

KARNATAKA NEERAVARI NIGAM LTD



**Karnataka Integrated and Sustainable
Water Resources Management Investment Program**

ADB LOAN No. 3172-IND

**VIJAYANAGARA CHANNELS
FEASIBILITY STUDY REPORT**

Volume 3c: Resettlement Framework



Project Management Unit, KISWRMIP



Project Support Consultant

SMEC International Pty. Ltd. Australia

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SMEC COMPANY DETAILS

Dr Hasan A. Kazmi

387, Udyog Vihar, Phase-2, Gurgaon – 122002, Haryana

Tel	+91 124 4552800
Fax	+91 124 4380043
Email	Srinivas.Mudrakartha@smec.com ; Website: www.smec.com

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ABBREVIATIONS

ADB	Asian Development Bank
ADB SPS	Asian Development Bank Safeguard Policy Statement
APs	Affected Persons
CAD	Command Area Development
CADA	Command Area Development Authority
CCA	Culturable Command Area
CL-GRC	Canal Level Grievance Committee
DPs	Displaced Persons
EA	Executing Agency
FCTLARR	Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013
GoI	Government of India
GRC	Grievance Redressal Committee
GRM	Grievance Redressal Mechanism
IA	Implementing Agency
IPPF	Indigenous Peoples Planning Framework
IR	Involuntary Resettlement
IWRM	Integrated Water Resources Management
KISWRMIP	Karnataka Integrated and Sustainable Water Resources Management Investment Program
KNNL	Karnataka Neeravari Nigam Limited
LAA 1894	Land Acquisition Act, 1894
MFF	Multi-tranche Financing Facility
MoU	Memorandum of Understanding
NRRP 2007	National Rehabilitation and Resettlement Policy, 2007
O&M	Operations and Maintenance
PIO	Project Implementation Organization
PL-GRC	Project Level Grievance Committee
PMU	Project Management Unit
PPP	Public Private Participation
R&R	Resettlement & Rehabilitation
RF	Resettlement Framework
RFCTLARR	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013
RP	Resettlement Plan
RoW	Right of Way
RP	Resettlement Plan
SEC	Socio Economic Survey
GoK	Government of Karnataka
SC	Scheduled Caste
SPS	Safeguard Policy Statement
SST	Support Services Team
ST	Scheduled Tribe
TA	Technical Assistance
TBP	Tungabhadra Project
TLBC	Tungabhadra Left Bank Canal
TMC	Thousand million cubic feet
WUCS	Water Users Cooperative Societies

1. INTRODUCTION

1.1 About the Project

1. The Karnataka Integrated and Sustainable Water Resources Management Investment Program (KISWRMIP) funded by Asian Development Bank aims to manage and sustain the increasingly scarce water resources in the selected water scarce river basins in the State of Karnataka in India. It involves establishing and strengthening state and basin level institutions adopting the principles of integrated water resources management (IWRM) in the Tungabhadra sub-basin (of the Krishna basin). With water for agriculture utilizing over 80% of the State's water resources, investment support is provided for sub-basin wise planning to modernize and improve irrigation service delivery while strengthening relevant institutions—state departments and irrigation water user cooperative societies (WUCS).
2. The Resettlement Framework (RF) for the MFF KISWRMIP was prepared in 2013 as per the ADB Involuntary Resettlement Policy 1995. Tranche1 project was prepared in 2013 as per Resettlement Framework based on National Rehabilitation and Resettlement Policy, 2007. During the later part of the year 2013, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, known as RFCTLARR Act, 2013, was enacted in India. Therefore, the RF needs to be updated to comply with the requirement of ADB Safeguard Policy Statement (SPS) 2009 by incorporating the latest provisions of RFCTLARR Act, 2013. This updated RF will be the guiding document for future social safeguard planning and implementation for this Project.
3. Any component included in the Project shall comply with the requirements of this RF and all Resettlement Plan (RPs) prepared for subsequent projects in the KISWRMIP will be endorsed by the Executing Agency (EA) or Implementing Agency (IA) and submitted to ADB for review and approval prior to civil works contract award. Compensation at replacement cost and other expenses will be paid to all the displaced persons (DPs)¹ prior to commencement of construction activities and prior to displacement or dispossession of assets.
4. The purpose of this RF is the following: (i) specify requirements that will be followed in relation to project screening and categorization, assessment, and planning, including arrangements for meaningful consultation with displaced persons and other stakeholders, information disclosure requirements, and, where applicable, safeguard criteria that are to be applied in selecting subprojects and/or components; (ii) assess adequacy of client's capacity to implement national laws and ADB's requirements and identify needs for capacity building; (iii) specify implementation procedures, including budget, institutional arrangements and capacity development requirements; (iv) specify monitoring and reporting requirements; (v) describe responsibilities of the client and that of ADB in relation to the preparation, implementation, and progress review of social

¹ According to ADB Safeguard Policy Statement-2009, in the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

safeguard documents of subprojects; (vi) lay out the principles and objectives governing the preparation and implementation of Resettlement Plans (RPs), and ensure consistency with ADB policy requirements, and (vii) compare applicable national laws and regulations and the ADB SPS and outline measures to fill identified gaps.

1.2 Project Description

5. KISWRMIP is a multi-tranche financing facility (MFF) program executed over a period of seven years from 2014 to 2021 in two (now three) Tranches with the aim of modernization of irrigation infrastructure on three irrigation subprojects within the Tungabhadra (K-8) sub-basin. The program aims to enhance security of water resources through modernisation of existing irrigation projects/schemes, improved water resources management in the selected river basins and other associated infrastructure activities. Tranche-1 envisages modernization of Gondi irrigation system whereas Tranches 2 and 3 envisage modernization of Vijayanagara and Tungabhadra canal systems and all associated infrastructures respectively. The Vijayanagara Channel is spread over 3 districts namely Bellary, Raichur and Koppal. These channels were constructed during the period of Vijayanagara kingdom more than 600 years ago. The overall program will improve water availability to meet competing water demands in selected river basins by implementing integrated water resources management (IWRM) and improving irrigation service delivery in the State. It will support increased water use efficiency to provide economic opportunities, particularly to women, and improve rural incomes. The program will focus on the Krishna basin, and specifically within the Tungabhadra sub-basin for implementation of physical works.
6. The channels are under operation in deteriorating conditions having very low conveyance efficiency due to deferred maintenance. Due to the operation of channels for two seasons in a year, it has lost its shape in several stretches due to scouring effect and accumulation of silt over a period. Because of this, it is difficult to convey water to the tail-end areas during irrigation season. Looking at the poor state of the channel infrastructure, modernization estimate was prepared incorporating dismantling and reconstruction of dilapidated structures and providing concrete lining throughout the length of the channels to enable conveyance of water to tail-ends of the channels and to prevent seepage losses, thereby saving water. The network of Vijayanagara Channel (VNC) system is partially lined with major portion remaining unlined.
7. It is now proposed to take up modernization of the VNC in Tranche 2. Physical works comprise modernization of 16 channels which includes lining, construction of cart bridges, washing ghats, cattle troughs, pipe outlet, service roads and inspection paths. Implementation of all physical works are planned to be carried out within the existing right of way (RoW) of the channels involving no new land acquisition. The socio-economic surveys carried out as part of the social impact due diligence confirmed that the project will not involve land acquisition and resettlement.

2. OBJECTIVES AND POLICY FRAMEWORK

2.1 Objectives

8. This document is the updated resettlement framework and reflects ADB's Safeguard Policy Statement (2009), the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA), 2013 Government of India and the state policies and regulations. To the extent possible, the project seeks to avoid any involuntary land acquisition and resettlement. If private lands will need to be acquired for the project, the project preference is to acquire land on a voluntary basis through negotiated settlement. The Executing agent will ensure that the direct purchase of private land and structures is based on Section 46 of the RFCTLARRA, 2013, the Right to Fair Compensation, and Transparency in Land Acquisition, Rehabilitation and Resettlement (Karnataka) Rules, 2014 and ADB SPS (para 25, Involuntary Resettlement Requirement 2, **Annexure 1**, p.48). If negotiated settlement process fails for a particular site, KNNL will identify another site where negotiated settlement will be tried again. The salient features of RFCTLARRA, state policies and regulations, and ADB SPS have been summarized below.
9. This RF applies to all DPs both titled and non-title holders affected permanently or temporarily due to project activities, including purchase and temporary use of land during construction. The RF does not apply to state land transferred from one authority to another, or used for reconstruction, unless third parties are adversely affected by the transfer or use.

2.2 Legal and Policy and Framework

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

10. This Act of the Government of India has been effective from January 2014 and its application extends to the whole of India, except the state of Jammu and Kashmir. The Act replaced the Land Acquisition Act. 1894 (**Annexure 2**).
11. The aims and objectives of the Act include: (i) ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution of India, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other affected families; (ii) provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition; (iii) make adequate provisions for such affected persons for their rehabilitation and resettlement; (iv) ensure that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status, and for matters connected therewith or incidental there to.
12. Section 27 of the Act defines the method by which the market value of the land shall be computed under the proposed law. Schedule I outlines the proposed minimum compensation based on a multiple of market value. Schedule II through VI outline the

resettlement and rehabilitation entitlements to land owners and livelihood losers, which shall be in addition to the minimum compensation per Schedule I.

13. Karnataka Government also issued a notification of adopting the RFCTLARR Act – 2013 (Central Act 30 of 2013) through Revenue Secretariat Notification No. RD 152 AQB 2013, Bangalore Dated 21.06.2014.

2.2.2 The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Karnataka) Rules, 2014

14. The RFCTLARR (Karnataka) Rules came into force in 2014, on the date of their publication in the Gazette Notification of Government of Karnataka and specify the process to be followed for land acquisition, rehabilitation and resettlement in Karnataka.⁴ The Rules also encourage avoidance of land acquisition and resettlement impacts through a provision to take lands on lease rather than through acquisition for public purpose.
15. The RFCTLARR (Karnataka) Rules 2014 exercise the powers conferred by section 109 of the RFCTLARRA, 2013.

2.2.3 ADB Safeguard Policy Statement (SPS), 2009

16. The objectives of ADB's SPS with regard to involuntary resettlement are: (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels, and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.
17. ADB's SPS covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of: (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers displaced persons whether such losses and involuntary restrictions are full or partial, permanent or temporary.
18. The three important elements of ADB's SPS are: (i) compensation at replacement cost for lost assets, livelihood, and income prior to displacement; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to enhance, or at least restore, the livelihoods of all displaced persons relative to pre-project levels and to improve the standard of living of displaced poor and other vulnerable groups.

2.3 Comparison of the RFCTLARRA 2013 and State Policies with Key Indicators of ADBs Safeguard Policy Statement 2009

19. A comparison of the key requirements has been made and the identified gaps will be addressed through this Resettlement Framework. The resettlement framework addresses the following identified gaps, namely: (i) screening past, present and future involuntary resettlement impacts and risks: The Project will undertake screening of all subprojects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks; (ii) gap in establishing a project-level GRM for projects that do not have significant resettlement impacts. The Project

will establish project-level GRM; (iii) define vulnerable group as per SPS, policy principle 2. The definition of vulnerable groups is in line with ADB SPS and the Entitlement Matrix outlines assistance for vulnerable groups; (iv) third party monitor of negotiated settlement: to ensure a fair and transparent process, a third party independent monitor will be hired to certify that the process of negotiated purchase was undertaken in a transparent and equitable manner, without coercion; (v) disclosure of resettlement plan and resettlement framework to affected persons; and (vi) frequency of resettlement plan monitoring: frequency of monitoring will be semi-annual, as required per SPS.

2.4 Involuntary Resettlement Principles for this Project

20. The project will recognize three types of physically displaced persons including: (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 loss. 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. Based on the above analysis of government provisions and ADB policy, the following resettlement principles are adopted for this project:
 - (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks. Measures to avoid and minimize involuntary resettlement impacts include the following: (a) explore alternative alignments or locations which are less impacting, (b) ensure that appropriate technology is used to reduce land requirements, (c) modify the designs to maximize the use of existing land title for the project to ensure that involuntary resettlement is avoided or minimized.
 - (ii) Carry out meaningful consultations with DPs and concerned no-government organizations (NGOs). Inform all DPs 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.
 - (iii) Establish a grievance redressal mechanism (GRM) to receive and facilitate resolution of the concerns of DPs. Support the social and cultural institutions of

- DPs 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.
- (iv) Improve, or at least restore, the livelihoods of all DPs through: (a) land-based resettlement strategies when affected livelihoods are land-based where possible, or cash compensation at replacement cost for land when loss of land does not undermine livelihoods; (b) prompt replacement of assets with access to assets of equal or higher value; (c) prompt compensation at full replacement cost for assets that cannot be restored, and (d) additional revenues and services through benefit sharing schemes where possible.
 - (v) Provide DPs with needed physical and economic 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.
 - (vi) Improve 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.
 - (vii) 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.
 - (viii) Ensure that the DPs without title to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
 - (ix) Prepare an RP elaborating on the entitlements of DPs, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. This RP will be approved by ADB prior to civil works commencing on the section of land.
 - (x) Disclose the 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.
 - (xi) Conceive and execute involuntary resettlement as part of a development project or program. Include the full cost of resettlement in the presentation of project 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.

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

2.5 Negotiated Settlement

22. Section 46 of RFCTLARRA, 2013 permits direct purchase of land and undertaking direct negotiation with the land owner. Consistent with the RFCTLARRA, 2013, the Government of Karnataka Gazette Notification also promotes direct land purchase to optimize the utilization of public funds and accelerate the implementation of important infrastructure projects. Such purchase is supported by the ADB SPS provided that eminent domain will not be applied should the negotiated purchase fail, and where direct negotiations with land owners are conducted in a fair and transparent manner and land will be purchased upon agreement of a negotiated price. In the Project, in addition to the requirements in the Government of Karnataka Memorandum, the process of negotiation will involve the following steps:

- (i) Negotiation will take place when there is a willing seller;
 - (ii) Meaningful consultation with the affected person(s) 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 fair market price of land;
 - (iv) All negotiations 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), who will ensure there is no asymmetry of information availability and transparency is maintained;
 - (v) In case of failure of negotiations, compensation will be paid as outlined in the Entitlement Matrix of the resettlement framework and the entire process 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;
 - (vi) The land transfer and updated records of the lands obtained through negotiated settlement will have to be completed prior to the start of civil works;
 - (vii) No negotiated purchase from vulnerable households shall be undertaken for the project; and
 - (viii) People who enter into negotiated settlement will maintain the same or better income and livelihood status.
23. For any negotiated settlement, an external independent entity will supervise and document the consultation process and validate the negotiated settlement process as per legal requirement. A Terms of Reference for Independent Third Party Witness and sample certificate format are included in **Annexure 4**. The above information must be included in a due diligence report prepared by an external party, preferably by reputed and qualified NGOs, for ADB review and approval.

2.6 Screening Criteria of Subprojects

24. Following the RFCTLARRA 2013, state policies and regulations and incorporating ADB's Safeguard Policy Statement, 2009, the basic principles for the Project will include these elements with respect to each sub-project, namely (i), land acquisition, and other involuntary resettlement impacts would be minimized as much as possible; (ii) any land acquisition and/or resettlement will be carried out and compensation provided in order to improve or at least restore the pre-Project income and living standards of the affected people; (iii) consultation with affected people on compensation options; (iv) payment of compensation for acquired assets at market/replacement rates; (v) payment of compensation for lost land, housing, assets and resettlement allowances in full prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vi) resettlement assistance to affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vii) income restoration and rehabilitation; (viii) establishment of appropriate GRMs to ensure speedy resolution of disputes; (ix) special attention to vulnerable groups; and, (x) involvement of women in all activities related to resettlement planning, implementation, and monitoring.
25. The sub-projects to be taken up for implementation in the Project will have broadly two types of impacts that will require mitigation measures. The types of impacts are (i) loss of land and related assets; and (ii) loss of livelihood or income opportunities.
26. 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.
27. 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 affected persons.
28. ADB's Involuntary Resettlement Impact Screening/Categorization Checklist (**Annexure 3**) 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 PIO and submitted to PMU. Based on the ADB's Operational Manual Section F1/Operational Procedures⁵ 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 an assessment of social impacts, is required.
 - (ii) **Category B** – A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.
 - (iii) **Category C** – A proposed project is classified as Category C if it has no involuntary resettlement impacts. No further action is required.
29. The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons 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.
30. Measures will be undertaken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternatives for subproject designs and alternative sites or locations for subproject components to ensure that land acquisition and other involuntary resettlement impacts are avoided or minimized. These measures and criteria will be applied and rehabilitation within existing facility premises will be prioritized over new construction so as not to require land acquisition and result in resettlement impacts. Based on thorough survey of all possible site alternatives, subproject components will be proposed on vacant government land, where available
31. Any involuntary resettlement impacts arising from the associated facilities, i.e. pipelines, intake or any other components being laid/constructed with government or any other funds, which will be part of the same water supply project, will be identified and shared with ADB. Government of Karnataka will ensure that such impacts are compensated / mitigated prior to displacement or start of construction work on those components. Confirmation of the same and the government's plan of action such as avoidance/mitigation measures/compensation will be shared with ADB and executed as per plan. Due diligence reports for the associated facilities will be attached to updated project resettlement plans.

2.7 Voluntary Donation

32. Affected people may choose to voluntarily donate small strips of land (less than 5% of their total asset) or other assets attached to the land, such as tress's, temporary structures etc. In the case of voluntary donation where the community or land owner(s) agree(s) to donate a part of their land or assets for the project, an independent external party will have to be engaged to ensure and validate the following requirements:
- (i) The donation will not cause significant impacts on the livelihood of the donor(s) and the donor(s) is/are fully aware of the value of their donated land(s); and if not donated, the land will be compensated by the project;
 - (ii) the donation does not come from land owners categorized as poor or vulnerable families;

- (iii) the donation will not cause any economic or physical displacement of the current land users (with or without legal title- sharecroppers, tenants and other types of 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) (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government.
33. The above information must be included in a due diligence report prepared by an external party, preferably by reputed and qualified NGOs, 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. A Terms of Reference for Independent Third-Party Witness and sample certificate format are included in **Annexure 4**.

2.8 Entitlement Matrix

34. According to the above policy analysis and requirement, the following three categories of DPs will be eligible for payment of compensation as per the identified impacts.
- (i) those who have formal legal rights to land lost in its entirety or in part;
 - (ii) those who lost the land they occupy in its entirety or in part and have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national/state laws, and
 - (iii) those who lost the land they occupy in its entirety or in part and have neither formal legal rights nor recognized or recognizable claims to such land.
35. *Cut-off Date:* For titleholders, the date of SIA notification [Sec 4(2)] of intended acquisition as per the provisions of RFCTLARR Act 2013 will be treated as the cut-off date, and, for non-titleholders, the start date of project census survey for the subproject will be the cut-off date. There will be adequate notification of cut-off date; measures will be taken to prevent encroachments/squatting after the cut-off date is established. Non-title holders who settle in the affected areas after the cut-off date will not be eligible for compensation. They however will be given sufficient advance notice (60 days) to vacate the premises so that the affected structures can be dismantled well before project implementation begins. The project will recognize both licensed and non-licensed vendors, and titled and non-titled households.
36. Damages/unanticipated losses caused during construction, if any will be eligible for compensation. Such issues will be identified and closely monitored by the PIO social and environmental officers. Compensation for temporary impacts and damage during construction will be borne by the contractor. Unanticipated losses, if any, will be mitigated / compensated as per the Entitlement Matrix of this resettlement framework. Loss of drinking water, sanitation and/or any other facility due to damage of existing infrastructure during construction will be mitigated through provision of alternate facilities (e.g. alternate means of water supply). The time gap between transfer from old system to new in certain areas will be minimized to avoid inconvenience to the public.
37. The displaced persons will be entitled to the following six types of compensation and assistance packages:

- a) Compensation for the loss of land, crops/ trees at their replacement cost;
 - b) Compensation for structures (residential/commercial) and other immovable assets at their replacement cost;
 - c) Assistance in lieu of the loss of business/ wage income and income restoration assistance;
 - d) Alternate housing or cash in lieu of house to physically displaced households not having any house site;
 - e) Assistance for shifting and provision for the relocation site (if required), and
 - f) Rebuilding and/ or restoration of community resources/facilities.
38. All displaced persons will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the displaced persons. The Entitlement Matrix (**Table 1**) has been developed, that summarizes types of losses and the corresponding nature and scope of entitlements in compliance with National/State Laws and ADB's SPS.

Table 1: Entitlement Matrix

S. No.	Type of Loss	Application	Definition of Entitled Person	Compensation Policy Land	Implementation Issue	Responsible Agency
1. Private land						
1-a	Loss of private land	Agricultural land ² , homestead land or vacant plot	Legal titleholders/ Family with traditional titleholders ³	<ul style="list-style-type: none"> • Compensation at replacement cost or land-for-land where feasible.⁴ If land-for-land is offered, titles will be in the name of original landowners. • One-time Resettlement allowance⁵ of Rs. 50,000 per affected family⁶ • Each affected family shall be eligible for choosing one-time assistance option from: (i) Where jobs are created through the project, employment for at least one member of the affected family with suitable training and skill development in the required field; or (ii) One-time payment of Rs. 50,000 per affected family. • Right to salvage material from the demolished structure at no cost. • A lump sum transportation/shifting assistance of ₹10,000 will be provided • Additional assistance for vulnerable households (refer to no. 7 in this matrix). 	<ul style="list-style-type: none"> • Compensation accounts for all taxes and fees and does not account for any depreciation. • Vulnerable households will be identified during the census. • Re-titling to be completed prior to project completion • For option of choosing job created through project, job will be paid at living wage and monitored by CSC. 	District Collector/Deputy Commissioner shall determine the market value of the land and multiply by appropriate factors, and add 100% solatium as specified in LARR Act. PIO will ensure provision of notice. PIO will verify the extent of impacts through a 100% survey of APs, determine assistance, and identify vulnerable households.

² The LARR, 2013 Act says that no irrigated multi cropped land shall be acquired under this Act, except in exceptional circumstances, as a demonstrable last resort. Wherever such land is acquired, an equivalent area of cultivable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. Such costing shall also reflect while preparing Resettlement Budget.

³ Traditional land rights refer to households with customary rights to land and shall be treated equivalent to titleholders. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 defines "Forest Dwelling Scheduled Tribes" as the members or community of the Scheduled Tribes who primarily reside in and who depend on the forests and forest lands for bona fide livelihood needs and includes the Scheduled Tribe pastoralist communities. The act provides right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement or rehabilitation prior to the 13th of December 2005.

⁴ Including option for compensation for non-viable residual portions.

⁵ The LARR Act-2013 specifies that each affected family shall be given one-time Resettlement Allowance of Rs.50,000/- only.

⁶ 'Family' includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him. Widows, divorcees and women deserted by families shall be considered separate family. An adult of either gender with or without spouse or children or dependents shall be considered as a separate family – as defined under LARR Act-2013.

1-b	Loss of private land	Agricultural land, homestead land or vacant plot	Tenants and leaseholders (whether having written tenancy/lease documents or not / Sharecroppers	<ul style="list-style-type: none"> • Compensation for rental deposit or unexpired lease (such amount will be deducted from the compensation of land owners). • Compensation at replacement cost for any investment made to the land; • 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. • One-time financial assistance of ₹10,000 as transportation cost/shifting allowance for displaced families. 	<ul style="list-style-type: none"> • Reimbursement of unexpired lease or rental deposit will be facilitated by the project. Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease. If documentary evidence is available, the project may deduct the amount due against unexpired lease or rental deposit from the landowner's compensation and pay the same to the tenant or lessee. • Harvesting prior to acquisition will be accommodated to the extent possible. • Work schedule will avoid harvest season. 	PIO will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to PIO. PIO will ensure provision of notice.
1-c	Loss of private land	Homestead or agricultural or commercial or industrial or mixed use land or vacant plot	Encroachers and squatters	<ul style="list-style-type: none"> • Encroachers/squatters will be notified and given 60 days advance notice to remove their assets. • Compensation for affected structures calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. • Right to salvage material from the demolished structure at no cost. • A lump sum transportation/shifting assistance of ₹10,000 will be provided • Additional assistance for vulnerable households (refer to no. 7 in this matrix). • Priority for project construction related employment, if so desired. • Provision of access to land under existing land 		PIO will ensure provision of notice. PIO will verify vulnerable households.

				allocation or legalization schemes; either as titled or rental/lease land.		
2. Government Land						
2-a	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholders/Legal User/ Sharecropper	<ul style="list-style-type: none"> • Compensation for rental deposit or unexpired lease (such amount will be deducted from the compensation of the lessee). • Displaced families belong to Scheduled Caste (SC) and Scheduled Tribe (ST) will receive additional one-time Rs. 50,000 as subsistence allowance. • Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to ₹3000 per month for a period of one year from the date of award. • One-time financial assistance of ₹50,000 as transportation cost/shifting allowance • Additional assistance for vulnerable households (refer to no. 7 in this matrix). 	<ul style="list-style-type: none"> • Vulnerable households will be identified during the census. 	PIO will ensure, interdepartmental coordination, provision of notice and identify vulnerable households.
2-b	Loss of Government land	Vacant plot, ROW of service roads or inspection paths, Agricultural land, homestead land	Non-Title Holders/Squatters ⁷ , Encroachers ⁸	<ul 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 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"> • As per ADB SPS-2009, all NTH are considered as vulnerable households. 	<p>PIO will ensure provision of notice.</p> <p>PIO will identify and verify vulnerable households.</p>
3. Residential Structures⁹						

⁷ Squatters are those who have no recognizable rights on the land that they are occupying.

⁸ Encroachers are those who build a structure which is in whole or is part of an adjacent property to which he/she has no title.

⁹ Some of the entitlements under section are the same as previous rows as it is structured separately for each affected category and should not be duplicated in reading

3-a	Loss of residential structure	Residential structure and other assets ¹⁰	Legal Titleholder of affected structure/ those without homestead land	<p>Each affected family shall be eligible for choosing one-time assistance option from:</p> <p>(i) Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable) without depreciation;</p> <p>or</p> <p>(ii) In Rural area, the displaced family will be provided with the option of constructed house as per Pradhan Mantri Awaas Yojana specifications in lieu of cash compensation;</p> <p>(iii) In urban areas, a constructed house shall be provided, which will be not less than 50 m2. in plinth area OR a one-time financial assistance for house construction, which shall not be less than ₹150,000.</p> <ul style="list-style-type: none"> • The replacement cost of the structure including labour cost will be provided, calculated as per the latest prevailing BSR without depreciation; • 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. • One-time financial assistance of ₹50,000 as transportation/shifting allowance; • A monthly subsistence allowance equivalent to ₹3000 per month for a period of one year from the date of award will be provided • Right to salvage material from the demolished structure at no cost; • If relocation required, rental assistance at ₹5000 per month till alternative house is ready; • Each affected family shall be given a one-time Resettlement Allowance of ₹50,000 only. 	<ul style="list-style-type: none"> • Compensation accounts for all taxes and fees and does not account for any depreciation. • Vulnerable households will be identified during the census. • Wherever DPs opt for self- construction, land and structures will be compensated at replacement cost • Assessment of viability of remaining structure will be made in consultation with DPs 	<p>District Collector/Deputy Commissioner shall determine the market value of the structure and add 100% solatium as specified in LARR Act. Valuation committee will verify replacement value. PIO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.</p>
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¹⁰ Other assets include, but is not limited to walls, fences, sheds, wells, etc.

				<ul style="list-style-type: none"> All fees, taxes and other registration charges incurred for the replacement structure shall be borne by executing agency. Additional compensation for vulnerable households (item no. 7) 		
3-b	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> Rental assistance at ₹5000 per month for 3 months. One-time financial assistance of ₹50,000 as transportation cost/shifting allowance. A monthly subsistence allowance equivalent to ₹3000 per month for a period of one year from the date of award will be provided Any additional structures erected by tenants/lessees will also be compensated at replacement cost and deducted from owner's compensation amount; Right to salvage material from demolished structure, erected by tenants. Additional compensation for vulnerable households (item no. 7) 	Reimbursement of rental deposit or unexpired lease to tenants and leaseholders to be facilitated by the project. Structure owners will reimburse tenants and leaseholders land rental deposit or unexpired lease. If documentary evidence is submitted, the project may deduct the amount due against unexpired lease or rental deposit from the landowner's compensation and pay the same to the tenant or lessee.	Valuation committee will verify replacement value. PIO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
3-c	Loss of residential structure	Residential structure and other assets	Non-Title Holders/ Squatters, Encroachers	<ul 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 BSR without depreciation. Right to salvage material from the demolished structure at no cost. A lump sum shifting assistance of ₹10,000 will be provided Additional compensation for vulnerable squatter households (item no. 7) 		PIO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4. Commercial Structures						
4-a	Loss of commercial structure	Commercial structure and other assets	Legal titleholders Family with	<ul style="list-style-type: none"> The replacement cost of the structure without depreciation, subject to a minimum of ₹25,000; where loss of structure is partial and the 	Vulnerable households will be identified during the census survey of affected	Valuation committee will determine replacement value. PIO

			traditional land right	<p>remaining portion is not viable for living any more, compensation should be for whole structure; otherwise, compensation will be for affected structure only.</p> <ul style="list-style-type: none"> • One-time Resettlement Allowance of ₹50,000 • A monthly subsistence allowance equivalent to ₹3,000 per month for a period of one year from the date of award will be provided. • Right to salvage material from the demolished structure at no cost; • One-time financial assistance of ₹50,000 as transportation allowance. • Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. • All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the executing agency. • Additional compensation for vulnerable households (item no. 7) 	households conducted by PIO/PIU	will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4-b	Loss of commercial structure	Commercial structure and other assets	Tenants and leaseholders	<ul style="list-style-type: none"> • Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. One-time financial assistance of ₹50,000.00 as transportation/shifting allowance. • A monthly subsistence allowance equivalent to ₹3,000 per month for a period of one year from the date of award will be provided • Any additional structures erected by tenants/lessees will also be compensated and deducted from owner's compensation amount; • Right to salvage material from demolished structure, erected by tenants • Additional compensation for vulnerable households (item no. 7) 	Reimbursement of rental deposit or unexpired lease to tenants and leaseholders to be facilitated by the project. Structure owners will reimburse tenants and leaseholders land rental deposit or unexpired lease. If documentary evidence is submitted, the project may deduct the amount due against unexpired lease or rental deposit from the landowner's compensation and pay the same to the tenant or lessee	Valuation committee will determine replacement value. PIO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
4-c	Loss of commercial	Commercial structure and	Non-Title Holders/Squatters,	<ul style="list-style-type: none"> • Encroachers will be notified and given 60 days 	Vulnerable households will be identified during the	PIO will verify the extent of impacts

	structure	other assets	Encroacher	<p>advance notice to remove their assets.</p> <ul style="list-style-type: none"> • Compensation for affected structures at replacement value calculated as per the latest prevailing BSR without depreciation. • Right to salvage material from the demolished structure at no cost. • A lump sum shifting assistance of ₹10,000 will be provided • Additional compensation for vulnerable squatter households (item no. 7) 	census.	through a 100% survey of AHs determine assistance, verify and identify vulnerable households.
5. Livelihood						
5-a	Loss of livelihood	Livelihood	<p>Legal titleholder losing business/ commercial establishment</p> <p>Family with traditional land right</p> <p>Commercial tenant</p> <p>Commercial leaseholder</p> <p>Employee in commercial establishment</p> <p>Agricultural laborer (long term)</p> <p>Artisans</p> <p>Squatters</p>	<ul style="list-style-type: none"> • One-time grant of a minimum of ₹25,000f for self-employed persons, artisans, small traders etc. • Skill up-gradation training to APs opted for (one member of the affected family) income restoration. • Preference in employment under the project during construction and implementation. • Monthly Subsistence allowance of Rs. 3,000 for one year (total Rs. 36,000) from the date of award • Additional compensation for vulnerable squatter households (item no. 7). 	Vulnerable households will be identified during the census.	<p>PIO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.</p> <p>For Agricultural laborer (long timer) Only those who are in fulltime / permanent employment of the land owner will be eligible for this assistance. Seasonal agricultural laborers will not be entitled for this assistance.</p>
5-b	Loss of livelihood		<p>Wage-earning employees affected due to displacement of commercial structure (those working in businesses such as petty shops, eateries)</p>	<ul style="list-style-type: none"> • Assistance to persons affected due to employer being displaced, based on (1) actual wage as recorded in the formal contract or (2) One-time financial assistance for lost income based on 6 months subsistence allowance at ₹18,000g per affected person, whichever is higher. • Preference for employment opportunity for Affected Persons in the project construction 	Census survey will identify households whose livelihoods are affected, extent and type of loss. Census survey will also identify vulnerable households.	PIO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.

				work, if so desired by them.		
				<ul style="list-style-type: none"> Additional compensation for vulnerable squatter households (item no. 7). 		
6. Trees and Crops						
6-a	Loss of trees and crops	Standing trees and crops	<p>Legal titleholder</p> <p>Family with traditional land right</p> <p>Agricultural tenant/ leaseholder</p> <p>Sharecroppers</p> <p>Non-Title Holders: Squatter or encroacher</p>	<ul style="list-style-type: none"> 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. Compensation for trees at prevalent market rates, to be calculated as annual net product value multiplied by number of productive years remaining. Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops. 	<ul style="list-style-type: none"> Harvesting prior to acquisition will be accommodated to the extent possible Work schedules will avoid harvest season. Seasonal crops will be given at least 60-day notice. If notice cannot be given, compensation for standing crops will be compensated at market value. Market value of trees/crops has to be determined. 	<p>PIO will ensure provision of notice. Valuation Committee will undertake valuation of standing crops, perennial crops and trees, and finalize compensation rates in consultation with APs.</p>
7. Vulnerable people						
7-a	Impacts on vulnerable APs	All permeant impacts	Vulnerable APs	<ul style="list-style-type: none"> One-time lump sum assistance of Rs. 25,000 to vulnerable households. This will be paid above and over the other assistance items provided. Receive preferential in income restoration training program under the project. Preference in employment under the project during construction and implementation. Access to basic utilities and public services 	<p>Vulnerable households will be identified during the census and implementation of project.</p> <p>If land-for-land is offered, (i) ownership will be in the name of original landowners, or (ii) joint ownership in the name of husband and wife will be offered in case of non-female-headed households.</p>	<p>PIO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households.</p>

8. Temporary impacts						
8-a	Temporary loss of land ¹¹	Land temporarily required for sub-project construction	Legal titleholder/ traditional land rights/ non-titleholders	<ul style="list-style-type: none"> Affected households will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest fruit trees. Provision of rent for the period of occupation/loss of access to the land. Compensation for lost income during temporary occupation. Compensation for loss of trees and crops or damaged assets at current replacement cost. Restoration of land to its previous or better quality¹². 	<p>Assessment of impacts if any on structures, assets, crops and trees due to temporary occupation.</p> <p>Location of construction camps will be fixed by contractors in consultation with Government and local community.</p> <p>Site restoration.</p>	Valuation Committee will determine rental value and duration of construction survey and consultation with APs. PIO will ensure compensation is paid prior to site being taken-over by contractor. Contractor will be responsible for site restoration.
8-b	Structures temporarily required for project activities		Legal titleholders/ non-titled holders building owners	<ul style="list-style-type: none"> Advance notice of at least 4 weeks Assistance to shift to nearby alternate sites for continued daily activities e.g. economic activity, children's schooling, etc. Assistance to shift back once construction completed Compensation for damaged assets at replacement value without depreciation. Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities 	<p>PIO in consultation with PIU will identify and include details in the resettlement plan.</p> <p>Arrangement by the contractor on the activities to be taken up.</p> <p>Impacts if any on the structures, assets and plantation due to the temporary occupation.</p> <p>Extent of rehabilitation, restoration of the site.</p>	PIO will verify assistance and monitoring.
8-c	Temporary disruption of livelihood	Land temporarily required for sub-project construction	Legal titleholders, non-titled APs	<ul style="list-style-type: none"> 60 days advance notice regarding construction activities, including duration and type of disruption. Cash assistance based on the minimum 	Identification of alternative temporary sites to continue economic activity.	Valuation Committee will determine income lost. Contractors will perform actions to

¹¹ Temporary possession of land for project purpose can be taken only for three years from the date of commencement of such possession/occupation.

¹² If the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the appropriate Government shall proceed under the Act to acquire the land as if it was needed permanently for a public purpose.

				<p>wage/average earnings per month for the loss of income/livelihood for the period of disruption, and contractor’s actions to ensure there is no income/access loss consistent with the EMP.¹³</p> <ul style="list-style-type: none"> • Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity¹⁴ • Free transport facility, or, one time shifting allowance of ₹4000 per shift, or, shifting cost in the town, whichever is higher, if required to shift. • Vulnerable households will be given priority in employment in the project construction activities. 		<p>minimize income/access loss and identify alternative locations in coordination with the PIO.</p>
9. Common Resources						
9-a	Loss and temporary impacts on common resource	Common resource	Communities, Government Agencies	<ul style="list-style-type: none"> • The contractor shall follow the provisions in this entitlement matrix for any impact on structure or land due to movement of machinery during construction or establishment of construction plant. Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department or Agriculture Department for other trees/crops. • Time bound restoration of land to its previous or better quality. • The contractor will maintain access to businesses (e.g., planks, keeping traffic flow, pedestrian access, no full street closures, etc.). • Replacement or restoration of the affected community facilities – including public water stand posts, temples, shrines, bus shelters etc. 	Follow ADB SPS	PIO and Contractor.

¹³ This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours.

¹⁴ For example, assistance to shift to the nearby place where there is no construction.

				<ul style="list-style-type: none"> • Enhancement of community resources • Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, etc. 		
Other						
11	Any other loss not identified		DPs Communities	<ul style="list-style-type: none"> • Unanticipated involuntary impacts will be documented during the implementation phase and mitigated based on provision made in the RF. 	PIO will finalize the entitlements in line with ADB’s SPS, 2009.	

3. SOCIO-ECONOMIC INFORMATION

3.1 Survey

39. For proper rehabilitation of Displaced Persons (DPs), the Socio-economic Survey (SES) and a census will be undertaken in each subproject with involuntary resettlement impacts under the project. The SES will be based on preliminary technical designs of the subprojects identified. The SES will help in assessing the socioeconomic impacts of investment programs on the affected community and people. The census will help in determining the magnitude of displacement, prospective losses, better targeting of vulnerable groups, ascertaining actual costs of resettlement, preparing and implementing a rehabilitation program.
40. **Baseline Socio-economic Sample Survey:** The purpose of the baseline socioeconomic sample survey of displaced persons is to establish monitoring and evaluation parameters. It will be used as a benchmark for monitoring the socio-economic status of displaced persons. The survey will cover at least 10% of displaced persons. The suggested baseline data should include the following:
- Demographic (household composition by age, gender, ethnicity, education);
 - Income and assets (individual, collective);
 - Occupation (livelihood);
 - Access to public service (health, education, water and sanitation, transport);
 - Gender roles, and
 - Attitude and preference on resettlement and participation in project employment.
41. The survey will provide gender-disaggregated data, where relevant, to address gender issues in resettlement. The survey will carry out the following: (i) preparation of accurate maps of the project area; and (ii) analysis of social structures and income resources of the population. The EA will allocate adequate resources required for each survey, commensurate with road length and level of anticipated impact.
42. The methodology for conducting SES and database management (to be used for RP preparation) is indicated in **Annexure 5**.
43. During subproject preparation, a detailed SIA survey will be undertaken after detailed engineering design is finalized. This will include census of all potentially affected persons/communities and a baseline sample SES.
44. The objective of preparing the SIA is to ascertain potential impact of involuntary resettlement (IR) and to identify degree of impact. The SIA survey should be preceded by the detailed measurement survey (DMS), after final engineering design is completed, to finalize the physical assets/infrastructures to be affected. The methodology for conducting census and data collection for a baseline socioeconomic study as part of the SIA is as follows.
- (i) Identify local WUCS/CBOs/NGOs of the subproject area and carry out preliminary consultation with them and potential displaced families.
 - (ii) Prepare SIA data collection and consultation format and test run these during

- preliminary consultation survey.
- (iii) Before commencement of census, the SIA survey team identifies and marks the affected household structures and community resource structures, if any, and identifies site locations on land revenue maps/drawings for land to be affected. In case of revenue map/sketches, reference can be drawn from Google maps to compare potential sites. During land identification (vacant or under cultivation), help from revenue officials/staff should be sought for clarifying plot details, such as use, ownership, and legal issues, if any.
 - (iv) A census of 100% potentially displaced households (DHs) and a baseline sample SES will be conducted with the help of DMS drawings/maps of the subproject sites/alignments and land revenue maps/sketches for verification of the sites/alignments to be affected. The samples for SES should be representative of all sections of the society within the project impact zone. Inventory of all assets with potential impact, including status of land ownership with documents in favour of ownership status, leasehold, tenancy, etc., will be made during census to measure quantum of loss. Assessment of incomes and livelihoods likely to be affected should be a major component of the survey. Identification of vulnerable people/groups that are disproportionately affected will be made. Gender issues will be highlighted to identify gender concerns with respect to the project, and benefits and adverse impact, if any, will be brought to the fore.
 - (v) A census cut-off date will be established for eligibility of entitlement. Information regarding the cut-off date will be documented and disseminated throughout the project area. Usually, the date of census is the cut-off date for all DPs, including squatters and encroachers. In case of land acquisition, the date of notification under section 4(11) of LARR Act 2013 serves as the cut-off date.
 - (vi) During the census and SES, group discussions should be held with specific sections of the society/community with focus on women, indigenous people, below poverty line families, community-managed common resources, youth, and senior citizens. Key persons of the locality, like local body officials/commissioners, ward council members, and land revenue officials (*tehsildar*) should be interviewed for in-depth views and information.
 - (vii) All these data will be collated and analyzed to form the basis of SIA. An inventory of lost assets and list of potential displaced families/persons will be prepared and constitute an important document of RP. The SIA survey and preparation of the report will be supervised and monitored by the project implementation organization (PIO). Land acquisition proposal will contain revenue drawing showing details of the areas/plots, and will be marked on the maps.
 - (viii) After finalization of the SIA report based on census land acquisition and RP will be prepared.
 - (ix) Based on compiled and analyzed baseline census and SES data, involuntary resettlement impacts will be assessed and the RP will be prepared. The preparation of the RP will be in consultation with the affected people/families. The level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks.

3.2 Preparation of Resettlement Plan

45. The resettlement plan (RP) will be prepared based on the results of the baseline socio-economic sample survey, and the database on displaced persons. This should be completed before resettlement plan preparation. It will include the results and findings of the census of displaced persons, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redressal mechanisms, and results monitoring mechanisms. The RP will be disclosed to concerned stakeholders and their view incorporated in the plan.
46. Specific resettlement-related activities to be performed such as social impact assessment, census and socio-economic survey, resettlement planning, public consultation, grievance redressal, development of mitigation measures and income restoration measures, preparation of a detailed budget and financing plan, implementation of resettlement plan, monitoring and evaluation, and their subproject implementation schedule will all be detailed in the resettlement planning document.

3.3 Gender Impacts and Mitigation Measures

47. Female-headed households are considered a vulnerable group as per this RF. Any negative impacts of a subproject on female-headed households will be treated on a priority basis. The resettlement plan will formulate measures to ensure that socio-economic conditions, needs and priorities of women are identified and the process of land acquisition and resettlement does not disadvantage women. It will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. During disbursement of compensation and provision of assistance, priority will be given to female-headed households.

4. COMPENSATION, INCOME RESTORATION AND RELOCATION

4.1 Valuation of Assets

48. Land surveys for determining the payment of compensation would be conducted on the basis of updated official records and ground facts. The land records containing information like legal title, and classification of land will be updated expeditiously for ensuring adequate cost compensation and allotment of land to the entitled displaced persons. In cases of areas under the District council/village council in tribal areas, where official land records don't exist, formal land/property boundaries of private property owned by the tribal households can be determined through the process of community consultation and discussion with village elders and village council members. Based on such information, land can be classified and land record can be updated and compensation assessment can be made. Although the land is notified from the District Collector's/ Deputy Commissioner's office, the verification of ownership is done in consultation with the village people and assessment of compensation also done by the revenue officials based in the district. After determination of ownership and compensation amount the same is sent to the district collector. Records as they are on the cut-off date will be taken into consideration while determining the current use of land. The uneconomic residual land remaining after land acquisition will be acquired as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as the case may be. The owner of such land/property will have the right to seek acquisition of his entire contiguous holding/ property provided the residual land is less than the average land holding of the district.
49. The rate of compensation for acquired land, structures, and other assets will be calculated at full replacement cost. That is, based on (i) fair market rate, (ii) transaction costs, (iii) interest accrued, (iv) transitional and reiteration costs, and (v) other payments, if any. For land acquisition, the District Collector/Deputy Commissioner will decide the compensation for acquired land as per the legal provisions. If the compensation amount is less than the market/replacement cost of the land, the competent authority will award the compensation and the difference between the award rate and market / replacement rate will be paid by the EA as 'assistance'. The project authority will determine the possible replacement cost of land and assets to be acquired, possibly on the market rate through an independent valuer preferably hired from land and revenue department. This difference between the award money and the market/replacement rate, if any, will be submitted to the independent Land Valuation Committee (LVC) before resettlement plan (RP) implementation i.e. during physical verification and updating of database. For this purpose, the LVC will be constituted, comprising of the DM, RO and a retired District Land Revenue Officer who is familiar with land matters. Compensation will be transferred to DPs by check. For those without bank account, the PIU will assist DPs in opening accounts. Compensation under law will be paid to the person whose name is on the title. The EA will ensure that re-titling will be completed prior to the completion of the project.
50. The value of houses, buildings and other immovable properties will be determined on the basis of relevant Basic Schedule of Rates (BSR) as on date without depreciation.

While considering the BSR rate, the PIU will ensure that it uses the latest BSR for the residential and commercial structures in the urban and rural areas of the region. Compensation for properties belonging to the community or common places of worship will be provided to enable construction of the same at new places through the local self-governing bodies like Village Panchayat/Village council in accordance with the modalities determined by such bodies to ensure correct use of the amount of compensation.

51. Compensation for trees will be based on their full replacement cost. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops fruit bearing trees will be decided by the PIU in consultation with the Departments of Forest, Agriculture and Horticulture. Prior to taking possession of the land or properties, the compensation will be fully paid and DPs will have the opportunity to harvest trees.
52. The independent Valuer will assess the compensation rates for various types of losses during the preparation of detailed designs and implementation of RP. Also, to ensure that the rates reflect current replacement costs, the LVC will verify and approve the estimates wherever felt necessary. The methodology for verifying the replacement cost for each type of loss will include, but not be limited to, the following:
 - a) **For valuation of land:** Appraisal of recent sales and transfer of title deeds, informal sale and purchase of land among people in the project area, registration certificates for land in urban and rural areas of the district and consultation with local panchayats, district council, village council and DPs; Determination of whether the rates established for the project are sufficient or not to purchase the same quality and quantity of land based on compilation of appraised rates;
 - b) **For valuation of crops and trees:** Survey of market prices in the district and adjacent districts for different types of crops to establish an average market price and an assessment to know whether the compensation is less or greater than that price; All compensation should be equivalent or higher than the prevalent market prices and the income loss will be calculated as annual produce value for one season to 3 seasons depending on the nature of crops/trees.
 - c) **For valuation of structures:** To evaluate the compensation for structures to find out whether the amount will enable DPs to rebuild or replace their affected structures. This is to be done by consulting land owners on the following:
 - From where they use to buy materials
 - Type of shops (private or state-owned)
 - Distance to be travelled
 - Sources (local or foreign) and the cost of various materials
 - Who will build the structures (owner or contractor) and whether they will use the hired labour or their own labour;
 - Obtaining cost estimates by meeting at least three contractors/suppliers in order to identify cost of materials and labour
 - Identifying the cost of different types of houses of different categories and compare the same with district level prices.

53. Even after payment of compensation, DPs would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that DPs can take away the materials so salvaged within 48 hours of their demolition; otherwise, the same will be disposed by the project authority without giving any further notice.
54. Trees standing on the land owned by the government will be disposed of through open auction by the concerned Revenue Department/ Forest Department. DPs will be provided with an advance notice of three months prior to relocation. Further, all compensation and assistance will be paid to DPs at least 3 months prior to displacement or dispossession of assets.
55. For temporary impact on land and common resources, any land required by the project on a temporary basis will be compensated in consultation with landowners and will be restored to previous or better quality. Implementation issues can be found in the Entitlement Matrix.

4.2 Income Restoration

56. Each DP whose income or livelihood is affected by the Project will be assisted to improve or at least restore it to pre-project level. For vulnerable households, their living standards will be improved to national levels, including the provision of access to basic utilities and public services. The results of the socio-economic survey and census will be used as baseline. Income restoration schemes will be designed in consultation with DPs and considering their resource base and existing skills. The PIO with support from the Design and Supervision Consultant (DSC) and NGO¹⁵ will identify the number of eligible displaced vulnerable persons based on the 100% census of the DPs and will conduct a training need assessment in consultations with the DPs so as to develop appropriate income restoration schemes. The PIO with support of the DSC and NGO, will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by PIO and NGO in consultation with local training institutes. The PIO and NGO will also facilitate DP access to Government schemes that could help them to restore income and livelihood. In addition, the entitlement matrix provides for short-term income restoration activities intended to restore the income of the displaced person in the period immediately before and after relocation focusing on relocation, and providing short-term allowances such as: (i) transitional allowance, and (ii) shifting assistance.

¹⁵ When suitable NGO is not available, the PIU will be staffed with qualified and experienced social experts to assist the IA in RP implementation

5. CONSULTATION, PARTICIPATION AND DISCLOSURE

5.1 Consultation and Disclosure

57. In order to engage with the community and enhance public understanding of the project and address issues pertaining to resettlement, various sections of DPs and other stakeholders will be consulted through focus group discussions (FGD), meetings and individual interviews. The opinions of the stakeholders and their perceptions will be obtained during these consultations. Guidelines for consultation, participation and disclosure plan are attached as **Annexure 6**. A template for preparing Public Consultation and Disclosure Plan is attached as **Annexure 7**. An outline of the RP is attached as **Annexure 7**.

5.2 Grievance Redressal Mechanism

58. The Contractor shall outline a detailed procedure for community complaint and grievance redressal mechanism (GRM). Every affected person shall have three options to get the grievance redressed. Option 1 is established under the Project, Option 2 is accessing through the country's legal system and Option 3 is for the affected person to access through the ADB Accountability System.

Option 1: Option 1, which is the Project-level GRM shall consist of the following stages:

59. **First Stage:** At the first stage, the person with any form of grievance would approach the Contractor (proposed as the agency responsible for implementation of the EMP). A copy of the grievance may also be provided by the affected person to the local WUCS office. The Contractor shall make efforts to resolve the grievance within 1-5 working days at that level in a consultative manner. A Grievance Redressal Register must be maintained by the Contractor and WUCS for all such complaints.
60. **Second Stage:** If the affected person is not satisfied or the grievance is not redressed within 5 working days, the Contractor will be responsible for assisting the concerned person for getting the grievance registered with the Canal-Level Grievance Redressal Committee (CL-GRC) who shall comprise representatives from the Contractor, WUCS, KNNL and GP. The CL-GRC shall make efforts to resolve the grievance of the complainant within 5-7 working days after the matter is brought to the Committee notice. A Grievance Redressal Register shall be maintained by the Contractor for all complaints. The Contractor shall share the information on such complaints with the Executing Agency on a Monthly basis. Additionally, the local WUCS office shall be instructed to maintain a Complaint Register.
61. **Third Stage:** If the affected person is not satisfied or the grievance is not redressed within 7 working days, the Contractor shall assist the affected person to register the complaint with the Project Manager at the KNNL Project Implementation Office (PIO). At the third stage, the Project Manager will ensure that the aggrieved person is heard and the grievance redressed in the best possible manner in a consultative manner within 10 working days from the date of registering the grievance.

62. **Fourth Stage:** If the affected person is not satisfied or the grievance is not redressed within 10 working days, the Project Manager will be responsible for getting the grievance registered for the hearing by the Project-Level Grievance Redressal Committee (PL-GRC). The PL-GRC comprises PIO Chief Engineer as Chairman, one member from the Revenue and Agriculture Departments, a representative of KNNL, Contractor, Panchayat, a representative from the WUCS Federation, members and representatives of affected persons, including women and vulnerable people. The PL-GRC will conduct a hearing on the grievance within 3 weeks from the date of registration of grievance. Other than disputes relating to ownership rights under the court of law, the PL-GRC will review grievances involving all environmental and social impacts arising from the project implementation. All costs incurred in resolving the complaints will be borne by the Project. A comprehensive record will be maintained by EA for all grievance proceedings organized at different stages and reported within the Safeguard Monitoring report, submitted to ADB on a bi-annual basis.

63. The flow chart of the Option 1 GRM process is provided in Figure 15, overleaf.

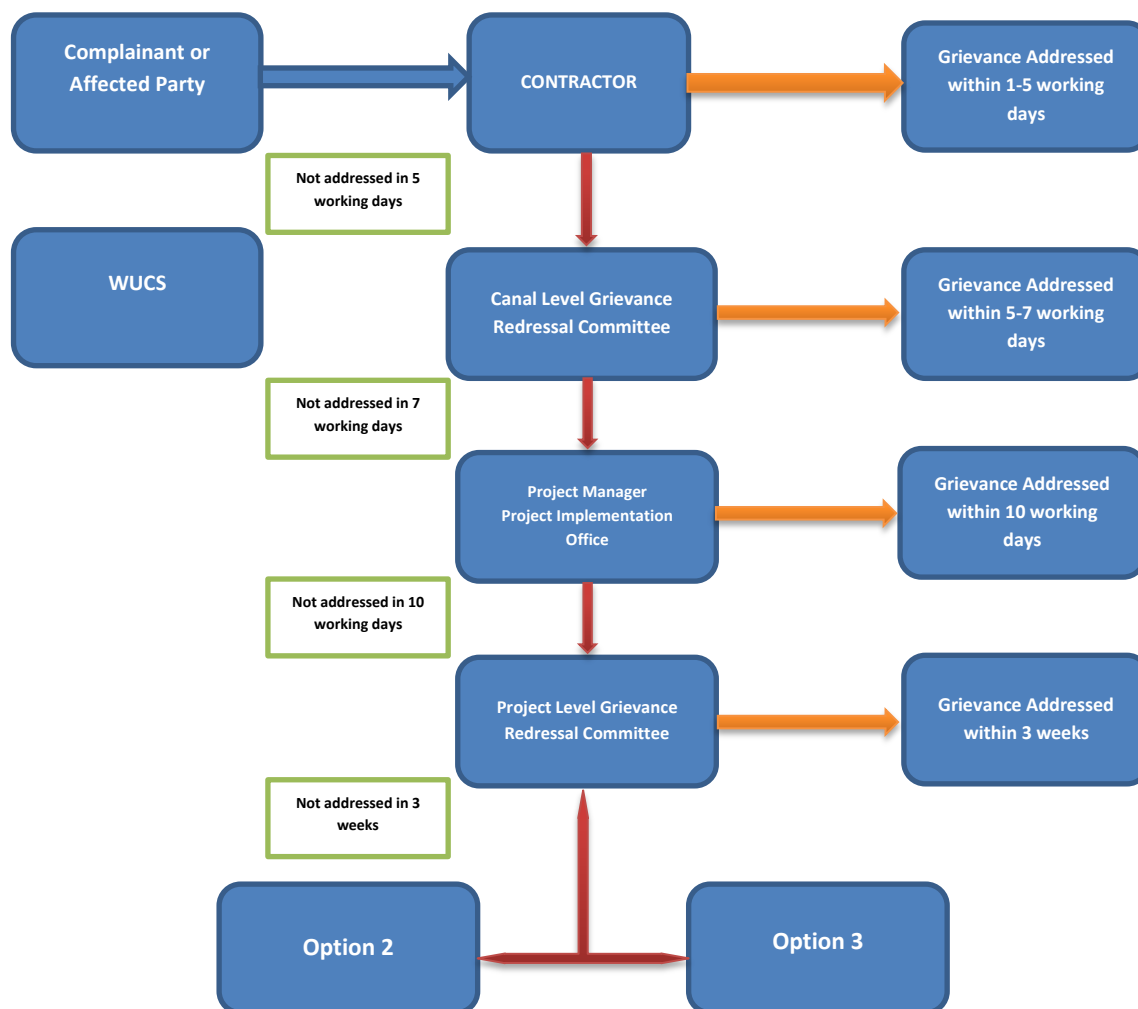


Figure 1: Flowchart for Grievance Redressal Mechanism

Option 2:

64. An aggrieved person is free to access the country's legal system and that this is not conditional upon the perceived unsatisfactory outcome of the CL- or PL-GRM.

Option 3:

65. In the event that the established GRM is not in a position to resolve the issue the affected person can also use the ADB Accountability Mechanism by directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or ADB India Resident Mission (INRM). The complaint can be submitted in any of the official languages of ADB's developing member countries. Before submitting a complaint to the Accountability Mechanism, it is recommended that affected people make a good faith effort to resolve their problems by working with the concerned ADB operations department (in this case, the resident mission). Only after doing that, and if they are still dissatisfied, they could approach the Accountability Mechanism. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.
66. Record Keeping. Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, status and agreed corrective actions will be kept by the Contractor, PIO (with the support of PSC) will collect the data from the Contractor and submit to PMU (state level). This information will be reported to ADB by the PMU in bi-annual safeguard monitoring reports.

6. INSTITUTIONAL FRAMEWORK

67. KNNL is the Executing Agency (EA) for the Program. A PMU located in KNNL RO Bangalore and with Managing Director KNNL as the project director will have overall responsibility for coordination and financing of the resettlement plans for sub-projects as per this framework and submit to ADB for review and approval prior to contract award. ADB will post the RP on its Website. Approval of RPs for each sub-project by ADB will be a condition for the award of contract of civil works. In case of land acquisition, the date of publication of preliminary notification for acquisition under section 4 of the Land Acquisition Act, 1894 will be treated as the cut-off date. For non-titleholders without the title for land, the cut-off date will be the day the census survey is completed. All compensation and resettlement assistance will be paid prior to displacement or acquisition of land or other assets. The EA shall ensure that this agreed RF is closely followed while formulating the RPs for the sub-projects involving involuntary resettlement and during implementation of RP. The EA shall also ensure that adequate resettlement budgets are provided on time to PIO to facilitate the formulation and implementation of RPs.
68. As part of institutional arrangements, a Project Implementation Office (PIO) shall be located in the office of the Chief Engineer, Irrigation Central Zone, Munirabad. The PIO will be responsible for project level coordination and timely implementation of the program implementation plan including Resettlement Framework, among others. The PIO will be responsible for resettlement issues and will be supported by PSC (and SST) in the implementation and monitoring of resettlement activities. The staff at the PIO level, SSTs and WUCS will be provided with the training for implementation of the RP, as necessary. The PIO will maintain all databases, work closely with DPs and other stakeholders and monitor the day-to-day resettlement activities. PMU may hire services of a Resettlement Specialist familiar with ADB policy and procedures for preparation of RPs/assessment of likely resettlement impacts, in case of need.
69. The PIO shall be primarily responsible for effective and timely implementation of civil works and managing distribution of water through the canal systems. As per discussions with officials of the Divisions, land acquisition was not involved in the earlier interventions executed under VNC or TLBC projects. The land acquisition issues in other projects managed by the agency are dealt mainly through the district administration and major focus of the agency has been on modernization works in the recent years. Even under the current program IR issues are not anticipated as of now, unless some major interventions are planned as part of subsequent tranches as part of the overall IWRM approach. The staff of the KNNL/PMU/PIO responsible for the program implementation will be provided trainings on IR issues in order to build institutional capacity in IR for this program in specific and other projects of the agency in general. Scope of the training will include ADB resettlement policy and principles and the IR Policy applicable for the project.
70. The PIO will be responsible for working out replacement costs for land and structure, and the same shall be approved by the Committee to be constituted under the Chairmanship of Deputy Commissioner with representatives of Revenue,

Agriculture, PIO, Forest and PWD along with representatives of WUCS representing the DPs.

71. The project also envisages strengthening of WUCS constituted as per the provisions of Section 62 of the Karnataka Irrigation Act, 1965, as part of the Participatory Irrigation Management approach for sustainable O&M of the lower tiers of the canal system. The implementation of resettlement plans will be taken up with the involvement of WUCSs with the support and guidance from PIOs and SST. The WUCS responsible for implementation of RPs will be provided training on the Resettlement policy and its implementation.

7. RESETTLEMENT BUDGET

72. Detailed budget estimates for RP, if any, will be prepared by the EA in consultation with the PSC. The budget shall include: (i) detailed costs of land acquisition, relocation, and livelihood and income restoration and improvement; (ii) costs for carrying out meaningful consultations through the resettlement plan implementation and the grievance redressal mechanism; (iii) source of funding; (iv) administrative costs; (v) monitoring cost; (vi) cost of hiring consultants; (vii) arrangement for approval, and flow of funds and contingency arrangements.
73. All land acquisition, compensation, relocation and rehabilitation, administrative, monitoring and consultation costs, consultant costs, income and livelihood restoration costs will form part of the overall financial estimates for the sub-project. All land acquisition and resettlement costs will be borne by the EA and it will ensure timely disbursement of funds for RP implementation. It is proposed that the SGOK will provide entire fund for land acquisition and resettlement for which a separate budget head for Program Specific Land Acquisition and Resettlement shall be created with a provision of token amount in the budget of the State Government to ensure that the resettlement plans are implemented timely. The consent of SGOK is to be sought in this regard.

8. MONITORING & REPORTING

74. The PIO will set up and operationalize internal monitoring system to implement the RP. An external monitoring agency will also be engaged by the executing agency with ADB's concurrence to monitor and proactively evaluate the RP implementation in case of projects with significant involuntary resettlement impacts. Depending on the significance of impacts, the reporting formats will be prepared for both internal and external monitoring. The monitoring will include the process and impact indicators with the baseline established at the preparatory stage of the RP. The executing agency will prepare periodic monitoring reports on the progress of RP implementation, highlighting compliance issues and corrective actions taken, if any. The PIO will submit bi-annual monitoring reports on Resettlement Plan implementation. For projects with significant adverse impacts on DPs, the PMU will appoint qualified and experienced external expert or qualified agency to verify monitoring information. The external experts engaged by the PMU will advise on compliance issues, and if any significant issues are found, PMU will prepare a corrective action plan or an update to the approved RP. The costs of monitoring requirements will be included in project budgets.

Annexure 1: Comparison between the Borrower and ADB's Safeguard Policy Statement

S. No.	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
1	Screen the project	Screen the project to identify past, present, and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement	Section 4 (l): It is obligatory for the appropriate Government intending to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concern Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6. The requirement of SIA is now not required for infrastructure projects.	Screening of all sub-projects in line with the IR checklist of ADB, towards enabling identification of the potential resettlement impacts and associated risks.
2	Consultation with stake holders and establish grievance redressal mechanism	Carryout consultations with displaced persons, host communities and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options	Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report. The Land Acquisition Rehabilitation and Resettlement Authority shall be established in each State by the concerned State Government to hear disputes arising out of projects where land acquisition has been initiated by the State Government or its agencies.	No gap between SPS and FCTLARR. Given that the Resettlement Impacts are not envisaged to be significant, a project level GRM is included.
3.	Improve, or at least restore, the livelihoods of all displaced, and payment at replacement cost	Improve or restore the livelihoods of all displaced persons through: (i) land-based resettlement strategies; (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be	The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.	No gap between SPS and FCTLARR. Assets to be compensated at replacement cost without depreciation

S. No.	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
		restored, and(iv) additional revenues and services through benefit sharing schemes where possible.		
4.	Assistance for displaced persons	Provide physically and economically displaced persons with needed assistance.	Schedule I, provides market value of the land and value of the assets attached to land. Schedule II provides R&R package for land owners and for livelihood losers including landless and special provisions for Scheduled Tribes.	No gap between SPS and FCTLARR. Entitlement Matrix outlines compensation and assistance for DPs.
5.	Improve standard of living of displaced vulnerable groups	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards.	Special provisions are provided for vulnerable groups.	No gap between SPS and FCTLARR. Entitlement Matrix outlines assistance for vulnerable groups.
6.	Negotiated Settlement	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	FCTLARR only apply in case of land acquired/purchased for PPP projects and for Private Companies. Section: 2. (2), and 46.	Provisions outlined in ADB SPS will be followed for the project.
7.	Compensation For non-title holders	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.	This is included	No gap between SPS and FCTLARR. Entitlement Matrix outlines compensation and assistance for DPs.
8.	Requirement of RP	Prepare a resettlement plan/ indigenous peoples plan elaborating on displaced persons' entitlements,	Preparation of Rehabilitation and Resettlement Scheme including time line for implementation. <i>Section: 16. (1) and (2).</i>	No gap between SPS and FCTLARR.

S. No.	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
		the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	Separate development plans to be prepared. <i>Section 41</i>	RP will be prepared for subprojects with impact.
9.	Public disclosure	Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.	Under clause 18, the Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the <i>Panchayat</i> , Municipality or Municipal Corporation. As the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the <i>Tehsil</i> , and shall be published in the affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government.	In addition to the publishing of the approved resettlement plan, the RF includes provision for disclosure of the various documents pertaining to RP implementation.
10.	Cost of resettlement	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits. For a project with significant involuntary resettlement impacts and / or indigenous peoples plan, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	16. (I) Upon the publication of the preliminary notification under sub-section (I) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include: (a) particulars of lands and immovable properties being acquired of each affected family; (b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired; (c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where	No gap between SPS and FCTLARR. Cost of resettlement will be covered by the EA.

S. No.	Aspect	ADB Safeguard Requirement	Fair Compensation and Transference in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Measures to Bridge the GAP
			resettlement of affected families is involved; and(e) details of any common property resources being acquired'	
11.	Taking over possession before Payment of compensation	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	38 (l) The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30.	No gap between SPS and FCTLARR.
12.	Monitoring	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	48 (l)The Central Government may, whenever necessary for national or inter-State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.	For project, monitoring mechanism and frequency will follow ADB SPS based on categorization.

Annexure 2: Summary of the RFCTLARR Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

1. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been effective from January 1, 2014 after receiving the assent of the President of Republic of India. This Act extends to the whole of India except the state of Jammu and Kashmir. The Act replaced the Land Acquisition Act, 1894.
2. The aims and objectives of the Act include: (i) to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution of India, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other affected families; (ii) provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition; (iii) make adequate provisions for such affected persons for their rehabilitation and resettlement; (iv) ensure that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto.
3. Section 27 of the Act defines the method by which market value of the land shall be computed under the proposed law. Schedule I outlines the proposed minimum compensation based on a multiple of market value. Schedule II through VI outline the resettlement and rehabilitation entitlements to land owners and livelihood losers, which shall be in addition to the minimum compensation per Schedule I.
4. *Preparation of Social Impact Assessment Study under section 4 (1)*: It is obligatory for the appropriate Government to acquire land, if necessary, for a public purpose to carry out a Social Impact Assessment study in consultation with concerned Panchayat or Municipality, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6.
5. **Notification under Section 11 (1)**: Whenever it appears to the Government that land in any area is required or likely to be required for any public purpose, a notification to that effect along with details of the land to be acquired in rural and urban areas shall be published in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat*, Municipality or Municipal Corporation, as the case may be and in the officers of the District Collector, the Sub-divisional Magistrate and the *Tehsil*; uploaded on the website of the appropriate Government in the affected areas.
6. **Hearing of Objection under Section 15 (1)**: Any person interested in any land which has been notified under sub-section (1) of section II, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification makes his/her objection, if any, to the collector in writing and shall be heard by the collector or by any person authorized by him/her in this behalf or by an Advocate. After hearing all such objections and after making suitable inquiry, if

any, as he/she thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section II, or make different reports in respect of different parcels of such land, to the appropriate Government, containing his/her recommendations on the objections, together with the records of the proceedings held by him/her along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government

7. **Publication of Declaration and Summary of Rehabilitation and Resettlement under Section 19 (1):** When the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the “resettlement area” for the purpose of rehabilitation and resettlement of the affected families. It is obligatory for the State to publish declaration in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat*, Municipality or Municipal Corporation, as the case may be and in the officers of the District Collector, the Sub-Divisional Magistrate and the *Tehsil*; uploaded on the website of the appropriate Government in the affected areas.
8. After declaration, the Collector shall take order for acquisition. The Collector then causes the land to be marked out, measured and planned. The Collector then causes public notice to be given at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land, and that claims to compensation may be made.
9. **Enquiry and Land Acquisition Award by Collector under Section 23:** On the day so fixed, or any other day to which the enquiry has been adjourned, the Collectors shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interest of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his/her hand of the true area of the land;
 - The compensation as determined under section 27 along with Rehabilitation and Resettlement award as determined under section 31 and which in his/her opinion should be allowed for the land; and
 - the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.
10. **Period within which an Award shall be made:** Under section 25, it is obligatory for the Collectors to make an Award within a period of twelve months from the date of publication of the declaration under section 19 and if no Award is made within the period, the entire proceedings for the acquisition of the land shall lapse.
11. **Determination of market value of land by Collector under Section 26 (1):** The Collector shall adopt the following criteria’s in assessing and determining the market value of the land, namely:

- The market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or
 - The average sale price for similar type of land situated in the nearest village or nearest vicinity area; or
 - Consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects. Whichever is higher.
12. **Determination of Amount of Compensation under Section 27:** The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.
13. **Determination of Value of Things Attached to Land or Building under Section 29 (1):** The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him/her. Under section 29 (2), the Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture. In the same manner, the Collector under section 29 (3), for the purpose of assessing the value of standing crops damaged during the process of land acquisition, may use the services of experienced persons in the field of agriculture.
14. **Rehabilitation and Resettlement Award for Affected Families by Collector under Section 31 (1) of Section V:** The Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the second schedule. As per section 31 (1), the Rehabilitation and Resettlement Award shall include all the following, namely;
- Rehabilitation and resettlement amount payable to the family;
 - Bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
 - Particulars of house site and house to be allotted, in case of displaced families;
 - Particulars of the land allotted to the displaced families;
 - Particulars of one-time subsistence allowance and transportation allowance in case of displaced families;
 - Particulars of payment for cattle shades and petty shops;
 - Particulars of one-time amount to artisans and small traders;
 - Details of mandatory employment to be provided to the members of the affected families;
 - Particulars of any fishing rights that may be involved;
 - Particulars of annuity and other entitlements to be provided;
 - Particulars of special provisions for the scheduled cast and the scheduled tribes to be provided.

15. **Special powers in case of urgency to acquire land in certain cases under Section 40 (1):** In case of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free all encumbrances.
16. **Special Provision for Scheduled Caste and Scheduled Tribes under Section 41 (1):** As far as possible, no acquisition of land shall be made in the Scheduled Areas. As per section 41 (2), where such acquisition does take place it shall be done only as a demonstrable last resort. As per section 41 (3), in case of land acquisition in Scheduled Area, the prior consent of the concern *Gram Sabha* or the *Panchayats* or the autonomous District Councils shall be obtained.
17. In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Caste or the Scheduled Tribes families, a Development Plan shall be prepared (Section 41 [4]). As per section 41 (5), the Development Plan shall also contain a program for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years.
18. In case of land being acquired from members of Scheduled Caste or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first instalment and the rest shall be paid after taking over of the possession of the land. The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and culture identity.
19. Under Section 42(1), all benefits including the reservation benefits available to Scheduled Caste and the Scheduled Tribes in the affected areas shall continue in the resettlement area.

Annexure 3: Terms of Reference for Independent Third Party for Negotiated Settlement and Land Donation

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

A. Terms of Reference for Independent Third Party Witness

2. An independent third party is sought to be appointed to oversee and certify the process of negotiated settlement / land donation. The third party shall be briefed about his/her expected role and deliverables by the SGC PMU.
3. **Eligibility:** The third party shall be a representative of the community (for example, WUC leader, a senior government officer, a leader of the community, a representative of a local NGO/CBO), without any direct interest in the negotiation process, who is acceptable to each of the concerned parties (KNLL and concerned land owner/donor).
4. **Scope of work:** The role of the third party shall be to ensure a fair and transparent process of negotiation/donation. The envisaged scope of work shall entail the following:
 - (i) witness and keep a record of meetings held with the concerned parties,
 - (ii) ensure there is no coercion involved in the process of negotiated settlement / land donation,
 - (iii) 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,
 - (iv) ensure that the negotiated purchase / land donation agreement is drafted in a fair and transparent manner,
 - (v) identify and recommend mitigation measures to land owner / donor, if required,
 - (vi) ensure that taxes, stamp duties and registration fees for purchased / donated land are borne by government, and
 - (vii) submit a certificate as witness to the purchase / donation and transfer process.
5. **Deliverables:** The details of the meetings, and a certificate 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, PIO and owner/donor in the local language.

Annexure 4: Sample Certification Format

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

PIO and asset donor

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

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

Signed/

Name

XXXXXXXXXXXXXXXXXXXXXXXXX

Date: _____ Place: _____

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

Annexure 5: 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?				
10. In case of community owned or traditionally owned land, is the community willing to donate the land required for the project?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
11. Will people lose access to natural resources, communal facilities and services?				
12. If land use is changed, will it have an adverse impact on social and economic activities?				
13. 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? [] Yes [] No If yes, approximately how many? _____				[] No
Are any of them poor, female-headed households, or vulnerable to poverty risks? [] Yes				[] No [] Yes
Are any displaced persons from indigenous or ethnic minority groups? [] Yes				[] No

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

Annexure 6: Census and Baseline Socioeconomic 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 the 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 project. People moving into the project area after this cut-off date will not be entitled to compensation/resettlement assistance payment. Persons who were not enumerated during the census, but can show documentation or evidence that he/she is rightfully a displaced person, will be included. Only those displaced persons (DPs) within the impact zone will be considered eligible for support under the subproject.

B. Census Requirement and Contents

2. Census of households and individuals located within the project impact zone will be carried out, and documents of the legal status, status of tenancy, leasehold right, etc. will be collected during the census. During the census, a sample socioeconomic survey will be undertaken to portray social and economic conditions at pre-project level. It will provide a demographic overview of the potentially affected population who will be brought within the fold of the resettlement plan (RP). Household assets, resource base, and sources of livelihood will also be noted. It will cover 100% of the potentially affected population within the project impact zone.
3. The census will cover the following aspects of the potentially affected DPs:
 - (i) **Resource base** – includes land, water, forest, etc., which provide for the economic sustenance of the people under pre-project conditions. During the conduct of the census, legal boundaries of affected properties and the right of way (RoW) will be verified. Structures, trees, irrigation sources, and other assets will be recorded.
 - (ii) **Economic base** – includes the mode and magnitude of production, such as agriculture, other livelihood patterns, consumption pattern, and various economic institutions linked with productive resources.
 - (iii) **Household census** – covers immovable property owned by the APs and other resources in their possession/use. These surveys will be carried out in collaboration with local and host communities, as well as with the local representatives.
 - (iv) **Social structures** – the social institutions, structure of the family and society, norms, customs, cultural traditions, activities, patterns of leadership, and institutions of social network are contained in this aspect.
 - (v) **Displaced persons (DPs)** – the census will identify prima facie the legal titleholders, tenants, sharecroppers, encroachers, and agricultural day/contract laborers who are likely to be displaced due to project execution. DPs who belong to the Scheduled Tribes (STs) and Scheduled Castes (SCs) populations in accordance with the ST and SC lists of the Government of Karnataka, and the vulnerable affected persons such as the old, handicapped, infirm, orphans and destitute, women-headed households, and those below poverty line will be mentioned particularly.

C. Census Procedures

4. The following procedure will be adopted in carrying out the census:
- (i) Preliminary screening will provide information on initial social impact assessment.
 - (ii) Verification of legal boundaries of project area will document existing structures, land plots, and others physical assets. This involves:
 - Identification of suitable resettlement sites, in close proximity to the affected area if required;
 - All encroachments, private land holdings, and others assets in the project area to be documented;
 - Assets, structures, land holdings, trees, etc. To be recorded; and
 - All information is to be computerized; photography/video recordings to be used to document existing structures.
 - (iii) The baseline socioeconomic survey shall cover information on the various categories of losses and other adverse impacts likely to affect the people within project area.
 - (iv) The census shall identify potentially affected populations, with special attention to vulnerable groups.
 - (v) Assessment on the value of various assets will be made, with cooperation from District Land Revenue Officer to record correct valuation of the assets.

D. Database Management

- (i) **Data sources** – As a prerequisite for conducting the primary household surveys, relevant information will be collected from secondary sources. These include:
 - Revenue records maintained at the Land Revenue office, with regard to land particulars for facilitating acquisition of land, properties, and resettlement of the displaced persons;
 - Last census records for demographic and social infrastructural information;
 - Development agencies at government level to get information on various developmental programs/schemes for specific sections of the population, like those living below poverty line, scheduled tribes, scheduled castes, etc. which can be utilized for rehabilitation measures, if required; and
 - Local organizations, including NGOs, in order to involve them and integrate their activities in the economic development programs of the displaced population.
- (ii) **Data collection** – Interviews and surveys will be conducted at each household level among potentially displaced households, completing the household socioeconomic profile. Each of the households surveyed and the structure/land likely to be affected by the project has to be numbered, their legal documents collected, and interviews documented and photographed. Public consultation has to be conducted with the DPs. In these exercises, women among the DPs are to be involved to elicit their views and opinions on the overall planning of resettlement activities. Discussions with a cross-

section of the affected population will help towards understanding the problems and preferences of the DPs.

- (iii) **Data analysis** – The analysis will cover the following: population, population density, age, sex ratio, literacy rates, level of educational achievement, occupation, income, expenditure, gender, and indigenous people, religious groups, and people below poverty line.
5. **Data update** – Since there is generally a time gap between the census and land acquisition and resettlement procedure, which will take at least 1 year, it implies that actual physical relocation of DPs may be delayed by at least a year. Therefore, it is suggested that NGOs responsible for implementation of RP should conduct a rapid appraisal to continuously update information during project implementation in concurrence with civil works execution.

Annexure 7: Consultation, Participation and Disclosure

1. Consultation with the displaced persons (DPs) at every stage of the resettlement plan (RP) preparation and implementation is essential for successful and distress-free implementation of the RP. It is also required that information disclosure at every stage of project implementation involves DPs' participation. There should be interactive consultation with DPs, nongovernment organization (NGO) or community-based organization (CBO) at the local level. This will enable the informed DPs to express their views and opinions that will be incorporated in the decision-making process, and will also help build mutual trust and confidence.
 - (i) **Consultation.** The overall goal of the consultation program is to disseminate project information and to incorporate affected persons' views in the RP. The specific aims of the consultations are to:
 - Improve project design to ensure fewer conflicts and delays in implementation;
 - Facilitate development of appropriate and acceptable entitlement options;
 - Increase long-term project sustainability and ownership;
 - Reduce problems of institutional coordination;
 - Make the resettlement and rehabilitation process transparent; and
 - Make income restoration strategies sustainable, and improve coping mechanisms.
 - (ii) **Information dissemination campaign.** An intensive information dissemination campaign for DPs should be conducted at the outset of RP implementation. This campaign will be designed by the ULB and project consultant and executed by the resettlement NGO. The objectives of the campaign are:
 - To help counter rumours and prevent distress;
 - To assist in preparation for relocation to new sites; and
 - To ensure all questions of the affected persons are answered to the best ability; print and audio-visual materials will be of secondary use in such areas.
2. All the comments made by the affected persons will be documented in the project record and summarized in project monitoring reports.

Annexure 8: Outline of Resettlement Plan

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

A. Executive Summary

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

B. Introduction and Project Description

3. This section:
 - Provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area.
 - Describes the objectives of the resettlement plan; and
 - Describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

4. This section:
 - Discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
 - Describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
 - Summarizes the key effects in terms of assets acquired and displaced persons; and
 - Provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

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

- Define, identify, and enumerate the people and communities to be displaced;
- Describe the likely impacts of land and asset acquisition on the people and communities displaced taking social, cultural, and economic parameters into account;
- Discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- Identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

5. This section:

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

F. Grievance Redressal Mechanisms

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

G. Legal Framework

7. This section:

- 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.
- Describes the legal and policy commitments from the EA for all types of displaced persons;
- 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.
- Describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits

8. This section:

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

I. Relocation of Housing and Settlements

9. This section:

- 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);
- Describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- Provides timetables for site preparation and transfer;
- Describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- Outlines measures to assist displaced persons with their transfer and establishment at new sites;
- Describes plans to provide civic infrastructure; and
- Explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

10. This section:

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

K. Resettlement Budget and Financing Plan

11. This section:

- Provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation.
- Describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items)
- 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.
- Includes information about the source of funding for the resettlement plan budget.

L. Institutional Arrangements

12. This section:

- Describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- Includes institutional capacity building program, including technical assistance, if required;
- Describes role of NGOs, if involved, and organizations of displaced persons in resettlement planning and management; and
- Describes how women's groups will be involved in resettlement planning and management.

M. Implementation Schedule

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

N. Monitoring and Reporting

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