of the underground pipeline. No IR impact envisaged. Accordingly, the subproject would remain under **Category C** for Involuntary Resettlement under ADB's SPS.



The CCL as in 2010/2011.

### INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION

Date: 24 January 2011

Country/Project No./Project : India/ 40031/ Tranche –III (Churu Waste Water Sub project)  
Impact Assessment was carried out from 5<sup>th</sup> May to 7<sup>th</sup> May 2010

#### Involuntary Resettlement Impact Categorization Checklist

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
<b>Involuntary Acquisition of Land</b>				
1. Will there be land acquisition?		√		
2. Is the site for land acquisition known?				Not Applicable
3. Is the ownership status and current usage of land to be acquired known?				Not Applicable
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?		√		
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
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?		NA		
<b>Information on Displaced Persons:</b>				
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, approximately how many? – <b>Zero</b> Though Maximum part of pipelines are passing through residential area and market areas of Churu, expected impact would be nil as pipe laying will be done at the centre of road which is quite wide. Churu has bypass (cross lanes) lanes at every 200 m which will provide easy alternate access to shop owners, thereby affecting none during construction work which would				

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
be taken up in phases as in all other sub-projects.				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input checked="" type="checkbox"/> No <input type="checkbox"/> YES				
Are any displaced persons from indigenous or ethnic minority groups? <input checked="" type="checkbox"/> No <input type="checkbox"/> YES				

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

**Table 1 Churu Waste Water Management Subproject Components and Resettlement Impacts**

Component	IR Impact
Laying of out fall sewer & trunk mains of Size 700 mm 900 mm dia. For a length of 544 m.	No impact as on Vacant RoW of Government land*,
Laying of Sub – Main of size 200 mm 500 mm dia for a length 81830 m	No impact as on Vacant RoW of Government land*,
Laying of 600 mm dia. Pumping main of DI (K-7) for a length of 3500 m	No impact as on Vacant Government land
Construction of Intermediate pumping station (IPS) at Johri Sagar	No impact as on Vacant Government land
Construction of 7 mld Sewerage treatment plant based on WSP process near Gajasar village including all Civil, Electrical, Mechanical, pumping and other allied works	No impact as on Vacant Government land
Laying of underground GRP pipeline to carry treated sewage water from the STP to the Disposal Pond, namely, Gimnana Johad.	No impact envisaged. Proposed alignment passes through government land except plot number 221 which is also belongs to Government of Rajasthan but cultivation rights are with Mandir Shri Thakurji. NoC has been obtained from Cultivator

Though Maximum part of pipelines are passing through residential area and market areas of Churu, expected impact would be nil as pipe laying will be done at the centre of road which is quite wide. Churu has bypass (cross lanes) lanes at every 200 m which will provide easy alternate access to shop owners, thereby affecting none during construction work which would be taken up in phases as in all other sub-projects.

## Annexure 2

**The letter of the Executive Engineer, IPIU, Churu, clarifying the Scope of the sub-project in respect of the Disposal site.**

**Government of Rajasthan**  
Office of the Executive Engineer, IPIU,  
Rajasthan Urban Sector Development Investment Program (RUIDP – Phase – II)  
PMC Campus, Bhaleri Road, Churu

Tel No.: 01562-252804  
email : churu.ruidp@rajasthan.gov.in  
No. :- EE/RUSDIP/IPIU/CHU/WW/2015/19

Fax No.:01562-252804  
web site : www.ruidp.org  
Date: 21/5/2015

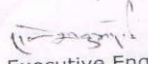
**Addl. Project Director,  
RUIDP, Jaipur**

**Sub.:** Compliance of Social safeguard issues of Churu & Nagaur- **Regarding disposal of effluent of STP to Chimnana Johad, Churu.**  
**Ref.:** PMU letter no. 3027 dated 15.05.2015

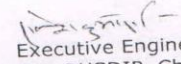
Sir,

In order to compliance to the above referred letter regarding compliance of Social safeguard issues of Churu, it is submitted that the treated STP effluent will be disposed to Chimnana Johad through underground GRP line under package CHU/DR/04. The most of the alignment of GRP line passes through Govt. land along the road except one private plot for which consent of the owner was already taken. The treated water will not be disposed in Gajsar Genani.

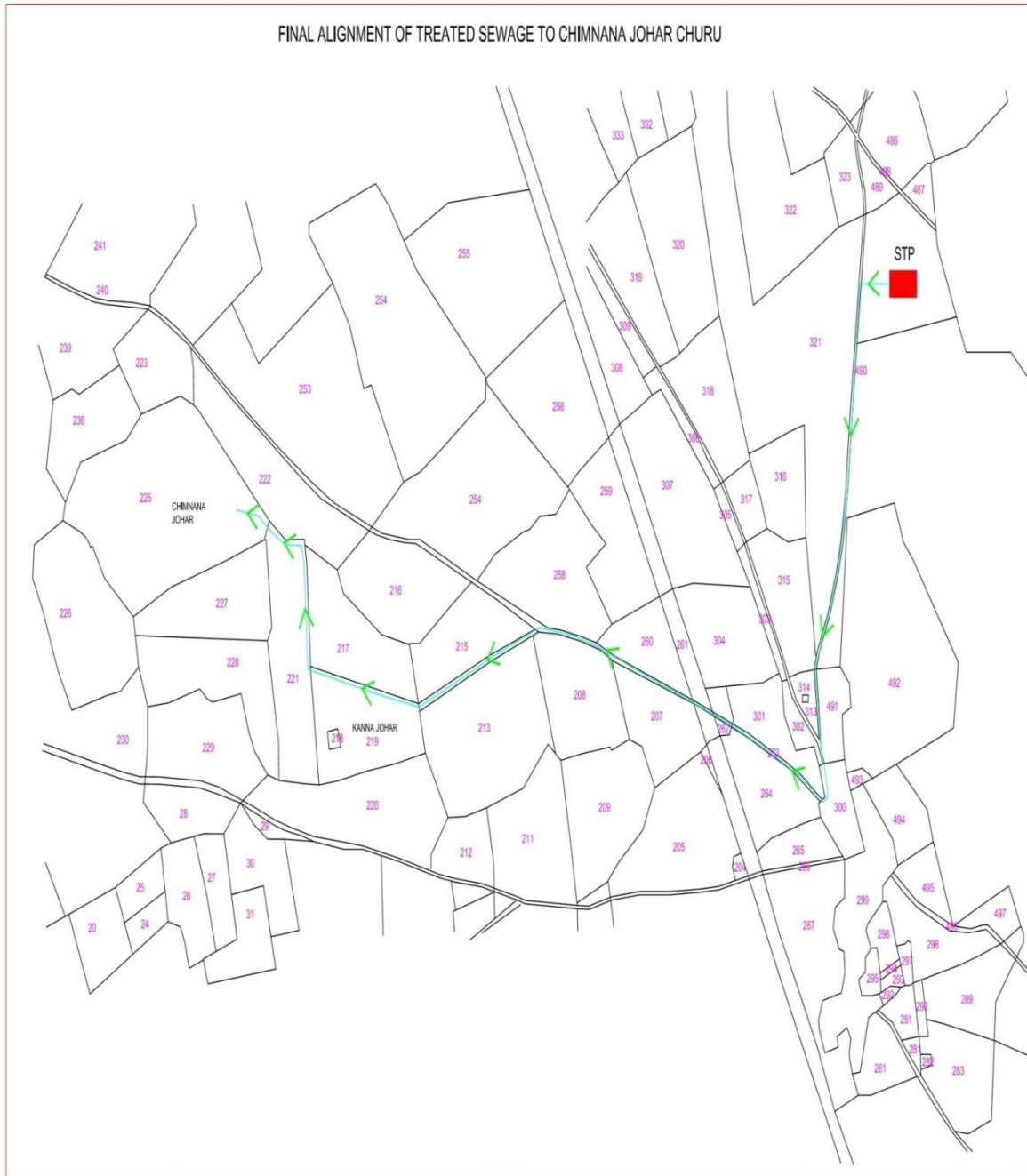
This is for your kind information and n/a pl.

  
Executive Engineer,  
IPIU, RUSDIP, Churu

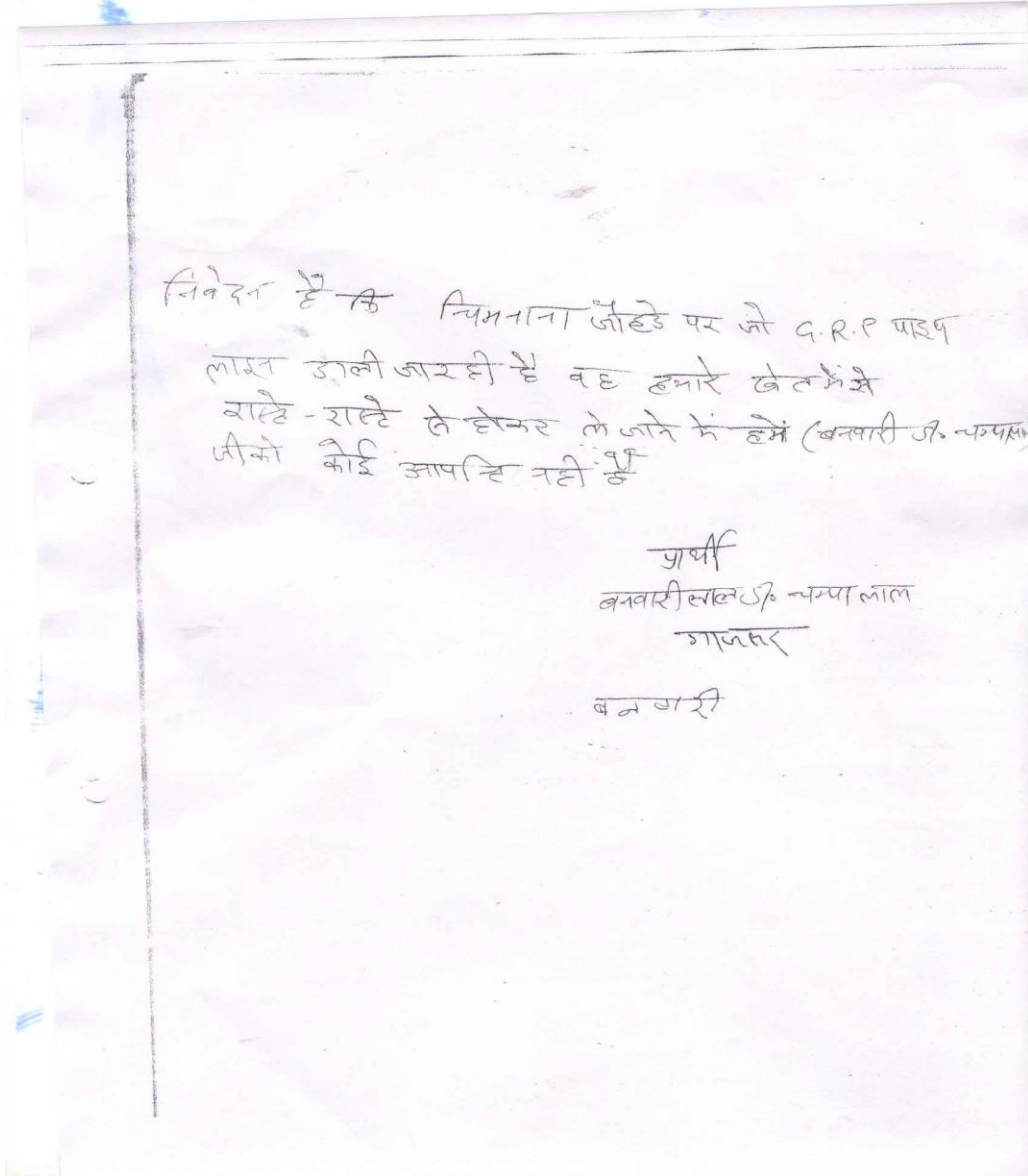
Copy to:  
1. Team Leader, IPMC, RUIDP, Jaipur  
2. Team Leader, DSC II, RUSDIP, Jodhpur

  
Executive Engineer,  
IPIU, RUSDIP, Churu

**Proposed Alignment of underground GRP pipeline from the STP to the Disposal Pond superimposed on the revenue map**



**No Objection Letter given by Shri Banwari Lal (Cultivator) of the land for the laying of the underground GRP pipeline**



**English Translation:**

This is to state that we have No Objection to lay of the GRP pipe at Chimnana Johar, which is passing through our field.


**Banwari Lal s/o Champa Lal**

Photographs of Consultation with Shri Banwari Lal & his Family Members in June 2015





## Copy of the Revenue Record in respect of Plot No. 221/ of Mandir Shri Thakurji.

 जमावन्दी (खेजट/खतोनी) (प्रतिलिपि)

एचए पी-25(बी)  
(देशिये नियम 153 अ)  
पृष्ठ संख्या :- 1 of 1

ग्राम का नाम :- गालसर  
सन्वत :- 2071 - 2074  
पटवार हल्का :- रिद्धखडा  
भूमि धारक का नाम :- राज.सरकार  
भू.अभि.नि.क्षेत्र :- आरिया  
क्षेत्रफल की ईकाई :- बीघा-बिस्वा  
तहसील :- नूरु  
खाता संख्या नया :- 237  
जिल्हा :- नूरु  
खाता संख्या पुराना :- 200  
कायदेकार का नाम :- मन्दिर श्रीठाकुरजी खातेदार


खतरा संख्या	क्षेत्रफल	भूमि वर्गीकरण	मूलक द्वारा संवत् लगान	सिंचाई के साधन	अन्वयन के काम में प्रमाणित मामान्तरकरण संख्या व दिनांक	टिप्पणी
221	30	बाराणी	30	15.00		
227	25-04	बाराणी	25-04	12.80		
228	27-10	बाराणी	27-10	13.75		
कुल घरार :-	3 82-14		82-14	41.35		

प्रतिलिपि शुल्क: 10.00/-  
बहु प्रतिलिपि दिनांक  
नकल जारी करने की तिथि  
संघारित रजिस्टर का इन्द्राज क्रमांक :- 3644

तक आदिनांक है।  
30/07/2015

Signature field  
13/07/2015

**NIC**





### English Translation of Certified Copy of Plot No. 221, 227 and 228 of Land Revenue Records

Name of Village: Gajsar  
 Revenue Halka: Ridkhala  
 B.A.N. Area: Jharriya  
 Tehsil: Churu  
 District: Churu

Samvat: 2071-2074  
 Name of Land Holder: Government of Rajasthan  
 Unit of Area: Bhiga / Biswa  
 New Khata No.: 237  
 Old Khata No.: 200

Name of the Cultivator: Mandir Shri Thakurji

Khasra No.	Area	Type of Land	Rent (locally called Lagan) paid by Cultivator	Resources of Irrigation	Certification of Namntakan Number and Date	Remarks
221	30	Unirrigated-Banjar	15			
227	25.04	-do-	12.60			
226	27.10	-do-	13.75			
Total Khasra (3 in number)	82.14		41.36			

Charges of Copy: 10.00  
 Date of Issue of Duplicate Copy: 30.07.2015  
 Serial Number of Sangharit Register: 3844