

Resettlement Framework

Project Number: 41603-024
April 2017

IND: Bihar Urban Development Investment Program – Tranche 2

Prepared by Urban Development and Housing Department, the Government of Bihar for the Asian Development Bank.

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CURRENCY EQUIVALENTS

(as of 03 April 2017)

Currency unit	–	Indian rupees (₹)
₹1.00	=	\$0.01541
\$1.00	=	₹64.65

ABBREVIATIONS

ADB	Asian Development Bank
BRJP	Bihar Rajya Jal Parshad
BUIDCo	Bihar Urban Infrastructure Development Corporation
CGWB	Central Ground Water Board
DLAO	District Land Acquisition Officer
EARF	environmental assessment review framework
EIA	environmental impact assessment
EMP	environmental management plan
ESMC	environment and social management coordinator
GoB	Government of Bihar
GRC	Grievance Redress Committee
IEE	initial environmental examination
LAA	Land Acquisition Act
MFF	multitranche financing facility
NGO	nongovernmental organization
NRRP	National Rehabilitation and Resettlement Policy
O&M	operation and maintenance
OHSR	overhead storage reservoir
PHED	Public Health Engineering Department
PIU	project implementation unit
PMC	program management consultant
PMU	project management unit
RoW	right-of-way
SPS	SafeguardS Policy Statement
UDHD	Urban Development and Housing Department
ULB	urban local body
WRD	Water Resources Department

NOTE

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

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I. INTRODUCTION

1. On 1 March 2012, the Asian Development Bank (ADB) approved the Multitranches Financing Facility (MFF) for the Bihar Urban Development Investment Program (BUDIP), or the Investment Program,¹ for an aggregate amount not exceeding \$200 million. The BUDIP supports the Government of India's strategy to provide sustainable urban infrastructure and services leading to better quality of life for people in two cities in Bihar. Bhagalpur and Gaya are the two major cities with the highest economic growth potential in Bihar, after the state capital, Patna. Despite being the economic centers of Bihar, the two cities have been unable to achieve the national urban service goals or match many of the national averages for urban service delivery performance in India. Their inability to sustain water supply and sewerage services is the result of inadequate size and condition of infrastructure, mainly attributed to inadequate new investment and operation and maintenance (O&M). The investment program will improve and expand the water and sewerage infrastructure in the two cities, and help urban local bodies (ULBs) of the two cities—the infrastructure owners—to ensure discipline and structures for operations that result in sustainable O&M.

2. The first loan under BUDIP, Tranche 1 or Loan 2861-IND, for \$65 million, was approved on 13 April 2012 and became effective on 6 June 2013. Project 1, supported by Tranche 1 of BUDIP, included subproject for improvement of infrastructure, operations and sustainability in water supply in Bhagalpur.²The ongoing scheme for water supply improvement in Bhagalpur (BWSP1) includes overall distribution network rehabilitation and expansion, including rehabilitation of the existing water treatment facilities, construction of overhead tanks and distribution networks, bulk water metering and house connections.

3. The proposed Project 2, supported by the proposed Tranche 2 of BUDIP, will include physical and non-physical investments in water supply improvement in Bhagalpur and Gaya. Bhagalpur and Gaya were selected for financing under Project 2 based on the implementation capacity, project readiness and sector priorities of the Government, in accordance with the agreed framework financing framework (FFA) for BUDIP. Project 2 is aligned with improved environment and well-being of residents in the program cities as defined by the Investment Program. It aims to improve access to sustainable water supply services in Gaya and Bhagalpur.

4. While subprojects for future tranches aim to improve environmental conditions and quality of life in urban areas, the proposed improvement of infrastructure may result in some adverse social impacts. This resettlement framework has been prepared and updated to ensure subprojects financed under the MFF comply with all relevant social safeguards requirements of the Government of India, State Government of Bihar (GoB), and the Safeguards Policy Statement (SPS), 2009 of the Asian Development Bank (ADB). The resettlement framework also applies to changes in subprojects particularly during detailed design.

5. This Resettlement Framework is updated prior to processing of Tranche 2, to reflect changes in policy and practice related to land acquisition and resettlement in India and Bihar.

¹ The design and monitoring framework for Project 2 is in Appendix 2.

² Tranche 1 comprises the Bhagalpur Water Supply Subproject. Preliminary design has been developed for the Bhagalpur Water Supply Subproject, and on this basis, social assessment undertaken.

II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

A. Objective

6. This Resettlement Framework has been prepared for the investment program towns. It provides a framework for assessment of involuntary resettlement impacts of any changes in identified subprojects during detailed design and those of other subprojects identified/ prepared for funding in Tranche 2 and future tranches. The document complies with ADB's SPS and applicable national and state policies related to land acquisition and resettlement. It defines the objectives, safeguards policy principles and procedures for land acquisition, compensation and other assistance measures for affected persons that will need to be followed to ensure that involuntary resettlement impacts of subprojects or components are addressed.

7. Involuntary resettlement safeguards objectives governing resettlement planning and implementation under the investment program are to: (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by identifying non-displacing or least displacing subproject and design alternatives; (iii) improve, or at least restore, the livelihoods of all displaced persons; and (iv) improve the standards of living of the affected persons including poor and other vulnerable groups, consistent with ADB's SPS; the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, (RFCTLARRA) 2013 and the Bihar Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014.

B. Policy and Legal Framework

8. The policy framework and entitlements are based on applicable national laws and regulations of the government and these are discussed in the following paragraphs. For consistency with ADB's SPS, gaps and measures to fill these are identified.

C. Government Policy: National Level

9. The applicable national level policy is the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, (RFCTLARRA) 2013.

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

10. The RFCTLARRA is an Act which will regulate land acquisition and provide rules for granting compensation, rehabilitation and resettlement to the affected persons in all projects in India. The Act provides for fair compensation to those whose lands are acquired and brings transparency to the process of land acquisition and assures rehabilitation of those affected. The Act replaces the Land Acquisition Act, 1894 and has come into force from 1 January 2014. Some of the key features of the new Act which is different from the LA Act 1894 are:

- (i) specific definition of acquisition for public purpose, and disallowing of change in purpose after acquisition;
- (ii) social impact assessment (SIA) by the Gram Sabha or equivalent body in urban areas is mandatory, and the Act provides detailed guidelines for conduct of SIA and its appraisal by an Expert Group;
- (iii) It provides for specific timelines for each activity in the process: SIA, appraisal by Expert Group, Objections, public hearing, preliminary notification, Draft

declaration and R&R Scheme, compensation and R&R payment, provision of infrastructure amenities; the process lapses in case no land acquisition notification happens after 12 months of the EG report. Further, the R&R award should be made within twelve months from public declaration of the R&R scheme. Such a timeline is however extendable by the appropriate Government by another twelve months if deemed necessary;

- (iv) It provides for retroactive payment under Clause 24, in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where no award under section 11 of the said Land Acquisition Act has been made; it also allows for 5 years old or more land acquisition proceedings wherein award is made but physical possession of the land has not been taken to be deemed as lapsed, and to be taken up under RCFTLARRA; and has similar provisions in cases where compensation for a majority of land holdings has not been accepted; to ensure minimum delays;
- (v) mandates consent of 80% landowners for private entities acquiring land and 75% for public private projects;
- (vi) provides guidelines for calculation of market value; it also states that the date for determination of market value shall be the date on which the notification has been issued under Section 11. The market value so determined would be multiplied by a factor of, at least one to two times the market value for land acquired in rural areas and at least one times the market value for land acquired in urban areas;
- (vii) The Act stipulates a solatium equal to 100% of the market value of the property including value of assets;
- (viii) payment of resettlement and rehabilitation assistance under Section 100, for all those losing livelihoods; the Act specifies the minimum to be paid but governments or private companies may pay higher compensation; Restrictions on acquisition of irrigated multi-cropped land);
- (ix) the Act restricts any acquisition of irrigated multi-cropped land except for exceptional circumstances. An equivalent area of cultivable wasteland or land value has to be deposited with government in the case of such an acquisition; and
- (x) the Act prescribes a formal and transparent mechanism for R&R implementation, with a structured institutional framework at the Centre, State and Project level for LA and R&R implementation and monitoring.

11. The Right to Fair Compensation and Transparency in LARR Act provides a framework in which the interest of the land loser is protected. The Act also empowers the government to define purposes to support infrastructure development and industrialization. The new Act increases the overall cost and time required for land acquisition, thereby compelling project owners towards more efficient utilization of land.

D. Government Policy: State Level

12. State level legal and policy framework follows the national level RFCTLARRA. The state of Bihar formulated the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules in 2014, with detailed procedures and proformas to be used, to operationalise the RFCTLARRA 2013.

2. The Bihar Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014

13. The GoB in exercise of the powers conferred by sub-section (2) of Section 109 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 20 13) published, as required by Section 112 of the RFCTLARRA, the draft rules on 28 August 2014 as a Bihar Gazette notification, and declared that the rules would be effective thirty days from the date of publication in the State Gazette. The rules are meant to operationalize the RFCTLARRA and clearly define the process of land acquisition, rehabilitation and resettlement in the state.

14. The Bihar RFCTLARR Rules 2014 define the process of (i) requisition for land acquisition, (ii) conducting social impact assessment including public hearings, (iii) obtaining consent, (iv) notification of acquisition, and (v) preparation of rehabilitation and resettlement scheme, and provides all the formats required and steps to be followed for land acquisition, rehabilitation and resettlement. It provides for setting up of a Rehabilitation and Resettlement Committee at project level and a State Monitoring Committee. It also provides for constitution of a Land Acquisition, Rehabilitation and Resettlement Authority in the state.

15. Presently, GoB follows the process defined in the RFCTLARRA and the Bihar RFCTLARR Rules for any land acquisition in the state.

E. ADB Policy

1. ADB's Safeguard Policy Statement, 2009

16. ADB's involuntary resettlement safeguards is based on the following principles:

- (i) Screen the project early to identify past, present and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks;
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernmental organizations (NGOs). Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children and indigenous peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism (GRM) to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase;
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (a) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (b) prompt replacement of assets with access to assets that of equal or higher value, (c) prompt compensation at

- full replacement cost for assets that cannot be restored, and (d) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (a) If there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and community services, as required;
 - (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing;
 - (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status;
 - (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets;
 - (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget and time-bound implementation schedule.
 - (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders;
 - (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 and economic displacement. Implement the resettlement plan under close supervision throughout project implementation; and
 - (xii) Monitor and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports. (ADB SPS, 2009).

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

F. Comparison of Government and ADB's Policies and Gap Filling Measures

1. Comparison of the RFCTLARRA 2013 with key indicators of ADBs Safeguard Policy Statement 2009

18. A comparison of the key indicators has been made, and how the gaps will be addressed through this Framework in case of any instance of involuntary land acquisition is given.

Table 1: Comparison of Key Indicators of ADBs Safeguard Policy Statement 2009

SI. No.	ADB's SPS	RFCTLARRA	Gaps to be filled
1	Compensation at Replacement Cost	The new bill provides the market value with a detailed calculation of market value which, includes (i) value of land to be determined as provided under section 26 plus; (ii) Factor by which the land value based on calculation under Section 26 is to be multiplied in the case of rural area is 1 – 2 based on distance of the of the project from urban area, as may be notified by the appropriate Government. And by a factor of 1 for urban areas, plus (iii) Value of assets attached to land or building under section 31 plus (iv) Solatium Equivalent to 100% of the market value of land, multiplied by the factor specified for urban & rural areas.	
2	Provision of full compensation without any deduction	Under Section 31 there is 100 % solatium, which is amount equivalent to 100% of the compensation amount.	Not specifically mentioned for structures, but will be specified so as there is no ambiguity
3	Compensation to squatters and other non-title holder including tenants and land users.	Under second schedule it is mentioned resettlement entitlement will benefit families whose livelihood is primarily dependent on land acquired	Does not specify assistance to squatters and encroachers
4	Cut -off Date	Those living 3 years prior to acquisition will be considered for benefits.	The date of census survey is considered as the cutoff date
5	Social Impact Assessment (SIA) to identify the impacts, risks and views of potential project-affected persons and communities	The bill proposes preparation of SIA study under Chapter 2, Section 4.	
6	Preparation of a Resettlement plan and Census Survey to address adverse IR impacts.	Provision for preparation of Rehabilitation and Resettlement Scheme under section, which is similar to resettlement plan.	
7	Consultation with affected persons	Proposed in different sections throughout the bill, Section 17, para 4, Section 4 para 1 to give a few instances.	
8	Disclosure of involuntary	Provisions for disclosure is there -Publication of SIA study under Section 6, Publication of the Rehabilitation	

Sl. No.	ADBs SPS	RFCTLARRA	Gaps to be filled
	resettlement information to stakeholders	and Resettlement Scheme under section 19.	
9	All compensation to be paid prior to displacement and the commencement of civil work.	Possession of land is after the collector ensures full payment of compensation as well as resettlement benefits to be paid within 3 months for compensation or 6 months for other benefits from the date of award.	All compensation to be paid before start of civil works
10	Special assistance for vulnerable households.	There are specific provisions for scheduled Castes and Scheduled Tribes under Section 42, plus additional benefits as given in Second Schedule	Covers other groups such as women headed house holds
11	Other Allowance such as subsistence/ transition, shifting allowance	Provisions for all allowance given in Second Schedule.	
12	Livelihood restoration	Provides for training and livelihood restoration measures under Second Schedule which also includes a job in the project activities if the scope is available.	
13	Grievance Redressal Mechanism.	The bill has a detailed grievance mechanism proposed at all levels starting from the gram sabha up to the Government level.	
14	Monitoring	Monitoring is only proposed at the national level.	Regular monitoring at the project level is proposed.

G. Involuntary Resettlement Safeguard Principles for the Program

19. Based on the ADBs SPS 2009 and the RTFLARRA the following resettlement principles are adopted for this project:

- (i) Screening of the project to identify involuntary resettlement impacts and risks. Minimizing and avoiding resettlement impacts of each subproject by exploring all viable alternative designs;
- (ii) Carrying out consultations with affected persons, host communities and non-government organizations; informing all displaced persons of their entitlements and resettlement options; ensuring their participation in planning, implementation, and monitoring and evaluation of resettlement programs;
- (iii) Where the resettlement impacts are unavoidable, the DPs should be assisted in improving or at least regaining their standard of living;
- (iv) Vulnerable groups, including below poverty line (BPL) households³ and poor, women-headed households, disabled-headed, elderly-headed, indigenous people/scheduled tribes (footnote 15 of entitlement matrix) will be given special assistance to improve their socioeconomic status;

³ The urban poverty line in Bihar (as per Rangarajan Committee, Government of India) per capita per month in 2011-12 was ₹1,229.3. (Government of India, Planning Commission, *Report of the Expert Group to Review the Methodology for Measurement of Poverty*, June 2014, New Delhi). On adjusting for inflation, urban poverty line in Bihar is estimated as ₹1,494 in 2015-16 and ₹1,569 in 2016-17

- (v) The absence of formal title to land is not a bar to policy entitlements;
- (vi) Compensation for all lost assets acquired or affected is based on the principle of replacement cost;
- (vii) Restoration of livelihoods and residences of the DPs will be facilitated with adequate resources and with a time-bound action plan in coordination with civil works;
- (viii) DPs are to be assisted in integrating economically and socially into host communities where physical displacement takes place, so that adverse impacts on the host communities are minimized and social harmony are promoted;
- (ix) All payments, including compensation for loss of land, assets, structures, trees, income, and common properties will be made prior to physical or economic displacement and commencement of civil construction work; and
- (x) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders. Disclose the final resettlement plan and other documents such as the monitoring reports to affected persons and other stakeholders.

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

21. Displacement under the sub-projects will be limited to the area required for the sub-projects and their safety zones, referred to as the direct impact zone. Only structures and other encumbrances within this zone will be removed for the Program. Every effort will be made during the preparation of the detailed design to minimize acquisition of land and other assets and to reduce negative socio-economic impact. The structures and assets falling outside the direct impact zone will be left undisturbed. Impacts, unforeseen to the structures or assets outside will also be compensated in accordance to the principles of this resettlement framework.

22. A detailed description of each compensation measure and assistance is provided in the entitlement matrix. The affected households will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the APs.

III. SCREENING AND CATEGORISATION

23. ADB's Involuntary Resettlement Impact Screening Checklist (Annex 6) will be adopted for the subproject. Screening will be conducted immediately after identification of project site. If the screening is done simultaneously when the project site is being identified then the magnitude of impacts can be estimated and if required alternative options can be examined. This will be done by Design Supervision Consultants and submitted to PMU. Based on the ADB's Operational Manual Section F1/ Operational Procedures⁴ the following criteria for screening and categorization of subprojects will be followed:

- (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 assessment of social impacts, is required;

⁴ Issued on 1st October 2013.

- (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; and
- (iv) **Category FI.** A proposed project is classified as category FI if it involves the investment of ADB funds to, or through, a financial intermediary.

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

25. Measures will be undertaken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternative for subproject designs and alternative sites or locations for subproject components to ensure that land acquisition and other involuntary resettlement impacts are avoided or minimized. Based on thorough survey of all possible site alternatives, subproject components will be proposed on vacant government land, where available. This is also consistent with the site selection criteria given in the environmental assessment and review framework (EARF). These measures and criteria will be applied and rehabilitation within existing facility premises will be prioritized over new construction so as not to require land acquisition and result in resettlement impacts. Based on thorough survey of all possible site alternatives, subproject components will be proposed on vacant government land, where available. The overall impacts are to be further minimized through careful alignment selection during detailed design and subproject implementation.

26. Using the above criteria, alternative sites or locations for proposed subproject components for the Bhagalpur Water Supply and Gaya Water Supply subprojects were explored, census and socio-economic surveys conducted for selected sites with IR impacts, and transect walks conducted in high, medium, and low density areas where pipe alignments are proposed,⁵ to determine and minimize the scope of land acquisition and resettlement.

27. Subprojects will minimize land acquisition and resettlement impacts in accordance with the criteria specified in the EARF and measures described in the previous section. For the Bhagalpur Water Supply Subproject 1, structure loss for two persons, significant livelihood impact to 1 female headed household, and temporary impacts to hawkers and vendors during laying of pipelines was anticipated.⁶ Because involuntary resettlement impacts are not significant, the subproject was categorized as B, and a resettlement plan has been prepared. In case of Tranche 2 subprojects, Gaya Water Supply Subproject 1 and Bhagalpur Water Supply Subproject 2, significant impacts to a few and temporary income loss impacts have been

⁵ Transect walks were conducted in three 300 m road sections representing high, medium and low density areas in Bhagalpur. In the absence of detailed designs, inputs were obtained from engineers to assess the extent of impact likely due to proposed works in the two towns. While transect walks provide an indication of the scope of potential temporary impacts, in subsequent stages of updating/preparing resettlement plans, census surveys would need to be conducted.

⁶ Transect walks in Bhagalpur revealed that all temporarily affected persons can be assisted to shift to nearby locations and back to their present locations.

identified, and in case of Gaya Water Supply Subproject 2, no impacts are anticipated, hence the assessed involuntary resettlement classification is Category B.⁷ Following minimization and avoidance strategies, it is anticipated that subprojects in future tranches are likely to have minimal land acquisition and resettlement impacts. Based on the nature of water supply and sewerage subprojects, and population densities in project towns, most resettlement impacts are expected to be temporary.

28. Every effort will be made during detailed design to minimize acquisition of land and other assets and to reduce any involuntary resettlement impacts. Unforeseen impacts will also be compensated in accordance with the principles of this framework.

IV. NEGOTIATED SETTLEMENT

29. In line with ADB SPS 2009, this framework does not apply to negotiated settlements. The policy encourages acquisition of land and other assets through a negotiated settlement where ever possible based on consultation⁸ with affected persons including those without title to assets, in line with state government policy. A negotiated settlement will offer adequate and fair price for land and other assets. In accordance with State policy, involuntary or forcible land acquisition is avoided through negotiated settlement. Also, in case of negotiated settlement, in line with ADB requirements, an independent external party will be engaged by the implementing agency to document the negotiation and settlement processes. The principles of this framework with regard to meaningful consultation processes, mechanisms for calculating the replacement cost of land and other assets affected and record- keeping requirements will be followed during the negotiated settlement.

30. The process of Negotiation involves the following steps: (i) negotiation will take place when there is a willing buyer – willing seller; (ii) consultation with the affected person has to be carried out and documented; (iii) the minimum negotiated price to start negotiations will be not below the valuation of land based on the market value of land; (iv) all the safeguards as mentioned in the resettlement framework has to be followed; (v) all negotiations has to be carried out in a transparent manner and validated by a Third Party (eminent citizen/ any party without any interest in the process, appointed by the PMU); (vi) in case of failure of negotiations compensation will be paid as outlined in the Entitlement Matrix of the Resettlement Framework; and (viii) the entire process has to be documented. The third party will have to submit reports during and on conclusion of negotiations; costs related to third party certification will be borne by the project proponent.⁹ The land transfer and updated records of the purchased lands will have to be completed prior to the start of civil works. Negotiated purchase from vulnerable

⁷ Limited impacts are identified in the Tranche 2 water supply subprojects of BUDIP. No involuntary land acquisition is anticipated. The key involuntary resettlement impacts are (i) physical and economic displacement for 9 business owners (squatters); (ii) relocation impact to 8 squatter households with 44 family members; (iii) permanent, partial (>10%) income loss to 4 persons (encroachers and sharecroppers); (iii) loss of 28 temporary structures, of which 17 businesses/ houses require relocation as mentioned above, and 10 residential and 1 commercial structure owners are likely to face temporary impacts, not requiring relocation. Temporary income loss during pipe laying activity to 480 persons is anticipated.

⁸ A process that (i) begins early in the project preparation stage and is carried out throughout the project cycle; (ii) provides timely disclosure of information that is understandable and accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive 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 and mitigation measures.

⁹ The sample TOR of third independent external party is in Annex 8 of this document.

households shall be avoided unless the purchase will significantly improve the social and economic status of the land owners.

V. VOLUNTARY LAND DONATION¹⁰

31. In many cases ADB funded projects are based on the concept of land donation. In the case of land donation which the community or affected person agrees to donate a part of their land for the project an independent external party will have to be engaged to ensure and validate these requirements: (i) The donation will not cause significant impacts on the livelihood of the donor(s) and the donor is fully understood on the value of their donated land(s); (ii) the donation does not come from the land owner categorized as poor or vulnerable family; (iii) the donation will not cause any economical or physical displacement (legal or illegal) of the current land users; (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s); and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The above information has to be included in a due diligence report to be prepared by the external party, preferably from reputed and qualified NGO, for ADB review and approval. The land transfer and updated records of the donated lands will have to be completed prior to the start of civil works. No land donation by vulnerable households shall be undertaken for the project.¹¹

VI. ELIGIBILITY, ENTITLEMENTS AND BENEFITS

A. Eligibility

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

- (i) persons who lost land/assets/income in their entirety or in part, who have formal legal rights to the land;¹²
- (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws, e.g. tenants and leaseholders;
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g. squatters, encroachers, wage labour without formal contracts; and
- (iv) vulnerable households (serial number 7 of entitlement matrix).

¹⁰ This includes donation of other type of assets attached to the land.

¹¹ The TOR of third independent external party is in Annex 8 of this document

¹² Census surveys of affected persons will include absentee land/property owners, who will be eligible for compensation at current market / replacement value. Absentee owners with additional source(s) of income (other than income from the affected land/property) will not be eligible for compensation against livelihood loss or any other assistances and benefits. However, if assessed as vulnerable or likely to be rendered vulnerable as a result of land acquisition, absentee owners will be entitled to additional provisions for vulnerable APs as per the project entitlement matrix.

B. Entitlements, Assistance and Benefits

33. The Project Entitlement policy addresses the direct and indirect impacts of project construction and operation on displaced persons, households and communities. The most direct and immediate impacts are those associated with project construction, mainly land acquisition, loss of livelihood and loss of residences. Other losses include loss of other assets such as cattle sheds, water sources etc. and common property resources. Mitigation is provided through compensation and assistance to project-displaced persons, households, and group on the basis of this policy framework adopted by the project. The policy provides mitigation for:

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

34. The Entitlement Matrix provides a detailed description of specific compensation measures and assistance applicable to each category of affected person (Table 1). Eligibility of an affected person to a combination of compensation measures and resettlement assistance will depend on the category to which he/she belongs including his/her social and economic vulnerability, based on the Entitlement Matrix.

Table 1: Entitlement Matrix

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
1	Loss of private land	Homestead or mixed use land or vacant plot	Titleholders	<ol style="list-style-type: none"> 1. Compensation at replacement value /market value¹³ as specified in the RFCTLARRA or land-for-land where feasible; 2. Solatium to be paid at 100% of the compensation amount; 3. If the residual plot(s) is (are) not viable, any of the following two options are to be given to the affected person, subject to acceptance: <ul style="list-style-type: none"> • Option 1 - The affected person remains on the plot, and the compensation and assistance are paid only for the required amount of land to be acquired. • Option 2 - Compensation to be provided for the entire plot including residual part, if the owner of such land wishes that the residual plot should also be acquired by the executing agency. 4. A monthly subsistence allowance equivalent to ₹3,000.00 per month for a period of one year from the date of award will be provided. 5. Compensation for affected plants and trees will be provided at market value. (refer to #6 of the Matrix)¹⁴ 6. All fees, stamp duties, taxes, and other charges, as applicable under 	<ul style="list-style-type: none"> • If land-for-land is offered, (i) ownership will be in the name of original landowners, (ii) joint ownership in the name of husband and wife will be offered in case of non-female-headed households. • Charges will be limited to those for land purchased within a year of compensation payment and for land of equivalent size. • Vulnerable households will be identified during the census conducted by the PIU/ DSC • The preferred compensation for displaced scheduled tribe families having land in the earlier settlement will be land for land. 	The market value/replacement value will be confirmed by the District Magistrate The DSC will verify the AHs determine assistance, and identify vulnerable households.

¹³ As per ADB SPS, the rate of compensation for acquired land and other assets will be at the full replacement cost, which will be calculated based on: (i) fair market value, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable taxes/duties/fees and payments, if any. Fair market value will be determined based on consultations with the displaced persons, surrounding land/property owners, record of recent, similar transactions, land value by type, availability of land in the project area/region and any other related information.

¹⁴ To be valued by persons experienced in the field of agriculture, horticulture forestry etc. as necessary.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the executing agency.</p> <p>7. One-time shifting assistance based on Resettlement Allowance of ₹50,000.</p> <p>8. All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</p> <p>9. Additional assistance/ compensation for vulnerable households (refer to #7 in this matrix).</p>		
1-a	Loss of private land	Homestead or mixed use land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not)	<ol style="list-style-type: none"> 1. Reimbursement of rental/lease deposit or unexpired lease; 2. Compensation at replacement cost for any investment made to the land; 3. One-time resettlement allowance of ₹50,000. 4. A monthly subsistence allowance equivalent to ₹3000.00 per month for a period of one year from the date of 	<ul style="list-style-type: none"> • Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease • Harvesting prior to acquisition will be accommodated to the extent possible. 	<p>PIU/DSC will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease,</p>

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>award will be provided.</p> <p>5. One-time financial assistance of ₹50,000 as transportation cost for shifting.</p>	<ul style="list-style-type: none"> Work schedule will avoid harvest season. 	<p>and report to PMU. Vulnerable households will be identified during the census conducted by the PIU/DSC.</p>
1-b	Loss or private land	Homestead or mixed use land or vacant plot	Encroachers/	<ol style="list-style-type: none"> Encroachers will be notified and given 60 days advance notice to remove their assets. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. Right to salvage material from the demolished structure at no cost. Additional assistance for vulnerable households (refer to #7 in this matrix). 	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted as part of the RP. 	<p>PMU will ensure provision of notice. PIU/DSC will identify vulnerable households.</p>
1-c			Squatters	<ol style="list-style-type: none"> Squatters will be notified and given 60 days advance notice to remove their assets. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. Right to salvage material from demolished structure at no cost. A lump sum shifting assistance of ₹10,000 will be provided Additional assistance for vulnerable households (refer to #7 in this matrix). 	<ul style="list-style-type: none"> 	
2	Loss of Governme	Vacant plot, Agricultural	Leaseholder	<ol style="list-style-type: none"> Compensation for unexpired lease; Compensation for any investment 	<ul style="list-style-type: none"> Vulnerable households will be identified during 	

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
	nt land	land, homestead land		<p>made to the land;</p> <p>3. One time resettlement allowance of ₹50, 000.</p> <p>4. Choice of annuity or employment as referred in #5 of the Matrix.</p> <p>5. All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition</p> <p>6. Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to Rs.3000 per month for a period of one year from the date of award.</p> <p>7. One-time financial assistance of ₹50,000 as transportation cost for shifting</p> <p>8. Additional assistance for vulnerable households (refer to #7 in this matrix).</p>	the census conducted by the PIU/DSC.	
2-a	Loss of Governme	Vacant plot, RoW of road	Encroachers	1. Encroachers will be notified and given 60 days advance notice to	<ul style="list-style-type: none"> Vulnerable households will be identified and 	PMU will ensure provision of notice.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
	nt land			<p>remove their assets.</p> <p>2. Compensation at replacement cost for any investment made to the land;</p>	provided assistance as required (see entitlement # 7 of this matrix).	PIU/DSC will identify vulnerable households.
2-b	Loss of Government land	Vacant plot, RoW of road	Squatters	<p>1. Squatters will be notified and given 60 days advance notice to remove their assets.</p> <p>2. A lump sum shifting assistance of ₹10,000 will be provided.</p>	<ul style="list-style-type: none"> Vulnerable households will be identified and provided assistance as required 	<p>PMU will ensure provision of notice.</p> <p>PIU/DSC will identify vulnerable households.</p>
3	Loss of residential structure	Residential structure and other assets	Legal Titleholder of affected structure/ those without homestead land ¹⁵	<p>1. If a house is lost in rural area a constructed house shall be provided as per the Indira Awas Yojana specifications OR equivalent cost of the house.</p> <p>2. In urban areas, a constructed house shall be provided, which will be not less than 50 square meters in plinth area OR a one-time financial assistance for house construction, which shall not be less than ₹150,000.</p> <p>3. The replacement value of the structure, will be provided, calculated as per the latest prevailing Basic Schedule of Rates (BSR) without depreciation;</p> <p>4. Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section.</p> <p>5. One-time financial assistance of ₹50,000 as shifting allowance;</p> <p>6. A monthly subsistence allowance</p>	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted by the PIU/DSC. 	<p>The concerned District Magistrate will confirm the market value / replacement value. The PIU/DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.</p>

¹⁵ Who have been residing in the area continuously for a period of not less than three years preceding the date of notification

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>equivalent to ₹3000.00 per month for a period of one year from the date of award will be provided</p> <p>7. Right to salvage material from the demolished structure at no cost;</p> <p>8. If relocation required, rental assistance at ₹5,000 per month till alternative house is ready;</p> <p>9. Each affected family shall be given a one-time Resettlement Allowance of ₹50,000 only.</p> <p>10. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by executing agency.</p>		
3-a	Loss of residential structure		Tenants and leaseholders	<p>1. Rental assistance at ₹5,000 per month for 3 months.</p> <p>2. One-time financial assistance of ₹50,000 as shifting allowance.</p> <p>3. A monthly subsistence allowance equivalent to ₹3,000.00 per month for a period of one year from the date of award will be provided</p> <p>4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount;</p> <p>5. Any advance deposited by the tenant to the landlord will be deducted from land lord/ owner's total compensation package on submission of documentary evidences; and</p> <p>6. Right to salvage material from demolished structure, erected by tenants.</p> <p>7. Compensation for rental deposit or unexpired lease.</p>	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/DSC. • Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	The PIU/DSC will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
3-b	Loss of residential structure	Residential structure and other assets	Encroachers, Squatters, and informal settlers	<p>8. Additional compensation for vulnerable households (item # 7)</p> <ol style="list-style-type: none"> 1. Encroachers/squatters will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures or part thereof at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation; Cash compensation for repair of partially affected structure. 3. Right to salvage material from the demolished structure at no cost. 4. A lump sum shifting assistance of ₹10,000 will be provided, each time affected household is required to relocate. 5. Cash assistance towards rental subsidy for a period of time until alternate means of access to housing available. 6. Additional compensation for vulnerable squatter households (item # 7) 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/DSC. • . 	The PIU/ DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4	Loss of commercial structure	Commercial structure and other assets	Legal titleholders	<ol style="list-style-type: none"> 1. The replacement value of the structure without depreciation, subject to a minimum of ₹25,000; 2. One-time Resettlement Allowance of ₹50, 000. A monthly subsistence allowance equivalent to ₹3000.00 per month for a period of one year from the date of award will be provided. 3. Right to salvage material from the demolished structure at no cost; 4. One-time financial assistance of 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/DSC. 	The market value/replacement value will be confirmed by the District Magistrate. The PIU/ DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				₹50,000 as transportation allowance. 5. Rental assistance for 3 months, equivalent to the space/ location lost at prevalent market rate. 6. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the executing agency. 7. Additional compensation for vulnerable households (item # 7)		households.
4-a	Loss of commercial structure and other assets	Commercial structure and other assets	Tenants and leaseholders	1. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 2. One-time financial assistance of ₹50,000.00 as transportation/shifting allowance. 3. A monthly subsistence allowance equivalent to ₹3,000.00 per month for a period of one year from the date of award will be provided 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount; 5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; 6. Right to salvage material from demolished structure, erected by tenants 7. Compensation for rental deposit or unexpired lease. 8. Additional compensation for vulnerable households (item 7)	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/ DSC. • Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	The PIU/ DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4-b	Loss of		Encroachers	1. Encroachers will be notified and	• Vulnerable households	The PIU/ DSC will

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
	commercial structure		and squatters	<ol style="list-style-type: none"> 1. given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation; cash compensation for repair of partially affected structure. 3. Right to salvage material from the demolished structure at no cost. 4. A lump sum shifting and transitional assistance of ₹10,000 will be provided 5. Cash assistance towards rental subsidy for a period of 3 months. 6. Additional compensation for vulnerable squatter households (item # 7). 	will be identified during the census conducted by the PIU/ DSC.	verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
5	Loss of livelihood/ income source	Permanent loss of livelihood	Owner/tenants and leaseholders/ sharecroppers (whether having written tenancy/lease documents or not)	<ol style="list-style-type: none"> 1. In case of loss of livelihood (total income loss from major source): Choice of annuity or employment – the following options are to be provided: <ol style="list-style-type: none"> (a) where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) onetime payment of ₹500,000 per affected family; or (c) annuity policies that shall pay not less than ₹2,000.00 per 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census conducted by the PIU/ DSC. 	The PIU/ DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>month per family for 20 years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <p>2. In case of total loss/partial loss of income: Preference for employment opportunity for APs in the project construction work, if so desired by them.</p> <p>Training would be provided for income generating vocational training and skill improvement options based on the choice of the affected person at ₹20,000¹⁶ per family. This cost would be directly paid by the project to the training institute OR purchase of income generating assets up to ₹40,000¹⁷.</p>		
5-a	Loss of livelihood		Persons facing loss of income from business/trade/craft/skill	<p>1. One time grant of a minimum of ₹25,000¹⁸ for self-employed persons, artisans, small traders etc.</p> <p>2. Choice of annuity or employment – the following options are to be provided: (a) where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in</p>	<ul style="list-style-type: none"> Vulnerable households will be identified and provided assistance as required 	

¹⁶ The Vocational Training Programme by the Industrial Training Institutes provides training on a number of trades, under the Directorate general of Employment and Trade, Ministry of Labour and Employment, GOI. Additional cash assistance will be provided during the training period to make up for income loss of working members. The additional cash assistance will be calculated based on prevailing minimum wage rates for semi-skilled labor in urban Bihar for three months.

¹⁷ This is an estimate. The income generating asset will be skill related. However, the assets will be decided on a case to case basis.

¹⁸ Based on the RFCTLARRA.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) onetime payment of ₹500,000 per affected family; or (c) annuity policies that shall pay not less than ₹2,000.00 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.		
5-b	Loss of livelihood		Wage-earning employees affected due to displacement of commercial structure (those working in businesses such as petty shops, eateries)	<ol style="list-style-type: none"> 1. One-time financial assistance for lost income based on 6 months subsistence allowance at ₹18,000¹⁹ per affected person. 2. Preference for employment opportunity for Affected Persons in the project construction work, if so desired by them. 	<ul style="list-style-type: none"> • Vulnerable households will be identified and provided assistance as required 	
6	Loss of trees and crops	Standing trees	Legal titleholder, Leaseholder	<ol style="list-style-type: none"> 1. Affected person will be notified and given 60 days advance notice cut/clear the affected trees. For fruit trees 6 months' notice is to be given. 2. Compensation for trees at prevalent market rates,²⁰ to be calculated as annual net product value multiplied by number of productive years remaining. 3. Compensation for one-year net harvest for seasonal fruit trees at 	<ul style="list-style-type: none"> • Harvesting prior to acquisition will be accommodated to the extent possible • Work schedules will avoid harvest season. • Market value of trees has to be determined. • Vulnerable households will be identified and provided assistance as 	PMU through PIU will ensure provision of notice. The valuation of trees and compensation rates will be finalized on the basis of market survey or on the basis of valuation by the Horticulture/Forest/Agriculture Department

¹⁹ Based on 6 months of subsistence allowance. In the RFCTLARRA the subsistence allowance for titleholders is Rs.36, 000 for a year. In this case 50% of given amount is provided for non-titleholders.

²⁰ Valued by an experienced person in the field of horticulture/forestry etc.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>prevalent market rates.</p> <p>4. Compensation at market value of timber in case of timber-bearing trees.</p> <p>5. For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years.²¹</p>	required	and in consultation with APs
6-a	Loss of trees and crops	Standing crops and trees	Encroachers/squatters	<p>1. Encroachers and squatters will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest seasonal crops and fruit trees.</p> <p>2. Compensation will be given for standing crops/ trees planted by non-titleholders.</p>	<ul style="list-style-type: none"> Harvesting prior to acquisition will be accommodated to the extent possible Work schedules will avoid harvest season. Market value of trees/crops has to be determined. Vulnerable households will be identified and provided assistance as required 	DSC in consultation with Agriculture/Forest Department officials or with experts in the respective fields.
7	Impacts on vulnerable APs	All permanent impacts	Vulnerable APs ²²	<p>1. In case of total loss of private land and a total dependency on agriculture, land-for-land compensation, if signified by the affected persons.</p> <p>2. Additional one-time lump sum assistance of ₹36,000 (calculated for</p>	<ul style="list-style-type: none"> Vulnerable households will be identified during the census conducted/supervised by the DSC. If land-for-land is offered, ownership in 	The PIU/DSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable

²¹ To be valued by persons experienced in the field of horticulture forestry etc. as necessary.

²² The following vulnerability criteria are identified in the context of Bihar: (1) households belonging to most backward communities; (2) head of household is a woman; (3) head of household is illiterate; (4) head of household is a daily wage labourer, (5) below poverty line household; (6) household with disabled family members; and (6) household living in a kutch house. ADB's Facility Administration Manual for BUDIP MFF states that "more vulnerable" households are those that meet 5 or more of the above-mentioned vulnerability criteria. Implicit in the definition is that households meeting fewer criteria are also vulnerable, albeit to a lesser degree, and are require additional support/assistance. In addition to the above criteria, children, landless households, elderly-headed households, disabled-headed households, indigenous people and those without legal title will be identified as vulnerable. The chief wage earner in a household is considered as the household head.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				<p>12 months subsistence allowance) per vulnerable family will be paid. This will be over and above the other assistance given in this framework.</p> <p>3. Vulnerable households will be given priority in employment in project construction activities.</p> <p>4. All Scheduled Castes and Scheduled Tribes relocated outside the district will be provided an additional 25% of the resettlement benefits to which they are entitled along with a onetime resettlement entitlement of ₹50,000 per the provisions of the RFCTLARRA.</p> <p>5. Provision for project operation related training and employment, OR, skill training for displaced vulnerable persons, including assistance for purchase of income generating assets and initial capital of ₹40,000/ -</p>	<p>the name of original landowner(s).</p> <ul style="list-style-type: none"> • 	households.
8	Temporary loss of land	Land temporarily required for project activities	Legal titleholders Legal titleholder/ traditional land rights/ non-titleholders	<ol style="list-style-type: none"> 1. Compensation for loss of trees at current market value. 2. Restoration of land to its previous or better quality. 3. Affected households will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest fruit trees. 4. Provision of rent for the period of occupation 5. Compensation for damaged assets at replacement value 6. Restoration of land to its previous or better quality. 	<ul style="list-style-type: none"> • Arrangement by the contractor on the activities to be taken up. • Impacts if any on the structures, assets and plantation due to the temporary occupation. • Extent of rehabilitation, restoration of the site. 	<p>The rental value and duration of lost income will be determined through survey and consultation with APs. A photograph of the pre occupation to be made by the PIU. ESMC PMU and PIU/DSC will ensure that the compensation is paid prior to handing over of site to the owner. The site will be taken up by the contractor</p>

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
						after consent of PMU.
8-a	Structures temporarily required for project activities		Legal titleholders/ non-titled holders building owners	<ol style="list-style-type: none"> 1. Advance notice of at least 4 weeks 2. Assistance to shift to nearby alternate sites for continued daily activities e.g. economic activity, children's schooling, etc. 3. Assistance to shift back once construction completed 4. Compensation for damaged assets at replacement value without depreciation 5. Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities 6. Subsistence/relocation allowance at ₹3,000 per month for 3 months, if temporarily displaced for more than 1 month. 		ESMC of PMU will be responsible for assistance and monitoring, and will be supported by PMC.
9	Temporary disruption of livelihood	Commercial and agricultural activities	Legal titleholders, tenants, leaseholders, sharecroppers, employees, hawkers or vendors.	<ol style="list-style-type: none"> 1. 30 days advance notice regarding construction activities, including duration and type of disruption. 2. Cash assistance based on the minimum wage for the loss of income/livelihood for the period of disruption 3. For construction/other activities involving disruption for a period of a month or more, provision of alternative sites for hawkers and vendors for continued economic activities. If not possible, additional allowance based on minimum wage rate for vulnerable households for 1 month or the actual period of disruption whichever is more. 	<ul style="list-style-type: none"> • During construction, the PIU will identify alternative temporary sites to the extent possible, for vendors and hawkers to continue economic activity. • PIU will ensure civil works will be phased to minimize disruption through construction scheduling in co-ordination with the contractors and the DSC 	Alternative locations, if any will be identified for the said duration of disruption.
10	Loss and	Common	Communities,	1. The contractor shall follow the	-	PIU, DSC and

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
	temporary impacts on common resources	resources	Government Agencies	<p>provisions in this entitlement matrix for any impact on structure or land due to movement of machinery during construction or establishment of construction plant.</p> <ol style="list-style-type: none"> 2. Compensation for trees as per the market rate. 3. Time bound restoration of land to its previous or better quality. 4. The contractor will maintain access to businesses (e.g., planks, keeping traffic flow, pedestrian access, no full street closures, etc.). 5. Replacement or restoration of the affected community facilities – including public water stand posts, temples, shrines, bus shelters etc. 6. Enhancement of community resources 7. Affected households from indigenous people communities to be provided additional one-time financial assistance equivalent to 500 days' minimum agricultural wages for loss of customary rights or usage of forest produce; in case of temporary impacts/loss of access, minimum agricultural wages for the period of disruption. 		Contractor.
11	Any other loss not identified	-	-	<ol style="list-style-type: none"> 1. Any unanticipated impacts of the project will be documented and mitigated based on the spirit of the principles agreed upon in this Resettlement Framework and the RFCTLARRA. 2. Unanticipated involuntary impacts will be documented and mitigated 	- The PIU/ DSC will ascertain the nature and extent of such loss. The PMU with PMC support, will finalize the entitlements in line with ADB involuntary resettlement policy.	The PIU/ DSC will ascertain the nature and extent of such loss. The ESMC PMU will finalize the entitlements in line with ADB involuntary resettlement policy.

S. No	Type of loss	Application	Definition of entitled person	Compensation policy	Implementation issues	Responsible agency
				based on the principles provided in the ADB involuntary resettlement Policy.		

ADB = Asian Development Bank, AHs = affected households, APs = affected persons, DSC = design supervision consultant, ESMC = Environment and Social Management Coordinator, PIU = project implementation unit, PMU = project management unit.

VII. SOCIO-ECONOMIC INFORMATION AND RESETTLEMENT PLAN PREPARATION

A. Methodology for Social Impact Assessment Surveys

35. The SIA surveys will be undertaken in each subproject. The project management unit's (PMU) Environment and Social Management Coordinator (ESMC), through its project management consultants (PMC) who will include a Resettlement Specialist will undertake surveys for each identified subproject, based on preliminary technical design. The PMU will be supported by the project implementation units (PIUs). The SIA will determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a rehabilitation program for implementation. The SIA surveys will comprise:

36. **Census.** The purpose of the census is to register and document the status of potentially affected persons²³ within the subproject impact area. The census will cover 100% of affected persons. The census will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood. Guidelines and procedures for conducting the census and managing the database are provided in Annex 5. The census will help prepare a detailed inventory of losses for each affected person in terms of type and extent of impact with respect to land, structure, livelihoods and access to common property resources, if any. The date of census will also be the cut-off date for identification of eligible affected persons.

37. **Baseline Socio-economic Sample Survey.** The purpose of the baseline socio-economic sample survey conducted after the census, is to establish monitoring and evaluation parameters. Survey results will be used as a benchmark for monitoring the socio-economic status of affected persons. The survey will cover 10% of affected persons and 20% of significantly affected persons.²⁴ The survey will also collect gender-disaggregated data to address gender issues in resettlement. The survey will carry out the following: (i) preparation of accurate maps of the subproject area; and (ii) analysis of social structures and income resources of the population.

38. **Inventory of losses and assessment of land losses.** The inventory of losses for each affected person including land will be prepared based on the data collected from the census about the type and extent of impact on each affected person. It will include all types of losses incurred by affected persons like area of land to be acquired, survey numbers (*Khatha* and *Khasra* numbers), type and area of affected structures, number of affected trees by type, area of crop production, loss of income and/or livelihood, loss of employment, etc.

C. Methods for Valuing Affected Assets

39. Land acquisition and resettlement impacts will be compensated in accordance with the entitlement matrix (Table 1). Loss of assets will be at replacement cost. A Valuation Committee will be constituted comprising the District Collector, District Land Acquisition Officer and subordinate accounts staff, the Resettlement Officer of the PIU, representatives of PIU and Public Works Department, affected persons and NGO to determine replacement values. The

²³ The potentially affected persons will include both titleholders and the non-titleholders within the subproject construction zone. Identity of non-titleholders will be based on legal documents, such as ration card, voter's ID, etc., if available. In the absence of supporting legal documents, information from the community will be considered.

²⁴ Resettlement is significant when 200 or more people experience major "impacts" defined as involving affected person being physically displaced from housing and/or having 10% or more of their productive, income generating assets lost.

Valuation Committee will consult the Agriculture Department, Horticulture Department, Forest Department and other relevant government departments to determine compensation at market value.

D. Methods for Determining Replacement Cost

40. All affected assets will be compensated at replacement cost. This includes elements required per SPS, para10 SR11, such as fair market value, transaction costs, interest accrued, transitional and restoration costs, and other applicable payments, if any. The Valuation Committee will facilitate the valuation of land and immovable properties,²⁵ including structures and assets, as follows:

- (i) Land. The Valuation Committee will determine the replacement value by undertaking a land market survey with the objective of ascertaining prevailing market values²⁶ of land in comparison with LAA determined values. Vulnerable households will be provided additional assistance in the form of land-for-land replacement options. The replacement value of land will be finalised by the Valuation Committee in consultation with affected persons.

41. The Valuation Committee will facilitate the valuation of immovable properties,²⁷ including structures and assets, as follows:

- (ii) Residential and Commercial Structures. The replacement value of structures and other immovable properties will be finalized by the Valuation Committee through verification that the Basic Schedule of Rates (BSR) published for the state is up to date. If the BSR is not up to date, the Valuation Committee will undertake a market survey to update the BSR rates to current replacement value.
- (iii) Trees and Crops. Compensation for trees will also be based on the current market value of timber for timber trees, the annual net product market value multiplied by remaining productive years for perennial crops and fruit trees. The market value of standing crops will be finalized by the Valuation Committee in consultation with the Department of Forest, Horticulture, or Agriculture.
- (iv) Other Assets. Compensation for assets such as wells, irrigation units, etc., will be based on replacement value. The Valuation Committee will estimate this through detailed market surveys.

42. Compensation and assistance to affected persons must be made prior to possession of land or assets and prior to the award of civil works contracts.²⁸

²⁵ Vulnerable households will be provided additional assistance in the form of preference for employment in subproject construction activities and skills training.

²⁶ The prevailing market values are influenced by various factors such as location of land, connectivity, and classification/land use, type of soil, crops grown, available irrigation and other facilities, and other plus and minus points such as frontage to road, proximity to developed areas, regularity of shape, unevenness of land, etc.

²⁷ Vulnerable households will be provided additional assistance in the form of preference for employment in subproject construction activities and skills training.

²⁸ The affected persons will hand over land and properties acquired free from all encumbrances such as mortgage, debt, etc. after compensation. However, in case there are loans on acquired land and properties such amounts will be deducted from the total compensation. The acquired land and properties will vest in the Competent Authority paying compensation for such lands/properties. If the Competent Authority fails to pay decided compensation to affected persons within a year after the date of notification, additional amount by way of interest (12%) will apply on final compensation payable to each affected person, unless and except in cases where the affected person has approached the judiciary for grievance redress.

E. Preparation of Resettlement Plans

43. Resettlement plans will be prepared based on the results of the census and from information drawn from the baseline socio-economic sample survey; the database on affected persons should be complete before resettlement plan preparation. Resettlement plan preparation will be governed by the involuntary resettlement impacts identified during the census. All resettlement plans will be reviewed and approved by ADB prior to the award of any contracts related to the subproject.

44. Resettlement plans will be prepared by the PMU through the PMC Resettlement Specialist with assistance from the PIU Resettlement Officer. Resettlement plans will be prepared in consultation with affected persons, local representatives, and NGOs. Resettlement issues will be coordinated by ESMC of the PMU, who will ensure that all subprojects comply with involuntary resettlement safeguards in this resettlement framework. Since resettlement is a continuous process and baseline data/information will be collected, the implementing NGO will regularly update the baseline information.

45. The draft resettlement plan will be shared with affected persons and host communities, and revised to reflect their views. This will be done through the NGO engaged to implement the resettlement plan. The resettlement plan will be prepared in local language or translated and disclosed to affected persons and the public through posters and/or resettlement information handouts. The completed resettlement plan will include the census of affected persons and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, GRM, and participatory results monitoring mechanisms. The resettlement plan should be broadly structured in the following manner:

- (i) Project Description;
- (ii) Scope of Land Acquisition and Resettlement;
- (iii) Socio-economic Information and Profile (gender-disaggregated);
- (iv) Information Disclosure, Consultation, and Participation;
- (v) Grievance Redress Mechanisms;
- (vi) Legal Framework;
- (vii) Entitlements, Assistance, and Benefits;
- (viii) Relocation of Housing and Settlements;
- (ix) Income Restoration and Rehabilitation;
- (x) Resettlement Budget and Financing Plan;
- (xi) Institutional Arrangements;
- (xii) Implementation Schedule; and
- (xiii) Monitoring and Reporting Procedures.

F. Gender Impacts and Mitigation Measures

46. In accordance with the gender action plan prepared for the project, the resettlement plan will formulate measures to ensure that socio-economic conditions, needs and priorities of women are identified and the process of land acquisition and resettlement does not disadvantage women. The resettlement plan will ensure that gender impacts are adequately addressed and mitigated. Women's focus group discussions will be conducted to address issues specific to women. During disbursement of compensation and provision of assistance, priority will be given to female-headed households. For replacement land or assets, joint ownership in the name of husband and wife will be provided in cases of male-headed

households. Gender issues are further addressed through the gender action plan prepared for the project.

VIII. COMPENSATION, INCOME RESTORATION, ASSISTANCE, AND RELOCATION

A. Income Restoration and Compensation

47. Long-term income loss is not anticipated. However, if a subproject results in income loss, income restoration schemes will be designed in consultation with affected persons. The strategy for income restoration will be prepared prior to land acquisition. Based on the information collected from the census and the socio-economic surveys, income restoration strategies will be framed and activities planned. The PMU and PIU will consider the resource base of affected persons and their socio-economic characteristics and preferences to develop appropriate income restoration schemes.

48. The objective of income restoration is to ensure that each affected person will have at least the same or improved income after the subproject. An implementing NGO may be engaged to support the PIU in this regard. In that case, the implementing NGO will identify the number of eligible affected persons based on the 100% census of the affected persons and will conduct a training needs assessment in consultation with affected persons. The implementing NGO will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by the local NGO in consultation with local training institutes. The PIU will undertake these tasks in case no implementing NGO is engaged under the program.

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

50. Key steps to be undertaken in livelihood skills training by the implementing NGO for vulnerable households are:

- (i) Identification of affected, vulnerable households through the census and socio-economic survey of affected persons.
- (ii) Identification of potential trainees and training needs assessment for vulnerable households, which would require a detailed survey and assessment of the literacy, educational level, and/or skill sets of one member of the household nominated for skill training. The needs assessment will also document income from various sources, assets, resources, and coping strategies currently used by the household. The strategy will improve or maximize returns from present occupation of the principal earning member or introduce a new or supplementary occupation aimed at achieving the right mix of activities in order to enable the

household to improve or maintain its living standards. Baseline details will be documented in order for post-training impact assessment.

- (iii) Identification of local trainers, resource persons or training institutes by the NGO. A maximum time frame of three months is planned for training.
- (iv) Monitoring of training and submission of progress reports.
- (v) Post-training impact assessment conducted one year after project implementation. Indicators will be developed during detailed design stage.

51. In addition to livelihoods skills training, the following special measures to help vulnerable affected persons improve their living standards/skills to improve their quality of life, are provided:

- (i) In case of total loss of business, apart from skills training for vulnerable households, assistance for purchase of income generating assets (maximum Rs40,000/per household) will be provided.
- (ii) Vulnerable households will be given priority in project construction employment.
- (iii) In recognition of the fact that illiterate women, men and child labor comprise a fairly large proportion of temporarily affected persons,²⁹ the investment program will provide them an opportunity to attend a literacy and/or numeracy camp, if the proposed demand survey for a camp reveals a felt need among the target group.

B. Assistance for Temporary Impacts

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

- (i) Rent for the period of occupation for legal titleholders.
- (ii) Compensation for assets lost at replacement value, including compensation for tree and crop loss in accordance with the entitlement matrix.
- (iii) Restoration of land to previous or better quality.
- (iv) Restoration or replacement of common resources.

53. Subprojects requiring work on rights-of-way (ROW) such as rehabilitation or construction of water supply and sewerage networks are not expected to require land acquisition or affect structures. However, there are possible minimal impacts on access and livelihood. affected persons will be provided with:

- (i) 30 days advance notice regarding construction activities, including duration and type of disruption.
- (ii) Contractor's actions to ensure there is no income or access loss consistent with the IEE. 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 workforce to finish work in areas with impacts on access; timing of works to reduce disruption during business hours; phased construction schedule; and working one segment at a time and one side of the road at a time.
- (iii) Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity. For example, assistance to shift to the other side of the road where there is no construction.

²⁹ Based on results of transect walks in Bhagalpur, 20% of temporarily affected persons comprise illiterate women, child labour and below poverty line households.

54. For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance for the period of disruption, whichever is greater, is to be given.

C. Relocation

55. The entitlement matrix of this resettlement framework (Table 1) provides for compensation at replacement value or land-for-land where feasible to legal titleholders and to vulnerable households, if signified by the affected person. Fees, taxes, and other charges related to replacement land (applicable to all parcels of replacement land, which totals the equivalent area of land acquired, if parcels of non-contiguous land are bought due to the unavailability of one contiguous parcel) are also payable to the affected person.

56. In accordance with ADB's SPS, should there be any physical displacement or resettlement, the existing social and cultural institutions of affected persons (resettled populations) and host populations will be supported to the maximum extent possible. Resettled population will be economically and socially integrated into host communities so that adverse impacts on the latter are minimized. Concerns of affected persons and host communities will be understood through consultations and systematically recorded and addressed in the resettlement plan. In addition, benefits of the project will be extended to host communities to ensure integration; the resettlement plan will explain how integration with host populations will be achieved.

IX. CONSULTATION, PARTICIPATION AND DISCLOSURE

57. Comprehensive planning is required to assure that local government, communities, host population and project staff interacts regularly and purposefully in all stages of the Program. Aiming at promotion of public understanding and fruitful solutions to address the local needs of the communities and issues pertaining to resettlement, various sections of APs and other stakeholders were consulted through focus group discussions (FGD), meetings and individual interviews. The opinions of the stakeholders and their perceptions were obtained during these consultations. This approach adopted towards the formulation of the framework would be continued during the program implementation. The following will be the key stakeholders who will be consulted with at various stages of the program implementation:

- (i) All affected persons (APs), program beneficiaries, including representatives of vulnerable households;
- (ii) decision makers, policy makers, elected representatives of people, community members, eminent citizens etc.;
- (iii) staff of ULB, PIU, PMU etc.;
- (iv) officials of the revenue department, land and land reforms department, social welfare department etc.; and
- (v) representatives of the various state government departments, as required.

58. Towards enhancing public awareness on the improvement of infrastructure services and the potential benefits in the quality of life, awareness campaigns are proposed. These will be campaigns at the community level, door-to-door dissemination of information and promotion of neighbourhood groups to take up public health and environmental improvement initiatives in their localities.

59. It is envisaged that during program implementation, this consultative process will be carried forward to ensure that the affected population and other stakeholders are informed, consulted, and allowed to participate actively in the development process. This will be done throughout the Program, during preparation, implementation, and monitoring of project results and impacts. During implementation and monitoring, information will be disseminated to APs and other key stakeholders in appropriate ways. This information will be prepared in the local language, as required, describing the main Program features including the entitlement matrix.

D. Consultation

60. 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: in-depth interviews, public meetings, group discussions etc. To understand the socioeconomic profile of city residents, questionnaires were designed and information collected from individuals on a one-to-one basis. The consultations will be held with special emphasis on vulnerable groups.

61. The key stakeholders to be consulted during subproject preparation, resettlement plan/ Environmental Management Plan (EMP) implementation and subproject implementation include:

- (i) Affected persons and program beneficiaries;
- (ii) Elected representatives, community leaders, religious leaders and representatives of community-based organizations (CBOs);
- (iii) Local NGOs and CBOs;
- (iv) Local government and relevant government agency representatives, including state and local authorities responsible for land acquisition, protection and conservation of forests and environment, archaeological sites, religious sites, tourism authorities and other relevant government departments such as Public Health Engineering Department (PHED);
- (v) Residents, shopkeepers and business people who live and work alongside the roads where pipes will be laid and near sites where facilities will be built;
- (vi) Custodians, and users of socially and culturally important buildings;
- (vii) Major project stakeholders such as women, trader's association, etc.
- (viii) Government agencies and departments;
- (ix) Project proponents (Urban Development and Housing Department [UDHD] and BUIDCo), PMU and PIU staff, implementing NGO and consultants; and
- (x) ADB and Government of India.

62. The implementing NGOs will ensure that views of affected persons, particularly the vulnerable, related to the resettlement process are looked into and addressed. The NGOs will also ensure that affected persons consulted are informed of the outcome of the decision-making process, and will confirm how their views were incorporated.

63. Stakeholder consultation and participation (C&P) is part of the project preparation and implementation strategy. A C&P Plan has been prepared for the project. Stakeholders contributed to subproject selection and prioritization and their contribution will be continuously solicited during detailed design, and planning, implementation, and post-implementation phases. By addressing stakeholder needs, there is greater awareness of the benefits, and ownership of the project among stakeholders, which in turn contributes to project sustainability.

The consultation process so far has solicited inputs from a wide range of stakeholders, including state and ULB level government officials, experts and researchers³⁰ including gender specialists,³¹ NGOs, elected representatives, residents of sample towns, marginalized/vulnerable beneficiary groups, and project affected persons.³² Public participation has been generated through the use of various methods, such as, stakeholder consultation meetings, FGDs with different groups (including women), key informant interviews etc. This also helped people in different areas within the cities to (i) know about the Program, and (ii) express their opinion regarding project priorities.

64. Each resettlement plan will be prepared and implemented in close consultation with stakeholders and will involve focus group discussion (FGD) and meetings, particularly with affected households. Census of households and individuals located within the Program will be undertaken to register and document the status of the potentially affected population within the impact area. It will provide a demographic overview of the population served by the resettlement plan and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected population within the project impact area. Consultations with APs during resettlement plan preparation will ensure that views of APs on compensation and rehabilitation measures are fully incorporated while consultations conducted during RP implementation will identify help required by APs during rehabilitation.

65. The effectiveness of the resettlement and rehabilitation process is directly related to the degree of continuing involvement of those affected by the sub-project. The ESMC PMU and concerned PIU will ensure that APs and other stakeholders are informed and consulted about the sub-project, its impact, their entitlements and options, and allowed to participate actively in the development process. This will be done particularly in the case of vulnerable individuals and groups, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the sub-project life—during preparation, implementation, and monitoring of sub-project results and impacts.

66. The PMU/DSC specialist will ensure that any views of APs, particularly vulnerable APs, related to the resettlement process are looked into and addressed. The PIU/DSC will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. Since resettlement and rehabilitation is a continuous process and a baseline data/information is available, the PIU in consultation with DSC will update the baseline information as and when required.

E. Disclosure

67. Information will be disseminated to APs at various stages. In the sub-project initiation phase, the ESMC at PMU will be responsible for issuing the public notice to acquire a particular land/property for the sub-project along with program information/details. The notice will be

³⁰ For example, consultations were held with academicians and researchers in Bhagalpur University, involved in research on environmental issues and Gangetic dolphin conservation, on potential impacts of the proposed Bhagalpur water supply subproject on the ecology, river ecosystem and endangered species.

³¹ A focus group discussion on integration of gender issues in project design was held in Patna with four local NGOs, namely, Taru Mitra, Asian Development Research Institute, Participatory Research in Asia and Nav Manas Kalyan Samiti on April 9, 2011, and with the Women's Development Corporation, Bihar on April 11, 2011. The discussions helped understand gender issues in the context of Bihar better; practical suggestions received from the NGOs have been incorporated into the Gender Action Plan for the investment program.

³² For example, discussions with potential affected persons during transect walks in Bhagalpur helped understand their concerns related to disruption of economic activities during festival seasons, when they have their highest sales. This has been incorporated in the resettlement plan for Bhagalpur Water Supply subproject.

published in local newspapers, twice with a one-week interval. The ESMC of the PMU along with local revenue officials/officials responsible for negotiated purchase/land donation will also conduct meetings with APs in addition to public notification to ensure that information is given to all APs.

68. The UDHD/BUIDCo will submit to ADB the following documents for disclosure on ADB's website:

- (i) A draft resettlement plan and/or resettlement framework endorsed by UDHD and ADB before project appraisal;
- (ii) The final resettlement plan endorsed by UDHD and ADB after the social impact assessment is completed;
- (iii) A new resettlement plan or an updated resettlement plan and any corrective action plan prepared during project implementation, if any; and
- (iv) Resettlement monitoring reports.

69. The executing agency will provide relevant resettlement information in a timely manner, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders, as detailed in the following section. For illiterate people, other suitable communication methods will be used, such as public announcements in the local weekly market place.

70. For Tranche 1, a workshop was undertaken to disclose the resettlement framework and draft resettlement plan. These two documents were in local language. These documents were also placed in the municipal office, revenue department, and *Bihar Rajya Jal Parishad* (BRJP). These will be also be placed in the PIU office once established and in public libraries.

71. For Tranche 2 and future subprojects, information was and will be disseminated to affected persons at various stages. In the initial stage, the PMU will be responsible for issuing public notices to acquire land required for subprojects and providing project information. The notice will be published in local newspapers, twice, with a one week interval. The PIU will conduct consultations and disseminate information to all affected persons. Resettlement plans will be translated into the local language and made available at offices of the: (i) ULBs; (ii) relevant local government line agencies; and (iii) PMU and PIUs. Resettlement plans will also be kept in the public libraries, accessible to citizens as a means to disclose the document and at the same time creating wider public awareness.

72. The resettlement framework and resettlement plans will also be disclosed in the following websites: PMU, PIU, state government, local governments, and ADB. The PMU will issue notification of implementation start dates for each subproject. The notice will be issued by the PMU in local newspapers one month ahead of implementation. This will create awareness of project implementation. Posters containing basic resettlement plan information will also be posted in different localities to increase awareness.

73. For the benefit of the community in general and APs in particular, the resettlement plan will be translated into local language and made available³³ at: (i) Main Office of ULB and concerned ward offices; (ii) District Magistrate Office; and, (iii) BUDIP PMU. Hard copies of the resettlement plan will be kept in the city library, accessible to citizens as a means to disclose the document and at the same time creating wider public awareness.

³³ In accordance with Operations Manual Section F2/BP on involuntary resettlement.

74. Electronic version of the resettlement framework/RPs will be placed in the official website of the PMU/ State Government and the official website of ADB after approval of the resettlement plan by the Government and ADB. The PMU will issue notification on the locality-wise start date of sub-project implementation. The notice will be issued by the PMU in local newspapers one month ahead of implementation works. This will create public awareness on program implementation. The PMU offices will provide information on resettlement principles and features of the resettlement plan. The basic information in the resettlement plan including sub-project locations, impact estimations, entitlements, implementation schedule etc. will be presented in the form of a brochure that will be circulated among APs. Posters designed to disseminate basic tenets of the resettlement plan will be distributed in different localities to generate mass awareness. Copies of the summary of the resettlement plan will be kept in the PMU office and will be distributed to any affected person wanting to understand the resettlement plan.

75. The resettlement framework will be made available in local language(s) during public meetings. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contract.

76. Information is disclosed through public consultation and more formally by making documents and other materials available in a form and at a location in which they can be easily accessed by stakeholders. This normally involves making draft reports available at public locations in the town or affected village *panchayat* and providing a mechanism for the receipt of comments, and making documents widely accessible through ADB's and the executing agency's website.

77. The C&P Plan identifies consultation and disclosure activities with specific reference to resettlement planning and implementation to be followed for each subproject and the institutions responsible.

78. An intensive information dissemination campaign for APs will be conducted by the PMU/ PIU with assistance of the ESMC and DSC, at the outset of resettlement plan implementation. All the comments made by APs will be documented in the sub-project records and summarized in sub-project monitoring reports. Copies of the ADB's Safeguard Policy Statement, 2009 and the resettlement plan will be made available, in both English and local language, at the ULB office for reference and study by the public.

Table 2: Summary of Consultation and Disclosure Activities

Sub-project Phase	Activities	Details	Responsible Agency
Sub-project Initiation Phase	Mapping of the sub-project area	Sub-project area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition	PMU in co-ordination with local land revenue office and ULB's local ward office.
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the sub-project.	PMU.

Sub-project Phase	Activities	Details	Responsible Agency
	Sub-project information dissemination; Disclosure of proposed land acquisition and sub-project details	Leaflets containing information on sub-project to be prepared. Public notice will mention the names and survey no's of titleholders of land/property proposed for acquisition along with sub-project details. Notice will be issued in local newspapers. Web disclosure on website also proposed.	PMU in coordination with local land revenue office will be involved in information dissemination. PMU will be assisted by consultants for leaflet preparation. Notice will be issued from the DC's office. executing agency to post notice on its website.
	Stakeholder Meetings	Meetings at community/household level with titleholders of affected land/property and their family members during project scoping.	PMU with officials from DC's/ First Land Acquisition Collector's office/local revenue officials will facilitate meetings to disclose the information to each affected person.
Resettlement Plan Preparation Phase	SIA surveys	Resettlement Framework will be made available in DC/ First Land Acquisition Collector office and PMU office, to be translated in local language	PMU will ensure the availability of resettlement framework.
	Formulating compensation measures and rehabilitation measures	Conducting discussions/ meetings/ workshops with all APs and other stakeholders	PMU will conduct all required discussions/ meetings/ workshops and will invite all secondary stakeholders.
	Disclosure of final entitlements and rehabilitation packages	Web disclosure of the resettlement plan. Circulating copies of RPs to all stakeholders including APs, translating summary resettlement plan in local language before conducting final disclosure meeting. Conducting public meetings for resettlement plan approval by APs.	ESMC PMU will undertake all activities related to circulation of resettlement plan. PMU will arrange public meeting of all stakeholders with APs for resettlement plan approval. Consultant will document all the comments and suggestions made by APs and will send it to the PMU along with the resettlement plan.

Sub-project Phase	Activities	Details	Responsible Agency
Resettlement Plan Implementation Stage	Disclosing final resettlement plan approved by ADB to all important stakeholders	Final resettlement plan reviewed and approved by ADB, to be updated/disclosed on the implementing agency/ executing agency's website. Ensuring the availability of copy of the approved resettlement plan and ADB involuntary resettlement policy at PMU and DC office.	executing agency/ PMU
	Consultation with APs during rehabilitation activities	Meetings/discussions will be arranged with APs. Households to identify help required by APs during rehabilitation.	DSC along with ULB ward level officials will arrange required meetings/discussions. Designated staff from the PMU will participate while the ESMC will monitor consultation activities.

ADB = Asian Development Bank, APs = affected persons, DSC = design supervision consultant, ESMC = Environment and Social Management Coordinator, PMU = program management unit,

X. GRIEVANCE REDRESS MECHANISM

A. Common Grievance Redress Mechanism

79. A common Grievance Redress Mechanism (GRM) will be put in place to redress social, environmental or any other project and/or subproject related grievances. The GRM described below has been developed in consultation with stakeholders, including affected persons and NGOs.³⁴ Customer Service Centres (CSC) proposed in each town, including a central CSC will serve as the focal points for registration of grievances. The APs will also be encouraged to lodge their complaints through phone or email or post and seek a complaint registration number either through the CSCs or directly, through the project grievance redress cell at PIU.

80. The Grievance Redress Mechanism provides an accessible, inclusive, gender-sensitive and culturally appropriate platform for receiving and facilitating resolution of affected persons' grievances related to the project. A Grievance Redress Cell will be established at PIU; the social safeguards officer of PIU, supported by the social safeguards expert and social mobilisers of DSC will be responsible for conducting periodic community meetings with affected communities to understand their concerns and help them through the process of grievance redressal including translating the complaints into Hindi or English from the local language, recording and registering grievances of non-literate affected persons and explaining the process of grievance redress mechanism. All expedient and minor grievances will be resolved at project level; should the PIU fail to resolve any grievance within the stipulated time period, the PMU will be consulted and suggested actions by PMU taken by PIU with DSC support, within specified time. PIU will also be responsible for follow-through for each grievance, periodic information dissemination to complainants on the status of their grievance and recording their feedback (satisfaction/dissatisfaction and suggestions).

³⁴ The draft Grievance Redress Process has been circulated and discussed with the following Bihar-based NGOs and research institutes working on environment, social and gender issues, for comments: Asian Development Research Institute, Participatory Research in Asia, Nav Manas Kalyan Samiti and Taru Mitra.

81. The GRM aims to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. All grievances – major or minor, will be registered. In case of grievances that are immediate and urgent in the perception of the complainant, the contractor, and supervision personnel from the PIU supported by DSC will try to successfully resolve them. In case of larger issues, they will seek the advice and assistance of the PMU. Grievances not redressed through this process within/at the project level within stipulated time period will be referred to the City Level Committee/Grievance Redress Committee.³⁵

82. City Level committees will be set up to monitor project implementation in each town. In its role as a Grievance Redress Committee (GRC), the CLC will meet every month (if there are pending, registered grievances), determine the merit of each grievance, and resolve grievances within specified time upon receiving the complaint-failing which the grievance will be addressed by the state-level Project Steering Committee (PSC). The PSC will resolve escalated/unresolved grievances received. Grievances related to land acquisition, rehabilitation and resettlement remaining unresolved by PSC will be referred by affected persons to the State Land Acquisition, Rehabilitation and Resettlement Authority, if constituted during the project period in the state, or, to appropriate courts of law.³⁶ The multi-tier GRM for the project is outlined below (Figure 1), each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required. The GRC will continue to function throughout the project duration. The PMU has issued a notification to tranche 1 and 2 project towns to establish the respective city level GRCs, with details of composition, process of grievance redress to be followed, time limit for grievance redress at each level, etc. **Appendix 3** provides a copy of the GRM notification issued in local language, which also specifies the time taken at each stage of the process.³⁷

83. The maximum time period of 30 days of redressing grievances at the project level will include the following specific actions and timeframes based on the date of receipt of the complaint or grievance: (i) acknowledge the letter of complaint or grievance within 5 days; (ii) issue a notice of meeting to the GRM panel within 10 days; (iii) hold GRM panel meeting and agree on a decision within 15 days; (iv) issue the decision within 20 days; (v) meet with the complainant to deliver the decision within 27 days; and (vi) allow complainant to respond within 3 days from receipt of the decision.

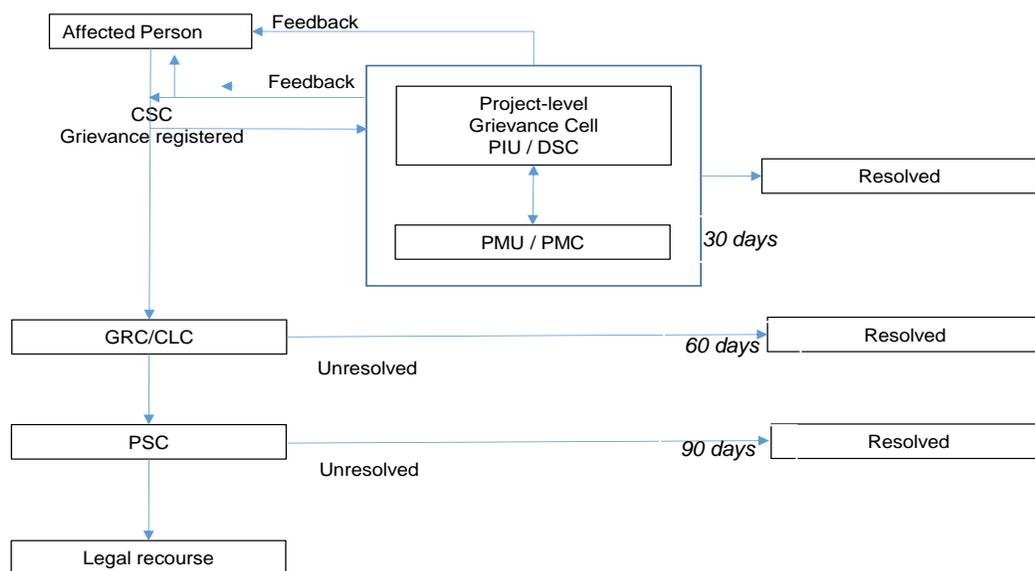
84. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB India Resident Mission (INRM). The complaint can be submitted in any of the official languages of ADB's DMCs. The ADB Accountability Mechanism information will be included in the PID to be distributed to the affected communities, as part of the project GRM.

³⁵ Grievances related to award of compensation can be addressed by the district collector's office and court of law.

³⁶ The land acquisition, rehabilitation and resettlement authority is required to be set up in every state as per LARR Act, 2013. The authority is not in place in Bihar yet. Until such time that the authority is constituted in the state, aggrieved parties will be able to directly approach the courts of law at any stage.

³⁷ A maximum time period of 30 days is allocated for project level grievance redress, 60 days for the GRC/CLC and 90 days for the PSC BUIDCO's resolution on project grievance redress process dated 27 May, 2015 is in **Appendix 3**; the time frame for project level grievance redress needs to be reviewed by the PMU to ensure compliance with this RF.

Figure 1: Project Grievance Redress Mechanism



CLC = city level committee, CSC = customer service center, GRC = grievance redress committee; GRM = grievance redress mechanism, PIU = project implementation unit, PMU = project management unit, PSC = project steering committee.

B. Composition of GRC and PSC

85. The CLC, acting as GRC will have District Magistrate (Chairperson), Mayor, Municipal Commissioner, Head, PIU (Convener), and City Level Heads of relevant departments (such as BRJP, Road Construction Department, PHED, Electricity Board, State Pollution Control Board, Police, etc. and departments such as Forest Department, Railways etc.); Chairpersons of the concerned Municipal Corporation's Standing Committee; ULB officials including Municipal Engineer, Town Planning Officer, Medical and Health Officer; representatives from the affected village *panchayat* and / or community, if any, eminent citizens, CBOs and NGOs. The GRC/CLC must have a minimum of two women members. In case of any indigenous people impacts in future subprojects, the GRC/CLC must have representation of the affected indigenous people community, including at least one female indigenous person, the chief of the tribe or a member of the tribal council as traditional arbitrator (to ensure that traditional grievance redress systems are integrated) and an NGO working with indigenous people groups.

86. The PSC will include the Minister for Urban Development (Chairperson), State Chief Secretary (Vice Chairperson), and Ministers, Directors and/or representatives of other relevant government ministries and departments, e.g., Finance, Planning, PHED, Roads, BRJP, etc., Mayors of respective municipal corporations and the project director (Member Secretary and Convener) as members.

C. Areas of Jurisdiction

87. The areas of jurisdiction of the GRC, headed by the District Magistrate will be (i) all locations or sites within the district where subproject facilities are proposed, or (ii) their areas of

influence within the District. The PSC will have jurisdictional authority across the state (i.e., areas of influence of subproject facilities beyond district boundaries, if any).

D. Consultation Arrangements

88. This will include regular group meetings and discussions, at least twice during resettlement plan preparation, with affected persons by the social safeguards personnel of DSC and PIU. During the first year of resettlement plan implementation, such meetings will take place on a quarterly basis, while in subsequent years; these meetings will be held at least twice a year. The consultation arrangement thus envisaged is intended to address both general and/or specific individual grievances through a participatory approach. Besides, the consultative process is meant to be flexible to provide timely mitigation of grievances of the APs. The most complex cases will be dealt with through one-to-one consultation with particular APs by a host of actors comprising social safeguard expert of DSC and Resettlement Officer, PIU, with the support of PMU and PMC as and when required. DSC will be responsible for ensuring that non-literate affected persons and/or vulnerable affected persons are assisted to understand the grievance redress process as well as for encouraging them to register complaints and follow-up with relevant authorities at different stages in the process.

E. Recordkeeping

89. Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were effected and outcome will be kept by PIU (with the support of CSCs and DSC) and submitted to PMC.

F. Information dissemination methods of the GRM.

90. The PIU, assisted by DSC will be responsible for information dissemination to affected persons on grievance redressal procedure. ULB-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the consultation and participation plan. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The PIU environment and social safeguard officers will be assisted by design and supervision consultant (DSC) safeguards specialists with information/collateral/awareness material etc. and in conducting project awareness campaigns. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per project Resettlement Framework including. who to contact and when, where/ how to register grievance, various stages of grievance redress process, time likely to be taken for redressal of minor and major grievances, etc. Grievances received and responses provided will be documented and reported back to the affected persons. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMU and PIU offices, ULB/concerned local panchayat notice boards and on the web, as well as reported in the semi-annual environmental monitoring reports to be submitted to ADB. A Sample Grievance Registration Form has been attached in **Appendix 3**.

91. **Periodic review and documentation of lessons learned.** The PMU safeguard officers will periodically review the functioning of the GRM and record information on the effectiveness of the mechanism, especially on the PIU's ability to prevent and address grievances.

92. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the PMU. Cost

estimates for grievance redress are included in resettlement cost estimates. The grievance redress process is shown in **Figure 1**.

XI. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

93. UDHD of Government of Bihar is the executing agency for the project, which will receive strategic directions from a state-level steering committee. The implementing agency, Bihar Urban Infrastructure Development Corporation (BUIDCo). The PMU within BUIDCo has an ESMC. BUIDCo will have field offices at the city-level (Bhagalpur and Gaya). PIU field offices will be set up in each project town to manage the implementation of subprojects (refer Figure 2). In addition, CLCs cum GRCs will be set up in each project town to periodically review subproject progress, facilitate smooth implementation and finalize proposals for any legal, operational, and financial changes required, in discussion with the PMU and UDHD.

94. The ESMC PMU will be assisted by PMC who will prepare resettlement plan reports and provide advice on policy reforms. The PMU will endorse subproject resettlement plans prepared by the PMCs and will have financing and monitoring responsibilities. ESMC will coordinate with national and state agencies to resolve interdepartmental issues, if any. ESMC will also monitor physical and non-physical activities under the investment plan and will monitor implementation of safeguards plans and guide PIU as and when necessary. The PMU, with support from PIU field offices (and implementing NGOs in case of complex resettlement and/or indigenous people issues) will ensure mitigation of negative environmental and social impacts due to the subproject, if any.³⁸ The ESMC will oversee implementation of the resettlement framework by the PIU, which may be supported by the engagement of an implementing NGO. The PMC will have a Resettlement/Social Development Specialist who will be responsible for the preparation of resettlement plan. The Resettlement/Social Development Specialist of PMC will review and finalize all reports in consultation with the ESMC of PMU. The Resettlement/ Social Development Specialist of PMC will submit periodic monitoring and implementation reports to PMU, who will take follow-up actions, if necessary.

95. The ESMC of PMU will endorse/submit periodic monitoring reports received from PMC to the Program Director, PMU who will then submit these to ADB. The monitoring report will focus on the progress of implementation of the resettlement plan/resettlement framework, issues encountered and measures adopted, follow-up actions required, if any, as well as the status of compliance with the subproject selection criteria, and relevant loan covenants. The PMU will seek state government's clearance for submission and disclosure of the environmental and social monitoring report to ADB.

A. Program Implementation Unit

96. The PIU at state-level will have Resettlement Officer who will be responsible for implementation of the resettlement plan. The officer will undertake surveys and record observations throughout the construction period to ensure that safeguards and mitigation measures are provided as intended. The PIU (through the implementing NGO, if engaged) will be responsible for delivery of entitlements to affected persons (footnote 36). The PIU will be responsible for implementing and monitoring safeguards compliance activities, public relations activities, gender mainstreaming activities and community participation activities. It will be responsible for obtaining statutory clearances and obtaining no objections certificates from

³⁸ An implementing NGO may be engaged in case of any complex resettlement issues in ongoing and future tranches.

government agencies and/or other entities and entering into agreements with them for use of their land. It will also coordinate for obtaining RoW clearances with related state and national agencies. The PIU field office in Bhagalpur will have a Safeguard Officer who will be responsible for data collection for resettlement plan preparation and implementation. The PIU field office will obtain ROW clearances and prepare progress reports with respect to the resettlement plan implementation.

97. The PIU will recommend entitlements (finalized by PIU/ design and supervision consultant/ NGO in consultation with affected persons), which will be examined/approved by the PMU, and will release payments. The PIU (through the implementing NGO, if engaged) will be responsible for delivery of entitlements to affected persons. Organizational procedures/ institutional roles and responsibilities for resettlement plan implementation and steps and/or activities involved in delivery of entitlements are described in Table 1.

B. Implementing Nongovernment Organization

98. Depending on the complexity of resettlement issues an implementing NGO may be engaged to assist the PIU in implementing and monitoring the resettlement plan/ IPP (duly approved by the PMU and reviewed/cleared by ADB prior to implementation). The implementing NGO should have prior experience in resettlement and indigenous people issues, have staff fully conversant with provisions of resettlement plan/IPP and adequate understanding of norms and customs of and respect for indigenous peoples. NGOs hired for resettlement plan/ IPP implementation will also be responsible for addressing HIV/AIDS, and core labor standards. The NGO to be procured should have experience in addressing such social issues.

99. The role of the NGO in resettlement plan implementation will be that of a facilitator of the resettlement process. The NGO will work as a link between the project and the affected community. They will educate the affected persons on the need to implement the project and subprojects, on aspects relating to land acquisition and resettlement measures and ensure proper utilization of compensation paid to the affected persons under the entitlement package. After the approval of the micro plans, the NGO will issue identity cards to the entitled persons. The NGO will: (i) build rapport with affected persons and/or indigenous peoples and PMU/PIU; (ii) educate affected persons on their rights, entitlements, and obligations under the resettlement plan/IPP; (iii) ensure that affected persons and/or indigenous peoples including vulnerable households receive their full entitlements; (iv) where options are available, provide advice to affected persons on the relative benefits of each option; (v) assist affected persons on grievance redress through the established system; and (vi) collect data as required to help PMU monitor and assess progress.

100. The responsibilities of NGOs in resettlement plan/ IPP implementation will include the following: (i) work in close co-ordination with the ESMC (PMU) to implement the IPP; (ii) facilitate transparency in process and public participation; (iii) take lead in joint verification and identification of affected persons/indigenous peoples/vulnerable households, enlist affected persons/indigenous peoples/vulnerable households, undertake counselling for livelihood restoration, dissemination of project policies, documents, etc.; (iv) identify training needs of CBOs/indigenous peoples/vulnerable groups for income generation activities and/or literacy and numeracy and ensure that they are adequately supported, (v) put forth grievances of affected persons/indigenous peoples to GRC; (vi) generate awareness about livelihood restoration/livelihoods skills development activities and opportunities for employment in project related activities among affected persons/indigenous peoples/vulnerable groups, and help them to make informed choices; (vii) Assist the Safeguards Officer (PIU) in disbursement of cheques

(monetary compensation) to affected persons; (viii) participate in public meetings and consultations as and when required; and (ix) submit periodic resettlement plan/IPP implementation reports to the ESMC (PMU).

101. The success of NGO inputs will largely depend on their liaison with affected persons and other concerned government agencies. Arrangements would have to be made during the first month of project implementation to set up the various committees and implementation mechanisms required for the project.

102. Table 3 gives the institutional roles and responsibilities for preparation and implementation of resettlement plan/ IPP.

Table 3: Organizational Procedures/Institutional Roles and Responsibilities for Resettlement Plan Implementation

Activities	Agency Responsible
Subproject Initiation Stage	
Finalization of sites/alignments for subprojects	PMU
Disclosure of proposed subproject details including land acquisition and proposed entitlements/mitigation measures by issuing public notice	PMU
Meetings at community/household level with affected persons of land/property Disclosure of GRM/process Formation of Valuation Committees	NGO/PIU PMU/PIU/NGO PMU
Report (IEE/EIA/resettlement plan/IPP) Preparation Stage	
Conducting census of all affected persons	PMU/PIU/NGO
Conducting FGDs/meetings/consultations/workshops during SIA surveys and IEE/EIA preparation	PMU/PIU/NGO
Computation of replacement values of land/properties proposed for acquisition and for associated assets	Valuation Committee/PIU
Categorization of affected persons for finalizing entitlements	PIU/PMU
Formulating compensation and rehabilitation measures Conducting discussions/meetings/workshops with all affected persons and other stakeholders	PIU/PMU PIU/NGO
Fixing compensation for land/property in consultation with titleholders	Valuation Committee/PMU
Finalizing entitlements and rehabilitation packages for all affected persons	PIU/PMU
Disclosure of final entitlements and rehabilitation packages	PIU/NGO
Clearance of IEE/EIA/resettlement plan/IPP	PMU/ADB
Sale deed execution and clearance/release of payment	PMU
Delivery of entitlements	PIU/NGO
Taking possession of land	PMU
Implementation Stage	
Implementation of proposed rehabilitation measures	NGO/PIU
Consultations with affected persons during rehabilitation activities	NGO/PIU
Grievance redressal ^a	NGO/Safeguards Officer/GRC
Internal monitoring	PMU/PIU
External monitoring (in case of Category A subprojects)	External Agency

EIA = environmental impact assessment, FGD=focus group discussions, IEE = initial environmental examination, GRC = Grievance Redress Committee, GRM = Grievance Redress Mechanism, IPP = indigenous people plan, NGO = nongovernmental organization, PIU = program implementation unit, PMU = program management unit, SIA = social impact assessment.

^a The program will have a GRM for redressing the grievances of affected persons, including indigenous people communities, if any.

C. Institutional Capacity

103. Since no externally-aided urban infrastructure projects requiring capacity for environmental management planning, resettlement planning, implementation and monitoring in accordance with internationally accepted guidelines/safeguards frameworks had been implemented in Bihar prior to implementation of tranche 1, and entities such as BUIDCo and ULBs did not have environmental/social safeguards personnel at that time, capacity to handle environmental/involuntary resettlement/indigenous people impacts, gender and vulnerability issues, etc., needed to be built. With the implementation of Tranche 1 subproject, implementation capacity of the PMU has improved, but still needs strengthening; and the PMU remains understaffed where safeguards personnel are concerned. PIU safeguards personnel need to be appointed and trained. PMC and DSC will be responsible for training of PMU and PIU staff on aspects such as environmental planning/resettlement planning/implementation, social protection and gender, including the specific recording, reporting, and disclosure requirements.

104. Owing to the complexity of projects with indigenous people issues, there will be a special focus on capacity building of government agencies and PMU/ PIU staff on social (distinct social, economic and cultural traits and traditions of indigenous peoples and the importance of preserving these, including indigenous knowledge systems, etc.,) legal (traditional rights over land and land tenure issues) and technical aspects in such projects, with an adequate budgetary provision. The PMC will also be responsible for training the implementing NGO (if engaged) on provisions of EARF/ resettlement framework/ IPPF. Further, capacity building of CBOs (including indigenous people groups) in the project area will be undertaken by the implementing NGO to ensure that they are able to represent the affected groups more effectively. The PMC will undertake this task with external resources, e.g., anthropologists and development practitioners with relevant experience, as required. Additional measures to enhance institutional capacity include exposure visits of PMU, PIU and implementing NGO staff to other Indian states that have successfully implemented ADB funded projects.

D. Coordination with Other Agencies and Organizations

105. The ESMC (PMU) will establish networking relationships with line departments and other government and NGOs. For example, the Forest Department has a significant role in environmental issues while the Revenue Department has a significant role in land acquisition proceedings and initiation of the resettlement process. Without effective coordination, safeguards implementation will be delayed. The ESMC will (i) coordinate with the Forest Department on environmental issues and Revenue Department to expedite the land acquisition process, and (ii) interact with the various government agencies on issues pertaining to shifting of utility lines, etc. Restoration of community assets, if needed, will require help from relevant government departments as well. The PMU will develop lateral linkages to achieve convergence/mobilize resources to benefit affected persons (e.g. establishing linkages with the government's livelihoods programs) and to achieve the desired results expected from IEE/EIA and resettlement plan/IPP implementation. Annex 9 provides the Terms of Reference for PMU, PMC and implementing NGO.

E. Implementation Process and Implementation Schedule

106. All land acquisition, resettlement, and compensation for a subproject will be completed before displacement. All land required will be provided free of encumbrances (with all displaced persons compensated and/or assisted) to the contractor prior to handing over of subproject site

and the start of civil works. The implementation of the resettlement plan will include: (i) identification of cut-off date and notification;³⁹ (ii) verification of losses and extent of impacts; (iii) finalization of entitlements and distribution of identity cards; (iv) consultations with affected persons on their needs and priorities; and (v) resettlement, provision of compensation and assistance, and income restoration for affected persons. The expected implementation schedule for a subproject is given in Table 4.

³⁹ The census will be the cut-off date for non-titled affected persons. For titled affected persons, the cut-off is the date of notification.

Table 4: Schedule of Resettlement Implementation

	Year 1		Year 2	Year 3	Year 4
	H1	H2			
Establishment of fully staffed PIUs including safeguard officers/designates					
Appointment of SDS / Resettlement Specialist (PMC)					
Appointment of NGO, if requirement identified in RP					
Setting up of GRC in Project ULBs					
Briefing of PIUs on grievance redress cell functions/responsibilities, and CLC on GRC functions					
Conduct/complete detailed measurement surveys based on actual alignment, census and socio-economic surveys, issuance of ID cards and due diligence ^a					
Identify Vulnerable APs, if any*					
Confirmation of government land to be used and transfer from other departments					
Update draft RPs to reflect surveys, consultations, design changes, and due diligence including No Objection Certificates for use of government land ^b					
Consultations and disclosure, awareness generation					
Review and approval (PMU and ADB) ^c					
Training/capacity building of PIU safeguards officers and engineers, DSC safeguards and supervision (field level) personnel and contractors' personnel					
Issue notice to affected persons					
Payment of compensation and resettlement assistance, livelihood restoration assistance, organise skill development training and placements for vulnerable APs, handover of sites/alignments to contractors					
Internal monitoring, including surveys of APs on entitlements, satisfaction surveys					
Repair/reconstruction of affected facilities, structures, utilities, if any					
Rehabilitation of temporarily occupied sites, if any		Immediately, on construction completion.			

ADB = Asian Development Bank, ESMC = Environment and Social Management Coordinator, GRC = Grievance Redress Committee, NGO = nongovernment organization, PIU = program implementation unit, PMC = project management consultant, PMU = project management unit, SDS = social development specialist.

^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.

Note: The above resettlement implementation schedule will be updated for subsequent tranches.

XII. BUDGET AND FINANCING

107. Detailed budget estimates for involuntary resettlement will be prepared for each resettlement plan, by the PMU. It will be included in the overall subproject estimate. The budget will include: (i) detailed costs of land acquisition, relocation, and livelihood and income restoration and improvement; (ii) administrative and implementation costs; (iii) source of funding; (iv) arrangements for approval; and (v) flow of funds and contingency arrangements. Overall land acquisition and resettlement costs for the project will be estimated at detailed design stage. Subprojects involving rehabilitation and expansion of networks are allocated an additional 10% of physical contingencies for unanticipated impacts such as temporary impacts on structures or temporary loss of land. Funds for land acquisition (including land acquisition for non-titled affected persons), compensation for all assets lost, related resettlement assistance, relocation and transfer and funds for utility shifting will be provided by the executing agency, which will be responsible for ensuring adequate budgetary provision. Administrative and implementation costs, including engagement of the implementing NGO, cost of census and survey of affected persons and inventory of assets, cost of information and consultations, training and monitoring (including evaluation by independent agency), and rental of office space and required physical facilities and materials will be funded under the loan. Land acquisition and resettlement costs will be considered as an integral component of subproject costs. The PIU will recommend and/or seek clearance for funds for resettlement plan activities, including contingencies from the PMU, which will examine the recommendation, and approve and release funds.

XIII. MONITORING AND REPORTING⁴⁰

108. Resettlement plan implementation will be closely monitored to provide the PMU with an effective basis for assessing resettlement progress and identifying potential difficulties and problems. Monitoring data will be provided by PIU. Monthly Progress Reports will be prepared and submitted to the PMU. Semi-annual monitoring reports will be provided by the PMU to ADB.

109. Monitoring for resettlement plan implementation will be carried out during the entire project period. Regular monitoring of resettlement progress will identify potential difficulties and problem areas. Monitoring will commence after 3 months of project initiation; reports will be generated every month for the first year of implementation and bi-annually thereafter. All monitoring reports will be produced within fifteen days of the end of a month or half-year.

110. Broadly, the monitoring and evaluation system will involve:

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

⁴⁰ The monitoring and reporting requirements provided for in this Resettlement Framework are for involuntary resettlement Category B projects.

A. Monitoring Physical and Financial Progress

111. Internal monitoring will involve the following:

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

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

- (i) Communication with and documentation of reactions from affected persons;
- (ii) Information from affected persons on entitlements, options, alternative developments, etc.;
- (iii) Valuation of properties;
- (iv) Usage of GRM; and
- (v) Disbursement of compensation amounts and all assistance.

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

114. The indicators for achievement of objectives during resettlement plan implementation are of two kinds:

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

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

- (i) Training of PIU, PMU and other staff completed;
- (ii) Census, assets inventories, assessments and socio-economic studies completed;
- (iii) NGO recruited and trained;
- (iv) Grievance redress procedures in-place and functionality;
- (v) Compensation payments disbursed;
- (vi) Relocation of affected persons completed;
- (vii) Project employment provided to affected persons;
- (viii) Infrastructure rehabilitated or constructed;
- (ix) Income restoration activities initiated;
- (x) Skills training of affected persons initiated;

- (xi) Number of households displaced and resettled; and
- (xii) Monitoring and evaluation reports submitted.

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

117. The PMU will evaluate through monitoring if affected persons have improved living standards, in terms of income, housing, access to basic amenities, ownership of land and material assets; targets are on schedule, and whether social development objectives of the project are achieved.

118. After project implementation, the PMU will carry out an end-term evaluation to assess the effectiveness of resettlement plan implementation. The evaluation will emphasize on the assessment of achievements of resettlement plan targets and the change in the quality of life of affected persons. In carrying out the evaluation, the PMU will develop the necessary evaluation indicators. All evaluations are expected to be done on the basis of selective indicators. Table 5 provides a suggested list of impact indicators.

Table 5: Impact Indicators for Evaluation

Items	Impact Indicators	Frequency
Better Economic Conditions	Income: Program-related and independent income, but assisted by the program	Implementation stage, through monitoring.
	Housing: Changes in quality over a period of time	Implementation and post implementation stage, through mid-term and end-term impact evaluation study
	Food security	
	Changes in occupation	
	Skill portfolio	
	Migration profile	
Better Social Conditions	Representation in community-based institutions	Implementation stage, through monitoring.
	Indicators of participation	Implementation and post implementation stage, through impact evaluation study
	Empowerment	
	School enrolment	
	Health and morbidity	
	Better available urban infrastructure	

119. The end-term evaluation will reveal the actual target achievements of resettlement plan implementation. This report will evaluate whether the project has improved the quality of life of residents of the towns, especially affected persons. Gaps will be identified and future strategies to address these should be included in the evaluation's conclusion.

B. External Monitoring and Safeguards Compliance

120. If a subproject has significant involuntary resettlement impacts, the PMU will retain qualified and experienced external experts to verify monitoring information. The external experts will also advise on safeguards compliance issues, and if any significant involuntary resettlement

issues are identified, a corrective action plan will be prepared to address such issues. Until such planning documents are formulated, disclosed and approved, the PIU will not proceed with implementing the specific subproject component for which involuntary resettlement impacts are identified.

APPENDIX 1: SUMMARY OF PROPOSED COMPONENTS UNDER BUDIP I AND II**WORKS TAKEN UP UNDER BUDIP TRANCHE 1**

Subproject	Description of Proposed Works under Package
Water Supply	
BWSP I	Rehabilitation of existing Water Treatment Plants Mechanical, Electrical, and Instrumentation works Distribution System for the area within the municipal boundary Service Reservoirs (19 new OHSR and rehabilitation of 1 existing OHSR) Metered customer service connections (52000 new connections)

PROPOSED WORKS UNDER BUDIP TRANCHE 2

Subproject	Description of Proposed Works under Package
Water Supply	
GWSP I	The proposed subproject components for Gaya water supply (GWSP1) include: (i) refurbishment of existing tube wells (29 no.s); (ii) refurbishment of existing pump houses (16 no.s) and site stores (3 no.s), demolition of dilapidated pump houses (5 no.s) and construction of new ones (5 no.s), and construction of new pump houses (4 no.s); (iii) construction of new overhead tanks (6 no.) and new ground level service reservoirs (3 no.); (iv) laying of new transmission mains (16.55 km) and distribution mains (19.03 km), and integration of existing 8.45km rising mains; (v) laying of water supply distribution pipelines (447.8 km) and integration of existing distribution network (72 km), construction of valve chambers (1083 no.s); and (vi) provision of house service connections (75000); (vii) provision of 200 public standposts in poor areas; and (viii) customer service centres (CSC), minimum 1 CSC per 15000 connections, including one central CSC. In addition, procurement and installation of bulk flow meters generators and pumpsets are proposed.
GWSP II	Subproject components (civil works) proposed for GWSP II under BUDIP include construction of (i) 24 tube wells with control rooms and transformers spread across seven locations in the Phalgu river bed; (ii) a clear water reservoir of 4 ML capacity, with pump house, chlorine room, chlorine contact tank, electrical substation, compound wall and service road at ITI/Government Polytechnic Campus; (iii) a ground level service reservoir at Shringsthan of 3.7 ML capacity; (iv) rising mains of 17051 m length; (v) electro-chlorinators at 5 locations; (vi) a pump house at Budva Mahadev; and (vii) a Central Customer Service Centre cum Operating Office at Dandibagh
BWSP II	BWSP II, comprises the following proposed subproject components: (i) new intake works comprising a dredged approach channel, an intake well of capacity 140 MLD and dimensions 10m x 3 m on the banks of River Ganga and a jack well; (ii) new water treatment plant of 90 MLD for intermediate year demand (2032) with provision for augmentation to meet design year demand of year 2047; (iii) a 9.1 ML clear water reservoir (CWR) and pump house, (iv) control room with CWR; (v) electric substation with CWR; (vi) 19 pumps or raw and clear water; (vii) new transmission systems for raw water (2.55 Km) and treated water (28.7 Km); (viii) a switch yard at intake location with 2

Subproject	Description of Proposed Works under Package
	transformers 1250 kVA each and switch yard at Barari(WTP location) with 2 transformer of 2000kva; and (ix) SCADA system for monitoring of operation of assets created in both phases. The treated water is proposed to be conveyed to all the overhead service reservoirs existing and to be constructed in Phase 1.

APPENDIX 2: REVIEW AND COMPARISON OF BORROWERS POLICY AND ADB POLICY

In addition to ADB policy on Involuntary Resettlement, applicable existing laws policies of Government of India and State Government¹ is reviewed for preparation of this RF. Following sections deals with the details of applicable policy requirements.

1. Land Acquisition, Rehabilitation and Resettlement Act (LARR), 2013

This new RFCT in LARR repeals the Land Acquisition Act, 1984 and is applicable to all states in India including Rajasthan (Except the state of Jammu and Kashmir). LARR, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement collectively. Establishing of a completely new Act, which was due from a long time, is a pioneering step taken by the Government of India (Gol) in providing a humane, participative, informed and transparent process for permanent/temporary land acquisition in the public interest. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to land acquisition, rehabilitation and resettlement. The Act prohibits acquisition of multi-cropped irrigated land as a special provision to safeguard food security, unless in exceptional circumstances as a demonstrable last resort². The general process for land acquisition and resettlement under LARR is:

a. Preliminary Investigations/Preparation of SIA/SIMP. It is mandatory under the Act to conduct a time bound Social Impact Assessment (SIA) and Social Impact Management Plan (SIMP). No land acquisition shall be initiated unless SIA/SIMP is approved by the Expert Group. SIA shall also be conducted in a participatory manner and with all necessary public hearings, dissemination etc. duly followed.

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

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

¹ Meghalaya, Mizoram, Nagaland, Sikkim and Tripura state governments

² Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. This condition has been included in the entitlement matrix. These provisions however do not apply in case of projects that are linear in nature such as railways, highways, other roads, canals, power lines etc.

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

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

b. Preliminary Notification, Objections and Hearing. Followed by SIA approval, a requiring body shall publish³ a preliminary notification and inform various concerned authorities regarding this in a meeting called specially for this purpose. SIA report shall be considered lapsed if the preliminary notification is not issued within 12 months from its approval; unless otherwise specified in writing by the appropriate government for special circumstances. The preliminary notification will include: (i) statement on project/ public purpose; (ii) reasons necessitating the land acquisition; (iii) summary of SIA; and (iv) particulars of the Administrator appointed for the purpose of rehabilitation and resettlement. After the preliminary notification is issued, landowners shall not make any further transactions of the land specified and create any encumbrance on such land. If made so, landowner shall make this willful in writing and impacts associated shall not be borne by the Collector/acquiring authority. Appropriate government authority shall undertake updating of all land records etc. within two months after the issue of preliminary notification provided that all associated activities (surveys etc.) shall be carried out after adequate prior notice and in the presence of the landowner or person authorized by him in writing.

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

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

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

The Collector shall publish⁴ a summary of RSS along with Declaration under the hand and seal of Secretary to such Government or any other official duly authorized⁵ only after the Requiring Body deposits amount towards the cost of land acquisition⁶. RSS summary and Declaration shall be compulsorily made within the twelve months after the issue of preliminary notification. If not complied, such notification shall be considered rescinded unless land acquisition was held up on account of any stay or injunction by the order of Court.

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

Land Acquisition Award shall include:

- (i) Loss of land as per market value determined;
- (ii) Standing crops/trees/plants. The Collector can use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him;

⁴ Declaration shall be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

⁵ Summary RSS shall not be published unless it is published along with Declaration.

⁶ In full or part, as prescribed by the appropriate Government

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

The Collector shall impose Solatium equivalent to the 100 percent of the total compensation amount as estimated above. In addition, 12 percent interest per annum shall be payable for the period from the date of issue of SIA notification till the date of award or date of taking possession of land, whichever is earlier. The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose. Land Acquisition payment shall be made within three months and R&R (except infrastructure entitlements-within 18 months) shall be made within six months from the date of the award. The Collector shall acquire land only after such payment; unless in urgency cases where land can be acquired within 30 days from the date of notice (notice to acquire land)⁷. As per the Act, the land acquisition that involves involuntary displacement of SC/ST shall require preparation of Development Plan. In such cases, one third of the compensation shall be paid before taking possession of the land. (page 20-21-22 for IPP).

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

Administrator: If involuntary displacement of persons is involved then the State Government shall, by notification appoint an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department to be the Administrator for Rehabilitation and Resettlement. Formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Administrator.

Establishment, by notification by appropriate Government, of Land Acquisition, Rehabilitation and Resettlement Authority. For the purpose of speedy disposal of disputes

⁷ If there is any displacement involved, the Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families. The Collector shall also, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.

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

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

2 ADB's Safeguard Policy Statement, 2009

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

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

The main policy principles of the Involuntary Resettlement Safeguard are:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks;
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their

- entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase;
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (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 settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status;
 - (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;
 - (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule;
 - (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders;
 - (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation;

- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation; and
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

3 Comparison of National Policies with ADB's SPS, 2009

A detailed policy comparison between ADB's SPS, 2009, LARR, 2013, NRRP 2007, and the RF are given in following Table.

Table 1: Detailed Policy Comparison

	ADB SPS Policy Principles	LARR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
1.	Involuntary resettlement should be avoided where feasible.	✓	Both LARR and SPS emphasis on avoiding involuntary resettlement	This is addressed in the RF. The locations for project components have been identified in such a manner that IR is avoided to the extent possible. These IR impacts shall be further minimized during detailed designs.
2.	Where population displacement is unavoidable, it should be minimized by exploring viable project options.	✓	LARR also suggests taking all possible options in to consideration and preparation of SIA/SIMP that confirms that all viable options were explored before proposing the final land acquisition for the public purpose.	This is addressed in the RF. The locations for project components have been identified in such a manner that IR is avoided to the extent possible. These IR 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	✓	According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Impacts are considered significant when 200 or more people will experience major impacts. According to the NRRP, RP should be prepared when it involves	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.

	ADB SPS Policy Principles	LARR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
	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.		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 new LARR also suggest preparation of IPP.	
4.	Any involuntary resettlement should, as far as possible, be conceived and executed as a part of a development project or program and resettlement plans should be prepared with appropriate time bound actions and budgets. Resettlers should be provided sufficient resources and opportunities to reestablish their homes and livelihoods as soon as possible.	✓	According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Both NPRR and LARR have laid down detailed guidelines and preparation of similar plans like RP.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix. A time-bound action plan and implementation schedule for the IR activities is outlined. The key RP 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.	✓	LARR recognizes all affected people/families irrespective of their titles. Inventory of all affected people will be recorded as a part of SIA/SIMP.	Consultations have been carried out with APs. This will be further consolidated by the RP assigned NGO. The plan for information disclosure in the project, including the RF.
6.	Appropriate patterns of social organization should be promoted, and existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible. Resettlers should be integrated economically and socially into	✓	All policies, SPS, LARR and NPRR adequately address this.	This is addressed in the Entitlement Matrix.

	ADB SPS Policy Principles	LARR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
	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.	✓	All policies, SPS, LARR and NPRR adequately address this <i>The 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 APs is outlined in the RF.
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" situation, should be included in the presentation of Project costs and benefits.	✓	According to the ADB's SPS 2009 a RP will be prepared that is commensurate with the extent and degree of the impacts. Impacts are considered significant when 200 or more people will experience major impacts. LARR provide detailed guidelines for preparation rehabilitation and resettlement scheme involving all land acquisition and resettlement losses which forms a part of project cost. SIA also outlines project benefits	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix. This is addressed in the Entitlement Matrix

	ADB SPS Policy Principles	LARR	Remarks	Compliance of proposed RF with ADB's Safeguards Policy Statement
			Vs impacts. According to the NPRR, RP 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.	
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.	-	LARR initiate land acquisition only if the required money is deposited with the DC.	The impacts have been assessed and RP costs according to the entitlement matrix have been worked out. These costs are included in the Project Costs.

APPENDIX 3: OUTLINE OF RESETTLEMENT PLAN

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

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

This section:

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

D. Methodology for Impact Assessment

This section outlines the methodology and tools adopted for:

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

E. 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 affected;

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

F. Stakeholders Consultation and Participation

This section:

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

G. Legal Framework

This section:

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

H. Entitlements, Assistance and Benefits

This section:

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

I. Relocation of Housing and Settlements

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 (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

K. Resettlement Budget and Financing Plan

This section:

- (i) provides an itemized budget for all resettlement activities, including for 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. Information Disclosure

This section:

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

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

M. Grievance Redress Mechanisms

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

N. Institutional Arrangements

This section:

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

O. Implementation Schedule

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

P. Monitoring and Reporting

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

APPENDIX 4: GRIEVANCE REDRESS MECHANISM

Copy of notification to set up GRC issued by BUIDCo, in Hindi. Description of the same is provided in the RP)

बिहार सरकार
नगर विकास एवं आवास विभाग।

— : संकल्प : —

बिहार राज्य अंतर्गत जलापूर्ति तथा सिवरेज योजनाओं के निर्माण हेतु बिहार शहरी विकास इन्वेस्टमेंट प्रोग्राम (BUDIP) - Loan No. 2861 - IND के तहत एशियन डेवलपमेंट बैंक (ADB) द्वारा ऋण उपलब्ध कराया जा रहा है। इस लोन प्रोग्राम के अंतर्गत भागलपुर एवं गया शहर के लिए जलापूर्ति तथा सिवरेज योजनाओं का कार्यान्वयन कराये जाने का प्रस्ताव है। इन योजनाओं के लिए बिहार शहरी आधारभूत संरचना विकास निगम लिमिटेड (बुडको) को प्रोजेक्ट मैनेजमेंट यूनिट तथा कार्यान्वयन ऐजेंसी घोषित किया गया है।

2. एशियन डेवलपमेंट बैंक (ADB) सम्पोषित योजनाओं के कार्यान्वयन के लिए ADB के मार्गदर्शिका में दिये गये प्रावधान के आलोक में शहर स्तर पर एक शिकायत निवारण तंत्र (जी०आर०एम०) का गठन किया जाता है।

3. नगर विकास एवं आवास विभाग एवं बिहार शहरी आधारभूत संरचना विकास निगम लिमिटेड (BUIDCo) द्वारा एशियन डेवलपमेंट बैंक (ADB) सम्पोषित BUDIP के अंतर्गत योजनाओं के लिए निम्नानुसार त्रिस्तरीय शिकायत निवारण तंत्र (जी०आर०एम०) स्थापित किया जाता है। शिकायत प्रथम स्तर पर प्राप्त की जायेगी। यदि नागरिक प्रथम स्तर पर संतुष्ट नहीं होते हैं तो वे द्वितीय एवं तत्पश्चात् तृतीय स्तर पर आवेदन कर सकेंगे। शिकायत का निष्पादन निम्नानुसार वर्णित अवधि में किया जाना है:-

स्तर	समिति	निष्पादन की अवधि
प्रथम	योजना प्रबंधन ईकाई (Project Management Unit)	शिकायत पत्र प्राप्ति के 90 दिनों के अंदर
द्वितीय	शहर स्तर समितियाँ (Town Committee)	60 दिनों के अंदर
तृतीय	कार्यक्रम संचालन समिति (Steering Committee)	90 दिनों के अंदर

4. जी०आर०एम० अंतर्गत गठित एशियन डेवलपमेंट बैंक सम्पोषित योजनाओं के कार्यान्वयन में प्राप्त शिकायतों का निष्पादन करेंगी।

ह०/-

प्रधान सचिव,

नगर विकास एवं आवास विभाग।

ज्ञापक - 1615/BUIDCo.

दिनांक - 27/05/2015.

प्रतिलिपि:- आप्त सचिव, विकास आयुक्त, बिहार/प्रधान सचिव, वित्त विभाग/प्रधान सचिव/सचिव, योजना एवं विकास विभाग/प्रधान सचिव/सचिव, नगर विकास एवं आवास विभाग/प्रबंध निदेशक, बुडको/सभी सदस्य को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।



प्रधान सचिव,

नगर विकास एवं आवास विभाग।

ए०डी०बी० संचालित – बिहार शहरी विकास निवेश कार्यक्रम अंतर्गत योजनाओं के लिए जन शिकायत निवारण तंत्र की स्थापना।

अधिसूचना के लिए नोट

शिकायत निवारण तंत्र (जी.आर.एम)

जीआरएम कार्यक्रम से संबंधित प्रभावित व्यक्ति (ए.पी.)व्यक्तियों की शिकायतों को प्राप्त करने एवं निवारण हेतु सुविधाजनक बनाने के लिए एक सुलभ मंच प्रदान करेगा। सामाजिक, पर्यावरण या किसी अन्य परियोजना / उप परियोजना से संबंधित शिकायतों हेतु एक ही एकीकृत शिकायत निवारण तंत्र (जी.आर.एम) की व्यवस्था होगी: प्रत्येक पुनर्वास योजना (आर.पी), स्थानीय लोगो हेतु योजना (आई.पी.पी) . और प्रारंभिक पर्यावरण परीक्षा (आई.ई.ई.ई.) / पर्यावरणीय प्रभाव मूल्यांकन (ई.आई.ए) निम्नलिखित शिकायत निवारण तंत्र का अनुपालन करेंगे।

शिकायत निवारण प्रक्रिया: प्रभावित व्यक्ति (ए.पी.)व्यक्तियों के शिकायत / सुझावों को सुझाव पेट्री में डाल कर अथवा फोन या मेल के माध्यम से अवगत कराया जा सकता है (पारूप नमूना संलग्न)। कार्यान्वयन गैर सरकारी संगठन के सामुदायिक संपर्क अधिकारी और पी.आई.यू के सुरक्षा अधिकारी (जो सामाजिक मुद्दों और आरपी कार्यान्वयन से संबंधित होंगे); प्रभावित व्यक्ति (ए.पी.)समुदायों की समस्याओं को समझने और शिकायत निवारण प्रक्रिया में उन्हें मदद करने हेतु आवर्ती सामयिक समुदायिक बैठकों के आयोजन करने हेतु जिम्मेदार होंगे (साथ ही साथ शिकायतों का स्थानीय बोली / भाषा से अनुवाद करना, गैर - साक्षर प्रभावित व्यक्ति (ए.पी.)व्यक्तियों के शिकायतों को दर्ज एवं पंजीकृत करना एवं शिकायत निवारण की प्रक्रिया को समझाना)।

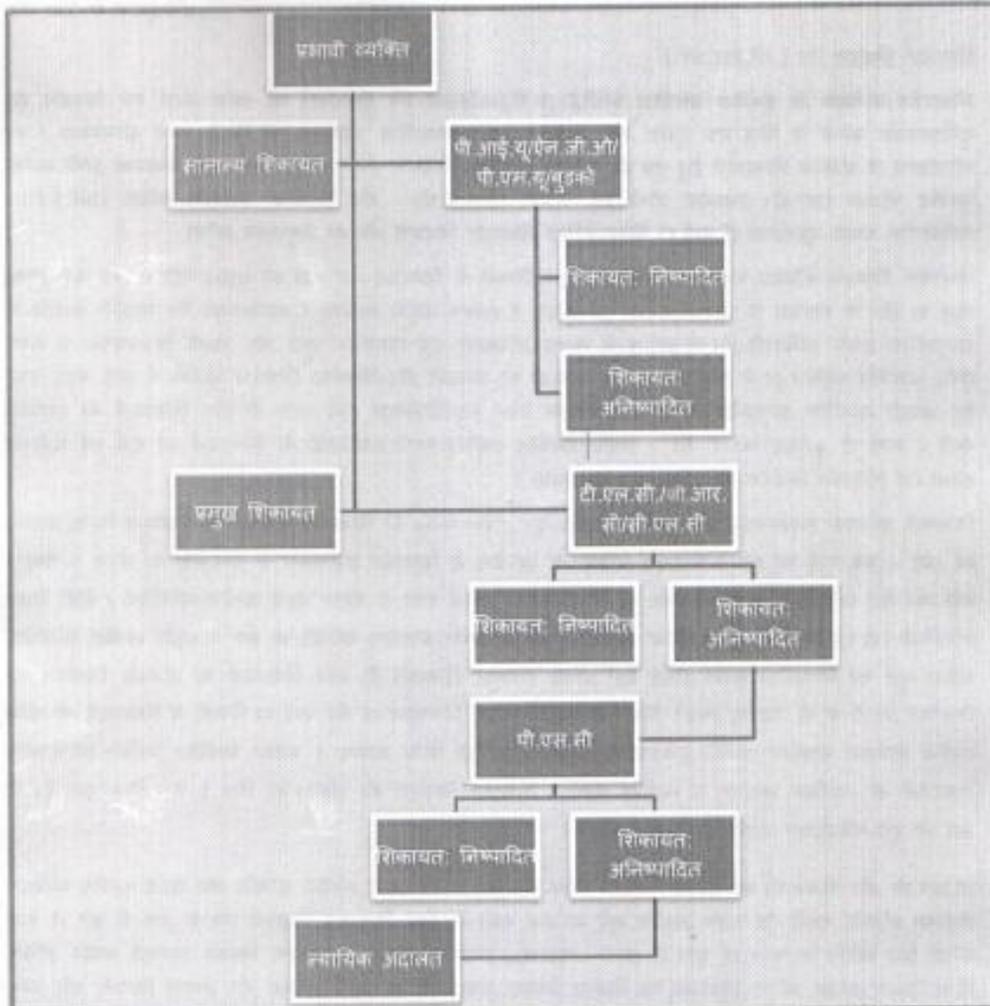
शिकायतें सर्वप्रथम कार्यान्वयन एन.जी.ओ / पी.आई.यू. / पी.एन.यू. की शिकायत प्रकोष्ठ¹ में पंजीकृत किया जाएगा, जो छोटें - बड़े मुद्दों को हल करेंगे। इस प्रक्रिया के माध्यम से शिकायत पंजीकरण के तीन माह के भीतर निराकरण नहीं होने पर; परियोजना के कार्यान्वयन की निगरानी हेतु प्रत्येक शहर में गठित शहरी स्तरीय समितियों / सिटी लेवल समितियों (सी.एस.सी) को सूचित किया जाएगा। एक शिकायत निवारण समिति के रूप में शहरी स्तरीय समितियों संबंधित मुद्दों को निष्पादित करेगी (यदि वहाँ संबंधित पंजीकृत शिकायतें हैं) यथा शिकायतों का योग्यता निर्धारण एवं शिकायत प्राप्ति के दो माह के अन्दर शिकायतों का निष्पादन; निष्पादन ना कर पाने पर स्थिति में शिकायतों को राज्य स्तरीय कार्यक्रम संचालन समिति (पी.एस.सी)² द्वारा संबोधित किया जाएगा। अग्रतर प्रभावित व्यक्ति (ए.पी.)व्यक्तियों शिकायतों को न्यायिक अदालत में संदर्भित करेंगे। शिकायत निवारण की प्रक्रिया को चित्र 1 में दर्शाया गया है। जी आर सी पूर्ण परियोजना अवधि तक कार्य करेगी।

जी.आर.सी और पी.एस.सी की संरचना: एकीकी परियोजना हेतु गठित शहरी स्तरीय समिति और राज्य स्तरीय कार्यक्रम संचालन समिति, शहरी एवं राज्य स्तरीय मुद्दों को हल करने के लिए शिकायत निवारण तंत्र के अंग के रूप में कार्य करेंगी (इस समिति का गठन हो चुका है, प्रपत्र - संलग्न)। संचालन समिति में सदस्य विकास आयुक्त; प्रधान सचिव, वित्त विभाग; प्रधान सचिव, नियोजन एवं विकास विभाग; प्रधान सचिव, शहरी विकास और आवास विभाग; और प्रबंध निदेशक, मुडको हैं।

क्षेत्राधिकार परिसीमा: जिला दंडाधिकारी के नेतृत्व में जी.आर.सी की क्षेत्राधिकार परिसीमा निम्न होगी: (क) जिलांतर्गत सभी स्थान / निर्माण स्थल जहां उप परियोजना सुविधाएं प्रस्तावित हैं; या (ख) जिलांतर्गत प्रभावी क्षेत्रों में।

पी.एस.सी का पराधिकार का क्षेत्र सम्पूर्ण राज्य होगा (अर्थात जिले की सीमाओं से परे, उप परियोजना सुविधा प्रभावी क्षेत्र; यदि कोई हो)।

1. शिकायत प्रकोष्ठ की स्थापना यूलकी / पी.आई.यू. कार्यालय में होगी या ऐसे स्थान पर जो प्रभावित व्यक्ति (ए.पी.)समुदायों (यह समुदाय समुदाय / नदी किनारे के समुदायों) के लिए सुलभ प्लूव में हो।
2. पी.एस.सी कार्यक्रम / उप परियोजना से संबंधित गैर शिकायत जो व्यापक चिंताओं के विषय हो; (अर्थात जहाँ नहीं वह शहर / जिला की परिसीमा तक ही सीमित हो) सीधे पी.एस.सी को अवैधित कर दी जाएगी यदि वह स्तर-स्तरीय शिकायत प्रकोष्ठ में प्राप्त होती है। पी.एस.यू. कार्यालय में भी एक शिकायत पंजीकरण / शिकायत सेल (राज्य स्तरीय) होगा जो की किले इस शिकायत के क्षेत्राधिकार परिसीमा का मूल्यांकन करने और एम जी ओ / पी आई यू को शिकायत निष्पादन करने हेतु सलाह देगा या निष्पादन हेतु जी.आर.सी को अवगत करेगा।



सी.एस.सी.: शहरी स्तरीय समिति; इ.एम.एम.सी.: पर्यावरणीय एवं समाजिक प्रबंधन समन्वयक; जी.आर.सी.: शिकायत निवारण समिति; एन.जी.ओ.: गैर सरकारी संगठन; पी.एस.सी.: कार्यक्रम संचालन समिति - टी०एल०सी०

परामर्श व्यवस्था: इस में शामिल होंगे: (क) प्रभावित व्यक्ति (ए.पी.)व्यक्तियों के साथ समूह बैठक और घर्षा, जिसकी अग्रिम घोषणा की जाएगी और कार्यान्वयन प्रभावित व्यक्ति (ए.पी.)लोगों की सहमती से मुकरेर दिन पर होगी (उनकी उपलब्धता के आधार पर)। इसका संचालन, कार्यान्वयन गैर सरकारी संगठन के सामुदायिक संपर्क अधिकारी (सी.एस.ओ.) और पी.आई.यू. - पी.एम.यू. द्वारा किया जायेगा। सामान्य / आम शिकायतों का समाधान करने के लिए इसका आयोजन आर.पी. कार्यान्वयन के प्रथम वर्ष में कम से कम हर तिमाही पर और तदुपरांत अर्द्धवार्षिक स्तर पर होगा।

(ख) वैयक्तिक परामर्श हेतु एन.जी.ओ. के सी.एस.ओ.; पी.एम.यू. के इ.एम.एम.सी. की उपलब्धता हर पखवाड़े की नियत दिन (शिकायतों की संख्या के आधार पर) सुनिश्चित होगी। निरक्षर / निशक्त प्रभावित व्यक्ति (ए.पी.)व्यक्ति को शिकायत निवारण प्रक्रिया को समझने, शिकायत पंजीकरण, एवं शिकायत निवारण प्रक्रिया के विभिन्न चरणों में अनुवर्ती कार्रवाई में सहयोग सुनिश्चित करने हेतु कार्यान्वयन एन.जी.ओ. जिम्मेदार होगा। सभी प्राप्त

शिकायती का रिकार्ड्स पीआईयू / पीएमयू द्वारा रखा जाएगा जिनमें सभी प्रविष्टियां / ब्यौरा तथा शिकायतकर्ता के संपर्क विवरण, शिकायत प्राप्ती की तारीख, शिकायत की प्रकृति, स सम्मत सुधारात्मक कार्रवाई और तिथि ये प्रभावित व्यक्ति (ए.पी.)थे एवं उसका प्रभाव तारीख और अंतिम परिणाम उल्लेखित होंगी ।

जी.आर.एम की सूचना प्रसार के तरीके: प्रभावित व्यक्ति (ए.पी.) व्यक्तियों के मध्य शिकायत निवारण प्रक्रिया की सूचना प्रसार की जिम्मेदारी कार्यान्वयन एन.जी.ओ. और पी.आई.यू की होगी; तथा किस से संपर्क करना है, और शिकायत दर्ज करने हेतु कब, कहाँ संपर्क करना है, कैसे शिकायत रजिस्टर करना है, शिकायत निवारण प्रक्रिया के विभिन्न चरण, छोटे और बड़े शिकायतों के निवारण हेतु सम्यावधी इत्यादि

शिकायत निष्पादन हेतु लागत: शिकायती को हल करने में शामिल सभी लागत (बीठक, परामर्श, संचार, रिपोर्टिंग, सूचना के प्रसार) पीएमयू द्वारा वहन किया जाएगा ।

शिकायत पंजीकरण फार्म का नमूना नीचे संलग्न है ।

प्रस्तावित समिति के सदस्य - आरांभ

जीआरएम का स्तर	सदस्य	कार्य	समय सीमा
टीयर 1	पी०आई०यू०/पी०एम०यू०	प्रभावित व्यक्तियों (ए.पी.) के शिकायत एवं सुझाव तथा परियोजना से संबंधित स्थानीय स्तर के पर्यावरण एवं सामाजिक छोटे – बड़े मुद्दों का निष्पादन करना	शिकायत एन ग्रान्ती के 90 दिनों के अंदर
2 टीयर	शहर स्तर समितियों (सी.एन.सी) / शहरी समिति / शिकायत निवारण समिति (जी.आर.सी) - शहरी समिति (सी.एन.सी. / जी.आर.सी) का गठन पहले ही ए.डी.बी. परियोजना के अंतर्गत हो चुका है और इसके सदस्य निम्नलिखित है <ol style="list-style-type: none"> 1. जिला मजिस्ट्रेट (संबंधित जिला) सह अध्यक्ष 2. नगर आयुक्त / कार्यकारी अधिकारी सह सदस्य सचिव (संबंधित जिला) 3. कार्यपालक अभियंता (संबंधित जिला) 4. संबंधित विभागों के प्रतिनिधि (संबंधित जिला) 5. संबंधित जिला के एन.जी.ओ. / सी.एस.ओ. 	<ol style="list-style-type: none"> 1. ए.डी.बी परियोजना के अंतर्गत गठित शहरी समिति शहरी स्तरिय समिति या शिकायत निवारण हेतु जी.आर.सी. के तौर पर कार्य करेगी 2. समिति योजनाओं कि नियमित समीक्षा करेगी एवं त्वरित कार्यान्वयन हेतु कार्रवाई करेगी। 3. शहरी समिति के गठन का पत्र अनुलग्नक 1 के रूप में संलग्न है 	60 दिनों के अंदर

उत्तीय	कार्यक्रम संचालन समिति (पी.एस.सी) - निम्न सदस्य शामिल हैं: 1. विकास आयुक्त, बिहार सह अध्यक्ष 2. प्रधान सचिव - वित्त विभाग, सदस्य 3. प्रधान सचिव - योजना और विकास विभाग, सदस्य 4. प्रधान सचिव - शहरी विकास और आवास विभाग, सदस्य 5. प्रबंध निदेशक - बुड़को सह कार्यक्रम निदेशक, ए.डी.बी. परियोजना, सदस्य	1. ए.डी.बी. परियोजना हेतु संचालन समिति का पहले ही गठन ही शुरू है (अनुलग्नक 2) 2. परियोजनाओं का निरीक्षण एवं अन्य महत्वपूर्ण निर्णय लेगी।	90 दिनों के अंदर
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शिकायत पंजीकरण फार्म का नमूना

(हिंदी, में उपलब्ध कराया जायेगा)

बिहार शहरी विकास निवेश कार्यक्रम (BUDIP) परियोजना के कार्यान्वयन से सम्बंधित शिकायतें, सुझाव, प्रश्नों और टिप्पणियों को आमंत्रित करती हैं। हम लोगों से अनुरोध करते हैं कि वे अपना नाम और संपर्क सूत्र कि जानकारी प्रदान करें जिससे कि स्पष्टीकरण एवं जवाब के संबंध में आपसे संपर्क कर सकें।

तारीख		पंजीकरण का स्थान			
संपर्क करने संबंधी जानकारी / व्यक्तिगत विवरण					
नाम		लिंग	पुरुष महिला	आयु	
घर का पता					
शहर					
जिला					
फोन नं.					
ई मेल					
शिकायत / सुझाव / टिप्पणी / प्रश्न: नीचे अपनी शिकायत का विवरण (क्या कौन, क्या, कहाँ और कैसे) का उल्लेख करें:					
अगर संलग्नक / नोट / पत्र के रूप में हैं तो कृपया यहाँ टिक करें:					
हम आपसे टिप्पणी / शिकायत संबंध जानकारी प्रेषित करने हेतु कैसे संपर्क कर सकते हैं।					

कार्यालय उपयोग के लिए

पंजीकृतकर्ता: (अधिकृत व्यक्ति का नाम जिन्होंने शिकायत पंजीकृत किया है)	
शिकायत प्राप्त का जरिया:	
<input type="checkbox"/> नोट / पत्र <input type="checkbox"/> ई मेल <input type="checkbox"/> मौखिक / टेलीफोन	
समीक्षक: (अधिकारी का नाम एवं पद)	
कार्रवाई कि गयी:	
की गई कार्रवाई को उद्घाटित किया गया:	<input type="checkbox"/> हाँ <input type="checkbox"/> नहीं
प्रकटीकरण का जरिया:	

SAMPLE GRIEVANCE REDRESS FORM

(To be available in Hindi, Urdu, English and any other local language as required)

The _____ Project welcomes complaints, suggestions, queries and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback. Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing *(CONFIDENTIAL)* above your name. Thank you.

Date		Place of registration			
Contact Information/Personal Details					
Name		Gender	* Male * Female	Age	
Home Address					
Place					
Phone no.					
E-mail					
Complaint/Suggestion/Comment/Question Please provide the details (who, what, where and how) of your grievance below:					
If included as attachment/note/letter, please tick here:					
How do you want us to reach you for feedback or update on your comment/grievance?					

FOR OFFICIAL USE ONLY

Registered by: (Name of Official registering grievance)	
Mode of communication: Note/Letter E-mail Verbal/Telephonic	
Reviewed by: (Names/Positions of Official(s) reviewing grievance)	
Action Taken:	
Whether Action Taken Disclosed:	Yes No
Means of Disclosure:	

APPENDIX 5: CENSUS AND BASELINE SOCIO-ECONOMIC SURVEY GUIDELINES

A. Cut-Off Date

1. The cut-off date for those who have legal title is the date of Notification under Section 4 (1) of Land Acquisition Act. The date of census is the cut-off date for those who do not have legal standing for eligibility of assistance under the Program. People moving into the subproject area after this cut-off date will not be entitled to support. Persons, who were not enumerated during the census but can show documentation or evidence that he/she is rightfully an affected person, will be included. The Social Development Specialist of the project management unit is responsible for such verification. Only those affected persons within the subproject impact area will be considered eligible for support under the subproject.

B. Census Requirement and Contents

2. Census of households and individuals located within the subproject has to be undertaken to register and document the status of potentially affected population within the subproject impact area. It will provide a demographic overview of the population covered by the resettlement plan and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected population within the subproject impact area.

- (i) **Resource Base.** The resource base including land, water, and forest, etc., with an assessment of its development and ecological potential in the pre-project conditions. During the conduct of the census, legal boundaries of affected properties and the right-of-way are to be verified. Structures, trees and other assets are to be recorded.
- (ii) **Economy Base.** The economy base of the affected people including the modes and magnitude of production, consumption pattern, related economic institutions.
- (iii) **Household Census.** Household census covering immovable property owned by the affected persons and other resources in their possession/use. These surveys would be carried out in association with local and host communities as well as with the local representatives.
- (iv) **Social Structures.** The social structure, norms, customs, cultural centers, traditions, patterns of leadership and institutions of social network.
- (v) **Affected Persons.** The census will prima-facie identify tenants, leaseholders, sharecroppers, encroachers, squatters, and agricultural workers. During such census, those affected persons dependent on the existing infrastructure link for their livelihood, will also be identified and listed along with their identified income. Besides this, the census will also identify affected persons who are from scheduled tribes, and vulnerable affected persons such as the poor, female-headed, old, handicapped, infirm, orphaned, and destitute.
- (vi) **Impacts.** The census survey will also identify the type of permanent and temporary impacts upon each affected person in terms of loss of land, structure, trees, crops, livelihood, and also the extent of these losses in terms of area of land/structure, no. of trees, areas of crop production, income and any other asset lost.

C. Census Procedures

3. The following procedure is to be adopted in carrying out the census:

- (i) Preliminary screening to provide initial information on social impacts (refer Involuntary Resettlement Impact Screening Checklist in Annex 5);
- (ii) Verification of legal boundaries of the subproject area, to document existing structures, land plots, and others physical assets. This involves:
 - (a) Identification of suitable resettlement sites, in close proximity to the affected area if required;
 - (b) All encroachments, private land holdings and others assets in the subproject area is to be documented;
 - (c) Assets, structures, land holdings, trees, etc. to be recorded; and
 - (d) All information is to be computerized; photography to be used to document existing structures.
- (iii) The baseline socio-economic survey will cover information on the various categories of losses and other adverse impacts likely under the subproject;
- (iv) The census will identify potentially affected populations with special attention to vulnerable groups; and
- (v) Assessment on the value of various assets to be made.

D. Database Management

- (i) **Data Sources.** As a pre-requisite for conducting the primary household surveys, relevant information is to be collected from secondary sources. These include:
 - (a) Revenue records maintained, with regard to land particulars for facilitating acquisition of properties and resettlement of displaced;
 - (b) Census records for demographic information;
 - (c) Development agencies to get information on various development programs for special sections of population like those living below poverty line, scheduled tribes, etc.; and
 - (d) Local organizations including nongovernment organizations in order to involve them and integrate their activities in the economic development programs of the displaced population.
- (ii) **Data Collection.** Household level contacts and interviews with each affected family for completing the household socio-economic profile. Each of the households surveyed and the structure/land likely to be affected by the subproject has to be numbered, documented and photographed. Public consultation exercises in different subproject areas to be conducted with the involvement of Affected Persons. In these exercises, women among the affected persons are to be involved to elicit their views and options on the overall planning of resettlement activities. Discussions with a cross-section of affected population will help towards understanding the problems and preference of the affected persons.
- (iii) **Data Analysis.** The analysis would cover the following: population, population density, age, sex ratio, literacy rates/education, gender issues, tribal issues, religious groups, income, occupation and poverty line.
- (iv) **Data Update.** Since there is generally a time gap between the census and land acquisition procedure, it implies that actual physical relocation of affected persons may be delayed. Therefore, it is suggested that nongovernment organizations responsible for implementation of resettlement plan along with project management unit, should conduct a rapid appraisal to continuously update information.

APPENDIX 6: 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?				[]
] NO [] YES				
If yes, approximately how many? _____				
ARE ANY OF THEM POOR, FEMALE-HEADS OF HOUSEHOLDS, OR VULNERABLE TO POVERTY RISKS?				[]
] NO [] YES				
ARE ANY DISPLACED PERSONS FROM INDIGENOUS OR ETHNIC MINORITY GROUPS?				[]
NO [] YES				

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

APPENDIX 7: OUTLINE OF SOCIAL SAFEGUARDS MONITORING REPORT DURING PROJECT IMPLEMENTATION PERIOD

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

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

A. Executive Summary

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

B. Background of the Report and Project Description

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

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

C. Scope of Impacts

This section outlines the detail of

- Scale and scopes of the project's safeguards impacts,
- Vulnerability status of the affected people/communities,
- Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final RP(s) /IPP(s).

D. Compensation and Rehabilitation¹

This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan. This includes:

- Payment of the affected assets compensation, allowances, loss of incomes, etc.

¹ Depending on the status of the final detail design during the submission of the report this activity might not yet started. Provide the information on the expected date the activity to be conducted instead.

to the entitled persons;

- Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.

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

E. Public participation and consultation

This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with APs during RP finalization after the completion of detail design; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing NGOs (if engaged under the program), project supervision consultants, contractors, etc.

F. Grievance Redress Mechanism (GRM)

This section described the implementation of project GRM as design in the approved RP/IPP. This includes evaluations of its effectiveness, procedures, complaints receive, timeliness to resolve issues/ complaints and resources provided to solve the complaints. Special attentions should be given if there are complaints received from the affected people or communities.

G. Institutional Arrangement

This section describes the actual implementation or any adjustment made to the institutional arrangement for managing the social safeguards issues in the projects. This includes the establishment of safeguards unit/ team and appointment of staff in the EA/IA; implementation of the GRM and its committee; supervision and coordination between institutions involved in the management and monitoring of safeguards issues, the roles of NGO and women's groups in the monitoring and implementation of the plan, if any.

H. Monitoring Results – Findings

This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of IR compensation rates and timeliness of payments, adequacy and timeliness of IR rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing EMP, RP, or IPP, timeliness and adequacy of capacity building, etc.). It also compared against the objectives of safeguards or desired outcomes documented (e.g. IR impacts avoided or minimized; livelihood restored or enhanced; IP's identity, human right, livelihood systems and cultural uniqueness fully respected; IP not suffer adverse impacts, environmental impacts avoided or minimized, etc.). For FI projects this includes the effectiveness of the Environmental and Social Management System (ESMS) managed by the FI and its participating institutions². If noncompliance or any major gaps identified, include the recommendation of corrective action plan.

I. Compliance Status

This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR 2 and the approved final RP(s).

² Specific for the FI projects, external agency may be required to conduct an audit of the project ESMS.

J. Follow up Actions, Recommendation and Disclosure

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

Appendix 1

- (i) List of Affected Persons and Entitlements
- (ii) Summary of RP/IPP with entitlement matrix

Appendix 2

- (i) Copies of AP's certification of payment (signed by the APs)
- (ii) Summary of minutes of meetings during public consultations

Summary of complaints received and solution status

APPENDIX 8: TERMS OF REFERENCE FOR INDEPENDENT THIRD PARTY FOR NEGOTIATED SETTLEMENT OR VOLUNTARY LAND DONATION

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

TOR for Independent Third Party Witness

An independent third party is sought to be appointed to oversee and certify the process of negotiated settlement / land donation. The third party shall be briefed about his/her expected role and deliverables by the concerned PIU.

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

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

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

Deliverables: The details of the meetings, and a certificate/reports as witness to the negotiated settlement / donation process and mitigation measures to owner / donor, if any, shall be submitted by the third party to PMU, PIU and owner/donor in the local language._____

SAMPLE CERTIFICATION FORMATS

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

Date

Officers Concerned PIU and land donor/ land owner

(Names and Signatures)

I, _____ of _____(address) certify that I was witness to the process of negotiated settlement / land donation (details of plot _____ from XXXXXXXXXXX land owners names).

I certify that:

1. The process of negotiated settlement / donation of the said land was transparent; the landowner(s) was/were happy to sell/donate the land/assets for the welfare of the community/subproject activities.
2. No coercion was used in the negotiated settlement/donation process.
3. No (formal/informal) third party (associated with the negotiated settlement /donation) is negatively affected¹ by the purchase/donation activity
4. Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
5. All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
6. The following mitigation measures were identified and implemented / provided to the land owner/donor.
7. Attached are the minutes of meetings held between project proponents and the land owner/donor, and the agreed price/value of the donated land which I was witness to.
8. Attached are the pictures of the land purchased through negotiated settlement /donated and pictures of the original land owner(s) of the purchased/donated land.
9. Attached are the information of the socio economic background of the land owner(s)/ donor(s)

Signed/

Name

XXXXXXXXXXXXXXXXXXXXXXX

Date: _____ Place: _____

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

¹ Negatively affected defines as permanent loss of/ access to shelter or livelihood support which could cause impoverishment to the affected third party.

APPENDIX 9: TERMS OF REFERENCE FOR SAFEGUARD PERSONNEL IN PMU AND PMC

1. Environmental and Social Management Coordinator in PMU:

1. The Specialist will ensure consistency of resettlement plan and Indigenous Peoples Plan (IPP) and IEE/EIA development and implementation between towns and provide guidance on social issues. Specific tasks include:

- (i) Assist the PMU in coordinating all social issues and ensuring that all subprojects comply with Government and ADB social and environmental safeguards.
- (ii) Assist the PMU in review of updated resettlement plans and new resettlement plans and IPPs and IEE/EIA from the PIUs.
- (iii) Ensure the implementation of resettlement plans/IPP and IEE/EIA are consistent with Government and ADB policies, and the resettlement framework, indigenous peoples development (IPD) and EARF agreed upon by the Government and ADB for the investment program for all subprojects.
- (iv) Provide necessary guidance in the classification, and development of all social and environmental safeguards documents to PIUs, including the provision of training in the development and implementation of resettlement plans / IPP and IEE / EIA.
- (v) Coordinate valuation by the zonal valuation committees and finalizing compensation packages.
- (vi) Review all classifications and social safeguards documents (resettlement plans / IPP and IEE / EIA) developed by PIUs and ensure comments from the PMU and ADB are integrated in finalized documents.
- (vii) Coordinate monitoring of resettlement plan/ IPP and IEE / EIA implementation including reporting. Provide the detailed terms of reference for the external monitoring agency if required and facilitate engagement.

2. Resettlement Specialist in PMC:

2. The Consultant will support the ESMC (PMU) and update existing resettlement plans in the detailed design stage, and will prepare resettlement plans and IPPs for new subprojects, where required to comply with national law and ADB procedure, and assist the PMU in social safeguards monitoring and reporting to ADB, and disclosure activities. Specific tasks include:

- (i) Update and implement resettlement plans/IPP for Tranche 1 subprojects during detailed design stage
- (ii) Ensure all new subprojects follow the criteria related to social dimensions in the environmental subproject selection criteria and classify all new subprojects in accordance with ADB's classification system.
- (iii) For involuntary resettlement, if involuntary resettlement impacts are found to be significant, a resettlement plan will be prepared that is commensurate with the extent and degree of the impacts for the subproject in consultation with affected persons. The executing agency and ADB will approve its final version before the award of contracts. All resettlement plans will be reviewed and approved by ADB before the award of contracts. Resettlement plans will be consistent with the Government and ADB's Safeguards Policy Statement and the resettlement framework for the investment program.

- (iv) For indigenous peoples: is subprojects has significant impacts on indigenous peoples and they positively or negatively (i) affect their customary rights of use and access to land and natural resource; (ii) change their socio-economic status; (iii) affect their cultural and communal integrity; (iv) affect their health, education, livelihood and social security status; or (v) alter or undermine the recognition of indigenous knowledge, and IPP is prepared. IPPs will be consistent with the Government and ADB's Safeguards Policy Statement and the IPF for the investment program.
- (v) The Consultant will address comments based on the review of the PMU and ADB in finalizing the resettlement plan and IPP.
- (vi) Update and implement resettlement plans and IPPs during detailed design stage. For resettlement plan implementation, the consultants will be specifically responsible for implementation of proposed rehabilitation measures, consultations with affected persons during rehabilitation activities, and grievance redressal.
- (vii) Assist PMU with social safeguards monitoring and reporting and disclosure of safeguard documents in line with ADB Policy;
- (viii) The Consultant will coordinate and provide assistance to NGOs engaged to assist in implementing the resettlement plans.

3. Implementing NGO

3. Implementing NGOs may be engaged in case of any complex resettlement issues in ongoing and future tranches. In that case, the major resettlement plan implementation responsibilities will be with NGOs. The NGO will be the link between the PMU/PIU and affected persons. Specific tasks are:

- (i) Work under close coordination of the SDS to implement the resettlement plan.
- (ii) Involve the elected representatives and local leaders, wherever necessary to implement the resettlement plan to facilitate transparency in the process and public participation.
- (iii) Assist the PMU/PIU in dissemination of the resettlement plan and other resettlement related information.
- (iv) Take lead in joint verification and identification of affected persons.
- (v) Participate in the Valuation Committee to determine the replacement value of assets lost.
- (vi) Carry out a census of the affected persons and identify the vulnerable households.
- (vii) Identify training needs of affected persons for income generation activities and ensure that they are adequately supported.
- (viii) Through counselling and awareness generation, resolve the grievances of the affected persons.
- (ix) Put forth the unresolved grievances of the affected persons to the GRC.
- (x) Generate awareness about the livelihood restoration activities, and help the affected persons to make informed choices. Including assisting affected persons in participating in government development programs.
- (xi) Prepare subproject level plans for implementation of resettlement plan and issue ID cards.
- (xii) Assist in disbursement of compensation checks.
- (xiii) Participate in public meetings as and when required.

- (xiv) Submit periodical resettlement plan implementation report to the Resettlement Officer.